

Borough of Palmyra
Virtual Council Caucus Meeting Minutes
Monday October 4th, 2021, 6:30 PM

The Regular Council Meeting of the Borough Council of the Borough of Palmyra was called to order by Mayor Tait at 6:31 PM

ROLL CALL

At the call of the roll:

PRESENT: Mr. Brandon Allmond, Dr. Laura Cloud, Mrs. Michelle McCann, Mrs. Bernadette Russell, President Timothy Howard, Mayor Gina Ragomo Tait

ABSENT: Mrs. Farrah Jenkins

The pledge of Allegiance was recited.

OPEN PUBLIC MEETINGS STATEMENT

Mayor Tait Read the following statement into the record:

In accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., and in consideration of Executive Order No. 103, issued by Governor Murphy on March 9, 2020, declaring a State of Emergency and a Public Health Emergency in the State of New Jersey. Please be advised the Borough of Palmyra does hereby notify the public that to protect the health, safety and welfare of our citizens, and to reduce the potential spread of COVID-19 and its variants, while ensuring the continued functioning of government, the meeting of the Mayor and Council will be a Virtual Council Meeting. Members of the public are invited to “attend” the Virtual Council Meeting “Virtually” (via computer or phone) but all members of the public participating in the meeting virtually may be muted and their video image disabled. Notice of this meeting was published in the Burlington County Times on January 12th, 2021. Notice was posted on the Municipal Door, Official Bulletin Board and electronic signs on September 21st, 2021. Notice was also posted on the Borough of Palmyra Website on October 1st, 2021 and notice was given to all Council Members.

APPROVAL OF MINUTES

Mayor Tait requested a motion for approval of the September 20th, 2021, Regular Council Meeting Minutes.

Mr. Allmond made a motion to approve the Regular Council Meeting Minutes from September 20th, 2021. Mrs. McCann second the motion.

At the call of the roll the vote was:

INFAVOR: Mr. Allmond, Dr. Cloud, Mrs. McCann, Mrs. Russell

AGAINST: None

ABSTAIN: President Howard

Motion Carried

CORRESPONDENCE

Municipal Clerk, Ms. Jackson acknowledged the following correspondence received:

Resignation Letter – PTLM Oscar Rubi, Jr.

Mayor Tait requested a motion to accept PTLM Oscar Rubi, Jr's letter of resignation. Mrs. Russell made a motion to accept Mr. Rubi's letter of resignation. Dr. Cloud second the motion.

All members present voted in favor of the motion. Motion Carried

REDEVELOPMENT

Rt. 73 South Redevelopment Area- Update

Mr. Gural indicated the redeveloper, due to administrative changes to the site plan, has to make some minor amendments or adjustments to the subdivision plan that was previously approved. Mr. Gural indicated these changes can not be done administratively and they must go thru the Land Use Board. Mr. Gural noted that before they can go to the Land Use Board, they must first have approval of the governing body. There was some additional discussion and Mayor Tait requested a motion to allow the redeveloper to make application to the Land Use Board for some boundary adjustments/amendments due to site conditions and various setbacks required. Mr. Russell made a motion to allow the redeveloper to make application to the Land Use Board. President Howard second the motion.

All members present voted in favor of the motion. Motion Carried

Mr. Gural noted memos contained in the agenda packet regarding the status of the case management conference and issues with the affordable housing litigation. Mr. Rosenberg indicated we are making progress with the affordable housing agreement with Fair Share Housing.

Outlaw Training & Fitness, 620-622 Highland Ave Redevelopment Project – Update

Mr. Brewer indicated litigation had begun against Out Law Fitness because they were not compliant with the redevelopment agreement. Mr. Brewer stated that filing the litigation has made them get back on track. Mr. Brewer indicated they have currently made payments and committed to bring all accounts current by the middle of October 2021.

Sea Box/ELM Office LLC, 321 E. Broad Street - Former Knights of Columbus Property- Update

Mr. Gural indicated he had nothing new to report.

PROFESSIONAL UPDATES

William Kirchner, ERI

Mr. Kirchner indicated that the Temple Blvd project is down to the punch list items and signs, including the pedestrian crosswalk sign at Delaware and Temple. Mr. Kirchner noted additional information will be provided in executive session.

Mr. Kirchner stated the 5& Race Street project is also mostly complete except for some punch list items. Mr. Kirchner indicated the project was over due and additional information would be provided in executive session.

Mr. Kirchner indicated the 2021 Road Program is moving along well, New Jersey Avenue is complete, Charles Street and Park Avenue in preparation for the Water Company to come in and pave. Mr. Kirchner indicated he spoke with the NJ American Water and they will be getting him a schedule for their work to be completed in the Borough, noting that it may be in the spring. Mr. Kirchner indicate New Jersey Avenue should be paved within the next month or so. Mr. Kirchner stated the inventory of the existing signage in the downtown area has been completed, and they will be scheduling a meeting to bring all signage into conformance with the new ordinance. Mr. Kirchner indicated the pre-construction meeting was held last week for the Veterans Park improvements noting that the contractor will be starting within the next two weeks, and should be complete within 30 days. Mayor Tait asked when the Spring Garden Street Project would begin. Mr. Kirchner indicated it should be bid during this winter and work beginning in the spring.

REPORTS

PHS Student Representatives

Mr. Allmond noted no one was present from the school Board and the student representatives had some school commitments and would not be present tonight.

Mrs. Jenkins joined the meeting at 6:59 pm.

PRESENTATION

David Steinberg, NRG

Mr. Steinberg stated the proposed plant the natural gas is being shipped to is in Gibbstown, NJ. It is being shipped from northeast Pennsylvania town named, Wyalusing, PA. Mr. Steinberg indicated it is proposed to be shipped by truck and rail. Mr. Steinberg indicated he would focus on the trains as they go thru many small towns along the route from Wyalusing to Gibbstown. Mr. Steinberg indicated the Federal Energy Regulatory Commission has permitted two 100 rail cars per train to travel twice a day not indicating when those times will be during the day or at night; 365 days per year. Mr. Steinberg discussed the possibility of an accident occurring and the potential massive casualties which could occur if there was a derailment or accident. Mr. Steinberg stated there has never be a transport of methane gas by rail anywhere in the county; noting the rushing of approval of the rail cars which would be carrying the methane gas. Mr. Steinberg noted the concern regarding using an aging rail system and the potential for derailments. Mr. Steinberg noted no environment studies have been

completed regarding transporting methane gas and there has been no outreach to the communities which the trains will be traveling thru. Mr. Steinberg indicated over 100 environmental groups have signed on to the lawsuit in Federal District Court as well as 16 state Attorney Generals. Mr. Steinberg indicated he is working with Delaware River Keepers and is not getting paid to do this public outreach. Mr. Steinberg requested the Borough prepare a Resolution opposing the allowance of natural gas to be shipped by railcars. Mr. Rosenberg asked where additional information could be found in support of the shipping of natural gas/ and the project. Mr. Steinberg, indicate he did not have any but would believe it could be found on the internet. Dr. Cloud asked about the proposed time lime for the use of rail transport and the probability of having an accident. Mr. Steinberg indicated he believed there was a date in November by which the company can apply to request to have the permit extended. Mr. Steinberg indicated he wished to take the resolution to the committee in hopes that they would not extend the permit. There was some additional discussion regarding accidents, railcars and tracks. Mr. Quinn, Borough Councilman of Riverton noted the Borough of Riverton passed a resolution in support to the letter of opposition to the proposed Gibbstown Logistics project. Mr. Quinn explained how it was brought to Riverton Borough's attention thru the Green Team initiative. President Howard thanked Mr. Steinberg for bringing this matter to Council's attention noting that the public safety committee would be looking into it. Mayor Tait indicated the Public Safety committee would review and a resolution would be placed on the agenda for council consideration at the next meeting.

PUBLIC COMMENT

We request those participants wishing to have or make a Public comment, email their questions or comments in advance to Municipal Clerk Rita Jackson at djackson@boroughofpalmyra.com. The opportunity to submit comments prior to meeting expired at 12:00 PM on Monday, October 4th, 2021. All comments will become part of the record and included with the Meeting Minutes.

For those choose to "attended" the Virtual Meeting, Mayor Tait opened the meeting to the public for comments. All comments will become part of the record and included with the Meeting Minutes.

Mayor Tait asked for a motion to open to the Public for comments.

President Howard made a motion to open the public portion for comments. Mrs. Russell second the motion.

All members present voted in favor of the motion. Motion Carried

Mayor Tait asked if any comments were received before the meeting. Municipal Clerk, Ms. Jackson indicated no comments were received.

Mayor Tait asked if there were any comments from those present.

Mr., Rader – Harbour Drive – Mr. Rader stated on the Borough’s website with the minutes and agenda section there is a statement which reads: “all agendas are posted in their draft format and are for informational references only a copy of the official agenda can be obtained by contacting the municipal clerk”. Mr. Rader asked if this statement would change the current program that copies of agendas are posted on the Borough website for review on Friday before the meeting being held on Monday. Ms. Jackson indicated the agenda will remain being posted on Fridays before a meeting on Monday as it has been. She however noted that sometimes changes occur over the weekend and or on Monday morning which must be addressed at that council meeting Monday night, so the agenda could change by something being added or deleted prior to the meeting and time simply will not allow for the agenda to be updated on the website prior to meeting time. Ms. Jackson stated when in the building the most updated agenda is posted at the door upon entry.

Ms. Still – Veterans Drive – Ms. Still stated she bought her home on Veterans Drive from her parents in 1991 and has resided in Palmyra for a while. Ms. Still noted that the Mayor, Council, Administrator and Borough Solicitor are aware of the situation on Veterans Drive in regards to the flooding on July 12th, 2021. Ms. Still stated she has been stopped, interrupted, warned but it is not about the Borough of Palmyra policies but the US Supreme Court in 1964 New York, Times vs Sullivan is a constitutional case law in the country noting that the essence of the ruling is that citizens have a first amendment right to criticize government officials and this is founded on the profound national commitment to the principal that debate on public issues should be uninhibited robust and wide open and that it may be caustic and sometimes unpleasantly sharp attacks on government and public officials. Mr. Still indicated she wanted to address a question Mrs. Russell as to why she would call the Borough in regards to the overwhelming flooding that occurred on her property and in her home on July 12th, 2021 instead of contacting her insurance company. Ms. Still indicated she did contact her insurance company that night after she spoke with the Mayor. Ms. Still indicated as a resident and citizen her first assurance should be that the place, she pays taxes should be of assistance with these types of emergencies and disasters. Ms. Still indicated she wanted to know what caused the flooding just on Veterans Drive. Ms. Still indicated not one person from council or the mayor have visited the residents on Veterans Drive to see how they are doing. Ms. Still stated Mrs. Russell indicated she cleans out the street drains in front of her house. Ms. Still asked if she implied that she should be out cleaning the drains, public works is supposed to clean. Ms. Still asked why does she have to do the work of public works if that’s what she is paying taxes for. Ms. Still indicated she does not have time, but will do it now because she and her neighbors are suffering from PTSD; feeling when it starts raining or rain is coming that their homes are going to flood again. Ms. Still asked Mrs. Russell to clarify why residents should be cleaning out public storm drains and why the residents of Palmyra should not contact the governing body when they have this type of disaster.

No one else from the public wishing to be heard, Mayor Tait asked for a motion to close the Public Portion. President Howard made a motion to close the public portion, Mr. Allmond second the motion.

All members present voted in favor of the motion. Motion Carried

RESOLUTIONS

Mayor Tait stated, Resolutions 2021-196 and Resolution 2021-197 will be enacted as a single motion, if either resolution needs additional discussion, it will be removed from the consent agenda and voted on separately. Mayor Tait noting neither needed additional discussion read the following resolutions into the record:

Resolution 2021-196 Resolution of the Borough of Palmyra Adopting a COVID-19 Vaccination/Testing Policy for Employees

Resolution 2021-197, Resolution Awarding a Contract to Municipal Emergency Services Per Quote QT1509803 Per New Jersey State Contract #17-Fleet-00819 in the amount of \$29,581.22 Subject to Certification of CFO

Mayor Tait requested a motion to approve the consent agenda, Resolution 2021-196 and Resolution 2021-197.

President Howard made a motion to approve Resolution 2021-196 and Resolution 2021-197. Mr. Allmond second the motion.

At the call of the roll, the vote was:

INFAVOR: Mr. Allmond, Dr. Cloud, Mrs. Jenkins, Mrs. McCann, Mrs. Russell, President Howard

AGAINST: None

Motion carried. Resolutions 2021-196 and Resolution 2021-197 were approved.

PUBLIC EVENTS

Mayor Tait indicted the Palmyra Market is looking at trying to host a market in mid-October, they are hopeful to find enough vendors willing to participate.

Mayor Tait indicated the Halloween Parade will not be held down Broad Street. Mayor Tait indicated they committee is trying to do something like what was done last year around and thru town. It will be held on October 30th, 2021.

DISCUSSION ITEMS

Mayor Tait stated Borough Hall is again closed to the public as the community numbers regarding Covid are high. Mr. Gural indicated we continue to post on the website the numbers being provided by the County regarding new infections. Mr. Gural thanked the governing body for adopting a policy regarding vaccinations noting the ability of employees to test weekly if they choose not to vaccinate. Mayor Tait noted the staff is still working and you can call into the office during business hours, and someone is there to address any concerns. Mr. Gural stated everyone is still working in Borough Hall as required, just currently the public is not allowed in the building. Mr. Gural stated we are currently working the “summer hours” as done each year or “flex hours” noting everyone is still working their required numbers of hours and are available during our core hours Monday thru Thursday from 8:30 am to 4:30 pm and 9:00 am to 12:00 on Friday. Mr. Gural stated we are currently proposing extending those hours throughout the remainder of the year or open to the public. Mayor Tait and council agreed it was ok to proceed. Mayor Tait noted the Community Center remains closed.

Mayor Tait indicated she spoke with the PIA regarding their request to use the parking lot and community center restrooms for the Truck or Treat. Mayor Tait indicated they will provide staffing to opened the door for restroom use only and will be cleaning the restrooms after the event. The governing body also approved the request to use the parking lot and tables and chairs for the outdoor Truck or Treat event.

Mayor Tait noted the appearance of Naomi Cabon the PHS Student Representative and asked her if there was anything she wanted to shared with the governing body. Ms. Cabon indicated she was glade to be back in school and especially back in the building. Ms. Cabon noted she is looking forward to a great new school year.

Mr. Gural indicated most issued have been resolved and noted that he would address it upon completely staffing the construction office.

Mr. Gural indicated he and some consultants had a great meeting with Kwan, for the Land Use Board who also works for DEP. Mr. Gural indicated she is working with a group to bring together the right people to move a project forward to construct a pedestrian bridge over the Pennsauken Creek to connect the light rail station to the redevelopment area. Mr. Gural noted that could become a seven-figure project noting the DVRPC is very excited about it.

Mr. Gural indicated that Gary Smally from Republic Trash Collections Services spoke at a recent conference regarding the escalating costs of trash collection. Mr. Smally stated the municipalities can expect a 25% to 30% increase in their trash collection public bids. Mr. Gural indicated our current contract expires in March of 2023. Mr. Gural stated that recently in a neighboring township that they recently opened bids, noting they only received one bidder, and the increase amounted to 82% higher than what they are currently paying. Mr. Gural noted that it may be time to consider collecting our own trash., noting we have a year and a half to consider it. Mr. Gural stated the cost of a trash truck with the type of equipment we need is almost \$300,000.00 today. Mr. Gural noted that if it is going to be considered now is the time. There was discussion regarding tipping fees, bulk trash pick-up, the

number of trucks needed to handle the collection, the days for collection and staffing to handle the collection. Mr. Rosenberg asked if we should reach out to Trash Pro for help with the trash contracts. Mr. Gural indicated yes. There was some additional discussion and Mr. Gural indicated he was looking for permission to begin to explore this possibility. Council agreed we should begin to explore the possibilities.

Mr. Gural indicted the homeowner applied to the Land Use Board requesting an additional assessor structure, which happens to be a cargo container he had already installed on his property. Mr. Gural stated although the application was denied, and the applicant notified it needed to be removed it is still in place. Mr. Gural noted the appropriate actions have been taken but the governing body may wish to amend the current - Zoning/Land Development Ordinance regarding types of accessory structures. Discussion was had regarding the situation, and it was noted that until his court appearance is held the container will continue to be at the residence as he is unwilling to remove it.

Mr. Gural spoke about the condition of the property at 313 Delaware Ave. Mr. Gural explained what happened noting arrangements were made to clean up the property however later learned we could only remove the property of the deceased owner that was placed at the curb line. Mr. Gural, Chief Campbell, and Mrs. Kilmer are continuing to work on the situation.

Mr. Gural the Annual "Put Safety on the Agenda" JIF Presentation usually presented by Joe Henry from Hardenbergh Insurance, is in your packets, please familiarize yourselves with it.

Mr. Gural indicated the sewer connection fee ordinance needs to be updated, noting that it should be calculated each year. Mr. Gural indicated we should have the updated ordinance from Mr. Nehilla soon so that it can be introduced at the next meeting.

Mr. Gural explained that first responders operate under a mutual aid agreement. Mr. Gural noted that currently when the Cinnaminson Fire District responds to calls in Palmyra having to use certain equipment, is requesting the insurance information of the involved individuals from the police officers on scene. Mr. Rosenberg indicated there is nothing in the agreement which compels the officer to release that information. Mr. Rosenberg indicated they are not allowed to charge the Borough, but the agreement is silent as to whether they can charge residents or others third parties insurance carriers. Mr. Gural indicated we cannot stop Cinnaminson from billing third parties/ insurance companies. Mr. Gural stated Chief Dreby asked if we wanted to consider requesting the same information from Cinnaminson residents and billing their insurance companies also. There was discussion regarding the matter and Mayor Tait indicated the matter should be referred to the Public Safety committee for advisement. Mayor Tait noted that all vehicle purchase requests from the Capital budget are not being funded this year and no vehicles will be purchased.

ADMINISTRATORS REPORT

Mr. Gural stated we have a lot of open positions available, noting that we have received many resumes from qualified residents. Mr. Gural indicated some interviews have been held and others are scheduled for the upcoming week. Mr. Gural stated conversation was had regarding the hiring of one or

potentially two for certain positions. Mr. Gural indicated he would like to hire two instead of one for public works positions. Council agreed. Mayor Tait asked if we received any applications for the part-time seasonal cleaner. Ms. Jackson stated no applications have been received to date.

ONGOING REMINDER PROJECTS

Mr. Gural indicated the following items are things which the governing body is currently working on, and additional information will be coming at a later date.

- Legion Field & Community Center usage Ordinances
- Purchase Orders - Council signature requirement
- Sidewalk/snow & ice removal Ordinance
- Sewer lateral responsibility Ordinance and Sewer bills - update
- Handicap Parking Sign Ordinance
- Parking Ordinance - additional amended code subsections required
- Veterans Affairs Committee Ordinance
- Accessory Structures/cargo containers - Zoning/Land Development Ordinance amendments

MAYOR AND COUNCIL COMMITTEE REPORTS AND COMMENTS

Mrs. Russell- Mrs. Russell indicated the committee met last week and are focused on getting someone in code enforcement to follow up on complaints. Mrs. Russell stated they talked about the snow removal at the corners after snow events and the enforcement of clearing sidewalks. There was some discussion regarding corner residents clearing corners of their properties. Mrs. Russell indicated she attended the Harbour Condominium meeting last month.

Dr. Cloud – No Comment

Mrs. Jenkins – No Comment

Mr. Allmond – No Comment

Mrs. McCann- Mrs. McCann indicated she attended the Beer Feast at the Fire House, and it was very nice. Mrs. McCann noted the presence of the new S1 Officers and their mingling with the residents. Mrs. McCann noted the pump station on Berkley Avenue has been cleaned up and looks so much better. Mrs. McCann noted that while attending the fest at the fire house she noted all the movement in the downtown area and noted how nice it was to see so much activity.

President Howard – President Howard indicated he attended the Harbour Condominium meeting this month and noted their discussion regarding tort claim insurance for trip and falls on sidewalks in their areas. President Howard noted a memorial service held at the PHS Stadium for longtime resident, Gregory Grimes.

Mayor Tait – Mayor Tait indicated she attended the supper club event at the Harbour Club House which was very nice, and the food was good. Mayor Tait indicated the next one may be a Christmas

brunch. Mayor Tait indicated she spoke with the neighboring towns regarding the various stop signs. Mayor Tait noted the signs did go thru the NJDOT process which began in 2017, noting the process is lengthy. Mayor Tait thanked Mr. Steinberg for his presentation and bringing the information to Council. Mayor Tait again noted the Halloween Parade will be similar to last year, riding thru town not gathering along Broad Street. Mayor Tait indicated Santa will be coming to town on December 3rd, 2021. Mayor Tait asked council to look over the information forwarded to the governing body regarding outdoor consumption of alcohol. Mayor Tait stated she was contacted by Habitat for Humanity noting the Palmyra had been awarded for their partnership with Palmyra Borough regarding affordable housing and neighborhood revitalization. Mayor Tait stated they were requesting someone from council sit on a panel explaining how we were able to partner and get four units in Palmyra. Mayor Tait stated she too attended the Beer Fest at the Fire House, and it was a very nice event.

Mayor Tait asked Mr. Gural and Mr. Rosenberg if there were items for closed session. Mr. Gural and Mr. Rosenberg indicated yes regarding potential litigation and contract negotiation.

Resolution 2021-198 Resolution Excluding the Public from Certain Meetings Pursuant To Section 8 of the Open Public Meeting Act C. 231 P. L. 1975 for matters relating to: potential litigation, contract negotiation.

Mayor Tait requested a motion to approve Resolution 2021-198. Mrs. Russell made a motion to approve Resolution 2021-198. President Howard second the motion.

At the call of the roll, the vote was:

INFAVOR: Mr. Allmond, Dr. Cloud, Mrs. Jenkins, Mrs. McCann, Mrs. Russell, President Howard

AGAINST: None

Into closed at 8:34 pm

Out of closed at 9:06 pm

Mayor Tait requested a motion to open to public. President Howard made a motion to open to the public. Mrs. Russell second the motion.

All members present voted in favor of the motion. Motion Carried

Mayor Tait requested a motion to approve Resolution 2021-199, A Resolution Authorizing the Solicitor and Administrator to Negotiate with Think Pavers, Inc. Regarding Liquidated Damages and Other Contractual Claims and in the Event of an Impasse to Pursue other Legal Remedies.

President Howard made a motion to approve Resolution 2021-199 as stated by Mr. Rosenberg. Dr. Cloud second the motion.

At the call of the roll, the vote was:

INFAVOR: Mr. Allmond, Dr. Cloud, Mrs. Jenkins, Mrs. McCann, Mrs. Russell, President Howard

AGAINST: None

Motion carried. Resolution 2021-199 was approved

ADJOURNMENT

Mayor Tait asked for a motion to adjourn.

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

All voted in favor of the motion. Motion Carried

Meeting adjourned at 8:09 PM

Doretha R. Jackson, RMC

Municipal Clerk

Borough of Palmyra

Approved: October 18th, 2021