

November 5, 2008

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

**PRESENT:** Council members Daniel (left meeting at 8:30pm), Brown, Cairns Wells, Smyth, Kinzler (arrived at 8:00pm), Cesaretti 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

**Review of specifications for removal of trees/stumps & Care and Maintenance of Trees.** Dr. Daniel reported that these specifications have been reviewed and approved by both the Shade Tree Commission and the Borough Solicitor and they are now ready to be approved by Council so we can advertise for the receipt of bids.

**RESOLUTION 85-08**

**A RESOLUTION APPROVING THE SEPARATE SHADE TREE SPECIFICATIONS FOR THE REMOVAL OF TREES AND STUMPS AND FOR THE CARE AND MAINTENANCE OF TREES AND AUTHORIZING THE ADVERTISEMENT FOR THE RECEIPT OF SEPARATE BIDS FOR THIS WORK**

**(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 Ms. Cairns Wells. A poll vote was then taken. Dr. Daniel aye, Mr. Brown aye, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler absent, and Mr. Cesaretti aye.

**Public Safety Items-Mr. Cesaretti**

**Review of Emergency Alarm device Ordinance (introduced on October 8)**

Mr. Cesaretti reported that this Ordinance was introduced last week after Council had directed the Solicitor to incorporate language into the Ordinance that clearly defines what a Medical Alert System is and that fines would not imposed for them. Mr. Cesaretti asked if Council had any other concerns or questions about this Ordinance. There being none, Mr. Cesaretti stated that this Ordinance is scheduled for second reading and a public hearing at next week's meeting.

**Review of proposed Ordinance providing 2 hr. parking on Harrison Street**

Council reviewed this draft Ordinance prepared by the Borough Solicitor. It was the consensus of Council to place this Ordinance on next week's agenda for introduction.

**RESOLUTION 86-08**

**A RESOLUTION AUTHORIZING THE PURCHASE AND PAYMENT OF ADDITIONAL TELEPHONE EQUIPMENT FOR THE BOROUGH OF RIVERTON FROM TELE/SYSTEMS OF MEDFORD, NEW JERSEY AT A COST OF \$1,155.00**

**(IN FULL IN RESOLUTION BOOK)**

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

Daniel aye, Mr. Brown aye, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler absent and Mr. Cesaretti aye.

**Request for Letter of Credit Release Re: Riverton Square-Mr. Gunn**

Mr. Gunn reported that Council previously authorized a Letter of Credit by the Madison Bank, Division of Leasport Financial (a Pennsylvania banking institution) as a performance guarantee for the work at Riverton Square. Mr. Gunn further stated that the Borough's Engineer has recommended that the Letter of Credit reflecting the performance guarantee be released and that a maintenance bond be put in place in the amount of \$67,276.28 representing 15% of the cost of the initial improvements. Mr. Gunn requested that Council authorize the release of Letter of Credit number 112 for Madison Bank dated August 1, 2006 to be replaced by a maintenance bond in the amount of \$67,276,28 for two years from the date of the authorizing Resolution.

**RESOLUTION 87-08**

**A RESOLUTION AUTHORIZING THE RELEASE OF THE LETTER OF CREDIT FOR RIVERTON SQUARE, BLOCKS 904, 905 & 906 AND ACCEPTING A TWO YEAR MAINTENANCE BOND  
(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. Cesaretti. A poll vote was then taken. Dr. Daniel aye, Mr. Brown aye, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler absent, and Mr. Cesaretti aye.

**Required COAH Escrow Agreements regarding development fees-Ms. Cairns Wells**

Ms. Cairns Wells reported that we received written notification from COAH to submit Signed Escrow Agreements. Ms. Carins Wells explained that the Borough previously set up affordable housing trust funds as required by COAH; however, it appears that these agreements were not done. Mr. Gunn reported that he has reviewed these agreements and they appear to be in order. A representative from Beneficial Bank has signed them. We now need authorization for the Mayor to sign them also.

**RESOLUTION 88-08**

**A RESOLUTION AUTHORIZING THE MAYOR OF THE BOROUGH OF RIVERTON TO EXECUTE AN ESCROW AGREEMENT WITH THE COUNCIL ON AFFORDABLE HOUSING AND BENEFICIAL BANK  
(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. Cesaretti. A poll vote was then taken. Dr. Daniel aye, Mr. Brown aye, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler absent, and Mr. Cesaretti aye.

**Meeting open to the public-**There was no public comment at this time

**Update Re: 108 7<sup>th</sup> Street.** The Clerk certified to Council that Scott Reed, Public Works Manager, submitted an invoice and documentation on October 2, 2008 in the amount of \$388.92 to clean up the yard at 108 Seventh Street, Block 1004, Lot 10. Mr. Gunn explained that the next step is to send a letter with the invoice to the property owner asking that it be paid no later than December 3, 2008. We must give the property owner an opportunity to contest the amount of these charges. They should also be informed that Borough Council will conduct a hearing on December 3, 2008 at 8:00pm to give them the opportunity to be heard by Council. Mr. Gunn further explained that if they do not

appear by that date or the invoice is not paid by that date, the amount will become part of the taxes next to be assessed and levied upon their property.

**RESOLUTION 89-08**

**A RESOLUTION AUTHORIZING THE BOROUGH CLERK TO FORWARD AN INVOICE FOR THE COST OF REMOVAL OF DEBRIS FROM 108 7<sup>TH</sup> STREET, BLOCK 1004, LOT 10 PURSUANT TO CHAPTER 52-5 (IN FULL IN RESOLUTION BOOK)**

The above Resolution was read by title only by Mr. Brown, who moved for its adoption. This was seconded by Ms. Cairns Wells. 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.

**Update Re: 622 Thomas Avenue** Mr. Brown reported that our Code Enforcement Officer has sent an inquiring letter to the attorney's representing Financial Freedom Services (the owners of this property) in the foreclosure of this property. Mr. Brown also reported that the Construction Official had previously cited the owners of this property for an Unsafe Structure and fines are accruing. Mr. Brown further reported that our Solicitor has written Financial Freedom on October 20, 2008 to advise them to contact our Construction Official with respect to the required repairs and payment of fines. If this is not done within the required time period the Solicitor will have no recourse but to proceed within enforcement action in the Burlington County Superior Court.

**Review of Engineer's report regarding the riverwalls at 109 and 207 Bank Avenue** Mr. Smyth stated that T&M Associates have inspected these riverwalls. A copy of their report is on file with the Municipal Clerk. Mr. Smyth reported that the erosion area at 109 Bank Avenue was previously observed by this Engineering firm in November 2002 and April of 2005. Mr. Smyth reported that it is the opinion of T&M Associates that the erosion at this location has proceeded to the point where a threat to public safety exists. They are recommending that action be taken at this time to temporarily stabilize the bank until the riverwall can be replaced and the area behind the riverwall filled and restored. It was the consensus of Council that we ask the property owners of 109 Bank Avenue to attend next week's Council meeting to provide Council with a status report regarding the work that needs to be done on their wall.

Mr. Smyth reported that T&M has not previously observed the erosion at 207 Bank Avenue. T&M's recommendation is that the Borough continue to monitor the rate of erosion at this area and to encourage the land owner to reconstruct his riverwall.

**RESOLUTION 90-08**

**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 Mr. Brown. A poll vote was then taken. Dr. Daniel absent, Mr. Brown aye, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti aye.

**2009 Road Program** Public Works Manager, Scott Reed, requested that he be permitted to obtain estimates for the scheduled roadwork to be done on Linden Avenue next year. Mr. Smyth asked if we have heard whether we would be receiving any grant money from the Department of Transportation towards this project. The Clerk responded that to date, we have not heard anything. Mr. Reed stressed the importance of trying to determine

estimated figures for this project for budgetary purposes. After a short discussion, it was the consensus of Council to ask Consulting Engineer's, Land Engineering to prepare these estimates for Council's review and consideration.

**RESOLUTION 91-08**

**A RESOLUTION AUTHORIZING LAND ENGINEERING TO PROVIDE AN ESTIMATE FOR THE ROADWORK ON LINDEN AVENUE IN CONNECTION WITH THE 2009 ROAD 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. Dr. Daniel absent, Mr. Brown aye, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti aye.

**Preliminary agenda for November 12.** 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