

**BOROUGH OF PALMYRA
MINUTES-July 1, 2013**

CALL TO ORDER.

ROLL CALL:

Present: Mayor Scheffler, President Dorworth, Ms. Dobbs, Mrs. Riener, Mr. Bostock, Mrs. Ragomo Tait, Mr. Norcross.
Absent: None.

PLEDGE OF ALLIGIANCE.

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.

PROFESSIONAL UPDATES.

A. **Environmental Resolution-update.** Mr. Kirchner reported that Eagle Construction is at the punch list stage and that they will be reviewing the few items left that have to be correct before final payment is due. The HVAC system is 90 percent completed and is running extremely well. The final payment will be around \$45,000. Mr. Kirchner informed council that bids were received for the Parry Avenue Phase II project and also for the Magnesium Hydroxide Storage And Feed System. The resolution for award will be on the next meeting's agenda for F & P Contractors for Parry Avenue Phase II and Municipal Maintenance for the storage and feed system.

EXECUTIVE SESSION. Resolution No. 2013-158, 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, Mr. Bostock second the motion. At the call of the roll, the vote was:

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

NAYES: None. Council went into executive session at 7:12pm.

PUBLIC SESSION. Borough Council returned to public session at 7:53pm.

APPROVAL OF MINUTES. Mr. Norcross made a motion to approve the minutes of June 17, 2013, 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.

ABSTAIN: President Dorworth.

COORESPONDENCE.

A. Thank you letter from John Washington. Mayor Scheffler read a thank you letter from Mr. Washington for the flowers for the passing of his father.

B. Thank you notes from Olivia White and Benjamin Sharapoff. Mayor Scheffler read the thank you notes from Ms. White and Mr. Sharapoff whom were recipients of the Mayor's Award at the Palmyra High School graduation.

C. Letter of retirement-Millie Opperman, Crossing Guard Captain and Jeanne Kahana, Crossing Guard. Mayor Scheffler read notices of retirement from Mrs. Opperman and Mrs. Kahana on their notice of retirement as crossing guards for the Borough of Palmyra. Mr. Norcross made a motion to accept the notices of retirement, Mr. Bostock second the motion. All members present voted in favor of the motion.

RESOLUTIONS.

A. **Resolution 2013-159,** Resolution Appointing Stephen Covelski As A Permanent Member Of The Palmyra Police Department After Completion Of Probation Period. Chief Pearlman explained that Patrolman Covelski has completed his necessary probation period with the department and that he is requesting that council recognize him as a full member of the police department. President Dorworth 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, Mrs. Riener, Mr. Bostock, Mrs. Ragomo Tait, Mr. Norcross.

NAYES: None.

B. **Resolution 2013-160,** Resolution Authorizing 2013-2014 Liquor License Renewal. Ms. Dobbs made a motion to approve the resolution, President Dorworth second the motion. At the call of the roll, the vote was:

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

NAYES: None.

C. **Resolution 2013-161,** Resolution Amending Borough Of Palmyra Personnel Policies And Procedures Manual For Non-Uniformed Personnel. Mr. Gural explained that this resolution is to eliminate any confusion with the using or taking of comp. time for non-uniformed employees. This policy would require that all employees use their comp. time that they have accumulated on the books before they can take non-pay status when they have not worked their required hours. 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, Mrs. Riener, Mr. Bostock, Mrs. Ragomo Tait, Mr. Norcross.

NAYES: None.

DISCUSSION ITEMS .

A. Riverton Police Department-shared service agreement. Mr. Rosenberg informed council that he had reached out to the solicitor of Riverton and that their solicitor is under the impression that the coverage required by the borough has lessen and that they are not in need of full coverage by the borough. Chief Pearlman discussed that the department at the time is not doing any additional coverage for Riverton, since they have hired a new officers. Chief Pearlman requested that a share service agreement should be adopted in case coverage is needed again it will already be in place.

B. Parking for Municipal Lots. Chief Pearlman informed council that on Friday there was an issue with the borough parking lot, a resident had decided that he was going to change his car engine in the lot and another resident had started to put on a set of springs on his vehicles. Chief Pearlman explained that there is an ordinance for two hour parking from 7am-11pm which would give the apartments overnight parking from 9pm to 9am without violating the ordinance. Mr. Gural discussed that he agrees with the Chief and that council had wanted to look at the entire parking issues in the borough, but with the recent developments in the lot, this area needs to be addressed now. Mayor Scheffler inquired if council needed to take any action this evening. Chief Pearlman explained that the ordinance is already on the books and that he will meet with Tom Ryan of public works about the signage.

C. 330 Berkley Avenue-Chief Pearlman informed council that he had issued a press release about police responding with the NJ State Police concerning a search warrant for drugs and child endangerment. Chief Pearlman explained that the landlord was also sent a letter to advise him of the issue with his property. The Officers are currently at a home on Morgan Avenue about several issues as well.

D. Rental And Certificate Of Occupancy Ordinance. held for executive session

E. Policy for trash carts. Resolution 2013-156, Resolution Setting Fees For Additional Trash Cart Receptacles For Residential Customers At \$95.00 And Commercial Customers At \$145.00. Mr. Gural explained that Central Jersey was notified that the borough council and Mayor were not happy with the recent collection. They were informed that they need to inform on their services to the borough. Mr. Gural handed out to council a list of rules and regulations that he would like council to consider for trash collection. Mayor Scheffler explained that there were not a lot of issues with the borough giving out the carts to the residents; it was on the company side with collection problems.

F. Capital Expenditures. Mr. Gural discussed that the two ordinances on the capital expenditures will be on the next agenda for final approval. The fire department is looking to purchase the new truck shortly after adoption.

G. Cell Tower. Mayor Scheffler discussed that the borough has received interest from a lot of companies wanting to purchase the tower and the leases. Mr. Gural explained that the borough will have to go out for bid to sell the tower, but it will not affect the borough and the county's needs for the tower. The company will have to allow the borough and the county access to the tower. Mrs. Ragomo Tait made a motion to have Mr. Rosenberg, solicitor prepare bid specs for the sale of the tower, Mr. Bostock second the motion. All members present voted in favor of the motion, with Ms. Dobbs abstaining.

H. Community Center Committee. Held till next meeting.

I. Vision Statement. Held till next meeting.

J. Code Enforcement-Front Porch. Mrs. Riener explained that she is looking for support of council to review ordinances for clothes being hung out on front porches and also for front porches being used for storage. Mrs. Riener discussed that the ordinances needed to be tighten up.

K. BID ordinance. held.

Mayor Scheffler informed council that she had received a letter from Senator Allen concerning the NJIT Trust Funds for approval to the sewer plant. A letter will be sent out to the residents in the area of the plant informing them of the improvements and when they will start. Mayor Scheffler and Borough Council recognized Mr. Gural for his graduation from his CPM class.

Mr. Norcross discussed the need to review and make the entrance into the borough lot from Cinnaminson Avenue one way in. Mrs. Riener agreed and discussed that the site triangle creates an issue when leaving the lot.

Mr. Bostock discussed the need to have public works open in the evening for the residents. Mr. Gural replied that the dumpsters are opened on Saturdays for residents from 7am-noon due to an employee already working, so the Borough acquires no overtime cost.

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. Mayor Scheffler informed the public that due to potential litigation concerning the rental registration ordinance, the solicitor Mr. Rosenberg will be responding to most questions concerning the matter.

Mr. Boyell-Moorestown owner of a home on Cinnaminson Avenue discussed that at the last meeting he had voiced some comments about the rental ordinance and would like to add some objections. Mr. Boyell discussed that in another town he had been a victim of corruption by inspectors. Mayor Scheffler informed Mr. Boyell that they were not going to discuss the issues of another town and that he need to discuss the issues concerning Palmyra. Mr. Boyell discussed that the ordinance is discriminatory against family and that the landlords cannot manage the sleeping arrangements. There is a requirement for a floor plan and the ordinance also requires measurements for sleeping rooms. Mr. Boyell explained that a landlord cannot tell a tenant not to have their baby sleep with them or to have two children in one room. The design of the ordinance is for rooming houses not single family rentals. Mr. Boyell requested that the ordinance be tabled or reconsidered.

Mr. Hirsch-Cinnaminson discussed that he has a hard time as a taxpayer in the borough of moving forward with an ordinance that will cause litigation. The expenses to defend the litigation will be paid by the taxpayer of the Borough. Mr. Hirsch suggested that council regroup to amend the ordinance.

Mrs. MacDonald-Parry Avenue discussed that it is a great idea to amend the ordinance and that she has heard a lot of good merits on both sides of the issue. Mrs. MacDonald explained that she does think that the part of the landlords be held responsible for the tenants behavior is wrong. Mr. Rosenberg explained that there are two possible lawsuits being discussed against the Borough in regards to the ordinance so there is not going to be any public statements in regards to any changes or amendments to the ordinance. Mr. Rosenberg explained that council is actively looking at making some changes to the ordinance. Mrs. MacDonald discussed that making some tweaks to the ordinance is a good thing and that she hopes a middle of the ground can be reached. Mrs. MacDonald inquired as to how an ordinance is amended or changed. Mr. Rosenberg replied that council can amend any existing ordinance by changing sections of the ordinance or they can adopt a completely new ordinance. Mr. Rosenberg explained that any action will be published in the newspaper under legal section before and after adoption.

Mr. McElwee-War Memorial Committee informed council that the flagpole light is finally repaired and that the pole will be lit by Wednesday.

Mrs. Blakeby-Highland Avenue discussed that people had a lot of questions at the June meeting and they were not all answered. The ordinance does not say that she has to register her mother-in-law apartment or not. She is requesting an answer. Mrs. Blakeby discussed that page 11-14 talks about the ordinance not superseding the state code and how do they find the answers to their

questions, if council cannot answer them. Mr. Rosenberg replied that Mrs. Kilmer will make some of the determinations for the ordinance when the registrations are required.

Ms. Veitenheimer-Rowland inquired as to where customers are going to park to use the businesses in the downtown area if they need more than two hours. Mayor Scheffler explained that it always has been on the books for two hours parking and that the police department is looking to enforce the current ordinances. Ms. Veitenheimer discussed that it may help the businesses since the lot is always full of cars all day.

Mrs. Shea-Riverton explained that she thinks that the number of inspections required by the rental ordinance is in excess. There are also fire inspections that are required. Mr. Gural explained that the fire inspection fee can be waived with the rental inspections. Mrs. Shea discussed that the state only requires an inspection every five years and that Merchantville only requires an inspection every three years. The need to have an inspection with each new tenant could mean that a landlord will lose a possible tenant while waiting for an inspection. Mrs. Shea requested that a list of what will be done at the inspection be given out.

Mr. Kay-West Second Street discussed that a list is needed so that a tenant can move in as soon as possible. Mr. Kay inquired if the ordinance is amended would the required start date for registration also be pushed back. Mr. Rosenberg replied that he is not aware of councils desire to push back the enforcement date of the ordinance. Mr. Gural explained that the construction office does thousands of inspections a year and a list is not handed out before an inspection. The person or contractor follows the state guidelines as to what is required for their permit. The inspections of the rental units will follow the guidelines of the state code as outlined in the ordinance. Mr. Kay discussed that Mrs. Kilmer and Mr. Austin have gone around the town and enforced codes.

Mr. Smith-Van Sant discussed that the town looks better and that a lot of grass has been cut. Mr. Gural explained that the borough is currently cutting grass and liening the properties.

Mrs. Shea-Riverton inquired if the rental inspections will be done by Mrs. Kilmer? Mayor Scheffler replied that the borough is looking into going out for formal bid for a private contractor to conduct the inspections.

Mr. Bostock-Memorial Avenue explained that in the last few weeks people have stopped him and told him to tell council that they are doing a good job with cleaning up the town.

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

CLOSED SESSION, Resolution No. 2013-162, Resolution Excluding The Public From Certain Meetings Pursuant To Section 8 Of The Open Public Meeting Act C. 231 P.L. 1975. (Litigation).

Mrs. Ragomo Tait 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, Mrs. Riener, Mr. Bostock, Mrs. Ragomo Tait, Mr. Norcross.

NAYES: None. Council went into executive session at 8:45 pm.

Council returned to public session at 9:22 pm.

Adjournment. Ms. Dobbs made a motion to adjourn at 9:25 pm, Mr. Norcross second the motion. All members present voted in favor of the motion.