

November 4, 2009

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

**PRESENT:** Council members Daniel (arrived at 7:40pm), Brown, Cairns Wells, Smyth, Kinzler (arrived at 7:45pm), Myers 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 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

**RESOLUTION 67-09**

**A RESOLUTION APPOINTING GREGORY K. WILLIS AS THE CHIEF OF POLICE OF THE BOROUGH OF RIVERTON  
(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 absent, Mr. Brown aye, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler absent and Mr. Myers aye.

Solicitor Bruce Gunn administered the Oath of Office to Gregory K. Willis as Chief of Police.

The open session minutes from October 5<sup>th</sup> and October 14<sup>th</sup> and the closed session minutes from October 14<sup>th</sup> were then presented. Ms. Cairns Wells moved that these minutes be approved as submitted. A poll vote was then taken. Dr. Daniel aye, Mr. Brown absent (left the dais before vote was taken), Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler absent and Mr. Myers aye.

**COMMITTEE REPORTS**

**PUBLIC SAFETY/CODE ENFORCEMENT/ZONING/COURT AND ANIMAL CONTROL-Mr. Brown**

Mr. Brown read a report for the month of October that was submitted by Chief Willis. Vehicle Mileage 2,051, Juvenile Arrests 0, Adult Arrests 6 (Criminal Warrant 1 and Contempt 5), Breakdown of Arrests-Traffic Warrants 5 and DV 1, Motor Vehicle Accidents 2, Motor Vehicle Stops 32, Motor Vehicle Warnings 9, Motor Vehicle Summonses 20 (Riverton Officers 20), Burglar Alarms 13, Assists to Other Police Departments 22, Animal Complaints 6, Fire Calls 5, Arson 0, Ambulance Calls (Riverton) 20, Unattended Deaths 0, Criminal Cases 9, Incidents 186, Domestic 3, Thefts 3, Shoplifting 0, Burglaries 0, Assaults 1 (Civilian 1), Sexual Assaults 0, Criminal Mischief 2, Robberies 0, Motor Vehicle Thefts 0, Miscellaneous Calls 339, Total Calls Dispatched-Incidents 186 and Quick 313.

Mr. Brown read a report for the month of October that was submitted by Deputy Fire Chief Robert Yearly. Fire calls for the month 25, Drills 3, Calls in town 11, Calls out of town 14 and man hours to date 3621.5.

Mr. Brown reported that there was no Court report.

Mr. Brown reported that it is his understanding that James Brandenberger will be submitting a variance application before the Zoning Board. This pertains to the Post Office property on Main Street, which he is under contract to purchase.

**ORDINANCE 9-09**

**AND ORDINANCE FOR THE BOROUGH OF RIVERTON AMENDING CHAPTER 123-15 TO DESIGNATE FOUR-WAY STOP AND ADDITIONAL STOP SIGN INTERSECTIONS IN SCHEDULE IX, CHAPTER 123-31**

The Clerk reported that the Engineer has provided the required certifications for the placement of these stop signs at the specific intersections.

The above Ordinance was read by title only for the first time 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 abstained and Mr. Myers aye. Second reading and a public hearing on this Ordinance will be held on December 9<sup>th</sup>.

**ORDINANCE 10-09**

**AN ORDINANCE AMENDING CHAPTER 45 OF THE RIVERTON BOROUGH CODE TO PROVIDE FOR ADDITIONAL DEFINITIONS OF AN OWNER IN ARTICLE II**

Mr. Gunn reported that our Animal Control Officer had previously recommended the addition of certain definitions in order that he might effectively enforce the provisions of Article II of Chapter 45 of the Borough Code. Mr. Gunn reported that he had previously suggested tabling this Ordinance because he was researching some other issues that might call for additional amendments. Mr. Gunn stated that he would not be recommending any other amendments at this time.

The above Ordinance was read by title only for the first time 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. Myers aye. Second reading and a public hearing on this Ordinance will be held December 9<sup>th</sup>.

**UPDATE ON PROPOSED ORDINANCE TO REGULATE OUTSIDE EMPLOYMENT FOR REGULAR POLICE OFFICERS**

Mr. Brown requested that this proposed Ordinance be tabled until next year for consideration. There is still research that needs to be done before a final draft can be submitted to Council. Council concurred with this.

Regarding Code Enforcement issues on specific properties, Mr. Brown provided the following updates: **108 7<sup>th</sup> Street**-The owners have obtained their permits; however we still have an action pending against them for the outstanding fines and to demolish the property. A process server has been unable to personally serve the owners. **622 Thomas Avenue**. Before we can appoint an administrator of this property, our Solicitor is still waiting for the receipt of an original certified death certificate for the owner. Our Assessor has opined that the sale price of this property has been assessed at \$193,900.00 (\$124,500.00 for land and \$69,400.00 for the building) The Surrogate's Office will not let us post a bond for less than that amount. It is estimated that the cost of the bond will be \$1,000.00. **523 Howard Street (Devastation University issue)**. Mr. Brown stated that he instructed our Solicitor to write a letter to the owner of this property threatening

legal action against him for the violations of the tenant (Devastation University). Council will be kept informed.

**STREETS/SEWER/SHARED SERVICES/ECONOMIC DEVELOPMENT-Mr. Smyth**

**UPDATE ON PROPOSED SEPTIC SYSTEM ORDINANCE**

Mr. Smyth asked that this proposed Ordinance be tabled. Additional information is being sought from the County on portions of this Ordinance, in particular the maintenance issue. Council concurred.

Mr. Smyth reported that road work continues on the Linden Avenue project. It is estimated that the work will be completed by early December.

Regarding Economic Development, we have received brochures from the Delaware Valley Regional Planning Commission that highlight Riverton as a Classic Town.

Mr. Smyth announced that there will be a Veteran's Day celebration at the school on November 11<sup>th</sup> starting at 9:00am.

**PLANNING/REDEVELOPMENT/SCHOOL-Ms. Cairns Wells**

**RESOLUTION 68-09**

**A RESOLUTION URGING GOVERNOR CORZINE AND THE NEW JERSEY LEGISLATURE TO EXPEDITIOUSLY REMEDY THE DELETERIOUS EFFECTS OF THE APPELLATE COURT'S DECISION IN THE MATTER OF HOMES OF HOPE v. TOWNSHIP OF EASTAMPTON (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. Brown. A poll vote was then taken. Dr. Daniel aye, Mr. Brown aye, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Myers aye.

**PROPOSED ORDINANCE TO AMEND OUR ZONING CODE (CHAPTER 128)**

Ms. Cairns Wells reported that the Planning Board and Zoning Board have made recommendations to Council to implement various changes to our Zoning Code. They are as follows: to eliminate the need for a variance approval for expansion of a single family non-conforming structure as long as it does not increase the non-conformity, stricter regulations for demolition of buildings, three foot setbacks for accessory buildings, and to permit mobile signs in the Business Districts. Ms. Cairns Wells reviewed these suggested amendments in detail with Council. Mr. Gunn suggested that this proposed Ordinance be introduced by title only tonight. He will then prepare the Ordinance in its entirety and forward it back to both the Planning and Zoning Boards for their review and to ensure that these proposed amendments are in accordance with our Master Plan before Council considers second reading and a public hearing on this proposed Ordinance at their December 9<sup>th</sup> meeting. Council concurred.

**ORDINANCE 11-09**

**AN ORDINANCE TO AMEND CHAPTER 128 OF THE RIVERTON BOROUGH ZONING CODE REGULATING NON-CONFORMING USES OR STRUCTURES, DEMOLITION OR MOVING OF STRUCTURES, SETBACKS FOR ACCESSORY BUILDINGS IN RESIDENTIAL DISTRICTS, AND TO PERMIT MOBILE SIGNS IN BUSINESS DISTRICTS**

The above Ordinance was read by title only for the first time by Ms. Cairns Wells, who moved for its adoption. This was seconded by Mr. Brown. A poll vote was then taken. Dr. Daniel aye, Mr. Brown aye, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Myers aye. Second reading and a public hearing on this Ordinance will be held December 9, 2009.

Ms. Cairns Wells reported that Jim Brandenberger has withdrawn his suggestion for the placement of condos at the Shoppes at Riverton.

Regarding COAH, Ms. Cairns Wells reported that negotiations continue with the owner of 204 Main Street for the possible placement of COAH units at this location.

Ms. Cairns Wells announced that all Planning and Zoning Board applications are now available on the Borough's website.

Ms. Cairns Wells reported that she is looking into the possibility of purchasing a bulletin board for community notices to be placed at the Plaza. This will be discussed in detail during next year's budget process. Mayor Martin suggested asking the Riverton Improvement Association to assist us monetarily with this potential project.

Ms. Cairns Wells provided Council with updates regarding the Riverton Public School's 100th year celebration next year.

#### **PARK/RECREATION-Mr. Myers**

Mr. Myers announced that the Tree lighting ceremony will take place at the plaza on December 4<sup>th</sup> at 7:00pm. Mr. Myers also announced that the Riverton Library sponsored candle light house tour is scheduled for December 5<sup>th</sup> from 4:00pm until 9:00pm.

#### **PROPOSED AMENDMENT TO PARK ORDINANCE (CHAPTER 92-3-28)**

Mr. Myers reported that presently no one is permitted in the park after dark. Mr. Myers suggested amending this portion of the ordinance that would permit, with Council's approval, some activities in the park after dusk. Mr. Gunn recommended that Council proceed with caution regarding this issue and to be mindful of potential liability concerns. Mr. Gunn reminded Council that the park has no lighting for nighttime activities. Mr. Gunn suggested that the Park & Recreation Commission be asked to review this suggestion and to come up with specific rules, regulations and guidelines regarding this issue for Council to review before any consideration is given to amending this portion of our park ordinance. Council concurred with the Solicitor's recommendation.

#### **SHADE TREE/BD OF HEALTH/RECYCLING/ENVIRONMENTAL-Dr. Daniel**

Dr. Daniel reported that six bids were received, opened and publicly read on October 20, 2009 at 10:00am for the 2010 tree removals. The bids received were as follows: **Colonial Tree Service, Southampton, Pa \$11,500.00, Jimmy's Tree Service, Philadelphia, Pa. \$12,500.00, Paul May Tree Service, Delran, New Jersey \$21,500.00, Guzzo Maintenance & Landscaping, Sicklerville, New Jersey \$23,877.00, Elite Tree Service, Manalapan, New Jersey \$32,175.00 and Bustleton Tree Services, Bensalem, Pa. \$45,250.00.** Mr. Gunn reported that he has reviewed these bids and that the three lowest bids were missing various submissions which would make them defective. Mr. Gunn reported that Guzzo Maintenance was the lowest bidder which complied with all of our specs. Mr. Gunn reported that Council has sixty days to make a decision to either award a contract or reject all the bids and re-bid. Mr. Gunn

recommended that Council refer the bids to the Shade Tree Commission for their recommendation before any formal action is considered. Council concurred with this.

**UPDATE ON PROPOSED RECYCLING ORDINANCE**

Mr. Gunn reported that he has spoken to Ann Moore of the County regarding this model ordinance. She informed him that they will be making additional changes to this ordinance in connection with land issues and that we should hold off on amending our ordinance until they have forwarded a revised ordinance. Council concurred.

**FINANCIAL ITEMS:** Mr. Kinzler

**TREASURER'S, FINANCE REPORT & BILL LIST FOR APPROVAL**

Mr. Kinzler moved that the attached reports for the month of October be approved as submitted. This was seconded by Ms. Cairns Wells. Brown. A poll vote was then taken. Dr. Daniel aye, Mr. Brown aye, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Myers aye.

**RESOLUTION 69-09  
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 aye, Mr. Brown aye, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Myers aye.

**2010 BUDGET KICK OFF** Mr. Kinzler stated that the Finance Committee would be holding preliminary budget work sessions with department heads at the end of December to review their 2010 budget requests. Mr. Kinzler distributed a preliminary 2010 budget timeline for Council's review. Ms. Cairns Wells believes we should not try to integrate our budget discussions during regular Council meetings. She believes we should hold a special meeting to get this accomplished. She stressed the fact that the budgetary process is very important and really cannot be properly addressed during a regular Council meeting. Further discussion on the schedule of Council's 2010 meetings will be placed on the December 9<sup>th</sup> agenda.

**COUNCIL 2010 COMMITTEE ASSIGNMENTS.** Council reviewed potential committee assignments for next year. Final decisions should be made by the reorganization meeting.

**PROFESSIONAL SERVICE CONTRACTS FOR 2010.** To assist Council during the budgetary and selection process for these appointments, the Clerk was asked to send a letter to our present professional's asking them to submit a listing of their anticipated hourly rates and those of their associates as well as any additional fees that they would be charging the Borough for their services. They should be asked that this information be provided prior to Council's December 9<sup>th</sup> meeting.

**MEETING OPEN TO THE PUBLIC** -There was no public comment at this time.

**OLD BUSINESS-NONE**

**NEW BUSINESS**

**RESOLUTION 70-09  
A RESOLUTION AUTHORIZING THE BOROUGH OF RIVERTON TO ENTER  
INTO A COOPERATIVE PRICING AGREEMENT WITH THE COUNTY OF  
BURLINGTON  
(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. Smyth. A poll vote was then taken. Dr. Daniel aye, Mr. Brown aye, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Myers aye.

**CORRESPONDENCE-NONE**

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

Mary Longbottom, RMC  
Municipal Clerk