

May 12, 2010

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

PRESENT: Council members Katella, Brown, Cairns Wells (arrived at 7:33pm and left the meeting at 10:05pm), Smyth, Kinzler, 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 2010 published in the Burlington County Times on December 27, 2009

(b) Posting written notice on the official bulletin board on January 6, 2010

The minutes from April 7 and April 14 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. Mr. Katella aye, Mr. Brown aye, Ms. Cairns Wells absent, Mr. Smyth aye, Mr. Kinzler aye and Mr. Myers aye.

622 THOMAS AVENUE ISSUE

Mr. Gunn reported that on February 16, 2010 we went to Burlington County Court against the owners (estate) and filed an action because our Construction Official had previously entered an order that the owners of this property were to take care of the premises or demolish same. This order was not followed. The judge entered an order that we were to give notice to the heirs of this property that they were to enter into a contract to fix the property no later than April 1, 2010. If they did not the Borough was given the right to repair the property or demolish it.

Mr. Gunn reported that the bank (Financial Freedom) has an equitable interest in the property. They filed a foreclosure action about a year ago. Presently there is a judgment of foreclosure that is pending in Trenton. Foreclosure back-ups are running 5 or six months behind. Once the foreclosure happens, the bank would have ownership of this property. This would extinguish any rights of the heirs. The bank would then proceed to have the property go to sheriff's sale. Mr. Gunn reported that he has spoken to the oldest heir and advised him that there were people down here who were interested in the property. Mr. Gunn explained that it would really be up to him and his siblings if they want to enter into an agreement of sale. Mr. Gunn also reported that the Court entered a judgment against the Estate in the amount of \$28,000.00, which represents the outstanding fines, which were assessed by our Construction Official.

Mr. Brown referenced correspondence that Mr. Gunn sent to the attorneys for Financial Freedom on May 10, 2010 informing them that they were to contact him within the next five days with respect to the Court's prior order regarding the repair or demolition of the property. Mr. Gunn informed Council that he has not received a response to this letter. Mr. Gunn stated that we would also need to get quotes as to what demolition would cost. Mr. Gunn also reported that the bank had called him back in March requesting a 30 day extension from the Court's April 1 deadline to repair the property, which was granted. Mr. Brown reported that the bank will be sending someone over to cut the unsightly grass at this property. Mr. Gunn stated that if the bank did not follow through with this, that the Borough could do this and assess a lien against the property.

Ms. Cairns Wells asked if Financial Freedom would be continuing with the foreclosure procedures. Mr. Gunn stated yes. Mr. Brown stated that this deteriorating property issue has been festering for 6 years. We need to remedy this situation. Ms. Cairns Wells stated that she thought we should give a specific deadline for this foreclosure to happen and get three quotes for the demolition of the property. We need to move forward. Mr. Kinzler asked what the foreclosure aspect would do for us in terms of expediting anything. He has experience in this regard and believes it could take a very long time to foreclose on this property.

Mr. Smyth asked if anyone was interested in buying this property. **Frank Cioci**, a local realtor, knows of interested investors; however until he is been able to go through the property to evaluate it, no determination can be made as to what it would cost to rehab it. Mr. Cioci would not like to see the house come down and have a vacant lot remaining. Mr. Cioci also commented that the other homes on the market on this block are being affected by the deterioration of this property. He thinks we should give the owners the opportunity to sell it. Ms. Cairns Wells and Mr. Brown responded that this was already done. Five years ago a potential buyer tried to get in touch with the owners to no avail.

Harry Richman believes a vacant lot in Riverton would sell fast.

Scott Reed, stated that he lived with the same problems discussed here tonight residing next door to 423 Lippincott. At one time there was talk about demolishing this property also. He's glad that didn't happen, because someone bought it and is doing a great restoration job. Mr. Reed is afraid that if 622 Thomas is demolished a brand new home may go up that doesn't fit in with the community.

Jean Richman definitely wants to see something done about this property. The only reason she doesn't want it torn down is because it fits in with the rest of the street.

Debbie Runyon commented that we don't know if the house is structurally sound. This needs to be determined because it might end up being demolished anyway.

Ed Sanderson stated that the owners have had six years to do something with their property and they have done nothing. He feels that it is an eyesore and should be removed.

Joe Runyon stated that with the warmer weather upon us he is concerned about the skunks and other animals at this location. You can't keep the windows open because of the odors. Something needs to happen. He has called Animal Control and the County but nothing is done. Mr. Brown indicated that he would look into these concerns.

Joe Threston questioned the ownership and/or control issue regarding this property. Mr. Gunn commented that we had attempted to have Harry Richman appointed administrator of this property. All the paperwork had been field with the Burlington County Surrogates Office. However, we were unable to get all of the heirs (7 children) to renunciate their rights as administrators in reference to 622 Thomas Avenue. Mr. Gunn reported that we could not get an insurance company to write the required bonding because all the heirs would not sign off.

Jean Richman commented that at one time, many years ago, 622 Thomas was apartments. Mrs. Richman voiced concern about this issue. Ms. Richman was informed that we would check the Borough's sewer register to determine how many units this property is being billed.

Mr. Kinzler would like the contact person for the bank. He would like to speak with them. Mr. Gunn will provide the contact information to him.

A discussion then ensued. It was the consensus of Council that we would obtain three quotes for the potential demolition of the property. We will also give the attorneys for Financial Freedom sixty (60) days from the date that the Solicitor writes a letter informing them that if repairs, as required by our Construction Official are not made, the Borough Council will take the necessary steps to arrange for the demolition of the subject property at 622 Thomas pursuant to the Court's prior order.

PRESENTATION FROM THE RIVERTON IMPROVEMENT ASSOCIATION (RIA) RE: THEIR PROPOSED DOG PARK PROJECT

Joe Pro, a representative of the RIA provided an overview of the association's preliminary proposal. Copies of the proposal were previously distributed to the members of Council for their review prior to this meeting. A copy of this is on file with the Municipal Clerk. The RIA is suggesting the placement of the proposed dog park in the far corner of Memorial Park near the RiverLine railroad tracks and the creek. The RIA proposes to install large drive through gates at the locations where the dog park crosses the road way. This location is currently utilized by the local pee wee soccer; therefore another location for this would need to be found. The RIA would raise the funding necessary for the proposed improvements. A discussion then ensued. Concerns over the size (too large) of the proposed park, road accessibility, relocating the mini soccer field as well as potential financial issues for the Borough were brought up. A suggestion was made to keep the proposed dog park along the railroad fence. After additional discussion, it was the consensus of Council to take this issue under advisement at this time. Mr. Pro will report back to the members of the RIA.

FINANCIAL ITEMS

PUBLIC HEARING ON THE 2010 MUNICIPAL BUDGET

Mayor Martin opened this portion of the meeting to the public for any comment on the 2010 municipal budget.

Charles Caruso thanked Council for keeping the local municipal purpose tax flat. There being no further public comment on the budget, Mayor Martin closed this portion of the meeting to the public.

**RESOLUTION 37-10
TO ADOPT THE 2010 MUNICIPAL BUDGET
(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 Ms. Cairns Wells. A poll vote was then taken. Mr. Katella aye, Mr. Brown aye, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Myers aye.

**RESOLUTION 38-10
A SELF EXAMINATION 2010 BUDGET 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 Ms. Cairns Wells. A poll vote was then taken. Mr. Katella aye, Mr. Brown aye, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler aye, and Mr. Myers aye.

CAPITAL ORDINANCE FOR PROPOSED 2010 PROJECTS

Mr. Kinzler stated that we placed funds in our capital budget for the purchase of a police and fire vehicle, equipment for the Police Department and for improvements to the park in the amount of \$254,775.00. Mr. Kinzler explained that under current law, the state will only permit a municipality to capitalize four-wheel drive vehicles. Mr. Kinzler stated that there is draft legislation pending that would allow municipalities to capitalize two wheel drive vehicles. Mr. Kinzler reported that it was our intent to only purchase two wheel drive vehicles. Mr. Kinzler stated that he needs to confer with our Bond Counsel on this issue before Council moves forward with the proposed Ordinance. It was the consensus of Council to consider this issue at the June 9th meeting.

RESOLUTION 39-10

**A RESOLUTION PERTAINING TO THE 2009 AUDIT REPORT
(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 Mr. Brown. A poll vote was then taken. Mr. Katella aye, Mr. Brown aye, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Myers aye.

RESOLUTION 40-10

**A RESOLUTION TO APPROVE CHANGE ORDER NUMBER TWO TO THE
ADA ACCESS RAMP CONTRACT WITH THURSTON F. RHOADES, INC.
(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. Mr. Katella aye, Mr. Brown aye, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Myers aye.

**APPROVAL TO DONATE \$150.00 TO THE SCHOOL FOR A FLOAT IN THE
4TH OF JULY PARADE FOR THEIR 100TH ANNIVERSARY CELEBRATION**

Ms. Cairns Wells asked that Council consider making this donation. After a short discussion, Mr. Brown stated that he would personally make this donation. Council thanked Mr. Brown for doing this.

TREASURER'S, FINANCE REPORT & BILL LIST FOR APPROVAL

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

ORDINANCE 3-10

**AN ORDINANCE OF THE BOROUGH OF RIVERTON, COUNTY OF
BURLINGTON AND STATE OF NEW JERSEY TO PROVIDE FOR AND
DETERMINE RATES OF COMPENSATION OF EACH OFFICER AND
EMPLOYEE OF THE BOROUGH OF RIVERTON
(IN FULL IN ORDINANCE BOOK)**

The above Ordinance was read by title only for the second time by Mr. Kinzler, who moved for its adoption. This was seconded by Mr. Smyth. At this time Mayor Martin opened this portion of the meeting to the public for any comment on this Ordinance. There being no public comment on this Ordinance, Mayor Martin closed this portion of the meeting to the public. A poll vote was then taken. Mr. Katella aye, Mr. Brown aye, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Myers aye.

MEETING OPEN TO THE PUBLIC

Charles Caruso, 500 Fulton Street stated that he lives right near most of the parking for the Riverton School. He expressed concern over the noise from people using their key fobs to lock their car doors. He is looking for some relief. He would like a formal sign (he has already placed one of his own), placed on 5th street that says to lock your car manually. All this noise is affecting his health and well being. Mr. Caruso has been in touch with the Superintendent of the Riverton School about this issue. A discussion ensued. Ms. Cairns Wells suggested that he meet with the Superintendent personally to ask her if could possibly make his concern known personally at a staff meeting at the school. Mr. Caruso indicated that he would do this.

Mr. Caruso raised concern about the amount of dog barking in our town. Ms. Cairns Wells commented that we have an ordinance on dog barking. Mr. Caruso suggested that our Animal Control Officer prepare notices to be delivered to all residents about this issue. He volunteered to deliver the notices himself. A suggestion was also made to include this concern when the tax bills are mailed during the summer. This issue was taken under advisement by Council.

Mr. Caruso then raised concern about all the litter near his property. He wants a no littering sign placed on Fulton Street at the CVS. Mr. Caruso stated that CVS also needs to place trash receptacles at the Fulton Street location and be responsible for them. Mr. Caruso reported that kids break bottles at this location, leave the debris and run away. Mr. Gunn stated that we already have a no littering ordinance in place. A discussion ensued with the consensus being that enforcement is key and that people also need to be educated to not litter. Ms. Cairns Wells thought we might be able to get the school on board with this issue to reinforce to the school children that littering should not be done. Mr. Myers also reported that on May 22nd we would be holding a clean-up day. It is anticipated that a notice will be placed in the Burlington County Times.

Gary Ford, 311 Bank Avenue, expressed concern, once again, regarding the vehicles that speed along Bank Avenue. Mr. Ford informed Council that a family member was clipped by a car while walking along this road. Mr. Ford feels that Council should consider the placement of stop signs along this road way. He also stated that there is only one 15mpr speed sign along Bank Avenue. He requested that additional speed limit signs be posted along this roadway. After a discussion, it was the consensus that police enforcement is key and that the speeds along this roadway would be monitored. The Public Works Manager will post additional speed signs at various locations on Bank Avenue.

Paul Daly, reported that there was always a stop sign at the Broad and Thomas crossing (south side of Broad-upper portion at Thomas) which was removed and replaced with blinking lights when the rail line became operational. Mr. Daly is of the opinion that this stop sign should be brought back. After some discussion, it was the consensus to determine whether that stop sign was ever legally placed or not. Our Ordinances will need to be checked.

COMMITTEE REPORTS

PLANNING/REDEVELOPMENT/SCHOOL Cairns Wells

Ms. Cairns Wells reported that the Planning Board's budget for 2010 is set at \$8,500.00. Mr. Cairns Wells reported that the goals and objectives for the Board are being reviewed.

Ms. Cairns Wells reported that the County has inspected the new ramp for access for voters at the school and were very pleased. We will be receiving a copy of their report to the State shortly.

PUBLIC SAFETY/CODE ENFORCEMENT/COURT-Mr. Brown

Mr. Brown read a report for the month of April that was submitted by Police Chief, Greg Willis. Vehicle Mileage 2,621, Juvenile Arrests 0, Adult Arrests 18 (Criminal Warrants 3, Contempt 13, and Motor Vehicle 2), Motor Vehicle Accidents 6, Motor Vehicle Stops 97, Motor Vehicle Warnings 26, Motor Vehicle Summons 81 (Riverton Officers 81) Burglar Alarms 6, Assists to Other Police Departments 27, Animal Complaints 6, Fire Calls 4, Arson 0, Ambulance Calls (Riverton) 18, Unattended Deaths 1, Criminal Cases 11, Incidents 256, Domestic 2, Thefts 1, Shoplifting 1, Burglaries 0, Assaults 2 (Civilian 2), Sexual Assaults 0, Criminal Mischief 1, Robberies 0, Motor Vehicle Thefts 0, Miscellaneous Calls 268, Total Calls Dispatched-Incidents 256 and Quick 268.

Mr. Brown read a report for the month of April that was submitted by Deputy Fire Chief, Robert Yearly. Fire Calls for Month 11, Drills 3, Calls In Town 12, and Calls Out of Town 11.

Mr. Brown read a report for the month of April that was submitted by Court Administrator, Jackie Gleason. The total receipts for the month amounted to \$8,271.50. The total disbursed to Riverton amounted to \$4,173.36.

Regarding Code Enforcement, Mr. Brown reported that we are addressing the grass and hedges issue at 108 7th Street.

REVIEW OF PROPOSED ORDINANCE & UNIFORM AGREEMENT REGULATING OUTSIDE EMPLOYMENT OF REGULAR POLICE OFFICERS

Mr. Kinzler stated that he has many questions and concerns about this proposed Ordinance and agreement. Since the Borough has never had this program in place Mr. Kinzler inquired as to how this was handled in the past. The response was that the companies requesting Riverton police assistance would pay the officers directly. However, New Jersey American Water Company has refused to do this anymore. They have been the catalyst for implementing this Ordinance so that their funds are deposited with the Borough and then the Borough would pay the officers directly. Chief Willis stated that every other town in Burlington County has this ordinance.

Mr. Kinzler stated that we need to be sure what costs (such as payroll costs, workers compensation, other insurance issues, legal issues, benefit issues, etc.) we would be incurring before we consider implementing this Ordinance. Mr. Kinzler reported that he ran these proposed documents by the Borough's insurance agent and he concurred that all issues should be addressed in the ordinance and agreement beforehand. Mr. Smyth commented that he thought this proposed ordinance and agreement would be a lot of risk for a small town. Mr. Brown thought there is too much exposure here. After additional discussion, it was the consensus to hold off on this proposed Ordinance until all concerns and questions have been answered.

STREETS/SEWER/RECYCLING/SHARED SERVICES/ECON. DEV.-Mr. Smyth

RESOLUTION 41-10

**RECYCLING TONNAGE GRANT APPLICATION
(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. Mr. Katella aye, Mr. Brown aye, Ms. Cairns Wells absent, Mr. Smyth aye, Mr. Kinzler aye and Mr. Myers aye.

Mr. Smyth reported that both he and Mr. Brown would be putting together procedures for updating the names on the War Memorial. These procedures will be posted on our website.

Mr. Smyth reported that we have received an invitation from the Delaware Valley Regional Planning Commission regarding the inaugural "Classic Towns" bus tour for July 28, 2010. Since Council decided during the budgetary discussions not to re-join this, Mr. Smyth reported that he will inform them of Council's decision.

ZONING/ENVIRONMENTAL/BD. OF HEALTH-Mr. Katella

Mr. Katella reported that there are no new applications to come before the Board this month. Mr. Katella reported that the Board approved the site plan application for the old Post Office Building.

SHADE TREE/PARK&RECREATION-Mr. Myers

Mr. Myers reported that a Borough tree has been replaced at 204 Park Avenue. Mr. Myers reported that the Arbor Celebration held April 22nd was a success. Mr. Myers reported that the Cool Cities grant (the planting of 100 free trees in Riverton) has been cancelled due to budgetary cuts in the State. Mr. Myers reported that the Riverton Clean Up Day is scheduled for May 22nd from 9:00am until noon. We hope to get as many volunteers as possible to pick up litter and debris in the park and other areas.

OLD BUSINESS-NONE

NEW BUSINESS-NONE

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