

August 8, 2012

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

PRESENT: Council members Creighton, Cairns Wells, Corbi, Kinzler, Myers & Solicitor Bruce M. Gunn

ABSENT: Council member Layton

The following statement was read by Mayor Brown:

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 2012 published in the Burlington County Times on December 28, 2011

(b) Posting written notice on the official bulletin board on January 3, 2012

The minutes from July 11 were then presented. Mr. Corbi moved that these minutes be approved as submitted. This was seconded by Ms. Cairns Wells. A poll vote was then taken. Ms. Layton absent, Mr. Creighton aye, Ms. Cairns Wells aye, Mr. Corbi aye, Mr. Kinzler aye and Mr. Myers aye.

FINANCIAL ITEMS: Mr. Kinzler/Ms. Cairns Wells

TREASURER'S, FINANCE REPORT & BILL LIST FOR APPROVAL

Mr. Kinzler moved that the attached reports for the month of July be approved as submitted. This was seconded by Ms. Cairns Wells. A poll vote was then taken. Ms. Layton absent, Mr. Creighton aye, Ms. Cairns Wells aye, Mr. Corbi aye, Mr. Kinzler aye and Mr. Myers aye.

UPDATE RE: DELAY IN THE PROCESSING AND MAILING OUT OF THE NEW TAX BILLS Ms. Cairns Wells reported that the County will not be considering the adoption of their budget until August 22; therefore the County Board of Taxation will be unable to strike tax rates until after that time. Because of these delays, the Finance Committee thought it prudent to issue estimated tax bills for third quarter taxes, even though the Borough would be incurring additional administrative charges to get the process done. A special meeting was held on August 6th to authorize the Tax Collector to prepare the estimated bills and to mail them out. Ms. Cairns Wells explained that when the County passes their budget and a tax rate for Riverton is struck, we will issue tax bills for the remaining three quarters which are due on November 1, 2012, February, 2013 and May, 2013.

RESOLUTION 67-2012

**A RESOLUTION REQUESTING THE APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BOROUGH'S BUDGET FOR THE YEAR 2012 PURSUANT TO NJS 40a:4-87
(IN FULL IN RESOLUTION BOOK)**

The above Resolution was read by title only by Mr. Kinzler, who moved for its adoption. This was seconded by Mr. Creighton. Mr. Kinzler stated that the Borough received notification from the County Freeholders that Riverton was awarded \$50,000 for Phase III of the Municipal Park Development Grant Program. These additional funds will be utilized for the Grandstand project in Memorial Park. Mr. Kinzler explained that if we want to be able to spend this grant money this year, we need to seek the approval

from the State to do so. A poll vote was then taken. Ms. Layton absent, Mr. Creighton aye, Ms. Cairns Wells aye, Mr. Corbi aye, Mr. Kinzler aye and Mr. Myers aye.

RESOLUTION 68-2012

A RESOLUTION APPOINTING JAMES A. DUDA AS THE CERTIFIED TAX ASSESSOR OF THE BOROUGH OF RIVERTON (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. Kinzler. A poll vote was then taken. Ms. Layton absent, Mr. Creighton aye, Ms. Cairns Wells aye, Mr. Corbi aye, Mr. Kinzler aye and Mr. Myers aye.

DISCUSSION: FULTON STREET TO THE RIVERBANK RIGHT OF WAY (EASEMENT) ISSUE

Mayor Brown asked resident Muriel Alls Moffatt to provide information as to what transpired when she and her grandchildren recently accessed the Fulton Street riverbank location. Mrs. Alls-Moffatt stated that the owners from 607 Bank Avenue and 701 Bank Avenue tersely and vehemently informed her that she did not have the right to be at this location and that she was trespassing. Mrs. Alls-Moffatt informed the owners that this location has always been a public pocket park and she had every right to access this location. Mrs. Alls-Moffatt stated that she is here tonight to seek Council's assistance in this matter.

Mayor Brown reported that the Borough's Master Plan states that the Borough owns a few portions of Bank Avenue and the Delaware waterfront and that the end of Fulton Street is one of them. Mayor Brown has also reviewed the Borough tax maps for the two mentioned properties. The map shows a 60' wide area that exists between 607 and 701 Bank Avenue which is the Borough's right of way and/or easement. Mayor Brown reported that a survey of 701 Bank clearly shows that Fulton Street runs 60' wide down to the river, giving the Borough a right of way. Mayor Brown also commented that Borough sewer lines run down there also.

Solicitor Gunn reported that our tax maps clearly show that Fulton Street to the river is a dedicated street. Mr. Gunn also reviewed the deeds for these two properties which show that the ownership runs only until the center of Fulton Street. Mr. Gunn stated that we do have an easement. A discussion then ensued.

Mayor Brown stated that he would like to resolve this issue as easily as possible in order to make the owners aware that the Borough does have an easement at this location and that there is public access to be on it. Ms. Cairns Wells suggested sending the owners a letter of clarification. Council concurred with this. Mayor Brown asked the Solicitor to prepare this letter and he will hand deliver it and discuss it personally with the homeowners. Council will be kept apprised of this situation.

DISCUSSION: TEMPORARY HELP FOR THE PUBLIC WORKS

DEPARTMENT Ms. Cairns Wells asked if we would be hiring a part-time/temporary person directly or would we be going through an agency. One of her concerns is if we are hiring someone ourselves as part-time/temporary, does that mean they would go into the pension plan or when they leave would they be eligible for unemployment, etc.? If we go with an agency, you pay a little more up front, but the person is not our employee. Mr. Kinzler thought that Ms. Cairns Wells' concerns were well taken and agreed that a temporary agency would be an affordable way to go and it would avoid any potential

benefit issues. Both Ms. Cairns Wells and Mr. Kinzler commented that if we go with a temporary agency and the temporary worker doesn't work out, you can just call the agency and get a replacement. Public Works Manager, Scott Reed stated that he would ask Cinnaminson Township how they handle this type of part-time/temporary employment issue. He will also find out if Cinnaminson would be interested in a potential shared services agreement with Riverton to utilize one of their workers. Ms. Cairns Wells stated that he should also contact some Temporary Agencies to determine what they would charge before a final decision is reached.

COMMITTEE REPORTS

PUBLIC SAFETY/CODE ENFORCEMENT/COURT-Ms. Cairns Wells

Chief Shaw read the following report for the month of July 2012. Vehicle Mileage 1786, Juvenile Arrests 8, Adult Arrests 17 (Contempt 6, Disorderly Conduct 2, Hindering 2, Possession of Drug Paraphernalia 2, DUI 1, and Underage Consumption 7- These figures represent people who were arrested and the charges against them). Motor Vehicle Accidents 2, Motor Vehicle Stops 44, Motor Vehicle Warnings 13, Motor Vehicle Summonses 37 (all Riverton), Alarms 7, Assistance to Other Agencies 29, Animal Complaints 10, Fire Calls 8, EMS Calls 15, Unattended Deaths 1, Criminal Cases 23, Incidents 306, Domestic 0, Thefts 5 (Theft-moveable property 4, Forgery 1), Burglaries 0, Assaults 0, Sexual Assaults 0, Criminal Mischief 1, Robberies 0, Miscellaneous Calls 200, Total Calls Dispatched 469, Incidents 306 and Quick Calls 163.

Ms. Cairns Wells read a report for the month of July that was submitted by Court Administrator Jackie Gleason. Total receipts for the month amounted to \$9425.00. The total amount disbursed to Riverton amounted to \$4937.16.

Ms. Cairns Wells reported that we had requested Land Engineering to review the intersection of 4th & Elm to make recommendations on improving the safe flow of traffic at this location. Palmyra agreed to split the engineering costs with us. Ms. Cairns Wells asked if any reports were received by our Engineer regarding this issue. Mr. Myers responded that he would confer with our Engineer on this issue and report back to Council.

RESOLUTION 69-2012

A RESOLUTION AUTHORIZING THE HIRING OF TWO SUBSTITUTE CROSSING GUARDS FOR THE SCHOOL YEAR 2012-2013 (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. Kinzler. A poll vote was then taken. Ms. Layton absent, Mr. Creighton aye, Ms. Cairns Wells aye, Mr. Corbi aye, Mr. Kinzler aye and Mr. Myers aye.

CROSSING GUARD ISSUE

Ms. Cairns Wells stated that our Crossing Guards are hired for the school year only. Ms. Cairns Wells reported that we have a Crossing Guard who collects unemployment during the summer months. To close that loophole, Ms. Cairns Wells is requesting that we have a contract with the Crossing Guards that spells out the fact that their employment with the Borough is from the first day of school to the last day of school per the Board of Education's calendar. Mr. Myers was of the opinion that he didn't think by us doing this it would cause the State to then say that the Crossing Guards would be ineligible for unemployment. Mr. Corbi stated that one of the questions on an

application for unemployment is to list the reasons for separation such as lack of work, temporary employment, seasonal, etc. and that the State ultimately makes the final determination as to one's eligibility. After additional discussion, it was the consensus of Council to not have a contract with the Crossing Guards.

RESOLUTION 70-2012

**A RESOLUTION ENDORSING A USA CYCLING SANCTIONED BICYCLE RACE IN THE BOROUGH OF RIVERTON ON JUNE 9, 2012
(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. Creighton. A poll vote was then taken. Ms. Layton absent, Mr. Creighton aye, Ms. Cairns Wells aye, Mr. Corbi aye, Mr. Kinzler aye and Mr. Myers aye.

PROPOSED TOWING ORDINANCE

Draft copies of this Ordinance were distributed to Council. Ms. Cairns Wells reported that, along with herself, the Chief and the Solicitor have been working on this Ordinance. She asked that Council take the time to review it prior to the September 12th meeting, when it will be an agenda item.

POLICE CONTRACT

Ms. Cairns Wells announced that a new negotiator for the Police Association has been assigned by the NJFOP Labor Council. We are trying to set up mutually agreeable negotiation sessions. Ms. Cairns Wells reported that the Public Safety Committee has enlisted the help of Mr. Barry Wells, who has a lot of experience in negotiating contracts to assist the Committee with the collective bargaining process. Ms. Cairns Wells reported that the new negotiator for the Police Association is now asking for something in writing from Council that authorizes Mr. Wells to negotiate the collective bargaining agreement. After a short discussion, it was the consensus of Council that Ms. Cairns Wells be authorized to confirm this via an e-mail to the new negotiator for the Police Association.

**STREETS/SEWER/ECONOMIC DEVELOPMENT/RECYCLING-Mr. Myers
RESOLUTION 71-2012**

**A RESOLUTION APPROVING CHANGE ORDER NUMBER 2 (FINAL) FOR VARIOUS ROADWAY IMPROVEMENTS IN THE BOROUGH OF RIVERTON
(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 Mr. Corbi. A poll vote was then taken. Ms. Layton absent, Mr. Creighton aye, Ms. Cairns Wells aye, Mr. Corbi aye, Mr. Kinzler aye and Mr. Myers aye.

Mr. Myers announced that the New Jersey American Water Company would be replacing various water mains throughout the Borough.

PLANNING/REDEVELOPMENT-Mr. Corbi

UPDATE RE: COAH CERTIFICATION FORMS

Ms. Cairns Wells reported that we are required to submit a Certification of Municipal Affordable Housing Trust Fund Status form to COAH by August 13. Ms. Cairns Wells reported that the Borough's figures vary slightly from those supplied by COAH to us in their July 24, 2012 letter. Ms. Cairns Wells believes the discrepancy could be because the numbers were previously reported as end of month numbers. Ms.

Cairns Wells reported that we are requesting a meeting with COAH representatives to determine where the discrepancy is in their figures. Ms. Cairns Wells stated that we would also be forwarding to COAH fully executed agreements with Quality Management Associates and Habitat for Humanity which show our commitment to expend \$130,000.00 of our affordable housing funds to them. Council will be kept apprised of this issue.

PARK/SHADE TREE-Mr. Creighton

Mr. Creighton reported that the Chair of the Shade Tree Commission, Barry Emens, sent a letter to Mr. & Mrs. Clauson from Lippincott Avenue. This was in response to their complaint concerning a “hazardous” sugar maple tree in front of their property. Both the Shade Tree Commission and our certified tree expert have concurred that the tree is safe, the trunk and the roots are both sound and the tree is in overall good health.

Mr. Creighton stated that he needs to get together with the Shade Tree Commission to review specific tree work such as the trimming of trees and what trees need to be removed. Mayor Brown stressed the fact that the maintenance of Borough Trees takes precedence over the planting of any new trees. He asked Mr. Creighton to convey this to Barry Emens and the rest of the Shade Tree Commission.

MEETING OPEN TO THE PUBLIC

Albert Reeves of Elm Avenue reported that a tree was planted in front of 429 Elm Avenue a long time ago and the roots are now causing the sidewalk to come up. Mr. Reeves believes the Borough is responsible for this. Mr. Creighton stated that he would confer with the Shade Tree Commission on this issue. Public Works Manager Scott Reed asked if one of our Borough trees uproots a sidewalk, and the specific homeowner cannot obtain homeowner’s insurance or can’t sell the home because of this issue, does the Borough fix the problems. Ms. Cairns Wells responded that this type of situation is handled on a case by case basis. Mr. Myers stated that our only written policy is that the homeowner is responsible for their sidewalks and curbs. Mr. Gunn concurred with what Mr. Myers said. Mr. Gunn stated that the Shade Tree Commission is responsible for the trimming of Borough trees as well as making a determination as to whether a specific tree should be taken down or not. Mr. Gunn stated that by having a Shade Tree Commission, the Borough is insulated from any liability from any claims. Mr. Gunn reiterated the fact that the ultimate responsibility regarding sidewalks and curbs falls on the homeowner. Mr. Gunn also commented that we might want to review Chapter 118 (Trees) of the Borough Code to determine if changes should be recommended to Council. It was suggested that this issue be brought up at the next Shade Tree Commission meeting.

RESOLUTION 72-2012

**A RESOLUTION AUTHORIZING THE MAYOR OF THE BOROUGH OF RIVERTON TO EXECUTE A GRANT AGREEMENT RELATIVE TO THE AWARD OF MUNICIPAL PARK DEVELOPMENT PROGRAM FUNDS OF BURLINGTON COUNTY
(IN FULL IN RESOLUTION BOOK)**

The above Resolution was read by title only by Mr. Creighton, who moved for its adoption. This was seconded by Ms. Cairns Wells. A poll vote was then taken. Ms. Layton absent, Mr. Creighton aye, Ms. Cairns Wells aye, Mr. Corbi aye, Mr. Kinzler aye and Mr. Myers aye.

UPDATE RE: GRANDSTAND PROJECT

Mr. Creighton reported that the project scope is being finalized and we are trying to go out to bid as soon as possible. Mr. Myers reported that the grandstand committee met with our engineer and our architect to review the process. Mr. Myers stated that we have a targeted dedication date of July 4, 2013. Mr. Myers reported that we are hoping to go out to bid in November, with a projected construction period of six months to complete after the contract is awarded. Mr. Myers cautioned that there are a lot of variables, weather being one of them.

Public Works Manager Scott Reed reported that there is a crabgrass/field maintenance issue in the park that needs to be addressed. Mr. Kinzler responded that the soccer league was going to make a donation of \$2,950.00 to assist the Borough with field maintenance at the park. Mr. Reed stated that so far, we have not received any of this money. A discussion then ensued. The consensus was to proceed and get the work done that is needed and to discuss this issue with the soccer league members to remedy this situation as quickly as possible.

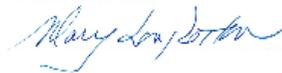
SCHOOL/BOARD OF HEALTH/ENVIRONMENTAL-Ms. Layton-No Report

OLD BUSINESS-None

NEW BUSINESS-None

CORRESPONDENCE-None

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



Mary Longbottom, RMC
Municipal Clerk