

November 2, 2005

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

PRESENT: Council members Daniel (arrived at 7:45pm), Villari, Smyth, 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 notification of all meetings to be held in 2005 published in the Burlington County Times on December 29, 2004

(b) Posting written notice on the official bulletin board on January 4, 2005

RESOLUTION 109-05

**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 Mr. Cesaretti. A poll vote was then taken. Dr. Daniel absent, Mrs. Villari aye, Mr. Smyth aye, Mr. Gilmore aye, Mr. Cesaretti aye and Mrs. Alls-Moffatt aye. It should be noted that litigation matters will be discussed.

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

Possible Ordinances for consideration: Amending Chapter 111 Streets & Sidewalks Mrs. Villari reported that Council had tabled this Ordinance last month to review suggested changes submitted by our Construction Official, Streets & Roads Engineer and representatives from PSE&G. Mrs. Villari stated that her committee and the Solicitor have reviewed these suggestions. Our Solicitor was asked to prepare a draft for Council's review. Mrs. Villari requested that this Ordinance be placed on next week's agenda for consideration. After a review and a short discussion, Council concurred with Mrs. Villari's request.

Amending our present Court Ordinance to reflect the Borough's Interlocal Services Agreement with Cinnaminson Township. Mr. Gunn reported that this portion of the Borough code needs to be amended to reflect our agreement with Cinnaminson Township regarding the Municipal Court. Mr. Gunn provided a draft Ordinance for Council's consideration. After a short discussion, it was the consensus of Council to place this item on next week's agenda for consideration.

Amending Chapter 123 Re: 15 mile speed limit on Howard Street & Cinnaminson Street. Chief Norcross stated that this issue was raised during last month's discussion on the new traffic patterns around the school. Chief Norcross stated that he has discussed this issue with the County Engineer and our Solicitor. The County Engineer's office believes that we cannot have a 15 mile per our speed limit. Chief Norcross also stated that the expense of having a traffic site job would be rather hefty. Mr. Gunn stated that there would have to be an engineering reason why this should be considered. Our Engineer would have to investigate and radar checks would have to be completed. A discussion ensued. It was the consensus of Council that we give the new traffic patterns around the school a chance to work out before considering a reduction in the speed limit. **Review of sample Sex Offender Ordinances from other municipalities.** Council reviewed sample Ordinances from Cinnaminson and Palmyra regarding this issue. Mr. Gunn stated that his concern is that their Ordinances reflect the fact that a sex offender is not permitted within 2500 feet of a school, park or day care facility. Mr. Gunn stated that this amount of restricted space would take up a large portion of Riverton. However, Mr. Gunn stated that we could adjust the number of feet around specified areas to better suit Riverton. Mayor Martin asked for a

map that would show figures on different lengths of feet to get a better idea of the size and percentage of feet that would be more suitable. Chief Norcross stated that he has a certified drug free school zone map from our Engineer that can help us get accurate figures to make the best decision. This issue will be placed on next week's agenda for continued discussion.

Broad Street Enhancement Grant Issues: Review of bid received for project. Mr. Gilmore reported that one bid was received, opened and publicly read on October 18, 2005 at 10:00am for this project. The lone bid was **from Mount Construction, 417 S. White Horse Pike, Berlin, New Jersey 08009. Their total bid price for items 1-14 was \$396,970.00. Mr. Gilmore Stated that their bid for Alternate No. 1 is as follows: D1 Deduct Electrical Service \$1,900.00, A2 Add sidewalk on NE Side of Main & Broad \$58,000.00, A3 Add Sidewalk Between Church & Lippincott \$48,000.00 and A4 Install Decorative Lighting \$11,500.00.** Mr. Gilmore reported that Mount Construction's bid without alternates exceeds the grant amount. Mr. Gilmore reported that Dante Guzzi, the Borough's Engineer for this project, has recommended that we reject this bid and re-bid this project early next year. It was the consensus of Council to agree to this recommendation.

RESOLUTION 110-05

A RESOLUTION REJECTING THE BID RECEIVED FOR THE BROAD STREET ENHANCEMENT GRANT AND AUTHORIZING THE RE-ADVERTISEMENT FOR RECEIPT OF BIDS FOR THIS PROJECT EARLY NEXT YEAR (IN FULL IN RESOLUTION BOOK)

The above Resolution was read by title only by Mr. Gilmore, 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 aye and Mrs. Alls-Moffatt aye.

Discussion: The purchase of a Gazebo for the Broad Street Enhancement project
Mrs. Villari stated that she knows that this gazebo was already ordered by Mr. Gilmore. Mrs. Villari further stated that she wasn't aware that Council formally approved the ordering of this gazebo. Mrs. Villari understands that \$9,000.00 was appropriated in a Bond Ordinance passed on May 14, 2005 for the gazebo. However, Mrs. Villari explained that in order to spend the funds appropriated in a Bond Ordinance, Council would have to authorize the spending by Resolution. Mr. Gilmore apologized and stated that it was his fault; he figured that the funds were coming out of the Bond Ordinance and he assumed that the project would have been approved by now. Mr. Gilmore reported that the actual cost for the gazebo is \$8,600.00. Mr. Gilmore stated that the gazebo would be delivered in pieces and will have to be put together by the builder when we need it. Mr. Gilmore commented that it would have to be stored down at the plant. If there is not enough room inside the building, it will have to be placed outside with tarps on it for protection. Mrs. Villari stated that Council did not approve the purchase of this gazebo and she feels that we should decide right now whether we want the gazebo or not. She does not believe this purchase is justified because we do not know when this project will be done. Mrs. Alls-Moffatt stated that the money has been already been put aside in a previous Bond Ordinance for the gazebo. Mrs. Villari commented that while that is true, Council needed to give their authorization to make the purchase first. That is the proper procedure and Mr. Gilmore did not follow the correct procedures. Mrs. Villari stated that we do not need to throw away \$8,600.00 when we have employees that need raises and other Borough business to take care of. A discussion then ensued.

RESOLUTION 111-05

A RESOLUTION AUTHORIZING THE PURCHASE OF A GAZEBO FOR THE BROAD STREET ENHANCEMENT GRANT PROJECT FROM MEDFORD CEDAR PRODUCTS, 59 OLD RED LION ROAD, SOUTHAMPTON, NEW JERSEY 08008

(IN FULL IN RESOLUTION BOOK)

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

Update Re: Possible reval/reassessment of all properties. Mr. Smyth stated that he has reviewed Renwick & Associates' proposal for a revaluation/reassessment of all properties in the Borough next year with our Tax Assessor, Tom Davis. Mr. Davis concurred with Council's opinion that the proposal in the amount of \$125,000.00 was high. Mr. Davis will inform the County Tax Administrator about the status of this issue to determine what steps the Borough needs to take. Mr. Smyth commented that he thought we would be seeking proposals sometime next year for work to commence in 2008. Mr. Smyth stated that we will have to wait to hear from the County Tax Administrator to assure we are in compliance. Mr. Cesaretti stated that he would like to see Council seek new proposals as expeditiously as possible. He strongly believes that a revaluation/reassessment needs to be done as quickly as possible. Mr. Smyth will keep Council apprised of this issue.

Streets & Roads Issues: Update Re: Possible Community Development Block Grant Program project for 2006. Mrs. Villari reported that we have received a pre-application and guide package for participation in the Community Development Block Grant Program for 2006. Mrs. Villari stated that she and our Public Works Manager would be meeting with the Community Development Coordinator to review what options are available to us. Mr. Cesaretti suggested that the installation of handicapped ramps at the grandstand might meet the criteria for this grant. Mrs. Villari commented that she would find out if this would be permissible. Council will be kept apprised on this issue.

Resolution pertaining to the Municipal Stormwater Grant monies. Mrs. Villari reported that the Borough would be receiving \$6,822.00 in State Aid under the Municipal Stormwater Regulation Program. Mrs. Villari reported that the required application must be submitted and an individual designated to execute this grant. Mrs. Villari reported that a formal resolution is required.

RESOLUTION 112-05

**A RESOLUTION AUTHORIZING THE APPLICATION FOR STATE AID UNDER THE MUNICIPAL STORMWATER REGULATION PROGRAM AND DESIGNATING THE MAYOR TO EXECUTE THE GRANT
(IN FULL IN RESOLUTION BOOK)**

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

Engineering fees for Fulton Street Project. Mrs. Villari reported that the engineering design fee dated January 10, 2005 for the Reconstruction of Fulton Street was in the amount of \$19,400.00. This fee was related to a work effort having a construction value estimated at \$161,625.00. However, Mrs. Villari reported that as a result of the engineer's meetings and site visits during rain storm events, the firm went ahead and made substantial changes to the stormwater infrastructure without Council's authorization to do so. Mrs. Villari stated that the project was awarded to the low bidder American Asphalt in the amount of \$376,827.25. The Engineering firm is now asking for an additional amount of \$10,941.44. Mrs. Villari reported that this additional amount plus their original amount is \$30,341.44. This equates to 8% of the construction value. Mrs. Villari reported that she met with Rick Arango to discuss this issue. Mrs. Villari stated that Mr. Arango admitted that his firm did not bring these substantial changes to Council's attention. Mrs. Villari informed Mr. Arango that there are no additional funds in our budget to defray these costs. Mrs. Villari is recommending that Council deny the engineer's request. A discussion ensued.

RESOLUTION 113-05
A RESOLUTION DENYING THE REQUEST FOR ADDITIONAL
COMPENSATION IN THE AMOUNT OF \$10,941.44 FROM REMINGTON,
VERNICK AND ARANGO, STREETS AND ROADS ENGINEER FOR THE
BOROUGH OF RIVERTON, FOR WORK DONE ON THE
FULTON STREET PROJECT
(IN FULL IN RESOLUTION BOOK)

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

Recent Inspection of the Sewer Plant. Mrs. Villari reported that the Department of Labor and Workforce Development conducted a follow up inspection of the plant. Mrs. Villari reported that the hazards and/or violations previously identified were abated.

Wastewater Management Planning. Mrs. Villari reported that the League of Municipalities sent us information that the New Jersey Department of Environmental Protection published three proposed statewide amendments to the twelve area wide Water Quality Management Plans in the October 17th edition of the New Jersey Register. Mrs. Villari reported that these proposals have significant planning and home rule implications in certain State planning areas. These proposals may also affect sewer area designations in some municipalities. Mrs. Villari stated that she would forward this information onto our Wastewater Treatment Facility engineer for their review and input.

National Incident Management System Training Advisor.(NIMS) Mrs. Villari reported that we received information from the Department of Community affairs regarding the required training that municipal employees in various positions need to have in order for the municipality to be considered NIMS compliant. The Clerk reported that she had already forwarded a copy of this to our Emergency Management Coordinator, Tom Schneider. Mrs. Villari stated that she would confer with Mr. Schneider on this issue.

Flood Maps. Mrs. Villari reported that she will be attending a County meeting tomorrow regarding the new flood mapping requirements. Mrs. Villari will keep Council informed.

Receipt of a Local Aid Centers of Place Grant in the amount of \$60,000.00 for the year 2006. Mr. Gilmore reported that we were recently informed that Riverton was selected to receive this grant. Mr. Gilmore stated that this grant would complete the Heritage Trail through Riverton and improve the aesthetics of our downtown area with the streetscape (sidewalks and curb) work. Mr. Gilmore would like to set up a meeting with a representative from Alaimo Associates to determine how we should move forward with this grant. Mrs. Villari raised concern about the potential engineering costs involved with this grant. After short discussion, Mr. Gilmore moved that a meeting be set up between our Streets & Roads Committee and a representative of Alaimo Associates to thoroughly review the engineering fees that will be associated with this grant and to review the grant requirements in general. This was seconded by Mrs. Alls-Moffatt. A poll vote was then taken. Dr. Daniel aye, Mrs. Villari aye, Mr. Smyth aye, Mr. Gilmore aye, Mr. Cesaretti aye and Mrs. Alls-Moffatt aye. Council will be kept apprised of this issue before we proceed.

Planning & Zoning Board's response to Council regarding Chapter 128-64. Mrs. Alls-Moffatt commented that while the Chair of the Zoning Board has responded, she is waiting for the Planning Board's response. Mrs. Alls-Moffatt asked that this issue be tabled until next month's meeting.

Cable Issue. The Clerk reported that we have received letters from residents concerned that Comcast is the only cable company in town. They have asked that Council write our State Legislator's asking them to support choice and competition in New Jersey's cable TV service. Mr. Cesaretti commented that satellite service was another option that people have.

Fencing at the Grandstand. Mr. Gilmore reported that quotes have been obtained for fencing to be placed at the grandstand. Mr. Gilmore stated that our insurance company is requiring that the Borough do this. Mr. Gilmore further stated that we would be purchasing

this fencing from Scott & Sons Fence Company, 2018 Route 130 North, Southampton, New Jersey at a cost of \$2,100.00. A formal resolution is required for this purchase.

RESOLUTION 114-05

A RESOLUTION AUTHORIZING THE PURCHASE OF FENCING FOR THE GRANDSTAND AT THE PARK FROM SCOTT & SONS FENCE COMPANY, 2018 ROUTE 130 NORTH, SOUTHAMPTON, NEW JERSEY 08554 (IN FULL IN RESOLUTION BOOK)

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

Announcement from Mr. Gilmore that he no longer wants to serve on the Post Office Committee. Mr. Gilmore announced that he would no longer be willing to serve on the Post Office committee. Mrs. Alls-Moffatt then asked what the status was regarding the possible purchase of that building. Mr. Smyth responded that we are still waiting for the Postal Service to tell us their asking price. Mrs. Alls-Moffatt asked for the name of the person from the Postal Service that we talk to. Mr. Smyth responded that on behalf of the Borough, resident Michael Sencindiver has been discussing this issue with Mr. Michael Wolfe, Vice President of the Eastern Region for the Postal Service. Mrs. Alls-Moffatt commented that she thought that after all this time we should have made some progress in this area.

Preliminary agenda for November 9, 2005. The Clerk reviewed this with the Governing Body.

Meeting open to the public

James Moffatt, 202 Fulton Street, commented that because of the activities of Michael Heine, it had been recommended in the summer to have a police presence at Council meetings and at the Planning & Zoning Board meetings. Mr. Moffatt stated Chief Norcross had estimated that it would amount to 72 hours worth of overtime a year. Mr. Moffatt asked if anybody was concerned that one individual is able to hold us up for a lot of money. Mayor Martin asked the Chief to comment. Chief Norcross stated that he was going to wait until the end of this year and then make a decision about the police presence at the specific meetings. Chief Norcross stated that this issue has not caused the town any overtime expenses. Either he is present or the Sergeant attends the meetings. If it has been the Sergeant, it is the officer on the street going to the meetings and the Sergeant is covering that officer's regular shift.

Scott Reed, Public Works Manager and Fire Chief, reported that the Fire Department applied for and received another grant in the amount of \$50,000.00. Mr. Reed stated that the Borough has to come up with \$5,000.00 of grant amount. The grant is for protective clothing. Mr. Reed conferred with our Auditor to determine how we can take the \$5,000.00 out of next year's budget. This issue will be discussed during the 2006 budget sessions.

At this time Dr. Daniel inquired as to whether the newly planted tree at the War Memorial was being watered. Mr. Reed commented that we are utilizing the sprinkler system, which is on a timer.

Robert E. Smyth, 1 Bank Avenue, raised concern, once again, that the bid received for the Broad Street Enhancement project was much higher than the amount of the grant. Mr. Smyth asked if this grant could be amended to enable us to obtain more money for this project. Mr. Gilmore responded that he would ask the representatives from the Department of Transportation if this is an option. Mr. Gilmore also stated that he had asked Dante Guzzi, the Borough's Engineer for this project to do this, but he believes that Mr. Guzzi did nothing. Mr. Smyth asked if there was a specific timeframe to spend the grant monies. Mr. Gilmore responded no.

Parking on Broad Street. Chief Norcross stated that since Broad Street has been restriped, people are now parking along that roadway. However, we currently have ordinances which prohibit parking on the railroad side of Broad Street. Chief Norcross

stated that this parking situation was discussed quite awhile ago. Chief Norcross further stated that this issue had been referred to the Burlington County Bridge Commission. They referred it back to the State Department of Transportation, who told us to take it to the County. Chief Norcross is requesting that a letter be sent to the County Engineer asking his department to revisit this issue and give us an answer one way or the other. Mr. Gunn stated that we can write them asking for some action on this issue. If approval is given, Council can then take steps to repeal the present ordinances on the books that prohibit parking along Broad Street. A discussion then ensued. Mr. Smyth moved that the Solicitor prepare a letter for the Mayor's signature to be forwarded to the County Engineer seeing permission for parking on Broad Street. 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 aye and Mrs. Alls-Moffatt aye.

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

Mary Longbottom, RMC
Municipal Clerk