

September 8, 2010

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

**PRESENT:** Council members Katella, Brown (arrived at 7:40pm), 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 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 August 11<sup>th</sup> were then presented. Ms. Cairns Wells moved that these minutes be approved as submitted. This was seconded by Mr. Myers. A poll vote was then taken. Mr. Katella aye, Mr. Brown absent, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler absent and Mr. Myers aye.

Gene Bandine announced that both he and Gary Ford are proposing to paint the flagpole at the Main & Howard Streets location over the weekend. A bucket truck will be provided by Eastern Environmental.

**PROCLAMATION HONORING AND RECOGNIZING FRITZ MOORHOUSE  
FOR HIS LONG TIME SERVICE TO RIVERTON  
(IN FULL IN RESOLUTION BOOK)**

Mayor Martin read the above Proclamation in full. Zoning Board Chairman, Kerry Brandt, recognized Fritz's exemplary service on the Zoning Board. Various members of the public provided personal comments and remembrances of Fritz. Mayor Martin also presented an engraved brick in memory of Fritz to his wife Gloria for placement at the plaza.

**PROPOSED PARK UPGRADES: HARRY FOX OF LAND ENGINEERING  
PRESENT TO REVIEW**

Mr. Myers reported that members of the Park & Recreation Commission and Mr. Fox of Land Engineering discussed the possible grant we might get from the County for park improvements. The likelihood is that this grant would not be reimbursable. Mr. Myers commented that we had hoped that if we expended some Borough money for these upgrades we would be reimbursed. This is not the case.

Mr. Myers stated that we need to decide if we want to move forward with our plan (already in place) or wait until we find out if we will receive this grant. Ms. Cairns Wells asked for the time frame for the submission of the application and finding out when we would receive the funding. Mr. Myers reported that he would be attending a workshop at the County which will explain the application process and grant parameters in detail.

Mr. Fox presented the Borough plan (Phase 1) for the upgrades (on file with the Municipal Clerk. Mr. Fox stated that we could move forward with this plan, using Borough money or Council could decide to hold off until the Spring when we should know whether we received grant funding or not. Mr. Fox explained that Phase 1 incorporates the large baseball area and the small little League field. The work to be done includes base bid items such as excavating, grading, Unclassified, Top soiling, 3"

Thick, Fertilizing & Sod, Infield Mix and the installation of a complete irrigation system (using city water). Alternate Bid items would include a well with a pump, 2 16' Players Benches, 4" Thick Class "B" Concrete (dugout area), 6' High Chain Link Fence, Baseball Backstop and Pitching Rubber & Little League Bases. Mr. Katella questioned drainage issues at the backfield. Mr. Fox reviewed this issue.

Mr. Smyth asked about the scope of work and whether we could include upgrades to the tennis and basketball courts and maybe the grand stand. Mr. Fox reported that these would fall under Phase 2. If Council is willing to spend the money appropriated for Phase 1, we could go to the County with Phase 2. Mr. Myers stated that if we are able to tie our grant application in with the Heritage Trail there might be the possibility of receiving an additional \$25,000 in grant money. He will ask this question at the workshop tomorrow.

Mr. Fox stressed that, weather-wise, Phase 1 would need to be advertised expeditiously. Mayor Martin thought we would want to use grant money for the upgrades. Mr. Kinzler was of the opinion to wait and see if we get the grant before we spend Borough money. A discussion then ensued.

Mr. Katella asked if there were restrictions on the grant. Mr. Myers reported that the only restrictions were that the grant could be used for capital improvements and not any operating costs. Mayor Martin asked if the consensus of Council was to wait and see what happens at the county workshop tomorrow before proceeding. Mr. Myers thought it would be hasty of us to make any decision tonight until we get real answers from the County. Mr. Katella concurred. The consensus of Council was to hold off for now.

#### **UPDATES RE: POSSIBLE DEMOLITION OF 622 THOMAS AVENUE**

Mr. Gunn reported that he received an e-mail today from the attorneys for Financial Freedom. This concerns estimates received by their contractor that they hope will bring this property into compliance. Mr. Gunn shared the contents of this with Council and reported that he also reviewed this with our Construction Official

Mr. Gunn reported that we would still have to be provided with an Engineer's report or certification that those repairs will make that structure safe. Mr. Gunn explained that the way the Construction Official's original violation is written, a professional is required to make a recommendation. Mr. Gunn asked if Council wants to give the bank more time to get this certification. Mr. Brown commented that their history has been nothing but delays. Mr. Gunn reminded Council that we have a court order to demolish the property. Mr. Katella asked if we are putting the Borough at risk if we went ahead and demolished this property. Mr. Gunn responded no; but he thought it would be reasonable to give the bank a time line to get the engineering report and then obtain the permits to do the work.

**Ed Sanderson** asked where we are with this issue. Mayor Martin responded we don't know yet.

**Debbie Runyon** stated that previously she thought Council was going to give a 2 month deadline for compliance or the property would be demolished. Mrs. Runyon doesn't think the bank is really interested in doing anything or making the required repairs.

**Bob Carpenter** thought that the estimates provided tonight were low considering the fact that previous estimates ran between 20 and 30 thousand dollars.

**Gene Geisler** asked if the Borough goes through and demolishes the property is the Borough going to sell the land. Mr. Gunn stated that it is not the Borough's property –it

is the banks. A lien would be placed against the property for the demolition costs as well as the fines.

Mr. Kinzler asked if we have a court order to demolish the property. Mr. Gunn responded yes. Mr. Kinzler asked if the bank can still sue us if we do this. Mr. Gunn reiterated the fact that we have a court order. Mr. Gunn thinks we need to make an attempt to get the bank to comply with the order. We should give them a short period of time to do this to protect ourselves.

Mayor Martin is willing to go along with Mr. Gunn's suggestion for a time line. Mr. Katella believes we have everything in place from the Borough's perspective; however, we need to put something in writing that spells out a specific time table for them satisfy the Borough's requirements. Mr. Katella is concerned about potential litigation.

Mr. Smyth inquired as to the costs for demolition. Mr. Brown responded that the quotes were between 16 and 29 thousand dollars. Mr. Smyth asked if we have the money in the budget to do this. Mr. Kinzler responded that this was not an anticipated item in our budget and was not included during the budget process. Discussion ensued how we might pay for this.

Mr. Brown asked that Council discuss the time line issue. Ms. Cairns Wells thought that the letter sent to the bank's attorney on the Borough's behalf, needs to have a specific date that all the repairs should be made as well as the submission of the required engineer's report.

**Joe Runyon** asked if the report was as simple as obtaining a CO and who issues that. The response was the Construction Official. Mr. Runyon asked why we need an engineer. Mr. Gunn stated that our Construction Official has made this call. All of his violation notices require the provision for an engineer's report.

**Scott Reed** thought we should have the money in place before we move forward.

**Wayne Smith** commented that the estimates from the bank's contractor (around \$10,000.00) seems like a bogus number to him compared to what we had a few years ago.

**Joann Sanderson**, said there was some confusion as to whether the repairs included the garage or not. Did the court order include the garage? The Solicitor responded no.

**Debbie Runyon** raised the issue of the vacant property concern. Just because you put a new roof on that house to make it structurally sound doesn't mean that the bank will sell it at any given time. This is another issue to be considered when deciding whether to demolish or not to demolish it.

**Ed Sanderson** questioned if Council was going to give Financial Freedom a specific time line and whether the cost of the proposed demolition would be placed in next year's budget, since it appears we do not have the money in this year's budget. Mayor Martin thought that was how we would go.

**Eric Crawbuck** is an engineer and believes it makes sense to get that report. He is concerned that that report might show that the property is a total loss.

A discussion ensued on the time line. The following consensus was reached: The Solicitor will send a letter to the attorney's for Financial Freedom advising them that Council has set a final deadline of 60 days or until November 10, 2010 for the completion of the required repairs at 622 Thomas Avenue, which will make said property safe for human habitation. The Solicitor will also advise them of their requirement to obtain an

updated evaluation from their client's structural engineer that the repairs, proposed in their e-mail to him today, would be sufficient to make the property safe. The Solicitor will also indicate that Council expects their client to obtain the engineering report and necessary permits and complete the work within 60 days of September 10, 2010. Mr. Gunn stated that he would prepare the letter and forward it onto Council for their review prior to mailing it.

**FINANCIAL ITEMS:** Mr. Kinzler

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

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. Mr. Katella aye, Mr. Brown aye, Ms. Cairns Wells aye, Mr. Smyth aye Mr. Kinzler aye and Mr. Myers aye.

**REVIEW OF BEST PRACTICE TOOL KIT INITIATIVE CHECKLIST REQUIREMENTS FROM THE DEPARTMENT OF COMMUNITY AFFAIRS**

Council discussed and reviewed this checklist (self assessment of municipal operations) which is to be submitted to the State no later than October 1, 2010. It was the consensus of Council that Ms. Cairns Wells of the Finance Committee meet with our Chief Financial Officer (who needs to sign off on this document), Clerk and Treasurer and other Department Heads to prepare the Borough's responses. Council will be kept apprised.

**2010 BUDGET UPDATE**

Mr. Kinzler reported that he is hopeful that we will hit our budget goals. Mr. Kinzler highlighted some items for Council's information-police overtime is healthy, Shade Tree spending is under control, the gas line item needs be watched as well as our computer maintenance costs.

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

**COMMITTEE REPORTS**

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

Chief Willis read a report that he submitted for the month of August. Vehicle Mileage 2,528, Juvenile Arrests 1, Adult Arrests 14, Motor Vehicle Accidents 4, Motor Vehicle Stops 95, Motor Vehicle Summonses 78, Parking Summonses 0, Burglar Alarms 17, Assists to Other Police Departments 36, Animal Complaints 2, Fire Calls 1, Arson 0, Ambulance Calls (Riverton) 21, Unattended Deaths 1, Criminal Cases 23, Incidents 221, Domestic Violence 1, Thefts 2, Shoplifting 2, Burglaries 2, Assaults 0, Sexual Assaults 0, Criminal Mischief 1, Robberies 0, Motor Vehicle Thefts 0, Pedestrian Stops 17, Total Calls Dispatched-Incidents 241 and Quick 274.

Mr. Brown read a report for the month of August that was submitted by Deputy Fire Chief Robert Yearly. Fire Calls for Month 13, Drills 3, Calls in Town 6 and Calls Out of Town 7.

Mr. Brown read a report for the month of August that was submitted by Court Administrator Jackie Gleason. The total receipts for the month amounted to \$7,083.00. The total amount disbursed to Riverton amounted to \$3,579.78.

**STREETS/SEWER/SHARED SERVICES/RECYCLING/ECON. DEV.**-Mr. Smyth  
**ORDINANCE 6-10**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 99 OF THE RIVERTON BOROUGH CODE TO PROVIDE FOR THE RECYCLING OF**

**DESIGNATED RECYCLABLE MATERIALS AND MODIFYING FOR  
VIOLATIONS THEREOF AND ESTABLISHING THE DESIGN OF  
CONTAINMENT AREAS FOR RECYCLING STORAGE LOCATIONS AND  
RECYCLING CONTAINER STORAGE  
(IN FULL IN ORDINANCE BOOK)**

The above Ordinance was read by title only for the second time by Mr. Smyth, who moved for its adoption. This was seconded by Ms. Cairns Wells. 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.

**REVIEW OF BIDS RECEIVED FOR GARBAGE/TRASH COLLECTION**

Mr. Smyth reported that one bid was received, opened and publicly read this morning. The lone bid was from **Waste Management of New Jersey. They bid as follows. For two collections each and every week they bid as follows: Year 2011 \$93,084.00, Year 2012 \$95,868.00, Year 2013 \$98,736.00 for a Three Year Base Bid of \$287,688.00. Option Year 2014 \$101,688.00 for a Base Bid Plus Four Year Option of \$389,376.00. Option Year 2015 \$104,736.00 for a Base bid Plus Four and Five Year Option of \$494,112.00**

**For two collections in each and every week May 1<sup>st</sup> through September 30<sup>th</sup> and once a week from October 1 through April 30<sup>th</sup> Waste Management bid as follows: Year 2011 \$81,408.00, Year 2012 \$83,844.00, Year 2013 \$86,352.00 for a Three Year Base Bid of \$251,604.00. Option Year 2014 \$88,932.00 for a Base Bid Plus Four Year Option of \$340,536.00. Option Year 2015 \$91,596.00 for a Base Bid Plus Four & Five Year Option of \$432,132.00.**

**For one weekly collection only Waste Management bid as follows: year 2011 \$70,248.00, Year 2012 \$72,348.00 and Year 2013 \$74,508.00 for a Three Year Base Bid total of \$217,104.00. Option Year 2014 \$76,740.00 for a Base Bid Plus Four Year Option total of \$293,844.00. Option Year 2015 \$79,032.00 for a Base Bid Plus four & Five Year Option total of \$372,876.00.**

Mr. Gunn reported that Council has sixty days to consider awarding a contract. Council took this issue under advisement.

**REVIEW OF BIDS RECEIVED FOR THE CENTERS OF PLACE GRANT**

Mr. Smyth reported that three bids were received, opened and publicly read on September 3, 2010. The base bids, including Alternates A, B & C received were as follows: **Ocean Excavating, Inc. of Toms River, New Jersey \$45,067.25, Alternate A \$19,000.00, Alternate B \$12,991.25 and Alternate C \$10,450.00, Charles Marandino, LLC of Milmay, New Jersey \$56,375.00, Alternate A \$17,000.00, Alternate B \$13,928.00 and Alternate C \$9,680.00 and Think Pavers Hardscaping of Swedesboro, New Jersey \$57,289.50, Alternate A \$14,400.00 Alternate B \$13,777.00 and Alternate C \$7,920.00.**

Mr. Smyth reported that our Engineer has reviewed the submitted proposals and has found that the Ocean Excavating, Inc. Base Bid, Alternate A Bid and Alternate B Bid totaling \$77,058.50 is the low bid (within grant funding parameters) and recommends that Council award them the contract. Mr. Gunn reported that he has also reviewed this bid and has found it to be complete.

**RESOLUTION 57-10**  
**A RESOLUTION AWARDED A CONTRACT FOR THE CENTERS OF PLACE**  
**WALKWAYS GRANT TO OCEAN EXCAVATING, INC.**  
**(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 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.

**UPDATE ON DUMPSTER ISSUE**

Mr. Gunn asked Council for additional time to research this issue (private contractor's utilizing the Borough's dumpster to dispose of their debris on a continuous basis. He will have a recommendation for Council's consideration at our October 13<sup>th</sup> meeting regarding possible amendments to our Code.

**LOCAL GOVERNMENT ENGERGY AUDIT PROGRAM**

Mr. Smyth reported that we received notification from the Bridge Commission that the State recently revised its program (offered through the New Jersey Board of Public Utilities) to provide for full reimbursement of the costs of Energy Audits. Mr. Smyth reported that he would contact the Bridge Commission to find out additional information and report back to Council with his findings.

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

Mayor Martin reported that the Board heard and approved a site plan application for the bank building on Main Street.

Mr. Smyth asked for an update on the old Post Office building. Mayor Martin stated that that property is now owned by BWC, LLC (Paul Grena and Jim Brandenberger) Mr. Katella reported that they had gone through the Zoning Board for approval. They are now going before the County for additional approvals. The County requested changes in the plan, based on the fact that they would be entering and exiting onto Main Street. It has not come back to the Zoning Board for final review after County approval. Mr. Katella reported that the approved plan calls for renovations to the building and the construction of three new homes behind it.

Ms. Cairns Wells reported that she spoke to a representative of Quality Management to find out when their facility (Group Home) on Homewood Drive would be occupied. She was informed that this would occur by the end of October.

Ms Cairns Wells reported that a resident has inquired as to whether the Borough could install In Street Pedestrian Crossing Signs at the intersections of Broad at Cedar, Thomas and Elm. Ms. Cairns Wells reported that this is a State Law. A discussion ensued with concerns raised on the pros and cons of doing this, the fact that this is a County Road and the rail line issues. More definitive information will be obtained to assist Council in making a decision regarding this request.

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

Mr. Katella reported that the Zoning Board heard and approved two variance applications, one for a fence and one for the installation of steps on a respective property.

**SHADE TREE/PARK & REC-Mr. Myers**

Mr. Myers reported that there will be a Shade Tree Commission meeting on September 13<sup>th</sup>. One of the issues to be discussed will be new contracts for tree removal

and care and maintenance of trees. Both of these contracts expire this year. Mr. Myers reported that the playground equipment in the park was recently inspected by the State.

**OLD BUSINESS-NONE**

**NEW BUSINESS**

The Clerk reported that the 2010 New Jersey State League of Municipalities Conference will be held from November 16-19 in Atlantic City. She asked if anyone from Council wanted to attend. The response was no.

**CORRESPONDENCE-None**

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