

July 13, 2011

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

PRESENT: Council members Katella (arrived at 7:45pm), Brown, Cairns Wells, Smyth, Kinzler (arrived at 8:00pm), Myers and Solicitor William Martin (filling in for Mr. Gunn)

The following statement was read by Mayor Martin:

Public notice of this meeting, pursuant to the Open Public Meetings Notice 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 June 8 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 absent, Mr. Brown aye, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler absent and Mr. Myers aye.

MEETING OPEN TO THE PUBLIC

Jackie Dorworth asked if there was any legal action pending regarding 108 7th Street. Mr. Brown responded yes, two more notices have been sent out by our Code Enforcement Officer in June and July concerning the deterioration of this property. Mr. Brown reported that our Solicitor will be going back in court because the owners have not complied with the Judge's orders. Mrs. Dorworth asked if the owners ever reimbursed the Borough when the Public Works Department cleaned up the property two years ago. Mr. Brown responded yes. Mr. Brown stated that the owners did pay four thousand dollars in fines. Mr. Brown stated that he would be making a motion under his committee reports that the Public Works Department be authorized to clean up this property

James Wittmeyer asked why Chapter 52 of the Borough Code has not been implemented regarding 701 10th Street. He thought that at the last meeting notice was to be given to the owners of this property that they had 10 days to clean up their property or the Borough would do it and place a lien against their property. To date, nothing has been done at this property. Ms. Cairns Wells concurred with Mr. Wittmeyer's comment and asked if notice had been given to the owners of this property after our June 8th meeting. Mr. Brown responded no, but that notice was recently sent to the owners. Mr. Brown provided an overview of what the Borough has been doing to remedy this situation. Ms. Cairns Wells raised concern as to what we will do if this becomes an ongoing problem. She recommended that our solicitor write a letter to the owners, the Mortgage Company or property maintenance company explaining what the Borough has done and that if it continues, we will start to implement fines. Mr. Brown stated that he would be doing a motion under his committee reports that the Public Works Department be authorized to clean up this property.

Michael Fosbenner, who lives on 10th Street, commented that there is also a huge tree that is cracked in half at this location and is dangerous. This could be a massive clean up project. Ms. Cairns Wells commented that we do have a tree contractor who can handle this.

Richard Rauth commented that there is a huge tree, which is half dead, right next to the buried oil tank at 108 7th Street. Mr. Rauth also reported other issues with this particular property that need to be addressed.

Gene Bandine thought that the 4th of July parade was excellent. Mr. Bandine thought it would be nice if more people applauded the participants in the parade.

Carlos Rogers provided Council an overview of the successful Historic Criterium bicycle race recently held on June 12th. Mr. Rogers stated that he would like to make this an annual Riverton event and is looking for Council's endorsement. Mr. Rogers thanked the Borough for posting information and photos of this event on the Borough's website. Mr. Rogers stated that he had created a facebook page for the recent bicycle race and he suggested that the Borough might consider having one also. Mr. Rogers thought this would be very helpful in getting information out to a wider range of people. Mr. Rogers stated that he would be making donations to the Borough for utilization at the park and for the Shade Tree Commission. A discussion ensued with the consensus of Council agreeing to endorse the event on an annual basis. Mayor Martin asked that Mr. Rogers confer with the Riverton Yacht Club to make sure that the date chosen for the event next year does not conflict with any planned regatta.

RESOLUTION 48-11

A RESOLUTION ENDORSING A USA CYCLING SANCTIONED BICYCLE RACE IN THE BOROUGH OF RIVERTON (IN FULL IN RESOLUTION BOOK)

Ms. Cairns Wells read the above Resolution by title only and moved for its adoption. This was seconded by Mr. Katella. 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.

Richard Rauth thanked Mr. Brown for all his help in getting his name placed on the War Memorial.

FINANCIAL ITEMS: Mr. Kinzler

TREASURER'S, FINANCE REPORT & BILL LIST FOR APPROVAL

Mr. Kinzler moved that the attached reports for the month of June 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.

CERTIFICATE OF DETERMINATION AND AWARD

Mr. Kinzler announced that a Bond Anticipation Note was issued in the amount of \$242,000 at an interest rate per annum of 2.25%. The place of payment is Beneficial Mutual Savings Bank.

COMMITTEE REPORTS

PUBLIC SAFETY/CODE ENFORCEMENT & COURT-Mr. Brown

Mr. Brown read a report for the month of June that was submitted by Chief Shaw. Vehicle Mileage 1695, Juvenile Arrests 2, Adult Arrests 14 (Contempt 8, Hindering 1, Simple Assault 2, Theft of Motor vehicle 1, Poss. Drug Para. 1, and Conspiracy to commit Child Endangering and Sexual Assault 1), Motor vehicle Accidents 2, Motor Vehicle Stops 39, Motor Vehicle Warnings 22, Motor Vehicle Summonses 17 (Riverton), Alarms 19, Assistance to Other Agencies 33, Animal Complaints 8, Fire Calls 8, EMS Calls 31, Unattended Deaths 0, Criminal Cases 18, Incidents 245, Domestic 2, Thefts 7

(Bikes 6 and Motor Vehicles 1), Burglaries 3 (Residence/garage), Assaults 2, Sexual Assaults 1, Criminal Mischief 0, Robberies 0, Miscellaneous Calls 85, Total Calls Dispatched 351, Incidents 245 and Quick Calls 106.

Mr. Brown read a report for the month of June that was submitted by Deputy Fire Chief, Robert Yearly. Fire Calls For Month 16, Drills 3, Calls In Town 9 and Calls Out Of Town 7.

Mr. Brown read a report for the month of May that was submitted by Court Administrator, Jackie Gleason. Total receipts for the month amounted to \$9,243.00. The total amount disbursed to Riverton amounted to \$5,517.13.

RESOLUTION 49-11

A RESOLUTION APPOINTING ADDITIONAL PERSONNEL FOR THE RIVERTON MUNICIPAL COURT (IN FULL IN RESOLUTION BOOK)

Mr. Brown read the above Resolution 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.

Regarding Code Enforcement, Mr. Brown reported that our Code Enforcement Officer recently sent specific property owners on the 400 Block of Main, the 300 Block of Penn and the 500 Block of Broad Street letters pertaining to specific code violations.

UPDATE RE: REQUEST FROM TRI BORO CERT (COMMUNITY EMERGENCY RESPONSE TEAM.

Ms. Cairns Wells stated that Lisa Threston had addressed Council on this request at our May 11th meeting. Ms. Cairns Wells stated that Council had asked that a definitive monetary amount be submitted for Council's consideration. Ms. Cairns Wells reported that Rick Dreby has now made a written request for no more than a \$1,000.00 to offset some of the costs associated with maintaining their vehicle throughout the year. Ms. Cairns Wells raised concern that our budget has already been adopted and that we are operating under tight fiscal constraints. After some discussion, it was the consensus of Council that a letter be sent by Ms. Cairns Wells to Mr. Dreby informing him that this request cannot be granted at this time and asking that his organization submit a formal request to Borough Council before the end of this year so that due consideration can be given during the 2012 budgetary process.

DISCUSSION: NEW RULES AND REGULATIONS FOR THE POLICE DEPARTMENT

Mr. Brown asked if anyone from Council had any questions or concerns regarding this document, which was distributed at last month's meeting for their review. It was the [consensus of Council that we move forward and introduce an Ordinance to adopt these new rules and regulations.

ORDINANCE 10-11

AN ORDINANCE OF THE BOROUGH OF RIVERTON RESCINDING THE EXISTING RULES AND REGULATIONS OF THE RIVERTON POLICE DEPARTMENT, DATED NOVEMBER 14, 2002, AND SUBSTITUTING THE NEW RULES AND REGULATIONS OF THE RIVERTON POLICE DEPARTMENT, DATED JULY 13, 2011

The above Ordinance was read by title only for the first time 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. Second reading and a public hearing on this Ordinance is scheduled for August 10.

MOTION 108 7TH STREET

Mr. Brown made a motion for our Public Works Department to go out and clean up this property and submit a bill to be forwarded to the owners for reimbursement purposes. If reimbursement is not made, a lien will be placed against this property. Ms. Cairns Wells asked if notice was sent to the owners about these issues. Mr. Brown responded yes, they were notified in June and again in July. This motion 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.

MOTION 701 10TH STREET

Mr. Brown made a motion for our Public Works Department to go out and clean up this property and submit a bill that will be forwarded to the owners for reimbursement purposes. If a reimbursement is not made, a lien will be placed against this property. This motion 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.

**STREETS/SEWER/ECONOMIC DEV/SHARED SERVICES-Mr. Smyth
REVIEW OF PROPOSAL FROM T&M ASSOCIATES (DESIGN/PERMITTING)
FOR THE INSTALLATION OF A BACKFLOW PREVENTION DEVICE AT
THE WASTEWATER TREATMENT FACILITY**

Mr. Smyth reported that the New Jersey Department of Environmental Protection (NJDEP) did a Compliance Evaluation and Assistance Inspection of our Wastewater Treatment Facility on May 27, 2011. We were cited on our below ground backflow preventer, which is no longer allowed. We also need an air permit for our generators. Mr. Smyth reported that T & M Associates, the Borough's Wastewater Treatment Facility Engineer, has submitted a Proposal in the amount of \$4,457.00 for Design/Permitting and Construction Management Services. Mr. Smyth reported that our Engineer's are estimating that the probable construction cost will be below the Borough's bidding threshold of \$36,000.00. A discussion ensued, with the consensus of Council that T&M's cost proposal seems to be high. Council also needs to know what the timeframe is for compliance and if the NJDEP would allow us to defer until 2012. Mr. Smyth will meet and discuss these issues with our Public Works Manager and Wastewater Treatment Facility Operator. Council will be kept apprised of this issue.

**UPDATE RE: POSSIBLE ENERGY UTILITY COST SAVINGS PROGRAMS
(ELECTRICITY & SOLAR)**

Mr. Smyth reported that we have already done the energy audit and we received grants to do improvements at Borough Hall and the Wastewater Treatment Facility. Mr. Smyth reported that he made inquiries to the County and the Bridge Commission about the possibility of any shared services or co-op options to reduce energy costs. Mr. Smyth reported that they are working on this issue. Mr. Smyth suggested that Council not consider going out to bid for electricity at this time; we should wait and see what the County and/or Bridge Commission will do. Council took this issue under advisement.

PLANNING/REDEVELOPMENT/SCHOOL-Ms. Cairns Wells

Ms. Cairns Wells reported that the 4th of July celebration was a huge success. Ms. Cairns Wells also reported that the standpipe at 815 Homewood Drive was cut down and that the landscaping is scheduled to be done.

ZONING/ENVIRONMENTAL/BD OF HEALTH-Mr. Katella

Mr. Katella reported that at the Zoning Board's next meeting, the Board is scheduled to do a memorializing resolution regarding a fence variance on Harrison Street. They will also hear a variance application from the owners of 603 Bank that pertains to their request to demolish and construct a single story garage.

SHADE TREE/PARK-Mr. Myers

Mr. Myers reported that the field project is almost complete. Mr. Myers reported that the soccer clubs will not be allowed to play on the improved area in the Fall. Mr. Myers reported that the Park & Recreation Commission will be meeting to review and discuss Phase II of our proposed park (grant) project, which will be the reconstruction of the grandstand.

UPDATE RE: 2011 BUDGET

Mr. Kinzler reported that the legal fee line item seems to be in good shape and that the Uniform Construction Code Salaries and Wages is a new line item in this year's budget. Mr. Kinzler questioned what the DCA training fees were. The Treasurer responded that the Construction Department is required to pay the State a percentage out of the permit payments. The Treasurer also reported that we received a refund regarding our Worker's Compensation charges based on a recent audit review. Mr. Kinzler reported that we have already spent \$30,000.00 of the \$40,000.00 budgeted for police overtime. Mr. Kinzler reported that we placed \$10,000.00 for the Volunteer Ambulance Squad's line item this year. This has not been paid yet. Mr. Kinzler reported that the line item for Streets/Roads Maintenance materials and signs is exceeding what we budgeted for. We budgeted for \$9,000.00 and have already spent \$7,000.00. Mr. Kinzler reported that the Shade Commission has spent \$22,000.00 of their \$40,000.00 budget. The Treasurer asked if it was okay to pay our Tree Contractor out of the donation money received. Mr. Myers commented that he thought that Shade Tree donation money is to be earmarked for new trees. This issue will need to be discussed with Shade Tree Chairman, Barry Emens. Mr. Kinzler reported that we budgeted \$6,500 for Police Vehicle Maintenance and we have spent \$4,700.00 to date. Mr. Kinzler reported that the electricity line item seems to be trending well. Mr. Kinzler reported that the overtime line item for the Wastewater Treatment Facility seems to be in good shape. Mr. Kinzler reported that we budgeted \$10,000.00 for the testing fees for this department and have already gone through \$8,000.00. Mr. Kinzler reported that we need to keep a close look at the jetter fees and professional service fees for this department. Mr. Kinzler reported that we budgeted \$25,000.00 for gasoline this year and have spent \$9,000.00. Mr. Kinzler reported that our Landfill fees are trending well so far. Mr. Kinzler reminded Council that this is a very tight budget.

CORRESPONDENCE-NONE

RESOLUTION 50-11

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 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. It should be noted that a personnel matter (police manpower issue) will be discussed.

At this time Richard Rauth asked to make a few comments.

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

Richard Rauth asked what was going on with the Comcast monopoly and why is it that we can't get Verizon Fios in town. The Clerk stated that the Borough presently has a 15 year franchise agreement with Comcast that runs until the end of 2014. Ms. Cairns Wells reported that Comcast is legally bound to notice the Borough (which they have already done) within three years of the expiration date of their franchise with us. Mr. Rauth asked if we could break this contract. Solicitor Martin stated that we cannot break the contract; however, we can review it to see if there is some type of out. Mr. Martin also commented that we would have to find out if Verizon Fios would even be interested in coming into the Borough. Mr. Rauth believes we have a restriction in trade because he can't go to Verizon for fios and they can't come into town. Mr. Martin was of the opinion that it is not a restriction in trade. Verizon Fios was not available when the agreement was made. Mr. Rauth believes we should not have a contract with Comcast. A discussion ensued with this issue taken under advisement.

Mr. Rauth inquired about the waste oil tank at the Public Works facility. He tried to drop off some oil and was told that they no longer accept it. Mr. Smyth commented that the rules have changed and that he would confer with our Public Works Manager on this issue.

Mr. Rauth addressed Council on the check valve installation requirement at the Waste Water Treatment Facility. He inquired whether we would talk to other towns to find out if they have also been strong armed by the NJDEP to install this. Mr. Smyth responded that this was a standard inspection with this finding as one of the enforcement actions. Mr. Smyth indicated that he would confer with Cinnaminson Township on this issue.

Mr. Brown moved that Council return to closed session. This was seconded by Ms. Cairns Wells, with all present voting in the affirmative.

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

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.

Mary Longbottom, RMC
Municipal Clerk