

April 6, 2011

The work session 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 7:40pm), Myers and Solicitor Bruce M. Gunn (arrived at 7:50pm)

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

DISCUSSION: DOG PARK PROPOSAL FROM THE RIVERTON IMPROVEMENT ASSOCIATION (RIA)

Paul Grena 101 Park Avenue reported that the RIA had presented a proposal to Council a couple of months ago. Mr. Grena provided an overview of how the original location was chosen. Mr. Grena stated that the RIA had conducted a feasibility survey of residents to determine interest and what would be needed to accomplish this project. Mr. Grena stated that Council had asked the RIA to consider suggested alternate locations. The three areas discussed were as follows: the area in the far northwest corner of the park (original proposed site) past the T-ball fields, but what is technically the beginning of the nature trail along the railroad tracks, site 2 was behind the playground equipment towards the rear of the nature trail and site 3 was where the deck hockey fenced in area is adjacent to or behind the basketball courts. The RIA spent a great deal of time reviewing these locations. Mr. Grena stated that the RIA is still recommending the original proposed site for the placement of the dog park.

Mr. Smyth asked what the square footage would be on this proposed site. Mr. Grena responded that is to be determined. **Heidi Winzinger** stated that the size of the park is important because if it's well used and it's too small then it is very difficult to maintain it. Ms. Cairns Wells stated that the drawing presented tonight pretty much comes to the outskirts of the infield on the T-Ball field. It's hard to visualize what the space will actually look like. She has concern over this. **Jill Capuzzo** stated that this location seems to be a very good space. Mr. Myers commented that he walked the park with the members of the RIA and thinks this location is the only viable spot if we decide on the dog park. A discussion then ensued. Public Works Manager Scott Reed stated that he has temporary fencing that could be placed at the proposed dog park site. Everybody would be able to get an idea of what it would look like before any decision is reached.

Ms. Cairns Wells stressed that access, maintenance and clean up issues still need to be addressed before a decision is reached. Mr. Kinzler concurred with Ms. Cairns Wells. Mr. Grena stated that this would be the Borough's dog park and it is to be policed in a civil fashion by those who use it. Mr. Grena stated that since the dog park would be placed on Borough property, his expectation as a taxpayer is that Borough maintenance people would insure this is done. If it becomes problematic then we would have to address it as a Borough. Discussion resumed.

Elaine Martin stated that she does not have a dog. Mrs. Martin asked what the purpose was for a dog park. She doesn't understand the need for this.

Bill McDermott commented that dog parks are a community experience and it's also a place for dog owners to get together to socialize.

Lou Manzi asked who would be paying for the dog park. Mr. Grena responded that the RIA would. As a taxpayer, Mr. Manzi asked if any of his tax dollars would be used to fund the dog park. Ms. Cairns Wells responded that tax dollars would not be used for the possible creation of the park, but would be used for the maintenance issues. Mr. Manzi is adamantly opposed to using any tax dollars for this project. He also stated that the majority of the taxpayers would be funding something they don't want or would utilize.

Armand Bianchini is a dog owner but stressed concern over potential liability issues if something happens. Mr. Grena of the RIA responded that this concern was run by the Borough's insurance carrier and we were told this would not be a problem-there is coverage.

Mr. Smyth stated that during previous discussions on the dog park issue, it was suggested that a proposed group of volunteers be established, made up of dog owners, RIA members and people that would utilize the park to maintain it. Mr. Smyth suggested that this would be a good way to do it so it doesn't cost the taxpayers anything.

Cara Vandy stated that there are space issues at our park for a dog park. Ms. Vandy believes a dog park would detract from the uniqueness of Riverton. Ms. Vandy is of the opinion that only a small minority of people would utilize a dog park.

Jean Bianchini commented that she doesn't remember being asked if she wanted a dog park. She stated she definitely wouldn't be for it.

Mayor Martin thought we could place the temporary fence in the proposed location to be able to visualize what the dog park would look like or we could just vote it down now.

Mr. Grena suggested finding another appropriate means of sampling or polling all the residents of the Borough on this issue.

George Montgomery, 706 Elm Terrace, has given a lot of consideration to this proposal. There are many pros and cons. He believes it would be a plus for the Borough.

Mr. Myers suggested putting the fence up first before a decision is reached. This will have to be done once the park improvements are completed. Ms. Cairns Wells concurred with this. Mr. Grena commented that the RIA would come up with an actual size for the dog park.

Mr. Katella stated that while he doesn't see a groundswell for the dog park, he doesn't see one opposed to it. Maybe after the fencing is put up, we will get more feedback one way or the other regarding the dog park.

At this time Mayor Martin announced that the Bread of Life Food Pantry Foundation would be holding a fund raiser this Saturday night at the Quality Inn in Maple Shade. The Riverton Library will also be holding a fund raiser this Saturday night at the Palmyra Harbor Clubhouse.

DISCUSSION: THE PLACEMENT OF A GROUP HOME AT 815 HOMEWOOD DRIVE.

Bill McDermott distributed a packet of information for Council's review. Mr. McDermott stated that he, along with his neighbors, have concerns about this group home, in particular the aesthetics, and the total lack of communication between the Council, the Building Inspector, the Fire Marshal, the Department of Human

Services/Division of the Developmentally Disabled (DDD) and the residents of Homewood Drive.

Mr. McDermott stated that he understands there are proposed changes in landscaping at this location and the placement of a trellis around the concrete pad and a 5' FDC pipe. Both the size of this pipe and concrete pad and their placement on the front lawn of 815 Homewood are major concerns. Ms. Cairns Wells reported that she met with our Fire Marshal (Robert Yearly) at the property today. The Fire Marshal agreed that we could cut the pipe back to 28-30" maximum. That would take 2 ½ feet off of the pipe. Ms. Cairns Wells reported that she spoke with the Program Administrator from Quality Management (the owner of 815 Homewood Drive) about the landscaping plan. The bushes will have to be lowered because the pipe will be lowered. Mr. McDermott is concerned that there will not be a visual barrier for the next door neighbors and the people across the street. That's problematic. Mr. McDermott asked if anything would be done with the concrete pad with the steel doors on it. Ms. Cairns Wells responded that it would be painted. Mr. McDermott asked if the house would be painted. Ms. Cairns Wells responded yes. She met with reps from DDD, who informed her that they didn't know when the painting will be done but the landscaping will be done by next Friday.

Mr. McDermott stated that the website for DDD referenced that their ability to do landscaping and trash maintenance is not good. Mr. McDermott stated that this is another concern the residents have that needs to be addressed. Ms. Cairns Wells stated that there has only been one complaint call to the Code Enforcement Officer in March about the trash issue.

Mr. McDermott raised concern that Homewood Drive has been opened up three times and has not been properly re-paved. Ms. Cairns Wells noted that our Engineer is aware of this and has taken steps to remedy this situation with the Water Company. Mr. McDermott also raised concern over the amount of parking at this location. Ms. Cairns Wells responded that this too will be addressed. Mr. McDermott stressed the lack of communication between Quality Management and the residents of Homewood Drive.

Mike Celhar of Homewood Drive raised concern as to who will be living at this home. Ms. Cairns Wells responded that middle aged, elderly, mentally and/or physically challenged adults would be living there. It is not a halfway house. Mr. Celhar believes that whole corner has been decimated, first by the new house that was constructed on 8th street and now this group home.

Jean Bianchini stated that as our elected officials, Council should be protecting us. She is concerned about the property values at this location.

Armand Bianchini stressed concern about the 5' pipe being permitted to be erected in the front yard and the fact that the street has been torn up on numerous occasions and not properly restored. Mr. Bianchini believes that people were not made aware of anything.

Lou Manzi wants to make sure nothing like this happens again. He believes someone made a bad call about the pipe size and its placement on the front lawn. Ms. Cairns Wells stated that she would set up a meeting between Quality Management and the residents of Homewood Drive to review all concerns.

Paul Grena stated that he has a big problem with the pipe and concrete pad being placed on the front lawn. He asked if this could be moved or is it a done deal. He also inquired if a permit was issued for this. Ms. Cairns Wells responded yes, that permits

were issued and both the Fire Marshal and Construction Official (Ed Schaefer) approved the placement of the pipe and concrete pad.

Don Martin of Homewood Drive asked who paid for all the construction work at 815 Homewood Drive. Ms. Cairns Wells responded that Quality Management, the owners did. They were able to obtain some funding from the County, but no funding came from Riverton.

Jill Capuzzo of Homewood Drive stressed the fact that parking is an issue at this location and needs to be addressed.

Bill McDermott commented that there had been a white handicapped van parked at 815 Homewood for 6 months initially with a Massachusetts tag. He doesn't know why this was not checked out. Mr. McDermott commented that there is a New Jersey plate on the van now. Ms. Cairns Wells responded that once she was alerted to this situation, she asked the Police Chief to check it out and by that time the van was registered and insured in New Jersey.

Joanne Gerrity, who lives next door to the group home, reported that when it rains, the water runs down the driveway at 815 Homewood and just sits there. Ms. Cairns Wells will take this issue up with Quality Management.

Armand Bianchini believes this type of problem should be prevented in the future.

Bill McDermott, stated that it's not about objecting to the home, it's the fact that no notice was given about it. Ms. Cairns Wells stated that the owners of this home were not required to go before our Zoning or Planning Boards. State law guidelines permit these types of homes. Mr. Katella believes that if the Borough had made a big deal about the group home coming into town and it wasn't a change of use, it would have put the Borough at risk.

ORDINANCE 2011-1

AN ORDINANCE AMENDING CHAPTER 26-5 OF THE CODE OF THE BOROUGH OF RIVERTON (IN FULL IN ORDINANCE BOOK)

The above Ordinance was read by title only for the second time by Mr. Brown, 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 2011-2

AN ORDINANCE IN THE BOROUGH OF RIVERTON AMENDING THE OFFICIAL ZONING MAP TO REFLECT A ZONING LINE ADJUSTMENT ON BLOCK 305, LOT 1 IN THE BOROUGH OF RIVERTON (IN FULL IN ORDINANCE BOOK)

The Clerk reported that the Planning Board has submitted the required Resolution that endorses this amendment. The Clerk also reported that the required notice of this proposed Ordinance was sent by certified and regular mail to all property owners within 200' of this property (101 Lippincott Avenue).

This Ordinance was read by title only for the second time by Ms. Cairns Wells, who moved for its adoption. This was seconded by Mr. Brown. 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 2011-3

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF RIVERTON, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY AMENDING CHAPTER 123, ARTICLE II AND ARTICLE III, SCHEDULE IV TO PROVIDE TIME LIMITS FOR PARKING ON THE SOUTHEAST SIDE OF HOWARD STREET

(IN FULL IN ORDINANCE BOOK)

The above Ordinance was read by title only for the second time by Ms. Cairns Wells, who moved for its adoption. This was seconded by Mr. Brown. At this time Mayor Martin opened this portion of the meeting up to the public for any comment on this Ordinance. **Joe Rainer** asked for a clarification as to where the 15 minute parking would be on Howard Street. Ms. Cairns Wells responded that they would be placed just in front of the architect's building to the beginning of Café Rose's business. There will be four parking spots, which will be striped, so the parking is clearly noted. Signs will be posted. There being no further comment on this Ordinance, Mayor Martin closed this portion of the meeting to the public. A poll vote was then taken on this Ordinance. Mr. Katella aye, Mr. Brown aye, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Myers aye.

Mr. Rainer asked if he could speak on issues regarding his property located at 515 Main Street. Council concurred and Mr. Rainer distributed a detailed packet of information including pictures for Council's review. A copy of this is on file with the Municipal Clerk. Mr. Rainer reviewed the timetable of problems (since September 17, 2006) pertaining to the ongoing parking and illegal parking issues on this portion of Howard Street vandalism issues and harassment issues. Mr. Rainer expressed concern over the lack of enforcement regarding these issues. He believes the illegal parking issues were the reason why his tenants moved out. After a discussion, Council asked Chief Shaw to review the issues raised by Mr. Rainer and to determine how best to remedy them.

Gene Bandine agreed with the Ordinance that will designate 15 minute parking limits at designated locations on Howard Street. Mr. Bandine suggested making Howard Street one way all the way down, and limiting the speed limit to 15 miles per hour because it is a school district area. Why don't we have a painted cross walk from the municipal lot across the edge of Mr. Rainer's property? This issue was taken under advisement.

ORDINANCE 2011-5

AN ORDINANCE AMENDING THE DEFINITION OF A HEIGHT OF A BUILDING IN ARTICLE IV, SECTION 128-12 OF THE RIVERTON ZONING CODE

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

May 11.

ORDINANCE 2011-6
AN ORDINANCE AMENDING ARTICLE I, CHAPTER 114-8, SWIMMING
POOL SETBACK REQUIREMENTS

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

DISCUSSION: DRAFT ORDINANCE TO REGULATE LOUD, UNNECESSARY
OR UNUSUAL NOISE FROM LANDSCAPING AND YARD/LAWN
MAINTENANCE EQUIPMENT DURING THE EARLY MORNING AND LATE
EVENING HOURS

Ms. Cairns Wells explained that some residents have asked that Council consider adopting this type of Ordinance. After a review and discussion, it was the consensus of Council to table any decision on this Ordinance for now. Some concerns were raised regarding interpretation and enforcement of this Ordinance and the fact that this proposed Ordinance more than likely conflicts with the Borough's snow removal requirements.

DISCUSSION: 2011 BUDGET-Mr. Kinzler

Mr. Kinzler stated that when we introduced our budget on March 9, we were looking at a 3.08% increase, which was well under the 2% CAP. However, the budget included a 2 cent tax increase. Mr. Kinzler stated that the Mayor has asked to review the budget to see if we can keep the tax levy flat.

Mr. Kinzler reported that Council had decided to bring the construction operation (salaries and other expenses) back into the Borough's budget, so that it is no longer a stand alone entity. Mr. Kinzler stated that this wasn't reflected in our budget and it now needs to be done. Mr. Kinzler stated that the usage of surplus is another tool we could utilize to possibly offset a tax increase. Reviewing our expense line items is another way we could achieve this outcome, although Mr. Kinzler stated it would be very hard to find reductions on the expense side. That's how tight these line items are now. Mayor Martin would like to take more money out of surplus to get us to a no tax increase. Ms. Cairns Wells stated that she is not comfortable with taking more money from surplus. She feels this will hurt us for next year's budget. A discussion ensued. Council reviewed some line items, making reductions to both the Planning Board and Municipal Court budgets. They discussed the need to make more of an effort to collect all taxes and sewer charges from all property owners. When people do pay their taxes, it hurts the Borough when we have to formulate the next year's budget (reserve for uncollected taxes). It was noted that there has been an increase in bankruptcies in town and that is tax money we will not be able to collect. Discussion resumed with the outcome being that the majority of Council agreeing to take more money out of surplus to keep the taxes flat. Mr. Kinzler will confer with our Auditor on this. Our budget will need to be amended next week. The Auditor will be present to guide Council through this process

LONGEVITY PAYMENT ISSUE

Mr. Kinzler stated that the Borough provides longevity payments to Full-time Borough employees. Mr. Kinzler reviewed the schedule of payments which, is spread out over a number of years, with Council. Mr. Kinzler stated that these payments are in addition to any annual salary increases. Mr. Kinzler asked Council to consider rescinding this. Ms. Cairns Wells concurred with Mr. Kinzler and also stated that most companies gave longevity up many years ago. Mr. Kinzler reminded Council that, contractually, we are still bound to give it to the police. **Scott Reed** stated that the police get a salary increase, a step increase and longevity. Mr. Reed expressed his displeasure with Council for wanting to eliminate longevity for the rest of the full-time employees. Mr. Kinzler and Ms. Cairns Wells responded that Mr. Reed should be mindful that during these difficult economic times, no positions have been eliminated and that pay raises have been given to our employees. Mr. Reed stated that he feels that the police get everything and wants to know when this will change. He is fighting for his department. Mr. Kinzler stated that the way the police are compensated is unfair. Attempts have been made to fix that to no avail.

ORDINANCE 2011-7

AN ORDINANCE AMENDING CHAPTER 24, ARTICLE III, SECTION 24-5 OF THE CODE OF THE BOROUGH OF RIVERTON TO RESCIND SECTION 8.5A OF THE EMPLOYEE HANDBOOK RELATIVE TO LONGEVITY PAYMENTS TO EMPLOYEES OTHER THAN POLICE

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

DISCUSSION: REVERSE 911 SYSTEM

Ms. Cairns Wells stated that there is a reverse 911 system that's available free from the Central Dispatcher at the County. It's used to alert residents about emergency situations. Cinnaminson has it and uses it for snow storms, etc. Ms. Cairns Wells asked if Council wants her to find out how Riverton can become more involved. Ms. Cairns Wells reiterated that there would be no cost to doing this. It was the consensus of Council that Ms. Cairns Wells should obtain more information for them to review.

RESOLUTION 36-11

A RESOLUTION AUTHORIZING THE PARTICIPATION IN THE STATE'S FIREFIGHTER CERTIFICATION PROGRAM (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 aye and Mr. Myers aye.

RESOLUTION 37-11

A RESOLUTION AUTHORIZING THE BOROUGH OF RIVERTON TO EXECUTE AN AGREEMENT WITH BURLINGTON COUNTY FOR COOPERATIVE PARTICIPATION IN THE COMMUNITY DEVELOPMENT ACT OF 1974 (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.

BOROUGH COUNCIL COMMITTEE CHANGE FOR THE REMAINDER OF 2011

Mayor Martin announced that Mr. Kinzler would no longer be on the Public Safety Committee. Mr. Myers would be taking his place. Council concurred with this change.

**PROCLAMATION-ARBOR DAY
(IN FULL IN RESOLUTION BOOK)**

Mr. Myers read this proclamation and announced that the Arbor Day celebration would be held on April 27 at the Riverton Public School

PRELIMINARY AGENDA FOR APRIL 13

The Clerk reviewed this with the Governing Body.

RESOLUTION 37-11

**A RESOLUTION PERMITTING THE EXCLUSION OF THE PUBLIC FROM A MEETING IN CERTAIN CIRCUMSTANCES PER SECTION 8 OF THE OPEN PUBLIC MEETINGS ACT C.231 P.L. 1975
(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, with all present voting in the affirmative. It should be noted that a personnel issue (police chief position) will be discussed.

At this time, Mr. Brown moved that we return to public session. This was seconded by Ms. Cairns Wells, with all present voting in the affirmative.

RESOLUTION 39-11

**A RESOLUTION TO RECOMMEND JOHN SHAW FOR THE POSITION OF CHIEF OF POLICE SUBJECT TO THE NEGOTIATION OF AN EMPLOYMENT AGREEMENT WITH THE PUBLIC SAFETY COMMITTEE
(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 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

