

## **MINUTES - JUNE 4, 2012**

### **BOROUGH OF PALMYRA MINUTES-JUNE 4, 2012**

#### **CALL TO ORDER**

#### **ROLL CALL:**

**Present:** Mayor Scheffler, President Brahl, Mrs. Dobbs, Mrs. Riener, Mr. Dorworth, Mr. Bostock, Mr. Norcross and Mr. Schwering (student representative).

**Absent:** None.

#### **OPEN PUBLIC MEETINGS STATEMENT**

Public Notice of this meeting pursuant to the Open Public Meetings Act has been given by the Borough Clerk in the following manner:

- A. Posting written notice on the official bulletin board at the Palmyra Borough Hall on January 12, 2012.
- B. Mailing written notice to the Burlington County Times, and the Courier Post Newspaper on January 12, 2012.
- C. Notice to All Council Members.

**APPROVAL OF MINUTES.** Approval of minutes for executive session for April 9, 2012. Mr. Norcross made a motion to approve the executive minutes of April 9, 2012. Mr. Dorworth second the motion. All members present voted in favor of the motion. Mr. Norcross abstain from the vote for April 2 and Mr. Dorworth abstains from the vote for April 9<sup>th</sup>.

## **CORRESPONDENCE.**

**A.** Grand opening of band shell. Mayor Scheffler reported that the Borough is looking towards the end of July to show off the new band shell that was completed by the Girl Scouts.

**B.** Appointment to Public Works Committee.

**C. Resolution 2012-121,** Resolution in Support of S-302 Sponsored By Senator Joe Pennacchio The Transparency In Government Act Which Would Codify And Expand On The State Public Finance Website. Mayor Scheffler requested that this be listed on the next agenda.

## **DISCUSSION ITEMS.**

- 1.** Sewer plant-Mayor Scheffler discussed that there have been various different issues with complaints of odor from the sewer plant. Mr. Kirchner-ERI reported that Mr. Ryan and himself had met with representatives of the DEP today, one representative from local enforcement section and one from the air quality permitting section. They discussed the complaints from residents and the trees that were removed to make repairs to the fence. There will be new trees installed in the next few weeks and the other dead trees will be replaced. Mr. Kirchner discussed that they are looking to place a windscreen to block odors from the neighborhood and extend the eq tank lines longer below. The time of the operations of the pump station and adjusting the run time is also going to be reviewed. Mr. Kirchner explained that the transfer of the sludge to the trucks brings odors complaints and that they are looking at a better way to complete the transfers. Mayor Scheffler inquired if there is a copy of the report from the DEP available. Mr. Kirchner replied that the DEP will send a summary email in a few days and he will forward the email to the Mayor and Administrator.
- 2.** Concession Stand Proposals. Mr. Gural reported that one proposal was received for the concession stand. Mr. Gural explained that he had reached out to the non-profits again to submit a quote. The baseball and softball teams had run the stand the past week end with Greg Benson help and made a profit, but it was a one-time event. They do not have enough volunteers to run the stand full time. Mayor Scheffler discussed the stand being opened on an as needed basis. Mr. Gural explained that the stand is expensive to maintain with salaries, maintenance and supplies. There was no funding in the budget for the operating of the stand. President Brahl inquired as to what the net

cost was for last year. Mr. Gural replied that the stand actually lost about \$2,000 last year and that the cost cannot be measured in dollars and cents compared to the value of the stand to the residents and the present of someone at the field. President Brahl discussed that it was a good program last year and that it is reasonable to have the Borough place someone there. Mrs. Riener discussed that the stand is normally open in March and that the loss of funds was for the entire season, there would be less loss this year due to a late opening. Mr. Norcross explained that the stands main funding is obtained through the football season starting in August. The work at the stand teaches the students hire about a small business and dealing with the public. Mr. Gural discussed that the cameras are still not repaired and all of the damage done to the stand by vandals has not been repaired. Mr. Benson is cleaning the restrooms and his salary is directly paid from that line item for the stand. The damage to the stand was not anticipated in the budget and the funds have to be allocated. Mr. Bostock inquired if any of the damage was covered by insurance. Mr. Gural explained that due to the high deductible there was no coverage. President Brahl discussed that it is the consensus of council to restart the stand under the Borough's supervision. Mr. Gural will meet with Mrs. Lewis, CFO to find the funds necessary for start-up of the stand.

3. Front End Recycling Containers. Mr. Gural reported that the containers have gone out to bid and that the Harbour will pay for the cost over a six year period. Willow Shores will pay the entire amount upfront.
4. **MACCS agreement. Resolution 2012-122,** Resolution Authorizing The Borough Of Palmyra To Enter Into The MACCS Joint Purchasing System. Mayor Scheffler explained that this resolution allows the borough to enter into an interlocal service agreement with Maple Shade and other municipalities for trash removal at the apartments and condos. President Brahl made a motion to approve the resolution, Mr. Norcross second the motion. At the call of the roll, the vote was:

**AYES:** President Brahl, Ms. Dobbs, Mrs. Riener, Mr. Dorworth, Mr. Bostock, Mr. Norcross.

**NAYES:** None.

5. Unsafe building-331 West Broad-Mr. Gural reported that Mrs. Kilmer has safety concerns and health concerns about the property. Mr. Norcross thanked Mrs. Kilmer for the report on the property and that the pictures help show the real problems and issues. Mrs. Kilmer explained that she has issued code enforcement tickets and has attempted to give certified notice to the owner. Mr. Rosenberg explained that the Judge has in the past taken a hard line on code enforcement issues. Mr. Norcross discussed that a court matter can take a few months and that the borough needs to be

able to do something in the meantime. Mr. Rosenberg replied that there are several legal issues involved with the borough entering private property without permission. Mrs. Riener inquired as to what can be done to address the immediate needs of the property. Mayor Scheffler inquired if the borough could be held liable if the property catches on fire, since they are now aware of the condition. Mrs. Kilmer discussed that the County Board of Health would refer the issue back to the borough and that she is trying to get hold of the owners. Mr. Rosenberg will review the recommendation from Mrs. Kilmer and explore ways to that the borough can secure the properties, but that he cautions against entering private property. President Brahl inquired as to the amount of the fine. Mrs. Kilmer replied that it can be up to \$10,000 and that the court can order the owner to fix the property. Mrs. Kilmer explained that a few years ago the owner did make some improvements, but nothing since then. There is an actual tree growing into the house. Mr. Bostock recommend that the Boroughs engineer also give a report and suggest ways to make the house safe. Mrs. Kilmer explained that she cannot obtain access to the property; it is gated and locked. Mr. Gural informed council that the owner has paid the taxes through 2011 on the property. Mayor Scheffler recommend that Mrs. Kilmer be allowed to post the building as unsafe for human occupancy. Mayor Scheffler discussed that the council needs to move ahead aggressively and that action should be taken at the July meeting.

6. New Hires (sewer, admin asst.) Mr. Norcross excused himself from the room due to a conflict. Mr. Gural discussed that the current public works/sewer department part time employee needs to be full time and receive schooling as a sewer tech. The recommendations for an administrator assistant and deputy clerk will be available for the next meeting. The public works employees are cleaning borough hall, but the position needs to be more permanent. Mr. Gural is recommending that Mr. Benson work ten(10) hours at the community center, fourteen hours(14) hours at the concession stand and clean borough hall for two (2) hours a day. This would increase his hours to 34 hours and still be part time. President Brahl expressed concerned about the number of hours that is required for part time and full time and the qualifications for health car. President Brahl recommend that the matter be defer to finance committee for review before appointment.
7. Reappointment of inspectors in construction office.(building sub-code 4 yr. term, electrical sub-code,). Mayor Scheffler explained that these will be done by resolution at the next meeting and that all of the inspectors will remain the same.
8. BID-Mayor Scheffler discussed that council has a copy of the ordinance in their packet to repeal the ordinance creating the BID. Mr. Bostock explained that there was a

question on the BID's status of their 501. Mr. Bostock discussed that he had talked to Mrs. Lewis, the CFO about the issue and what impact it would have on the borough. Mr. Bostock would like to Mr. Rosenberg and Mr. Stewart reviews this matter for a clear direction for the council. Mayor Scheffler discussed that if the correct paperwork was not filed, there could be financial issues. Mrs. Riener inquired about the status of the audit? Mr. Bostock replied that the auditor has the necessary paperwork and that it should be completed within the next week. Mr. Rosenberg expressed that it is important information to know if the BID is a 501c or what their status is in the process of becoming one. The borough council needs to look at the by-laws of the BID. Mr. Rosenberg explained that the BID functions in the same way as the school tax, and that council does not have the authority to withhold their funding. Mr. Rosenberg discussed that the lack of filing a timely audit is grounds to dismiss the funding. Mr. Gural explained just because the board of directors resigned, it does not mean that there is no longer a BID and that the current board of directors is still in place until July. Mrs. Riener discussed that she would like to have more information before introducing the ordinance. Mayor Scheffler explained that an introduction of the ordinance does not mean it is approved. President Brahl agreed with Mrs. Riener that council should wait till next week to introduce the ordinance.

9. Parking-Morgan Avenue, Columbia at Garfield. Chief Pearlman informed council that he is recommending that the parking spaces for the Lutheran Church be switched to time parking. Mr. Gural discussed that Environmental Resolutions is looking at Garfield, Wallace and Columbia also for parking and traffic issues.
10. Handicapped Parking-721 Cinnaminson Avenue. Ordinance will be introduced at next meeting
11. Tree Officer appointment. Mayor Scheffler appointed Thomas Ryan as the tree officer for the Borough.
12. Magellan Contract.(phone service). Mr. Gural explained that he had met with the company that the borough can save sufficient amounts by switching. The services would not change and Magellan also can provide a T-1 line which will help with the internet as well as the phone service. The Borough is looking at a savings of \$800.00 per month by switching. Mr. Dorworth inquired about the length of the contract. Mr. Gural replied that the borough would be locked into a three year contract.
13. ADA/LAD consultant. Mr. Rosenberg informed council that municipalities have been getting sue for violations of ADA and that there are individuals who are going to various towns looking for the violations. Mr. Rosenberg recommended that the borough have a study complete of the borough owned buildings for ADA compliance. Mrs. Riener

inquired if the JIF completes ADA studies for the towns. Mr. Gural replied that the JIF has already completed their inspection and is satisfied. President Brahl discussed that a consultant is not needed at this time; Jif has already completed their inspection and is satisfied. Mr. Rosenberg explained that he attempted to head off lawsuits before they occur. Mayor Scheffler discussed that the intent is to make sure that the Borough is ADA, but that it still does not protect the borough from be sued. Mr. Gural will solicit at least three proposals for a LAD consultant for councils review. Mr. Norcross returned to the meeting.

**14. Light Rail.** President Brahl reported that a subcommittee was formed and is in the process of gathering facts. They are looking at what benefits the train brings to the borough, the ridership of the trains, court costs associated with the train and other costs that the Borough has to absorb due to the train. President Brahl will report at the August work session meeting with the fact-finding. Mayor Scheffler discussed that it should not be the responsibility of the towns along the Riverline to police the stations and the trains. There should be state police or officers with arrest authority on the trains. Mayor Scheffler explained that there has been a rise in burglaries due to economics and that the train has made it easier to escape from a town after committing a crime. Mayor Scheffler advised residents to keep their car doors lock and to notify the police if someone is around their neighborhood that does not belong there.

**15. Polling Places for Election.** Council discussed the relocation of the polling places for the election due to handicapped accessibility and problems with getting the polling places opened on time. Mrs. Riener discussed just moving a few of the polling places and leaving the ones located at the Harbour in place. Mrs. Sheipe informed the council that they have to request a change of the polling locations through the County Board of Elections.

**Administrator Report.**- Mr. Gural advised council that Chief Pearlman would like to hire a part time police clerk. Chief Pearlman explained that he would like to hire Renee Montgomery as the police clerk and have her start next week. A Resolution of appointment will be placed on the next agenda.

Mr. Norcross discussed the band shell and that the Girl Scouts did an excellent job. There is trash left in the band shell from people hanging out on the stage and steps. Mr. Norcross is recommending having a gate that can be drawn across the band shell to keep people out.

**PUBLIC COMMENTS.** President Brahl made a motion to open the meeting to the public, Mr. Norcross second the motion. All members present voted in favor of the motion.

Mr. Smith-Vasant-inquired about the borough cutting back services to the Harbour. Mayor Scheffler replied that all contracts are being negotiated and that all residents will receive the same trash service of one day a week. Mr. Smith inquired about the recycling carts. Mr. Gural explained that through the MACCS program the recycling will be handled by Burlington County. There will be savings with the recycling program and that the Harbour will be required to purchase the containers over a six (6) year period. Mr. Smith inquired about the shade trees that are given to other properties in the borough. Mr. Gural explained that the Harbour is private property and that the borough cannot place anything on private property. Mr. Smith discussed that he feels that he pays a lot of taxes and does not get the same service as other residents. Mayor Scheffler replied that the contracts should have been renegotiated and renewed several years ago and they have been in negotiation meetings for the last several months with the Harbour.

Mrs. Mortgu-Furrer-Maryland Avenue thanked Mayor Scheffler for her quick response to her call and emails. There was a study completed in Poland about the micor-biological germs in the air. Mrs. Mortgu-Furrer is concerned about the bacteria counts that create hazardous germs in the air for the neighborhood. Mayor Scheffler replied that there is a report from the DEP and that it will be posted on the website when the official copy is mailed to borough. Mrs. Mortgu-Furrer discussed that the odor was bad last Wednesday. Mr. Ryan explained that they were doing a clean out of the tank and that stirred it up.

Mr. Brooks-East Broad Street inquired why the borough has to make the BID payments in May and June. Mayor Scheffler explained that the borough would be in violation if they did not bill for the money and forward the payments to the BID. The BID is still in existence and that the council is waiting for their audit. Mr. Brooks inquired as to why the sewer charges for a commercial property is so high, he only has a powder room and an apartment. Mayor Scheffler explained that the borough is reviewing changing the sewer billing to water usage rates only during the winter months so that it does not affect watering of the lawns, etc.

Mr. Dorworth made a motion to close the public portion. Mr. President Brahl second the motion. All members present voted in favor of the motion.

**CLOSED SESSION. Resolution No. 2012-123**, Resolution Excluding The Public From Certain Meetings Pursuant To Section 8 Of The Open Public Meeting Act C. 231 P.L.

1975. (litigation and personnel).President Brahl made a motion to approve the resolution, Mr. Dorworth second the motion. At the call of the roll, the vote was:

**AYES:** President Brahl, Mrs. Dobbs, Mrs. Riener, Mr. Bostock and Mr. Norcross.

**NAYES:** None. Council went into executive session at 8:47 pm.

**Adjournment.** Ms. Dobbs made a motion to adjourn at 9:10 pm, Mr. Bostock second the motion. All members present voted in favor of the motion.