

December 12, 2012

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

PRESENT: Council members Layton, Creighton, Cairns Wells, Corbi, Kinzler and Solicitor Bruce M. Gunn

ABSENT: Council member Myers

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 November 14 were then presented. Mr. Corbi moved that these minutes be approved as submitted. This was seconded by Mr. Creighton. A poll vote was then taken. Ms. Layton aye, Mr. Creighton aye, Ms. Cairns Wells aye, Mr. Corbi aye, Mr. Kinzler abstained and Mr. Myers absent.

FINANCIAL ITEMS: Mr. Kinzler

TREASURER'S, FINANCE REPORT AND BILL LIST FOR APPROVAL

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

**RESOLUTION 91-2012
TRANSFER RESOLUTION
(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 Ms. Cairns Wells. A poll vote was then taken. Ms. Layton aye, Mr. Creighton aye, Ms. Cairns Wells aye, Mr. Corbi aye, Mr. Kinzler aye and Mr. Myers absent.

2013 BUDGET PLANNING & PREPARATION

Mr. Kinzler stated that the Finance Committee would be starting the 2013 budgetary process by meeting with Department Heads at the end of December to review their 2013 budget requests. Council will be kept apprised of this.

2012 UPAID TAX COLLECTION EFFORTS

Mr. Kinzler reported that as of the end of November our collection rate is 96.56%. We anticipated collecting 97.5% in our budget. Mr. Kinzler stated that the Tax Collection Department will be making every effort to contact those property owners (via telephone calls, letters, etc.) who are delinquent in paying their taxes to impress upon the property owner the necessity of making their payments by the end of the year. Mr. Kinzler explained that not paying taxes when they are due affects not only the current tax year, but the next year's as well. The State requires us to make up for any uncollected taxes in the following year's budget.

DISCUSSION: CELL TOWER LEASE AGREEMENT WITH SBA MONARCH TOWERS, LLC

Mr. Kinzler asked that this issue be tabled once again for further review. Council concurred with this request.

MEETING OPEN TO THE PUBLIC

JIM WITTMAYER 703 10th Street addressed Council about 701 10th Street. Mr. Wittmeyer asked what was going on with this derelict abandoned property. Both he and his wife have previously complained about this property. Mr. Wittmeyer asked if Council was doing anything to put a nuisance property ordinance in place. Mr. Wittmeyer commented that he recently contacted our Code Enforcement Officer and got no response about his ongoing concerns with this property. Ms. Cairns Wells will follow up with the Code Enforcement Officer and have her call him.

Ms. Cairns Wells commented that no work has been done on a new nuisance ordinance. She has called the respective property maintenance company for this property several times with no response. Ms. Cairns Wells stated that our Code Enforcement Officer recently sent out another notice that the property needs to be cleaned up. She did not know if there has been a response.

Mr. Wittmeyer commented that other communities such Evesham, Pemberton Township, Medford Lakes, Medford, etc are taking a stance on nuisance properties. Mr. Wittmeyer stated that it has been over a year and a half and nothing is being done about this property. Ms. Cairns Wells clarified that nuisance means properties that are unoccupied because of foreclosures, etc. Ms. Cairns Wells explained that the biggest issues with these properties is not a vehicle to enforce it, but rather it's finding a person or company responsible who will actually respond to us in some manner.

Mr. Wittmeyer reported that he had provided Mayor Brown with a whole folder of the history as to where the owners of the property are. Mr. Gunn asked if our Construction Official has been out to inspect the property. The response was yes. Mr. Gunn stated that a determination has to be made as to whether this property is an imminent hazard. If this is the case, we can go into court. If it is an unsafe structure, the Construction Official will give the owner time to comply. Mr. Gunn stated that it is very difficult dealing with either absentee owners or with banks because you have to serve notice on them.

Mr. Wittmeyer reminded Council that they are responsible for the welfare of the town. This property is an eyesore, a nuisance and it does not enhance the welfare of this town. Mr. Wittmeyer reiterated his position that nothing has been done in almost two years.

Ms. Cairns Wells stated that she will contact Bob Yearly, who is filling in for our Construction Official and ask him to check the property to determine if it is an unsafe structure. Mr. Gunn stated that if this is determined, we would issue a notice to the owner of record, or if there is a mortgagee, you can also issue notice to them. They would be given a certain amount of time and if they don't comply, we would then file an action in Superior Court for an unsafe structure. Mr. Gunn explained that under the statute the Construction Official has the ability to precipitate a court action, and then they have to be served.

Mr. Wittmeyer believes we need an ordinance in place to address these issues. Mayor Brown commented that initially we were getting results with these property issues. Then the maintenance people just stopped showing up and refused to respond to our concerns. Mr. Wittmeyer stated that this issue is not being pro actively attacked by this Council. He asked Council if they would consider an ordinance that covers nuisance

properties. Ms. Cairns Wells asked that a nuisance ordinance discussion be placed on Council's agenda for January 9th.

GENE BANDINE commented that the Christmas tree at the gazebo looks great.

Mr. Bandine raised concern about the parking and ticketing issues at the apex of Broad at Main and Howard Streets. Council reviewed these concerns. Chief Shaw then provided an overview of the motor vehicle violations occurring at these locations that have required strict enforcement.

AL POLITE asked that Council possibly consider increasing the time frame of the 15 minute parking limit near Milanese Pizza (his establishment) to a half hour or 45 minutes. Ms. Cairns Wells reminded Mr. Polite that the whole point of the 15 minute parking limit was to keep the parking spots turning over. She suggested that he needs to make his customers aware of the time limit for parking. Mr. Polite stated that he would follow through with this.

COMMITTEE REPORTS

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

Chief Shaw read a report for the month of November. Vehicle Mileage 2518, Juvenile Arrests 0, Adult Arrests 10 (9 Contempt 7, Shoplifting 1, Theft 1, Possession of CDS and Drug Paraphernalia 3), Motor Vehicle Accidents 5, Motor Vehicle Stops 92, Motor Vehicle Warnings 24, Motor Vehicle Summonses 68 (all Riverton) Alarms 4, Assistance to Other Agencies 18, Animal Complaints 5, Fire Calls 4, EMS Calls 11, Unattended Deaths 0, Criminal Cases 17, Incidents 334, Domestic 3, Thefts 3 (Theft moveable property-auto computer 2, Shoplifting 1), Burglaries 1, Assaults 0, Sexual Assaults 0, Criminal Mischief 1, Robberies 0 Miscellaneous Calls 203, Total Calls Dispatched 537 and Incidents 334.

Ms. Cairns Wells read the following report for the month of November that was submitted by Deputy Fire Chief, Robert Yearly. Fire Calls for the month 18, drills 3, calls in town 8 and calls out of town 10.

Ms. Cairns Wells read the following report for the month of November that was submitted by Court Administrator, Jackie Gleason. The total receipts for the month amounted to \$8833.00. The total amount disbursed to Riverton amounted to \$4780.90.

Ms. Cairns Wells reported that our Construction Official is still out ill and that an outside agency is doing the electrical inspections. Bob Yearly is filling in on some of the building inspections in the Construction Official's absence.

STREETS/SEWER/ECONOMIC DEVELOPMENT/RECYCLING-Mr. Myers –No Report

PLANNING/REDEVELOPMENT-Mr. Corbi

Mr. Corbi reported that the Planning Board approved the Porch Club's application for the installation of a handicapped ramp.

Mr. Corbi reported that Habitat for Humanity might be interested in purchasing a home in town, but cautioned that this was in the very preliminary stages.

PARK/SHADE TREE-Mr. Creighton

Mr. Creighton announced that we will be advertising for the receipt of bids for the grandstand project this Friday. The Clerk stated that in the authorizing resolution, the specifications were to be forwarded to our Solicitor for his review and approval prior to the advertisement and this has not been done. Mr. Creighton responded that he would speak with Harry Fox of Land Engineering tomorrow morning. Mr. Creighton inquired

as to whether there would be funds available for the demolition of the grandstand prior to the grant reimbursement parameters. After some discussion, Mr. Kinzler responded that we could pay for this ahead of that process.

REVIEW OF BIDS RECEIVED FOR 2013 TREE REMOVALS

Mr. Creighton announced that three (bids) were received, opened and publicly read on December 4, 2012 at 10:00am for 2013 tree removals. They are as follows: **Paul May Tree Service of Delran, New Jersey \$26,999.00, Perna Construction, LLC, Hammonton, New Jersey \$45,500.99 and Bustleton Services, Inc. of Bensalem, Penna. \$64,800.00.** Mr. Gunn reported that he has reviewed the bids and that the lowest bidder has complied with all aspects of our specifications. Both he and the Shade Tree Board are recommending that Council award the contract to the Paul May Tree Service of Delran, New Jersey.

RESOLUTION 92-2012

**A RESOLUTION TO AWARD A CONTRACT TO PAUL MAY TREE SERVICE, INC. FOR THE REMOVAL OF TREES AND STUMPS FOR 2013
(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 aye, Mr. Creighton aye, Ms. Cairns Wells aye, Mr. Corbi aye, Mr. Kinzler aye and Mr. Myers absent.

REVIEW OF BIDS RECEIVED FOR CARE & MAINTENANCE OF TREES FOR 2013-2014.

Mr. Creighton announced that two (2) bids were received, opened and publicly read on December 4, 2012 at 11:00am for Care & Maintenance of Trees for 2013 & 2014. They are as follows:

**Paul May Tree Service of Delran, New Jersey-
Tree Removals, Trimming, etc. \$75.00 per hour, per man,
Stump Removal \$75.00 per hour per man
Certified Tree Expert Consulting Services &75.00 per hour
Bustleton Services, Inc. of Bensalem, Pa.
Tree Removals, Trimming, etc. \$66.00 per hour, per man,
Stump Removals \$75.00 per hour per man
Certified Tree Expert Consulting Services \$50.00 per hour**

Mr. Gunn reported that he has reviewed both bids and that Bustleton's is materially defective because no one from this company holds a certification as a New Jersey Certified Tree Expert as required by our specifications. Mr. Gunn explained that one of Bustleton's Associates holds an Arborist Certification from Pennsylvania/Delaware, which is not the same thing as being a New Jersey Certified Tree expert. Mr. Gunn reported that both he and the Shade Tree Board are recommending that Council award this contract to Paul May Tree Service of Delran, New Jersey. After some discussion, Council concurred with this recommendation.

RESOLUTION 93-2012

**A RESOLUTION AWARDED A CONTRACT FOR TREE SERVICES FOR THE YEAR 2013 AND 2014 TO PAUL MAY TREE SERVICE, INC.
(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 aye, Mr. Creighton aye, Ms. Cairns Wells aye, Mr. Corbi aye, Mr. Kinzler aye and Mr. Myers absent.

ORDINANCE 2012-5
AN ORDINANCE FOR THE BOROUGH OF RIVERTON AMENDING
CHAPTER 35 (SHADE TREE BOARD) TO INCORPORATE AND AMEND
CHAPTER 118 (TREES)
(IN FULL IN ORDINANCE BOOK)

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

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

Mayor Brown reported that we received a response from the Commissioner of Transportation regarding our request for an investigation into the need for pedestrian safety upgrades along Broad Street at various railroad intersections within the Borough. We were informed that Broad Street is a County Road and is under the jurisdiction of Burlington County. Our request has been forwarded on Burlington County Engineer Joseph T. Brickley for his review.

Mayor Brown reminded Council that the holiday luncheon is set for Thursday, December 20, 2012 from noon until 2:00pm.

Mayor Brown announced that the Wreaths Across America remembrance ceremony will be held on December 15th at the Beverly National Cemetery in Edgewater Park at noon.

NEW BUSINESS

RESOLUTION 94-2012
A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF
RIVERTON AUTHORIZING THE DAY AND TIME FOR THE 2013
REORGANIZATION 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. Creighton. A poll vote was then taken. Ms. Layton aye, Mr. Creighton aye, Ms. Cairns Wells aye, Mr. Corbi aye, Mr. Kinzler aye and Mr. Myers absent.

RESOLUTION 95-2012
A RESOLUTION AUTHORIZING THE DAYS AND TIMES OF ALL COUNCIL
MEETINGS FOR 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. Corbi. A poll vote was then taken. Ms. Layton aye, Mr. Creighton aye, Ms. Cairns Wells aye, Mr. Corbi aye, Mr. Kinzler aye and Mr. Myers absent.

RESOLUTION 96-2012
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 Ms. Cairns Wells, who moved for its adoption. This was seconded by Mr. Creighton. A poll vote was then taken. Ms. Layton, Mr. Creighton aye, Ms. Cairns Wells aye, Mr. Corbi aye, Mr. Kinzler aye and Mr. Myers absent. It should be noted that contract negotiations-police will be discussed. Ms. Layton then left the meeting and would not be present for the closed session discussion.

At this time Ms. Cairns Wells moved that we return to public session. 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 absent.

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



Mary Longbottom, RMC
Municipal Clerk