

**BOROUGH OF PALMYRA
MINUTES-June 3, 2013**

CALL TO ORDER. Mayor For The Day-Mark Bankowski. Mayor Scheffler announced that a contest was held at the Charles Street School for a student to be eligible as Mayor for the day. Emily Minimi and Mark Bankowski tied for the honor. Emily Minimi was present at the last meeting to help conduct the meeting and Mark Bankowski is present at tonight's meeting. Mayor Bankowski read his essay.

ROLL CALL:

Present: Mayor Scheffler, President Dorworth, Ms. Dobbs, Mr. Bostock, Mr. Norcross.

Absent: Mrs. Riener and Mrs. Ragomo Tait.

PLEDGE OF ALLIGIANCE.

MOMEMT OF SILENCE.

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.

RECOGNITION OF POLICE DEPARTMENT.

Detective Shawn Benedict - Honorable Service Award

Detective Benedict's investigative work in the theft of medications from four different residences within the borough from June 25, 2012 through August 24, 2012. Detective Benedict was able to find commonality amongst the cases that occurred over a two (2) month period. Detective Benedict narrowed the thefts to an employee of the firm doing appraisals of homes for the borough. The investigation led to the arrest of Dylan Michael Croft of Pennsylvania.

PtIm. Michael Ludlow – Exceptional Service Award

Sgt. Timothy Leusner – Honorable Service Award

PtIm. Scott Snow – Honorable Service Award

On December 11, 2012 PtIm. Ludlow was on routine patrol and discovered a strong odor of natural gas in the area of 409 West Fourth Street. PtIm. Ludlow requested assistance and the

Fire Department. Officers Ludlow, Leusner and Snow were able evacuate several houses on the street including the two (2) elderly residents from 409 West Fourth Street. The fire department determined the gas leak was from a heater malfunction and that enough gas had built up to cause an explosion.

PtIm. Michael Ludlow & PtIm Stephen Coveleski – Life Saving Award

On August 6m 2012 PtIm. Ludlow and Coveleski respond to 119 Temple Blvd for the report of an unconscious male. On arrival both officers found the victim unconscious but breathing. Within a moment of their arrival the victim stopped breathing and CPR was started.

On August 8, 2012 Sgt. Leusner received a call from the victim's daughter. She informed Sgt. Leusner that her father had been taken off of life support and was doing well thanks to the work of responding officers.

Sgt. Joseph Osinski – Honorable Service Award

Detective Shawn Benedict – Honorable Service Award

Detective Johnson – Honorable Service Award

PtIm. Scott Snow – BCBC PD – Honorable Service Award

On July 1, 2013 Palmyra Officers were dispatched to 312 Arch Street for a large fight. On arrival officers found a chaotic scene in-which two (2) people had been severely stabbed. Responding officers were able to maintain order, identify all parties involved and retrieved the weapon used. Both detectives worked with investigators from the County Prosecutors Office for numerous hours conducting interviews of witnesses and those involved. The results were then produced to a Grand Jury by the Burlington County Prosecutors Office.

Sgt. Joseph Osinski – Honorable Service Award

Detective Josiah Murphy – Honorable Service Award

Bernice Sharpe – Citizen Award

On January 19, 2012 at 11:21am Bernice Sharpe returned to her Morgan Ave home to find a career criminal Jose Santos burglarizing her home. As he attempted to flee the residence Ms. Sharpe got into a struggle with Mr. Santos who was attempting to leave with her laptop computer. Responding officers were able obtain an excellent description of the suspect which was broadcasted to surrounding officers.

Detective Murphy and Sgt. Osinski located the suspect on the NJ Transit Light Rail Station where he was detained and identified by the victim. The suspect Jose Santos had in his possession the victim's laptop and confessed in an interview. Mr. Santos had been previously been arrested for the strong armed robbery of another elderly Palmyra resident approximately a year earlier. Mr. Santos is currently serving a fifteen (15) year sentence for both crimes.

Detective Brian Johnson – Honorable Service Award

Rebecca Cannon – Citizen Award

On September 19, 2012 Palmyra Officers were dispatched to the area of West Spring Garden Street and Walnut Street to investigate the of male subject who had approached the caller in a vehicle and exposed himself. Over the next couple of weeks Palmyra Police received three (3) additional reports and Riverton Police received one (1) report of male exposing himself from a vehicle. On October 9, 2012 Rebecca Cannon met with Detective Johnson and reported that on October 2, 2012 while walking to a friend's house a male approached her in a car and exposed

himself. Rebecca was able to provide a good description of the vehicle including a license plate number.

Detective Johnson located the vehicle parked in the borough parking lot off Cinnaminson Ave and was able to trace the vehicle to an employee of Ikes Barber Shop. The suspect was interviewed by Detective Johnson and Chief Shaw of Riverton PD and confessed to all five (5) incidents.

Detective Shawn Benedict – Unit Citation

Detective Josiah Murphy – Unit Citation

In late 2011 Armotek Industries was burglarized in which a large amount of specialized copper balls and tools were taken from the business. On January 9, 2012 a second burglary occurred and 200 lbs. of copper and tools were again taken from the business. Through investigation of area scrap yards detectives developed a lead which led them to two subjects that resided on Fairfax Drive in Cinnaminson. In interviews both subjects admitted to the burglaries and led detectives to where the copper had been buried in their rear yard and return of the stolen tools.

Detective Johnson – Honorable Service Award

On August 17, 2012 Palmyra Officers took a report of fraudulent use of a credit card from the 7-11 store on Rt. 73. Further investigation and review of numerous surveillance recordings by Det. Johnson led to the suspect as being identified as Hassan Miller of Camden. It was determined that over a three (3) month period Hassan Miller had used credit cards stolen from Burlington and Camden Counties to purchase over \$5000.00 in gift cards. Mr. Miller was charged with seven (7) counts of fraudulent use of a credit card.

Sgt. Timothy Leusner – Meritorious Service Award

PtIm. Dominic Fabrizio – Meritorious Service Award

PtIm. Michael Deutsch (Retired) – Meritorious Service Award

Sgt. Leusner and PtIm Fabrizio working as a two man patrol unit as a part of the department's field training program observed an illegally parked car. Upon further investigation the officers could smell a strong odor of burnt marijuana. The driver Herman S. Henderson, 3rd admitted to smoking marijuana but refused officer's request to search the vehicle. Both officers and PtIm. Michael Deutsch applied for a telephonic search warrant, which they received. In searching the car they recovered a small bag of marijuana and Hi-Point .380 semi-automatic handgun. The gun was loaded with seven (7) rounds, three (3) of which were hollow points. Further investigation revealed the gun had been stolen from Moultrie, Georgia.

Sgt. Timothy Leusner – Honorable Service Award

PtIm. Dominic Fabrizio – Honorable Service Award

Detective Shawn Benedict – Honorable Service Award

PtIm. Tyler Pons BCBC PD – Honorable Service Award

Nathaniel Oliver – Citizen Award

Gerald Litteral – Citizen Award

Michele Litteral – Citizen Award

On April 24, 2012 Palmyra Officers were dispatched to the area of Ebbitide Lane for a suspicious subject. The caller informed Communications that the subject took off running when he saw the caller. Sgt. Leusner and Ptlm Fabrizio stopped a subject fitting the description on Harbour Drive. Officers identified the subject as Sean Pavlichko, who stated he was residing with his grandmother in Palmyra Harbour. The subject was checked and released.

Approximately twenty (20) minutes later officers received a second call for Riverfront Drive for subject fitting the description of Sean Pavlichko trying enter cars. The caller also informed communications that the subject appeared to be hoarding items in the woods at the end of Riverfront Drive.

Sean Pavlichko was stopped on Temple Blvd by Ptlm Pons of the BCBC PD and detained. With the help of Nathaniel Oliver, Gerald and Michele Litteral officers were able to identify Sean and were able to locate items that had been taken from numerous vehicles.

Shawn Benedict – Top Gun Award

This award goes to the officer with highest cumulative scores for all range qualifications for the year.

Dominic Fabrizio – One Year Good Conduct

A. Resolution 2013-136, Resolution Appointing Ryan Carr As A SLEO II Officer For The Borough of Palmyra At A Rate Of \$14.54 Per Hour. President Dorworth made a motion to approve the resolution, Ms. Dobbs second the motion. At the call of the roll, the vote was:

AYES: President Dorworth, Ms. Dobbs, Mr. Bostock, Mr. Norcross.

NAYES: None.

B. Resolution 2013-137, Resolution Appointing Tyler Main As A SLEO II Officer For The Borough Of Palmyra At A Rate Of \$14.54 Per Hour. Mr. Norcross made a motion to approve the resolution, Mr. Bostock second the motion. At the call of the roll, the vote was:

AYES: President Dorworth, Ms. Dobbs, Mr. Bostock, Mr. Norcross.

NAYES: None.

RECOGNITION.

A. Resolution 2013-138, Resolution Honoring Former Chief Of Police Richard Dreby For Outstanding Service In Connection With The Unexploded Ordnance Found AT the National Amusement Inc. Site. Mayor Scheffler presented Richard Dreby with the resolution after reading it into the record. Mayor Scheffler explained that several years ago when Rick Dreby was Chief of the Palmyra Police Department there became a public safety issue at the flea market property on Route 73. Several explosives ordnance were found and needed to be removed. Chief Dreby made the decision to close the flea market to the public until the issues could be resolved. National Amusements Inc. filed a lawsuit against the Borough for closing the site, claiming loss of revenue and other miscellaneous items. The Borough after several years of litigation and court appeals won

the case, due in part also to Richard Goldstein, Esquire with handling the case. Mr. Rosenberg explained that he wants everyone to understand that National Amusements is a subsidiary of Vi-Con which has many expensive lawyers on their behalf. Mr. Dreby made the decision to close the flea market to ensure the safety of the residents and general public knowing that the Borough would eventually be sued by the owners. Mr. Dreby thanked Mayor and Council and also Mr. Rosenberg for honoring him. Mr. Dreby also thanked the police department members for their full support of him. He was honored to serve the Borough as the Chief of Police and would like to thank President Dorworth for his support as Director of Public Safety.

WHEREAS, the Palmyra Land Use Board and later the Palmyra governing body designated an area as the Rt. 73 South Redevelopment Area (“Redevelopment Area”); and

WHEREAS, Palmyra caused an environmental site investigation to be undertaken by Environment Resources Management (“ERM”); and

WHEREAS, as a result of the preliminary assessment performed by ERM, a further investigation was ordered which revealed the presence of unexploded ordnance on and adjacent to the NAI site located within the Redevelopment Area; and

WHEREAS, then Chief of Police Richard Dreby became aware of the existence of this unexploded ordnance; and

WHEREAS, Chief Dreby evaluated the risks to the public from the unexploded ordnance after conferring with various experts; and

WHEREAS, Chief Dreby, determined that the potential risks to the public necessitated his temporary closing of the “flea market” operations at the NAI site; and

WHEREAS, exercising the authority of his office, Chief Dreby ordered the flea market operations to be stopped until the risk could be abated; and

WHEREAS, a lawsuit was filed against Palmyra seeking damages for the temporary closure of the flea market; and

WHEREAS, the positions taken by Chief Dreby and the governing body have now been vindicated first by the United States District Court and ultimately by the Court of Appeals for the Third Circuit; and

WHEREAS, the lawsuit against Palmyra has now been dismissed.

NOW BE IT RESOLVED by the governing body of the Borough of Palmyra, in the County of Burlington and State of New Jersey as follows:

1. Chief Richard Dreby is hereby publicly commended and thanked for his outstanding service to Palmyra in recognizing the risks to the public from the unexploded ordnance, for taking decisive and courageous action to protect the public, for closely monitoring the remediation work undertaken at the site, and for cooperating with the defense of the Borough in the ensuing litigation.

President Dorworth made a motion to approve the resolution, Ms. Dobbs second the motion. At the call of the roll, the vote was:

AYES: President Dorworth, Ms. Dobbs, Mr. Bostock, Mr. Norcross.

NAYES: None.

B. Resolution 2013-139, Resolution Commending Richard L. Goldstein, Esquire And The Law Firm Of Marshall, Dennehey, Warner, Coleman & Goggin For Outstanding Services Rendered On Behalf Of The Borough Of Palmyra. Mr. Rosenberg informed council that Mr. Goldstein expressed his thanks for the resolution, but that he had a previous commitment. Ms. Dobbs made a motion to approve the resolution, Mr. Bostock second the motion. At the call of the roll, the vote was:

AYES: President Dorworth, Ms. Dobbs, Mr. Bostock, Mr. Norcross.

NAYES: None.

APPROVAL OF MINUTES. The approval was held till the next meeting due to the absence of Mrs. Riener and Mrs. Ragomo Tait.

COORESPONDENCE.

A. Riverton 4th of July Committee. Mayor Scheffler read a request from Riverton to invite the Mayor and councilmembers to march in the parade.

RESOLUTIONS.

A. **Resolution 2013-133,** Resolution Waiving The Alcohol Beverage Control License Fee For Knights of Columbus, Saint Joseph Council #1984. Mayor Scheffler inquired if council members had any concerns about waiving the fee. Mr. Norcross inquired if they would still be able to get a license. President Dorworth discussed that since it is a club license it would be handled differently than a regular license and inquired if there is a state statue regarding the payment of the fee. There was a discussion about other non-profits could also ask for the same consideration. Mr. Rosenberg informed council that he is not sure that they have the authority to waive the fees. Council took no action on the resolution.

B. **Resolution 2013-134,** Resolution Authorizing 2013-2014 Liquor Licenses Renewal. President Dorworth made a motion to approve the resolution, Mr. Norcross second the motion. At the call of the roll, the vote was:

AYES: President Dorworth, Ms. Dobbs, Mr. Bostock, Mr. Norcross.

NAYES: None.

C. **Resolution 2013-135,** Resolution Authorizing Agreement Between Real Results Basketball Training LLC And The Borough Of Palmyra And Authorizing The Mayor's Signature. Ms. Dobbs made a motion to approve the resolution, Mr. Bostock second the motion. At the call of the roll, the vote was:

AYES: President Dorworth, Ms. Dobbs, Mr. Bostock, Mr. Norcross.

NAYES: None.

DISCUSSION ITEMS .

A. Housing, rental, vacant property, ordinances. Mayor Scheffler reused herself from the discussion. President Dorworth handled the discussions. Mr. Gural handed out draft copies of the ordinances that were introduced at the May council meeting. Mr. Gural that as part of the housing ordinance the recommendation would be to appoint Tracy Kilmer head of the department and CPG & H would perform the inspections. The housing department would also handle the certificate of occupancy for the resale's. The vacant property ordinance is similar to the Cherry Hill ordinance and will help with the borough being able to get the yards cut and the properties cleaned up. The rental ordinance is only for one and two units, the state inspects anything over 2. President Dorworth inquired when the final reading is scheduled. Mr. Gural replied that it is to be held on June 17th at the regular council meeting. President Dorworth discussed the need for the vacant property ordinance and that the grass is high on many of these properties and that they are prone for vandalize. Mr. Bostock discussed that it would give the banks and mortgage holders the incentive to fix them and resell them. Mr. Austin, deputy code enforcement officer will also be

checking them for code violations. Mr. Norcross explained that many towns in the county have already passed a similar ordinance.

B. Cell Tower. Mr. Rosenberg informed council that he has had many conversations with companies that would like to purchase the cell tower from the Borough. The easements for Burlington County and the Borough would remain the same for the tower use. Mr. Rosenberg discussed that if the Borough decides to sell the tower, it would have to go out to formal bid.

C. Community Center Committee. Mr. Gural reported that the committee working on the process is meeting and will continue to get further established. Mr. Gural explained that the Borough will maintain ownership of the center, but that the non-profit committee will be able to schedule events and help small groups obtain the necessary insurance that they are now unable to obtain usually due to the cost. The committee will be holding further meetings and invite members of council to attend.

D. BID ordinance. Held for executive session.

Mr. Norcross inquired about the status of Market Street? Ms. Dobbs explained that at the last meeting Mr. Kirchner of ERI had discussed that Market Street was completed as far as the Borough's involvement and that the Burlington County Bridge Commission was obtaining bids for the repaving.

Mr. Rosenberg informed council that the bonding issues from Parry Project have been resolved and that he will prepare a resolution for the next meeting. Mr. Gural informed council that there is only one issue with a tree left and that it will be address.

Mayor for the Day Mark Bankowski informed council that the he would like to see the third Saturday of every April as clean up in the business section of the Borough. Local businesses could donate money towards the cause or help with the clean-up. Mayor Scheffler thank Mark for his excellent idea and that council can approve a resolution designating the day. Mr. Norcross discussed that the month of April has always been clean up month in the borough.

Resolution 2013-140, Resolution Designating The Third Saturday Of April As Clean Up In The Borough Of Palmyra. Ms. Dobbs made a motion to approve the resolution, Mr. Norcross second the motion. At the call of the roll, the vote was:

AYES: President Dorworth, Ms. Dobbs, Mr. Bostock, Mr. Norcross.

NAYES: None.

Mayor Scheffler thanked Mark Bankowski for doing an excellent job as Mayor for the Day. Mayor Scheffler thanked the War Memorial Committee for an excellent job with Memorial Day and that she heard many people express their pleasure of the War Memorial being located in the center of town. President Dorworth also thank Mark Bankowski on this excellent essay that won him the title of Mayor for the Day.

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. Pitt-Cinnaminson Avenue- discussed the parking issue on Cinnaminson Avenue around his driveway. Mr. Pitt explained that he had approached council last summer on the issue and would like to have someone review the traffic parking. He lives at the corner of 5th street and Cinnaminson Avenue and backing out of the driveway is a problem. There are one hour signs posted but they are not enforced. Mr. Pitt explained that cars park right up to the driveway and there is no way to see oncoming traffic when backing out. There is an apartment building across the street and they use the street parking instead of their parking lot. Mr. Pitt also discussed that there are no painted lines for the driveways to show a vehicle where they cannot park. Mr. Pitt explained that he had called the Burlington county engineer's office and was told that parking restrictions and enforcements are

the Borough's responsibility. Mayor Scheffler inquired if Chief Pearlman had any comments on the issue. Chief Pearlman explained that he will review the one hour parking ordinance to make sure that it continues into the residential area. Chief Pearlman will ride by the corner to see if a solution can be accomplished. The state statute does not allow for any restrictions of parking by a driveway unless the vehicle is blocking the entrance. Mayor Scheffler inquired about painting the curb yellow at the driveway. Chief Pearlman explained that in connection with Public Works they do it on a case by case base, otherwise there would be no place to park.

Mr. McElwee-War Memorial Committee thanked the council members who attend the Memorial Day observance and that it is in its 24th year. Mr. McElwee also thanked Mr. Norcross, Mrs. Ragomo Tait and Mayor Scheffler for their support of the Memorial. There are 20 names to be added to the Memorial and the committee is considering adding another stone as well. The Wall That Heals will be on display at the YMCA of Mount Laurel starting Tuesday for 24 hours a day.

Ms. Veitenheimer-Roland Street inquired as to how the borough will locate the home businesses for the business registration ordinance? Mayor Scheffler replied that many businesses are listed on the website and also in the yellow pages. Mr. Gural explained that numerous ordinances are adopted every month and are posted on the website after adoption. The ordinances are also advertised in the newspaper on first and second reading. Ms. Veitenheimer explained that not everyone reads the paper and that perhaps the ordinances should be mailed to the residents that it would affect. Mr. Gural replied that it would be cost prohibitive to do a mailing for every ordinance. The Borough is working on a calendar for residents that will also have a lot of the information that they will need to know. Mr. Norcross discussed that the borough's website is advertised everywhere including on the police vehicles and public works trucks. The borough also uses Global Connect to blast telephone calls with information.

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. 2013-141, Resolution Excluding The Public From Certain Meetings Pursuant To Section 8 Of The Open Public Meeting Act C. 231 P.L. 1975. (litigation).

Mr. Bostock made a motion to approve the resolution, Ms. Dobbs second the motion. At the call of the roll, the vote was:

AYES: President Dorworth, Ms. Dobbs, Mr. Bostock, Mr. Norcross.

NAYES: None. Council went into executive session at 9:03 pm.

Council returned to public session at 9:57 pm.

Resolution 2013-142, Resolution Authorizing The Solicitor To Negotiate A Settlement With ETK Ligation. Mr. Norcross made a motion to approve the resolution, Mr. Bostock second the motion.

At the call of the roll, the vote was:

AYES: President Dorworth, Ms. Dobbs, Mr. Bostock, Mr. Norcross.

NAYES: None.

Adjournment. Ms. Dobbs made a motion to adjourn at 10 pm, Mr. Norcross second the motion. All members present voted in favor of the motion.