

May 5, 2004

The work session of the Riverton Borough Council was held on the above date. Mayor Martin presiding.

**PRESENT:** Council members Daniel, Villari, Smyth (arrived at 8:00pm), Gilmore, Cesaretti, Alls-Moffatt and Solicitor Bruce M. Gunn

The following statement was read by Mayor Martin:

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

(a) Having written notice of all meetings to be held in 2004 published in the Burlington County Times on January 13, 2004

(b) Posting written notice on the official bulletin board on January 13, 2004

**Updates on Broad Street Enhancement Grant (Dante Guzzi, Engineer present)** Mr.

Guzzi reported that he just received approval from the State for phase one of this project. Phase one is the design work and the plan and specifications preparation in anticipation of going out to bid. All of the design money is being funded through the grant at no cost to the Borough. Sometime this month we will finalizing the paperwork the State and moving forward and bidding the project in late summer or early Fall. Mr. Guzzi stated that this project goes hand in and with the County's plan to reconstruct Broad Street, which is scheduled to be done in the Spring of 2005. Mr. Gilmore stressed the importance of staying in touch with him regarding this project. Mr. Guzzi indicated that he would do that. Mr. Gilmore wants to make sure that nothing about this project has been changed. Mrs. Alls-Moffatt expressed concern about maintaining a time-frame. Mr. Guzzi stated that there is tremendous amount of bureaucracy and paperwork involved with this grant. This grant is particularly difficult due to all the state agencies required to review and give their approval prior to moving forward with the design phase. Mr. Guzzi commented that the work we are now proposing differs from the original plans. We have worked with Borough Officials, their citizens and various Borough Committee representatives to develop better use of this money. We had to go through the process of amending our initial approval. Mr. Guzzi stated that there is no timeframe from the State involved with this grant. However, once the construction phase starts, we will have more control. Mr. Guzzi reiterated that the project would start this summer. Mrs. Alls-Moffatt asked if it was safe for us to tell our business people that work would start this year. Mr. Guzzi responded yes. Mr. Gilmore asked if there was a chance that we could lose this grant money. Mr. Guzzi responded that the money has been approved. Mr. Gilmore asked if Mr. Guzzi had billed the Borough for his work. Mr. Guzzi stated that bills have been submitted with the understanding that no money can be expended until approval from the state agencies has been made. Mr. Gilmore stated that the Borough would not pay any additional designing costs other than what was agreed to in the original application. Mrs. Villari stated that there basically was a not to exceed amount originally agreed upon and that has not changed. Mr. Guzzi stated that the original amount is spelled out in the original grant application. Council will be kept apprised of this issue.

**Birnie O'Reilly, 200 Lippincott,** asked what changes were made regarding the design of this project. Mr. Guzzi reported that initially, the project involved fewer enhancements in a larger area; however through input from officials and citizens it was decided to concentrate the improvements to the Broad and Main intersection. Mrs. O'Reilly asked if any traffic studies were done. Mr. Guzzi stated that no traffic studies were done other than meetings with the County to discuss the Broad & Main intersection. Mrs. O'Reilly asked if we were wise to move forward with this project without traffic studies. Chief Norcross commented that the County Engineers are traffic engineers. Mrs. O'Reilly asked to see a copy of the plans for this project. Mr. Guzzi responded that that could be arranged. **(b)**

**Community Development Block Grant Project, Road Program.** Mr. Guzzi stated that we have made an application for grant money to install handicapped curb ramps at 41 locations throughout the Borough. Mr. Guzzi stated this is a federal program that is

administered by the County. Mr. Guzzi anticipates that we will receive approximately \$80,000.00 for this project. We are waiting for the grant application to be approved and the funds to be allocated.

**Quotes for roadwork needed to be done on Homewood Drive Second Street and Cinnaminson Street.** Mr. Guzzi stated that quotes were received for these roads. We had hoped to keep it below the bid threshold; however, the low bidder was just over the threshold. Mr. Guzzi stated that we are looking at the possibility of either going out to public bid for the project or scaling the project back to fall under the threshold. Mr. Guzzi stated that the low quote came in under \$32, 249.00. The bidding threshold is \$25,000.00. Mr. Guzzi stated that this is typical of what we see with this type of construction. Mrs. Villari asked what would happen if we break up the prices. Could we use them as individual quotes. Mr. Guzzi said we might be able to do two of the streets now and do the other street later as a separate quote. Mr. Guzzi stated if we go out to public bid there are additional costs associated with that. If we were to go out to bid, we would see numbers significantly higher than what we have here under the quote system. Mrs. Alls-Moffatt asked if we can get a timeframe for the commencement and completion of this work. Mr. Guzzi stated that once the project is awarded, a timeframe can be established. Mrs. Villari stated that we could obtain separate quotes for the individual streets as opposed to putting them altogether in one bid package. Mrs. Villari asked for a clarification regarding the estimates received for these 3 streets. Mr. Guzzi explained that we are permitted to quote jobs as long as it's not over the \$25,000.00 bid threshold. If it is we then have to publicly bid the project. Since doing all 3 streets would be over the bid threshold, Mr. Guzzi suggested that Council could consider doing two streets now and save one for later. **Michael Heine, 206 Carriage House Lane.** Mr. Heine believes that is a gross violation of the local public contracts law. Mr. Heine provided an overview of this process. The Solicitor stated that he would review the statutes and then make a recommendation to Council.

#### **Meeting open to the public**

**Michael Heine, 206 Carriage House Lane,** expressed concern regarding the possible revaluation of properties in town. Mr. Heine believes we should seek a legal opinion when this should be done. Mr. Heine believes we should be looking at commercial properties in town that are under maintained. Mr. Heine expressed concern about the erosion problems at certain locations along the riverbank. Mr. Heine believes Mayor Martin should recuse himself from any discussions regarding the present riverbank litigation because he owns a home along Bank venue. Mr. Heine believes Council should reconsider the inclusion of a down payment for the purchase of the Post Office in the budget. Mr. Heine believes we should postpone the purchase of a new Fire ladder truck for a year. He believes there are grants available to support this purchase. Mr. Heine raised concern about the proposed Farmers' Market.

**Birnie O'Reilly, 200 Lippincott Avenue,** agrees with Mr. Heine regarding the riverbank litigation issue. She would like to see Mr. Heine asked to help with this process. Mrs. O'Reilly read a letter of support for Mr. Heine, in which she spelled out his credentials.

**James Moffatt, 202 Fulton,** stated that the clock at Broad & Main is not working. Mrs. Villari stated that this issue would be looked into.

**Frank Cioci, 408 Lippincott Avenue,** feels it we can't get the clock to work properly that it should be disconnected. He believes it is an embarrassment to the town.

#### **Applying for grant monies for road improvements**

Mrs. Villari reviewed the process with Council and what it would cost for our engineers to take care of the application process. After a short discussion, it was the consensus of Council that we would make an application to reconstruct Fulton Street. A formal resolution will be placed on next week's agenda for action.

**Discussion: Possible revaluation of all properties-Tax Assessor present.** Mr. Davis reviewed correspondence from the Director of the Division of Taxation regarding this issue. Mr. Davis reported that the Director's Ratio in our municipality is 72.05 and the

Coefficient of Deviation is 18.97 (Coefficient is an index of assessment inequality or a coefficient of variation between property classes). Mr. Davis stated that this letter is intended to open a door of discussion and is not a revaluation order. However, the Director has indicated that time is of the essence due to the Borough's numbers. Mr. Davis then provided an overview of the revaluation process. A discussion then ensued. Concern was raised by members of Council as to the costs that would be involved. It is estimated that it could cost around \$100,000.00. Our auditor has indicated that while a revaluation is not considered a capital expenditure, an ordinance would need to be done and costs could be paid out over a period of time. After additional discussion, it was the consensus that more information is needed to be obtained and reviewed before a final decision is reached. It was suggested that the Director of Taxation be asked to attend a future council meeting to provide additional input. Council took this issue under advisement.

**Noise Mitigation measures at grade crossings.** Mrs. Villari reported that she attended an April 28 meeting with Randy Dickinson of the Federal Railroad Association. Mrs. Villari reported that it was a great disappointment. The new regulations would allow us to establish horn-free zones, but we would have to ensure at our own cost that the quiet zones met safety standards. Mrs. Villari further stated that before we could establish a quiet zone, we would have to run statistics on current and accident histories of each grade crossing through a federal formula. The costs involved could be astronomical. Mrs. Villari provided a detailed overview of all the requirements. William Harris, who also attended the meeting, commented that presently the light rail vehicles using the heavy freight line have a say as to whether or not to blow horns. As of December of this year, quiet zones will be eliminated because the incidences of accidents at intersections where there are grade crossing has increased 66%. Mr. Harris believes this percentage would be challenged. Mr. Harris believes the major problem here is that we don't have established separate rules for light rail which has never existed in this region. He has contacted Congressmen Rob Andrews and Jim Saxton for their assistance. Council will be kept apprised of this issue.

**Bernie O'Reilly, 200 Lippincott,** believes the horns are very loud, especially last weekend.

**Michael Heine, 206 Carriage House Lane.** believes that Council should place \$50,000.00 if the budget for legal fees to fight this issue. He recommends that we take action to enjoin New Jersey Transit from operating these trains with that noise level because it is a public nuisance.

**Update Re: Farmers Market,** Eric Goldstein, 404 Lippincott Avenue stated that they would like to launch the market on May 15 to coincide with Treasure Day. Mr. Goldstein stated that the Farmers' Market is being coordinated through the business community in Riverton. Flyers have been distributed to all business owners as well as those people who reside near the location designated for the Farmers' Market. Mr. Goldstein believes the market will be very positive and will help our struggling businesses. Mr. Goldstein stated that issues still needing to be addressed were liability, trash, cleanliness and police assistance. Mr. Goldstein commented that he runs similar markets elsewhere and has a lot of experience. Mr. Goldstein was hoping that the Riverton Renaissance (Business Association) could be the direct applicant to New Jersey Transit. However, they cannot because they have not been classified as a 501C3 from the State. Mr. Goldstein stated that either the business association can apply for this status or the Borough could be the applicant. Mr. Goldstein would like the Borough to be the applicant. Mrs. Villari asked if the Borough were the applicant, would we then incur the liability. Mr. Goldstein responded yes. Mr. Goldstein stated that New Jersey Transit is requiring three things before they will consider giving their approval for the Farmers' Market to be held on their property. They want to have a letter from the Mayor or the President of Council stating the Borough supports the market, a letter from Chief Norcross that the police are aware of the market at that they would provide routine patrol of the areas in question, and that a

certificate of insurance in the amount of \$2,000,000.00 naming New Jersey Transit and the State of New Jersey as additional insureds. Mr. Goldstein stated that NJT will not grant permission unless these three things are done. A lengthy discussion then ensued. Dr. Daniel asked if we could restrict the number of vendors, and whether we would be able to bail out of the market if it creates too much traffic or complaints. Dr. Daniel commented that he did not think it was appropriate for advertising signs to be posted and distributed when the Borough has not given their approval. The Solicitor commented that he would contact representatives from New Jersey Transit to negotiate some of the terms of their proposed agreement. He will provide Council with a report at next week's Council meeting.

**Michael Heine, 206 Carriage House Lane**, feels nothing formal has been done regarding the farmer's market such as a formal application, specific location, survey, indemnification requirements, cleanup issues, etc.

**Birnie O'Reilly, 200 Lippincott Avenue**, believes it was premature to advertise the Farmers' Market. Mrs. O'Reilly believes the Farmers' Market should have come before the Zoning Board. She stressed the importance that procedures should be in place for these types of things.

**Gary Ford, 311 Bank Avenue**, commented that the business community thought the market would be a good thing. However, because of all that is involved, he is not sure how he feels about it now.

**Jodie Goldstein, 404 Lippincott Avenue** provided an overview regarding the Farmers' Market process. She indicated that she would provide anybody with the packet of information that was distributed to the farmers. She reviewed the indemnification process that would be required of the farmers. She believes Council is not giving the support that is needed to get the market operational.

**Dolly Defreitas, 415 Thomas Avenue**, wanted to reassure Council that the posting of the Farmers' Market flyers was in no way an attempt to manipulate them. She apologized to Council.

**Frank Cioci, 408 Lippincott Avenue**, would like to see the Farmers' Market commence on May 15. Mr. Cioci asked if other business property owners took responsibility and permitted the market on their property, would there be anything else that would stop it. The Solicitor stated that we would have to check if the property were a permitted use.

**Discussion: Required corrective action measures Re: 2003 Audit report.** The Clerk reported that we received the 2003 Audit report. This report reflects the fact that the Borough Treasurer should maintain an analysis of the escrow account balance, and the analysis should be reconciled to the bank account on a monthly basis. This pertains to the Planning and Zoning escrow balances. The Clerk stated that we will be purchasing software to automate this process. A formal corrective action Resolution will be placed on next week's agenda for consideration.

**Review of checklist for site plan and sub-division applications.** The Clerk reported that based on recommendations from the Planning Board Solicitor, a checklist has been recommended to be used by respective applicants. The Clerk stated that portions of our present site plan and sub-division ordinance may need to be amended to reflect these changes. Our Solicitor will review the checklist and prepare a draft Ordinance for Council to review at their June work session.

**Update Re: Smart Growth Grant.** Mayor Martin reported that Mr. Gilmore, Mrs. Alls-Moffatt and himself had met with David Gerkens, a Riverton resident and a Planner regarding this grant. Mr. Gerkens informed them that the original grant money allocated to the Borough to be used to write a sustainable Zoning Ordinance could possibly be redirected and used for redevelopment purposes. This issue was taken under advisement by Council.

**Redevelopment suggestions-**Ms. Alls-Moffatt and Mr. Gilmore. This issue was deferred until Council's June work session.

**Requirement by State of a dog and cat census.** The Clerk reported that our Animal Control Officer, M&R. Wildlife would be conducting this census during the summer months. The Clerk stated that we are required by the State to do this.

**Update and recommendations from Parking Committee.** The following recommendations were made to Borough Council: a. The Borough Parking lot (Main Street) should be limited to 2-hour parking between the hours of 8:00am and 6:00pm, (b) The Borough should resume negotiations with Farmers & Mechanics Bank for long-term rental of the parking lot in the rear of the bank, (c) the Borough should approve the plans submitted by Richard Alaimo, Associates for parking on Broad Street. This would increase parking in the Borough by 56 spaces, (e) Parking on Howard Street and Main Street from Broad Street should be increased from 1 hour to 2 hour parking between the hours of 8:00am and 6:00pm, and (f) the Borough should request New Jersey Transit to abide by their agreement for time-limited spaces on the north side of the train station as this is negatively affecting our businesses. After a thorough review, it was the consensus of Council to agree to the Parking Committee's recommendations. A formal resolution will be placed on next week's authorizing that the Broad Street parking study be forwarded onto the Burlington County Bridge Commission for their review and consideration. All of the other parking recommendations will require amendments to our present traffic and vehicle Ordinances.

**RESOLUTION 47-04**

**A RESOLUTION PERMITTING THE EXCLUSION OF THE PUBLIC FROM A MEETING IN CERTAIN CIRCUMSTANCES PER SECTION 8 OF THE OPEN PUBLIC MEETINGS ACT C.231 P.L. 1975  
(IN FULL IN RESOLUTION BOOK)**

The above Resolution was read by title only by Mr. Smyth, who moved for its adoption. This was seconded by Mrs. Villari. A poll vote was then taken. Dr. Daniel aye, Mrs. Villari aye, Mr. Smyth aye, Mr. Gilmore aye, Mr. Cesaretti absent and Mrs. Alls-Moffatt aye. It should be noted that personnel and litigation will be discussed.

At this time Mr. Smyth moved that we return to public session. This was seconded by Mrs. Villari. A poll vote was then taken. Dr. Daniel absent, Mrs. Villari aye, Mr. Smyth aye, Mr. Gilmore aye, Mr. Cesaretti absent and Mrs. Alls-Moffatt aye.

**RESOLUTION 48-04**

**A RESOLUTION OF THE BOROUGH OF RIVERTON AUTHORIZING THE HIRING OF KELLY SPROLES AS A PART-TIME OFFICE HELPER, TAX CLERK AND ALTERNATE REGISTRAR OF VITAL STATISTICS  
(IN FULL IN RESOLUTION BOOK)**

The above Resolution was read by title only by Mr. Smyth, who moved for its adoption. This was seconded by Mrs. Alls-Moffatt. A poll vote was then taken. Dr. Daniel absent, Mrs. Villari aye, Mr. Smyth aye, Mr. Gilmore aye, Mr. Cesaretti absent and Mrs. Alls-Moffatt aye.

There being no further business to discuss, Mr. Smyth moved that the meeting be adjourned. This was seconded by Mrs. Alls-Moffatt, with all present voting in the affirmative.

Mary Longbottom, RMC  
Municipal Clerk