

Borough of Palmyra
Regular Council Meeting, 7:00 PM
Monday, June 18th, 2018

CALL TO ORDER

The Regular Meeting of the Borough Council of the Borough of Palmyra is hereby called to order by Mayor Michelle Arnold at 7:05 pm.

ROLL CALL

Present: Mr. Brandon Allmond, Mr. Timothy Howard, Mrs. Gina Tait, Ms. Mindie Weiner, Mr. Lewis Yetter, President Bernadette Russell, Mayor Michelle Arnold

The pledge of Allegiance was recited followed by a moment of silence.

OPEN PUBLIC MEETINGS STATEMENT

Mayor Arnold read the open public meetings statement into the record: Public Notice of this meeting pursuant to the Open Public Meetings Act has been given by the Municipal Clerk in the following manner:

- Posting written notice on the official bulletin board at the Palmyra Borough Hall on January 10, 2018.
- Mailing written notice to the Burlington County Times, and the Courier Post Newspaper on January 10, 2018.
- Notice to All Council Members.

INVOCATION

Prayer was given by Mr. Thomas McElwee

APPROVAL OF MINUTES

Mayor Arnold requested a motion for approval of the June 4th, 2018, Council Caucus Meeting Minutes. President Russell made a motion to approve the minutes from the Council Caucus Meeting of June 4th, 2018. Mrs. Tait second the motion.

At the call of the roll the vote was.

AYES: Mr. Allmond, Mr. Howard, Mrs. Tait, Mr. Yetter, President Russell

NAYES: None

ABSTAIN: Ms. Weiner

PROFESSIONAL UPDATES

William Kirchner, ERI

Mr. Kirchner stated the proposal before you is the additional street, Orchard Avenue which was added to the road improvement project. Mr. Kirchner stated the estimate number for the road restoration part of New Jersey American and PSE&G are a little over \$500,000.00; Filmore Avenue is about \$62,000.00; Orchard broken into base bid- two blocks (2) Jefferson to Front Street \$140,000.00 and the remaining blocks to 5th Street \$111,526.00 for a grand total estimate of between \$750,000.00. And \$800,000.00. Mr. Kirchner also noted the parking lot for the Fire Company estimate for repaving is about \$57,000.00. Mr. Kirchner indicated all the engineering cost have been approved except for the Orchard Avenue which is before you tonight. Mr. Kirchner indicated that that bid advertises this coming Wednesday with a bid opening date of July 31st, 2018.

Mr. Kirchner indicated a patch at the corner of 6th and Market Streets is being completed by NERI and will be complete by tomorrow. Mr. Kirchner also indicated the contractor has completed the punch list at Legion field and the project is essentially complete.

Mr. Howard inquired if the water pipes which were shut off last week were part of this project and if it had been repaired. Mr. Gural indicated that is being done separately by our irrigation contractor.

Mayor Arnold stated cell phones are not appropriate at the dais so please put them away, and if you choose to use them then anything transmitted is subject to OPRA. Mr. Weiner noted she has a child at home and she needs to be available to her.

James Winckowski, CME

Mr. Winckowski stated the plans for the Grove Park improvements are complete and the bid for the Project will be advertised this Thursday or Friday with bids opening on July 19th, 2018 at 10.00 AM. Mr. Winckowski indicated we are hoping to award August 6th, 2018 with a notice to proceed out by the end of August and the have the project completed by late summer early fall. Mr. Winckowski stated they are working with concrete engraving company to set up a fundraiser to purchase some of the bricks/paving blocks. Mr. Winckowski indicated they submitted the application and the requested the check for the DEP permit for the Promenade to satisfy the conditions of the waterfront development permit for the project. Mr. Winckowski indicate he had a meeting with the vendor and the DPW rep Dave Austin regarding concerns about the landscaping at the Promenade Park. Mr. Winckowski indicated we noticed some issues with the dying plant material, erosion issues and top soil problems. Mr. Winckowski noted they were working with DPW, Mr. Gural and the contractor to figure out a way to correct it. Mr. Winckowski indicted the contractor will not be released from the contract until the issues are straighten out. Mayor Arnold inquired if the was a time frame to correcting the problem. Mr. Winckowski indicate not yet as there are some design issues which also need to be corrected, however we should have a plan of action in the next couple of weeks.

Dave Gerkens, CGP&H – Mr. Gerkens was not present however Mr. Gural indicated he would cover Mr. Gerkens report in his report.

CORRESPONDENCE

Mayor Arnold read a letter received from Senator Cory A. Booker regarding the Community Development Block Grant Program.

Mayor Arnold read the notification received from New Jersey American Water Company regarding the repair work they will be doing on 5th Street, 6th Street, Weart Blvd, Race Street

Mayor Arnold also read the invitation received from the Riverton 4th of July Parade Committee regarding Borough Council and the Mayor attending the Riverton 4th of July Parade. Ms. Weiner asked if anyone would be interested in walking for the Parade. The following indicated they would, Mayor Arnold, President Russell, Mrs. Tait, Mr. Yetter and Mr. Allmond.

Mayor Arnold acknowledged an E-mail received from Thomas A Leach, Esq. regarding the pending Ordinance 2018-08 –Dogs & Cats.

Mayor Arnold acknowledged a thank-you note received from Councilwoman Mindie Weiner.

First Public Portion

Mayor Arnold asked for a motion to open the Public Portion. President Russell made a motion to open the public portion for comments. Mr. Yetter second the motion

All members present voted in favor of the motion

Thomas Leach – Atco, NJ– Mr. Leach requested Ordinance 2018-08 be held over for vote so additional information can be given to council and additional opinions can be voiced. Mr. Leach indicated he was happy to answer any questions the governing body may have regarding licensed breeders throughout the country. Ms. Weiner asked if Mr. Leach was indicating that pet stores as a whole do not sell puppies from puppy mills. Mr. Leach indicated in New Jersey the Pet Purchase Protection Act allows for a limited number of licensed USDA inspected breeders. Pet store owners are authorized to purchase from those breeders and they have to have a near perfect record and no fines to maintain their licenses. There are somewhere between 80 and 100 breeders that pet stores can work with. Mr. Rosenberg inquired under the NJ State law what are the protections that the USDA licensed breeders treat the animals humanely and in decent conditions. Mr. Leach indicated the state law requires inspections and there is a list of requirements and standards which must be met in order to retain their breeder's license. Ms. Weiner inquired how you would know where the animal in a pet stop was obtained. Mr. Leach indicated all information regarding the animal and where the animal came from should be posted on the cage of the animal. Additional discussion was had regarding additional wording which could be included in the ordinance. Mr. Rosenberg suggested Mr. Leach share with the governing body the standards which the USDA requires to obtain approval of breeder's license and the details of the applicable laws and regulations in New Jersey. Mr. Leach indicated he would be happy to send that information to the governing body. President Russell asked about animals coming from out of state into New Jersey. Mr. Leach indicated there is no shortage of animals in the state of New Jersey.

Mrs. Clayton – Marlton, NJ. – Mrs. Clayton stated Mr. Leach represents several pet store owners but she was here to speak out on behalf of New Jersey residents against puppy mills. Mrs. Clayton stated Mr.

Leach represents a pet store in Red Bank which the town is trying to shut down. That store is typical of all the pet stores in this state, they indicate they choose they puppies, they visit the breeders and their customer know exactly what they are getting, but this is false. Mrs. Clayton indicated she has filed over 120 complaints with the consumer complaints bureau which is useless, as the state does not follow up on the complaints. Mrs. Clayton gave several examples of situations which she has encountered in various pet stores. Mrs. Clayton thanked council for considering the ordinance and encouraged them to join the over 120 other municipalities in the State of New Jersey who have passed similar ordinances.

Allan Braslow –Cherry Hill – Mr. Braslow stated he has been involved in this effort (banning puppy mills) for the past three years. Mr. Braslow indicated he has been eventful in helping pet store owner’s change to selling rescue animals only. Mr. Braslow stated many pet store are clean and pretty be what you see is not always what you get. Mr. Braslow stated all puppies are cute, it’s what happens to the parents that concerns him. Mr. Braslow ask council to take a stand against cruelty, puppies need time to learn to socialize before they are adopted. Ms. Weiner asked if there are any local puppy mills. Mr. Braslow indicated no, most are up in Lancaster Pennsylvania. Mr. Rosenberg stated, Palmyra does not have a pet store and this could be debated forever, perhaps council may wish to table this until such time as there is a pet store. Mr. Gural indicated in our commercial area this would probably be a permitted use, so the zoning officer would permit it to open and there would not be an opportunity for any such debate. Mr. Rosenberg stated, it is a fascinating topic but the Borough of Palmyra has currently a multitude of issues which are on the governing bodies mind. This ordinance can be passed or tabled but for now it is theoretical as there is no pet store. Mr. Braslow stated once it’s in, it hard and costly to get rid of.

No one else from the public wishing to be heard, President Russell made a motion to close the public portion, Mr. Howard second the motion.

All members present voted in favor of the motion.

ORDINANCE ON SECOND READING (Public Hearing)

Ordinance 2018-08, An Ordinance of the Borough of Palmyra, County Of Burlington, State Of New Jersey Banning The Sale of Dogs and Cats from Pet Shops.

Mayor Arnold asked for a motion to open to the Public for comments regarding Ordinance 2018-08. President Russell made a motion to open the public portion for comments. Mr. Howard second the motion

All members present voted in favor of the motion

Jean Clayton–Marlton, NJ – Ms. Clayton stated she could send as much information as the Borough Council would like to see. Mrs. Clayton indicated the opposition has no facts to give you, and what is the use of having laws if they are not enforced.

Bruce Smith– Van Sant Drive – Mr. Smith inquired how many inspectors the State of New Jersey has to inspect the pet store and breeders. Jean Clayton indicated one.

Tom Leach –Atco, NJ – Mr. Leach stated there are only nineteen pet stores in the state so a lot of inspectors is really not necessary. Mr. Leach again requested Borough Council table or postpone the vote on this ordinance so more information can be made available to them. Mrs. Weiner asked who Mr. Leach represented. Mr. Leach indicated the New Jersey Coalition of responsible pet stores.

No one from the public wishing to be heard, President Russell made a motion to close the public portion, Mr. Yetter second the motion.

All members present voted in favor of the motion.

President Russell indicated she was ready to move forward.

Mr. Yetter stated he like the portion of the Ordinance which indicates: “this Ordinance will not affect a consumer’s ability to obtain a dog or cat of his or her choice directly from a breed-specific rescue organization or a shelter, or from a hobby breeder where the consumer can see directly the conditions in which the dogs or cats are bred, or can confer directly with the hobby breeder concerning those conditions”

Mayor Arnold asked for a motion to approve Ordinance 2018-08. President Russell made a motion to approve Ordinance 2018-08. Mr. Allmond second the motion.

At the call of the roll, the vote was:

AYES: Mr. Allmond, Mr. Howard, Mrs. Tait, Ms. Weiner, Mr. Yetter, President Russell

NAYES: None

Ordinance 2018-08 passed

RESOLUTIONS Consent Agenda

Mayor Arnold indicated Resolution **2018-159 to Resolution 2018-171** will be enacted as a single motion, if any resolution needs additional discussion it will be removed from the consent agenda and voted on separately.

Mr. Gural indicated one (1) item has been added to the bill list, \$1,000.00 for the NJDEP Costal Permit for Palmyra Promenade, therefore the new total for Resolution 2018-171 is \$2,446,409.28. No other changes or deletions were made to the consent agenda.

Resolution 2018-159, Resolution Authorizing 2018-2019 Liquor License Renewal for DHAVAL Inc. Plenary Retail Distribution License #0327-44-004-005

Resolution 2018-160, Resolution Authorizing 2018-2019 Liquor License Renewal St. Joseph Council #1984 Club License #0327-31-008-001

Resolution 2018-161, Resolution Authorizing 2018-2019 Liquor License Renewal for Milmarian Inc. ABC Pocket License #0327-33-002-003

Resolution 2018-162, Resolution Authorizing 2018-2019 Liquor License Renewal Oberg, LLC T/A Currans Retail Consumption License With Broad C #0327-32-003-007

Resolution 2018-163, Resolution of Governing Body Acknowledging Receipt of and Certification of the Annual Audit

Resolution 2018-164, Resolution Authorizing a Refund of Tax Overpayment on Block 121 Lot 7 in the amount of \$45.82

Resolution 2018-165, Resolution Requesting Insertion Approval of item of Revenue and Appropriation N.J.S.A. 40A:4-87 (Chapter 159) Solid Waste – 2018 Clean Communities Grant for \$15,345.30.

Resolution 2018-166, Resolution Authorizing the Refund of Tax Overpayments on Block 152 Lot 9.02 Qualifier C5209 in the Amount of \$1,558.05

Resolution 2018-167, Resolution Authorizing Execution of a Shared Services Agreement with the Borough of Riverton for the Use of Palmyra's Sewer Jetter

Resolution 2018-168, Resolution Declaring the 1992 Spartan LTI Truck VIN # 4S7BT9F07NC006460 as Surplus Property to be Auctioned on Govdeals.com

Resolution 2018-169, Resolution Establishing a New Policy Relative to the Claimant Certification Requirements as set Forth in NJSA 40A:5-16(a)

Resolution 2018-170, Resolution Requesting Approval if Item of Revenue and Appropriation N.J.S.A. 40A:4-87 (Chapter 159) 2018 Click it or Ticket for \$5,500.00

Resolution 2018-171, Resolution Authorizing the Payment of Bills for the Month of May 2018 In the Amount of \$2,446,409.28

•• It should be noted Mr. Howard left the dais from 7:59 pm and returned at 8:01 pm

Mayor Arnold asked for a motion to approve Resolutions 2018-159 thru Resolution 2018-171.

President Russell made a motion to approve Resolutions 2018-159 thru Resolution 2018-171 as read.

Mr. Yetter second the motion.

At the call of the roll, the vote was:

AYES: Mr. Allmond, Mrs. Tait, Ms. Weiner, Mr. Yetter, President Russell

NAYES: None

ABSENT: Mr. Howard (Mr. Howard was away from the dais during the time of vote)

Resolutions 2018-159 thru Resolution 2018-171 are approved

MOTION TO APPROVE TREASURERS REPORT

Mayor Arnold asked for a motion to approve the Treasurer's Reports of May 2018.

Mrs. Tait made a motion to approve the Treasurer's Report for May 2018. Mr. Yetter second the motion.

At the call of the roll.

AYES: Mr. Allmond, Mr. Howard, Mrs. Tait, Ms. Weiner, Mr. Yetter, President Russell

NAYES: None

DISCUSSION ITEMS

NEW Business

Mr. Gural noted all discussions regarding public events must take place at our meetings so everyone is on the same page with the same information. Mr. Gural indicated he wanted to clarify the expectations of the governing body for the staff at the Farmer's Market and the Memorial Day celebration. Mr. Gural noted there was a request for tables and chairs which was not on our previous list of requests. Mr. Gural again indicated the entire governing body should be aware of any and all requests of the staff for public events and approval of those requests should be made here at council meetings so everyone is aware of what is going on. Ms. Weiner requested 6 tables and an appropriate number of chairs from the community center be added to the list to be brought to the Farmer's Market until we get chairs and tables. Council agreed.

Mr. Yetter stated the Summer Concerts are all booked and will begin on July 3rd, 2018 and follow every Tuesday until August 29th, 2018. Mr. Yetter indicated all information will be placed on the website and is in the current newsletter

Mr. Tait indicated our discussion last meeting regarding renewing the movie license brought new things to light, the summer concerts series has been scheduled throughout the summer on Tuesday nights and the Farmer's Market is on Thursdays nights and the construction beginning scheduled for the fall, there is no reason to renew the movie license this year. Mrs. Tait stated she would like to revisit it again in April of next year.

Mr. Allmond indicated the Newsletter draft for July-August 2018 was sent to council and he would like permission for the staff to distribute it. If anyone has any comments or has something else to add please let him know, otherwise it is ready to go.

Mr. Gural indicated he would like to introduce the capital ordinance for 2018 at our regular Council meeting in July, and adopt in August. Mr. Gural indicated these are all the purchases and capital improvements which were approved back in April during the budget process. Mr. Gural indicated he had some additional requests which would require passage by the governing body to amend the capital ordinance. Mr. Gural stated when we were in the budget process we did not have a final estimate for the Grove Park Improvement Project; everyone is aware we now have that number and we need an additional \$155,000.00 as a new electronic sign is being installed in Grove park as well as repairing the sign in front of the community center. Ms. Weiner inquired why we are fixing on the sign in front of the community center. Mr. Gural indicated we are not fixing it we are replacing the sign in between the brick pillars. Ms. Weiner asked can we let that sign go, as who gets information from it. President Russell indicated she would get information from it. Mr. Gural indicated a new sign is being installed in the Park on the Cinnaminson Avenue side. Ms. Weiner inquired how much it cost Mr. Gural indicated approximately \$25,000.00. Some discussion ensued between council. Mr. Gural stated you can leave it there, however that's a symbol of something which just does not work. Mr. Gural added the sign replacement of the community center sign is not part of the base bid, it is alternate, so the bidders will provide a separate quote for the replacement of that sign and the governing body will be able to choose to accept that alternate bid or not. Mr. Gural indicated he would get an estimate for removal of the sign so when the time comes Council can make a decision as to how best to proceed. Some additional

discussion was had regarding the sign. Mr. Gural indicated we prepare a five year plan even though we are only required to prepare a three year plan, the only commitment of the plan is for the current calendar year. Mr. Gural stated we budgeted \$400,000.00 for road improvements projects in 2018 and additional \$600,000.00 in 2019, based on the anticipated project schedules for the road improvement project to be completed. Mr. Gural stated he would like to switch the \$400,000.00 and \$600,000.00 putting the \$600,000.00 in 2018 and the \$400,000.00 in 2019. Mr. Gural noted additionally he wished to add \$37,500.00 for the potential purchase of a “hot box”. Mr. Gural explained a “hot box” is towed behind the truck and is a mechanism which holds and maintains hot asphalt for road improvement projects. Mr. Gural stated it is available thru state contract. Additional discussion was had regarding road repairs and the equipment that we have or need to acquire.

Mr. Gural stated in your packets is the information regarding the NJLM Conference being held November 13-15th, 2018 in Atlantic City, NJ. If anyone from the governing body wishes to attend and will be needing hotel accommodations please let Ms. Jackson know so those arrangements can be made.

Mayor Arnold noted the National Foundation for Women Legislators Conference is being held November 13th thru 17th in Washington, DC. Mayor Arnold indicated she again would like to attend and apply for the scholarship which requires council approval to apply. Mayor Arnold requested council permission to apply for a scholarship and to attend the NFWL Conference being held November 13th-17th, 2018 in Washington, D.C. which requires overnight stay.

President Russell made a motion to approve the request. Mrs. Tait second the motion.

At the call of the roll.

AYES: Mr. Allmond, Mr. Howard, Mrs. Tait, Ms. Weiner, Mr. Yetter, President Russell

NAYES: None

Mr. Gural requested council permission to attend the ICMA Conference being held September 23rd thru 26th, 2018 in Baltimore, MD which requires overnight stay.

Mrs. Tait made a motion to approve the request for overnight stay. President Russell second the motion.

At the call of the roll.

AYES: Mr. Allmond, Mr. Howard, Mrs. Tait, Ms. Weiner, Mr. Yetter, President Russell

NAYES: None

Mr. Gural explained we have a complicated matter concerning the current Vacant Property Registration Ordinance. Mr. Gural explained certain fees are required to be paid by the property owner from the date of vacancy and moving forward, HUD has refused to pay those fees across the state and across the country. In accordance with our ordinance those properties cannot be occupied without collecting those fees. Mr. Rosenberg stated HUD as a federal agency is not subject to the local ordinance by way of the supremacy clause, meaning federal legislation supersedes state legislation. Mr. Rosenberg asked if he could look into it and get back to governing body. Mr. Gural again stated this ordinance needs to be

looked at and amended. Some additional conversation was had regarding how to help the buyer and Mr. Rosenberg looking into the issue.

President Russell made a motion to authorize Mr. Rosenberg to investigate the issue and to report his findings to the Administrator who would then have the ability to follow or not follow Mr. Rosenberg's recommendation regarding the issue. Mr. Howard second the motion.

At the call of the roll.

AYES: Mr. Allmond, Mr. Howard, Mrs. Tait, Ms. Weiner, Mr. Yetter, President Russell

NAYES: None

OLD Business

Mr. Gural indicated per Mr. Gerken's recommendation the Sidewalk furniture Ordinance (outdoor seating) and the outdoor dining ordinance were separated. Mr. Gural indicated in your packets is the outdoor seating/furniture ordinance for your review. The Ordinance has been reviewed by Mr. Brewer, the Land Use Board Attorney who had only one minor comment. Mr. Gural stated he must bring to council's attention, we are considering placing these items in the public right-of-way. Mr. Gural noted Broad Street is a county road and these sidewalks are in the county right-of-way not the Borough's right-of-way, therefore we are required to investigate the Federal requirements regarding accessibility (ADA) as they require for public right-of-way assessable routes 48" wide clear path and that is what this ordinance is based on, which means it will tighten up the space available for furniture because 48" clear pathway is required for access. Mr. Gural noted he was speaking about the isle way. Mr. Rosenberg indicated the Borough should notify the County as this is a county road and once complete this must go to the planning board again. Ms. Weiner asked if council could send any comments to the committee so they may be reviewed. Mr. Gural indicated those comments should also be forwarded to Mr. Gerken's.

Mayor Arnold stated she had a conversation with Superintendent McBride regarding the Smoke-free and tobacco sales Ordinance. Superintendent McBride indicate he had submitted the information to the Board of Education's attorney, however they have not had a meeting since that time. Mayor Arnold indicated it is still a work in progress and will be back to Council when we have additional information. Mayor Arnold stated the deadline for submission of the referendum questions to the County is August 17th 2018. Mr. Gural noted there is still time to further consider the questions and interpretive statements which Mr. Rosenberg and Mr. Gural prepared. President Russell asked to put this on next month's agenda, as she had some questions regarding the wording. Mayor Arnold asked if the question was on the website and if it could be it could be read to the public. Mr. Gural indicated it was not on the website but it could be read to the public. Mayor Arnold then read into the record the proposed referendum question before council in its current state.

Question.

Do you approve extending the hours that plenary retail distribution and plenary retail consumption licensees in Palmyra can sell alcoholic beverages or permit the consumption of alcoholic beverages upon the licensed premises for the additional period from 10:00 a.m. to 12:30 p.m. on Sundays?

Interpretive statement.

Presently, the Code of the Borough of Palmyra permits plenary retail consumption licensees to permit the consumption of alcoholic beverages upon the licensed premises on Sundays from midnight 12:00 a.m. to 2:00 a.m. (the two hours immediately after Saturday night) and from 12:30 p.m. to midnight 12:00 a.m. Monday. Package goods however, are permitted to be sold on Sundays from 12:30 p.m. to 10:00 p.m. plenary retail distribution licensees are also permitted to sell alcoholic beverages on Sundays from 12:30 p.m. to 10:00 p.m.

Mayor Arnold also noted the LOSAP request was withdrawn by the Fire department for now.

Mr. Howard stated he and Mrs. Tait attended a meeting with the Youth Athletic organizations, present were Pal/Riv Baseball, Pal/Riv Soccer Club, and Palmyra Football. Mr. Howard indicated they expressed our concerns regarding what is currently happening and indicated the committee would be writing some guidelines/a contract for use of the fields and the Community Center. Mr. Howard indicated the committee is currently working on guidelines. Mrs. Tait stated they told the various organizations the guidelines would be submitted to them for comment as we are hoping for this to be a joint effort. Mr. Yetter indicated they saw this coming. Mr. Howard indicated we have a number of things to work out with the various organizations regarding rules and expectations for use of facilities.

Mr. Gural stated Mr. Gerken prepared the Redevelopment Plan for former PNC Bank; Block 24, Lots 1 & 2 and submitted it to our various professionals for review. Mr. Gural indicated we are trying to make the permitted uses as open as possible being mindful of the types of business which have expressed an interest in the location.

Mr. Gural stated he will speak to what is publicly available so no one needs to step away from the dais. Mr. Gural explained Mr. Reed filed a suit against the Borough of Palmyra many years ago and many of the counts/cases have since been dismissed thru out the discovery process, the balance of the counts the Borough won in summary judgment. Victory for the Borough as we won on all counts, however Mr. Reed's attorney has appealed those decisions, so it's not completely over.

Mr. Gural indicated we discussed the 2018 Road Program: NJAW/PSEG Streets; Filmore Avenue & Orchard Avenue earlier in the evening however we need to award the contract including the Orchard Avenue Improvements.

President Russell made a motion to approve Resolution 2018-172, Resolution Awarding a Contract to (ERI) Environmental Resolutions, Inc. for the Orchard Avenue Improvements per their proposal dated June 13th, 2018 in the Amount of \$38,750.00. Mr. Howard second the motion.

At the call of the roll.

AYES: Mr. Allmond, Mr. Howard, Mrs. Tait, Ms. Weiner, Mr. Yetter, President Russell

NAYES: None

Resolution 2018-172 is approved

Mr. Gural stated we received two proposals from the Municipal Ethics Attorney solicitation. Mr. Gural noted the first was from Daniel M Rosenberg of Daniel M Rosenberg & Associates, LLC (no relation to

Ted Rosenberg) at a cost of \$225.00 per hour and the other was from Eric M Bernstein of Eric M Bernstein & Associates, LLC at a cost of \$125.00 per hour. Mr. Gural noted that currently Mr. Bernstein is our Special Council/ Conflicts Attorney and would have the same conflict which Mr. Ted Rosenberg has currently and perhaps the inability to take on this assignment. Mrs. Tait stated it is important to hire someone who is not already involved with the Borough. Mrs. Tait noted there have been several resident who have expressed concerns regarding where the line is drawn between Mayor Arnold and Realtor Michelle Arnold. Mrs. Tait noted there have been several instances, for example two years ago for National Night Out, the Borough bought backpacks to give away to children but they were filled with Mrs. Arnold's realtor business information. Mrs. Tait stated at Palmyra Day this year, in between the Police Department table and the Borough's table was Ms. Arnold's realtor table. Mrs. Tait stated additionally all correspondence sent into the Borough has not been received by council. Mrs. Tait stated, 105 W Broad Street has been operating over the past year without a certificate of occupancy and there are about \$140,000.00 worth of violations on the property, and the property manager is Michelle Arnold. Mrs. Tait indicated the things mentioned are concerning to us and an outside, impartial opinion is needed to help us understand where the line is ethically. Mayor Arnold inquired if any of the things mentioned have impacted her ability to serve as the Mayor. Mayor Arnold also indicated she has asked for a list of the proposed allegations but has yet to receive any such list from council. Mayor Arnold noted, for National Night Out, we advertised for any business who wished to contribute to the bags for the children, they could for free. Mayor explained what was placed in the bags for National Night Out. Mayor Arnold also stated there is nothing that prevents Michelle Realtor from having a table next to the Borough table for Palmyra Day. Mayor Arnold stated, doesn't it tell you she has no influence on the property if there are violations on it and she is not responsible for the violations.

Mrs. Tait made a motion to approve Resolution 2018-173 Resolution Authorizing the Appointment of Daniel M Rosenberg, of Daniel M Rosenberg & Associates, LLC as the Municipal Ethics Attorney for the Borough of Palmyra at \$250.00 per hour in an amount not to exceed \$3,000.00. President Russell second the motion.

Mr. Rosenberg stated he received a letter, actually addressed to Mr. Gural from Mr. Bob Leather, which reads as follows: Please be advised that I realize the deadline to submit a proposal for the Ethics/ Conflicts Council has past. However if the Borough Council rejects all bids I would be interested, in that I have the qualifications. I thank-you for your attention in this matter. Bob Leather

At the call of the roll.

AYES: Mr. Allmond, Mr. Howard, Mrs. Tait, Ms. Weiner, President Russell

NAYES: Mr. Yetter

Resolution 2018-173 is approved

Mayor Arnold inquired of Mr. Rosenberg, if this is the point where she can hire her own council. Mr. Rosenberg stated at this point there is no formal conclusion that you have done anything improper.

Mr. Gural indicated we are still waiting for a response from Cinnaminson regarding whether they wish to share in the cost. Mr. Gural noted as soon as we get the information we will get back to council. Mayor Arnold asked if Riverton was included in the bulk purchase. Mr. Gural indicated no however stated we did include the Sheriff's Department at the county.

Mr. Gural stated there was some discussion regarding the re-appropriation of the capital funds dedicated for the Fuel Storage Tank Project. Mr. Gural stated he wanted to withdraw that suggestion and instead just cancel the appropriation and start clean with any ordinances council wishes to introduce for redevelopment funding for acquisition and for the capital roads projects.

ADMINISTRATOR REPORT

Mr. Gural indicated a meeting was held with Republic Services, our trash removal contractor, to discuss our concerns with the number of missed pick-ups of bulk, curbside trash and a few other issues. Mr. Gural indicated the meeting was good, we have some issues we need to address ourselves in regards to roll offs and dumpsters. We are looking for a mutual agreement and to move forward with less issues. Mr. Gural noted the customer service training for all staff members will be held June 26th, 2018; two sessions will be held morning/afternoon and all those dealing directly with the public need to attend. Mr. Gural stated we had some conversation regarding upgrading the Meeting/Court recording system previously and just wanted to update all that we are working on it.

Mr. Gural indicated the NJT Railway Safety Training Class is tomorrow and public works along with some council members will be attending. Mayor Arnold asked what the purpose of the training was for. Mr. Gural noted it gives us the ability to work in the NJ Transit Conrail right of way, to mow grass, trim trees and weed and work in flower beds etc. Mayor Arnold stated this would give them the ability to work but not the permission to do so. President Russell inquired how someone would get the permission. Mr. Gural stated a proposal would be needed to gather an understanding of what was going to be done, and final permission from the administration and or Council, depending upon the request. Mr. Gural indicated Rice Notices have been served and those personal noticed have requested we speak with/about them in closed session.

Mr. Gural explained some the new grant opportunities NJ DCA Small Cities Public Facilities Grant and NJ DCA Small Cities Housing Rehabilitation and what is intended with the funding if we receive those grants.

COMMUNITY SPOTLIGHT

Mrs. Tait noted that two young ladies from the PHS softball team made the Carpenter softball team.

Mayor Arnold

Mayor Arnold indicated she attended the Freeholders meeting where they discussed the budget and the twenty-one thousand dollars in grant monies they are making available to increase the safety of our schools. Mayor Arnold indicated they also discussed open space applications and funding. Mayor Arnold indicated she sits on the legislative committee of the NJ Conference of Mayors and they are reviewing some of the legislative bills that are being proposed. Mayor Arnold indicated she attended a

press conference in Trenton hosted by former Senator Diane Allen regarding the “Run Women Serve” initiative which encourages women to get into public service and offering them some assistance in doing so. Mayor Arnold indicated she attended the LEPC meeting and shared information regarding the proposed changes to Temple Blvd. Mayor Arnold notified all that the active shooter training is at high school tomorrow. The Torch Run again came thru Palmyra to kick off the start of Special Olympics. Mayor Arnold noted she was a monitor for the Historic Riverton Criterium which was held last weekend. Mayor Arnold thanked Councilmembers for attending the Graduation Ceremony at Palmyra High School was held last week and also expressed how proud she was of those students who graduated.

COMMITTEE REPORTS

Mr. Yetter – Public Works, Redevelopment and Negotiations – Mr. Yetter stated the green team met last week and have put in the application for Sustainable Jersey accreditation. Mr. Yetter indicated Public Works did not meet. Mayor Arnold indicated she needed the names of the members of the Green team so that they may be appointed.

Mr. Howard – Youth and Recreation, Public Building, Grounds and Parks – Mr. Howard stated we have already spoken about youth and recreation and Mr. Kirchner gave us the update on Legion Field.

Mrs. Tait – Public Safety Director, Board of Education Liaison, and Public Events– Mrs. Tait indicated she and Mr. Howard met with the youth recreation committee, and the public safety committee also had a brief meeting regarding the rice notices on the agenda tonight. Mrs. Tait indicated the Board of Education meeting is this Wednesday and Mr. Allmond will be attending.

Ms. Weiner – Administration and Finance, Business and Community development, Homeowner Association – Ms. Weiner indicated the finance committee met and discussed the audit exit interview the trash contract with Republic and some issues which needed to be addressed regarding billing. Ms. Weiner noted the business and community development committee met and spoke about the NJ Transit class. Ms. Weiner also stated the Farmer’s Market is up and running and the tables are beautiful, also the committee went out to count light poles for the Christmas lights and is hoping to have some kind of map/layout for council soon.

Mr. Allmond –Communications and Public Relations Committee– Mr. Almond asked everyone to again look at the Borough Newsletter make sure all information is correct and get back to him if something needs to be changed or updated.

President Russell – Construction, Housing and Code Enforcement Committee– President Russell noted the next Shade Tree committee meeting is June 27th, 2018 and will be attended by Barry Emmons who will be helping us to complete Tree Grant application. President Russell indicated the Construction committee does recognize the vacant and abandon ordinance needs some work, but the committee has been occupied with other ordinances currently, however are hopeful to get to it during the summer. Ms. Weiner asked Mr. Gural if he could send an email to the committee with some of the issues he felt needed to be addressed in the ordinance.

PUBLIC COMMENT

Mayor Arnold asked for a motion to open the Public Portion. President Russell made a motion to open the public portion for comments. Mr. Howard second the motion

All members present voted in favor of the motion

Mr. Rader- Harbour Dr. – Mr. Rader asked if the proposal for Municipal Ethics Attorney was available for the public to review. Mr. Gural indicated yes. Mr. Rader inquired how it would be funded. Mayor Arnold indicated, tax payer money. Mr. Rader inquired why council authorized obtaining private legal counsel using taxpayer dollars to review alleged ethics violations when there are government agencies that will provide the same services at little or no cost to the Borough. Mr. Rader stated public funds should not be used to address a political agenda.

Mrs. Shea – Harbour Drive – Mrs. Shea stated, when hiring an attorney she inquires as to the cost. Mrs. Shea asked if that question was asked of Mr. Rosenberg and if so what his answer was. Mayor Arnold indicated she did not know. Ms. Weiner stated a limit of \$3,000.00 was placed on the motion. Mayor Arnold indicated that would not be the only cost as additionally the Borough would be paying for her representation in defense of the allegations/charges. Mrs. Shea recommended that we use the other government services available at little or no cost to handle this matter.

Steve Ferroni – Riverton, NJ – Mr. Ferroni indicated he was here on behalf of the PAL/RIV Athletic Association in his capacity as Baseball Director. Mr. Ferroni stated that he was here to express PAL/RIV's extreme displeasure that council decided to publicly state that they received profits to lease Legion Field. Mr. Ferroni indicated it was false and looks bad on all the volunteers which serve this community. Mr. Ferroni stated he had no words to express how truly disappointed he is. Mr. Ferroni stated PAL/RIV received no profits from the tournament, which has been run for at least the five years he has been affiliated with them and Borough Council has been aware of the tournament and PAL/RIV provides the same documents every year for the same benefits. Mr. Ferroni stated sports in a community are important and it only works if we work together. Mr. Ferroni stated they are appreciative of the work that had been done down at the fields and believes there is more work to do. Mr. Ferroni stated if the volunteers continue to be belittled like this there will be no alternative but to stop and take their kids out of the community, other kids will follow and there will not be a program for the community. Mayor Arnold stated your comments are appreciated although the details point by point will not be discussed at this time. Mayor Arnold stated we are looking forward to finding a common ground which we can work together, moving forward. Mr. Ferroni stated PAL RIV will be having a meeting at Whistler's at 7:00 pm on Tuesday. Mr. Howard stated Council did not say the words which were in the newspaper, and someone from your organization could have reached out to us to ask if that is what was said.

Mr. Peterson – Philadelphia, Pa. – Mr. Peterson stated he was the gentleman regarding the vacant registration at 126 Leconey Circle. Mr. Peterson he would be happy to provide any information needed;

someone inquired about postponing settlement. Mr. Peterson stated he is trying to get into this house and fix it up and any help given would be appreciated.

No one else from the public wishing to be heard, President Russell made a motion to close the public portion. Mr. Allmond second the motion.

All members present voted in favor of the motion.

MAYOR AND COUNCIL COMMENTS

Law Yetter reminded all of the upcoming Summer Concerts, and to come out and enjoy. Mr. Yetter stated he was also looking forward to getting to the Farmers Market.

Timothy Howard – no comments

Mindie Weiner stated she was sorry about all the things going on with the Athletic Associations and hope we get it worked out soon and she is so appreciates all the things these organizations do.

Gina Tait stated she believes in the athletic programs but we need to make sure everything is covered. Mrs. Tait asked everyone to have a safe and happy holiday.

Brandon Allmond – no comments

President Bernadette Russell stated “Stand up for what you believe in even if you stand alone”.

Mayor Arnold thanked everyone for coming. Mayor Arnold asked that everyone to be good neighbors and be kind to one another.

Mayor Arnold asked for a motion to approve **Resolution 2018-174**. President Russell made a motion to approve Resolution 2018-174, Resolution Excluding the Public from Certain Meetings pursuant to section 89 of the Open Public Meeting Act C. 231 P.L. 1975 regarding **Litigation, Personnel** and **Contracts**. Mr. Howard second the motion.

At the call of the roll, the vote was:

AYES: Mr. Allmond, Mr. Howard, Mrs. Tait, Ms. Weiner, Mr. Yetter, President Russell

NAYES: None

Resolution 2018-174 is approved

Borough Council went into closed session at 9:25 pm

President Russell made a motion to open to the public. Mr. Howard second the motion.

At the call of the roll, the vote was:

All voted in favor

Borough Council returned from closed session at 10:27 PM

Mayor Arnold then asked for a motion to approve **Resolution 2018-175** Resolution Authorizing Increases in Salary for Chief of Police Scott Pearlman to \$125,000.00 Effective April 1st, 2018 And Lieutenant of Police Meghan Campbell to \$110,000.00 effective April 1st, 2018.

Mrs. Tait made a motion to approve Resolution 2018-175. Mr. Howard second the motion.

At the call of the roll, the vote was:

AYES: Mr. Allmond, Mr. Howard, Mrs. Tait, Ms. Weiner, Mr. Yetter, President Russell

NAYES: None

Mayor Arnold then asked for a motion to approve **Resolution 2018-176** Resolution Authorizing an Increase in the Salary of Doretha R. Jackson to \$57,338.00 Effective June 22nd, 2018

President Russell made a motion to approve Resolution 2018-176. Mr. Howard second the motion.

At the call of the roll, the vote was:

AYES: Mr. Allmond, Mr. Howard, Mrs. Tait, Ms. Weiner, Mr. Yetter, President Russell

NAYES: None

Mayor Arnold then asked for a motion to approve **Resolution 2018-177** Resolution Authorizing the Appointment of Special Council on behalf of John Gural, Tracy Kilmer and Karen Scheffler to investigate and potentially file a Rule 11 Sanction in the Reed, William A Jr. VS Borough of Palmyra, et al in an amount not to exceed \$1,500.00 for each of the three and subject to an hourly rate not to exceed \$200.00 Per Hour.

President Russell made a motion to approve Resolution 2018-177. Mr. Howard second the motion.

At the call of the roll, the vote was:

AYES: Mr. Allmond, Mr. Howard, Ms. Weiner, President Russell

NAYES: None

RECUSED: Mrs. Tait, Mr. Yetter

President Russell made a motion to adjourn the meeting. Mr. Howard second the motion.

All voted in favor of the motion

Meeting adjourned at 10:32 PM

Respectfully Submitted

DRJ

Doretha R Jackson

Municipal Clerk