

Borough of Palmyra
Minutes-June 1, 2015

CALL TO ORDER.

PLEDGE OF ALLEGIANCE.

ROLL CALL.

PRESENT: Mayor Scheffler, President Dobbs, Mrs. Tait, Mr. Nowicki, Mr. Bostock, Ms. Arnold, Mr. Howard.

ABSENT: Ms. Kane (student representative).

MOMENT 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, 2015.
- B. Mailing written notice to the Burlington County Times, and the Courier Post Newspaper on January 7, 2015.
- C. Notice to All Council Members.

APPROVAL OF MINUTES- President Dobbs made a motion to approve the minutes from May 18, 2015, Mrs. Tait second the motion. All members present voted in favor of the motion.

CORRESPONDENCE.

- A. Letter from Veteran Robert Blum of Maine. Mayor Scheffler thanked everyone for their excellent work and coordination for the Memorial Day Observation and the presentation of medals. Mayor Scheffler read the letter into the record.

Dear Mayor Scheffler 5/26/15

I'd like to thank you, your staff, the War Memorial Committee, and the residents of Palmyra for a wonderful tribute to our Veterans. A special thanks to my friends Tom McElwee and Howard Norcross who I grew up with in Palmyra. Everyone involved did a terrific job.

The Medal I received has a special place in my home and will be cherished forever.

This day has made me extremely proud to be a Veteran. Although I live in Maine now I'll always be a Palmyra Veteran!

Thank you and God Bless America and Palmyra.

Sincerely,

Robert J. Blum

PROFESSIONAL UPDATES.

A. Environmental Resolutions-William Kirchner update council on the Borough Hall door project and that a change order for additional work requested by the Borough will be on the agenda for the next meeting in the amount of \$8,000. The South Broad Street topographical survey is completed for the project. Mr. Kirchner has contacted NJ Transit and also Burlington County about the signs for Welcome to Palmyra near Route 73 and Spring Garden. He has had no response to his inquires.

B. Palmyra School District-Superintendent McBride presented council with the State of the School Strategic Planning review. The Palmyra School District is comprised of Charles Street School, Palmyra High School and Delaware Avenue School Board of Education. Mr. McBride read the mission statement of the school. The students come from three different communities: 7,398 residents from Palmyra, 2,779 residents from Riverton, 2,577 residents from Beverly. The enrollment figures are: 2012-13-958 students, 2013-14-960 students, 2014-15-945 students. Mr. McBride explained that there are about 142 district employees (10 administrators, 91 certified staff, and 41 educational staff). The plan calls for a response to technology needs for the school, there has been an increase in the internet bandwidth from 2012-6MBPS to 2015 internet bandwidth-100MBPS. The student devices have increased since 2012 by 379%. The District has purchased 18 classroom smart boards for the teachers to use. The school is reviewing the curriculum, instruction and enhancements for the 2015-2016 school year. Superintendent McBride discussed the budget. The anticipated budget is \$16,644,263 for the school year and the cost per pupil is \$13,262. Mr. McBride explained that there are many educational considerations listed in the report as well as a fiscal and plant operations plan. Mrs. Tait discussed that the Community Center Program Board is looking to do a SAT review class again. Mr. Howard discussed that the computers at the Charles Street School are great and that the students do power point presentations. Mayor Scheffler thanked Superintendent McBride for being proactive in keeping the council informed.

ORDINANCE ON FIRST READING. (public hearing on July 6).

A. Ordinance 2015-9 Ordinance Amending Ordinance 2013-14, An Ordinance Requiring The Inspection, Registration And Licensing Of Residential Rental Properties In The Borough Of Palmyra; Ordinance 2013-23 An Ordinance Amending Ordinance 2013-14. Mayor Scheffler discussed that councilmembers received the draft ordinance at least 10 days ago and that the draft has not been available to the public till after the meeting with Judge Bookbinder. The public hearing is scheduled for July 6th. Mayor Scheffler requested that the ordinance be held till after executive session so that Mr. Rosenberg can review the landlord litigation with council. Mr. Nowicki inquired if the Mayor wanted to introduce the ordinance tonight by title after the executive session. Mayor Scheffler explained that if council agrees with the ordinance being introduced tonight after executive it will be made available sooner to the general public. Ms. Arnold discussed that introducing the ordinance by title does not give a chance for review of the ordinance. Mayor Scheffler explained that it will allow Mr. Rosenberg to make the changes after the meeting with Judge Bookbinder. Mr. Rosenberg explained that procedure is correct and that Ordinance 2015-10 is not the subject matter of the litigation. Mr. Bostock inquired if the Judge is requiring the ordinance be introduced tonight before the meeting with him. Mr. Rosenberg explained that the Judge is generally satisfied if the defendants are satisfied and that he would not have an independent interest in the Ordinance. Ms. Arnold discussed holding the ordinance so that Judge Bookbinder suggestions can be placed in the ordinance. Mr. Rosenberg explained that the ordinance shows that the borough is serious about the ordinance and is willing to settle the case with the new ordinance. Mr. Nowicki inquired if the intent is to go through the agenda, then go into executive session and return to public portion to introduce the ordinance. Mr. Nowicki explained that he is not comfortable with doing it after executive, when the public usually leaves. Mr. Howard discussed that just the points of the litigation will be discussed in executive and the rest will be done in the public. Mayor Scheffler explained that only a few comments have been received since council received the ordinance. President Dobbs explained that the discussion for the public can also be

continued till the June 15th meeting. Mr. Rosenberg explained that after executive session the document can be given to the landlords that filed the lawsuit so that they will have it before the meeting with Judge Bookbinder. Mayor Scheffler discussed that if there are too many changes, the ad-hoc committee can meet again before the second reading.

B. Ordinance 2015-10 Ordinance Amending Ordinance 2013-17, An Ordinance Requiring The Issuance Of A Certificate Of Occupancy Upon the Sale Of Any Residential Property; Ordinance 2013-25, An Ordinance Amending Ordinance 2013-17. Held till after executive session.

DISCUSSION ITEMS.

A. Sewer Ordinance Amendments-Mr. Gural explained the ordinance amendments present various options to council including offering a credit to mix use properties. Mr. Gural and Mr. Kirchner had taken a look at the numbers will all the apartment complexes in the town. There is a concern if it is fair to offer credits to owners of mixed use properties, when the vacant homes use no water or sewer and still have to pay the same amount. Mr. Kirchner explained that an apartment will use less water than a single family home or a detached home. The data from NJ American Water Company supports that apartments use about 12,000 gallon. Seniors usually use less than 10,000 gallons of water. Mr. Gural explained that he still feels that the installation of a separate water meter for the mixed use properties is the way to go and to offer them a discount for installing an extra water meter. Mixed use properties would receive a credit of 12,000 gallons. The ordinance would need to be effective by October for the second billing of sewer fees.

B. Code Enforcement Officer-Ms. Arnold discussed that the committee had reviewed the applications based on criteria for the position and narrowed it down to 6. The committee has requested additional information from the 6 applicants. Borough Council will need to decide if the position is full time or part time.

C. Affordable Care Act. Mr. Gural explained that since the Borough no longer employs Special Officers the amount of employees for the affordable care act is at 44. The full time officers is a better value for the Borough. The Borough is in full compliance as a small business and needs to remain under 50 employees.

D. Tri-Boro Vet Property. Mr. Gural discussed the appraisal and that the Borough would receive a better price if all approvals to build a home were in place at the time of the sale. The best value would be to sell without demo of the building as a private person can do it less expensive than the Borough.

E. Sick Leave Policy-Mr. Gural passed out the sick leave policy that is currently in the Handbook. The policy had been reviewed and amendment in 2006-2007. Any non-uniformed employee hired after 2007 does not receive sick time. There is now a push in the state and other states to offer accrued benefits to staff. Mr. Gural explained that Borough Council could offer 7 sick days by reducing PTO days to 3 for non-uniformed employees. Ms. Arnold discussed limiting the maximum number of days that could be carried each year. Mr. Gural explained that it would require an amendment to the handbook. Mr. Gural discussed that some employees have had their benefits negotiated as part of their hiring process and that he is attempting to balance the books. Mrs. Tait discussed that it would actually only be an additional (five)5 days since the PTO days would be reduced to three(3). Mr. Bostock explained that the carrying of sick days benefits an employee in the case of a disability or long term illness.

F. Lewandowski Construction Inc. bonding-Mr. Rosenberg informed council that there has been an issue with the bonding company for Lewandowski Construction and that the council had authorize a resolution declaring the bonding company in default. The bonding company is refusing to pay for items that need completion due to the time period of completion instead of using the date the bond expires. Mr. Kirchner explained that the items that are deficient is about \$3,300. Mr. Rosenberg discussed that an argument could be made that some changes are not due to the company, but due to natural causes such as salt and plowing. Mr. Rosenberg also explained that it would be more costly to go into litigation with the company, then the amount the repairs call for.

Mr. Kirchner will place the repairs needed in the bids for the project at South Broad and Public Road.

G. Community Center Usage Policy/Gym Usage-Mr. Gural informed council that he had spoken to Mike McCarren about the programs that council suggested at the last meeting and that he is agreeable to the programs. A meeting will be set up soon to review councils concerns.

H. Willingboro Animal Control-Chief Pearlman informed council that there has been a few issues with the Animal Control not responding to calls. The Chief has reached out to the Captain in Willingboro that is in charge of the department. Chief Pearlman explained that Willingboro stated that they have been shorthanded, but there was a dog bit in the Borough last week and they did not respond. Mayor Scheffler requested that Chief Pearlman reach out to Willingboro about the shared service agreement with the Borough for animal control.

ADMINISTRATOR REPORT.

A. JIF Loss Ratio-Brian McMahon will be giving Council an update on June 18 about the Joint Insurance Fund.

B. Municipal Alliance-The State has approved the Borough's application for Municipal Alliance grant. Mrs. Birch from the high school will be the Director of the Program.

C. Borough Hall-The doors in Borough Hall have been installed and the glass door in the lobby will be locked at night for security. The key fob is working on the front door and the side employee/council entrance.

D. Halloween-Mr. Gural informed council that the Halloween Committee has been approved as a 501c by the IRS which makes them fully tax exempt and able to raise funds on their own.

COMMITTEE REPORTS.

Mayor Scheffler announced that the Porch Club of Riverton will hold its annual Paint the Porch Pink on Saturday for breast cancer. On Friday June 5, she will be at the SAM's Club in Cinnaminson on Route 130 to raise funds for CHOP. Mayor McCarthy of Cinnaminson and Mayor Scheffler have a site set-up for people to make donations. Mayor Scheffler will be sitting with Mayor McCarthy of Cinnaminson on the roof from 1pm-5pm.

PUBLIC COMMENT. President Dobbs made a motion to open the meeting for public comment, Mr. Bostock second the motion. All members present voted in favor of the motion.

Mrs. Shea-Riverton-inquired when she could get a copy of the ordinance for rental inspections and that she would like to have it earlier for review. Mr. Rosenberg informed Mrs. Shea that she will have a copy of the ordinance first thing in the morning.

Mr. McElwee-Columbia Avenue thanked public works for all of their hard work for Memorial Day and that the speaker system worked excellent. Mr. McElwee thanked council members who attended the ceremony and that 35 medals were given out. More medals will be given out on Veterans Day. Mr. McElwee presented Mayor Scheffler with a check for \$1,000. from the Roger Ulrich Hubbs American Legion Post 156 to be placed towards the cost of the medals.

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

CLOSED SESSION.

Resolution 2015-114, Resolution Excluding the Public From Certain Meetings Pursuant To

Section 8 Of the Open Public Meeting Act C. 231 P. L. 1975. (Litigation, negotiations). President Dobbs made a motion to approve the resolution, Mr. Bostock second the motion. At the call of the roll, the vote was:

**AYES: President Dobbs, Mrs. Tait, Mr. Nowicki, Mr. Bostock, Ms. Arnold, Mr. Howard.
NAYES: None. Council went into executive session at 8:05pm.**

Council returned to public session at 9:08pm.

A. Ordinance 2015-9 Ordinance Amending Ordinance 2013-14, An Ordinance Requiring The Inspection, Registration And Licensing Of Residential Rental Properties In The Borough Of Palmyra; Ordinance 2013-23 An Ordinance Amending Ordinance 2013-14. Mr. Rosenberg explained that council could introduce tonight or hold the introduction till after the meeting with Judge Bookbinder. Mrs. Tait made a motion to adopt Ordinance 2015-9 on first reading, President Dobbs second the motion. At the call of the roll, the vote was:

AYES: President Dobbs, Mrs. Tait, Mr. Nowicki, Mr. Bostock, Mr. Howard.

NAYES: Ms. Arnold. The ordinance was adopted on first reading and will be heard on second and final reading at the meeting of July 6, 2015 at 6:30pm.

B. Ordinance 2015-10 Ordinance Amending Ordinance 2013-17, An Ordinance Requiring The Issuance Of A Certificate Of Occupancy Upon the Sale Of Any Residential Property; Ordinance 2013-25, An Ordinance Amending Ordinance 2013-17. Ms. Arnold discussed that the definition of relative needs amending to remove the word blood, page 4 resident #1-states age of 65 for discount and that it should be the same as the transfer tax when purchasing a home at the age of 62. Mayor Scheffler explained that the age is set for 65 since the other discounts including the sewer discounts are for residents 65 and over. Ms. Arnold inquired as to on page 5-E sales C.O. where the number of days 270 came from. Mr. Bostock explained that he listen to what the public was saying and made suggestions. Mayor Scheffler explained that changes were supposed to be sent out before the council meeting so that they could be incorporated. Ms. Arnold explained that there were too many changes to email. Mr. Nowicki explained that the Willingboro ordinance lists that the inspections do not warranty the property and also inquired as to why a government issued id is required for the resale of the property. Ms. Arnold explained that usually the real estate agent or the title company require an id from the buyer and seller. Mr. Howard made a motion to adopt the ordinance on first reading, Mrs. Tait second the motion. At the call of the roll, the vote was:

AYES: President Dobbs, Mrs. Tait, Mr. Nowicki, Mr. Bostock, Mr. Howard.

NAYES: Ms. Arnold The ordinance was adopted on first reading and will be heard on second and final reading at the meeting of July 6, 2015 at 6:30pm.

ADJOURNMENT. Mrs. Tait made a motion to adjourn at 9:31 pm, Mr. Nowicki second the motion. All members present voted in favor of the motion.