

February 3, 2010

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

PRESENT: Council members Katella, Brown, Cairns Wells, Smyth, Kinzler, Myers 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 2010 published in the Burlington County Times on December 27, 2009

(b) Posting written notice on the official bulletin board on January 6, 2010

Planning Item: Ms. Cairns Wells

Review and endorsement of the Planning Board's adopted and revised (on January 19th) Housing Element and Fair Share Plan of the Master Plan

Ms. Cairns Wells reported that this issue pertains to the submission of our 3rd round COAH plan. We revised the housing element of the Master Plan and our spending plan. Ms. Cairns Wells explained that in the 3rd round we are required to have 5 COAH units. We proposed to meet the Borough's obligation in two ways: Quality Management is going to be operating a group home in town. We are proposing to enter into an agreement with them and to give them \$50,000.00 (out of the housing trust fund paid by developer's fees) for this group home. We will then get 4 credits (units) from COAH. The other part of the plan is that the Borough will develop an accessory apartment program for 2 units somewhere in the Borough. This would satisfy the COAH requirement that a portion of our housing plan serve families. Ms. Cairns Wells explained that the person who owns this apartment would receive a stipend (between 10 and 12 thousand dollars) but they would also have a 10 year deed restriction that keeps that property an affordable housing unit.

Mr. Smyth asked if there could be COAH units in the back of the old post office when it is developed. Mr. Smyth understands that the new owner has gone to the Zoning Board of Adjustment requesting a use variance. Mr. Katella reported that the Zoning Board recently granted the use variance that is limited to three potential housing units. It is also contingent upon the applicant obtaining a site plan variance, which will be a difficult process. No time frame has been determined when the applicant will come back with the site plan application. Ms. Cairns Wells thought it would be unlikely that this development would dedicate one of these three units as affordable housing. Zoning issues would also have to be resolved.

Ms. Cairns Wells asked Mr. Gunn if he reviewed the proposed agreement with Quality Management. The response was yes. Mr. Gunn stated that he is questioning their licensing with the State and would like to see a copy of this before we proceed. Mr. Gunn also stated that the agreement doesn't identify any specific site in Riverton, even though we know they will be operating a group home at 815 Homewood Drive. Mr. Smyth asked what happens if the Borough enters into an agreement with Quality Management, pays them the \$50,000.00 and then COAH is abolished. Mr. Smyth stated that there are bills pending to do this. Ms. Cairns Wells stated that we have to act in the present moment and work within the current guidelines. However, Mr. Kinzler was of the

opinion that he feels it is a big question mark whether COAH will be abolished or not. If COAH is abolished would we be able to get our money back? A discussion then ensued. It was the consensus of Council to defer any endorsement of the housing element as well as any potential agreement with Quality Management until next week. Both the Planner (Tamara Lee) as well as the Planning Board's Solicitor (Tom Coleman) will be asked to attend the February 10th meeting to assist Council with the review and decision making process. Some questions to be raised and answered are as follows: Can we wait for awhile before we approve the housing element and sign the agreement with Quality Management until the future of COAH is clearer, Can we stipulate that Quality Management only use the funds for the Homewood Drive property, and not a to be determined future property in Riverton, What happens if we sign an agreement with Quality Management but haven't given them any funds and COAH is abolished and/or the rules drastically changed and What would happen if we sign the agreement with Quality Management, gave them the funds, and COAH was abolished and the rules drastically changed.

Zoning/Board of Health/Environmental Items: Mr. Katella

Mr. Katella reported that the Zoning Board met in January to reorganize and to review the use variance application for the old Post Office building. Mr. Katella reported that the application was initially heard in December but there was an objector to the process. Therefore, the application went through the entire process once again this month. Mr. Katella stated that the Board unanimously approved the variance application. The next step will be the submission of a site plan application by the applicant. Council will be kept apprised of this issue.

Mr. Katella reported that the Board of Health met and reviewed all of the county notices regarding health inspections. Mr. Katella reported that member Jason Cioci will be resigning from the Board and that resident Rick Mood is a candidate for his replacement.

Review of Engineer's opinion regarding the Environmental Commission's recommended changes to our Stormwater Control Ordinance

Mr. Katella reported that on Council's direction, the proposed model ordinance submitted by the Environmental Commission was sent to our Stormwater Engineer (Terry Vogt of Remington, Vernick and Arango) for his review and recommendation. Mr. Katella provided an overview of Mr. Vogt's concerns. The first being that this model Ordinance is not from the NJDEP. Mr. Katella stated that we had been under the assumption that it was. This proposed Ordinance reflects recommendations from the Pompeston Creek Regional Stormwater plan. Mr. Katella reported that while the majority of the recommendations are valid from an environmental standpoint, based in science they would have some level of positive water quality improvement if implemented. The Engineer also wanted the Borough to be aware that these study recommendations exceed NJDEP standards, often significantly. Mr. Katella was of the opinion that we should not pursue these recommendations. Mayor Martin concurred as did the rest of Council. Joe Threston, a member of the Environmental Commission read comments from Michael Robinson, who is also a member of the Commission. Mr. Robinson will be checking the issues raised by the Engineer with the rest of the Commission members as well as the Pompeston Watershed Creek Association. Ms. Cairns Wells was of the opinion that if the Environmental Commission believes there are some specific improvements they want

Council to address to tweak our present ordinance, they should bring those before Council for consideration. Mr. Threston will advise the Environmental Commission of Council's review and discussion on this issue. Any proposed revisions to our present ordinance then recommended by the Environmental Commission will be sent to the Planning Board for their review.

Streets/Sewer/Shared Services Items: Mr. Smyth

Review of Engineer's recommendations regarding the placement of stop signs and other traffic calming measures on Thomas Avenue

Mr. Smyth reported that Land Engineering has submitted a written recommendation for the placement of stop signs at the intersections of Thomas at Harrison, Seventh & Midway. They are also recommending that a "stop ahead" sign be located on the northerly side of Thomas Avenue at its intersection with Eighth Street. Mr. Smyth reported that Land Engineering did not see justification for lowering the speed limit to as low as 15 miles per hour on the upper portion of Thomas Avenue. They believe that the implementation of the placement of the stop signs will generally reduce the actual speed of vehicles. After a short discussion, Council concurred with the Engineer's recommendation and will introduce the required Ordinance.

ORDINANCE 1-10

AN ORDINANCE FOR THE BOROUGH OF RIVERTON AMENDING CHAPTER 123-15 TO DESIGNATE FOUR-WAY STOP SIGN INTERSECTIONS IN SCHEDULE IX, CHAPTER 123-31

The above Ordinance was read by title only for the first time by Mr. Smyth, who moved for its adoption. This was seconded by Ms. Cairns Wells. A poll vote was then taken. Mr. Katella aye, Mr. Brown aye, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Myers aye. Second reading and a public hearing on this Ordinance is scheduled for March 3rd.

Review of Solicitor's opinion regarding the handicapped parking issue at Calvary Presbyterian Church

Mr. Smyth reported that we had an initial request for additional handicapped parking in front of this Church on 4th Street on Sundays. Mr. Gunn stated that state statutes permit us to restrict for handicapped parking any spaces in front of residences, schools, public buildings, in shopping and business districts to those persons who have been issued special identification cards or plates or placards by the DMV or a temporary placard issued by the Chief of Police. Mr. Gunn explained that there is no provision in the statute for a time limited handicapped space. Mr. Smyth stated that there are presently signs across from the church that reference handicapped parking between the hours of 9 and 12 Sundays only. Mr. Gunn commented that he could not find any formal record that substantiates the legality of these signs. Mr. Gunn also stated that under our Ordinance we could have time limit parking (without it being handicapped) anywhere at this location and restrict it to Sundays.

Regarding the current ADA ramp project to be done at the school (access for voters), Mrs. Cairns Wells stressed that we have to designate a handicapped spot on Howard Street that must be van accessible, must have curb cuts and must have a cement slab. Ms. Cairns Wells wanted Council to be aware that if we were to make additional handicapped spots at the Church location, there are many costly regulations that go along with this to be in compliance. After a discussion, it was the consensus of Council that

Public Works Manger Scott Reed would speak with Reverend Cerra about the issues raised to determine how best to remedy this situation. Council will be kept apprised of this situation.

RESOLUTION 20-10

A RESOLUTION AUTHORIZING THE REDUCTION IN SEWER CHARGES ON THE PROPERTY LOCATED AT 308 MAIN STREET (BLOCK 604 LOT 13) RIVERTON, NEW JERSEY (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 Ms. Cairns Wells. A poll vote was then taken. Mr. Katella aye, Mr. Brown aye, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Myers aye.

RESOLUTION 21-10

A RESOLUTION AUTHORIZING PARTICIPATION IN THE BURLINGTON COUNTY SHARED SERVICES PROGRAM (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. Brown. A poll vote was then taken. Mr. Katella aye, Mr. Brown aye, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Myers aye.

LEAF DISPOSAL UPDATE Public Works Manager Scott Reed reported that he is recommending that we enter into an inter-local agreement with Cinnaminson Township for our leaf disposal. The annual cost will be \$12,000.00. Mr. Reed explained that the facility where the Borough presently disposes leaves may close and we need to have a viable alternative in place. Council will be kept apprised of this situation before any action is taken.

Meeting open to the public

Robin McGinnis thanked Council for introducing the Ordinance tonight for the placement of stop signs and a stop ahead sign at specific intersections on the upper portion of Thomas Avenue.

PATRIOT CONSULTING'S DRAFT REPORT ON A POSSIBLE POLICE MERGER). Mr. Brown reminded Council to provide him with some feedback on the report by Friday.

2010 Budget Updates-Mr. Kinzler

Mr. Kinzler stated that we could use the first session in March to do a line by line budget review with our Auditor present. For 2009 the reserve went up a modest \$26K and we collected 98.05 % of tax receipts v our budget of 97.5%. Mr. Kinzler highlighted the following issues for 2010 budget that will need to be thoroughly reviewed and discussed: Health Benefits went up 20%, Electricity costs are way up, PERS and PFRS are down by \$20k, Interest costs down \$22k (assume increase to BAN of \$25K), Police salary and overtime down \$70k, the status of state aid of \$57k uncertain, we have assumed a 3% across the board wage increase, we have not finalized capital or debt budgets, and we need to review shade tree budget.

Review of Preliminary Engineer's Construction Cost Estimate for proposed upgrades to Riverton Memorial Park. Mr. Myers asked that Council review this information from Land Engineering regarding the proposed upgrades to the park. Mr.

Myers reported that the general area between the tennis courts and tot lot would be stripped of topsoil, re-graded, re-topsoiled, fertilized and sodded. In addition an irrigation system would be installed in all newly sodded areas. Ms. Cairns Wells asked why the proposed upgrades stop at the tot lot area and not all the way to Eighth Street. Mr. Reed responded that he had asked the Engineer to do this. He needs to confer with the Engineer on this issue. Mr. Myers reported that the estimated construction cost is \$186,875.00. The engineer has estimated that their design and contract administration costs would not exceed \$20,000.00 and that their inspection fees would not exceed \$12,000.00. Mr. Myers and other members of Council thought that the engineer's costs were pretty high. A discussion then ensued. Mr. Smyth would like to get just the total estimate for the project out to some people who might be able to assist us with possible funding for this project, such as Congressman Rob Andrews (through stimulus monies) and the County Freeholders. Further discussion will take place on this proposed project during the budget process.

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

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

Mary Longbottom, RMC
Municipal Clerk