

**BOROUGH OF BARRINGTON**  
**CAUCUS MINUTES, MONDAY, JUNE 2, 2014**

Council President Popiolek announced that Mayor Klaus has a family emergency and will not be here so he will be presiding over the meeting. He called the meeting to order at 6:00pm with the reading of the Sunshine Statement. He then led the group in the Pledge of Allegiance. The Clerk called roll with the following present: Council President Popiolek, Councilwoman Bergeron, Councilman Robenolt and Councilwoman Nicholson. Councilman DeVecchio and Councilman Ludwig were not present. Also present were CFO Denise Moules, Eileen Holcombe, Secretary to Mayor and Council, Municipal Clerk Terry Shannon, Solicitor Paul Gilligan and Engineer Greg Evans.

**First Public Portion**—on a motion by Councilwoman Nicholson, second by Councilwoman Bergeron, the public portion of the meeting was opened.

Seeing no public comment, on a motion by Councilman Robenolt, second by Councilwoman Bergeron, the public portion of the meeting was closed.

**Engineer: Greg Evans reported on the following**

Report review--

We have to award or reject the Shreve Avenue Guide Rail project. Tim is reviewing and we hope to have an answer in time for the council meeting.

Page Avenue parking restriction—we proposed a parking restriction on Page Avenue at the bend in the road. Kirk said that historically we do a resident poll. Greg said they will prepare a survey to the residents to get their reaction. This came from a resident complaint and the police chief, fire chief and Mike Ciocco all indicated this would be a much better situation. When snow is piled-up, they cannot get large vehicles around the bend because of the parked cars.

USDA Sanitary Sewer project—we will be recommending an award to RTW Construction. The solicitor reviewed their bid and they are fully compliant. A resolution to award the base bid and proposal No. 1 will be on the agenda.

Ordinance accepting the easements for the Willows pump station—this has been finally resolved and the ordinance is ready to be introduced. Terry said it is included in the council packets.

Release of Fed Ex performance bond for traffic signal installation—they have completed all requirements so this is ready to be released and a maintenance bond posted. Terry asked if we can just refund the difference since they posted cash. Solicitor Paul Gilligan said he will check on that.

NJDOT 2014 funding—you got \$170,000 for Kent Avenue and you will be introducing a bond for that so we will commence with construction plans and expect to receive bids in July.

2013 Streetscape funding—we submitted a draft of policies and procedures to DOT for their comments. We will then submit to Terry and Denise for their comments. Environmental package has been reviewed and approved and we will be submitting the historic package. We completed the field work and are drafting the preliminary construction plans and expect to submit this month.

Reconstruction of Commerce Drive—will bid with Kent Avenue.

Beaver Brook Drainage Study—last month you decided to submit a pre-application package for USDA funding. We are working on that now and this will determine if the project qualifies for funding.

311 Trenton Avenue—drainage issues between the properties. This is a private resident issue and we prepared a summary of the actions taken by the governing body in 2006 and submitted to the residents so they can make a decision regarding what they want to do.

Terry asked if Greg was aware of the planned FedEx expansion and he said responded that they are award and their engineers will be coming to the PZC committee to show the concept. They are adding on in Magnolia and the guard shack, which is in Barrington, is also going to be expanded. Councilman Robenolt said it is going to be about a 30x100 building when they are done. Greg added that they are going to recommend they look at all the traffic data to make sure the operational signal will not be impacted or may need to be adjusted. Wayne said this expansion will add 22 tractor-trailer bays.

Drug Free Zone Map—should be issued by the end of this month. They have been working with Tim Higgins and Chief Roberts so make sure the legal language is added to the plan.

Kirk said he is going to reach out to the PSE&G governmental representative regarding the work that needs to be done on White Horse Pike.

Seeing no questions for Greg, this concluded the engineer's report and Greg left the meeting.

#### **Administration: Terry reported on the following**

Fireworks proposals—Steve DePierri and I met with the vendor. Steve took him out to the site so he is familiar with the location. We are finalizing the contract language as there were a couple of clauses we were not comfortable with. The vendor understood and was very receptive to modifying the language so the terms were agreeable to all. I am working on the revisions and will forward to them for review.

Financial Disclosure Statements—just a reminder that the deadline for filing is June 13. As of today, only two of you have filed. Kirk said he did file on May 24 and Terry said she will confirm.

Liquor license renewals—I have received three of the renewal packages back thus far. Only Time Out Sport Bar is still outstanding but he did tell me it would be in this week. We will be renewing all except for the pocket license held by Barrington Restaurant LLC (Delco). Their license has been inactive for two terms so they need a "Special Ruling" from the ABC which they have already filed. It takes a while before the special rulings are issued so we may not be able to renew their license for about six months.

Renewal of CDBG Three-Year Cooperation Agreement—we received notice from CDBG that the 3-year cooperation agreement needs to be reviewed. This pertains to the HIP Program. The resolution will be on the agenda for approval.

Drug and Alcohol Policy—the revised policy has been reviewed with Mike Ciocco and finalized however I am still waiting for the fire company review. They are working on it and will be scheduling a final review meeting with me soon. Wayne said they are meeting tomorrow night and Terry said if she gets the approval prior to council, she will send the language out to everyone for review.

Banners for Cancer Awareness—I did finally hear back from Janice Bantle regarding cancer ribbon banners. She can do white banners and buyers will have a choice of a pink (breast cancer), teal (ovarian cancer) or purple (pancreatic cancer) ribbon. Her cost for the banner would be \$70 personalized. We can charge more and donate the proceeds to the American Cancer Society. These banners would be hung when the seasonal banners are down. The group agreed that \$100 per banner would be reasonable and then the \$30 can go to the American Cancer Association. Terry said she will include an article in Barrington on Track.

Ordinances for Introduction on First Reading—attached are two ordinances for introduction. The first amends Chapter 95 and pertains to the registration of abandoned properties. The second is the easement relating to the abandonment of the Willows pump station. Both are scheduled for introduction at the June 10 meeting. In addition—we may also have the ordinance designating Page Avenue as “no parking”.

Special meeting to adopt Bond Ordinances—Denise will discuss that a special meeting will be necessary to adopt the 2014 bond ordinances so they can be coordinated with permanent financing. We are introducing both at this meeting and need to schedule a special meeting for public hearing and adoption.

Camden County Hazard Mitigation Project—Camden County is in the process of updating their Hazard Mitigation Plan. As part of that project, they are meeting with all municipalities and have requested that each town establish a working group to meet with their engineers. We are in the process of setting-up the initial meeting. We are trying to set the meeting for 5pm so elected officials can attend.

**Council Agenda Review: Terry reviewed the following items that will be on the agenda**

Ordinances for public hearing and adoption--

Ord. 1018, 2014 Salary Ordinance

Ord. 1019, Providing for Purchase of an Ambulance from Haddon Heights

Ordinances for introduction on first reading—

Amending Chapter 95, Property Maintenance (abandoned properties)

Accepting a Temporary Easement Relative to the Abandonment of the Willows Pump Station

Resolutions—

Award or Reject the bids received for the Shreve Ave Guide Rail project

Award or Reject the bids for the USDA Sanitary Sewer project

Release of the FedEx Performance Bond for the Traffic Signal

Renewal of Liquor Licenses

Renewal of the CDBG 3-Year Cooperation Agreement

June 2014 Bill List

Denise said there will also be a resolution for a Chapter 159 and another to award contracts for the July 4 vendors. Patti said it will be the same as last year.

**Finance: Denise reported on the following items**

Denise reviewed the standard monthly reports including budget status and bank balances. The Budget has been posted so there are no negatives showing on the report. For police overtime, there were 120 hours in May—the detail is shown on the report. Patti asked why one person has so many more overtime hours than others. Maureen said she would ask the Chief. Wayne said he did have a meeting where he called everyone in. Also there was an MIT so that may account for some of the overtime. The question still remains as to why one person has so much more overtime than others.

Regarding the bond ordinances, because of the permanent financing, we need to adopt this month so they will be introduced at this meeting. We will need to adopt them at a special meeting.

At 6:48pm, the meeting was paused as Councilman Robenolt was in distress due to a choking episode. The police/ambulance were called and responded and checked on Wayne who did recover.

The meeting resumed at 7:15pm after Wayne recovered. After more discussion, it was determined that we will hold a special meeting on June 17 at 5pm to adopt the bond ordinances which will provide enough time for advertising following introduction. Paul asked if we need Tim for this meeting but Terry responded that we do not. Denise added that she and Joe Hoffmann ran the numbers on the permanent financing and our best option is to pull out projects that had a five-year useful life which increases our bond payments to a nine-year schedule rather than seven which helps with the annual principal payments. The five-year projects will be put on a BAN and will be paid off over ten years. This helps to level out future budgets for bond payments.

Regarding permanent financing for the redevelopment, we talked about holding off on that until we know what the PILOT will be. Kirk said we are going to try and maximize at 30-years.

Mike Ciocco asked Denise to discuss the bus and that it is about \$3500 more than what is available in the grant. We can run it through vehicle maintenance in the operating budget. The group authorized Mike to proceed and Denise said she will let him know.

## **COUNCIL REPORTS**

Councilman Robenolt reported that the members of the Green Team are working on their Sustainable Jersey tasks. Also we have interest from a potential new member.

Councilwoman Nicholson reported on the following—

- ◆Parade July 3 and Camden High is in-we just have to order the buses. Line-up is at 6pm. Shop Rite is interested in sponsoring so I sent them the paperwork.
- ◆Terry is working on the fireworks.
- ◆The Women's League wants to start a Kids League. They will meet once a month at Novella's and will do community projects. They want to do an Alex's lemonade stand at the Harvest Fest. Will talk to Denise about a small budget to help. Amanda Hunt and Mandi Hawkins will run it.

Councilwoman Bergeron reported on the following—

- ◆Government Day will be this Thursday at 9am here. Patti will be here and Kirk said he will try to come. Everything will be here instead of at the school. I have a script for the kids and there will be a mayor, clerk, councilpeople and we came up with two proclamations. I will share with everybody and my intention is to do as a real proclamation at our next meeting. Maureen is buying pretzels on her own and water.
- ◆Met with Dave and he would like us to look at Haddonfield's website to see their special events form. He would like us to adopt the same type of form. They require six months notice for special events. Terry said six months is ridiculous and very difficult for organizations and the group agreed that three months is more reasonable.

At 7:30pm Councilman Ludwig arrived.

- ◆Patti suggested that we review the special events form and discuss further. We may want to charge a fee for set-up and clean-up. Maureen asked if we are allowed to charge a fee and Paul said that yes you can charge an administrative fee for handling.

◆Maureen then said that Dave researched and came up with what the hourly rate would be for SLEO's. The rates range from \$11.00-\$15.00. His recommendation is that we offer \$13.00 which is the same rate Runnemedede is paying. Wayne said we did put a number in for the budget. Denise said it was \$15,000. The group agree to a rate of \$13.00 for SLEO's. Dave did get statistics on crime from the other Wawa's in the area. Gloucester Township got an additional 250 calls due to the Wawa. Kirk said we should wait to see what happens with the Wawa. Patti agreed that we can revisit after the Wawa is open if there is a huge spike in calls.

◆Maureen asked about Runnemedede and Patti confirmed they are providing an ambulance for the fireworks. Wayne is working with the fire department and Shawn is working on getting additional officers. We should get two officers from Bellmawr. Wayne said the fire company is fine with mutual aid. Maureen said we met with all the Public Safety department heads and they all feel the fireworks is a public safety hazard and they recommend that we do not have them anymore. Kirk said we will continue to have celebrations. Wayne said that from a fireworks standpoint, it is not a safe location to launch them. Maureen and Patti said they heard their concerns but that we will continue to have fireworks.

◆Terry brought in the forms we had developed for special events and she spoke to Dave specifically about the 5K. She got the impression he was not in favor of allowing a 5K. Patti said we are holding the 5K. Shawn said he saw a 5K on Davis Road and asked what the concern is for the runners. We already have a route mapped out and it is only three miles so we will be allowing the Royal Fitness 5K. Maureen said the concern in the past was crossing over Clements Bridge Road but this route will not do that. Kirk said that the department heads do not give approval for events—we are asking for their support. Maureen said we need to determine if we want to sponsor. Terry asked who benefits and Patti said it is ovarian cancer. Shawn asked if we should meet with all the public safety department heads and Maureen said we are planning to meet with them after the fireworks to do a recap. Kirk suggested that the Mayor and Public Safety Director meet with all the public safety department heads to discuss this in more detail so they understand that they do not approve these events—they support them.

Councilman Ludwig reported on the following—

◆There is a federal bill pending on the Trans-Pacific Partnership and it will allow foreign companies to import goods without FDA approval and allows goods to come in that are not subject to our laws. He would like to pass a resolution in opposition to this bill. He sent the information to Terry so she can pass on to everybody. I was just in Washington and spoke to Senator Norcross and other legislators to discuss this and most are opposed. The Republican leadership is supporting the bill and they are trying to fast-track it. Shawn said he will draft a resolution in opposition for everyone to review.

Council President Popiolek reported on the following—

◆The redeveloper got a proposal back from PSE&G and for them to relocate eight telephone poles and install the decorative lighting will be \$300,000. 90% of the cost is labor. There has to be another way as that cost is ludicrous. Shawn asked if this is the last hurdle and Kirk said there is still some pending litigation but we can't begin the roadway until they remove the telephone poles. Maureen asked if our legislators can help. Kirk said he just got the proposal back this week and is going to try to set up a meeting with the government affairs liaison. We have all of our approvals and now we just have a little litigation to resolve but that does not stop the project from starting. We are going to ask Wawa to help underwrite some of these costs. They are still targeting September to start construction. Wayne asked if PSE&G understands

the project involves a Wawa because they are a large consumer of energy and Kirk said they do.

◆Shawn asked about the Harvey's site—did we give the developer final approval and Kirk said that yes we did. He spoke to Rich Hill and the only things holding him up right now is Steve Bach. The plans have been sitting in Steve's office for some time and he is not returning Rich's calls. He will be calling Steve to ask him to get the plans back to Rich so he can get started. Patti said there is a rumor that he is waiting for financing and Kirk said he does not deal in rumors. Patti asked if he can leave that fence up forever and Kirk said it can actually come down because the hazard has been abated. We can't force the developer to get started and we can't get involved in his financing. Obviously we want to see the project completed as it will be a nice rateable. But we as government can't force him to build. The change he made to his plans is that originally he was going to build one unit at a time but now he wants to build all three at one time. He just needs the approved plans back from the engineer.

◆Shawn then asked about the volume of trucks that go down Clements Bridge Road. Is there any way we can ask the County to have a truck route that prohibits trucks between Gloucester Pike and White Horse Pike? They are causing a lot of damage. Paul said if you want to prohibit trucks on Clements Bridge Road you have to have an alternative route for them to take to get to thoroughfares. Shawn said we would allow local deliveries only. After more discussion, it was determined that Shawn will contact Camden County Public Works to see if that is something they would consider. If they will, then he will bring it back to the group.

## **ACTION ITEMS**

Council President stated that we have two ordinance for introduction.

The Clerk read the following bond ordinance for introduction and approval on first reading:

- Ord. 1020      Bond Ordinance Authorizing the Acquisition of Various Pieces of Capital Equipment and Completion of Various Capital Improvements for the Borough of Barrington and Appropriating the Sum of \$1,770,000 Therefor; Authorizing the Issuance of General Obligation Bonds or Bond Anticipation Notes in the Aggregate Principal Amount of \$1,520,000
- Ord. 1021      Bond Ordinance Authorizing the Acquisition of Various Sewer Equipment for the Borough of Barrington and Appropriating the Sum of \$40,000 Therefor; Authorizing the Issuance of General Obligation Bonds or Bond Anticipation Notes in the Aggregate Principal Amount of \$40,000

On a motion by Councilwoman Nicholson, second by Councilman Robenolt, the ordinances were approved on first reading with the following poll vote: Popiolek-yes; Bergeron-yes; Robenolt-yes; Ludwig-yes; Nicholson-yes.

Kirk let Shawn know that these will be considered for adoption at a special meeting on June 17 at 5pm but Shawn said he will be away for work.

Councilwoman Bergeron added that there are complaints regarding the new medical office next to the Cleaners in that they are parking in his lot. Patti said the business owner needs to call the police when that happens. Maureen said the cars are going in front of people's homes and in the borough lot. Patti and Terry said they are allowed to park on public streets and in the public lot. Maureen just wanted everyone to be aware as the complaints may continue.

Seeing no further council reports, on a motion by Councilwoman Nicholson, second by Councilman Robenolt, the meeting was adjourned to closed session at 8:15pm.

### **CLOSED SESSION**

Paul Gilligan explained that they received a settlement offer from New Jersey American Water regarding our lawsuit. The damages were \$81,000 and change. In order to collect full damages, we have to be able to prove negligence. We would have to show what the negligence was on the part of NJAWC then we have to show that it caused our damages. We have been through Greg Fusco and Mike Ciocco's depositions. Their water main was old and the breakage is considered an act of God. We can't prove negligence on the part of NJAWC. Our case is that it was NJAWC's failure to find the water main break quickly is what caused our manhole cave-in. We are claiming it was the delay in what caused the damages to the manhole. This is a weak negligence case in that we can't prove they were negligent. As soon as NJAWC realized they had a break, they came out and looked for it but this old main was not on their maps which was what caused the delay. After they spent a day deposing Greg and Mike, they offered a settlement of \$50,000. If you decide to try the case, you will have to spend a lot more in legal fees for more days of depositions and a trial and you cannot recover those costs. Paul explained more in detail about the legal process in this case and strongly recommends that we consider accepting the settlement.

Kirk and Shawn asked for a cost estimate to fight this to the end and Paul said that although he does not know the details of Tim's billing, you are looking at potentially another \$25,000 in legal costs. Wayne said if we are out eighty and it costs us twenty-five, we are almost at the fifty. After more discussion back and forth, the group agreed to accept the settlement offer of \$50,000. A resolution confirming same will be included on the council agenda.

On a motion by Councilwoman Nicholson, second by Councilman Robenolt, the meeting went back into open session at 8:46pm.

Seeing no further business to be discussed, on a motion by Councilwoman Nicholson, second by Councilwoman Bergeron, the public meeting was adjourned at 8:47pm.

Approved: *Terry Shannon*  
Terry Shannon, Clerk/RMC