

Borough of Palmyra
Special Meeting Minutes
Tuesday September 12th, 2017

The Special Meeting of the Borough of Palmyra was called to order by Mayor Michelle Arnold at 7:00.

At the call of the roll present were; Mayor Michelle Arnold, Mr. Frank Cosky, Mrs. Bernadette Russell, Mrs. Gina Tait, Ms. Mindie Weiner, Mr. Lewis Yetter, and President Timothy Howard

Absent: none

Pledge of Allegiance followed by a moment of silence

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

- A. Posting written notice on the official bulletin board at the Palmyra Borough Hall on August 25th, 2017.
- B. Mailing written notice to the Burlington County Times, and the Courier Post Newspaper on August 25th, 2017.
- C. Notice to All Council Members.

Discussion items

Commercial/Industrial Area Road Improvements and Potential Vacations

Filmore Street

Mr. Gural presented council with the proposal from ERI for the Filmore Avenue Improvements, also the Owner Map of Filmore Avenue and e-mail from our Tax accessor establishing the value of Filmore Avenue. Mr. Gural explained that many years ago the businesses which are adjacent to Filmore Avenue, approached the Borough regarding the condition of the road. It was explained to them that a complete reconstruction was a very expensive project and so repairs of various sorts have been completed over the years to try and maintain that street. The street is primarily used by the four adjoining property owners, which are Philadelphia Sign Co. and Callahan Chemical Company, Tomas Craig Repair and Hot, Wet, Wax Car Wash. Mr. Gural indicated Filmore Street would not qualify for funding from the State for any type of road improvement project due to the limited use of the road by the public. Recently Mr. Gural again met with Philadelphia Sign Co. and Callahan Chemical regarding the condition of the road and the possibilities of coming up with some solution for the road. Mr. Gural stated some of the equipment/fork lifts are particularly hard on the road and if we spend the money repairing the road it would be back in the same condition in a relatively short period of time. Mr. Gural said we have looked at various options, which included dedicating that road to the adjacent property owners, completely reconstructing the road, and repairing the road. Mr. Gural stated in the recent conversations regarding vacating the road to the adjacent property owners, Philadelphia Sign Co and Callahan Chemical

displayed a positive interest however the other two owners have not expressed anything, and in order to proceed with something of this nature all the property owners would need to be receptive to the idea. Mr. McMahon assessed an approximate value of \$87,750.00 to the road. Mr. Gural noted the proposal prepared by ERI for the construction cost has changed from \$97,069.50 to \$75,805.40 due to the configuration of the drainage and completing asphalt gutters instead of concrete gutters. Ms. Weiner inquired when the last time was that the road was paved. Mr. Gural indicated it was cold patch repaired earlier this year. Ms. Weiner asked if it was included on the road conditions inventory map. Mr. Kirchner indicated it was and it is one of the worst roads of the municipality. Additional discussion was had regarding the street, vacating it, repairing it, the companies adjoining it and who has access to and from Filmore Street to their property. Mr. Gural inquired if it was possible for an adjoining property owner to give up his right to ownership of the roadway. Mr. Rosenberg indicated it was possible however it had to be offered to all adjacent property owners initially. Mr. Kirchner indicated if the Borough vacated the street, property owners giving up their right to that property would have to be willing give an easement, additionally all property owners would have to be willing to give an easement to the Borough to allow for access to underground utilities, etc. Mr. Gural indicated both Philadelphia Sign Company and Callahan Chemical are willing to help with the costs of the repairs however they were concerned about the costs/rates if the Borough placed the project out for bid.

Orchard Avenue

Mr. Gural indicated another issue is Orchard Avenue, most of the properties adjoining Orchard Avenue are owned by Kerbeck. Orchard Avenue from Third Street to Jefferson Street mostly serves one entity, Kerbeck. Mr. Kerbeck approached us regarding getting the road completely repaired as opposed to patching and spot repairs as we have been doing. Mr. Gural indicated that many times if you go into the area you will see Kerbeck cars parked on many different parking lots not all of which belong to Kerbeck. Mr. Gural and Mayor Arnold have had many conversations with Mr. Kerbeck regarding the street repairs, vacating/dedicating the street, etc. The Orchard Avenue road repair is much more costly than Filmore Street, and could cost as much as \$500,000.00 and again it mainly services Kerbeck only. The Borough applied for a DOT Grant to help with the road repair cost however it is denied. Mr. Gural indicated Mr. Kerbeck inquired if the Borough would consider dedicating Kennedy Street to him so he could expand his business. Mr. Gural indicated there are some issues with this as it creates a dead end which creates issues for our fire department and the ability to turn around a fire truck. Mr. Gural indicated all of the specified area on the map could be dedicated to Kerbeck and Mr. Kerbeck would take it. Ms. Weiner inquired if the street would remain in place as it is. Mr. Gural indicated no, Mr. Kerbeck would reconfigure that area. Mrs. Tait inquired about the residents on Front Street and would that become a dead end street. Mr. Gural stated Mr. Kirchner had given thought to creating a turn around on our property at the end of Front and Second Streets to connect front and second; however to complete something of that nature it could cost as much as six figures. Ms. Weiner inquired about the residents that live in that neighborhood and all the bright lights shining in their yards, which we have had complaints about before. Mr. Gural indicated before he could change the area around he would have to have land use board approval. Mr. Gural then explained the (3) segments of the project and how the funding of each segment could be done and who would hold ownership. Additional discussion

was had regarding repairing the street and or dedicating it, also conversation was had regarding creating dead end streets and how it would affect or fire departments mobility on those streets. Ms. Weiner asked if the residents had been notified of what was being discussed and how they felt about it. Mr. Gural stated the residents had not been notified because, first it was being brought to council to get their thoughts and recommendations before moving forward. Mr. Gural stated this is not a decision which needs to be made today however we need move in some direction. Mr. Gural stated that if you go down to Evergreen Baptist Church you would see Kerbeck vehicles in their parking lot. Additional discussion was had and Mayor Arnold indicated maybe we might consider asking Mr. Kerbeck if he would consider Orchard Avenue from Front Street down to Jefferson, most of Kennedy Street, not the small portion of Third Street or the small portion on Second Street or Orchard Avenue between Front Street and W. Second Street, but it would including Orchard Avenue from Third Street to W Second Street, in the current condition without any improvements. Mrs. Tait indicated all the residents need to be aware of what is being considered. Mr. Rosenberg suggested we contact Mr. Kerbeck and ask him to give us ideas of his envisions for the area.

Mr. Rosenberg inquired if Borough Council considered making the Filmore Street Project a Bid Improvement District and or having a special tax assessment to repair the street and maintain the street and ownership. Mr. Gural indicated that those also could be an options. Mr. Gural indicated he would again reach out to the property owners.

Vacant and Abandoned Properties and Related Ordinances

Mr. Rosenberg stated he wanted to speak to our existing vacant ordinance, and the fees we charge owners of vacant properties, however indicated the governing body should address this conversation in executive session. Mr. Rosenberg stated this practice is the current subject of litigation and he would prefer to speak about it in closed session.

Mr. Rosenberg explained to Council why there is the need for an abandoned property ordinance. Mr. Rosenberg went on to explain the process for establishing the ordinance for abandoned properties and the steps required to actually place a property on said list. Mr. Rosenberg stated the official abandoned property ordinance is to create a list and appoint one or more public officers who would be charged with the responsibility of going through various criteria to determine if a property meets the technical definition of an abandoned property. If the property does meet that definition, the owner must be given notice. If the owner did not object it would be included on the abandoned property list. If the owner elects to fight the notification, then the owner has the right to a hearing and once that decision is made if the owner is not satisfied with it, the owner has the right to appeal. Mr. Rosenberg indicated there is not a lot of benefit to the abandoned property ordinance, however there is no downside to creating it. Mr. Rosenberg stated some benefits to the Borough are, you may hold a special tax sale for those particular properties and you can make the purchaser of the lien improve those properties. Once a property is listed on the abandoned property list, the Borough does not have to prove the property can be used for public purposes, it can exercise eminent domain and take it; however the owner always has the right to come back and redeem that property for the cost incurred by the Borough to improve it. Mr. Gural indicated there is no down side to doing this. Mr. Gural indicated the draft ordinance to create an

Abandoned Property Ordinance and appoint said public officers will be sent to council next week for your review, and will be placed on the agenda for discussion at the next meeting.

Mr. Gural spoke to Council about our current vacant ordinance 2013-20, and he went over it with Council section by section so they could understand exactly how the ordinance currently reads and what we are tasked with currently enforcing. Extensive discussion was had regarding the definitions we currently have and how they apply. Keep in mind that vacant property fees follow the property not the owner was stated by Mrs. Tait. The current vacant property ordinance only applies to residential properties not commercial properties. Mr. Gural explained many of the issues we are facing with vacant properties is due to banks taking over properties, paying the taxes but doing nothing to maintain the property, additionally they shuffle the property around making it hard to know who is actually responsible for the property. Mr. Gural explained for a property to not be required to register as vacant, although no one is currently residing there, it must be actively marketed for sale and completely habitable. There was extensive discussion regarding the registration of properties and how people/investors trying to improve the properties and neighborhoods get caught up in our current ordinance. Much discussion was had regarding how fees are assessed to the properties and people having access to delinquent vacant properties fees without calling the Borough and their availability online as are taxes payments. Ms. Weiner indicated in the township she works, she can see all charges relating to a property, although she is not responsible for putting them into the system, she can see the charges that are due and anyone looking at the property online can see any outstanding charges. Mr. Gural indicated he would check into it. Mr. Gural indicated that the Borough has over 102 registered vacant properties currently and there are others which we are have not been notified of. This year we have collected \$146,000.00 in fees however there is still another 6 figures owed. Mr. Rosenberg stated our ordinance is about the standard in comparison to others he has seen. Mr. Gural indicated a willingness to establish a property maintenance/housing violation special court to only deal with property issues. Mr. Gural indicated the existing ordinance needs a lot of work and we are not unlike many municipalities all facing the same issues regarding vacant properties and property maintenance. Mr. Gural stated moving forward we will refer to this ordinance as the vacant property ordinance and remove the abandon property language from the ordinance. Mr. Rosenberg asked Mr. Gural if he could inquire to JIF about how they are handling these issues. Mr. Rosenberg indicated he would contact the NJ League of Municipalities to see how they are handling the vacant property ordinances and fees and would have more information for Council soon.

Public Comments

Please state your name and address for the record. Council will give all comments appropriate consideration. Each citizen will be allotted up to five (5) minutes to speak, in order to allow everyone an opportunity to ask questions and express their opinions or concerns

Mr. Yetter made a motion to open the public portion. Mrs. Russell second the motion.

At the call of the roll.

All voted in favor of the motion

Mr. Kieserman – Washington Avenue – Mr. Kieserman thanked council for giving him the opportunity to speak and for their service to the community. Mr. Kieserman displayed a copy of the Abandon Property Rehabilitation Act which was passed in 2004, and urged council to go online and read it. Mr. Kieserman stated that we can collect fees and fine banks and individuals however it does nothing to address the vacant property which is still sitting there. Mr. Kieserman indicated he takes exception to the advice given by an unelected person telling council we are not in the business of doing real estate, and that comment misinterprets what the Abandon Property Rehabilitation Act is. Mr. Kieserman read some parts of the Abandon Property Rehabilitation Act and indicated to council that the State gave Municipalities this tool to help them deal with the vacant properties in their Municipalities, and it has worked in other towns.

Ms. Kelly – Highland Avenue– Ms. Kelly stated she is a volunteer with the stainable NJ group in Palmyra, and the APRA (Abandon Property Rehabilitation Act) is another tool to help with vacant properties. Ms. Kelly indicated the abandon property list is an APRA tool and the vacant property list is a non APRA tool which allows municipalities to deal with properties and property owners in our town. Ms. Kelly also read some parts of the Abandon Property Rehabilitation Act. Ms. Kelly asked council to consider both the Abandon Property list and the Vacant Property Registration.

No one else from the public wishing to speak. Mrs. Russell made a motion to close the public portion. President Howard second the motion.

At the call of the roll.

All voted in favor of the motion

President Howard made a motion to adjourn the meeting, Mr. Cosky second the motion.

At the call of the roll.

All voted in favor of the motion

Meeting Adjourned at 8:50 pm

Respectfully Submitted,

**Doretha R. Jackson
Acting Municipal Clerk**