

April 13, 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 (arrived at 7:55pm), 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

#### **RESOLUTION 40-11**

#### **A RESOLUTION APPOINTING JOHN B. SHAW AS THE CHIEF OF POLICE OF 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. Mr. Katella aye, Mr. Brown aye, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler absent and Mr. Myers aye.

At this time, Solicitor Gunn administered the Oath of Office to John B. Shaw as Chief of Police for the Borough of Riverton.

The minutes from March 2<sup>nd</sup> and March 9<sup>th</sup> 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 aye, Mr. Smyth aye, Mr. Kinzler absent and Mr. Myers aye.

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

In Mr. Kinzler's absence, Mr. Smyth moved that the attached reports for the month of March be approved as submitted. This was seconded by Ms. Cairns Wells. The Clerk reported that late this afternoon, she was given notification from Land Engineering that the Borough received Conditional Certification for the Riverton park project from the Burlington County Soil Conservation District. The Fee for the permit is \$450.00, which is not on tonight's bill list for approval. Ms. Cairns Wells asked if there would an issue if we do not add this amount to the bill list. Mr. Myers responded that he didn't think so and that it shouldn't hold anything up. Ms. Cairns Wells commented that if there is no known negative impact that we are aware of, this permit fee can be placed on next month's bill list for approval. A poll vote was then taken. Mr. Katella aye, Mr. Brown aye, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler absent and Mr. Myers aye.

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

**William McDermott** asked where we were regarding 815 Homewood Drive. He thought that at last week's meeting it was decided that a meeting would be set up between the residents of this street and Quality Management. Ms. Cairns Wells responded that that will happen, but we have not been able to pin down a date yet. Mr. McDermott reported that a fence is being erected on the front lawn of this property. Ms. Cairns Wells responded that that was not a fence; it was an arbor-trellis. Mr. McDermott stated that in his opinion it was not an arbor and submitted pictures for Council's review.

**Beth Mueller** stated that back in 2003 she submitted a drawing similar to that, which was over fence height (being 5'). There were to have been three panels not attached along the back side of her property. She was shot down because of the height and it was considered a fence and therefore was not permitted. Ms. Mueller stated that the structure placed at the 815 Homewood Drive location is in the front yard and she believes the Borough's codes prohibit that. Ms. Cairns Wells spoke to the installer today and she was informed that our Construction Official had reviewed this and approved it. Ms. Cairns Wells was unable to speak to the Construction Official today about this issue.

**William McDermott**, asked how we got the concrete pipe and pad installed in the front yard of the property at 815 Homewood. Mr. McDermott stated that he met with representatives from Quality Management today and was told that this installation was insisted upon by Riverton Borough. Ms. Cairns Wells stated that this was established last week and there is no contention about this. Mr. Brown commented that it was approved by the Fire Marshal. Mr. McDermott stated that it is his understanding that the pipe will be brought down 28". Mr. Brown responded that was correct.

**Jill Capuzzo** expressed concern that we would now have this lowered pipe but would also have these big ugly screens that if anything, sort of point to the pipe.

**Beth Mueller** stated that the main issue is the height of it.

**William McDermott** reported that it is being described by a rep from Quality Management as a pergola like structure. Mr. McDermott reported that this rep agreed today that she and he would put a meeting together with the residents about these issues (pipe, concrete pad in front yard, etc.) Ms. Cairns Wells clarified that the pipe doesn't have anything to do with the size of the facility. The pipe has to do with the size of the fire hoses the fire department uses.

**Beth Mueller** stated that she doesn't want similar issues to come up every time someone builds something in town. There has to be a chain of command.

Ms. Mueller commented that she thought the Code Enforcement Officer should be doing more policing of the town. Ms. Mueller does not think it is her responsibility to call in problems. Mr. Katella responded that our Code Enforcement Officer is part-time and does a very good job. That being said, it is important that the public need to step up to the plate to let the proper official know when they are not happy about something.

**William McDermott** asked if Riverton is using 815 Homewood Drive for their affordable housing obligation. Ms. Cairns Wells responded no.

Mayor Martin agreed that the pipe is a terrible eyesore, and he doesn't like the fence, (trellis/arbor) placed at 815 Homewood Drive. We should do whatever we can do to make it look better.

**William McDermott** asked when the street would be restored when it was opened by New Jersey American Water. Ms. Cairns Wells responded that our Engineer has contacted the Water Company and informed them to make the proper repairs right away.

**Beth Mueller** stated that she has an open drain sewer issue that causes flooding during storms. Public Works Manager Reed responded that the French drain really wasn't dug deep enough in the beginning. His department cleans it out but it doesn't do anything because it is too shallow. It really should be dug out around 5 or 6 feet put new pipe and place stone around. This would be a public works issue. He will look into this issue.

**William McDermott** would like to see the issues raised about 815 Homewood Drive resolved close to Memorial Day. Mr. McDermott understands that this group home would

be non-profit. Mr. McDermott also understands that Quality Management is a profit making organization and that they are paying taxes on this property. Ms. Cairns Wells responded yes. He understands that the number of disabled people that will live there is four. Ms. Cairns Wells responded that she thought that was correct, but she didn't know if that included the manager. On behalf of another neighbor who was unable to make this meeting, Mr. McDermott asked if additional recycling buckets could be supplied to the home. The response was yes.

Mr. McDermott asked if there was any date set for the pipe to be cut down. Ms. Cairns Wells responded it should be by next week. Mr. Smyth asked if we could take the pipe out and place it on the side of the property. Ms Cairns Wells stated that the Borough would have to pay for that. Mrs. Mueller thought it would be a good idea to find out how much that would be. Ms. Cairns Wells stated that Council would look into this. Ms. Cairns Wells reported that she has already spoken to the Fire Marshal and Construction Official and made it clear that if this situation comes out again, this type of pipe installation will never happen again.

**FINANCIAL ITEMS: Mr. Kinzler (Auditor present)**

Mr. Kinzler reported that as a result of Council decision at last week's meeting to keep the taxes flat, we would be amending our budget tonight. This amendment reflects the usage of an additional \$55,000 more from surplus, anticipating \$25,000 in Construction Code fees and budgeting \$26,000 for the Construction Office. Auditor Robert Stewart reported that the State has approved this amendment.

**PUBLIC HEARING ON THE 2011 MUNICIPAL BUDGET**

There was no public comment on the budget.

**RESOLUTION 41-11**

**A RESOLUTION TO AMEND THE 2011 BUDGET  
(IN FULL IN RESOLUTION AND MINUTE BOOK)**

The above Resolution was read by Mr. Kinzler, 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.

**PUBLIC HEARING ON AMENDMENT TO 2011 MUNICIPAL BUDGET**

There was no public comment on this amendment.

**RESOLUTION 42-11**

**A RESOLUTION ADOPTING THE 2011 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 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.

**2010 AUDIT REPORT**

Mr. Stewart reported that copies of this report were being distributed for Councils' review. Mr. Stewart was pleased to report that there were no recommendations or findings for the year 2010.

**ORDINANCE 4-11**

**AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION  
LIMITS AND TO ESTABLISH A CAP BANK FOR CALENDAR YEAR 2011**

**N.J.S.A. 40A: 4-45.13**

**(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. At this time, Mayor Martin opened this portion of the meeting to the public for any comment on this Ordinance. There being no comment, 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

**ORDINANCE 8-11**

**A BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE BOROUGH OF RIVERTON, 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**

The above Ordinance was read by title only for the first time 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. Second reading and a public hearing on this Ordinance is scheduled for May 11.

**ORDINANCE 9-11**

**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**

The above Ordinance was read by title only for the first time 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, Mr. Smyth aye, Mr. Kinzler aye and Mr. Myers aye. Second reading and a public hearing on the Ordinance is scheduled for May 11.

**COMMITTEE REPORTS**

**ZONING/ BD OF HEALTH/ ENVIRONMENTAL-Mr. Katella-No Report**  
**PUBLIC SAFETY/CODE ENFORCEMENT/COURT-Mr. Brown**

Chief Shaw read a report for the month of March. Vehicle Mileage 1895, Juvenile Arrests 0, Adult Arrests 10 (Contempt 7, Shoplifting 1, Terroristic Threats/Harassment 1 and Simple Assault 1), Motor Vehicle Accidents 3, Motor Vehicle Stops 60, Motor Vehicle Warnings 26, Motor Vehicle Summonses-Riverton-34, Alarms 16, Assistance to Other Agencies 30, Animal Complaints 2, Fire Calls 7, EMS Calls 14, Unattended Deaths 0, Criminal Cases 20, Incidents 198, Domestic 3, Thefts 6 (Shoplifting 1, Fraud 1, Misc. 4), Burglaries 0, Assaults 1, Sexual Assaults 0, Criminal Mischief 1, Robberies 0, Miscellaneous Calls 127, Total Calls Dispatched 285, Incidents 198 and Quick Calls 87.

Mr. Brown read a report for the month of March that was submitted by Deputy Fire Chief, Robert Yearly. Fire Calls For Month 18, Drills 3, Calls In Town 7 and Calls Out Of Town 11.

Mr. Brown read a report for the month of March that was submitted by Court Administrator Jackie Gleason. Total receipts for the month amounted to \$6,003.00. The total amount disbursed to Riverton amounted to \$2,582.88.

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

Ms. Cairns Wells reported that the County Prosecutor's office annually gives out a heroism award. Chief Shaw nominated the three Beneficial Bank tellers in light of what they did regarding a prior bank robbery. When the Public Safety Committee found out about it, they nominated Chief Shaw, for investigating and capturing the perpetrator. Chief Shaw will also be getting an award at the banquet to be held on May 19<sup>th</sup>.

Ms. Cairns Wells reported that there was a grant announcement yesterday for potential funding to improve school security. The main issue is there is a 50% cash match to this. Ms. Cairns Wells passed this information onto Superintendent Eck.

Ms. Cairns Wells reported that the town of Sparta that installed solar panels at their sewer treatment plant. They expect to be able to recoup the cost of the bonding for this in 4 or 5 years. They were also able to sell back their excess energy costs to the energy company so, in addition to the savings; it becomes a small revenue source also. We might want to consider something like this if we keep our treatment plant. Mr. Gunn commented that a 201 Study was done a number of years ago of the Triboro towns. We had studied the possible hook-up with Cinnaminson Township. He suggested that Council review this study.

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

Mr. Smyth announced that everyone on Council has received an invitation from the Porch Club for their "Paint the Porch Pink Event" to be held on June 5<sup>th</sup>.

**LONGEVITY PAYMENT ISSUE**

Mr. Kinzler reported that at last week's meeting, Council introduced an ordinance amending the Employee Handbook to eliminate longevity payments to full-time Borough employees not covered by a bargaining unit. Mr. Kinzler asked the Solicitor to inform Council of his statutory findings regarding this issue.

Mr. Gunn reported that the current statute, which has been in effect since 1981 states that you can reduce any employees salary by ordinance; however the ordinance cannot reduce the salary of or deny without good cause an increase in salary given to certain employees: Tax Collector, Tax Assessor, Chief Financial Officer and Municipal Clerk. Mr. Gunn reviewed a court case regarding this issue with Council, where this issue has been upheld. Mr. Gunn stated that when Council rescinded the longevity payments, it can be done for everyone except those four positions. Mr. Gunn stated that we need to reference the valid statute in the Ordinance introduced last week. Mr. Gunn stated that this would not be a substantive change and would not require re-publishing.

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

Mr. Myers reported that the field improvements are underway. Mr. Myers reported that we submitted an application for potential grant money from the County for Phase II of the park upgrades (grandstand). We should know by the end of April if funding is received. Mr. Myers reported that work continues on the upgrades at the pocket park at Bank & Linden Avenues.

Mr. Myers reported that 60 new Borough trees have been planted throughout town.

**CORRESPONDENCE-None**

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.

A handwritten signature in blue ink, appearing to read "Mary Longbottom".

Mary Longbottom, RMC  
Municipal Clerk