

October 14, 2009

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

**PRESENT:** Council members Daniel (arrived at 7:36pm and left at 9:55pm), Brown, Cairns Wells, Smyth, Kinzler, Myers and Solicitor Bruce 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

At this time Solicitor Bruce Gunn administered the Oath of Office to Ernest Rodgers as a Special Police Officer for the Borough of Riverton.

The open and closed session minutes from September 9 were then presented. Ms. Cairns Wells asked that the closed session minutes be removed from the agenda at this time. She would like to review a few issues during our closed session portion tonight. Council concurred. Ms. Cairns Wells moved that the open session minutes from September 9 be approved as submitted. 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.

**Shade Tree Issues:**

**Alex McCartney of the NJ Division of Parks & Forests will provide information to Council regarding the receipt of new Shade Trees for Riverton under the NJ Cool Cities program-Barry Emens, Shade Tree Chair present**

Mr. McCartney informed Council that Riverton has been chosen to receive 100 new Shade Trees (at no charge) under the NJ Cool Cities program. Plantings are scheduled to take place in the spring of 2010. Mr. McCartney explained that a Memorandum of Agreement between the Department of Environmental Protection (DEP) and the Borough would have to be executed. Mr. McCartney stated that, in part, special funding for this project is from the New Jersey Board of Public Utilities. Mr. McCartney reviewed the agreement (on file with the Municipal Clerk) requirements, such as, the purpose of the initiative, the trees scheduled to be planted, the tree planting plan, the contract for the planting, the required public announcement and publicity about this project, etc. Mr. McCartney stated that the DEP will contract for the planting of the trees with qualified New Jersey contractor (s). Mr. McCartney reviewed the contractor's responsibilities. Mr. Emens reported that he would be the designated primary municipal contact person for this initiative. Mr. McCartney also reviewed the Borough's responsibilities pertaining to the agreement (on file with the Municipal Clerk), which include, but are not limited to the following: making available to the DEP forester any pre-existing inventory of the trees in the selected neighborhood, provide cooperation of the Police and Fire Departments during preparation for and execution of the tree plantings and to assume on-going maintenance of planted trees for at least two years after the one-year guarantee. Mr. McCartney stated that the duration of the agreement shall be for three years, with an option for it to be extended for three additional years. Mr. Gunn raised concern regarding any potential damage that might occur to a resident's property

during the planting process. Mr. Gunn asked how these issues have been handled in the past. Mr. McCartney responded that damage has happened and is normally addressed by the contractor in a timely fashion. Mr. Gunn asked Mr. McCartney to provide him with a list of other municipalities who have been the recipients of these trees, so that he can confer with them. Mr. McCartney responded that he would do that. Mr. Gunn also commented that he would like the Borough named as an additional insured with respect to the liability insurance. Mayor Martin thanked Mr. McCartney for providing Council with all this information. Mr. Gunn will review the proposed agreement and make a recommendation to Council.

#### **RESOLUTION 60-09**

#### **A RESOLUTION AUTHORIZING THE CLERK TO ADVERTISE FOR BIDS FOR THE REMOVAL OF TREES AND STUMPS FOR THE YEAR 2010 (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 Mr. Brown. Mr. Kinzler commented that we have removed about 40 trees a year for the last two years and that we are now scheduled to remove 39 more trees in 2010. Mr. Kinzler asked Mr. Emens for the total population of trees that need to be removed. Mr. Emens responded that there are several issues with the trees, such as age, bacterial leaf scorch with the oaks and how global warming is really affecting our maples. Mr. Emens further stated that we are trying to keep the hazardous trees needing to be addressed to a minimum. Mr. Kinzler asked if it correct that it is his understanding that the trees which are scheduled for removal have now become a problem and need to be corrected. Mr. Emens responded yes. Public Works Manager, Scott Reed stated that he thought there might be other hazardous trees in the Borough that are not included with these 39. Mr. Reed stated that while we are going out to bid for these specific tree removals, he expressed concern that if additional trees need to be removed later on in the year, we will have to pay top dollar for the removal(s). Mr. Reed has a problem with that. Mr. Reed asked if we could regulate the tree removal contract with an option to remove additional trees during the year. Ms. Cairns Wells commented that part of the tree removal contract is that the trees are removed in one block of time. That is part of the contractor's cost structure. Mr. Gunn commented that if there were tree emergencies later on in the year, we could go out and solicit three quotes for those removals. We would not be bound to utilize our tree and maintenance contractor for this. A discussion ensued. The consensus of Council is to leave the specs as they have been presented tonight for the removal of the 39 specific trees. If it is determined at a later date that we have a couple more trees that need to be removed we can bid it or get quotes. A poll vote was then taken on the above Resolution. Dr. Daniel aye, Mr. Brown aye, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Myers aye.

#### **MAYORAL APPOINTMENT TO THE SHADE TREE COMMISSION**

Mayor Martin announced that Eric Berndt is appointed to serve on the Shade Tree Commission. Mr. Berndt fills the unexpired term (12-31-10) of Stu Brayshaw, who recently resigned.

Mr. Emens reported that the Commission would be submitting the 2009 Business Stimulus Fund application/proposal. This is not a competitive grant, so all eligible municipalities and counties who submit valid proposals will receive an equal share of the funding. Mr. Emens stated that it is anticipated that each award recipient will receive

between \$5,000.00 and \$8,000.00. Award letters are expected to be distributed in January 2010.

**TREASURER'S FINANCE REPORT & BILL LIST FOR APPROVAL-Mr. Kinzler**

Mr. Kinzler moved that the attached reports for the month of September be approved as submitted. 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.

Mr. Kinzler stated that at Council's November 4<sup>th</sup> meeting, we will start the 2010 budget kick-off discussion.

**COMMITTEE REPORTS**

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

Mr. Brown read a report for the month of September that was submitted by Officer in Charge, Matt Kirk. Vehicle Mileage 2332, Juvenile Arrests 0, Adult Arrests 6 (Contempt 6, Breakdown of Arrests- Traffic Warrants 6), Motor Vehicle Accidents 2, Motor Vehicle Stops 40, Motor Vehicle Warnings 17, Motor Vehicle Summonses 47 (Riverton Officers 47), Assists to Other Police Departments 15, Animal Complaints 6, Fire Calls 8, Arson 0, Ambulance Calls (Riverton) 13, Unattended Deaths 0, Criminal Cases 11, Incidents 236, Domestic Violence 0, Thefts 2, Shoplifting 0, Burglaries 1 (From Vehicles 1), Assaults 0, Sexual Assaults 0, Criminal Mischief 0, Robberies 0, Motor Vehicle Thefts 0, Miscellaneous Calls 362, Total calls dispatched (incidents) 236 and Quick 158.

Mr. Brown read a report for the month of September that was submitted by Deputy Fire Chief Robert Yearly. There were 21 fire calls for the month, 3 drills, 11 calls in town and 10 calls out of town.

Mr. Brown read a report for the month of September that was submitted by Court Administrator, Jackie Gleason. The total amount received was \$6,636.71. The total amount disbursed to Riverton amounted to \$3,278.14

**REVIEW OF ENGINEER'S STUDY REGARDING THE POSSIBLE PLACEMENT OF STOP SIGNS AT VARIOUS LOCATIONS**

Council reviewed written recommendations from Land Engineering for the placement of these stop signs. Mr. Gunn stated that, in addition to these recommendations, the Engineer must do a certification to the Governing Body. This must be received prior to any Ordinances being introduced. Mr. Gunn reported that Land Engineering did not submit this certification. It was the consensus of Council to table this issue until the proper certifications are submitted.

**RESOLUTION 61-09**

**A RESOLUTION AUTHORIZING A CURFEW FOR OCTOBER 28, OCTOBER 29, OCTOBER 30 AND OCTOBER 31, 2009 IN 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 aye, Mr. Brown aye, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Myers aye.

**RESOLUTION 62-09**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT TO UTILIZE CREDIT CARDS IN THE RIVERTON**

**MUNICIPAL COURT  
(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. Myers aye.

**POSSIBLE ORDINANCE RE: OUTSIDE EMPLOYMENT OF POLICE OFFICERS**

Mr. Brown reported that it was the recommendation of the Public Safety Committee that Council consider an Ordinance to regulate outside employment of our regular police officers. Mr. Brown reported that we obtained sample Ordinances from both Palmyra and Cinnaminson. The Solicitor was asked to draft an Ordinance for Council's review and consideration.

Mr. Smyth reported that he has been receiving ongoing complaints about the speeding on Thomas Avenue. He would like Council to consider installing speed humps or dropping the speed limit on that street to 15mph. After a short discussion, it was the consensus that our Streets and Roads Engineer provide Council with a recommendation.

Mr. Reed reported that, recently, four suspicious people were seen walking through town looking at houses. Mr. Reed reported that this concern was addressed. It was determined that one of them had a warrant for their arrest.

**MAYORAL APPOINTMENTS TO THE ZONING BOARD**

Mayor Martin announced that the following appointments would be made to the Zoning Board:

Regular Member – Robert Kennedy-fills unexpired term of Edward Smyth 12-31-09, Alternate Members-Deborah Weaver (alternate No. 1) fills unexpired term of Robert Kennedy 12-31-09, and Barry Wells (Alternate No. 2) fills unexpired term of Deborah Weaver 12-31-10.

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

Mr. Smyth reported that we received notification that we could apply for the Transportation and Community Development Initiative Grant (from the Delaware Valley Regional Planning Commission). Mr. Smyth reported that he reviewed the grant parameters and has found out that this potential grant money can only be used for studies. Mr. Smyth recommended not submitting a grant application. Council concurred.

Mr. Smyth reported that we have been informed by the County that we need to have an Ordinance in place that establishes an on-site sewage management program. Copies of the Ordinance were distributed for discussion at our November meeting

Mr. Smyth reported that Council had previously considered having an energy audit done of Borough Buildings. However, Council rejected moving forward with this because we would have been required to pay 25% of the costs up front. Mr. Smyth informed Council that there might be some changes regarding these audits. He will be attending a meeting on this issue and will report back to Council.

Mr. Smyth reported that he would be attending the Tri County Economic Development Summit on October 16<sup>th</sup>.

**RESOLUTION 63-09**  
**A RESOLUTION TO RENEW THE BOROUGH'S DESIGNATION AS A**  
**CLASSIC TOWN OF GREATER PHILADELPHIA**  
**(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. Mr. Kinzler commented that because the \$2,500.00 contribution for the Classic Town Designation had not been placed in this year's budget, it would come out of the police salaries line item. 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.

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

Ms. Cairns Wells reported that we are still waiting to hear from the Community Development Block Grant office when work can commence on the installation of a handicapped ramp at the school.

Ms. Cairns Wells reported that she is still trying to obtain information regarding the school's centennial celebration from Sue Maloney. Council will be kept apprised of this issue.

Ms. Cairns Wells reported that the Planning Board would be reviewing a Resolution calling for an expeditious Remedy of the Court decision regarding Homes of Hove v. Township of Eastampton. This pertains to COAH issues. Ms. Cairns Wells reported that the Planning Board might recommend that Council adopt a similar Resolution.

Ms. Cairns Wells reported that Jim Brandenberger has preliminarily asked to place residential units on top of the stores at the Shoppes at Riverton.

Ms. Cairns Wells reported that the Planning Board would be recommending enhancements to our present demolition Ordinance. They would also be recommending changes to our setback requirements pertaining to garages and sheds. Ms. Cairns Wells hopes that these issues will be ready for council's review in November.

Ms. Cairns Wells suggested preparing a proclamation in recognition of Joe Zaneski, a long time member of our 4<sup>th</sup> of July Committee, who recently passed away. Council concurred with this. This item will be placed on our November agenda.

**PARK/RECREATION**-Mr. Myers

Mr. Myers reported that the tree lighting ceremony would take place on December 4<sup>th</sup> at 7:00pm at the plaza.

Mr. Myers reported that Scout Troop # 9 would like to set up a one day camp at the park on October 24<sup>th</sup>.

Mr. Myers reported that we have received a written request from PSE&G to upgrade three light poles at the park with induction lighting. After a short discussion, it was the consensus of Council to agree to this.

**RESOLUTION 64-09**  
**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN**  
**AGREEMENT WITH PSE&G FOR UPGRADED LIGHTING IN THE**  
**RIVERTON MEMORIAL PARK**  
**(IN FULL IN RESOLUTION BOOK)**

The above Resolution was read by title only by Mr. Myers, 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.

**BOARD OF HEALTH, RECYCLING & ENVIRONMENTAL-Dr. Daniel**

The Clerk reported that we are being required to amend our present Recycling Ordinance. Copies of the suggested amendments were distributed to Council. This item will be discussed at our November meeting.

**MEETING OPEN TO THE PUBLIC**

**Barry Emens** asked when the pocket park at Bank & Linden Avenues will be upgraded. Mr. Smyth responded that the bids received by the Bridge Commission for this project came in too high. Mr. Smyth stated that the Bridge Commission, who will be funding these upgrades, would be bidding the project again.

**Gene Bandine** asked if Jim Brandenberger would be building apartments above the stores at the Shoppes at Riverton. Ms. Cairns Wells responded that Mr. Brandenberger has merely asked; there have been no formal discussions.

**OLD BUSINESS**

**RESOLUTION 65-09**

**A RESOLUTION FOR THE BOROUGH OF RIVERTON AUTHORIZING THE  
RELEASE OF THE PERFORMANCE BOND FOR THE SHOPS AT  
RIVERTON, LLC AND ACCEPTING A TWO YEAR MAINTENANCE BOND  
(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.

**NEW BUSINESS**

**REQUEST FROM SACRED HEART CHURCH TO HOLD RAFFLES  
ON OCTOBER 25**

The Clerk reported that Sacred Heart Church has submitted the required paperwork to hold raffles at the church on October 25, 2009 from 5:00pm-8:00pm

Mr. Brown made a motion to approve Sacred Heart Church's request to hold raffles on October 25<sup>th</sup>. 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.

**DISCUSSION: POSSIBLE PURCHASE OF THE BENEFICIAL BANK PARKING**

**LOT ON HARRISON STREET-Mr. Smyth** reported that he was contacted by the realtor marketing the Beneficial Bank properties in the Borough. He inquired if the Borough would be interested in buying the rear parking lot (Block 1102 Lot 12.02) on Harrison Street. Mr. Smyth reminded Council that we presently have an agreement with the bank to use this parking lot for municipal parking. After a short discussion, it was the consensus that we would have to know what the asking price would be for this lot before Council could consider anything. Mr. Smyth will relay this information onto the realtor.

**RESOLUTION 66-09**

**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 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. It should be noted that Personnel matters (Police) will be discussed.

At this time Ms. Cairns Wells moved that we return to open session. 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. Myers aye.

Ms. Cairns Wells made a motion that the closed session minutes from September 9 be approved as amended. 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. Myers aye.

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