

Borough of Palmyra
Regular Council Meeting, 6:30 PM
Monday, September 19th, 2022

CALL TO ORDER

The Regular Council Meeting of the Borough Council of the Borough of Palmyra was called to order by Mayor Tait at 6:37 PM.

ROLL CALL

At the call of the roll:

PRESENT: Brandon Allmond, Natasha Latimore, Michelle McCann, Bernadette Russell, President Timothy Howard, Mayor Gina Ragomo Tait

ABSENT: Dr. Laura Cloud

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

Mayor Tait Read the following open public meetings statement into the record:

In accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq. Public Notice of this meeting 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 5th, 2022.
- Mailing written notice to the Burlington County Times, and the Courier Post Newspaper on January 10th, 2022.
- Notice to All Council Members.

Mayor Tait requested a motion for approval of August 15th, 2022 – Regular Council Meeting Minutes. Mrs. Russell made a motion to approve the minutes from the August 15th, 2022 – Regular Council Meeting Minutes. Mr. Allmond second the motion.

At the call of the roll the vote was:

INFAVOR: Mr. Allmond, Ms. Latimore, Mrs. McCann, Mrs. Russell

AGAINST: None

ABSTAIN: President Howard

Motion Carried

Mayor Tait requested a motion for approval August 15th, 2022 – Executive Session Meeting Minutes

Mrs. Russell made a motion to approve the minutes from the July 18th, 2022 – Executive Session Meeting Minutes. Mr. Allmond second the motion.

At the call of the roll the vote was:

INFAVOR: Mr. Allmond, Ms. Latimore, Mrs. McCann, Mrs. Russell

AGAINST: None

ABSTAIN: President Howard

Motion Carried

CORRESPONDENCE

Municipal Clerk, Doretha Jackson acknowledged the following correspondence:

Letter- Executive Board, Palmyra PTA

Letter- Ptlm. Omar A Kendall, Palmyra Police Department

Mayor Tait requested a motion to accept the retirement letter of Ptlm. Kendall. President Howard made a motion to accept Officer Kendall's letter of retirement. Mrs. McCann second the motion.

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

PROCLAMATION

Mayor Tait read the following Proclamation into the record:

PROCLAMATION

WHEREAS: The Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by law; and

WHEREAS: September 17th, 2022, marks the two hundred thirty-fifth anniversary of the framing of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS: It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate it; and

WHEREAS: Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17th through the 23rd as Constitution Week,

NOW, THEREFORE I, Gina Ragomo Tait by virtue of the authority vested in me as Mayor of the Borough of Palmyra, in the State of New Jersey do hereby proclaim the week of September 17th through 23rd, 2022 as

CONSTITUTION WEEK

and ask our citizens to reaffirm the ideas the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties.

IN WITNESS WHEREOF, I have here unto set my hand and caused the Seal of the Borough of Palmyra to be affixed this 19th day of September the year of our Lord two thousand twenty-two.

REDEVELOPMENT

Rt. 73 South Redevelopment Area- Project Update

Mr. Gural indicated permits will be issued for the second warehouse, on Fillit site, will be issued in the next two weeks construction to begin around November 15th, 2022, expecting that the warehouse will be complete by fourth quarter 2023. Warehouse one is expected to apply for a TCO on or about November 15th, 2022, the final CO will be issued upon completion of any tenant fit out requirements. Mr. Gural indicated the long-term maintenance of the sanitary sewer force main is the responsibility of the redeveloper. Mr. Brewer explained how during negotiations this was required by the Borough. Mr. Brewer indicated the discussions are ongoing regarding the RAB financing, verse a special assessment. Mr. Brewer explained. Mr. Brewer indicated that the Borough will need to retain special bond counsel- RAB financing specialist to make sure Palmyra's best interest are represented. Mr. Brewer recommended Mr. Robert Beinfield, Esq. of Hawkins, LLP, and noted that a resolution was on the agenda tonight to award the specialized contract to him. There was some discussion. Mr. Gural indicated the RAB ordinance will be on the next agenda, October 3rd, for council consideration. Mr. Rosenberg stated that Fair Share Housing has approved our proposal to settle the litigation, and is now focusing in on evaluating our time line to implement the proposal. Mr. Rosenberg indicated he is optimistic the Fair Share Housing will accept of proposal. Mr. Winckowski noted the progress made on warehouse #1. Mr. Winckowski stated they are currently painting the building and will begin working on the site plot, sidewalks, curbing etc. shortly.

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

Mr. Brewer indicated the litigation was reached during the summer. Mr. Brewer stated he mailed a draft agreement to Active Realty Profit Sharing Plan to review and hopefully sign and return. Mr. Rosenberg asked if the financing was in place from Outlaw fitness. Mr. Brewer indicated that the attorney stated they would be ready with funding within two weeks, once they have signed settlement agreement.

Elm Office LLC, 321 E. Broad Street – Project Update

Mr. Brewer indicated he forwarded the draft redevelopment agreement to Elm Office, LLC, has some discussion with them and is hopeful to have a redevelopment agreement for next meeting. Mr. Brewer indicated he is also working on a pilot agreement for the 321 E. Broad Street.

PROFESSIONAL UPDATES

William Kirchner, ERI- Mr. Kirchner indicated 90% of the Spring Garden Street project curb replacement is complete. Mr. Kirchner indicated the block between Walnut and Cinnaminson Avenue and the block between Cinnaminson Avenue and Parry were added to the project. Mr. Kirchner explained how the additional two blocks would be financed and who would be doing what portion of

the project. Mr. Kirchner noted that Resolution 2022-165 on the agenda is partial funding for the additional two blocks. Mr. Kirchner indicated Parry to Garfield will be in the 2023 Road program but they will repair those pot holes soon. Mr. Kirchner indicated that they will update the moratorium road listing this winter. Mr. Kirchner indicated resolution 2022-167 is a to allow the mayor and or the administrator to sign the Treatment works approval application for Berkley Avenue Pump Station. Mr. Kirchner explained how the sewer gets from the redevelopment area to the plant thru the Berkley Avenue pump station. Mr. Kirchner noted the various types of improvement to be made to the Berkley Avenue Pump Station. Mr. Kirchner explained that resolution 2022-168 was to award a contract to ERI for the Phase one sewer tv and camera work. Mr. Kirchner explained. Mr. Kirchner explained the recommendation of contract award letter regarding the reconstruction of Borough Hall copula. Mr. Kirchner noted of the two quotes received their recommendation was to award the contract to MNX Brothers, Construction, LLC in the amount of \$19,500.00. There was some additional discussion regarding the construction of the copula and its cost. Mr. Kirchner again addressed the 4 ways stop at Temple Blvd and Morgan Avenue. Mr. Kirchner stated there is no visual block to seeing oncoming traffic, other the cars parked illegally in the corner. Mr. Kirchner also noted that there had not been 5 accidents or more within the 3-year period thus indicting the intersection would not be eligible for a 4-way stop in accordance with DOT guidelines.

PHS student Representative

Ms. Gillispie indicated the boys' soccer team is 3-1 and the girls' soccer team is 5-0. Ms. Gillispie indicated the cross-country team competed two weeks ago and a female student finished fourth overall. The football team is currently 2-0. Tennis has a match this coming Thursday. Ms. Gillespie indicated the marching band completed last Saturday and scored a 78.3. Ms. Gillispie indicated this year's show is Little House of Horrors and they are currently working on building the plant. Ms. Gillespie noted that testing is occurring this week and many Clubs are starting up including student council. Homecoming will be October 14th, 2022, noting that the theme this year is "Seasons". Ms. Gillespie stated that the football games are all having a theme to them which is stirring more students to attend. Ms. Gillispie noted the theme for this Friday's game is a "white out" encouraging all students to wear all white.

PUBLIC COMMENT

We requested those wishing to have or make a Public comment, email their questions or comments in advance of the meeting to Municipal Clerk Rita Jackson at djackson@boroughhofpalmyra.com. The opportunity to submit comments prior to meeting expired at 2:00 PM on September 19th, 2022. All comments are part of the record and included with these 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.

Mrs. Holloway – Broad Street – Mrs. Holloway stated that the lights are out on all three decorative lampposts from Legion Avenue to Orchard Avenue. Ms. Holloway indicated she had spoken with PSE&G, and they were out to look at the lights noting that was a wiring problem and they could be out for another 1-3 months. Ms. Holloway asked if council could make some calls to speed up the process. Ms. Holloway also noted that the grass up and around the train tracks from Legion Avenue to Rt. 73 needs to be cut and the trash needs to be clean-up. Ms. Holloway noted that all kinds of animals are coming and living in the weeds because it is so dense. Ms. Holloway asked if it could be clean-up. Mr. Gural indicated he would contact public works. Ms. Holloway indicated she was happy to see the redevelopment on the other side of Rt. 73. Ms. Holloway indicated that the entrance into Palmyra on Broad Street should be beautiful, noting that a sign should be installed indicating that you are entering the Borough of Palmyra. Mr. Gural indicated it is being worked on. Mayor Tait noted that the Flu Clinic will be coming to the Community Center October 27th, 2022, noting that the county will also be making available the new covid vaccine that day.

Mayor Tait noted the attendance of Jessica who began the community garden at the Nature Cove. Mayor Tait and Jessica noted the over picking of the garden and the loss of various gardening tools. Jessica noted that discussion has been held regarding locking up the garden and only making it available at certain times. Mayor Tait noted the availability of the onetime community garden behind the Community Center if they choose to use it.

Mayor Tait asked for a motion to close 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

ORDINANCE ON FIRST READING Public Hearing October 17th, 2022

Ordinance 2022-07, An Ordinance of the Borough of Palmyra Amending the PPPM regarding Sick Leave Retirement Payout

Mayor Tait requested a motion to approve Ordinance 2022-07.

Mrs. Russell made a motion to approve Ordinance 2022-07 President Howard second the motion.

At the call of the roll, the vote was:

INFAVOR: Mr. Allmond, Ms. Latimore, Mrs. McCann, Mrs. Russell, President Howard

AGAINST: None

Absent: Dr. Cloud

Motion carried. Ordinance 2022-07 was approved. Public Hearing to be held October 17, 2022

Ordinance 2022-08, An Ordinance Appropriating the sum of \$15,000.00 available from Capital Surplus for the Purchase of a rear load Trash Truck

Mr. Gural indicated this is the trash truck we are currently bidding on GOV deals.com. Mr. Russell stated she did not feel like we should be going into the trash removal business. There was discussion regarding the truck purchase, the removal of trash, CDL drivers, staffing, the current contract, and the cost of the upcoming contract bid. Mr. Gural noted paying our CDL licensed drivers' additional money because they hold that license and we want to retain them. Mr. Gural described the truck we are currently bidding on. Mr. Gural noted the ability to use the trash truck to pick up bulk trash if the bid was won. Ms. Russell expressed concern about injuries and the Borough going into the trash collection business.

Mayor Tait requested a motion to approve Ordinance 2022-08.

President Howard made a motion to approve Ordinance 2022-08 Mr. Allmond second the motion.

At the call of the roll, the vote was:

INFAVOR: Mr. Allmond, Ms. Latimore, Mrs. McCann, Mrs. Russell, President Howard

AGAINST: None

Absent: Dr. Cloud

Motion carried. Ordinance 2022-08 was approved. Public Hearing to be held October 17, 2022

Mr. Rosenberg asked if the governing body could go out of agenda order and take Mr. Grady, Esq. who is here to address the governing body regarding the Campbell vs Borough of Palmyra litigation. Mr. Rosenberg asked if we could go into executive session now and then come back and finish the additional items on the agenda. Mayor Tait indicated we should finish the ordinances then go into executive session and return to finish the additional agenda items.

Ordinance 2022-09, Bond Ordinance Providing for the Acquisition of Certain Capital Equipment by and in the Borough of Palmyra, in the County of Burlington, State of New Jersey; Appropriating \$600,000.00 Therefor and Authorizing the Issuance of \$570,000.00 Bonds or Notes of the Borough to Finances part of the Cost Thereof

Mayor Tait requested a motion to approve Ordinance 2022-09.

President Howard made a motion to approve Ordinance 2022-09. Mr. Allmond second the motion.

At the call of the roll, the vote was:

INFAVOR: Mr. Allmond, Ms. Latimore, Mrs. McCann, President Howard

AGAINST: Mrs. Russell

Absent: Dr. Cloud

Motion carried. Ordinance 2022-09 was approved. Public Hearing to be held October 3rd, 2022

Mr. Rosenberg indicated the governing body would be going into executive session to tend to matter regarding the Campbell vs Borough of Palmyra, John Gural, Timothy Howard litigation. Mr. Rosenberg noted that time upon which the executive session may be disclosed is not yet known.

Mayor Tait requested a motion to approve Resolution 2022-178, **Resolution 2022-178, 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:

Campbell VS Borough of Palmyra, Gural, Howard

Mr. Allmond made a motion to approve Resolution 2022-178. President Howard second the motion.

At the call of the roll, the vote was:

INFAVOR: Mr. Allmond, Ms. Latimore, Mrs. McCann, Mrs. Russell, President Howard

AGAINST: None

Resolution 2022-178 was approved

Into closed at 8:09 pm

Out of closed at 9:04 pm

Mayor Tait requested a motion to open to public. Mr. Allmond made a motion to open to the public. Mrs. Russell second the motion.

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

RESOLUTIONS

Resolution **2022-164** thru Resolution **2022-177** and Resolution **2022-179** 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. Mayor Tait asked if anything need to be removed. Seeing none mayor Tait proceeded with a motion for approval.

Resolution 2022-164, Resolution Authorizing the award of a contract to South Jersey Turf Consultants, LLC per their various proposals dated January 2022 for Artificial and Natural Turf maintenance in the amount of \$25,433.67 subject to Play-to-Play, other State bidding requirements and per the CFO certification

Resolution 2022-165, Resolution Awarding Change Order #4 to Pioneer General Contracting Co, Inc. for the 2021 Road Improvement Project with an increase amount of \$40,300.00 from the Previous

Adjusted Contract Price of \$419, 783.26 making the new adjusted contract price \$\$460,083.26 per Environment Resolutions Inc. Request dated September 1, 2022

Resolution 2022-166, Resolution Approving Matthew B. Fries as a Member of the Junior Firefighters' Auxiliary of the Palmyra Fire Company.

Resolution 2022-167, Authorizing Execution and Submission of a Treatment Works Approval Application and Related Documents for the Berkley Avenue Pump Station.

Resolution 2022-168, Resolution Awarding a contract to Environmental Resolutions, Inc. ERI for engineering services for the Infiltration and Inflow Study- Phase I Project per their proposal dated September 1, 2022, in the amount of \$24,000.00

Resolution 2022-169, Resolution Authorizing the refunds of various Tax Overpayments

Resolution 2022-170, Resolution Borough of Palmyra Lien Placement due to Property Maintenance violations

Resolution 2022-171, Resolution Appointing Delia Spiker as a Crossing Guard for the Borough of Palmyra Effective September 19th, 2022, for 2022, per the terms of their offer of employment.

Resolution 2022-172, Resolution Appointing Joshua Ross as a Crossing Guard for the Borough of Palmyra Effective Upon Acceptance and completion of their Terms of Offer of Employment.

Resolution 2022-173, Resolution Appointing Daniel Mahoney as a Crossing Guard for the Borough of Palmyra for 2022, effective upon per the terms of his offer of employment

Resolution 2022-174, Resolution Appointing Duane J Wallace as Electrical Subcode Official and Electrical Inspector and authorizing an annual salary of \$17,500.00 for a three-year term effective September 19th, 2022

Resolution 2022-175, Resolution Authorizing Payment of September bills in the amount of \$2,268,776.38

Resolution 2022-176, Resolution Authorizing the Appointment of Robert Benfield, Esq. of Hawkins, Delalied, Woods, LLP as Special Counsel/Bond Attorney

Resolution 2022-177, Resolution Authorizing reimbursement for Estate Overpayment of Recapture Fee to PLRCAE07-261, Block 153.14, Lot 1152 in the Amount of \$6,900.00

Mayor Tait requested a motion to approve Resolutions 2022-164 thru Resolutions 2022-177 and

Resolution 2022-179, Resolution Awarding a Contract to MNX Brothers Construction, LLC for the repair of bell tower for \$19,500.00 to be paid using Capital funds.

Mrs. Russell made a motion to approve Resolutions 2022-164 thru Resolution 2022-177 and Resolution 2022-179. President Howard second the motion.

At the call of the roll, the vote was:

INFAVOR: Mr. Allmond, Ms. Latimore, Mrs. McCann, Mrs. Russell, President Howard

AGAINST: None

Motion carried. Resolution 2022-164 thru Resolution 2022-177 and Resolution 2022-179 were approved.

MOTION TO APPROVE TREASURERS' REPORTS

Mayor Tait requested a motion to approve the Treasurer's Report for August 2022. Mrs. Russell made a motion to approve the Treasurer's Report for August 2022. President Howard second the motion.

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

MOTION FOR APPROVAL

Mayor Tait requested a motion to approve the Bingo License request for Independence Fire Co. #1.

Mrs. Russell made a motion to Approval of Bingo License for Independence Fire Co #1 for Designer Bag Bingo to be held on October 29th, 2022. President Howard second the motion

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

DISCUSSION ITEMS

Many items were tabled to the next meeting.

Mr. Gural stated that the specs for the new contract were distributed to all, noting that not bulk trash was included. Mr. Gural asked Mr. Rosenberg to provide any comments to him in the next day or so.

Mr. Gural indicated that in spite our best efforts there were many complaints regarding the possibility of changing the sewer billing to usage rather than flat rate.

Mr. Gural indicated that he proposed to give the public works employees currently holding CDL licenses an additional \$2.25 per hour and additional .75 per hour for those holding the tanker endorsement which allows them to drive the sewer truck. Council agreed.

Mr. Gural indicated the current covid policy requires unvaccinated employees to provide weekly testing results. Mr. Gural noted that the public employee has provided all required tests, noting that the police department stopped getting test noting that the last tests results received from them is from May 19th, 2022. There was discussion regarding abolishing the policy and or changing the policy. Mayor Tait also informed council that PSE& G would be changing out the poles in Cinnaminson Avenue from almost Broad Street down to the river. Mayor Tait also reminded all that Friday night is the Harbour Condo Association 50th Anniversary Celebration from 7-10 pm at the Club house and they would like to see the governing body in attendance.

Mayor Tait also noted the 100th Anniversary Celebration of Schwering's on Sunday from 1-5 at the store. Mayor Tait noted that the banner we purchased for them is up.

Council also approved the donation request of the Halloween Parade Committee.

ONGOING REMINDER PROJECTS

Mr. Gural stated the following items are reminders for the various projects the governing body is addressing. Mr. Gural noted additional information will be forthcoming in the future.

Purchase Orders - Council signature requirement

Sidewalk/snow & ice removal Ordinance

Sewer Lateral responsibility Ordinance and Sewer bills
Handicap Parking Sign Ordinance
Parking Ordinance - additional amended code subsections required
Veterans Affairs Committee Ordinance
Accessory Structures/code revisions - Zoning/Land Development Ordinance amendments
Alcoholic Beverage Consumption in Public Spaces
PPPM Policy updates
Sewer Lateral Policy & water usage-based billing
Ordinance establishing rules and regulations for properties subject to foreclosure proceedings

MAYOR / COUNCIL COMMITTEE REPORTS AND COMMENTS

Mr. Allmond- no comment

Ms. Latimore – no comment

Mrs. McCann– no comment

Mrs. Russell – no comment

President Howard- no comment

Mayor Tait –no comment

Mayor Tait asked Mr. Gural and Mr. Rosenberg if there were items for closed session. Mr. Gural and Mr. Rosenberg indicated yes regarding litigation & negotiations.

Resolution 2022-178, 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:

Litigation

Mayor Tait requested a motion to approve Resolution 2022-178. Mrs. Russell made a motion to approve Resolution 2022-178. Mrs. McCann second the motion.

At the call of the roll, the vote was:

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

AGAINST: None

Resolution 2022-178 was approved

Into closed at 8:09 pm

Out of closed at 9:04 pm

Mayor Tait requested a motion to open to public. Mrs. Russell made a motion to open to the public. Ms. Latimore second the motion.

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

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 9:12 PM

Doretha R Jackson, RMC

Municipal Clerk

Approved: 10/03/22