

Borough of Palmyra
Joint Meeting-Land Use Board and Borough Council
Minutes-October 19, 2015

CALL TO ORDER.

ROLL CALL OF BOROUGH COUNCIL.

PRESENT: Mayor Scheffler, President Dobbs, Mrs. Tait, Mr. Norcross, Ms. Arnold (arrived late), Mr. Howard.

ABSENT: None.

ROLL CALL OF THE LAND USE BOARD.

PRESENT: Vice-Chairman Beck, Mr. O’Kane, Mr. Stokes, Mrs. Tait, Mr. Blaisdell, Mayor Scheffler.

ABSENT: Chairwoman Locke, Mrs. Myers, Mrs. Bell.

PLEDGE OF ALLEGIANCE.

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 October 1, 2015.
- B. Mailing written notice to the Burlington County Times, and the Courier Post Newspaper on October 1, 2015.
- C. Notice to All Council Members.

PRESENTATION OF HOUSING ELEMENT AND FAIR SHARE PLAN.

Mr. Gerkens of Community Grants, Planning and Housing presented the Borough Council and the Land Use Board with the final draft of the housing element and fair share plan and also an overview. Mr. Rosenberg gave some background on the need for all municipalities to adopt their housing element and fair share plan as part of their master plan. All towns are obligated to provide housing opportunities within the state and each town. NJ passed a law creating a fair share housing act, referred to as COAH. There have been two rounds of COAH that have set a number for each town that was needed for low and moderate housing. After round one and round 2 occurred, the Supreme Court of New Jersey invalidated round three. The Supreme Court left it to each town to come up with their own numbers. If there is not an agreement reached between each town and the

Supreme Court, the matter would go to a Judge to make the final decision on the number. If the Land Use Board agrees to revise its housing plan, they do so by resolution and then Borough Council has to concur by resolution. The most recent decision by the court, is that if the plan is approved it will protect the Borough from a builders remedy lawsuit for not providing low to moderate housing. The plan needs to be approved before early November.

Mr. Gerkens presented the overview of the plan:

In 2007 the Borough submitted its Round Three plan. The Plan was one of the few in Burlington County to be certified by the Council on Affordable Housing (COAH). In 2007, the Borough's affordable housing obligation was 180 units. This number was calculated using a methodology referred to as Growth Share and was based upon a development assumption for the Route 73 South Redevelopment Area. The current Plan is based up numbers developed by Dr. David Kinsey of Princeton University for the non-profit Fair Share Housing Center (FSHC). They have determined that Palmyra's affordable housing obligation should be 165 units. However, there is second set of obligation numbers for the current Round Three. A number of municipalities banded together and hired Dr. Burchell from Rutgers University to develop an additional set of numbers. The Burchell number for Palmyra is 44, including all remaining prior round obligations. Ms. Arnold arrived.

Finally, the League of Municipalities has retained Econsult, a private consulting firm from Philadelphia, to develop a third set of numbers, since they (Econsult) identified significant flaws in both the Kinsey and Burchell methodologies. As a result, we anticipate that this will not be Palmyra's final Round Three, since the conflicting reports, methodologies and obligation numbers are likely headed back to the courts later this year or next year. Regardless of the above issues, Palmyra currently accepts the obligation identified in the FSHC report, which is 165. In addition, Palmyra has an unmet obligation of 39 units from prior rounds. The reason for this is that the courts currently seem to support the FSHC obligation numbers, and by agreeing to the FSHC number, Palmyra's goal is to ensure it retains protection from Builder's Remedy lawsuits. As in 2007, and given that the Borough is fully built out, we are proposing that Palmyra place this entire burden on the designated-redeveloper and be wholly sited within the Route 73 South Redevelopment Area. This would be accomplished by constructing 154 rental apartments of varying bedroom sizes. This figure is based upon a 2:1 credit for the first 25% of rental units constructed, so Palmyra would receive 41 credits (25%) from its 165 unit current obligation, reducing that figure to 124 and 9 credits (25%) from its 39 unit prior round obligation reducing the prior round obligation to 30 units, resulting in a total of 154 new units. Palmyra would have ten years to meet this obligation.

Mr. Rosenberg discussed that he anticipates that the Supreme Court will have control over what methodology will be used. Ms. Arnold inquired if there is a discrepancy in all towns. Mr. Gerkens replied that the larger towns have more of a discrepancy in the numbers. Mr. Gural explained that the court is looking for a number and that the Borough cannot give a definite number. At this time, there are no developers looking to build, so the builders remedy lawsuit is not in play. Mrs. Tait inquired as to what the low end number would be? Mr. Gerkens replied that the number right now is 44.

Mayor Scheffler inquired if anyone from Borough Council or the Land Use Board had any comments or questions. There was no further discussion.

Vice-Chairman Beck made a motion to approve Resolution 2015-10, Resolution of the Borough of Palmyra Land Use Board Adopting the Housing Element and Fair Share Plan of the Borough of Palmyra, Mr. Stokes second the motion. At the call of the roll, the vote was:

AYES; Vice-Chairman Beck, Mr. O'Kane, Mr. Stokes, Mr. Gural, Mr. Blaisdell.

NAYES: None.

ABSTAIN: Mayor Scheffler, Mrs. Tait.

Resolution 2015-11 Resolution of the Land Use Board Approving The Application Of The Borough Of Palmyra For Bulk Variances For Front and Market Street. This resolution was held till the next Land Use Board meeting due to there not being a quorum of members present that were at the meeting when the application was presented.

Mr. Blaisdell made a motion for the Land Use Board meeting portion to adjourn, Vice-Chairman Beck second the motion. All members present voted in favor of the motion.

Resolution 2015-199, Resolution of Borough Council Endorsing The Housing Element and Fair Share Plan As Adopted By The Borough of Palmyra Land Use Board. Mrs. Tait made a motion to approve the resolution, President Dobbs second the motion. At the call of the roll, the vote was:

AYES: President Dobbs, Mrs. Tait, Mr. Norcross, Mr. Bostock, Ms. Arnold, Mr. Howard.

NAYES: None.

APPROVAL OF MINUTES- President Dobbs requested that a correction be made to the town hall meeting with the police department from October 14th to the correct date of October 21. President Dobbs made a motion to approve the minutes from October 5, 2015, Mr. Norcross second the motion. All members present voted in favor of the motion. Mr. Bostock abstained from the vote.

CORRESPONDENCE.

A. Thank you from Brian McBride- Mayor Scheffler read the card thanking the Borough Council for the flowers upon the death of his grandfather.

PROFESSIONAL UPDATES.

A. ERI-Mr. Kirchner of Environmental Resolutions reviewed the resolution for the award of the generator for the community center and explained the various options in the bid. The project is covered by grant funds. There was a pre-construction meeting for the road project for South Broad and Second Street the project should start the first week of November. There is a meeting this Wednesday at the community center for residents in the project zone to review the project. Mr. Rosenberg informed council that a bid was received by email after the opening date of the bid and that all of the documents were not present as required, so council does not have to take any action on the emailed bid.

RESOLUTIONS. Consent Agenda- Resolution 2015-200-Resolution 2015-204 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. President Dobbs requested that Resolution 2015-203 be voted on separately. Mr. Gural informed council that the bond payment would be on the next meetings bill list. Mrs. Tait made a motion to approve the consent agenda excluding Resolution 2015-203, Mr. Howard second the motion. At the call of the roll, the vote was:

AYES: President Dobbs, Mrs. Tait, Mr. Norcross, Mr. Bostock, Ms. Arnold, Mr. Howard.

NAYES: None.

- A. **Resolution 2015-200**, Resolution Awarding Contract To County Conservation Company for The Receiving Of Leaves for The Period Of October, 2015 Till December 31, 2015 In The Amount Not To Exceed \$17,500.
- B. **Resolution 2015-201**, Resolution Awarding Contract To Municipal Maintenance Company For The Community Center Emergency Generator In The Amount Of \$173,200.

- C. Resolution 2015-202, Resolution Authorizing The Award Of a Contract For Information Technology And Computer Services.
- D. Resolution 2015-203, Resolution Approving Request for Subordination Of A Mortgage Held By The Borough Pursuant To The Borough's Housing Program. Mr. Rosenberg explained that the property is required to have certain equity in the home for the subordination and that the paperwork submitted by Community Grants, Planning and Housing on behalf of the residents appeared in order. Mr. Howard made a motion to approve the resolution, Mr. Bostock second the motion. At the call of the roll, the vote was:
AYES: Mrs. Tait, Mr. Norcross, Mr. Bostock, Ms. Arnold, Mr. Howard.
NAYES: None.
ABSTAIN: President Dobbs.
- E. Resolution 2015-204, Resolution Authorizing The Payment Of Bills In The Amount Of \$1,321,178.27.

DISCUSSION ITEMS.

- A. K-9-dedication by ryder. Chief Pearlman said that he had no further information at this time.
- B. PW/Sewer Superintendent-Mr. Gural informed council that a few letters of interest have been received and that the ad is posted on the League of Municipalities website and the Borough's website.
- C. Tri-boro auction. Mr. Gural explained that the auction for the property has to wait till the Land Use Board approves the resolution in November for the variances. The property can then be auction with all approvals.
- D. NJLM confirmations- Ms. Arnold and Mr. Howard will be attending from Council.
- E. Real Results Basketball-Mr. Gural explained that the contracts have been received and that this is for Mr. Howard's committee. Last year they ran basketball clinics for residents instead of paying for their time at the center.

ADMINISTRATOR REPORT.

- A. 2015 Best Practice Inventory-Mr. Gural reviewed the questions on the best practice inventory required by the state. The Borough has a score of 49 out of 50 for a 98% percent which entitles the Borough to the full CMPTRA AND ETR aid from the state. The full inventory is available on the Borough's website at www.boroughofpalmyra.com.
- B. EJIF inspection/Report-Mr. Gural reported that the EJIF conducted an inspection of the public works and sewer plant yard on Firth Lane. There were a few recommendations to cover the dumpsters located there and to provide a spill kit.
- C. Borough Council computer access-a computer has been placed in the conference room for Borough's Council use. Each member has their own log-in, so their documents are secured. It is connected to a printer.
- D. Legion Field/concession stand restrooms. The restrooms have been reopen after the damage to them. The majority of damage has been repaired. They will be opened for the Halloween Parade as well.
- E. Board of Chosen Freeholders Meeting. The Freeholders will be holding their monthly meeting here on October 28 as part of their outreach in the County.
- F. Rt. 73 South Redevelopment Update. A report from Mr. Hogue will be on the agenda for the November 16th meeting.
- G. Pay periods update. Mr. Gural explained the pay period for the end of December is actually paid on Thursday, December 31, 2015 due to Friday being a holiday. This would change the

need to place the funds in the 2016 budget. There would need to be a transfer done in 2015 to cover the extra funds and also a resolution.

H. Cell Tower/Monopole. Mr. Gural informed council that there is a meeting with the consultant and Mr. Rosenberg on Wednesday and that he will update Council.

COMMITTEE REPORTS.

Youth and Recreation- Mr. Howard reported that Pal/Riv is involved with the basketball league and that there will be mini-camps held. A teacher from Riverton will be the point person for basketball and the fee will be \$25.00 for Palmyra and Riverton residents. There should be about 10 games.

Construction/Code Enforcement. Ms. Arnold reported that the departments are doing well and that if there is a problem they should let the departments know. Board of Education- Homecoming is this Saturday.

Land Use Board/Public Events- Mrs. Tait reported that the Land Use Board will hold a meeting on November 18. The Halloween Committee held a movie for the children last Saturday at the band shell, the movie Hocus Pocus. The Halloween Committee sold bake goods and that the parade is October 30 with a show at Legion Field afterwards.

Public Works/Sewer- President Dobbs reported on the shredding and recycling event being held this Saturday at the public works yard from 7am-noon. Leaves will start being picked up on October 26.

Administration- Mayor Scheffler announced that the NAACP, Police Department and members of Council will be at the Town Meeting at Borough Hall scheduled for October 21.

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

Mr. McElwee-Columbia Avenue informed council that Operation Yellow Ribbon is holding their annual cookie drive on December 5, if the public or council is interested in donating wrapped cookies. The cookies can be dropped off at Borough Hall. There was an article in the Burlington County Times announcing an event for Veterans looking for a job to be held in Moorestown. Mr. McElwee requested that the event be posted on the Borough website as well.

No one else from the public 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.

SRO- Mr. Gural discussed the SRO for the schools impact on the budget and also on the affordable care act. The Mayor and Borough Council discussed that there are too many moving parts to make a decision and needs the answers to hiring to replace the current public works and sewer superintendent before more hiring can take place. Mr. Gural explained that Mr. McBride is requesting a budget number for consideration so that the school can build it into their budget which is due by July 1st. Mrs. Tait discussed that giving the number for the budget is a promise to fund the position. Mr. Gural explained that the school is not looking for a promise, but that they need to do their budget work now and need a number to insert. Mayor Scheffler discussed that if the number is put in the school budget and approved and given to the general public, the public will feel that it is a commitment. Mr. Howard inquired if Mr. McBride was going to present anything to council on the issue. President Dobbs inquired as to how they can build it into their budget if they don't know all the answers to how much man power is needed and also how useful will the officer be to the Borough. There are just too many variables. Mr. Norcross discussed that most towns work with the school for a percentage of costs. Mayor Scheffler explained that the Borough is not saying

yes or no, but it will look like a commitment if it is in the school budget. Council discussed that they are not committing at this time.

Resolution 2015-205, Resolution Excluding the Public From Certain Meetings Pursuant To Section 8 Of the Open Public Meeting Act C. 231 P. L. 1975. (Litigation, negotiations, personnel).

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

AYES: President Dobbs, Mrs. Tait, Mr. Norcross, Mr. Bostock, Ms. Arnold, Mr. Howard.

NAYES: None.

Borough Council went into executive session at 8:10 pm.

ADJOURNMENT. Mrs. Tait made a motion to adjourn at 8:15pm, Mr. Howard second the motion. All members present voted in favor of the motion.