

**BOROUGH OF PALMYRA  
MINUTES-June 17, 2013**

**CALL TO ORDER.**

**PLEDGE OF ALLIGIANCE.**

**MOMEMT OF SILENCE.**

**ROLL CALL:**

**Present:** Mayor Scheffler, Ms. Dobbs, Mrs. Riener, Mr. Bostock, Mrs. Ragomo Tait, Mr. Norcross and Ms. Kane (student rep.).  
**Absent:** David Dorworth.

**OPEN PUBLIC MEETINGS STATEMENT**

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

- A. Posting written notice on the official bulletin board at the Palmyra Borough Hall on January 7, 2013.
- B. Mailing written notice to the Burlington County Times, and the Courier Post Newspaper on January 7, 2013.
- C. Notice to All Council Members.

**RECOGNITON.**

- A. **Anthony Wright-Retirement.** Mayor Scheffler presented Anthony Wright with a plaque for his years of service to the Borough of Palmyra.
- B. **Eagle Scout-Charles Martocello.** This was held until the July 15<sup>th</sup> meeting.

**APPOINTMENT TO POLICE DEPARTMENT.**

- A. **Resolution 2013-143, Resolution Appointing SLEO Officers To The Borough Of Palmyra Police Department.** Chief Pearlman explained that this appointment would allow the three officers to attend the police academy. Anyone attending has to pass a review board as well as a physical. Mr. Bostock made a motion to approve the resolution, Ms. Dobbs second the motion. At the call of the roll, the vote was:  
AYES: Ms. Dobbs, Mrs. Riener, Mr. Bostock, Mrs. Ragomo Tait, Mr. Norcross.  
NAYES: None.
- B. **Swearing in of SLEO Officers.** Mr. Rosenberg swore in Brian Rust, Alex Huble, Jeffrey Parente as SLEO Officers for the Borough of Palmyra.

**APPROVAL OF MINUTES.** May 20, 2013(absent Bostock, Norcross) and June 3, 2013(absent Riener, Tait). Mrs. Riener made a motion to approve the minutes from May 20 and June 3, 2013, Mr. Bostock second the motion. At the call of the roll, the vote was:

**AYES:** Mrs. Dobbs, Mrs. Riener, Mr. Bostock, Mrs. Ragomo Tait, Mr. Norcross.

**NAYES:** None.

**ABSTAIN:** Mr. Bostock and Mr. Norcross abstained from the minutes of May 20, Mrs. Riener and Mrs. Ragomo Tait abstained from the minutes of June 3, 2013.

**COORESPONDENCE.**

**A.** Letter of thank you from Charles Street School-Mayor Scheffler explained that Tom Ryan received a letter of thanks from the Charles Street School in the Borough for having a recycling/clean communities show put on for the school children.

**B.** Mayor Scheffler read a letter from the Board of Education thanking the Borough for working together with them during the year.

**NEW BUSINESS. Consent Agenda-** Items A-M 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 Scheffler read the titles of the resolutions into the record. Mr. Norcross made a motion to approve the consent agenda with removal of 2013-145 and 2013-156, Mr. Bostock second the motion. At the call of the roll, the vote was:

**AYES:** Ms. Dobbs, Mrs. Riener, Mr. Bostock, Mrs. Ragomo Tait, Mr. Norcross.

**NAYES:** None

**ABSTAIN:** Mrs. Riener abstained from Resolution 2013-146.

**A.** **Resolution 2013-144,** Resolution Approving The Settlement Of The Litigation Captioned ETK, LLC v. Borough Of Palmyra.

**B.** **Resolution 2013-145,** Resolution Authorizing The Release Of The Maintenance Guarantee Posted by Fabbri Builders, Inc. For The Construction Of The Community Center-Contract P2009-1A. (This resolution was tabled.)

**C.** **Resolution 2013-146,** Resolution Authorizing The Release Of The Maintenance Guarantee Posted By Charles Marandino, LLC For The Parry Avenue Phase I Contract #P-2010-1.

**D.** **Resolution 2013-147,** Resolution Authorizing The Release Of The Maintenance Guarantee Posted 324 Garfield Avenue.

**E.** **Resolution 2013-148,** Resolution Authorizing The Cancellation OF Taxes Of A Totally Disabled Veteran For James Rich Located At Block 34, Lot. 2.01 Tax Year 2013 And Thereafter And Refunding Taxes Paid.

**F.** **Resolution 2013-149,** Resolution Authorizing The Payment Of Bills In The Amount Of \$231,648.56.

**G.** **Resolution 2013-150,** Resolution Authorizing Application To The County Of Burlington For Municipal Park Development Program Funds.

**H.** **Resolution 2013-151,** Resolution Authorizing The Release Of The Performance Guarantee Posted By F.C. Kerbeck For Improvements#104340010.

**I.** **Resolution 2013-152,** Resolution Authorizing The Release Of The Performance Guarantee Posted By F.C. Kerbeck for Parking Lot Improvements#Bond104340013.

**J.** **Resolution 2013-153,** Resolution Authorizing Contract With Approved State Contract Vendor Day Chevrolet Inc. For Purpose Of Purchasing Goods Or Services Pursuant To N.J.S.A. 40A: 11-12a. (Chevy

Tahoe).

K. Resolution 2013-154- Resolution Authorizing The Sale Of Property No Longer Needed For Public Use On An Online Auction Website. (impound vehicles).

L. Resolution 2013-155, Resolution Awarding Contract To Eastern Environmental LLC For The 2013 Tree Maintenance Contract.

M. Resolution 2013-156, Resolution Setting Fees For Additional Trash Cart Receptacles For Residential Customers At \$95.00 And Commercial Customers At \$145.00. (This resolution was tabled).

N. Approval of Treasurer's Report-May, 2013. Mrs. Riener made a motion to approve the treasurer's report, Ms. Dobbs second the motion. All members present voted in favor of the motion.

**ORDINANCES ON FIRST READING.** (public hearing on July 15).

A. Ordinance 2013-21, An Ordinance Of The Borough Of Palmyra, In The County Of Burlington, New Jersey; Providing For Various Capital Improvements And Related Expenses In And for The Borough, Appropriating \$1,713,800 Therefor, Authorizing The Issuance Of \$1,628,110 In General Improvement Bonds Or Notes Of The Borough To Finance The Same. Mayor Scheffler read the title of the ordinance into the record. Mr. Norcross made a motion to adopt the ordinance on first reading, Mr. Bostock second the motion. At the call of the roll, the vote was:

AYES: Ms. Dobbs, Mrs. Riener, Mr. Bostock, Mrs. Ragomo Tait, Mr. Norcross.

NAYES: None. The ordinance was adopted on first reading and will be heard on second and final reading at the regular council meeting of July 15, 2013.

B. Ordinance 2013-22, An Ordinance Of The Borough Of Palmyra, In The County Of Burlington, New Jersey; Providing For Improvements To And The Acquisition Of Equipment For Use By The Borough's Sewer Utility, Appropriating \$350,000 Therefor, Authorizing The Issuance Of \$350,000 In Sewer Utility Bonds Or Notes Of The Borough To Finance The Same. Mayor Scheffler read the title of the ordinance into the record. Mr. Norcross made a motion to adopt the ordinance on first reading, Ms. Dobbs second the motion. At the call of the roll, the vote was:

AYES: Ms. Dobbs, Mrs. Riener, Mr. Bostock, Mrs. Ragomo Tait, Mr. Norcross.

NAYES: None. The ordinance was adopted on first reading and will be heard on second and final reading at the regular council meeting of July 15, 2013.

**ORDINANCES ON SECOND READING.** (public hearing).

A. Ordinance 2013-12, An Ordinance Amending Chapter 90 Vehicles And Traffic Parking Prohibited Certain Hours (Broad Street). Mrs. Riener made a motion to withdraw this ordinance, Mr. Bostock second the motion. At the call of the roll, the vote was:

AYES: Ms. Dobbs, Mrs. Riener, Mr. Bostock, Mrs. Ragomo Tait, Mr. Norcross.

NAYES: None.

B. Ordinance 2013-13, An Ordinance Vacating The Paper Street In the Borough Of Palmyra That Is Located Between Blocks 156.01, Lots 1 and 1.03 And Block 158, Lot 2 On The Tax Map Of The Borough Of Palmyra. Mayor Scheffler read the title of the ordinance into the record. Mr. Rosenberg explained that this was just a paper street located adjacent to the F.C. Kerbeck property on Route 73 that was not being used by the general public. Mrs. Riener made a motion to open the ordinance to the public, Mr. Bostock second the motion. All members present voted in favor of the motion. No one from the public wishing to be heard, Mrs. Riener made a motion to close the public portion, Mrs. Ragomo Tait second the motion. All members present voted in favor of the motion. Mr. Norcross made a motion to adopt the ordinance, Mr. Bostock second the motion. At the call of the roll, the vote was:

AYES: Ms. Dobbs, Mrs. Riener, Mr. Bostock, Mrs. Ragomo Tait, Mr. Norcross.

NAYES: None. The ordinance was adopted on second and final reading and will take effect after publication

according to law.

C. Ordinance 2013-14, An Ordinance Requiring The Inspection, Registration And Licensing Of Residential Rental Properties In The Borough Of Palmyra. Mayor Scheffler recused herself. Mr. Bostock presided over the meeting and announced that due to the large number of people wanting to speak on the ordinance the public comment would be limited to three (3) minutes for each person and that council would withhold comment till the end of the public comment. Mr. Bostock recognized Mrs. Kilmer, Construction Official, Code Enforcement Officer, Zoning Officer. Mrs. Kilmer read the following letter into the record.

Good evening Borough Council,

This is not the first, nor the second, but the third time that I have appeared before Borough Council to express my thoughts for the need of a rental ordinance.

Rental ordinances were proposed to borough council in 1994, 1998, 2007, 2009 and now 2013. My appeal this time is somewhat different as I now have unilateral support from my colleagues and of course there is the factual observation of the deterioration that the toll of time has taken on Palmyra's rental housing stock for not having an ordinance in place sooner.

This ordinance affects many people on different levels. Whether it is the minority of Palmyra landlords here tonight, the Palmyra homeowner who lives next to, or drives by a rental unit, or the borough employees who receive complaints, issue violations and have witnessed over the years the deterioration of the town. Everyone here tonight is a stakeholder in the passage of this ordinance.

I would like everyone in this room ask themselves one question. What defines your hometown? For those who live in Palmyra. What defines Palmyra? Palmyra's demographics are similar to that of surrounding communities. Palmyra citizens are hardworking middle class folks. But what do others see? What do your relatives see when they visit? How about friends from out of town? I bet every one of you can automatically envision at least one home nearby that is a rental that has been in deplorable condition or has had police/EMS response and caused you embarrassment.

Now take that image and apply it to all sections of town. My point is the house in your vision is not unusual. Palmyra's housing stock has fallen into disrepair and is highly visible throughout just about all sections of town. Some may say that the borough is having trouble only with a handful of rentals. It is more than then a handful and they are scattered throughout town. So spread these problems around and you have a much bigger picture of exactly what Palmyra has become. They are not concentrated but because they are spread out it means that they affect many residents throughout our community.

I can only give to you an estimate of legal rentals that would be affected by this ordinance. We really have no handle on how many rentals we have. I would say conservatively up close to 500, which are identified as legal apartments. That estimate is from 2008 and I believe to be is low; we had the foreclosure crisis which produced even more rentals, legal and I believe illegal. This is evidenced by the amount of smoke detector inspections I conduct which the majority are for rentals and not for resales.

Palmyra has had no real mechanism for tracking rentals. Although the landlord is legally bound to request a NJ State Division of Fire Safety Smoke/Carbon and Fire Extinguisher inspection resulting from a change of occupancy or resale of the property many do not. There is a Landlord Identity Registration Statement One and Two Unit Dwelling Registration Form that is to be filed with the borough clerk but many landlords do not fill it out and the borough has no recourse to ensure they do. So the Borough is limited in identifying legal and illegal apartments or having adequate landlord information.

Why are some landlords downright mad about this ordinance? I have listened to landlords who have shared their concerns and the same concerns from years ago remain the same concerns you will hear tonight. One is what are we citing? Landlords would like to see a checklist of possible violations. Checklists are confining and are not all inclusive. Checklists have never been used by my office or by my predecessors in zoning, building, fire, plumbing, or electrical inspections. They narrow the mind of the inspector and are frowned upon in many towns.

Another complaint is the amount of codes we can cite. Lets look at the codes that are proposed in the ordinance.

- The Palmyra Land Use/Zoning Ordinance, it can be found on the Borough's website.
- The New Jersey State Uniform Construction Code found on-line just Goggle New Jersey Uniform Construction Code The Uniform Construction Code, NJ Dept. of Community Affairs will appear.
- Palmyra Borough Code Chapter 142 Housing Standards found under the Borough of Palmyra website
- BOCA Property Maintenance Code, the Borough will be placing it on the Borough website.
- The New Jersey State Housing Code, Goggle New Jersey Department of Housing, Bureau of Housing Inspection, NJ Department of Community Affairs will appear.

If anyone cannot access any of these sites the Borough Clerk has copies of all codes for anyone's review as none proposed are new and have been in existence for years and some are used by a majority of other towns such as the State Housing Code and BOCA Property Maintenance Code. Anyone is more than welcome to stop by and take a look. We are not reinventing the wheel, but with the passage of this ordinance we can now properly apply them to rental units.

Will my rental have to be brought "up to current code requirements" the answer is no, the provisions of the State Housing and BOCA Code allow for the enforcement of minimum safety requirements. They constitute the standards in determining the fitness of a building for human habitation, use or occupancy not if it makes current code requirements.

Example: smoke detectors do not have to hard-wired. They can be or utilize a battery primary power source. Another question: Do I have to provide electrical outlets in accordance current construction code requirements? The answer again no. To avoid ignorance in interpretation of the enforcements of the codes I would kindly suggest familiarization with the codes and not to be afraid to ask questions.

Every violation cited will contain a code reference. If anyone does not understand the code or its interpretation we will be glad to meet with them to explain. Landlords will also be given notice of the inspection and can attend the inspection if they like, as a matter of fact I would encourage it. As with any violation cited if they are in disagreement there is an appeal process.

If landlords review these documents there are no surprises. We will utilize the same codes during the inspection.

Another topic of contention is the fee. This fee will be used to cover the cost of the registration process application, filing, and licensing paperwork. Also a 3<sup>rd</sup> party agency will conduct the inspection and reinspection, if needed.

Landlords are also upset with being held accountable for who they rent to. Why should there be no culpability in who a landlord rents to? Isn't renting really an extension of who you are as a landlord? It's their investment wouldn't they want to rent their investment to someone who will care for it? Why should Palmyra absorb unruly tenants, or tenants who will not take care of their property? Why would a landlord?

Landlords are complaining that the proposed ordinance should address multiple dwellings. That they should be held to the same standard as we are proposing for one and two family units. A multiple dwelling is three or more units, currently inspected by the New Jersey Department of Housing utilizing the NJ State Housing Code, every 5 years. Multiple Dwelling 5 year cyclical inspections are currently conducted at Korman Suites, Willow Shores and Palmyra Harbour complexes that are exempt from this ordinance. I agree unsanitary/unfit conditions need to be recognized in a more timely fashion than every 5 years. However, multiple dwellings even though only inspected once every 5 years are inspected in accordance with the state housing code so there are some controls over these units.

I would urge council to consider in the future the inclusion of multiple dwelling units. Actually perhaps that is why we don't have the issues with multiple dwellings that we do with other rentals; they have more regulations and adhere to more code requirements even though its only once every 5 years.

One issue that is persistent is the subleasing and over occupancy of rentals. A registration of all rentals would levitate this issue. Also, when units are subleased or over occupied, our emergency and trash services and our

**school system is abused. Why should Palmyra residents subsidize that unit to operate?**

**Some landlords say that other towns do not have a rental ordinance. To that statement I say good for those towns I assume that they do not need one.**

**I have heard some landlords in favor of the ordinance with caveats but some landlords are Palmyra residents also and drive the streets, I know I am correct as I have received multiple complaints from Palmyra landlords some in the audience tonight regarding other rental properties in town. In speaking with those landlords I have not heard any other suggestions for mitigating these impacts to our community, except that the Code Enforcement Office should be enforcing the current codes.**

**Why can't the code enforcement office conduct inspections using existing codes? The answer is I have no authority to do so where it is needed most. What is in effect now (which is the same codes that will be enforced by this ordinance) currently does not allow for the expansion of scope for the interior inspection *and* registration of rental units. If it could be done with current personnel and codes I wouldn't be seeking this ordinance tonight.**

**Yes, I enforce the current codes to the exterior of the dwellings but the inside is just as important to the integrity of the rental as a whole and therefore is a reflection on the entire neighborhood. Here's the problem from a code enforcement perspective. I have no names of the tenants so I cannot issue violation notices to them. Most times I have no valid address for the owner. But when made to register, and no rental can proceed without this information, that is when you will see a difference. Then and only then will there be the ability to properly enforce codes and make accountable renters and their landlords.**

**I have not heard one landlord state that this would be beneficial to the preservation of their property. Why wouldn't this ordinance also be used to aid the landlord in preserving the property and documenting conditions of rentals? To landlords renting is a business. This is business protection.**

**Lastly, I receive calls from Palmyra homeowners. Who have not only a financial investment but an emotional one as well. There are renters who have that same attachment and others that do not. Still some renters feel that since they do not own the property have no responsibility or personal liability towards it. Palmyra homeowners do not want to live next door to these properties. Without a registration process and frequency of inspections these blithe conditions will continue to prosper.**

**Do we want rentals in Palmyra? Absolutely, rentals have been, and always will be, a part of the culture of Palmyra. But as time has proven they need to be held to a standard of satisfactory habitation which is applied evenly and lawfully to everyone in Palmyra. This ordinance provides for an organized, uniform inspection and registration process and accountability for all.**

**At the end of the day we can argue this ordinance forever, but one thing is for sure we all have culpability. Landlords, tenants, the Borough, we ALL do. We all are witness to the cost of doing nothing. I would kindly ask Council to ask yourself a more pertinent question than should I vote for this ordinance, please ask yourself can Council no longer afford to.**

**Mr. Bostock recognized Chief Pearlman. Chief Pearlman discussed that he had researched other towns rental ordinances and that the ones that do have better clientele in the rentals and it brings the housing stock upto higher standards. Chief Pearlman explained that the officers respond to calls with rental properties that are deteriorating. One landlord in the Borough was recently cited for a nuisance property. If the Borough continues in current direction of not requiring registrations of rentals the amount of complaints and crime will rise. Chief Pearlman discussed that this ordinance will not change things overnight but it will eventually help with the value of properties.**

**Mr. Norcross made a motion to open the ordinance to the public. Ms. Dobbs second the motion. All members present voted in favor of the motion.**

**Mr. Boyell-Moorestown explained that he has disabled tenants and a wheelchair ramp out front. He strongly objects to the written ordinance and that it has several defects. The definition of tenant and occupant will not stand up in a court of law. There is another section that is regulating the rental unit. The ordinance excludes multiple units and stressed that three (3) times. Mr. Boyell discussed that he felt that the ordinance is intrusive for one (1) and two (2) units only. The construction official stated that multiple family units are the most problem but they only get inspected every five (5) years. The scope of the inspection is unlimited and**

right for abuse by the system. If the inspector can look at the basement it affects the rights of the tenants. Mr. Boyell inquired as to how deep into an inspection the Borough can go. Are they allowed to fail a unit for the beds not being made or for children toys being on the floor? This ordinance allows inspectors to have their own motivations with the inspections. There is no showing that rental properties with one (1) or two (2) units are in worse condition than the multiple units. Mr. Boyell explained that the ordinance has too many unknowns for adopting it.

Mr. Rainer-Riverton inquired as to why the ordinance fee was higher than other towns having the same ordinance and that the cost of reinspection will be an incentive to not pass the units. Mr. Rainer explained that other towns give several free reinspections.

Mrs. Arnold-real estate agent-discussed that she is co-chairman of the legislature committee of the realtors and that she would like council to consider creating a special committee to review the need and language of the ordinance before taking any action. Some towns are having legal challenges to their ordinances and the borough should wait till those are resolved. Mrs. Arnold discussed that the real estate community is concerned because of the decreasing activity in purchasing investment properties. The program cannot fund itself and that she will sit on the committee if formed.

Mrs. Blackeby-Highland Avenue discussed that she is disappointed with the ordinance and had sent a letter to council and Tracy in 2007 and never heard anything back. Mrs. Blackeby explained that she was opposed to the ordinance in 2007 and had wished that the borough had reached out to her before creating a new one. Mrs. Blackeby explained that there was no notification to the landlords. A few people saw the notice in the newspaper and contacted her. Mr. Gural replied that the ordinance was published in the Burlington County Times and that there is no legal requirement to mail out ordinances to residents. Mrs. Blackeby discussed that there is no requirement by the state to inspect owner-occupied units and that her home has a mother-in-law suite. The water system is co-mingle so it would be a problem to determine if the home is an owner or apartment.

Mrs. Faracchio-Cinnaminson Avenue- discussed that she has two rentals in the borough and has had to do evictions notices. Mrs. Faracchio explained that she loves Palmyra and just found out about the ordinance. She discussed that notices should have gone to all the landlords to let them know this was being discussed. She currently has property in Philadelphia PA and pays \$50.00 per year as part of the mercantile licensing process for landlords. Mrs. Faracchio explained that she is self-employed and that her rental properties are her retirement and that she keeps them well maintained. The rental registration is a great way to keep track of the landlords and rental properties, but the fee is too high. She is also in favor of forming a committee to review the ordinance.

Mrs. MacDonald-Parry Avenue-explained that her property is owner-occupied and that there are some issues with adopting the ordinance. The ordinance states that it is to ensure that all residents live in decent housing. This seems to be bias against rental units because the ordinance is not focusing on all homes. The fee is too high in comparison to other towns. Mrs. MacDonald discussed that she is willing to accept the state guidelines of every five (5) years for inspections and if the state fee is lower why is it costing the borough so much money. Mrs. MacDonald explained that she has a stake in her property and has had a tenant for the last ten (10) years. There should be a committee so that a compromise can be reached and all homes whether rental or not should be looked at.

Mrs. Shea-Riverton discussed that not every town has a rental ordinance. They need to treat rentals equally and the fee is too high. The ordinance allows for inspections and the code of the borough already allows the construction official to enter for inspections so it is not necessary to adopt a separate ordinance. Mrs. Shea explained that the current ordinance just needs to be enforced and that the 30 day requirement for change of tenant is unrealistic as some tenants need to move in right away.

Mr. Blackeby-Highland inquired as to why the ordinance is not enforced now since there is one on the books. He does not understand why Mr. Austin, code enforcement cannot just go into homes now for inspections without passing an ordinance. Mr. Blackeby discussed that the Chief knows where the problem homes are located.

Mrs. Mertz-Cinnaminson Avenue explained that she is a widow and trying to hold onto her home by renting

out the apartment. She pays a realtor \$1,000 a fee to fine her tenants. The landlord should not be held responsible for what the tenants do.

Mr. Stokes-Cinnaminson discussed that he is in agreement that the ordinances overlap each other and that the council needs to hold the vote. The Borough cannot discriminate against tenant. Mr. Stokes explained that the cost will be absorbed by the tenant and rents are high now. He is losing money every month now due to tenants not paying rent, high tax payments. Mr. Stokes discussed that there are many homes that are vacant and not taken care of by banks. Mr. Stokes explained that a lot of landlords are small business people and cannot afford additional cost.

Mr. Paulsen-Moorestown discussed that he has three (3) units and is subject to the state inspections. He has had to remove the lead in the property and also install fire lines for notifications according to the state inspectors. It has cost him about \$2500. to do all the repairs the state required.

Mr. Hoover-Haddonfield explained that if he was a tenant he would not like to see someone come into the property to inspection and that he feels that it is an evasion of property. The Borough Council is not giving the tenants enough credit; they are not all bad tenants. If revenue is a problem the council should not look at the landlords to balance it. The sewer fee is already \$350.00 per unit.

Mrs. Butler-Arch Street discussed that she is all for making the town look better and cleaner. She has come to council many times about the conditions of the property in her area and that this ordinance does not help with the outside of the properties. No one tells the landlords to inform the tenants that they should also clean up the street in front of the property. The owner or tenant should be made to trim the grass also between the sidewalk and the curb and along the curb line of the street. Mrs. Butler inquired about the adult children who return home to live and pay rent; will they need an inspection also as a rental? Also what if a mother in law or mother has to move in with the children due to health reasons. Mrs. Butler inquired as to what happens if the parent leaves the home to the children is there an inspection requirement. Mrs. Butler explained that council needs to table the ordinance until these questions can be answered.

Mr. Hirsh-Cinnaminson explained that he has been in real estate for over twenty(20) years and that the ordinance does not seem like a good idea, he agrees with Mrs. Arnold that the town is trying to force their enforcement issues down the throat of landlords. Mrs. Kilmer does an amazing job and that his rental properties in the town look nicer than the homes on the street. Mr. Hirsh discussed that the town cannot really tell if some homes are duplexes and that only a landlord registration form should be required not an annual inspection or fee. The state inspects every five (5) years and there is always a different inspector. He will also sit on a committee for the ordinance.

Mrs. Fallows-Moorestown discussed that she owns rental units in Palmyra and that the town cannot hold landlords responsible for their tenant's actions. Mrs. Fallows explained that it has been challenged in the courts. The Borough cannot treat the landlords different than the homeowners, everyone is a taxpayer. Mrs. Fallows also discussed that no one in the borough reached out to the landlords for their input and that she cares about the town and has been a property owner since 1998.

Mr. Schwering-Garfield Avenue explained that the inspections will be too frequent if they are done annually and at a change of tenant. Many times the landlord need to move someone in quickly and thirty (30) days is too long to wait for an inspection. Mr. Schwering discussed that there needs to be a list of what the inspectors will be looking for with the inspection. He as a landlord checks the references of his tenants and many times has a background check for criminal activity. There should be representation of landlords on a committee for the ordinance.

Mr. Kay- West Second Street-inquired as to who was on the committee to review the ordinance and that he was told last week by Mrs. Kilmer that they can enforce the outside of the property under code enforcement. Mr. Kay explained that the borough needs to enforce their current ordinances and that the areas around the high school are deplorable.

Mr. Welsh-Highland Avenue discussed that he understands that multiple rental units are not in the ordinance, but that he thinks the ordinance is an overkill and burdensome. Mr. Welsh explained that he feels that the borough is against everyone who spoke by not allowing them additional time to express their concerns. No one objects to registering a property, but he is not sure that the ordinance is legal and request



that it be held for further discussion.

No one else from the public wishing to be heard, Mrs. Riener made a motion to close the public portion of the ordinance, Mr. Norcross second the motion. All members present voted in favor of the motion.

Mrs. Riener thanked everyone for coming and explained that there was an ad-hoc committee formed for the last five (5) years that was to address this issue. The Chairman of that committee was landlord and the council had a difficult time finding additional people to sit on the committee. Mrs. Riener explained that she was also a member of the committee and that many times meetings were not held as members did not attend. Mrs. Riener explained that the ordinance has been discussed at council meetings since January and that part of the process was to look at the housing stock. Mrs. Kilmer does enforce the codes but that there is a process which she has to follow and many times the cases end up in court. The Borough is trying to raise the quality of the housing stock for all residents.

Mr. Gural explained that after the adoption of the budget Mr. Austin was hired as deputy code enforcement officer and has issued over 800 violations for exterior needs. Mr. Gural discussed that the sewer billing will be going to water usage for part of the year and that should lower the sewer bills for many residents. The rental inspections fee of \$125. covers the first inspection and one reinspection. Mr. Gural also explained that all ordinances are published in the Burlington County Times for first and second reading notices. It would be cost prohibitive to mail out a notice to every resident every time an ordinance or resolution is passed.

Mr. Norcross made a motion to adopt the ordinance, Mrs. Riener second the motion. At the call of the roll, the vote was:

**AYES:** Ms. Dobbs, Mrs. Riener, Mr. Norcross, Mrs. Ragomo Tait, Mr. Bostock

**NAYES:** None. The ordinance was adopted on second and final reading and will take effect after publication according to law.

Council took a two minute break.

**D. Ordinance 2013-16, An Ordinance Creating A Housing Department And The Positions Of Housing Official And Housing Inspectors.** Mayor Scheffler read the title of the ordinance into the record. Mrs. Ragomo Tait made a motion to open the ordinance to the public, Mr. Bostock second the motion. All members present voted in favor of the motion.

Mrs. Arnold-Oregon Avenue inquired as how the inspectors would be paid and is salary covered by the fees. Mayor Scheffler replied that there is no salary in the ordinance and that many positions in the borough are combined with other positions with no salary.

Mr. Higgins-Henry inquired as to the qualifications for the position? Mr. Rosenberg read part of the ordinances that list the qualifications: Possession of a valid Hotel and Multiple Dwellings Officials License issued by the NJ Department of Community Affairs, at least three (3) years' experience in administrating the housing code as a housing code official, licensure as a building or fire inspector by the NJ Department Affairs, a valid NJ drivers license. Mr. Higgins inquired if anyone on staff had those qualifications. Mr. Gural replied that the council is considering hiring a private contractor for the inspections.

Mrs. MacDonald-Parry Avenue discussed that if the inspectors were not going to be employees who would they report and what company would be doing the inspections. Mayor Scheffler replied that the borough would have to go out for formal bidding process for the company and that they would still be responsible to the borough. Mrs. MacDonald inquired if the fees from the rental ordinance would pay for this ordinance No one else from the public wishing to be heard, Mrs. Riener made a motion to close the public portion, Mr. Norcross second the motion. All members present voted in favor of the motion.

Mr. Bostock made a motion to adopt the ordinance, Mr. Norcross second the motion. At the call of the roll, the vote was:

**AYES:** Ms. Dobbs, Mrs. Riener, Mr. Bostock, Mrs. Ragomo Tait, Mr. Norcross.

**NAYES:** None. The ordinance was adopted on second and final reading and will take effect after publication according to law.

**E. Ordinance 2013-17, An Ordinance Requiring A Certificate Of Occupancy Upon The Sales Of Any**

**Residential Property.** Mayor Scheffler read the title of the ordinance into the record. Mayor Scheffler explained that this ordinance requires anyone selling their property to have an inspection completed. Mr. Bostock made a motion to open the ordinance to the public, Mr. Norcross second the motion. All members present voted in favor of the motion.

Ms. Veitenheimer-Rowland Street inquired if there are provisions in the ordinance for someone to purchase or sell a property as is. Mr. Gural replied that there is a provision for temporary resale certificate. Ms. Veitenheimer inquired about the inspection if there is a paper change such as in a divorce or leaving the property to an heir. Mr. Rosenberg replied that he will research the issue but the ordinance does call for exemptions and that if the matter is not addressed in the ordinance the council will modify the ordinance at a later date.

Mrs. Butler-Arch Street-discussed that she thought there was already an ordinance in place for resales. Mayor Scheffler replied that the borough is actually one of the few remaining towns in the surrounding area that does not have a resale ordinance. Mrs. Butler explained that she remembers a family member having to obtain some type of inspection before they could sell. Mrs. Riener explained that there is an inspection required by the fire inspectors for a resale.

Mr. Rosenberg informed council that after reviewing the ordinance for resale certificates it does address the transfer by divorce or if a property is left to an heir and does not constitute a sale.

Mrs. Shea-Riverton discussed that the inspection for the sale of property does not make it equal for landlords with the rental registration.

Mrs. Riener explained that it is not an issue of equality but an attempt to address all of the housing issues in the borough. There is also an ordinance to deal with vacant properties. Mrs. Riener explained that there are fees associated with the ordinances and also penalties for not complying. Mrs. Riener also explained that the ordinances are not about money making revenue for the borough and that all residents are required to have a resale inspection. Mr. Rosenberg explained that tenants are in a different position than property owners and that they do not have means or ways to move if they complain about their landlords.

Mrs. Arnold-Oregon Avenue inquired about the timeframe that an inspection is valid for the sale of a property; many times the sale is postponed or falls through.

Mr. Boyell-Moorestown discussed that if the council is intending to make all properties equal then is it the same criteria as the rental ordinance inspections. Mr. Gural replied that the inspections will be following the same codes.

Mrs. Riener made a motion to close the public portions, Mr. Norcross second the motion. All members present voted in favor of the motion. Mr. Norcross made a motion to adopt the ordinance on second reading, Mrs. Riener second the motion. At the call of the roll, the vote was:

**AYES:** Ms. Dobbs, Mrs. Riener, Mr. Bostock, Mrs. Ragomo Tait, Mr. Norcross.

**NAYES:** None. The ordinance was adopted on second and final reading and will take effect after publication according to law.

**F. Ordinance 2013-18, An Ordinance Amending Chapter 43-Police Department, Section 43-10, Requirements.** Mayor Scheffler read the title of the ordinance into the record. Chief Pearlman explained that this would lower the age to 18 per federal law. Mr. Bostock made a motion to open the ordinance to the public, Mrs. Riener second the motion. All members present voted in favor of the motion.

Mrs. Butler discussed that she is not in favor of lowering the age for an officer. Chief Pearlman explained that many officers over the years started out at a young age and advanced through the ranks of the department to retire. It is a federal requirement and the ordinance just brings the borough in line. Mayor Scheffler explained that they still have to go through the entire review process.

No one else from the public wishing to be heard, Mrs. Riener made a motion to close the public portion, Mrs. Ragomo Tait second the motion. All members present voted in favor of the motion. Mr. Norcross made a motion to adopt the ordinance on second reading, Mr. Bostock second the motion. At the call of the roll, the vote was:

**AYES:** Ms. Dobbs, Mrs. Riener, Mr. Bostock, Mrs. Ragomo Tait, Mr. Norcross.

**NAYES:** None. The ordinance was adopted on second and final reading and will take effect after publication

according to law.

**G. Ordinance 2013-19, An Ordinance Amending Chapter 195-Peace And Good Order, Section 195-8-Violations And Penalties.** Mayor Scheffler read the ordinance by title into the record. Chief Pearlman explained that this just brings the section current for fines under Chapter 195-Peace and Good Order. Mrs. Ragomo Tait made a motion to open the ordinance to the public, Mr. Bostock second the motion. All members present voted in favor of the motion. No one wishing to be heard, Mr. Bostock made a motion to close the public portion, Mr. Norcross second the motion. All members present voted in favor of the motion. Ms. Dobbs made a motion to adopt the ordinance, Mrs. Ragomo Tait second the motion. At the call of the roll, the vote was:

**AYES:** Ms. Dobbs, Mrs. Riener, Mr. Bostock, Mrs. Ragomo Tait, Mr. Norcross.

**NAYES:** None. The ordinance was adopted on second and final reading and will take effect after publication according to law.

**H. Ordinance 2013-20, An Ordinance To Regulate Vacant/Abandoned Properties.** Mayor Scheffler explained there are a lot of vacant properties that are not being maintained and that this ordinance is needed to enforce the code issues. There are large penalties attached to the ordinance as well as a registration fee. Mrs. Ragomo Tait made a motion to open the ordinance to the public, Ms. Dobbs second the motion. All members present voted in favor of the motion.

Mrs. Butler-Arch Street inquired as to how that will help Mrs. Kilmer find owners of the properties. Mrs. Butler discussed that a 4<sup>th</sup> street property has been abandoned and the owners have disappeared, so who will be cited. Mr. Rosenberg explained that the owner of record is listed on the tax records and also many banks send in notices to the borough. Mr. Gural explained that many owners do move away and cannot be traced. The Borough has to wait for someone to give notice of foreclosure. Mr. Gural discussed that an investor or bank is usually paying the taxes on a vacant property, some properties go to sheriff sale and the borough has to wait till the new owner files. Mr. Rosenberg explained that a violation can be a \$1,000 or more and fines can be placed as liens on the properties. Mrs. Butler discussed that years ago a property owner had stated that he would not take care of his property and now it has become a dumping ground.

Mrs. Arnold-Oregon Avenue explained that she is a foreclosure specialists and that there is not enough money left for banks to do anything. The closing costs with the liens on properties are too high to allow someone to purchase them. Mrs. Riener discussed that it is a quality of life issue for the residents around the properties. No one should have to live next to an unkempt property. Mr. Gural explained that a bank can always change the amount of closing costs to sell a property, but they must pay the borough the liens and taxes; there is no way to reduce that amount.

Mrs. Veitenheimer-Rowland Street inquired if this affects the homeowner who is trying to sell their home and has left; also does it affect the landlords when the tenants move out. Mayor Scheffler replied that the vacant ordinance is not for change of tenants, it is not the purpose of the ordinance. Mrs. Veitenheimer inquired as to when the properties have to register? Mayor Scheffler explained that the definitions for the ordinance are contained within the ordinance and that the ordinance does not become effective immediately. Mrs. Riener explained that if there is an agreement of sale or the home is under contract it is not listed as vacant.

Mrs. Butler-Arch Street advised council that she has reached out to Mrs. Kilmer about vacant properties and that there are many with no one in the property. Mrs. Butler discussed that the Borough should maintain these properties.

No one else wishing to be heard, Mr. Norcross made a motion to close the public portion, Mrs. Riener second the motion. All members present voted in favor of the motion.

Mr. Norcross made a motion to adopt the ordinance on second and final reading, Mr. Bostock second the motion. At the call of the roll, the vote was:

**AYES:** Ms. Dobbs, Mrs. Riener, Mr. Bostock, Mrs. Ragomo Tait, Mr. Norcross.

**NAYES:** None. The ordinance was adopted on second and final reading and will take effect after publication according to law.

## **COMMITTEE REPORTS.-**

**Construction/Land Use/Shade Tree-** Mrs. Riener reported that she has had conversations with Mrs. Kilmer regarding the use of front porches for clotheslines. Residents are hanging their clothes out to dry on their front porches. There was no Land Use Board meeting last month and the Shade Tree Committee has been working hard.

**Public Events-** Mrs. Ragomo Tait thanked everyone for coming out to the Memorial Day Observance. There will be a resume workshop at the community center on June 24 with partnering with the Burlington County College. Mrs. Ragomo Tait reported that on July 16<sup>th</sup> there will be a summer movie at the band shell.

**Public Works/Sewer-**Ms. Dobbs reported that the report from Mr. Ryan is on file.

Mayor Scheffler discussed that the new trash carts were delivery today to half the town and the rest will be deliver tomorrow. This Friday will start the once a week pick up on the same day for the entire town. Mr. Gural explained that the current plan is to charge \$95.00 for a residential unit cart if a homeowner wants a second cart. There is additional cost to the Borough for any additional carts including extra tipping fees. A letter was placed inside each trash cart that was delivered and it is also on the website. There is a list of the current trash rules on the website as well. Mr. Gural explained that there is an estimated saving of around \$500,000 for using the trash carts. Mayor Scheffler explained that there was also an email blast about the new carts as well as information on the website.

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

Mr. Smith-VanSant inquired about the charge for the extra cart and if it was a onetime fee or yearly fee. Mr. Gural replied that it would be one time charge.

Mrs. MacDonald-Parry Avenue inquired about the rental units and the trash carts. Mr. Gural replied that each rental unit will receive one cart. Mrs. MacDonald discussed the rental ordinance and that the fees are too expensive especially when changing a tenant. There should a change to the ordinance for change of tenant's inspections.

Mr. Smith-VanSant inquired if you rent to one particular person and they have another person move in with them, do you have to have the unit reinspected. Mr. Rosenberg replied that it would be a judgment call on Mrs. Kilmer to determine if there was a change of tenant.

Mr. Boyell-Moorestown discussed that certain parts of the ordinances wording are more for rooming houses and hotels instead of apartments or homes. The council should not be governing the amount of people sleeping in a particular room; the occupancy issue should be removed for the bedrooms. Mr. Boyell discussed that two adults take up more room than two small children and that the ordinance also will prevent a parent from having their newborn sleep in the same room with them. Mr. Boyell explained that he understands that many issues of the ordinance are for the safety of the police, firefighter and EMS personnel, but that the ordinance is not well written and is unconstitutional in many areas. Mr. Bostock replied that he rides his bike around the borough during the day, but took a ride with Chief Pearlman at night and it was a different environment. Mr. Boyell discussed that it is hard to justify safety after reading the ordinance.

Mrs. Arnold-Oregon Avenue thanks everyone for handling theirselves at the meeting, it was a very emotional meeting and people did get to speak their thoughts.

Mrs. Veitenheimer-Rowland Street inquired as to what happens if the trash carts break or the lid comes off as they did with the recycling carts. Mr. Gural explained that they are covered by warranty and that a resident should let the borough know when the cart breaks. The carts are owned by the borough. Mr. Gural discussed that if you move you cannot take the cart with you and that they have serial numbers that correspond to the address.

Chief Pearlman reported that Lt. Campbell and Sgt. Murphy graduated from the leadership program and also Jeremy Kankorski graduated from the academy.

Mrs. Lynch-Cinnaminson Avenue inquired if after the first two years the ordinance is not working to clean up the town and tenants did not move out will council reconsider the ordinance. Mayor Scheffler explained that the borough council always has the right to revisit and discuss an ordinance. Mrs. Lynch explained that her children live in her rentals and that it will be an additional burden to pay the fees and have them inspected every year. The ordinance is not an incentive for the good landlords. Mayor Scheffler explained that the council is not opposed to listening to residents on the ordinance, but that there is a large problem with some of the rental properties. There are rental properties in her neighborhood that are not in good shape, but that she does appreciate the good landlords for keeping their properties up to date. Mr. Norcross discussed that 99 percent of the people present tonight are not the problem; the people who do not show to discuss the issues are usually the ones who have problems. Mrs. Riener explained that the ordinance was never intent to be punitive and that there was a committee for the last several years and that not only was the Chairman a landlord, but a realtor also sat on the committee.

Mr. Boyell-Moorestown discussed that the landlords should have been given notifications of the ordinance. Mrs. Riener explained that the law does not require that mailings of ordinance be done, as long as it is advertised in the newspaper. Mayor Scheffler explained that parking ordinances are changed all the time and it would not be fiscal responsible to mail out an ordinance to everyone that it would affect.

Mrs. Shea-Riverton discussed that one of the reasons that people who keep their properties in order are upset is that they will have to have them inspected. Mrs. Shea inquired as to what the plan was for illegal apartments? Mayor Scheffler replied that the borough is looking at the sewer bills and tax roles as well as other avenues to locate illegal rentals and that they will be addressed. Mrs. Shea explained that she was at the meetings when the ordinance was addressed the last two times and nothing has changed since then. Mayor Scheffler explained that things have changed and that the housing stock is deteriorating since the ordinance was not adopted previously.

Mr. Smith-VanSant- discussed that the borough is penalizing the good landlords for the 1% of bad landlords that do not keep their property in good shape. Mayor Scheffler explained that an inspection by the borough will help the landlords as well to know if the tenant is keeping the property in good shape or destroying the inside.

Mrs. Lynch-Cinnaminson Avenue discussed that a lot of questions were asked during the rental ordinance public section and that they were not all answered. Mayor Scheffler explained that there is no requirement for the council to respond to every question. There were a lot of questions about technicalities of the ordinance, but that the council has faith in the solicitor Mr. Rosenberg. Mrs. Lynch explained that if council had answered all of the questions the tone of the meeting may have calmed down more.

Mrs. Shea-Riverton discussed that she is annoyed that illegal landlords have made the borough put pressure on the other landlords. Mr. Bostock replied that the landlords should have pressure placed on them by other landlords to clean up their properties as well. Mrs. Riener explained that all week long she refers calls to Mrs. Kilmer or Mr. Austin for code violations.

Mrs. MacDonald-Parry Avenue inquired about the 800 violations that Mr. Gural had talked about and does council know how many pertain to rental units.

No one else from the public wishing to be heard, Mr. Norcross made a motion to close the public portion, Ms. Dobbs second the motion. All members present voted in favor of the motion.

**CLOSED SESSION. Resolution No. 2013-157, Resolution Excluding The Public From Certain Meetings Pursuant To Section 8 Of The Open Public Meeting Act C. 231 P.L. 1975. (litigation)**  
**Mr. Norcross made a motion to approve the resolution, Ms. Dobbs second the motion. At the call of the roll, the vote was:**

**AYES: Ms. Dobbs, Mrs. Riener, Mr. Bostock, Mrs. Ragomo Tait, Mr. Norcross**

**NAYES: None. Council went into executive session at 10:35 pm.**

**Council returned to public session at 10:45pm.**

**Adjournment. Ms. Dobbs made a motion to adjourn at 10:46 pm, Mrs. Ragomo Tait second the motion. All members present voted in favor of the motion.**