

June 8, 2011

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

**PRESENT:** Council members Katella, Brown, Cairns Wells, 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 2011 published in the Burlington County Times on December 30, 2010

(b) Posting written notice on the official bulletin board on January 3, 2011

The minutes from May 11 were then presented. Mr. Brown moved that these minutes 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.

**FINANCIAL ITEMS:** Mr. Kinzler

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

Mr. Kinzler moved that the attached reports for the month of May 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 2011-8**

**BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE BOROUGH OF RIVERTON, IN THE COUNTY OF BURLINGTON NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$95,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$90,250 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF**

**(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 Ms. Cairns Wells. Mr. Kinzler stated that while the required public hearing was held on this Ordinance at last month's meeting, final adoption could not be considered because there was not the requisite number of Council members present to vote on it. A poll vote was then taken to finally adopt this Ordinance. Mr. Katella aye, Mr. Brown aye, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Myers aye.

**RESOLUTION 46-11**

**A RESOLUTION AUTHORIZING THE CANCELLATION OF AN OLD OUTSTANDING CHECK**

**(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.

**REVIEW OF ENERGY COST COMPARISONS FOR ELECTRICITY RECEIVED FROM THE CENTRAL ENERGY COMPANY**

Mr. Smyth reported that he was contacted by a Central Energy Agent who provided a customized cost analysis (fixed and variable) showing that the Borough would secure lower electricity costs by switching from PSE&G to Hudson Energy. Mr. Smyth stated that there are other groups that do this also.

Mr. Gunn reported that the monies that we pay for electricity exceeds the bid threshold. The question then is whether or not electricity is exempt from the local public contracts law bidding requirements. The answer would be no, with two exceptions. One exception would be if we generated our own electricity and the other would be if we were involved with a facility that qualifies as a small power production facility. Mr. Gunn reported that one of his associates conferred with a representative of the Department of Community Affairs (DCA) who has confirmed the bidding requirement and the two exceptions. Mr. Gunn further stated DCA also advised that any company employed to provide electricity to a municipality must be licensed by the Board of Public Utilities to provide electricity. The company must also be tarrified. Mr. Gunn reported that specifications would have to be drawn up to go out to bid for electricity. The DCA also suggested that we check with the Burlington County Purchasing Agent to find out if Burlington is a co-op with other southern counties because there might be a way that they could be able to provide electricity at a cheaper cost. Discussion ensued. Mr. Kinzler would like to look at whatever the County might offer as well as the development of required specifications. Mr. Smyth volunteered to contact the County on this issue and to further discuss the development of specifications with Mr. Gunn and report back to Council. Council concurred with this suggestion and took this issue under advisement.

#### **CORRESPONDENCE**

Mayor Martin read a letter from members of the Porch Club thanking the Governing Body for all their support regarding the “Paint the Porch Pink” breast cancer walk that was held on June 5, 2011.

#### **MEETING OPEN TO THE PUBLIC**

**Gerald Weaber** announced that the Historical Society would be holding their next meeting on June 9<sup>th</sup> at the Bank on Main Street. There will be a remembrance of Borough Historian, Betty Hahle at this meeting.

**James and Mary Jane Wittmeyer, 703 10<sup>th</sup> Street** stated that they were here tonight regarding their complaints concerning 701 10<sup>th</sup> Street. Mr. Brown stated that he was aware of the issues at this location.

Mr. Wittmeyer reported that this property is in foreclosure and believes that the name of the owner on borough records is incorrect. He believes the correct data is Chase and the correct mortgage contracting service is Mortgage Contracting Services of Tampa Florida. Mr. Brown reported that our Code Enforcement Officer sent letters on May 5<sup>th</sup> to the owner listed on Borough records citing violations to Chapter 52-2 and Chapter 128-60 of the Borough Code.

Mr. Wittmeyer believes that the owners have vacated the premises and that there are now squatters living at this property. Mr. Wittmeyer wants to know when the Borough will do something about this property since, to date; nothing has been done about these issues. Mr. Wittmeyer wants the Borough to take care of the issues and place a lien against the property as outlined in Chapter 52 and get the place cleaned up. Mr. Mr. Brown asked Mr. Wittmeyer to provide him with the ownership information he has and he will take care of it as quickly as possible.

Mr. Gunn then provided an overview of the requirements of Chapter 52, in particular that 10 days notice must be given to the owner, occupier or tenant informing them that if they do not take care of remedying the violations, the Borough will step in and clean the property up and then place a lien against the property. Ms. Cairns Wells stated that if Borough records show who the owner or owners are, we should send them a notice tomorrow. This then fulfills the obligation of the ordinance and if they don't remedy the violations within the 10 day time frame then the Borough can step in. Mr. Gunn concurred and indicated that we can also carbon copy anybody else that we believe has a vested interest in this property.

**Carla Donnegan** of the Orchard Friends School, informed Council that they would be holding a 5K race on October 29, 2011 from 10:00am-1:00pm. Ms. Donnegan stated that the school held a similar event last year. Ms. Donnegan is aware that a Certificate of Insurance listing the Borough as an additional insured is a requirement. Ms. Donnegan also asked if information about this event could be posted on the Borough's website. The response was yes. Ms. Donnegan will also coordinate the race route with the Police Department for any possible road closures.

**Cara Vandy** stated that she has seen an article in the paper pertaining to the proposed dog park. She asked for a status report on this issue. Mr. Myers reported that the Riverton Improvement Association has withdrawn their request for the placement of a dog park in Riverton Park.

#### **COMMITTEE REPORTS**

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

Chief Shaw read a report for the month of May. Vehicle Mileage 1824, Juvenile Arrests 2, Adult Arrests 11 (Contempt 8, Hindering 1 and DWI 2), Motor Vehicle Accidents 5, Motor Vehicle Stops 85, Motor Vehicle Warnings 9, Motor Vehicle Summonses-Riverton 76, Alarms 17, Assistance to Other Agencies 18, Animal Complaints 10, Fire Calls 2, EMS Calls 20, Unattended Deaths 0, Criminal Cases 17, Incidents 220, Domestic Violence 2, Thefts 2 (Bikes), Burglaries 0, Assaults 1, Sexual Assaults 0, Criminal Mischief 0, Robberies 0, Miscellaneous Calls 85, Total Calls Dispatched 445, Incidents 220 and Quick Calls 225.

Mr. Brown read a report for the month of May that was submitted by Deputy Fire Chief, Robert Yearly. Fire calls for the Month 20, Drills 3, Calls In Town 9 and Calls Out Of Town 11.

Regarding Code Enforcement issues, Mr. Brown reported that our Code Enforcement Officer has sent letters to the owners of 219 Elm Street, 419 Linden Avenue, 414 Main Street, 414 Fulton Street and 108 7<sup>th</sup> Street for various code violations such as, brush and debris issues and disrepair of a fence.

Mr. Brown reported that additional name plates were placed on the War Memorial during the recent Memorial Day celebration.

Mr. Brown reported that the Riverton Improvement Association (RIA) has requested permission to re-locate a planter from the plaza location to the front of the Ice Cream Parlor. Mr. Gunn stated that the Broad Street Enhancement grant agreement documents state that the Borough shall operate, use and maintain the equipment placed at this location. Mr. Gunn's concern about moving this planter, (which was part of the original plans approved by the Department of Transportation), is that it could be construed that we are in violation of the grant agreement and we might have to return the

monies. Mr. Gunn explained that the plaza is actually county property (right of way with the Bridge Commission). The Bridge Commission had previously granted us an easement, which was a requirement for the federal funding portion of this enhancement grant. At the very least, we would have to ask the Bridge Commission for permission to move the planter. Mr. Brown stated that he thought this was a non issue and he would speak to the representatives of the RIA about coming up with a different project.

**Gene Bandine** believes that the plaza should be left the way it is and that proper trash receptacles need to be placed at this location. Mr. Bandine reported that the owner of the Yoga Studio will be placing planters outside of her business. Mr. Bandine reported that the Ice cream parlor has already placed plants outside their business. Mr. Bandine was of the opinion that we don't need any additional plants that need to be watered.

#### **DISCUSSION: NEW RULES AND REGULATIONS FOR THE POLICE**

**DEPARTMENT** Mr. Brown distributed this draft document to Council for their review and possible discussion at the July 13<sup>th</sup> meeting.

#### **STREETS/SEWER/ECONOMIC DEV/SHARED SERVICES-Mr. Smyth**

Mr. Smyth reported that the County is offering municipalities the opportunity to participate in their roadway striping contract. Mr. Smyth reported that this would not be relevant to Riverton.

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

Ms. Cairns Wells reported that she and Public Works Manager, Scott Reed attended a recent preliminary fact finding meeting with representatives of the Cinnaminson Sewerage Authority. This pertains to our interest in exploring the possibility of entering into a joint shared services agreement whereby they would take Riverton's wastewater for processing. Ms. Cairns Wells reported that Cinnaminson's Sewerage Authority would be drafting a letter to us that outlines what they would be looking for from Riverton for our review and consideration. Ms. Cairns Wells reported that they do have the capacity to take us on. Mr. Smyth stated that it would be very important to know what the connection costs would be. This issue was taken under advisement by Council.

Ms. Cairns Wells reported that the 4<sup>th</sup> of July cocktail party is set for June 25<sup>th</sup> at the Riverton Yacht Club. Tickets are on sale at various locations throughout the Borough.

Mayor Martin announced that he was appointing Tracy Foedisch to serve as Alternate No. 2 on the Municipal Planning Board.

#### **PARK/SHADE TREE-Mr. Myers**

Mr. Myers reported that a ribbon cutting ceremony was held this evening at the Linden Landing pocket park at Bank & Linden Avenues.

Mr. Myers reported that work continues on phase one of the park upgrades.

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

Mr. Katella reported that the Zoning Board approved a variance application to the owners of 616 Main Street at their last meeting. The Board is scheduled to hear an application pertaining to a fence issue at 302 Harrison at their next meeting.

#### **UPDATE RE: 815 HOMEWOOD DRIVE**

Ms. Cairns Wells reported that a final decision has been made that they (Quality Management) are going to cut the pipe down where it is and provide landscaping to conceal it. Quality Management will probably need a construction permit for this.

Because of all the issues surrounding this group home, Ms. Cairns Wells requested that Council waive the permit fee to expedite this process. Our construction official needs an authorizing resolution waiving this fee from the governing body for his records.

**RESOLUTION 47-11**

**A RESOLUTION TO WAIVE THE PERMIT FEE RELATIVE TO THE  
RELOCATION AND/OR RECONFIGURATION OF THE STANDPIPE AT 815  
HOMWOOD DRIVE  
(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.

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