

December 3, 2008

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

**PRESENT:** Council members Daniel, Brown, Cairns Wells, Smyth, Kinzler, Cesaretti (left meeting at 8:25pm) 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 2008 published in the Burlington County Times on December 30, 2007

(b) Posting written notice on the official bulletin board on January 4, 2008

**Discussion: Riverton Memorial Park-Field & Grandstand Renovation project**-Joe Creighton present. Mr. Creighton reported that the playing field areas and the grandstand are in severe disrepair. Mr. Creighton has been working with various people and groups to come up with recommendations and cost estimates to address this potential project. Mr. Creighton stated that it is the intention to raise the funds needed. We would also be looking into potential grant monies for this. Mr. Creighton reported that an estimated quote was received for the Riverton Baseball Athletic Field Renovation at a price of \$90,000.00. This estimate does not include the work we would want done on the grandstand. Dr. Daniel asked if the work on the grandstand was cosmetic or structural. Mr. Creighton responded that a determination needs to be made. Dr. Daniel asked if people really utilize that grandstand. Mr. Creighton responded that he didn't think so because the benches are really warped.

Mayor Martin asked if we are aware of anything that cannot be built at the park. Mr. Gunn stated that a number of years ago the Borough received a Green Acres grant. He didn't know if that put any restrictions on the park. It would have to be checked out. Dr. Daniel asked if Mr. Creighton had an estimate for basic renovations to the grandstand. Mr. Creighton responded no. He did not want to pursue anything until meeting with Council. Mayor Martin believes Mr. Creighton is going in the right direction; he is seeking guidance from Council before proceeding.

Mr. Brown asked if Mr. Creighton is exploring the possibility of getting the park designated on the historic register. Mr. Creighton was concerned that that might place restrictions on what we would like to do. Mr. Brown stated that we couldn't expand the park and it would have to be restored to the current standards. Mr. Brown's point is if there were money for that and nothing else, it would be a plus. Mr. Brown thinks we should keep this option open. Mr. Smyth reported that he has asked the County about recreational funding grants that might be available for us. They would need cost estimates on any application we would do with them for potential funding. Mr. Smyth stated that we just received a letter from Congressman Andrews asking if there were any major projects we wanted to work on next year. We need to submit a project description, the costs estimates, etc. There might be funding to help with this park project. Mr. Smyth stated that he needs to get a clarification from Mr. Andrews' office as to what the criteria is.

Ms. Cairns Wells feels that the first thing that needs to be done is to determine if green acres would preclude us from doing anything. Because of Riverton's historic

designation, Mr. Gunn stated that any work done on public property requires approval from the State Historic Preservation Office. Ms. Cairns Wells also suggested that Mr. Creighton's group confer with our Zoning Officer and Construction Officer to see if there is something that we can't do based on setbacks, etc. It was the consensus that Mr. Creighton obtain costs estimates for the project. Council will be kept informed.

**Coah Items:** Ms. Cairns Wells

**Required COAH submission due by the end of the year & Special meeting to be held (after December 16) endorsing the amended Housing Element & Fair Share Plan as adopted by the Planning Board-**Tamara Lee, Planner present

Ms. Lee met with the housing sub-committee to discuss what options would be best. Based on that, Ms. Lee prepared a revised housing element and fair share plan with spending plan. It was decided to put in ways to calculate what our affordable housing obligation would be. The simplest way is to just accept COAH's estimate of what it will be.

According to COAH they think that between now and 2018 there will be 51 new housing units in the Borough and there will be a loss of 154 jobs. That translates to a need of 10 new affordable housing units for round three and the 2 units from Round 2, for a total of 12. Ms. Lee explained that this is COAH math. Ms. Cairns Wells stated that it was decided to go with the COAH number. Ms. Lee stated that the proposal to meet this new obligation is this: we have the Martha's Lane zoning that is in place. If that were ever developed it would create 2 units there. We originally proposed a particular zoning for the National Casein property that created 5 units in a mixed use development back in 2005. Ms. Lee reported that we want to propose this again. In addition, two other sites have been identified—the Baptist Home (maybe 2 units there) and 204 Main Street (possibility of turning all 7 units at that location to COAH units). Ms. Lee stressed the fact that even though the property owners are interested, negotiations would be a long process. Ms. Lee stated that this gives us a total a total of 14 units for round 3 (5 on National Casein, 7 at 204 Main Street and 2 Baptist Home) In addition to that we would get 6 bonus credits. Ms. Lee stated that COAH is trying to encourage rental units. Ms. Lee stated that we have a total of 22 credits and our obligation is 12. We are going over and above. Ms. Lee thinks this is a plan that COAH will like. Mr. Kinzler asked if they would hold us to the 22. Ms. Lee responded no, we are only obligated to do 12.

Ms. Lee stated that our certification would run through 2018. She explained that there are 3 reviews at 3, 5 & 8 years. Ms. Lee stated that she expects that at 3 years COAH will review and acknowledge that there is not much development going on, at 5 years they will probably say the same thing. At that time, we in turn will ask them to lower our obligation. They will ask us to wait until year 8. At that time they should be convinced and will lower our obligation.

Ms. Lee stated that COAH has indicated certain minimum subsidies for all of these various units. An example would be if we were to partner with the owner of 204 Main Street (7 potential units), we would have to give him a minimum of \$25,000.00 per moderate income units and \$30,000.00 for low income units. This would come out of the Borough's Housing Funds. Ms. Lee stated that the law says it does not come from taxpayers. Ms. Lee explained that the State came up with a State Housing Fund which is supposed to defray these costs. Ms. Lee stated that as of now there is no money in that

fund. The concern is that the State will ask municipalities to bond to pay for this if they have no funds to defray the costs.

Mr. Cesaretti asked what happens if we don't submit this plan by the end of the year. Ms. Lee responded we will receive a letter from COAH telling us that they intend to de-certify us and we would have 30 days to come into compliance. If we don't submit by then we will be exposed to a builder's remedy. Dr. Daniel asked what constitutes a non COAH town. Ms. Lee responded towns that are not certified by COAH because they never filed a plan. Ms. Lee reported that she and the Planning Board Solicitor worked together to put language in the spending plan that specifically says we may bond, but we are not committing the Borough to bond. We rejected COAH's model language that says we would bond. We re-wrote that.

Ms. Cairns Wells asked if we vote to endorse this plan and COAH certifies us can we file an amended plan if some better opportunity comes along in the future. Ms. Lee responded yes. Ms. Cairns Wells stressed the fact that this plan must be submitted by December 31, 2008. Ms. Lee reported that the Planning Board will be holding a public hearing on this element because it pertains to amending the Master Plan. After the Planning Board votes to adopt it at their December 16<sup>th</sup> meeting, Council needs to hold a special meeting to consider endorsing the plan.

#### **RESOLUTION 94-08**

#### **A RESOLUTION AUTHORIZING THAT A SPECIAL MEETING BE HELD ON DECEMBER 18<sup>TH</sup> AT 4:30PM TO CONSIDER ENDORSEMENT OF THE AMENDED HOUSING ELEMENT AND FAIR SHARE PLAN (IN FULL IN RESOLUTION BOOK)**

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

**Request received from the owner of 204 Main Street for the Borough to purchase this property.** Council reviewed this request and it was the consensus that there was no interest in pursuing this.

**Financial Items:** Mr. Kinzler

**a. 2008 Finance Update.** Mr. Kinzler reported that we are in pretty good shape after 10 months. We will be checking the percentage of taxes collected. Calls will be made to remind those property owners that are delinquent of the importance of paying their taxes by the end of the year.

**b. 2009 Budget Process & Timeline** Mr. Kinzler will prepare a timeline for next week's meeting.

**c. Reval Update :** Mr. Kinzler reported that Vital Communications has completed the residential portion and is the process of completing the commercial portion. Mr. Kinzler reported that our Tax Assessor has informed him that impact letters will be mailed to all property owners the week of December 15<sup>th</sup>. Mr. Kinzler thought we could possibly delay these letters being mailed until early January. Mr. Kinzler stated that he still needs to confer with our Tax Assessor to determine why he wants these letters mailed this month. Mr. Smyth was of the opinion to not send these letters out until January. Ms. Cairns Wells concurred. Mr. Kinzler will report back to Council at next week's meeting.

**Announcement of bids received for tree and stump removal and care and maintenance of trees**

Dr. Daniel announced that the following bids were received, opened and publicly read on December 1, 2008 for tree and stump removal: **Eastern Environmental of Delran, New Jersey \$21,050.00, Friendly Tree Experts of Orange, New Jersey \$19,550.00, Paul May Tree Service of Delran, New Jersey \$23,800.00, Tamke Tree Experts of Liberty Corner, New Jersey \$30,810.00 Beucler Tree Services, Tanafly, New Jersey \$28,415.00, Elite Tree Service of Manalapan, New Jersey \$42,650.00 Paul's Tree Service of Delran, New Jersey \$32,998.00, Colonial Tree Service of Southampton, Pa \$29,460.00, Duvins Tree Service of Lawrenceville, New Jersey \$51,150.00 and Stella Contracting of Elmer, New Jersey \$119,000.00.** The Solicitor reported that he has reviewed the bid package submitted by Friendly Tree Service, the lowest bidder and everything is in order. Dr. Daniel reported that it is the recommendation of the Shade Tree Commission that Council award the contract to them.

**RESOLUTION 95-08**

**A RESOLUTION TO AWARD A CONTRACT TO FRIENDLY TREE SERVICE, INC. FOR THE REMOVAL OF TREES AND STUMPS FOR 2009  
(IN FULL IN RESOLUTION BOOK)**

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

Dr. Daniel announced that the following two bids were received, opened and publicly read for the Care of Maintenance of Trees on December 1, 2008: **Paul May Tree Service of Delran, New Jersey \$65.00 per man hour and Elite Tree Service of Manalapan, New Jersey \$126.00 per hour (2 men) and \$189.00 per hour (3 men).** Mr. Gunn informed Council that he has reviewed these two bids and both are defective for non-compliance with the specifications. Mr. Gunn recommended that Council reject these bids and authorize the Clerk to readvertise.

**RESOLUTION 96-08**

**RESOLUTION REJECTING BIDS FOR THE CARE AND MAINTENANCE OF TREES AND AUTHORIZING THE BOROUGH CLERK TO READVERTISE FOR NEW BIDS  
(IN FULL IN RESOLUTION BOOK)**

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

**Meeting open to the public**

**Jen Waldhauser** saw that the Borough was awarded grant money from the Department of Transportation. She inquired what that money could be used for. Mr. Smyth responded that the Borough was awarded \$180,000 in grant money that can only be utilized for the Linden Avenue road project.

Ms. Waldhauser asked for the status of having pedestrian pushbuttons installed at the grade crossings on Broad Street. Mr. Smyth responded that Council had previously requested that the County defray the costs for this. To date we have not heard anything

from the Freeholders. Mr. Smyth stated that he would contact Freeholder Donnelly to get an update.

**Gary Ford** reported that 24 people from our community recently met with the Riverton Business and Civic Association to discuss where we would like to see Riverton go. Some suggestions were to formulate a website (linked to the Borough's) that would have detailed information regarding our business in town. Right now the Borough's website is dormant on this issue. Mr. Ford reported that there would be an advertising coordination effort if a business website is formulated. The group also suggested publishing a newsletter. Mr. Ford stated that the Economic Development Committee would be submitting a budgetary request to assist the organization with their efforts. Council will be kept informed. Mr. Ford also stated that the Association would put together the 2009 Borough Directory.

**Request from Congressman Andrews: To submit a two page summary detailing the largest economic project Riverton will be working on in 2009. Possible funding may be available.** Council reviewed this written request. Before any decision is reached, Mr. Smyth reported that he would contact Mr. Andrews' office to find out what projects can and cannot be included in this scope. Council might consider recreational park upgrades at our fields and upgrades to our historic grandstand/bleachers, if permitted. Mr. Smyth will provide Council with an update at next week's meeting.

**Setting the day and times for the 2009 Council meetings.** Mayor Martin asked Council if we should continue with our meetings on the first and second Wednesday of every month next year, with the exception of June, July & August, when we would only meet once a month. Dr. Daniel suggested that we only meet once the entire year. Concern was raised over how long only one meeting a month would run in order for Council to address and finalize issues. The Clerk stressed the importance that the Council committees would need to do a lot more work if Council decides to only meet once a month. Ms. Cairns Wells suggested that we meet twice a month for the first five months and then go to one meeting a month for the rest of the year as see how that works out. It was the consensus of Council to agree to this. Council will consider formal action at next week's meeting.

**Setting the day and time for the 2009 Reorganization meeting.** The Clerk reported that Council must hold their reorganization meeting within the first seven days of the new year. It was the consensus of Council that we hold this meeting on January 7, 2009. Council will consider formal action on this at next week's meeting.

**PROCLAMATION: SUPPORTING THE OVER THE LIMIT UNDER ARREST  
2008 YEAR END CRACKDOWN  
(IN FULL IN RESOLUTION BOOK)**

The above Proclamation was read in full by Mayor Martin.

**Preliminary agenda for December 10.** The Clerk reviewed this with the Governing Body.

**RESOLUTION 97-08  
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 Ms. Cairns Wells, who moved for its adoption. This was seconded by Mr. Brown. A poll vote was then taken. Dr. Daniel aye, Mr. Brown aye, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti absent. It should be noted that a personnel matter –police will be discussed.

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

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

Mary Longbottom, RMC  
Municipal Clerk