

January 2011 - Minutes

Borough of Palmyra

Land Use Board

Meeting Minutes

~ January 18, 2011 ~

I. Call to order

Chairwoman Riener called to order the regular meeting of the Borough of Palmyra Land Use Board at 7:30PM on January 18, 2011 in Borough Hall. Chairwoman Riener read the open public meetings statement into record as follows:

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

- i. Posting written Notice on the Official Bulletin Board at the Palmyra Borough Hall on January 3, 2011.
- ii. Mailing written Notice to the Burlington County Times on December 29, 2010; for publication on January 3, 2011.
- iii. Notice to All Board Members.

II. Roll call

Tracy Kilmer, Zoning Officer conducted roll call. The following persons were present:

Mr. Steve Neely

Mr. Timothy Beck

Mr. Brian O'Kane

Absent

Mr. Michael Stokes

Councilman Robert Bostock

Mayor John Gural

Vice-Chairwoman Roberta Locke

Chairwoman Carol Riener

Alt. #1 Mrs. Bridget Elmes – EDC Chairwoman

Alt. #2 Mrs. Carol Dunn-Sanders

Absent

Solicitor	Andrew Brewer, Esq.
Consulting Engineer	Land Engineering Representation
Board Secretary	Absent

III. Approval of meeting minutes from December 14, 2010

A motion was not entertained to accept the minutes. Minutes have been added to the February 22, 2011 meeting.

IV. Re-Organization

Chairwoman Riener turned the meeting over to Mr. Brewer to swear in the new appointments for 2011.

- * Councilman Bostock was formally sworn in by Mr. Brewer. Councilman Norcross will no longer serve on the Land Use Board.
- * Alternate #2 Bridget Elmes was formally sworn in by Mr. Brewer
- * Alternate #1 Carol Dunn-Sanders was absent.
- * Ms. Rita Jackson will no longer serve on the Land Use Board. A vacancy for representation of a Borough Official is open.

Roll call of new members was conducted.

* Motion was made by Mayor Gural nominating Carol Riener for the position of Chairperson, seconded by Vice-Chairwoman Locke. The vote was affirmative and the motion carried. Chairwoman Riener was formally sworn into office.

* Motion was made by Chairwoman Riener nominating Roberta Locke for the position of Vice-Chairwoman, seconded by Mr. Beck. The vote was affirmative and the motion carried. Vice-Chairwoman Locke was formally sworn into office.

V. Resolutions

- * Resolution R-2011-01 Appointment of Land Use Board Solicitor

Motion was made by Vice-Chairwoman Locke nominating Andrew Brewer, Esq., of Maraziti, Falcon & Healey, L.L.P. for the position of Land Use Board Solicitor. The vote was unanimous and the motion carried.

* Resolution R-2011-02 Interim Appointment of Land Use Board Engineer

Motion was made by Chairwoman Riener to open the meeting up to the public for discussion on the nomination for Land Use Board Engineer, seconded by Mr. Beck. The vote was unanimous and the motion carried. Mr. Harry Fox, Principal of Land Engineering and Surveying addressed the Board. Mr. Fox introduced Mr. Bernie Wojtkowiak of his firm to the Board. Mr. Fox expressed the five year history his firm has had with the Land Use Board and spoke in regards to issues in which the Board has had with their firms previous appointed Engineer, Dave Denton. Mr. Fox spoke in regards to communication problems and personality issues that some of the Board members were not happy with. Mr. Fox extended an apology for these issues and explained that Mr. Wojtkowiak is working with his firm now and mentioned that he has a vast experience with Planning Boards in the private sector appearing in front of Boards, and Mr. Wojtkowiak would be their representative before the Board. Mr. Fox highly recommended Mr. Wojtkowiak after knowing him for more than 15 years. Chairwoman Riener asked if Mr. Wojtkowiak has a resume, he did not. Mr. Fox extended his assistance through the transition period. Mr. Wojtkowiak's background works for a firm that designs and builds both public and private infrastructure and buildings. He holds a Civil Engineering degree from Villanova and has eighteen years of experience as an Engineer with twelve as a licensed Engineer. Vice-Chairwoman Locke asked if he has served on any other Boards. Mr. Wojtkowiak responded that has not served on any other Boards but has presented in front of hundreds of Boards. Mayor Gural and Chairwoman Riener expressed their issues with Mr. Denton and explained that they did not have an issue with the firm, but only with the Engineer. Mr. Neely addressed the Board with a request to postpone the appointment of Land Use Board Engineer because we didn't have resume presented by Mr. Wojtkowiak. He further felt that we are being asked to vote on an appointment without a resume. Mr. Brewer recommended a interim appointment until the Board is able to review Mr. Wojtkowiak's resume.

Mr. William Kirshner of the firm Environmental Resolution addressed the Board. His office served as the Special Projects Engineer in the past. He is the Principal of his firm with the most experience and extends an invitation to all three Engineers at his firm for the Board to choose from. He has been the Planning Board Engineer for the City of Beverly since 2001 and also represented Cherry Hill and Medford to mention a few. Another Engineer proposed was Mr. Rakesh Darji, which holds a lot of design experience, but not while being a named Engineer in a Community he has served on the Board of six or seven South Jersey Communities. Last to mention, Mr. James Hirsh. As he also is not a named Engineer on a

Board in another Community, he has served on behalf of other Engineers in the firm and does a lot of work in the City of Burlington.

No questions were asked from the Board.

Mayor Gural recommended the Board postpone the decision until the Board has received Mr. Wojtkowiak's resume. Chairwoman Riener expressed concern about not having an Engineer of record for a thirty day period. She asked if the Board could appoint Land Engineering for a thirty day interim due to their involvement with an open application. Mr. Brewer noted that the length of time is up to the Board; changing the rate structure, etc. Mr. Neely made a motion to retain Land Engineering as the Land Use Board Engineer on a thirty basis until a resume has been received. Chairwoman Riener motioned to extend the period until next scheduled meeting on February 22. Mrs. Elmes asked if the Board could please receive the resume in advance of the meeting to allow ample time to review. Chairwoman Riener asked for the resume to be submitted a minimum of two weeks prior to the next meeting.

Mr. Neely rephrased his motion to propose reappointing Land Engineering until February 22, 2011 as the Land Use Board Engineer. A resume is to be submitted no later than two weeks prior to that date. Seconded by Mr. Beck. Mr. Brewer updated the resolution to reflect the change in the motion. Motion moved with one opposed from Vice-Chairwoman Locke.

Chairwoman Riener motioned for approval of Resolution R-2011-01 appointing Andrew Brewer, Esq. as Land Use Board Solicitor. Seconded by Mr. Beck. Roll call was taken. The vote was unanimous and the motion carried.

Chairwoman Riener entertained a motion for approval of Resolution R2011/02LUB authorizing Special Engineering Services retaining Land Engineering with the limitation that this Resolution is from January 18th thru February 22, 2011. Mrs. Elmes motioned the appointment, seconded by Mr. Bostock. Roll call was taken; the vote was affirmative with the exception of an opposed from Vice-Chairwoman Locke and the motion carried.

* Resolution R-2011-03 Establishing 2011 Scheduled Meetings

Chairwoman Riener entertained a motion for approval of Resolution R-2011-03 establishing the schedule of 2011 regular meetings and designating the Burlington County Times as the official newspaper of the Land Use Board. The posting is attached. Mayor Gural asked the Board to have the April 25th date changed to April 18th and sent for

publication. Chairwoman Riener amended the Resolution to read April 18, 2011. Motion was made by Vice-Chairwoman Locke, seconded by Mr. Stokes. Roll call was taken. The vote was unanimous and the motion carried.

VI. Personnel

Chairwoman Riener asked Mrs. Scott-Forman if she would prefer the discussion of the Rice Notice be taken in public or executive session. Mrs. Scott-Forman replied that it did not matter to her. She further commented that she did not receive the notice in question. Chairwoman Riener explained that the notice was sent out to her on January 11, 2011 via certified mail by Mrs. Barbara Sheipe. Chairwoman Riener further asked Mrs. Scott-Forman if she would like to discussion in public or executive session. She decided on a public discussion. Mayor Gural explained that during the process leading up to the Borough's re-organization on January 4, 2011, a number of employees were laid off and about ten employees received Rice Notices for various reasons. Ted Rosenberg, Borough's Solicitor was asked to review the Land Use Board Secretary position. Mr. Rosenberg reported to the Mayor that the Planning Board Secretary and Land Use Board Administrator have been historically appointed by the Mayor with the advice and consent of Borough Council. Mr. Rosenberg made a determination and advised the Mayor that it was not his responsibility to appoint and that it was rested with the Land Use Board. The Mayor further commented that he finds a redundancy in the Land Use Board administrator position and recommends the position be eliminated. He feels a secretary position is needed but not an administrator. The administrator position is not required in a community our size and much of the financial end of what occurred from the Land Use Board Secretary or Administrator position is now being handled, as far as the escrows and there of, being handled by Linda Lewis, Borough's new Chief Financial Officer. Therefore that responsibility no longer rest with the Planning Board, Land Use Board Secretary or the Administrator. Mayor Gural spoke of the recent layoffs in Camden and unfortunately there are cut backs and a need to pay people less money here in our Borough. He also mentioned that the Borough is not finished making cuts in employment. The Borough is streamlining and trying to be as cost effective as possible, in accordance with our Land Use Ordinance and State Law, it is permitted for a Land Use Board Member serve in the capacity of Secretary. The Mayor recommended eliminating the Administrator position entirely and paying someone to be the Land Use Board Secretary. That person serves in the capacity as the Land Use Board Secretary and serves at the pleasure of the Board. This is an annual appointment. Mayor Gural explained that the previous position of Administrator salary was approximately \$7,000

and the Secretary position was \$1,900 or a combined salary of \$8,900. The new salary would be cut in half. The Secretary would have full voting rights and the same privileges as anybody else, as they presently do. Mayor Gural expressed how this is not a pleasant task but is one that he has had to perform quite a bit recently and unfortunately it is now the Board's responsibility. He would have preferred this to happen at the Borough Council end because they are more experienced in this and have access to the budgets. Council will be eliminating the Administrator position in advance of or at the Budget meeting. If the Board does not wish to appoint a Secretary, Council may decide not to fund the position. In addition to eliminating the position of Land Use Board Administrator, he wishes to also layoff Mrs. Scott-Forman in her capacity of those positions. He expressed how he was not sure what steps Mrs. Scott-Forman has made in regards to unemployment benefits and things of that sort after being laid off from her position of Code Enforcement Officer and Construction Office Technical Assistant. He mentioned on the same day, four other people were also laid off. There are other things that will come up in regards to the Land Use Board Secretary but he doesn't feel it is relevant to talk about where Mrs. Scott-Forman is concerned.

Chairwoman Riener addressed the Board for questions on the topic. Mr. Neely asked who would absorb the other positions now and who would reside at all of the meetings. Mayor Gural responded that it would be the Land Use Board Secretary who would perform all of the same duties as Mrs. Scott-Forman had. Mr. Neely inquired also about the other duties that Mrs. Scott-Forman performed. Mayor Gural said that he is not in a position to speak on the subject and that there is no plan to fill the position of Code Enforcement Officer at this time. Other than that there is an A.D.H.O.C. committee and there's a lot being discussed. There are no plans to fill the Construction Office Technical Assistant position either.

With that being said, if the Board is in agreement, Chairwoman Riener moved for a motion of:

* Resolution R-2011-06 Eliminating various positions due to budgetary constraints. The position of Land Use Board Administrator is hereby eliminated effective January 18, 2011. Mayor Gural moved the motion, seconded by Mr. Stokes. The vote was affirmative with the exception of Councilman Bostock and Mrs. Elmes who abstained and the motion carried.

* Resolution R-2011/07 Reduction in force due to budgetary constraints. Position of Planning Board Secretary and Land Use Board Administrator effective December 31, 2010. Mr. Beck addressed the Board for clarifying why the Board has to move this Resolution. He stressed that he didn't want to have to put his name on a paper that lets Pam go. Mayor

Gural empathized with him; however the Mayor reiterated that it now the Boards position to carry this out due to State Law. The Mayor also informed that Board that it is up to each Board member to vote Yeah or Nye.

Chairwoman Riener asked the Mayor to please share with the Board what the financial benefit would be if the Board decided to take his recommendation removing Mrs. Scott-Forman from these positions and giving it to a Land Use Board member. Mayor Gural responded with the salary of combined positions was \$8,900. Mr. Beck interjected with his concern again that he didn't feel comfortable with a motion he didn't have a copy of. Councilwoman Riener called for a recess of the meeting for ten minutes allowing time to copy the Resolution at 8:35 PM with the confirmation of Mr. Brewer.

Meeting resumed at 8:45 PM

Mayor Gural confirmed that the documents copied were the same as the documents presented to Council.

Chairwoman Riener asked for further discussion once everyone had read the Resolution. Mr. Beck commented that he still has a concern with putting a persons name to the Resolution. Mayor Gural understands and stresses that he had to be perfectly clear and make sure the employee understands exactly what is happening. Also that it is the Borough's responsibility to be precise in the documentation. He mentioned again that it is up to the Board how to vote and if the motion is not seconded, it is over. Chairwoman Riener expressed her concern and feelings about following through with these decisions and that she looks at it as a financial decision.

Mrs. Scott-Forman asked if she could be heard. Chairwoman Riener asked Mr. Brewer if it was ok and he expressed that it was up to the Board. Mr. Neely stated Mrs. Scott-Forman deserved the right to say her peace and he moved the meeting to be opened to the public, seconded by Mr. Stokes, the motion carried.

Chairwoman Riener opened the meeting to the public to speak on Resolution R-2011-07. Mrs. Scott-Forman approached the Board and identified herself. She stated that she enjoyed working with most of the Board in her positions and also felt that she didn't understand as well why her name had to be mentioned in the Resolution. It was the Mayor's doing and that was fine. The position was a year to year appointment and regardless what happens, the Land Use Board Administrator position is gone. She was also ok with the Board appointing the Land Use Board Secretary and that if she wasn't appointed that was

fine. She stated that she did not have access to get to the Borough and do everything that needs to be done and do it the correct way anyway. Since the appointment is done year to year, she didn't feel it was necessary to have her name in the Resolution. Mayor Gural stated that he was following the direction of Ted Rossenberg, Esquire. If the Board did not want to have Mrs. Scott-Forman's name in the Resolution, that it was fine with him. He leaves it up to the Board to make the decision. Chairwoman Riener asked for any further public comments or questions.

Mr. Beck motioned to close the public portion, seconded by Mr. Neely. The motion was affirmative and carried.

Chairwoman Riener asked Mr. Brewer if altering the Resolution would have an effect on the outcome. He expressed the need for the Resolution to stay as written.

Motion was moved by Mayor Gural, seconded by Mr. Stokes. During roll call, Mr. Neely asked that it be read in to the record that when the Board voted on Resolution R-2011-06, he did not know that Mrs. Scott-Forman served in that capacity otherwise he would have abstained his vote. The vote was affirmative with the exception of Mr. Neely, Mr. Beck, Councilman Bostock and Vice-Chairwoman Locke who abstained and the motion carried.

Chairwoman Riener asked Mr. Brewer to supply the Board with a copy of Resolution R-2011-05.

Mayor Gural commented on Mrs. Kilmer's appointments with the Borough which include Construction Official, Fire Sub code, and a number of other positions. One of the positions that Mrs. Kilmer had was Zoning Officer, and the Mayor did not reappoint her to that position. With the reductions in staff, Mrs. Kilmer has a lot of responsibilities. He didn't feel Mrs. Kilmer should have to be concerned with the Zoning Board end of things. He asked her to fill the position until the Borough hires a full time Zoning Officer.

* Resolution R-2011-05 Authorizing the appointment of Land Use Board Secretary expiring December 31, 2011.

Motion was made by Mr. Neely, seconded by Councilman Bostock, vote was affirmative with the exception of Mrs. Elmes who abstained and the motion carried.

Chairwoman Riener explained that the position is to be held by a Land Use Board member and one person has expressed interest in the position. Mayor Gural made a recommendation that it would be more cost effective and efficient to consider a member of the Board. Chairwoman Riener asked for an explanation of this person's voting rights and where they would be seated during the meeting. Mr. Brewer stated that they would have the right to vote. Mayor Gural stated that this person would sit at the computer and would have the same responsibilities as a Board member but will also have the additional responsibilities of the Secretary. He is suggesting that this person work at Borough Hall and report to Mrs.

Kilmer. The position requires a minimum of four hours at Borough Hall on a set schedule. These hours are to be advertised on the Borough website and in the hallway of the Construction office. In addition to the four hours, two and a half additional hours will be spent to complete everything else required. Anything above that will be on their own time. Basically put the job is six and half hours per week at a rate of \$15 per hour for a total of \$4,875 per year. Mayor expressed the position was asking a lot of Mrs. Elmes. Mrs. Elmes expressed her interest and stated that she was excited about the position and is ready to take on the challenge. Mayor Gural amended the original Resolution to include the salary, schedule requirements, and named Mrs. Kilmer as her Supervisor. Chairwoman Riener moved the meeting into executive session. Meeting was opened and closed to the public.

VII. Committee Reports

Economic Development Committee Report

Chairwoman Elmes reported to the Board two open positions on the EDC. Committee member Ms. Kelly created a position requirement in writing which the Committee looks to advertise. The Committee seeks two residents from the Borough to fulfill these positions. They plan to use the web as a platform for advertisement and also post the positions at the local colleges. More on this after the posting is approved at their next meeting. Mayor Gural mentioned that the positions are recommended to Council for appointment.

A.D.H.O.C. Committee Report

Chairwoman Riener stated the Committee was appointed by Mayor Gural. This advisory Committee reports on the housing stock and the conditions of such in the Borough of Palmyra. The Members are Councilman Norcross, Councilman Bostock, Vice-Chairwoman Locke, Chairwoman Riener; Jim May – Landlord, Paul Shiracki – Realtor, Business Owner (preferably a B.I.D. Member– Vacant Seat. The Committee will give some overall direction to the Land Use Board and to Council by way of what needs to be addressed in the Ordinances and what needs to be addressed overall through Code Enforcement to try and bring the standards in the community back up.

A preliminary meeting was held to give a mission statement to the Mayor. The committee started with rental properties but more or less expanded out to just issues of Code Enforcement. The overall appearance and condition of the Borough has gone down dramatically. The A.D.H.O.C. Committee will assess and attempt to determine how the

housing stock has deteriorated to its current condition.

The Committee meets again on January 14, 2011 at such time a monthly meeting schedule will be created.

VIII. Updates from Tracy Kilmer

Vice-Chairwoman Locke inquired about the fire at the 612 Garfield Avenue, SJ Islamic Mosque and the apparent sleeping on premises. Mrs. Kilmer stated that the owner was to receive a Change of Use Zoning Violation. Upon inspection for the Fire Code Violation, Mrs. Kilmer stated there was a mattress on the property and they were cited for that. Upon confirmation from the fire department that they did in fact see the mattresses a reoccurring violation will be issued with an automatic penalty under the Fire Code.

Vice-Chairwoman Locke questioned if lights were on in the apartments on Memorial and Cinnaminson. Mrs. Kilmer stated that she will check this evening.

Chairwoman Riener asked about the hours of operation for QMA. Some nights the parking lot is full at hours up to 8pm. Mrs. Kilmer will report back on this.

Mr. Stokes questioned when Ikes is supposed to be open in the am hours. Mrs. Kilmer reports his hours of operation are to begin at 8am. Mrs. Elmes stated that she has seen the business open as early as 5 am. Mrs. Kilmer asked the Board to please forward documentation and the issue will be addressed.

Vice-Chairwoman Locke inquired about the satellite dish process of issuing permits for units already installed. Mrs. Kilmer stated that she is ready to begin, but needs to find the time to begin.

IX. New Business

* Resolution R-2011-04 Executive Session

Mayor Gural and Councilman Bostock recluses themselves and are leaving the room before Executive Session.

Mr. Brewer asked for a motion to go into Executive Session. Motion made by Vice-Chairwoman Locke and seconded by Mrs. Elmes to discuss potential litigation. The vote was unanimous and the motion carried.

A motion was made by Mr. Beck and seconded by Mr. Neely to close the Executive Session at 10pm. The vote was unanimous and the motion carried.

A motion was made by Mr. Beck and seconded by Mr. Neely to adjourn the regular meeting at 10pm. The vote was unanimous and the motion carried.

Respectfully Submitted,

Bridget Elmes

Planning Board Secretary