

March 11, 2009

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

PRESENT: Council members Brown, Smyth, Kinzler (arrived at 7:33pm), Cesaretti and Solicitor Bruce M. Gunn

ABSENT: Council members Daniel and Cairns Wells

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 2009 published in the Burlington County Times on December 29, 2008

(b) Posting written notice on the official bulletin board on January 2, 2009

The minutes from February 4 and February 11 were then presented. Mr. Brown moved that these minutes be approved as submitted. This was seconded by Mr. Cesaretti. A poll vote was then taken. Dr. Daniel absent, Mr. Brown aye, Ms. Cairns Wells absent, Mr. Smyth aye, Mr. Kinzler absent, and Mr. Cesaretti aye.

FINANCIAL ITEMS: Mr. Kinzler

TREASURER'S, FINANCE REPORT & BILL LIST FOR APPROVAL

Mr. Kinzler moved that the attached reports for the month of February be approved as submitted. This was seconded by Mr. Cesaretti. A poll vote was then taken. Dr. Daniel absent, Mr. Brown aye, Ms. Cairns Wells absent, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti aye. Mr. Kinzler reported that the collection rate was 94.07% as of February 28th.

Mr. Kinzler raised the issue of adhering to the purchase order system, which was put into place a number of years ago. Mr. Kinzler stressed the importance that Department Heads make their Council representatives aware of and sign off on certain large expenditures before the purchase is made. Public Works Manager Reed expressed his concern that this would create a burden for him to try and obtain authorization before proceeding. Mr. Kinzler responded that there might be a time or two where a Department Head might have to wait a day or two to obtain authorization before proceeding. Mr. Kinzler stressed the fact that purchase order systems are utilized by companies. Mr. Kinzler stated that the Council members have been elected to oversee this process. Mr. Kinzler thought that the threshold for getting council approval would be for any purchase that amounts to \$5,000.00 and above.

2009 BUDGET DISCUSSION Mr. Kinzler announced that after speaking to the Auditor today, this discussion has been deferred until Council's April 1st meeting. Mr. Kinzler reported that there are two variables to be played out. One is the 50% pension deferral issue. Mr. Kinzler stated that from the information he has reviewed, you cannot opt out of this deferral. This was confirmed today by our Auditor. Mr. Kinzler explained that if we were to choose to make the full payment, it won't go into the pension system. A separate trust fund will be set up. In the future if it is decided to go back to the normal contribution levels, the trust fund monies would then be deposited into the pension fund. The other variable is the state aid issue. Mr. Kinzler reported that we might see a 2% cut from last year's aid figures. Mr. Kinzler stated that if we take advantage of the pension deferral and the reduction in stated aid and layer in the expenses we have, we are still within range of the 5% reduction that we set as a goal. Mr. Kinzler stated that we will need to discuss this in detail on April 1. Mr. Kinzler reported that we will also have to consider a capital budget (possible road program, new carpets, new car, new lawnmower, etc.) for this year. A discussion then ensued

regarding the costs to reconstruct a road as opposed to just doing an overlay. Mr. Kinzler commented that he would like to resolve the computer hardware maintenance issues for the Borough's computers. Mr. Cesaretti was asked to review the proposals, make a decision and inform Council at our April 1 meeting.

COMMITTEE REPORTS

PUBLIC SAFETY-Mr. Cesaretti

Mr. Cesaretti announced that the Chief had surgery and would be out of the office until early next week. In his absence, Patrolman Matt Kirk is the senior officer in charge.

Mr. Cesaretti reported that the Public Safety Committee has met to start preliminary talks about the Chief's replacement when he retires at the end of June of this year.

Mr. Cesaretti stated that no reports were submitted for the month of February.

STREETS/SEWER/SHARED SERVICES & ECONOMIC DEV.-Mr. Smyth

Mr. Smyth reported that two co-locators are scheduled to be added to the cell tower. They are Metro PCS and Clearwire Communications. They still have to go through the process of applying to the Planning Board for site plan approval.

Regarding Economic Development, Mr. Smyth reported that our application (through Congressman Rob Andrews' office) for possible funding to upgrade our park got through the first round of reviews.

Mr. Smyth stated that we can have the Bridge Commission prepare an application for Community Development Block Grant funds to make the entrance to the school's gymnasium handicapped accessible for election purposes. Mr. Smyth explained that we need to include an engineer's estimate with the application. He has spoken to a representative of Alaimo Associates and was informed that they could provide this at a cost, not to exceed \$1,500.00. It was the consensus of Council to agree to this.

RESOLUTION 25-09

A RESOLUTION OF THE BOROUGH OF RIVERTON TO APPLY FOR CDBG FUNDING FOR ADA ACCESSIBILITY FOR RIVERTON BOROUGH'S POLLING LOCATION

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

Regarding the Energy Audit issue, Mr. Smyth reported that separate applications for each building requesting an audit needs to be done. Mr. Smyth reported that this is only a 75% grant so whatever the cost estimates would be, 25% would come from out of pocket expenses. If the recommendations from the audit are implemented, you can get the 25% that you paid up front back. However, if you don't implement the recommendations you won't get it back. Mr. Smyth believes this is too uncertain and recommended not moving forward with this. It was the consensus of Council to agree.

PLANNING/REDEVELOPMENT-Ms. Cairns Wells

Mayor Martin announced that the Planning Board is continuing their review of the draft escrow fee and agreement ordinance. Mayor Martin reviewed the goals and objectives of the Planning Board for this year.

We received notification from COAH that the documents that were submitted at the end of 2008 were incomplete and required addition work. There is a 45 day compliance requirement. The Planning Board will be reviewing this at their March 17th meeting.

ZONING, CODE ENFORCEMENT/PARK & COURT-Mr. Brown

Mr. Brown met with the Park & Recreation Commission on February 24th. They reviewed the scope of work for the proposed upgrades and improvement to the park should grant money be available. Mr. Brown reported that the number one concern of the Commission is the condition of the playing field. The Commission reviewed the park schedule for the year. Mr. Brown announced that Palmyra's new soccer field is made of turf.

Regarding the Municipal Court, Mr. Brown stated that the possible utilization of credit cards was being raised again. Mr. Brown asked Council to review the documentation submitted by the Court Administrator, for discussion next month.

SHADE TREE/BD OF HEALTH/RECYCLING & ENVIRONMENTAL-Dr. Daniel No
report

MEETING OPEN TO THE PUBLIC

Gene Bandine reported that at this week's Shade Tree Commission meeting, concern was raised about the hazardous sidewalk problems from Broad & Lippincott to Zena's bakery. Mr. Smyth responded that we received a Centers of Place grant that will take care of redoing this sidewalk. This grant will also address the Harrison Street sidewalks and a walkway from the Riverton Square development to the park.

Gary Ford. 311 Bank Avenue believes we should have something in place to address the private properties in the Borough that are in extreme disrepair. Mr. Ford cited 423 Lippincott Avenue as an example. Mr. Ford believes these issues affect property values, it affects safety issues, and affects the structural future of that building. Mr. Ford suggested that a Board or committee be created and charged with reviewing these types of issues. Mr. Cesaretti responded that over the past months Council has stepped up and become aggressive in dealing with these types of properties. Our Code Enforcement Officer and Construction Official are working on these issues also.

Joe Augustyn reported that the County has a Home Improvement Loan Program in place, which might be able to assist property owners in fixing up their homes. Mr. Augustyn reported that they would have to meet the County's criteria. Mr. Brown stated that he would look into this as a possible alternative to helping certain property owners.

Joseph Augustyn asked whether Council would be making an application for Community Development Block Grant Funding to make the entrance to the school gymnasium handicapped accessible for elections. Mr. Smyth provided an overview of what Council decided earlier in the meeting. Mr. Reed asked if the engineering fees can come out of the grant. Mr. Augustyn responded no. Mr. Reed stressed the fact that we need to know what these charges will be for placement in our budget. Mr. Augustyn also enquired about our Energy Audit Application. Mr. Smyth responded that we were not moving forward with this.

OLD BUSINESS

Mr. Cesaretti commented that the Solicitor raised some concerns about the proposed fire lease, such as interest fees to be charged and the payment due language. After a short discussion, it was the consensus of Council that the Solicitor should review these concerns with the President of the Fire Company to resolve. Council will be kept informed

NEW BUSINESS

MAYORAL APPOINTMENTS TO THE ZONING BOARD OF ADJUSTMENT

Mayor Martin made the following appointments to the Zoning Board: Charles Veasey-regular member (replacing Janine Miller, who resigned), Robert Kennedy-Alternate No. 1 (replacing Don Dietz who resigned) and Deborah Weaver-Alternate No. 2

REQUEST FROM YACHT CLUB REGARDING THEIR PARKING LOT-Mr. Gunn

Mr. Gunn reported that the Yacht Club has been using the pier (which used to be part of the County road) as their parking lot for many years. Mr. Gunn explained that in 1969 the County had determined that that portion of Main Street was no longer needed. They vacated the northerly portion of Main Street to the Borough. In turn the Borough had passed an ordinance in 1969 vacating this area to the Yacht Club. Unfortunately, this Ordinance was never recorded at the County. The Yacht club wanted to do some work on the parking lot but found that nothing had been formalized that transferred this property to them. Mr. Gunn explained that the County had vacated 120 feet and we had vacated 70 feet. Mr. Gunn recommended doing a new Ordinance which would take care of clarify this issue and any other discrepancies. Mr. Gunn stated that the Yacht Club has agreed to bear all the professional costs, survey and recording fees. Council concurred with this recommendation. Mr. Gunn will prepare a draft ordinance for Council's consideration for our April 8th meeting.

UPDATE ON THE PENNSAUKEN SOLID WASTE MANAGEMENT

LAWSUIT- Mr. Gunn. Mr. Gunn reported that a number of years ago Riverton and other municipalities were involved with this lawsuit since 1991). Mr. Gunn explained that we dumped our solid waste there as did other towns. A settlement has now been reached. Our insurance Company has been defending us and they will pay the settlement costs. Mr. Gunn explained that the settlement fees are based upon the percentage of waste that was dumped by each municipality involved. The claim was that hazardous waste was being dumped in the landfill. Each town was held responsible for dumping even though that was the place we were told to dump. We had no alternative. Our share is \$45,155.00 based upon 3.6124%. A formal Resolution needs to be prepared authorizing the Mayor to sign the settlement agreement. This will be prepared for our April 8th meeting.

RESOLUTION 26-09

A RESOLUTION PERMITTING THE EXCLUSION OF THE PUBLIC FROM A MEETING IN CERTAIN CIRCUMSTANCES PER SECTION 8 OF THE OPEN PUBLIC MEETINGS ACT C.231 P.L. 1975 (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 Mr. Cesaretti. A poll vote was then taken. Dr. Daniel absent, Mr. Brown aye, Ms. Cairns Wells absent, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti aye. It should be noted that a potential litigation matter (108 7th Street) will be discussed.

At this time Mr. Cesaretti moved that we return to public session. This was seconded by Mr. Brown. A poll vote was then taken. Dr. Daniel absent, Mr. Brown aye, Mr. Cairns Wells absent, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti aye.

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

Mary Longbottom, RMC
Municipal Clerk