

April 3, 2013

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

**PRESENT:** Council members Creighton, Cairns Wells, Corbi, Kinzler, Myers and Solicitor Bruce M. Gunn

**ABSENT:** Council member Azelby

The following statement was read by Mayor Brown:

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 2013 published in the Burlington County Times on December 28, 2012

(b) Forwarding written notification of the 2013 meeting schedule to the Courier Post for informational purposes only on January 3, 2013

(c) Posting written notice on the official bulletin board on January 2, 2013

**FINANCIAL ITEMS:** Mr. Kinzler

**PUBLIC HEARING ON THE 2013 MUNICIPAL BUDGET**

At this time Mayor Brown opened this portion of the meeting to the public for any comment on the budget. There being no comment from the public on the budget, Mayor Brown closed this portion of the meeting to the public.

**RESOLUTION 35-2013**

**SELF EXAMINATION BUDGET RESOLUTION  
(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. Creighton. A poll vote was then taken. Ms. Azelby absent, Mr. Creighton aye, Ms. Cairns Wells aye, Mr. Corbi aye, Mr. Kinzler aye and Mr. Myers aye.

**RESOLUTION 36-2013**

**A RESOLUTION ADOPTING THE 2013 MUNICIPAL BUDGET  
(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 Ms. Cairns Wells. A poll vote was then taken. Ms. Azelby absent, Mr. Creighton aye, Mr. Corbi aye, Mr. Kinzler aye and Mr. Myers aye.

**RESOLUTION 37-2013**

**TRANSFER RESOLUTION  
(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 Ms. Cairns Wells. A poll vote was then taken. Ms. Azelby absent, Mr. Creighton aye, Ms. Cairns Wells aye, Mr. Corbi aye, Mr. Kinzler aye and Mr. Myers aye.

**ORDINANCE 4-2013**

**AN ORDINANCE OF THE BOROUGH OF RIVERTON, COUNTY OF  
BURLINGTON AND STATE OF NEW JERSEY TO PROVIDE FOR AND  
DETERMINE RATES OF COMPENSATION OF EACH OFFICER AND  
EMPLOYEE OF THE BOROUGH OF RIVERTON**

The above Ordinance was read by title only by Mr. Kinzler, who moved for its adoption. This was seconded by Ms. Cairns Wells. A poll vote was then taken. Ms.

Azelby absent, Mr. Creighton aye, Ms. Cairns Wells aye, Mr. Corbi aye, Mr. Kinzler aye and Mr. Myers aye. Second reading and a public hearing on this Ordinance will be held on May 8, 2013.

#### **UPDATE REGARDING THE GRANDSTAND BIDS AND PROJECT**

Mr. Gunn reported that he has reviewed the four (4) bids for the grandstand project (2<sup>nd</sup> round of bidding) which were received, opened and publicly read on March 8, 2013. Mr. Gunn reported that the apparent low bidder Pantarelli Homes, Inc. was materially defective in that it failed to provide a current financial statement or any other information relative to the financial status of the prospective bidder. Mr. Gunn reported that this defect is material and cannot be waived by the Governing Body. Mr. Gunn reported that the second low bid of J.H. Williams Enterprises, Inc. is in compliance with the bid specifications. Mr. Myers stated that it is the recommendation of the park/grandstand committee that Council consider awarding the contract to JH Williams Enterprises in the amount of \$426,970.00, which includes the base bid plus alternates A2 (Installation of Drinking Fountains and A9 (Installation of a 6" Perf.PVC in stone trench with Yard Drain). After a short discussion, it was the consensus of Council to agree to the recommendation, with the caveat that the award of the bid is subject to the receipt of additional financial data from J.H. Williams Enterprises, Inc. for the year ending 2012 as approved by the Borough Engineer.

#### **RESOLUTION 38-2013**

#### **A RESOLUTION AWARDING THE CONTRACT FOR THE MEMORIAL PARK GRANDSTAND PROJECT TO J.H. WILLIAMS ENTERPRISES, INC.**

#### **(IN FULL IN RESOLUTION BOOK)**

The above Resolution was read by Mr. Myers, who moved for its adoption. This was seconded by Mr. Creighton. A poll vote was then taken. Ms. Azelby absent, Mr. Creighton aye, Ms. Cairns Wells aye, Mr. Corbi aye, Mr. Kinzler aye and Mr. Myers aye.

#### **MEETING OPEN TO THE PUBLIC**

**Dan Howard** stated that he attended last month's Planning Board meeting at Council's prior suggestion to obtain detailed information regarding the Borough's agreements with Quality Management Associates (QMA) and Habitat for Humanity. This pertains to the Borough providing them with funds in the event that they find properties in town that are suitable to qualify for COAH money. Mr. Howard stated that he was advised by the Planning Board to come back to Council regarding this issue. Mr. Howard believes something is going on with a property that is for sale on Beechwood Road. He is not sure if QMA is a potential buyer who would be utilizing this property as a group home.

**Jackie Spratlin** stated that the property in question on Beechwood is under attorney review. She has been told that they will be going to testing (radon, etc) and that she knows it is QMA who is purchasing this property. Mayor Brown asked who told her that. She responded the realtor for the property. Ms. Cairns Wells stated that we have not heard anything from QMA about this prospect. She spoke to Attorney Tom Coleman who crafted the agreements with QMA and Habitat for Humanity, and he has not had one piece of communication that would indicate that QMA is either interested in or has bought a property in the Borough. The last time she spoke to QMA was in the fall when they were interested in purchasing a property on Beechwood. The sale of this property eventually fell through.

**Dan Howard** stated that he has a high level of concern regarding this issue and feels there is a lack of transparency. Ms. Cairns Wells commented that QMA had purchased the home on Homewood Drive for the placement of a group home about a year ago. She had asked their representatives to let everyone know if they ever intended to purchase another property in Riverton. She explained that it is easier to be able to answer questions up front so that there is a comfort level. Ms. Cairns Wells stated that she cannot force them to do this either before or after a purchase is made. Mr. Howard stated that his concern is not with QMA. It is with the deed restriction. Ms. Cairns Wells reported that Attorney Coleman has stated that when or if a property is purchased by QMA and it is qualified as a COAH property and we go through with the agreement, we would negotiate a deed restriction that would be in the best interest of the Borough. We would try to be as restrictive as possible. Mr. Howard stated that the agreement references an attachment pertaining to the deed restriction (attachment A) but there is no attachment. He feels it almost implies that something is drawn up. Mayor Brown stated that what it means is that that you can't have an attachment until you have an agreed upon deed restriction agreement. Dan Howard asked what Council's position would be on the deed restriction. Mayor Brown responded that it would be the intent to keep it at the same level as the group home at 815 Homewood Drive. We are not looking for a halfway house, drug/alcohol rehabilitation house, etc. Mr. Creighton stated that he would support us restricting it as much as possible. Mr. Gunn stated that we are really talking about contract negotiations which would be a detailed closed session topic. Ms. Cairns Wells stated that there has been no Council conversation regarding what would be incorporated into a deed restriction because there has been no property for us to deed restrict.

While Mr. Howard understands the COAH credit issue, he personally disagrees with it. However, he understands Council's position to do what is best for the Borough. He reiterated that this is not about QMA but the aftermath down the road. Mr. Howard stated that the agreement references disabled people and that by definition, this could include what the Mayor referenced what we would not want to see in Riverton. Mayor Brown and Ms. Cairns Wells stated that we would be sure to specifically define what we would want in a deed restriction.

**Al Buche** stated that COAH is affordable housing. He asked if Council is being realistic in assuming they can negotiate out of a low to moderate deed restriction on a program that's geared toward affordable housing. He asked what would stop the property years down the road from having section 8 housing at that location. Ms. Cairns Wells responded that section 8 is not COAH. Mayor Brown stated that the goal of the deed restriction is to keep it at the level (use) that it would be now (group home).

**Mr. Chapman** was not sure if anyone here had a legal opinion on how you can restrict it that would stand up in a court of law.

**Dan Howard** stated that Attorney Coleman has indicated that he has not spent any time or any Borough money researching this. Mr. Howard is concerned that the Borough has entered into an agreement with QMA but nobody has a clue what will happen with the deed restriction. Mr. Corbi stated that Mr. Coleman will not waste our money until the time and place comes to work on an actual agreement.

**Mr. Chapman** stated that the definition of disability includes a broad spectrum of categories including some that would be detrimental to the neighborhood. Mr. Chapman

raised concern that QMA could go out of business and then decide to sell the property. What happens then?

**Joe Rainer** raised concern that since nobody's done any research; you really don't know what you can restrict.

**Jennifer Chapman** asked if there was a deed restriction on the Homewood Drive property. The response was no.

Mr. Gunn stated that for QMA to receive the COAH monies, they must agree to the deed restriction. The reasons people may think the agreement is somewhat vague is it had to pass muster with COAH. That's why these agreements were drafted so the Borough could meet their COAH requirements. This still gives the Borough the leverage and option to negotiate a favorable deed restriction. Mr. Gunn stated that, obviously, both parties would have to agree to it.

**Dan Howard** believes that QMA already has a financial investment into this property on Beechwood Road. He does not think they are going to be so inclined to negotiate something that would make them more restrictive. Mr. Gunn reported that he has conferred with Attorney Colman, who feels it is premature to discuss it until there is a proposal presented.

**John Heller** asked if we could reach out to other local governing bodies which have had similar circumstances with deed restrictions to determine how they have handled this issue. Ms. Cairns Wells stated that that could be done.

**Dan Howard** asked if suggestions and/or input could be made regarding what could be placed in the deed restriction. Mr. Gunn cautioned Council that they could not comment on any proposed suggestions. Mr. Howard asked if the deed restriction could be reviewed by those present prior to execution. Mayor Brown responded yes. Mr. Howard was asked to submit his suggestions to the Borough Clerk.

**John Heller** asked if there was anyway QMA could go to closing on this property without the Borough knowing it. Ms. Cairns Wells responded that QMA would have to contact us only if they are ready to agree to the placement of a thirty (30) year deed restriction on the respective property. Ms. Cairns Wells reported that the State has the laws in place whereby an organization such as QMA can purchase a property for usage of a group home. You cannot zone against them. Ms. Cairns Wells also stated that after purchasing a property in the Borough, QMA is subject to all Borough rules and regulations as any other property owner would be permit wise. Regardless of whether or not we would be involved with QMA on a COAH level, they can purchase a property anywhere they want and operate their business.

**Frederica Blatz**, believes that there is a reference to Beechwood Road on the Borough's website that pertains to the COAH plan. Ms. Cairns Wells will check this out. Ms. Blatz asked how many COAH credits the Borough would receive from the purchase of the property on Beechwood. The response was five (5) unit credits.

**Mark Austin** asked if QMA buys the home with our COAH funds and they by pass the deed restriction, are we compelled to give them these funds anyway. Mr. Gunn stated that QMA has agreed to the placement of the deed restriction in exchange for the Borough giving them \$80,000.00 in closing on a property.

**Al Buche** asked if the Deed restriction would be negotiated. Is that something Council does? Ms. Cairns Wells stated that that hasn't been determined yet.

**Dan Howard** asked Ms. Cairns Wells if she would recuse herself from the negotiation process since she knows the owners/sellers of the Beechwood property in question. He believes this is a potential conflict. Mr. Gunn stated that you can't have someone say in advance whether or not they going to recuse themselves. It depends on certain types of issues.

**Dan Howard** also raised concern about the one remaining Borough oak tree at the Beechwood location. He would like the tree to remain and would like this spelled out in the deed restriction.

**John Heller** stated that it is his understanding that contracts are out there and probably signed and that they are under the review of an attorney for three (3) business days. If QMA doesn't come after the \$80,000.00, can they just move forward and settle on that property and there is nothing that the Borough can do to stop it. Ms. Cairns Wells stated that if they do not need the COAH funding from us, then that is correct.

**John Heller** asked if they don't take the COAH money does the Borough get any COAH credit. The response was no. Mr. Heller asked if there were any limits as to the number of group homes that can be placed in Riverton. The response was that we didn't know.

**Dan Howard** commented that Habitat for Humanity has \$50,000 in COAH funding waiting for them if they meet the agreement within 2 years. QMA has \$80,000 waiting for them in perpetuity. Mr. Gunn stated that it is his understanding that when the agreements were negotiated, QMA was willing to go with the Borough's agreement; however Habitat for Humanity negotiated the two year limit into the agreement. Mr. Gunn stated that you can always renegotiate an agreement.

**Mark Austin** understands that we can get COAH credits by buying credits from other towns. Mr. Gunn responded that that is not permitted anymore.

**Mike Tumas**, stated that he loves his neighborhood on Beechwood Road. He wants to keep the quiet street with no glaring lights. While he agrees with helping people out, he doesn't want his property value to go down.

#### **RESOLUTION 39-2013**

#### **A RESOLUTION APPROVING AN APPLICATION REQUEST FROM THE BRIDGE OF HOPE OF BURLINGTON COUNTY TO HOLD A RAFFLE EVENT AT THE NEW LEAF TEA ROOM IN RIVERTON**

The above Resolution was read by title only by Mr. Creighton, who moved for its adoption. This was seconded by Ms. Cairns wells. A poll vote was then taken. Ms. Azelby absent, Mr. Creighton aye, Ms. Cairns Wells aye, Mr. Corbi aye, Mr. Kinzler aye and Mr. Myers aye.

**PRELIMINARY AGENDA FOR APRIL 10.** The Clerk reviewed this with Council.

There being for further business to discuss, Mr. Creighton moved that the meeting be adjourned. This was seconded by Mr. Myers, with all present voting in the affirmative.



Mary Longbottom, RMC  
Municipal Clerk