

March 2, 2011

The work session of the Riverton Borough Council was held on the above date. Mayor Martin presiding.

PRESENT: Council members Cairns Wells, Smyth, Myers and Solicitor Bruce M. Gunn

ABSENT: Council members Katella and Kinzler

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

At this time Mayor Martin read a letter of resignation from Councilman William C. Brown effective February 11, 2011. Mayor Martin stated that there were personal issues involved with this decision; however Mr. Brown has now indicated that the situation has changed and he would like to stay on Council.

Mr. Gunn stated that once Councilman Brown submitted his written resignation, the Clerk duly notified the proper parties (both the Chairs of the Republican and Democratic parties as well as the County Clerk) of a vacancy on Borough Council. Since Mr. Brown is a member of the Republican Party, the Riverton Republican Municipal Committee had 15 days to submit three nominees to Council for the selection of a successor to fill this vacancy. Mr. Gunn stated that since no names were submitted, the Governing Body can fill the vacancy by appointment of a successor from the same political party which nominated the incumbent whose office has become vacant. Mr. Gunn stated that, statutorily, because Mr. Brown had two years left on his term, any appointment that Council makes would only be for the remainder of 2011. A candidate would then have to be chosen to be placed on the November 2011 ballot to finish out this term.

RESOLUTION 26-11

A RESOLUTION APPOINTING WILLIAM C. BROWN JR. TO FILL A VACANCY ON BOROUGH COUNCIL UNTIL DECEMBER 31, 2011 (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. Myers. A poll vote was then taken. Mr. Katella absent, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler absent and Mr. Myers aye.

The oath of Office was then administered by Solicitor Bruce Gunn to Mr. Brown as a member of Borough Council.

REVIEW OF DRAFT ORDINANCES:

TO AMEND CHAPTER 26-5 RE: PROBATIONARY PERIOD FOR VARIOUS MEMBERS OF THE POLICE DEPARTMENT

Ms. Cairns Wells stated that the Public Safety Committee, as well as our Special Counsel for Police Matters, is recommending that Council consider this amendment. Ms. Cairns Wells explained that this proposed amendment would codify the current practice of providing for a probationary period of one year for new hires to the Police Department with an option of Council to extend the probation for an additional six months. This Ordinance further provides for a one year working probationary period for all employees who are promoted with evaluations by the Public Safety Committee of the promoted

employee's performance in their promotional position based upon criteria related to the job description. It was the consensus of Council to agree to this amendment.

ORDINANCE 1-11

**AN ORDINANCE AMENDING CHAPTER 26-5 OF THE CODE OF THE
BOROUGH OF RIVERTON**

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 absent, Mr. Brown aye, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler absent and Mr. Myers aye. Second reading and a public hearing on this Ordinance is scheduled for April 6, 2011.

**TO AMEND CHAPTER 128-5 RE: THE BOROUGH'S ZONING MAP-ZONING
LINE ISSUE AT 101 LIPPINCOTT AVENUE**

Ms. Cairns Wells stated that this proposed amendment has been reviewed by the Planning Board, who have endorsed this change. Ms. Cairns Wells explained that this amendment eliminates the zoning line (incorrectly drawn on the current zoning map) which bisects Lot 1 of Block 305 (101 Lippincott Avenue) and provides that all of Lot 1 of Block 305 be included in the R-15 Zoning District. It was the consensus of Council to agree to this amendment.

ORDINANCE 2-11

**AN ORDINANCE IN THE BOROUGH OF RIVERTON AMENDING THE
OFFICIAL ZONING MAP TO REFLECT A ZONE LINE ADJUSTMENT ON
BLOCK 305 LOT 1 IN THE BOROUGH OF RIVERTON**

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 absent, Mr. Brown aye, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler absent and Mr. Myers aye. Second reading and a public hearing is scheduled for April 6, 2011. Mr. Gunn stated that Council would need to receive a Resolution of endorsement for this Ordinance from the Planning Board prior to the public hearing. Ms. Cairns Wells responded that she would make sure that the Board complied with this.

**TO AMEND CHAPTER 123, ARTICLE II AND ARTICLE III, SCHEDULE IV
TO PROVIDE TIME LIMITS FOR PARKING ON THE SOUTHEAST SIDE OF
HOWARD STREET**

Ms. Cairns Wells explained that this proposed amendment would limit the time for parking on the southeast side of Howard Street from the southeast intersection of Main Street to 15 minutes between 10:00 am and 10:00pm and to 120 minutes between 8:00am to 6:00pm except Saturdays and Sundays on the remainder of the southeast side of Howard Street to the driveway of the Riverton Fire House. Ms. Cairns Wells reported that the businesses along this area and the police department have been consulted regarding these proposed changes. It was the consensus of Council to agree to this amendment.

ORDINANCE 3-11

**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.**

The above Ordinance was read by title only for this 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 absent, Mr. Brown aye, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler absent and Mr. Myers aye. Second reading and a public hearing on this Ordinance is scheduled for April 6, 2011.

PORCH CLUB'S REQUEST TO HOLD A 5K WALK ON JUNE 5, 2011 TO BENEFIT THE SUSAN B. KOMEN FOUNDATION (PAT BRUNKER AND CAROL MCCARTHY FROM THE PORCH CLUB PRESENT)

Both Ms. Bruncker and Ms. McCarthy provided Council with an overview of their request, which Council reviewed and discussed. They are calling this event "Paint the Porch Pink". Ms. McCarthy provided a proposed sidewalk walk route through the Borough and stressed the fact that no street closures would be required. It was the consensus of Council to approve this event, with the caveats that the Porch Club would supply the Borough with a certificate of insurance naming the Borough as an additional insured with respect to this event and that the Porch Club will coordinate with the Police Department to ensure the safety of the participants during the walk.

RESOLUTION 27-11

**A RESOLUTION AUTHORIZING THE RIVERTON PORCH CLUB TO SPONSOR A WALK IN SUPPORT OF BREAST CANCER AWARENESS ON SUNDAY, JUNE 5, 2011
(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 absent, Mr. Brown aye, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler absent and Mr. Myers aye.

RESOLUTION 28-11

**A RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE BURLINGTON COUNTY BOARD OF CHOSEN FREEHOLDERS FOR CENTRAL COMMUNICATIONS
(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 absent, Mr. Brown aye Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler absent and Mr. Myers aye.

RESOLUTION 29-11

**A RESOLUTION AUTHORIZING THE PURCHASE AND PAYMENT OF A NEW SERVER FOR THE POLICE DEPARTMENT IN THE AMOUNT OF \$2,463.00 FROM NETWORKS PLUS OF PALMYRA, NEW JERSEY
(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 absent, Mr. Brown aye, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler absent and Mr. Myers aye.

Officer in Charge, John Shaw read the following report for the month of February. Vehicle Mileage 1698, Juvenile Arrests 0, Adult Arrests 13 (Contempt 9, DUI 2, Possession of CDS 1 and obtaining CDS by fraud 1), Motor Vehicle Accidents 5,

Motor Vehicle Stops 42, Motor Vehicle Warnings 15, Motor Vehicle Summonses-Riverton 27, Alarms 16, Assistance to Other Agencies 11, Animal Complaints 3, Fire Calls 0, EMS Calls 19, Unattended Deaths 0, Criminal Cases 15, Incidents 170, Domestic Violence 4, Thefts 6 (Motor Vehicles broken into 5, Fraud 1), Burglaries 0, Assaults 0, Sexual Assaults 0, Criminal Mischief 0, Robberies 0, Miscellaneous calls 120, Total Calls Dispatched 242, Incidents 170 and Quick Calls 72.

Mr. Brown read a report for the month of February that was submitted by Deputy Fire Chief, Robert Yearly. Fire Calls for Month 19, Drills 3, Calls in Town 9 and Calls out of Town 10.

Mr. Brown read a report for the month of January that was submitted by Court Administrator, Jackie Gleason. The total receipts for the month amounted to \$9,031.58. The total amount disbursed to Riverton amounted to \$4,646.76.

REQUEST FROM ANTONUCCI VENTURES RE: PARKING ISSUE AT FORMER BANK LOT ON HARRISON STREET

Ms. Cairns Wells reported that the Planning Board had granted Antonucci Ventures site plan approval for the conversion of the former Beneficial Bank Building into a banquet facility. One of the conditions was that Antonucci Ventures discuss the Borough's continued use of the back parking lot. Recent correspondence from the attorney for Antonucci Ventures requests that the Borough needs to supply them with specific dates when Borough sponsored events would take place that would require the use of their lot. Their concern is that the occasional use of this lot by the Borough could interfere with their business operation.

Mr. Gunn reported that in 2005 we had entered into an agreement with Farmers' & Mechanic's Bank, which was then honored by Beneficial Bank, to utilize the back parking lot for public parking. The bank agreed to a two hour time limit, and we then petitioned the New Jersey Department of Transportation for permission, which was granted, to provide enforcement of the parking restriction on private property. We then adopted an ordinance for two hour parking (M-S 7am -5pm) at this location. A short discussion ensued regarding this issue and how best to proceed. It was the consensus that Ms. Cairns Wells be the designated representative to deal directly with Mr. Antonucci to discuss the public use of the parking lot and report back to Council.

RESOLUTION 30-11

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE BOROUGH OF RIVERTON AND BICYCLE THERAPY, INC. REGARDING THE USE OF BOROUGH STREETS FOR THE USA CYCLING SANCTIONED BICYCLE RACE ON JUNE 12, 2011
(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 absent, Mr. Brown aye, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler absent and Mr. Myers aye.

RESOLUTION 31-11

**A RESOLUTION AUTHORIZING THE REDUCTION IN SEWER CHARGES ON THE PROPERTY LOCATED AT 218 LINDEN AVENUE (BLOCK 501 LOT 8) RIVERTON, NEW JERSEY
(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 Mr. Myers. 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

PARK ISSUE: MUNICIPAL RECREATION GRANTS (SECOND ROUND)

Mr. Myers reported that notice of the second round of potential Municipal Recreation Grants from the County has been received. The deadline for submitting applications is March 30, 2011. After a short discussion, it was the consensus that an application should be submitted and that the grandstand would be the designated project for consideration. Mr. Myers will take care of preparing (with the assistance of local architect Hand Croft and resident Joe Creighton) the application and getting it submitted in a timely fashion.

RESOLUTION 32-11

A RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE BURLINGTON COUNTY BOARD OF FREEHOLDERS TO OBTAIN COUNTY MUNICIPAL PARK DEVELOPMENT PROGRAM FUNDS (IN FULL IN RESOLUTION BOOK)

The above Resolution was read by title only by Mr. Myers, who moved for its adoption. 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.

COMCAST CABLE FRANCHISE RENEWAL UPDATE

The Clerk reported that the Borough has a franchise agreement with Comcast Cable that will expire at the end of 2014. Council reviewed recent correspondence from Comcast indicating their statutory notice to the Borough of their right to commence a formal review procedure. Mr. Gunn provided an overview of the statutory process for an operator to renew their franchise, which begins three years before the end of the agreement. The Clerk reported that the last time we entered into an agreement with Comcast was in 1999 and that a cable committee had been formulated to assist the Borough in negotiating terms of the agreement that would be advantageous to our community. Mr. Gunn stated that we might want to find out what other towns have done during their renewal process. Mr. Gunn stated that there has to be proof of poor performance or other significant reasons for the Borough to deny a renewal. Mr. Gunn cautioned that he wasn't sure if another competitor in the area might offer lower costs. This is something the Borough would have to look at before a final decision is reached. Council took this issue under advisement.

2011 BOROUGH DIRECTORY

The Clerk reported that the Business Association would not be putting the directory together this year. The Clerk asked if Council wanted to have the Borough's portion of the Directory prepared, printed and distributed to all residents. The Clerk reported that she obtained quotes and the lowest one received was \$574.00 for 1400 copies from DeVece & Shaffer. After a short discussion, it was the consensus of Council that this should be done. Ms. Cairns Wells stated that the Chair of the 4th of July Committee indicated that their members would be willing to distribute the directory with their information to all residents in town.

PRELIMINARY AGENDA FOR MARCH 9

The Clerk reported that next week's meeting would primarily be for the 2011 municipal budget review and that the Auditor would be present. Besides that issue, the Clerk reported that Council would be reviewing the bids scheduled to be received tomorrow for the proposed park upgrades.

UPDATE RE: POCKET PARK UPGRADES AT BANK & LINDEN AVENUE

Mr. Myers reported that the Bridge Commission has authorized commencement of this project. Public Works Manager Reed reported that we would be requesting that PSE&G eliminate pole number 249 from the pocket park. The light will now be placed on pole number 60251Rt on Linden Avenue at Bank.

RIGHT OF WAY ISSUE AT THE END OF FULTON AND SECOND STREET TO THE RIVERBANK

Mr. Reed stated that it is his understanding that the Borough has a 60' right of way at this location; however, the owner of the property at this location on the riverbank has placed cones and signs that prohibit any vehicles from entering this area from Second Street. Mr. Reed is requesting that a formal clarification on the public vs. private issue be determined. After a short discussion, it was the consensus that the Solicitor should confer with the Tax Assessor on this issue. They should also review the tax maps as well as the deed and report their findings and recommendation back to Borough Council.

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