

September 14, 2011

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

PRESENT: Council members Brown, 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

The minutes from August 10th 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
abstained, Mr. Kinzler absent and Mr. Myers aye.

FINANCIAL ITEMS:

TREASURER'S, FINANCE REPORT & BILL LIST FOR APPROVAL

Mr. Smyth moved that the attached reports for the month of August 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.

RESOLUTION 53-11

**A RESOLUTION AUTHORIZING THE REFUND OF PROPERTY TAXES FOR
BLOCK 201 LOT 4**

((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 aye, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler absent
and Mr. Myers aye.

RESOLUTION 54-11

**A RESOLUTION AUTHORIZING THE RELEASE OF A MAINTENANCE
BOND FOR RIVERTON SQUARE, BLOCKS 904, 905 AND 906**

(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 aye, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler absent
and Mr. Myers aye.

ORDINANCE 2011-11

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 24 TO
ADDRESS LIMITATIONS ON POLITICAL CONTRIBUTIONS BY MUNICIPAL
VENDORS AND ESTABLISHING A PROCEDURE FOR THE AWARD OF
PROFESSIONAL SERVICE CONTRACTS**

Ms. Cairns Wells stated that this proposed Ordinance was discussed last month
when Council reviewed the Best Practices Checklist from the State. One of the questions

asked on the checklist was whether or not the Borough had a pay-to play Ordinance. Council concurred last month that it would be a good idea to put this legislation in place.

The above Ordinance was read for the first time 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. It should be noted that second reading and a public hearing on this Ordinance is scheduled for October 12, 2011.

RESOLUTION 55-11

A RESOLUTION TO MEMORIALIZE THE DISCUSSION OF THE BEST PRACTICES WORKSHEETS AT THE AUGUST 10, 2011 BOROUGH COUNCIL MEETING

(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.

MEETING OPEN TO THE PUBLIC

Don Deitz, 304 7th Street understands that the grandstand is going to be replaced. Mr. Deitz gave Council a sentimental and nostalgic plea to keep the grandstand. Mr. Deitz believes the grandstand, which was built in 1931, is a Riverton landmark. Mr. Myers invited Mr. Deitz to attend the next Parks & Recreation Commission meeting on the 27th of September at 7:30 to review and discuss the grandstand issue. Mr. Myers commented that there will be representatives from the Historical Society and other interested residents and local architects who want to be involved regarding this issue. Mr. Myers stated that we would like to respect the history of the grandstand and whatever we put back should be as close to what is already there. Mr. Myers is of the opinion that the present structure will not be able to stay. Mayor Martin commented that he thought we started out saying that the grandstand had to come down. As we have looked at ideas, some of us have thought there might be a way of saving it. Mayor Martin stated that it hasn't been fully decided yet. Mayor Martin stressed the importance of how the grandstand will look. Mr. Myers stated that whatever the Borough decides to do, we want to do it right. Mr. Myers also stated that Mr. Deitz's input would be welcomed. **Gene Bandine, 522 Main Street** reported that the gas lamp in front of the law firm on Main Street is not working, even though PSE&G has been out twice. Mr. Bandine also reported that there is a tripping hazard at the sidewalk location of this gas light. Ms. Cairns Wells suggested that Mr. Bandine report these issues to our Public Works Manager.

COMMITTEE REPORTS

PUBLIC SAFETY/CODE ENFORCEMENT/COURT-Mr. Brown

Mr. Brown read an updated report for July (previous numbers were incorrect) that was submitted by Court Administrator, Jackie Gleason. Total receipts for July amounted to \$6,006.00. The total amount disbursed to Riverton amounted to \$3,728.22. For August, the total receipts amounted to \$4,702.00. The total amount disbursed to Riverton amounted to \$2,539.14.

Chief Shaw read the following police report for the month of August: Vehicle Mileage 1930, Juvenile Arrests 0, Adult Arrests 26 (Contempt 19, Possession of CDS 2,

Simple Assault 1, Shoplifting 1, Possession of Hypodermic Needles 1, Driving Under the Influence 1 and Disorderly House (Borough Ordinance 1), Motor Vehicle Accidents 2, Motor Vehicle Stops 56, Motor Vehicle Warnings 21, Motor Vehicle Summonses (Riverton) 35, Alarms 8, Assistance to Other Agencies 20, Animal Complaints 4, Fire Calls 8, EMS Calls 27, Unattended Deaths 1, Criminal Cases 35, Incidents 340, Domestic Violence 3, Thefts 3 (Bikes 1, Jewelry/Money 1, and Shoplifting 1), Burglaries 1 (Residence/Garage), Assaults 2, Sexual Assaults 0, Criminal Mischief 1, Robberies 0, Miscellaneous Calls 150, Total Calls Dispatched 490 and Quick Calls 150.

Mr. Brown reported that Patrolman Matt Kirk has been cleared by Borough Physicians to return to work on Sunday.

Regarding the recent hurricane, Mayor Martin commented that it would be beneficial if the Borough could be part of the reverse 9-1-1 system, which would be good in this type of situation. Ms. Cairns Wells responded that she was working on this issue. Mayor Martin would also like to have links, either through the County or State, placed on the Borough's website that would enable people to access storm tracking or emergency management bulletins. Council concurred with this suggestion. Mr. Smyth commented that the Borough was very lucky that there was no significant damage throughout the Borough. Mr. Smyth and Mayor Martin publicly acknowledged the work of our police, fire, emergency management officials and public works department for all of their efforts during and after the storm.

RESOLUTION 56-11
A RESOLUTION AUTHORIZING THE PUBLIC SALE OF ABANDONED
BICYCLES BY THE RIVERTON POLICE DEPARTMENT
(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.

Regarding Code Enforcement, Mr. Brown reported that the Code Enforcement Officer received complaints regarding overgrowth of weeds, debris, etc at specific properties on the 400 block of Main St. and the 600 block of Linden Ave. Violation notices have been sent out.

Mr. Brown reported that the Planning Board's site plan approving resolution for Milanese Pizza stated that deliveries were to be limited to twice a week between 9 and 11am so as not to conflict with the school and the day care traffic. Since the day care center is no longer located on Howard Street, the material condition of the resolution regarding the day care is relieved; therefore, Milanese Pizza has been notified that their deliveries must occur before school is dismissed. Complaints have also been received about delivery vehicles parking in the middle of Howard Street, blocking traffic and Mr. Rainer's driveway (515 Main Street). The Chief has spoken to the pizza owners about this issue and he has also issued a summons to one of the delivery trucking firms.

Mr. Brown reported that both Councilman Myers and Public Works Manager Reed have spoken to the owners of 108 7th Street about the deteriorating conditions of their property and that the owners have started to clean it up. Mr. Brown reported that our Construction Official informed him that that the owners still have not repaired the corners of the roof and soffits and that fines are accruing for this. Mr. Brown stated that the

owners need to be taken to court. Mr. Gunn will confer with the Construction Official on this issue before proceeding.

Mr. Brown reported that Mr. Wittmeyer lodged another complaint about 701 10th Street. His concern is that half of the stone wall with an archway (on the side of the house) on this property has fallen down. Mr. Brown notified the police to determine if there is any danger and to mark this area off with cones. Mr. Schaefer inspected it and notified the owners that they have a week to remedy this situation or a violation will be issued.

Mr. Gunn announced that we have a trial date of October 11 regarding the violations at 207 Bank Avenue. Council will be kept apprised of this situation.

PLANNING/REDEVELOPMENT/SCHOOL- Ms. Cairns Wells

**DISCUSSION: JOINT LAND USE BOARD-PLANNING BOARD SOLICITOR
TOM COLEMAN PRESENT**

Mayor Martin stated that this issue is being considered as a cost savings measure and to save us from having to solicit volunteers to serve on both boards. Mayor Martin stated that the Planning Board has endorsed Borough Council's consideration of a Joint Land Use Board. Mayor Martin reported that this issue was also mentioned at a Zoning Board meeting and the Board members thought it would be a good idea. Mayor Martin stated that the Zoning Board members expressed an interest in continuing to serve on the proposed new board.

Mr. Coleman stated that the statute is clear in that any municipality having a population of fifteen thousand or less can combine both boards. Mr. Coleman explained that we would have to increase the regular Planning Board membership from seven (7) to nine (9) and that the existing Planning Board would be kept. Mr. Coleman stated that we could also have the flexibility to increase the present number of alternates from two (2) to four (4). Mr. Coleman explained that Chapter 22 of the Borough Code would have to be amended to permit these changes.

Mr. Coleman stressed the fact that the proposed new Board would be called the Planning Board and not a Joint Land Use Board. There is a statute for this (NJSA 40:55D-25c. (1), which gives the Planning Board the authority to take over the zoning functions in the town. Mr. Coleman stated that there is no legislation in the statutes that permits a Joint Land Use Board. Mr. Coleman also explained that under a combined board, the Mayor and the Council representative serving on this Board would have to recuse themselves from hearing any land use variance applications. The logic being that should an application be denied, the applicant could appeal the decision to Council.

In addition to amending Chapter 22 of the Borough Code, the Clerk asked if our other codes pertaining to Site Plan, Sub-Division and Zoning would have to be combined as one, or can they remain separate? Mr. Coleman responded that they would remain separate. A discussion ensued, with the consensus of Council being that we should move forward with combining both Boards. Mr. Coleman recommended introducing the required Ordinance at next month's meeting with the Board's consolidation being effective as of January 1, 2012. Mr. Coleman further recommended making the required appointments to the consolidated Board at Council's 2012 reorganization meeting. Council concurred with this recommendation. Solicitor Gunn will prepare the Ordinance for the October 12th meeting.

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

Mr. Smyth attended the Township of Riverside's memorial 9/11 parade with our Fire Department. At the end there was a memorial service, which was really well done.

The Clerk reported that the Governing Body needs to formally consider deactivating the sewer charges at 622 Thomas Avenue since the Borough had previously authorized the demolition of this house. After a short discussion, it was the consensus to agree to this.

**RESOLUTION 57-11
TO DEACTIVATE SEWER CHARGES FOR 622 THOMAS AVENUE
(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.

SHADE TREE/PARK-Mr. Myers

Mayor Martin announced that he was appointing Pat Bruner to the Shade Tree Commission. Ms. Bruner will be filling the unexpired term of Eric Becker, who recently resigned. Ms. Bruner's term will expire on December 31, 2011.

Mr. Myers reported that Phase One of the field improvements are now complete. Mr. Myers reported that both he and the Clerk have had some discussions with Mary Pat Robbie of the County regarding the left over monies (\$66,275.00) from Phase I of the grant process. Mr. Myers reported that he had sent a letter to Ms. Robbie in April asking to utilize this money for other work in the park, specifically to improve the basketball courts and tennis courts. Although we did not receive a written response, Mr. Myers reported that the verbal answer was that this money would not disappear. It would roll over into the Phase II project. Mr. Myers reported that the County suggested that the easiest and best way to handle this would be to list the proposed improvements to both the basketball and tennis courts as alternates when we go into Phase II (grandstand). The Clerk stressed the importance of having a paper trail that confirms Mr. Myers' conversation with the County on this issue. However, Mr. Myers reported that this was well documented in the County's meeting minutes.

Mr. Myers reported that Shade Tree donations have been received in the amount of \$1,750.00. Mr. Myers reported that the priority this fall will be to take care of 20 dead trees. All but five will be covered in the maintenance contract. Mr. Myers reported that the Hazardous Tree Survey will be completed by the end of this month by the Shade Tree Commission. This will generate next year's removals.

**ZONING/ENVIRONMENTAL/BD OF HEALTH-Mr. Katella-No Report
CORRESPONDENCE**

Mayor Martin read a letter from Shop Rite requesting members from Council to take part in their Partners in Caring Day to help bag hunger on September 21, 2011. Both Council members Brown and Cairns Wells will participate.

The Clerk announced that the New Jersey State League of Municipalities Conference would be held on November 15-17, 2011 in Atlantic City. Ms. Cairns Wells asked that a registration form be submitted for her to attend.

Mr. Smyth reported that he has received an inquiry from a company who are interested in making an offer to pre pay our lease for the cell tower located at the Wastewater Treatment Facility site in the Borough. Mr. Smyth reported that he will find out more information and get back to Council.

SOLICITOR'S REVIEW OF A MEMORANDUM FROM THE BURLINGTON COUNTY PROSECUTOR ON THE USE OF ELECTRONIC COMMUNICATIONS AS POTENTIAL VIOLATION OF THE OPEN PUBLIC MEETINGS ACT

As a result of a recent complaint filed against the Evesham Township Council members relative to the use of electronic communications in violation of the Open Public Meetings Act, the County Prosecutor has directed Evesham Township to develop written remedial guidelines so that these e-mail issues would not occur again.

The Prosecutor's office has provided all Burlington County Solicitor's with a copy of their opinion and requested that it be given and discussed with Governing Officials within their jurisdiction. Mr. Gunn provided an overview of this opinion and the County Prosecutor's recommendations. Mr. Gunn stressed the importance of understanding that when Council might communicate through an e-mail, which includes a quorum of the membership (4 members in the Borough's form of government) that constitutes conducting public business, thereby causing a potential violation of the Open Public Meetings Act. Mr. Gunn also cautioned against rolling e-mail conversations. Mr. Gunn suggested establishing guidelines for Borough Officials in the use of electronic communications in compliance with the Open Public Meetings Act. Council concurred with this suggestion. Mr. Gunn will prepare a Resolution regarding this issue for Council's consideration at the October 12th meeting. Ms. Cairns Wells suggested that after these guidelines are adopted by Council, that copies be given to all newly elected officials for their information. Council concurred with this suggestion.

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



Mary Longbottom, RMC
Municipal Clerk