

September 9, 2009

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

PRESENT: Council members Daniel, Brown, Cairns Wells, Smyth, Kinzler (arrived at 7:35pm) 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

Mayor Martin announced that the Borough would publicly recognize Edward Smyth at the Zoning Board's meeting on September 17th at 7:30pm. Mr. Smyth served on our Zoning Board of Adjustment for over thirty years. Mr. Smyth's family is scheduled to be in attendance.

PRESENTATION BY JOSEPH SARDOS REGARDING HIS PROPOSED EAGLE SCOUT SERVICE PROJECT

Mr. Myers stated that Mr. Sardos would like to do some volunteer work to upgrade the trails in the park. Mr. Sardos reported that certain trail areas behind the park are overgrown. The basic idea would be to clear them out, place mulch at the areas in question, and maybe replace a bridge at one of the locations. He showed Council some pictures of what needs to be done. He would also like to re-hang the signs that designate the trails. Mr. Myers asked if other scouts would be working with him. Mr. Sardos responded that he hopes so. Mayor Martin questioned whether we would be allowed to replace a bridge or not. Public Works Manager, Scott Reed commented that he didn't think there were ever bridges at these locations. He explained that there was dirt all the way across the pond at one time. He doesn't remember any bridges that Riverton would have built. The liability aspect of replacing a bridge was raised by members of Council. Ms. Cairns Wells thought that cleaning out the overgrowth and the placement of mulch would be a really big project in itself.

Mr. Brown commented that the Riverton Improvement Association (RIA) has a similar project in place regarding the trails. Mr. Myers commented that this would dovetail nicely with Mr. Sardos' project. There probably wouldn't be a conflict or an overlap. Mr. Myers thought that this could possibly be a shared or joint effort.

Mr. Sardos stated that he has to run his suggested project by his troop as well as the Eagle Scout Council. Mr. Gunn cautioned about keeping the project within our own boundaries and not to go onto the property of the Cedar Lane Apartments. This had been an issue at one time.

Mayor Martin commented at this time that the Eagle at the train station needs to be re-finished. He informed Council that Brian Lippincott could do the fiberglass work and Sue Foster could do the painting. However, they would charge for their services. Mayor Martin suggested that we consider asking the RIA to designate this issue as a future project for them. This could possibly be a cost savings to the Borough.

Mr. Myers made a motion to support Joseph Sardos' Eagle Scout service project for maintenance at the park trails. 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.

The open and closed session minutes from August 12th were then presented. Mr. Brown moved that these minutes be approved as submitted. 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.

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

Mr. Kinzler moved that the attached reports for the month of August 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.

COMMITTEE REPORTS

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

Mr. Brown read a report for the month of August that was submitted by Officer in Charge Matt Kirk. Vehicle Mileage 2346, Gas Used (N/A), Juvenile Arrests 1 (Theft), Adult Arrests 10 (Contempt 9, Motor Vehicle 1), Motor Vehicle Accidents 7, Motor Vehicle Stops 46, Motor Vehicle Warnings 16, Motor Vehicle Summonses 28 (Riverton Officers 25, BCSD 3), Burglar Alarms 22, Assists to Other Police Departments 41, Animal Complaints 5, Fire Calls 1 Arson 0, Ambulance Calls (Riverton) 11, Unattended Deaths 0, Criminal Cases 22, Incidents 222, Domestic, 1, Thefts 8, Shoplifting 1, Burglaries 5 (From Residences 2, Other-garage/shed-4-listed this way on report), Assaults 1 (Civilian), Sexual Assaults 1 (Adult), Criminal Mischief 2, Robberies 0, Motor Vehicle Thefts 0, Miscellaneous Calls 439 and Total Calls dispatched-Incidents 22 and Quick 136.

RESOLUTION 54-09

A RESOLUTION AUTHORIZING THE APPOINTMENT OF ERNEST RODGERS AS A CLASS II SPECIAL OFFICER FOR THE BOROUGH OF RIVERTON FOR THE REMAINDER OF 2009 (IN FULL IN RESOLUTION BOOK)

The above Resolution was read by title only by Mr. Brown, who moved its adoption. This was seconded by Ms. Cairns Wells. Mr. Brown stated that this appointment is contingent upon Mr. Rodgers' successful passage of both physical and psychological testing. The Resolution will include this verbiage. 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.

REVIEW OF ENGINEERING ESTIMATE FOR THE POSSIBLE INSTALLATION OF STOP SIGNS AT VARIOUS INTERSECTIONS IN THE BOROUGH

Council reviewed a written cost estimate (not to exceed \$1,000.00) from Land Engineering for them to provide the necessary certifications and recommendations for the placement of stop signs at the following intersections: **Carriage House Lane at Linden, Thomas, Lippincott, Morgan & Penn, Fourth Street at Linden, Thomas and Lippincott and Cedar at Eighth Street.** Mr. Gunn explained that even though we do not have to obtain State approval for the placement of these stop signs, we still need our Municipal Engineer's certification that the signs are in compliance with the current

standards on Uniform Traffic Control devices. After a short discussion, it was the consensus of Council to agree with the cost estimate received.

RESOLUTION 55-09

A RESOLUTION AUTHORIZING LAND ENGINEERING AND SURVEYING COMPANY TO PROVIDE AN ENGINEERING STUDY AND CERTIFICATIONS FOR THE PLACEMENT OF STOP SIGNS WITHIN 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.

Regarding Zoning, Mr. Brown reported that our Zoning Officer has written another letter to the owners of Devastation University informing them, once again, that both site plan and use variance approvals would be required before they could commence any operations at the 523 Howard Street location. Council will be kept apprised of this issue

Mr. Kinzler raised concern over speeding along Lippincott Avenue. Patrolman Willis responded that the Department was running radar.

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

UPDATE RE: LINDEN AVENUE ROAD PROGRAM. Mr. Smyth announced that the specifications and bid package for this project was prepared by Land Engineering and forwarded onto our Solicitor for his review and approval before the Engineering firm advertises for the receipt of bids. Mr. Gunn stated that he would be reviewing these documents quickly and will let Land Engineering know if there are any problems that would preclude them from moving forward and advertising. Council will be kept apprised of this issue.

Mr. Smyth reported that he has not heard anything yet as to whether we would be getting any grant money from the Economic Development Stimulus package to upgrade our park. The Borough had previously submitted a request for funding through Congressman Ron Andrews' office.

Mr. Smyth asked about the scheduled upgrades that the Bridge Commission is going to provide at the Linden and Bank Avenue pocket park. Mr. Reed commented that he thought the project had gone out to bid, but he has not received any updates. After a short discussion, Mr. Smyth stated that he would contact the engineering firm who did the design work to find out additional information.

Mr. Smyth reported that the River Route Advisory Committees Downtown Investment and Development Tour (includes those communities having a downtown) is scheduled for September 11th. Mr. Smyth is unable to attend this function and asked that a replacement be found. Mr. Joe Threston volunteered to fill in for him.

CLASSIC TOWN DESIGNATION AND \$2,500.00 CONTRIBUTION

Mr. Smyth reported that the Delaware Valley Regional Planning Commission (DVRPC) has sent us notification that, once again, we are required to contribute \$2,500.00 to maintain our Classic Town designation. Mr. Smyth reminded Council that we did contribute this amount last year. Mr. Smyth stated that submission of this

contribution provides the Borough with benefits from the DVRPC that includes the placement of information about Riverton on their marketing website. Ms. Cairns Wells commented that Gary Ford, President of the Riverton Business & Civic Association, had recommended that we make this contribution because he felt it was important for Riverton to have this designation. However, Mr. Kinzler thought we should receive additional information from the DVRPC as to what other benefits Riverton received this year before another contribution is made. It was the consensus of Council to agree with Mr. Kinzler. Mr. Smyth stated that he would obtain more information from the DVRPC and report back to Council.

PLANNING/REDEVELOPMENT/SCHOOL-Ms. Cairns Wells

Ms. Cairns Wells reported that Borough representatives met with COAH in August concerning our third round obligation. Ms. Cairns Wells stated that COAH knocked down a couple of our options that we thought they had accepted previously. Our Planner went back and did a chronology of what we have done and submitted to COAH over the past four years. We have asked COAH to provide us with direction before any more money is spent. We want to know what they are likely to approve. We are still waiting to hear from them. Council will be kept informed.

Ms. Cairns Wells reported that she would attend the next School Board meeting. She hopes to obtain information on the centennial celebration of the school to bring back to Council.

Ms. Cairns Wells reported that the Planning Board heard and approved a demolition application regarding the shed at 601 Lippincott Avenue.

PARK/RECREATION-Mr. Myers

Mr. Myers reported that we have received and approved requests from Holy Cross High School and Westfield Friends School to utilize the Borough's tennis courts. Their home schedules appear to be compatible.

Mr. Myers reported that the under thirteen boy's soccer team is planning a trip to Ireland. To raise funds for this trip, they have requested permission to sell drinks at Riverton Park during the Saturday morning soccer games. They need Council's approval. Mr. Kinzler asked if they would have a clean-up crew available after the games to make sure any debris is removed. Mr. Myers thought this was a very good point and he would address that issue.

Mr. Myers made a motion that the under thirteen boy's soccer team be able to sell non-alcoholic beverages at the Saturday morning soccer games at Riverton Park. This was seconded by Mr. Brown. A poll vote was then taken. Dr. Daniel abstained, Mr. Brown aye, Ms. Cairns Wells aye, Mr. Myers aye, Mr. Kinzler aye and Mr. Smyth aye.

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

RESOLUTION 56-09

**RECYCLING TAX REIMBURSEMENT CERTIFICATION
(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. 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.

MEETING OPEN TO THE PUBLIC

Scott Reed asked why the police consolidation feasibility study for Riverton, Palmyra & Cinnaminson was taking so long. He read where Medford and Medford Lakes recently had one done and it has been completed already. Mr. Brown responded that this has been an ongoing concern. Mr. Brown reported that he has spoken with a rep from Patriot Consulting Group. They are in the process of restructuring their organization. Council will be kept informed.

Richard Rauth reported that ice cream trucks continue to come through town at night blaring their music (noise), which he finds annoying. He stated that this issue was brought to Council's attention some months ago and that he thought the Police Department was going to enforce our Peddler's and Solicitation Ordinance. A discussion then ensued. Mr. Gunn thought that at the time of renewal of the required permit, certain restrictions might be imposed. Ms. Cairns Wells asked if the police can pull these vendors over and inform them of the complaints made about the noise from their trucks. They should be told that when they stop to sell their ice cream the music should be turned off. Mr. Gunn informed Council that Section 96-8 of our code restricts the selling activity between the hours of 9:00am and 5:00pm. Patrolman Kirk stated that he would send the owner(s) a letter and talk to them about the issues raise.

Mr. Rauth asked for an update on 108 7th Street. Mr. Rauth commented that there doesn't seem to be a lot of progress regarding the deterioration of this property. Mr. Rauth believes there are also wildlife issues at this location. Mr. Gunn reported that this issue is going to be discussed in closed session tonight to determine what steps Council will now take. Mr. Gunn did report that the owner was given a certain period of time to comply. One problem is that the owner has not gotten the required permits for the work he is doing. He also needs to get a structural engineer and/or architect to sign off on what he is doing. Mr. Gunn stated that one option would be to file an enforcement action for the fines which are up to \$19,000.00. Another option would be to seek demolition of the building. These issues will be addressed with Council in closed session. Mr. Brown commented that he would be willing to provide updates on this property to Mr. Rauth when requested.

Regarding 622 Thomas Avenue, Mr. Gunn reported that the bank has not foreclosed on this property. They are just doing enough so that the property does not fall down. He needs to confer with the banks' attorney on this issue. Mr. Gunn stated that the only other thing we could do in the interim would be to institute demolition proceedings. Mr. Gunn also reported that we are still trying to appoint an administrator for the estate; however, one of the heirs has not signed off on the required documents. Once the administrator is appointed the fines can then be assessed as a lien against the property for the Borough. Council will be kept apprised of this issue.

OLD BUSINESS-None was presented.

NEW BUSINESS

LEAGUE CONFERENCE REGISTRATIONS

The Clerk reported that the New Jersey State League of Municipalities Conference is scheduled to be held November 16 through November 20th in Atlantic City. The Clerk asked if anyone from Council wanted to attend. It was the consensus of Council that they would wait to see what seminars were being offered before deciding if they would go or not.

RESOLUTION 57-09
A RESOLUTION PERMITTING THE EXCLUSION OF THE PUBLIC FROM A MEETING IN CERTAIN CIRCUMSTANCES PER SECTION 8 OF THE OPEN PUBLIC MEETINGS ACT C.231P.L. 1975
(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. It should be noted that personnel (police issues) and litigation matters 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.

RESOLUTION 58-09
A RESOLUTION AMENDING RESOLUTION 53-09 EXTENDING THE PROBATIONARY STATUS OF PATROLMAN JOSEPH STEINMAN
(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. Smyth. 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.

MOTION RE: 108 7TH STREET

Ms. Cairns Wells moved that the Borough Solicitor be authorized to take whatever measures are necessary to result in the repair of the premises at 108 7th Street, including demolition if necessary. This was seconded by Mr. Myers. 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, Ms. Cairns Wells moved that the meeting be adjourned. This was seconded by Mr. Brown, with all present voting in the affirmative.

Mary Longbottom, RMC
Municipal Clerk