

**BOROUGH OF BARRINGTON  
MINUTES OF MONTHLY COUNCIL MEETING  
MARCH 12, 2013, at 6:00 P.M.  
COUNCIL CHAMBERS AT MUNICIPAL BUILDING**

A regular monthly Council Meeting of the Borough of Barrington was held on March 12, 2013, at 6:00 p.m. in Council Chambers at the Barrington Municipal Building, with Mayor Robert Klaus presiding.

**CALL TO ORDER:** Mayor Klaus called the meeting to order and made the following statement: "This meeting is held in compliance with Chapter 231 of the open public meetings act of 1975 and appropriate notice has been given. Notice of the meeting was filed with the Retrospect and Courier Post and also in the main office of the Borough Clerk where notices are currently kept. He then led the salute to the flag of our country and thanked all for coming out tonight.

**ROLL CALL:** The Municipal Clerk called roll of Council and reports the following:

Ludwig	- present	Popiolek	- present
Nicholson	- present	Bergeron	- present
Robenolt	- present	DelVecchio	- present

Also on dais: Municipal Clerk Terry Shannon and Borough Solicitor Timothy Higgins, Esq.

**PROCLAMATIONS:** The following individuals read proclamations as indicated—Mayor Klaus read April as Alcohol Awareness Month; Councilman Ludwig read April as Sexual Assault Month; Council President read Autism Awareness Month; Councilwoman Nicholson read National Donate Life Month; Councilwoman Bergeron read Poison Control Week.

**APPROVAL OF MINUTES:** Mayor Klaus noted that Council was provided with a copy of the printed minutes of the January 8, 2013, caucus meeting and the regular council meeting for February 12, 2013, and asked if there were any corrections.

Seeing no corrections, on a Motion by NICHOLSON and LUDWIG the minutes of the January 8, 2013 caucus meeting and the regular council meeting of February 12, 2013, were approved as submitted by all members of Council present.

Ludwig	- yes	Popiolek	- yes
Nicholson	- yes	Bergeron	- yes
Robenolt	- yes	DelVecchio	- yes

**MOTION IS CARRIED**

**COMMITTEE REPORTS:** The Municipal Clerk read a summary of the February 2013 monthly reports as submitted by Chief Joseph H. Eisenhardt, Jr. for Police; Chief John Sutch for the Fire Company; Chief Barbara Willson for Ambulance/EMS; Fire Official Stephen DePierri for Regional Fire Alliance; Superintendent Michael J. Ciocco for Department of Public Works; Karen Eckert Court Administrator for Court; Tax Collector Kristy Emmett for Tax and Sewer Collections.

On a Motion by POPIOLEK and LUDWIG, the monthly reports for February 2013 were approved as submitted by all members of Council present.

**MOTION IS CARRIED**

**OLD BUSINESS: ORDINANCES FOR SECOND READING, PUBLIC HEARING AND ADOPTION:** The Municipal Clerk stated that the following ordinances are for public hearing and adoption:

**ORDINANCE NO. 998: ORDINANCE OF THE BOROUGH OF BARRINGTON, COUNTY OF CAMDEN AND STATE OF NEW JERSEY, AMENDING CHAPTER 101, SEWERS, IN THE BOROUGH CODE.**

On a Motion by BERGERON and LUDWIG, the second reading of the ordinance was approved with the following poll vote:

Ludwig	- yes	Popiolek	- yes
Nicholson	- yes	Bergeron	- yes
Robenolt	- yes	DelVecchio	- no

On a Motion by NICHOLSON and BERGERON, the public hearing on the above Ordinance was opened.

Rich King, 6 Elyse Ct., questioned pump station at Hidden Ponds. He was advised that this hearing was for this ordinance only. Another public portion will be held later in the meeting.

Seeing no comments from the public, on a Motion by BERGERON and NICHOLSON the public hearing on the above Ordinance was closed.

On a Motion by BERGERON and NICHOLSON the adoption of Ordinance 998 was approved with the following poll vote:

Ludwig	- yes	Popiolek	- yes
Nicholson	- yes	Bergeron	- yes
Robenolt	- yes	DelVecchio	- no

**MOTION IS CARRIED**

**NEW BUSINESS: ORDINANCES FOR INTRODUCTION ON FIRST READING:** The Municipal Clerk stated that there are no ordinances for introduction.

**NEW BUSINESS: RESOLUTIONS:** The Municipal Clerk advised that she would read the following Resolutions by title, one after another, and Council will have the opportunity to vote as a Consent Agenda at the end of the reading:

**RESOLUTION NO. 3-2013-30: RESOLUTION OF THE BOROUGH OF BARRINGTON, COUNTY OF CAMDEN AND STATE OF NEW JERSEY, AUTHORIZING THE SIGNING OF A SHARED SERVICES AGREEMENT WITH THE BOROUGH OF MOUNT EPHRAIM RELATIVE TO THE SERVICES OF A MUNICIPAL CLERK FOR THE BOROUGH OF MOUNT EPHRAIM**

**RESOLUTION NO. 3-2013-31: RESOLUTION OF THE BOROUGH OF BARRINGTON, COUNTY OF CAMDEN AND STATE OF NEW JERSEY, AUTHORIZING SUBMISSION OF THE YEAR 35 FY 2013 COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT**

**RESOLUTION NO. 3-2013-32: RESOLUTION OF THE BOROUGH OF BARRINGTON, COUNTY OF CAMDEN AND STATE OF NEW JERSEY, ACCEPTING THE PROPOSAL FROM SHROPSHIRE ASSOCIATES FOR DOT REVISIONS TO THE PLANNED TRAFFIC SIGNAL ON THE WHITE HORSE PIKE**

**RESOLUTION NO. 3-2013-34: RESOLUTION OF THE BOROUGH OF BARRINGTON, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AUTHORIZING RELEASE OF THE PERFORMANCE BOND POSTED BY FEDEX GROUND PACKAGE SYSTEM, INC.**

**RESOLUTION NO. 3-2013-35: RESOLUTION OF THE BOROUGH OF BARRINGTON, COUNTY OF CAMDEN AND STATE OF NEW JERSEY, TO AUTHORIZE THE SUBMISSION OF THE APPLICATION FOR RECREATION FACILITY ENHANCEMENT FUNDING FOR DEERR FIELD RECREATION COMPLEX–ROUND 14.**

**RESOLUTION NO. 3-2013-36: RESOLUTION OF THE BOROUGH OF BARRINGTON, COUNTY OF CAMDEN AND STATE OF NEW JERSEY, TO CANCEL CONTRACT BALANCE WITH BACH ASSOCIATES**

**RESOLUTION NO. 3-2013-37: RESOLUTION OF THE BOROUGH OF BARRINGTON, COUNTY OF CAMDEN AND STATE OF NEW JERSEY, APPROVING THE MARCH BILL LIST TOTAL IN THE AMOUNT OF \$ 659,369.97.**

Resolution 3-2013-33 was removed from the consent agenda.

On a Motion by POPIOLEK and BERGERON the Resolutions as read were approved with the following poll vote:

Ludwig	- yes	Popiolek	- yes
Nicholson	- yes	Bergeron	- yes
Robenolt	- yes	DelVecchio	- yes

**MOTION IS CARRIED**

**THE FOLLOWING RESOLUTIONS WAS VOTED ON SEPARATE FROM THE CONSENT AGENDA:**

**RESOLUTION NO. 3-2013-33: RESOLUTION OF THE BOROUGH OF BARRINGTON, COUNTY OF CAMDEN AND STATE OF NEW JERSEY, OPPOSING ASSEMBLY BILL A-1196.**

On a Motion by BERGERON and POPIOLEK the Resolution 3-2013-33 as read was approved with the following poll vote:

Ludwig	- no	Popiolek	- yes
Nicholson	- no	Bergeron	- yes
Robenolt	- yes	DelVecchio	- yes

**MOTION IS CARRIED**

**RESOLUTION NO. 3-2013-38: RESOLUTION OF THE BOROUGH OF BARRINGTON, COUNTY OF CAMDEN AND STATE OF NEW JERSEY, SUPPORTING THE SUBMISSION OF AN APPLICATION FOR RECREATION FACILITY ENHANCEMENT FUNDING FOR THE SHREVE AVENUE LITTLE LEAGUE FIELD BY BARRINGTON LITTLE LEAGUE.**

On a Motion by NICHOLSON and LUDWIG Resolution 3-2013-38 as read was approved with the following poll vote:

Ludwig	- yes	Popiolek	- yes
Nicholson	- yes	Bergeron	- yes
Robenolt	- yes	DelVecchio	- yes

**MOTION IS CARRIED**

**COMMENTS FROM MEMBERS OF THE GOVERNING BODY:**

**COUNCILMAN LUDWIG** – thanked Mike Ciocco, Supt. of Public Works and the tree person for coming to 235 Reading Ave and taking down the tree that has been a public nuisance for a long time. The Councilman thanked the residents for coming out tonight, especially those we have been in contact with before. Thanks to Councilwoman Nicholson for making sure the fields are ready for the baseball season to begin.

**COUNCILWOMAN NICHOLSON** – reminded all that March 30 is the Egg Hunt at the Little League Field at 11 am, sponsored by the Women’s League; April 20 is Barrington’s Earth Day, Barrington Day is May 18, Independence Day celebration is July 3 with parade and fireworks; Little League Opening Day is March 23; Girls Softball Opening Day is April 6. We have hired a Recreation Director for the Summer Recreation program. The program will be run by Bob Haas. He is a great guy and he will do a great job with the kids. The program will run for six weeks from July 9 to August 16 and will be held at Avon School. Thanks to the Fire Company for a great job with the fire in Haddon Heights, you did a great job and we are glad you are all safe.

**COUNCILMAN ROBENOLT** – March 23 is the ABLE Group food distribution, food will be sorted and bagged in the Senior Center on March 22. The Green Team is up and running and we are trying to get the Borough certified for Sustainable NJ which will open up grant money. If you are interested please check the calendar and come out to the next meeting. Thanks to Chief Willson and Chief Sutch for an outstanding job at the Heights fire. Barrington played an active roll and our residents should be proud of both departments.

**COUNCIL PRESIDENT POPIOLEK** – hello to all, it’s unusual to have such a good turnout, thank you all for coming out and voicing your concerns. Thanks for the Autism Awareness Proclamation, it is close to my heart as my son has Autism. The awareness group is doing a great job. It is important and thanks Mayor for the proclamation. We are in budget season and have met with department heads and with the directors of each department. It is a grim year due to several large tax appeals; the monetary value of the town has gone down with a loss of about \$250,000 in tax revenue. With a depreciated value it puts us in a difficult position to keep our tax rate as low as possible; we are doing everything we can to keep it low. Resolution 3-2013-30 is for shared services with Mt. Ephraim for our Borough Clerk. This benefits both towns as salary and benefit costs are shared. We also have shared services with Merchantville for the CFO and Tax Collector. Our Tax Assessor is retiring and we are interviewing for the position. Site Plan for high-end luxury apartments for the former Harvey’s property was approved before the Planning Board. Thanks Chairman Ken Willson and the Board for their work on the project. The White Horse Pike redevelopment project is moving to the Planning Board for approvals at the March 25 meeting at 7:30 pm for site plan review, please come out if you can. Happy St. Patrick’s Day to all; enjoy the rest of winter and we look forward to spring.

**COUNCILWOMAN BERGERON** – thanks all for coming out tonight; nice to see a crowd. Echoed all comments to Fire, Police, EMT/Ambulance for an outstanding job during the Haddon Heights fire, it wasn’t easy and I am proud of you and your role in the fire. Government Day will be held on May 17 at Woodland School with the 8<sup>th</sup> graders. They come to the different departments in the Borough and take tours of the grounds. We hold a council meeting where the kids prepare resolutions themselves; we are looking forward to that day. Senior and Disabled Services has moved from Collingswood to the DePiero Center in Blackwood. Letters were mailed to most seniors; if you know anyone who used the services in Collingswood and didn’t receive a letter please let them know about the move. Thank you.

**COUNCILMAN DELVECCHIO** – just want to wish everyone a Happy Easter.

**MAYOR KLAUS** – thanks council members for reading the proclamations, we have several each month and pick the ones that we feel will have the most impact on our residents. The ambulance response of 6.9 minutes is unbelievable, that is awesome; thanks Barbara. As Councilman Robenolt said, the ABLE Group food distribution will be March 23 with sorting and organizing at 5:30 pm on March 22. The Green Team will meet the first Monday of each month in the Mayor’s Office. The Mayor commended the Fire, Ambulance and Police Departments and Chief DePierri for their work at the Haddon Heights fire, it was tragic and a lot of time was spent there. We share the services of our Borough Clerk, CFO, Tax Collector and Code Official. Our municipality shares more services than most in the area and we are

open to all and any suggestions. If you are interested in the White Horse Pike redevelopment plans, come out on March 25 at 7:30 pm for the presentation by WAWA and the developer.

**PUBLIC PORTION:** Mayor Klaus advised that if you have a comment or question to come forward and State your name and address for the record. Public comment is limited to five minutes per person.

On a motion by NICHOLSON and DELVECCHIO the public portion of the meeting was opened.

The following residents from the Hidden Ponds Development were present to ask questions of Mayor & Council about the taking over of the pump station.

Rich King, 6 Alyse Ct.; Mike Ambrose, 3 Ashley Ct.; Kathy McDonald, 2 Ashley Ct.; Kevin and Jen Shell, 3 Lauren Lane.

Mayor Klaus responded that we are looking into the situation. We are doing a review of the pump station itself and once we have all the information together, we will report back.

Mike Ambrose asked if there is a timeline. There are questions about who will be responsible for the pump station. The email we received advised we should hire a private contractor to maintain the pump station but we feel we are not in a good position to do this. We don't feel we are an HOA. For someone to come out to take over that pump station in its current state would be very challenging. Also, there was a suggestion that perhaps the Borough could provide maintenance on a time and material basis but we are already paying taxes for the Borough employees. We were concerned about this type of response. We would like to further this discussion and hope Mayor and Council will work with us. We believe we were not told accurate information when we purchased our properties.

Councilman DelVecchio asked how many new residents are in Hidden Ponds within the last five years. Mike responded there are three. Councilman DelVecchio asked if this information was disclosed when you bought your homes and Mike responded "no". DelVecchio then asked if they think it should have been disclosed and Mike responded "yes". There was no information about caring for a pump station. I am a second generation owner but I believe the situation was the same for the original buyers. There is nothing on paper that says anything about responsibility for a pumping station or the cost for this. Councilwoman Nicholson asked who they think makes up the HOA. Mike responded the developer, the builder and the lawyer. One has since passed away. We believed that the pump station was going to be turned over to the municipality.

Councilman Ludwig said on the application to the DEP, it says the Runnemede Sewage Authority was the applicant and names John Gunn. Mayor Klaus responded that John Gunn had only been hired to do maintenance. They connect to Runnemede's sewer lines. We collect the sewer fees and pay Runnemede. Mike Ciocco elaborated that it is a requirement that a pump station be maintained by a licensed sewer operator which was why they hired John Gunn. He was Runnemede's licensed sewer operator.

Kathy MacDonald stated that she was the realtor who sold the initial houses including one to herself and one to her daughter. The document Mike Ambrose was speaking about was also given to me and it said we would pay \$100 per year for grass cutting and to maintain the pump station. It spelled out some of the rules of the development but it did not say we were responsible for the actual pump. This was approved by the Borough of Barrington. Tim Higgins, Solicitor, responded that document was not approved by the Borough. It was a private transaction between the buyer and the seller and had nothing to do with the Borough. Kathy added that the document was prepared by John Kearney who was the attorney for the builder and he won't return our phone calls. Steve Bach prepared the plans for the pump station and he told me that they were approved by the Borough Engineer. The documents

that were part of their contracts were boiler plate documents and said nothing about being responsible for the pump station. Councilman DeVecchio asked if she was the realtor, wouldn't she have had to disclose this information to the buyers? Kathy responded that they had no knowledge about being responsible for pump maintenance. The document they were given were the covenants for the HOA and only referenced the \$100 per year.

Kevin Shell said they were under the impression that when all the houses were sold and the bond was released, the Borough would take over the pump station. They were told that the pump station was built to the borough specifications because the borough would take it over in the end.

Mayor Klaus again stated that we are looking at it but we won't have an answer overnight. We have to review our legal responsibilities and our responsibility to all the residents in our municipality.

Mike Ambrose added that their concern is the recent problems that have been occurring with the pump station have made time critical. He is also concerned that there will be negative impact to the whole town because all the residents will put their homes up for sale.

Jen Shell added that we just need help. There are problems with the pump and we don't even know if it is the right pump. It is not working properly and we just need help. It does involve Barrington and whoever was on the planning board at that time. Ken Willson, planning board chairman, said they did approve the building of the pump station and that the borough engineer would also have approved the plans. The plans that were submitted met all the requirements at the time.

Rich King asked if the pump station would have been covered by the bond posted by the builder. The records kept by John Gunn indicate there were problems with the pump station since day one. Wouldn't that have been covered by the maintenance bond?

Council President Popiolek asked the Borough engineer about the bond. Greg Evans responded he would check on the status of the bond with official Borough engineer, Greg Fusco, and will report back.

Kathy MacDonald added that she could only report what was told to her. She is so grateful to be living in Hidden Ponds. Denise Lundholm had said that every day she is so happy to look out her front door to see where she lives and is so grateful. She would have never not disclosed this information had she known about it.

With no further comments from the public on a motion by POPIOLEK and DELVECCHIO the public portion of the meeting was closed.

**MOTION IS CARRIED**

With no further business to be transacted, on a motion by Councilwoman Bergeron, second by Councilman Robenolt, the meeting was adjourned at 7:27 pm.

ATTEST: Terry Shannon  
Terry Shannon, Municipal Clerk