

May 11, 2011

The regular meeting 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, Brown 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) Post written notice on the official bulletin board on January 3, 2011

PROCLAMATION

**A PROCLAMATION HONORING AND RECOGNIZING BOROUGH HISTORIAN BETTY B. HAHLE
(IN FULL IN RESOLUTION BOOK)**

Mayor Martin announced the passing of Borough Historian, Betty B. Hahle on April 17, 2011. Mayor Martin then read the above Proclamation in full.

The open session minutes from April 6 and April 13 and the closed session minutes from April 6 were then presented. Regarding the April 6th open session minutes, Ms. Cairns Wells asked that on page 4, her response to the concern raised about a van parked at 815 Homewood Drive be included. The following verbiage will be included: "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." Ms. Cairns Wells then moved that the minutes for the month of April be approved as amended. This was seconded by Mr. Smyth. A poll vote was then taken. Mr. Katella absent, Mr. Brown absent, 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 April be approved as submitted. This was seconded by Mr. Myers. A poll vote was then taken. Mr. Katella absent, Mr. Brown absent, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler absent and Mr. Myers aye.

2ND READING AND PUBLIC HEARINGS ON THE FOLLOWING ORDINANCES:

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

(IN FULL IN ORDINANCE BOOK)

The Above Ordinance was read for the second time by title only by Ms. Cairns Wells, who moved for its adoption. This was seconded by Mr. Smyth. Ms. Cairns Wells explained that this clarifies the 35' height definition without all the extra jargon that was in the original one, which had made it ambiguous. Ms. Cairns Wells further explained that the prior definition took into consideration uninhabitable space at the top of a building. At this time Mayor Martin opened this portion of the meeting to the public for

any comment on this Ordinance. **William McDermott** asked if this would include cupulas. Ms. Cairns Wells responded no. It also does not include church steeples. It was also noted that Council received a Resolution of support for this Ordinance from the Planning Board. A poll vote was then taken. Mr. Katella absent, Mr. Brown absent, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler absent and Mr. Myers aye.

ORDINANCE 2011-6

**AN ORDINANCE AMENDING ARTICLE I, CHAPTER 114-8, SWIMMING
POOL SETBACK REQUIREMENTS
(IN FULL IN ORDINANCE BOOK)**

The above Ordinance was read for the second time by title only by Ms. Cairns Wells, who moved for its adoption. This was seconded by Mr. Smyth. At this time Mayor Martin opened this portion of the meeting to the public for any comment on this Ordinance. There being no public comment, Mayor Martin closed this portion of the meeting to the public. A poll vote was then taken. Mr. Katella absent, Mr. Brown absent, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler absent and Mr. Myers aye.

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
(IN FULL IN ORDINANCE BOOK)**

The above Ordinance was read for the second time by title only by Ms. Cairns Wells, who moved for its adoption. This was seconded by Mr. Myers. At this time Mayor Martin opened this portion of the meeting to the public for any comment on this Ordinance. There being no public comment, Mayor Martin closed this portion of the meeting to the public. A poll vote was then taken. Mr. Katella absent, Mr. Brown absent, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler absent, and Mr. Myers aye.

ORDINANCE 2011-8

**A 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**

Both the Clerk and the Solicitor reported that even though we had a quorum to open the meeting and conduct normal business, there are not the requisite number of Council members present to finally adopt this Bond Ordinance. All that can be done tonight is to hold the Public Hearing. At this time Mayor Martin opened this portion of the meeting to the public for any comment on this Ordinance. There being no public comment, Mayor Martin closed this portion of the meeting to the public. Both the Clerk and the Solicitor reported that Council will consider final adoption of this Bond Ordinance at their June 8th meeting.

ORDINANCE 2011-9

**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
(IN FULL IN ORDINANCE BOOK)**

The above Ordinance was read for the second time by title only by Ms. Cairns Wells, who moved for its adoption. This was seconded by Mr. Smyth. 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. The Solicitor commented that verbiage will be entered under Section VI of this Ordinance to note that this section has been rescinded by Ordinance 7-11 effective May 11, 2011. A poll vote was then taken. Mr. Katella absent, Mr. Brown absent, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler absent and Mr. Myers aye.

RESOLUTION 43-11

**A RESOLUTION PERTAINING TO THE 2010 AUDIT REPORT
(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 Ms. Cairns Wells. A poll vote was then taken. Mr. Katella absent, Mr. Brown absent, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler absent and Mr. Myers aye.

RESOLUTION 44-11

**A RECYCLING TONNAGE GRANT APPLICATION
(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 Ms. Cairns Wells. A poll vote was then taken. Mr. Katella absent, Mr. Brown absent, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler absent and Mr. Myers aye.

RESOLUTION 45-11

**A RESOLUTION AUTHORIZING THE HIRING OF PARK PERSONNEL FOR
THE 2011 SUMMER PROGRAMS, AND SETTING FEES FOR THE PARK
PROGRAM AND ARTS AND CRAFTS PROGRAM
(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 absent, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler absent and Mr. Myers aye.

MEETING OPEN TO THE PUBLIC

Armand Bianchini acknowledged Council, in particular Ms. Cairns Wells, for following up with the neighborhood on the 815 Homewood Drive concerns. Mr. Bianchini commented that the landscaping work is being done and that the trellises are gone. Mr. Bianchini raised concern that Quality Management (QMA) may want to put a second story on this property. He lives in a residential area and he doesn't want to see that building get any bigger. Ms. Cairns Wells responded that it is her understanding that QMA only buys one story dwellings. She didn't think it would make much sense for them to expand up. If they wanted to do that, they would have to meet with the Construction Official and Zoning/Code Enforcement Official and have their plans reviewed to determine if they needed variances. If so, they would have to apply to either

the Planning Board or Zoning Board. Mr. Myers commented that he looked at the size of the pipe and understands how the neighbors feel.

Mr. Bianchini stated that it looks like they will be building an apparatus to hide the garbage cans. Mr. Bianchini also stated that rubber gloves were found on the property. Ms. Cairns Wells stated that this was reported to the Police Chief. Mr. Bianchini asked if Ms. Cairns Wells was getting a good response from the QMA team. Ms. Cairns Wells responded yes, and that she still wants to set up a meeting with representatives from QMA and the residents of Homewood Drive.

William McDermott reported that QMA does not return any calls. Mr. McDermott stated that it is required that the residents of this group home be registered with the Police and Fire Departments. He is concerned about the oversight on this issue. Mr. McDermott reviewed with Council the required regulations regarding this home, such as quarterly fire drills and evacuation procedures, which have not been done. Ms. Cairns Wells responded that these are the kinds of things that require a meeting with an agenda. She asked Mr. McDermott to e-mail her a list of topics to be discussed at this meeting. Mr. Myers commented that we are lucky to have Ms Cairns Wells working diligently to solve these issues-let's move forward.

Mr. McDermott asked if we have a date when the pipe will be moved. Ms. Cairns Wells reported that the sprinkler company has informed her that it will cost \$1,400 to move the pipe. Ms. Cairns Wells gave that figure to QMA and they informed her that they don't have that money in their budget. They only have \$400 and have requested that the Borough pay the rest. Ms. Cairns Wells had discussed this issue with the Borough's Solicitor. Mr. Gunn reported that it is basically illegal for the Borough to use public money to improve a private property. It's a violation of the State's constitution. Mr. McDermott asked if it was illegal when the mistake was made for the placement of the pipe in the front of the property. Ms. Cairns Wells responded that we did not make a mistake. Ms. Cairns Wells reviewed the code with those present. Ms. Cairns Wells stated that our Fire official followed the letter of the law. He made no error in judgment. However, Ms. Cairns Wells acknowledged that the Fire Official could have looked at the situation and came to the conclusion that that was not the best place aesthetically. Mr. McDermott asked if we could use COAH money to move the pipe. Ms. Cairns Wells responded no. Mr. McDermott then asked if the pipe would be lowered to between 28 and 30" with a 90 degree connection. Ms. Cairns Wells responded yes. Ms. Cairns Wells stated that now that she has found out that QMA is not going to pay to move it and we cannot contribute to it, she will move forward with getting the pipe cut down as quickly as possible. Mr. McDermott voiced his displeasure that the pipe, concrete pad and steel door will not be relocated to the side of the property.

Mayor Martin asked who would be the enforcing agent regarding group homes? Ms. Cairns Wells responded that it would be the Division of Developmental Disabilities. Mr. Gunn concurred with this.

Mr. McDermott asked Council to consider that the minutes be put into a PDF program so that Council, Planning Board and Zoning Board minutes would be continuously running. He thinks this would be easier for the public to access this way. Ms. Cairns Wells stated that we would discuss this with our webmaster.

Mr. McDermott believes that QMA continuously makes mistakes and there is no oversight on them. Ms. Cairns Wells reiterated the need for an agenda list for the proposed meeting between QMA and the residents of Homewood Drive.

Gary DosSantos expressed concern over the commercial lawn services operating in town, in particular the noise levels of their equipment and their hours of operation. Mr. Dos Santos inquired as to whether we had any regulations regarding this. Ms. Cairns Wells responded that we have been discussing both the commercial as well as the residential aspects of this issue. We reviewed a draft ordinance last month but tabled it because we felt there was some ambiguity in it. We don't have a noise ordinance because that requires that we have a noise officer which would also require decibel measuring equipment. That's why this proposed ordinance was just for the use of the equipment and not the noise levels. Mr. DosSantos believes this is a quality of life issue for people living in Riverton. Ms. Cairns Wells thanked Mr. DosSantos for his comments and that his concerns would be considered as Council attempts to come up with a recommended Ordinance that can be enforced.

Armand Bianchini suggested that some type of notice be placed in the Borough's Directory requesting that residents should be time sensitive when they cut their lawns themselves or when contracting with a lawn service.

DISCUSSION: REQUEST FROM THE TRI-BORO COMMUNITY EMERGENCY RESPONSE TEAM

On behalf of her husband, Joe Threston, who was unable to attend tonight's meeting, Lisa Threston addressed Council. Mrs. Threston reported that her husband is a member of the Tri Boro Community Emergency Response Team (CERT). Mrs. Threston explained that the Tri-Boro CERT provides assistance in times of mass disaster with matters such as shelter set-up and management, basic first aid, assistance in missing person's searches, as well as assisting in other community activities. Mrs. Threston reported that the CERT Team is looking into getting assistance from the Tri-Boro communities for their vehicle. Mrs. Threston reported that Palmyra will provide the insurance for the vehicle and Cinnaminson will be providing the gas. Mrs. Threston stated that they are looking to Riverton to help with the vehicle maintenance. A discussion then ensued. Concern was raised by Ms. Cairns Wells that since our budget has already been adopted; she wasn't certain what we could do for this year. It was the consensus of Council that a definitive monetary amount be submitted by the Tri Boro CERT Team to Council at the June 8th meeting for review and consideration.

COMMITTEE REPORTS

ZONING/ENVIRONMENTAL/ BD OF HEALTH-Mr. Katella

In Mr. Katella's absence, the Clerk reported that the Zoning Board would be meeting on May 19th to hear a variance application from John and Terri Laverty, 616 Main Street.

PUBLIC SAFETY/COURT/CODE ENFORCEMENT

In Mr. Brown's absence, Ms. Cairns Wells read a report for the month of April that was submitted by Court Administrator Jackie Gleason. The total receipts for the month amounted to \$10,628.00. The total amount disbursed to Riverton amounted to \$5,867.08.

In Mr. Brown's absence Ms. Cairns Wells read a report for the month of April that was submitted by Deputy Fire Chief Robert Yearly. Fire Calls for the month 11, Drills 3, Calls In Town 6 and Calls Out of Town 5.

Chief Shaw read a report for the month of April. Vehicle Mileage 1728, Juvenile Arrests 0, Adult Arrests 17 (Contempt 8, Shoplifting 2, Harassment 1, Drug Paraphernalia 2, and DWI 2, and 1 Arrest from other Jurisdictions), Motor Vehicle Accidents 6, Motor Vehicle Stops 55, Motor Vehicle Warnings 2, Motor Vehicle Summonses (Riverton) 53, Alarms 10, Assistance to Other Agencies 29, Animal Complaints 6, Fire Calls 3, EMS Calls 21, Unattended Deaths 0, Criminal Cases 18, Incidents 222, Domestic 2, Thefts 3 (Shoplifting 2, Fraud 1), Burglaries 1-Residence/Garage, Assaults 1, Criminal Mischief 1, Robberies 0, Miscellaneous Calls 112, Total Calls Dispatched 384, Incidents 222 and Quick Calls 162.

PLANNING/REDEVELOPMENT & SCHOOL

Ms. Cairns Wells reported that the Planning Board will meet on May 17th and that the school budget passed.

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

Mr. Smyth reported that all is well with the streets and roads.

PARK/RECREATION/SHADE TREE

Mr. Myers reported that the park upgrades are almost done. Mr. Myers reported that he had sent a letter to the Burlington County Freeholders requesting permission to use the balance of the grant funds (\$66,725) to repair and resurface the existing basketball and tennis courts in Memorial Park. Mr. Myers reported that we should be hearing from them with their decision sometime in May. Mr. Myers reported that the work on the pocket park upgrades and Bank and Linden are almost completed. Mr. Myers suggested that we hold some type of dedication ceremony. It was the consensus of Council to agree to this.

CORRESPONDENCE

The Clerk announced that the Bridge Commission has sent notice that all Burlington County Municipalities are invited to bring their fire trucks, police emergency vehicles, dump trucks, etc to their facility and have those vehicles washed by Bridge Commission personnel, free of charge. The Clerk reported that all Department heads have been notified.

The Clerk reported that we received notification from the Department of Transportation (regarding our current grant in the amount of \$175,000.00 for various roadway improvements) that the Borough must award a contract for this project by October 14, 2012.

There being no further business to discuss, Ms. Cairns Wells moved that the meeting be adjourned. This was seconded by Mr. Smyth, with all present voting in the affirmative.

Mary Longbottom, RMC
Municipal Clerk

