

September 6, 2006

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

PRESENT: Council members Daniel, Brown, Dr. Smyth, Mr. Smyth, Kinzler, Cesaretti 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 2006 published in the Burlington County Times on January 17, 2006

(b) Posting written notice in the official bulletin board on January 19, 2006

Recommendation from Finance Committee Re: Revaluation-Tom Davis, Tax Assessor present. Mr. Kinzler reported that we received two bids for this project and that Vital Services Group was the lowest bidder at \$69,900.00. Mr. Kinzler reported that Mr. Davis is also requesting the purchase of hardware and imaging products from Vital Services Group. This would be in addition to the bid amount that was submitted by Vital. Mr. Davis stated that the purchase of these products would assist his office in the future, after this revaluation is completed. Mr. Davis provided Council with an overview of the process concerning the revaluation of all properties in the Borough. Mr. Davis stated that our tax maps must also be forwarded to the State for their review before the revaluation process can commence. Mr. Davis commented that once Council approves the revaluation program for the Borough, the company would probably start the work sometime in the Spring of 2007, with a completion date of December 31, 2007. Property owners would not see any charges to there tax charges until 2008. Mr. Gunn stated that he has reviewed Vital's contract and has asked them to incorporate the Borough's specifications into the contract. Mr. Gunn stated that the issue of purchasing hardware and imaging products should be handled separately from the revaluation contract. After a short discussion, it was the consensus of Council to move forward and authorize Vital Services Group to do the revaluation of all properties in the Borough.

ORDINANCE 10-06

AN ORDINANCE OF THE BOROUGH OF RIVERTON, IN THE COUNTY OF BURLINGTON, NEW JERSEY, AUTHORIZING A SPECIAL APPROPRIATION FOR THE PREPARATION AND EXECUTION OF A COMPLETE REVALUATION PROGRAM IN THE BOROUGH OF RIVERTON

The above Ordinance was read by title only for the first time by Mr. Kinzler, who moved for its adoption. This was seconded by Mr. Cesaretti. A poll vote was then taken. Dr. Daniel aye, Mr. Brown aye, Dr. Smyth aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti aye. It should be noted that second reading and a public hearing on this Ordinance is scheduled for October 4.

RESOLUTION 85-06

A RESOLUTION AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION TO FUND THE PREPARATION AND EXECUTION OF A COMPLETE REVALUATION PROGRAM IN THE BOROUGH OF RIVERTON (IN FULL IN RESOLUTION BOOK)

The above Resolution was read by title only by Mr. Kinzler, who moved for its adoption. This was seconded by Mr. Cesaretti. A poll vote was then taken. Dr. Daniel aye, Mr. Brown aye, Dr. Smyth aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti aye.

Discussion: Letter of Credit regarding the Nuway Development-Mr. Gunn

Dave Oberlander, Attorney for James Brandenberger addressed Council. Mr. Oberlander reported that a performance guarantee needed to be posted for this project. Mr. Oberlander stated that Madison Bank, a division of Leesport Financial, posted an Irrevocable Standby Letter of Credit for this project. Mr. Oberlander stated that an issue has arisen because Madison bank is not a New Jersey bank. Mr. Oberlander believes Council can accept a letter of credit from an out of state bank. Mr. Oberlander further stated that representatives from Burlington County have verbally indicated that they would accept a letter of credit from this bank. Mr. Gunn stated that the Borough's Engineer for this project (Rick Arango) had recommended that a performance guarantee or letter of credit be issued from a New Jersey bank. Mr. Gunn stated that once we received the letter of credit from an out of state bank, it really was not in compliance with the Engineer's requirement. Mr. Gunn stated that Mr. Arango has now reconsidered and indicated that we would have the option of accepting this letter of credit. Mr. Gunn wants to make sure that Council is satisfied that the out of state bank is a viable institution. Mr. Gunn explained that if there were a default, we would have to go over to Pennsylvania. Mr. Gunn stated that we do have a letter from Madison Bank stating that they do business in New Jersey. Mr. Gunn felt that the governing body should be aware of this and make the decision. Mr. Gunn asked Mr. Oberlander if they had proof of Madison Bank's financial stability. Mr. Oberlander presented financial reports from the last two years. Mr. Gunn stated that this letter of credit is for one year. If the project goes on past that time, Mr. Gunn believes that a renewal of the letter or credit would need to be done. Mr. Oberlander responded yes. Mr. Kinzler asked who would monitor this. Mr. Gunn responded that our Construction Official, Ed Schaefer, should do that. Mr. Kinzler asked who would know to ask a year from now. Mr. Gunn responded that that was a good question. Mr. Gunn suggested that Council liaison (Planning) with respect to this project would be a likely choice. Mr. Gunn stressed that this date needs to be watched, especially if the project goes on past August 1, 2007. Mr. Kinzler asked if this project is scheduled to go beyond that date. Mr. Brandenburger responded that the project should be substantially completed by that timeframe; however, there will still be some issues that will last beyond that. Mr. Gunn suggested that 60 days from the expiration date of the letter of credit that a new one will be issued. If Council would like, Mr. Brandenberger could see if this letter of credit can be-drafted to include the extension. Mr. Oberlander reported that in case of a default, Riverton would not have to go to Pennsylvania. We could sue them in the New Jersey court system. Mr. Smyth asked if an amendment could be obtained to the letter of credit now to extend the time-frame. Mr. Oberlander responded that that would not be likely. Mr. Gunn suggested leaving it up to Mr. Arango as far as what to require of the applicant since he sets the requirements as the Borough's Engineer for this project. Mr. Brandenberger stated that he does not have a signed site plan because of the issues surrounding the letter of credit. Mr. Brandenburger cannot move forward until this is resolved. A discussion ensued.

RESOLUTION 86-06
A RESOLUTION AUTHORIZING ACCEPTANCE OF THE LETTER OF
CREDIT FOR THE SHOPS AT RIVERTON, LLC AND AUTHORIZING THE
BOROUGH CLERK TO SIGN THE PLANS FOR THE PROJECT
(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 Dr. Smyth. A poll vote was then taken. Dr. Daniel aye, Mr. Brown aye, Dr. Smyth aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti aye. **Update from James Brandenberger Re: Nuway Site.** Mr. Brandenberger stated that he is proposing a granite lock curb for all interior areas of this project. The approved plans called for a standard type of concrete curbing. Council did not voice any objection to this change. However, Mr. Brandenberger needs to submit a written request for this change to the Borough's Engineer and Planner for their review.

Mr. Brandenberger reported that he wants to do a sub-division of this development for the purposes of financing. This does not change the project at all. It just makes this project easier to finance on a permanent level. Mr. Brandenberger would like to break the CVS up into one lot, the bank would be on one lot, and the residential component, including the basement would be on one lot. This is fairly typical-it happens all the time in these situations. Mr. Brandenberger reported that he is just presenting this for Council's information. Mr. Brandenberger stated that there also has to be cross access easements through this project which would need to be worked out and presented. Mr. Brandenberger indicated that there is an area on this project which could be a lot next to the Barth property on Fulton Street. Mr. Brandenberger stated that he could sub-divide a residential building lot at this location. He wants to build a house there and donate the proceeds to charities to benefit Riverton. Mr. Brandenberger stated that the amount could be in the neighborhood of \$100,000.00. If Council thinks they like his idea, he will prepare a formal presentation. Mr. Brandenberger believes he would probably need additional variances. Mr. Oberlander stated that he would have to review the Borough's site specific redevelopment plan to determine where his client would have to go for approval. Mr. Oberlander thought it would either be the Planning Board or the Governing Body. Mayor Martin stated that he thought we needed more time to digest what Mr. Brandenberger has presented here tonight. Mayor Martin believes the Planning Board should also review this. A discussion then ensued, with Council taking this presentation under advisement.

Mr. Brown raised concern that there was no fencing around this construction site. Mr. Brown has received complaints from residents on this issue. While Mr. Brown understands that there was nothing in the approving site plan resolution about this, he is addressing his concern to Mr. Brandenberger. Mr. Brown asked Mr. Brandenberger what will be done when construction commences. Mr. Brandenberger stated that they would not fence the area; however, the area will be policed, it will be secured and signs would be posted. Mr. Smyth also raised concern over the lack of fencing at the site. Mr. Oberlander commented that he didn't think it was standard to have fencing placed at construction sites.

Mr. Oberlander stated that another letter of credit from Madison bank will be posted for the project to be done on the "Sitzler property. Mr. Oberlander hopes they don't have to come back before council for this. Mr. Gunn responded that he didn't think

that would be necessary, but reminded Mr. Obelander that Mr. Arango would still need to review the issue.

Streets, Roads & Sewer Issues-Dr. Smyth a. Storm water Regulations and Requirements. Dr. Smyth reported that Council previously adopted an Ordinance Establishing Stormwater Management Requirements and controls for major development on March 8, 2006. Mr. Smyth further reported that the County is requiring that we re-introduce this Ordinance to eliminate typographical errors on Page 22, Section 8:B.I.C. Dr. Smyth reviewed these errors with Council. Dr. Smyth stated that Council needs to re-introduce this Ordinance at next week's meeting. After a short discussion, it was the consensus of Council to agree to this.

b. Change Order No. 1 Re: Fulton Street project. Dr. Smyth reported that our Engineers for this project, Remington, Vernick & Arango are recommending that Council approve this Change Order. Dr. Smyth stated that the original contract price for this project was \$376,827.25. Dr. Smyth stated that this Change Order reflects the fact that all the Base Bid Items in the contract were not used for this project, causing a decrease of \$20,127.97, resulting in an adjusted contract price of \$356,699.27. After a short discussion, it was the consensus of Council to agree to this.

RESOLUTION 87-06

A RESOLUTION OF THE BOROUGH OF RIVERTON APPROVING CONTRACT CHANGE ORDER NO. 1 REGARDING THE RECONSTRUCTION OF FULTON STREET (IN FULL IN RESOLUTION BOOK)

The above Resolution was read by title only by Dr. Smyth, who moved for its adoption. This was seconded by Mr. Cesaretti. A poll vote was then taken. Dr. Daniel aye, Mr. Brown aye, Dr. Smyth aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti aye.

Update re: Placement of the Peace Pole. Dr. Smyth reported that the Peace Pole Committee ordered the pole but it was damaged during the mailing process. Dr. Smyth stated that location for the placement of the peace pole has not been determined. Dr. Smyth suggested placing the pole at the park. Mr. Smyth suggested it be placed at the school because the children raised pennies for the peace pole. Mr. Cesaretti stated that he has done a computer search and has found out that 300 towns are in litigation over the placement of peace poles on public property. Dr. Daniel asked who would not be for peace. He believes the peace pole should be placed in the park, next to the flag and the memorial. Dr. Smyth stated that since the Borough owns the park, don't we have the prerogative to place the pole at that location? Public Works Manager cautioned that if it is placed at the park, it should go where it is well lit because of possible vandalism. Dr. Smyth stated that he would like to bring back a recommendation to Council concerning a location for the peace pole at next week's meeting. Dr. Daniel asked Mr. Cesaretti what the lawsuits were regarding peace poles. Mr. Cesaretti stated it goes beyond separation of church and state, it can be interpreted as a prayer pole. Mr. Cesaretti stated that the Peace Pole committee previously informed Council that a peace pole was placed at the Pentagon. However, Mr. Cesaretti stated that this pole is in the Pentagon's chapel, which is manned 24 hours by a non-denominational priest. Dr. Daniel stated that the pole is a symbol of peace and he doesn't understand who wouldn't want this. Mr. Smyth stated that he has no issue with it. However, he is being told by people in town that they have a

problem with it being placed on public property. With no disrespect intended, Dr. Daniel believes the people that are having an issue with it are interpreting a peace pole that's something of a religious nature. Dr. Daniel stated that it can be whatever you want it to be. Mr. Cesaretti stated towns that have put them in, especially if they are placed at a Veteran's Memorial Park, have had anti-war rallies around these poles. This is a smack in the face to the Veteran's Memorial Park. Mr. Smyth read about the lawsuit in a town in Michigan and that is a big thing. It is splitting that town a part. Dr. Daniel commented that an anti-war rally is not a bad thing. Mr. Brown suggested the playground area at the school on 4th street. Mr. Reed suggested placing it down on the Borough property at Linden and Bank Avenue. Mr. Smyth is opposed to this. Mr. Smyth believes the school is a great place for it to be placed. Mr. Smyth will talk to the Superintendent about this. Mr. Gunn cautioned using public funds for private purposes. For example if it goes on public property, who maintains the pole. Dr. Smyth stated that the pole is privately funded, not owned. Mr. Gunn stated that if the pole were to be placed at the park, we would have to check on whether there are any deed restrictions for this. Dr. Smyth stated that he would bring some options for Council to consider at next week's meeting.

Renee Azelby, 706 Thomas, believes Council needs to perform due diligence as to where the peace pole is placed. Ms. Azelby doesn't want the Borough to withstand the expense of a law suit because of this issue.

Scott Reed, Public Works Manager asked for a consensus of Council as to which members are willing to put the pole up or not. Mr. Reed believes Council should decide that tonight. Mayor Martin stated that we need to reach a consensus on the placement issue first. Mr. Smyth does not believe it is a vote on whether to do it or not. He believes it depends on the location, which is important to him. Mr. Gunn stated that the Resolution passed a number of months ago, stated that we would help the peace pole committee find an appropriate location for the pole. This issue was taken under advisement.

Planning & Economic Issues-Mr. Smyth a. Smart Growth Grant-changing scope of the work. Mr. Smyth reported that the Planning Board and Environmental Commission have recommended the use of the Smart Grant funds to pursue an Environmental/Natural Resource Inventory Study. Mr. Smyth stated that we need to authorize our Planner, Tamara Lee, to re-write the scope of work for the grant to utilize the monies for this. Mr. Smyth asked Council for a consensus for him to ask Ms. Lee to move forward with this. After a short discussion, it was the consensus of Council to agree to this. Mr. Smyth further stated that once Ms. Lee re-writes the scope of work, Council must approve it and forward it onto the Office of Smart Growth. Council will be kept apprised of this issue.

b. Required report regarding planning activities since Center Designation. Mr. Smyth reported that Eileen Swan, executive Director of the Office of Smart Growth is requesting that we provide a report regarding Riverton's planning activities since receiving Center Designation on April 28, 1999. Mr. Smyth reported that the Office of the Director (Mark Remsa) of the Burlington County Department of Economic Development and Regional Planning has indicated their willingness to assist Riverton with this report. Mr. Smyth further stated he and the Clerk would be meeting with a representative from Mr. Remsa's office to review what documentation needs to be prepared to help them complete this report. Council will be kept apprised of this issue.

c. River Route Marketing Efforts. Mr. Smyth reported that the Burlington County Times will be running approximately 14 articles to promote the River Route. Riverton is scheduled to be featured the week of November 20th. We should provide an overview to include recent successes, current projects, potential projects and our community's vision for the future. The County will provide an opening article to include an over-view of the Rt. 130 Corridor process. In addition to this there will also be videos done on the communities along the River Route. The first segment will include Palmyra, Riverton and Cinnaminson. Each community will have approximately 7 minutes to highlight their community. Mr. Smyth stated that he needs input from Council concerning who would be represent Riverton to tout our community, etc. Mr. Smyth asked that Council get back to him by next week with their suggestions.

d. Centers of Place Grant-amending original project. As previously discussed, Mr. Smyth reported that the grant does not allow for all three sites to be improved. Mr. Smyth reported we would like to make a request of the Department of Transportation to amend the original proposal to include one of the original sites, plus an extension of that site. These two sites are as follows: Along the north side of Broad Street from Fulton Street to Main Street and along the west side of Main Street from Block 801, Lot 34 to Lot 39. A discussion ensued with Council concurring with this amendment.

RESOLUTION 88-06

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN THE SA-96 FORM DESCRIBING A MINOR AMENDMENT TO RIVERTON'S APPROVED CENTERS OF PLACE PROJECT (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 aye, Mr. Brown aye, Dr. Smyth aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti aye.

e. Update re: Broad Street Enhancement Grant. Mr. Smyth reported that this project has commenced and it is anticipated that it will take 60 days to complete. Mr. Smyth reported that the recently installed curbing has to be torn out. Mr. Smyth further stated that since Broad Street was repaved last year, the elevations changed. There will be no charges to the Borough to re-doing the curbs for this project. Mr. Smyth reported that all of the donated bricks have been saved and will be placed at the site. Mr. Smyth also reported that the clock was hit by the contractor's backhoe and damaged. It has been taken to the sewer plant. The contractor will pay for the repairs and/or replacement. Mr. Smyth also reported that we reached an agreement with the owners of Zena's Bakery to move the bulletin board off of her property. It will be placed at a new location on the plaza. Mr. Smyth also stated that the owners of Zena's bakery will repave their parking lot at their cost.

Meeting open to the public

Katy Roussos 708 Thomas Avenue, provided Council with an overview regarding the Riverton Drive-25 Campaign's ongoing efforts, such as a poster contest, handing out related material to commuters riding the Riverline, the purchase of window clings, working on the bicycle/pedestrian grant, etc. Mrs. Roussos asked that a member of Council and the Police Department be present at the school tomorrow for the 1st day of

class to reinforce the campaign's work. Mrs. Roussos raised concern that the campaigns' lawn signs were stolen once again.

Scott Reed, Public Works Manager, reported that that the park is being fully used for soccer. Mr. Reed thought we had agreed not to do this. Mr. Reed indicated that Palmyra Borough stopped the league from using their Charles Street and Legion fields. Mr. Reed understands that Riverton only has 105 kids playing soccer, yet Palmyra has over 300 and Palmyra. Mr. Reed is concerned that they are utilizing Riverton's field for their games. Mr. Reed believes Council needs to take a stand on this issue. Mr. Brown stated that he will schedule a meeting with our Park & Recreation Commission to review this issue.

Mr. Reed believes that any proceeds from the house that Mr. Brandeberger might build on the Nuway site should go to the park and not the school. Mr. Reed believes the school gets enough of the taxpayers money. The littering concerns at the park during the soccer games were raised by Mr. Kinzler. Mr. Reed responded that he would inform the league personnel of the necessity for them to clean up after their games.

Renee Azelby, 706 Thomas Avenue asked for a status report on the deterioration of the property at 622 Thomas Avenue. Mr. Brown reported that the children own the property but the bank owns the lien. The property is scheduled to be examined once our Code Enforcement Officer hears from the owner and the bank.

Discussion: Shade Tree Contract Issues for 2007 & 2008-Dr. Daniel. Dr. Daniel asked that this issue be tabled until he can review this with the Shade Tree Commission. Council agreed to this.

Discussion, Deterioration of curbs on Cedar Street at the park. Mayor Martin reported that resident William Sauers brought this issue to his attention. Council reviewed a photo that Mr. Sauers took of the area. A discussion ensued with Council acknowledging the need to address this. Given the present budgetary restraints, it was the consensus that this issue be discussed further during next year's budget process. The Mayor will inform Mr. Sauers of this.

Preliminary agenda for September 13. The Clerk reviewed this with the Governing Body.

RESOLUTION 89-06

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 Dr. Smyth, who moved for its adoption. This was seconded by Mr. Cesaretti. A poll vote was then taken. Dr. Daniel aye, Mr. Brown aye, Dr. Smyth aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti aye. It should be noted that personnel and contract negotiations will be discussed.

At this time Dr. Smyth moved that we return to public session. This was seconded by Mr. Cesaretti. A poll vote was then taken. Dr. Daniel aye, Mr. Brown aye, Dr. Smyth aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti aye.

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

Mary Longbottom, RMC
Municipal Clerk