

October 10, 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 (arrived at 8:00pm) and Solicitor Bruce M. Gunn

**ABSENT:** Council members Layton and 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 September 12 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 absent, Mr. Creighton aye, Ms. Cairns Wells aye, Mr. Corbi aye, Mr. Kinzler absent and Mr. Myers absent.

**PRESENTATION FROM MEMBERS OF THE PORCH CLUB (PAT BRUNKER AND CAROL MCCARTHY) RE: PAINT THE PORCH PINK BREAST CANCER WALK SCHEDULED FOR SUNDAY, JUNE 2, 2013**

Both Ms. Bruncker and Ms. McCarthy provided Council with an overview of their request, which Council reviewed and discussed. Ms. McCarthy provided a proposed sidewalk walk (same as the event held in 2011) route through the Borough. It was the consensus of Council to endorse and authorize 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 77-2012**

**A RESOLUTION AUTHORIZING THE RIVERTON PORCH CLUB TO SPONSOR A WALK IN SUPPORT OF BREAST CANCER ON SUNDAY, JUNE 2, 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. Creighton. A poll vote was then taken. Ms. Layton absent, Mr. Creighton aye, Ms. Cairns Wells aye, Mr. Corbi aye, Mr. Kinzler absent and Mr. Myers absent.

**MEETING OPEN TO THE PUBLIC-**There was no public comment at this time

**COMMITTEE REPORTS**

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

Chief Shaw read the following report for the month of September 2012. Vehicle Mileage 1919, Juvenile Arrests 0, Adult Arrests 8 (Contempt 7, Shoplifting 1, Conspiracy/Shoplifting 1, False Swearing, Incriminating another Falsely 1), Motor Vehicle Accidents 5, Motor Vehicle Stops 104, Motor Vehicle Warnings 22, Motor Vehicle Summonses-Riverton 60, Alarms 4, Assistance to Other Agencies 25, Animal Complaints 9, Fire Calls 3, EMS Calls 14, Unattended Deaths 0, Criminal Cases 10, Incidents 247, Domestic 0, Thefts 3 (Moveable Property (Bike 1 and Shoplifting 2),

Burglaries 1, Assaults 0, Sexual Assaults 0, Criminal Mischief 0, Robberies 0, Miscellaneous Calls 182, Total calls Dispatched 419, Incidents 247 and Quick Calls 182.

Chief Shaw reported that on October 1 the Police and Fire Department held a disaster drill at the Riverview Estates which went very well.

Chief Shaw reported that on October 4, a lewdness incident occurred at approximately 3:45pm at 8<sup>th</sup> & Main Streets.

Chief Shaw reported that Palmyra will be holding their Halloween Parade on October 30 at 7:00pm. The parade will originate in Riverton, going down Broad Street.

Ms. Cairns Wells read a report that was submitted by Court Administrator Jackie Gleason for the month of August. Total receipts for the month amounted to \$7068.00. The total amount disbursed to Riverton amounted to \$3507.92.

Ms. Cairns Wells read a report that was submitted by Deputy Fire Chief, Robert Yearly for the month of September. Fire Calls for the Month 12, Drills 3, Calls in Town 6 and Calls out of Town 6.

Ms. Cairns Wells reported that our Construction Official has been out due to illness. Ms. Cairns Wells reported that our Fire Inspector, Robert Yearly has recently passed part of his construction code exam so he has been able to perform some of the required inspections, but not the electrical aspect. We have found a company that will come in and do these inspections for a reasonable amount.

#### **ORDINANCE 2012-3**

### **AN ORDINANCE OF THE BOROUGH OF RIVERTON AMENDING CHAPTER 123-15 TO DESIGNATE FOUR-WAY STOP SIGN INTERSECTIONS IN SCHEDULE IX, CHAPTER 123-31 (IN FULL IN ORDINANCE BOOK)**

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

#### **ORDINANCE 2012-4**

### **AN ORDINANCE ESTABLISHING REQUIREMENTS AND PROCEDURES FOR THE LICENSING OF TOWING SERVICES FOR THE RIVERTON BOROUGH POLICE DEPARTMENT AND TO ESTABLISH UNIFORM FEES FOR TOWINGS AND STORAGE SERVICES**

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. Creighton. A poll vote was then taken. Ms. Layton absent, Mr. Creighton aye, Ms. Cairns Wells aye, Mr. Corbi aye, Mr. Kinzler absent and Mr. Myers absent. Second reading and a public hearing on this Ordinance is scheduled for November 14<sup>th</sup>.

#### **RESOLUTION 78-2012**

### **A RESOLUTION AUTHORIZING A CURFEW FOR OCTOBER 28, OCTOBER 29, OCTOBER 30 AND OCTOBER 31, 2012 IN 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. Corbi. A poll vote was then taken. Ms. Layton absent, Mr. Creighton aye, Ms. Cairns Wells aye, Mr. Corbi aye, Mr. Kinzler absent and Mr. Myers absent.

**RESOLUTION 79-2012**

**A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF RIVERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, IN SUPPORT OF THE PASSAGE OF S108/A640 (AMENDING MEGAN'S LAW) BY THE LEGISLATURE (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 absent and Mr. Myers aye.

**RESOLUTION 80-2012**

**A RESOLUTION AUTHORIZING THE BOROUGH OF RIVERTON TO ENTER INTO AN INTERLOCAL SERVICE AGREEMENT FOR THE BURLINGTON COUNTY RIVERLINE TASK FORCE PROGRAM (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. Chief Shaw explained that by authorizing this task force program/agreement, the Police Departments along the riverline will be in a better position to enforce criminal statues and local ordinances. 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.

**STREETS/SEWER/ECONOMIC DEVELOPMENT/RECYCLING**

In Mr. Myers absence, Mr. Corbi reported that the Riverton School will be holding their Veteran's Day celebration on Monday, November 12 at 9:30am in the Riverton School gym. All of Council is invited to attend.

The tree lighting ceremony will take place on Friday, December 7 at 7:00pm at the gazebo. **Al Reeves** of Elm Avenue asked that the tree be placed outside of the gazebo because it is not easily seen. Mr. Reeves was of the opinion that the War Memorial was a better location for the tree. **Gene Bandine** commented that he likes it where it is. Ms. Cairns Wells commented that all suggestions would be considered.

Mr. Corbi reported that Land Engineering is putting the final touches on the specifications for the grandstand project. Hopefully, we will go out to bid by the end of October. The Clerk stated that these specs need to be reviewed by our Solicitor prior to advertising for the receipts of bids. Mr. Corbi responded that the engineer would be reminded of this.

**PLANNING/REDEVELOPMENT-Mr. Corbi**

Mr. Corbi reported that the Porch Club's variance application and public hearing was extended until the Planning Board's November meeting. There are some issues that still need to be resolved before a final decision is reached.

Mr. Corbi reported that Quality Management may have purchased another home in the Borough, which could possibly be used towards the Borough's affordable housing obligation.

Mr. Corbi reported that a new restaurant is scheduled to open at the Shops of Riverton location at the end of October.

**PARK/SHADE TREE-Mr. Creighton**

Mr. Creighton reported that since we dissolved the Park & Recreation Commission and instituted a Park & Recreation Advisory Committee, he has been reaching out to the former Commission members to find out if they would like to serve on the advisory committee. Council will be kept apprised of this situation.

Mr. Corbi reported that he received a call that our bathroom facilities at the park are not always open. Public Works Manager, Scott Reed commented that they are open during the week but might be locked over the weekend. Chief Shaw commented that they should call the police department to have them opened. The duty officer has a key. Ms. Cairns Wells suggested that as a matter of course, the facilities should be opened on the weekends. Chief Shaw responded that he would take care of this.

Ms. Cairns Wells asked if the sprinklers were still on. Public Works Manager Reed responded yes. The soccer league will be doing the aeration and seeding. When that is complete the system will be shut down.

**Renee Azelby** inquired as to whether we could get some volunteers together to clean-up the graffiti on the playground equipment at the park. Mr. Creighton stated that this issue would be brought up at the next Park & Recreation Committee meeting.

Mr. Creighton reported that the preparation of the specifications for the grandstand project is progressing. We are also getting quotes for the demolition of the present grandstand building.

**REVIEW OF PROPOSED LIST OF BOROUGH TREE REMOVALS FOR 2013**

Council reviewed this list that was submitted by the Shade Tree Board. Mayor Brown stated that both he and the Public Works Manager prepared another list of proposed tree removals that needs to be reviewed also.

Mayor Brown acknowledged all that Barry Emens, Chair of the Shade Tree Board, does for the community and that it is appreciated. However Mayor Brown believes the main thing that Council is concerned about is the safety element of the trees that need to be removed. This should be the first priority, not the planting and not the trimming. This is what Council wants and Council would like Mr. Emens to do what they want.

Mayor Brown cited examples of trees in the park and at other locations that have been trimmed but should have been taken down. Mayor Brown stated that it is his understanding that our Tree Contractor had indicated that a specific tree in the park should have been removed but that the Shade Tree Board only authorized a trimming. Mayor Brown reiterated the need to remove hazardous trees first, before anything else. Mayor Brown believes we can miss a year of planting to address these issues. Ms. Cairns Wells commented that we have solicited and received Shade Tree donations, which can be used for planting. We just want to make sure we are taking down those trees that need to be removed. Mr. Emens explained that the Board is doing an annual high hazardous tree survey and those trees earmarked for removals are reflected on the submitted list to Council. Mr. Emens stated that there are a lot of reasons why you don't take trees down and that most people don't know anything about trees. Mr. Corbi concurred with the Mayor's comments and again reiterated the fact that safety is key. Mr. Creighton concurred and feels this is especially true around the playing fields in the park.

Mr. Kinzler thought there is a difference of opinion as to whether a tree should come down or not, whether there is enough funding to take trees down or is it because we don't have enough funding to take both the trees down and also the planting. Mr. Kinzler asked Mr. Emens if more trees are taken down, does that take away from the planting aspect. Mr. Emens responded that it takes away from the maintenance. Mr. Emens stated that there is not enough money in the Shade Tree budget to address all of the complaints that come in about the trees. Mayor Brown stressed the fact that priorities must be set. Mr. Emens stated removals come first, maintenance is 2<sup>nd</sup> and planting is third. **Gene Bandine** of the Shade Tree Board stated that there are too many people in this town that are crying wolf. They should be glad they have the beautiful trees we have.

Mr. Creighton commented that Mr. Emens does a good job of getting PSE&G into town to help us trim anything around the wires. This helps keep our costs down. Mr. Creighton stated that from what he understands, the Borough saves a lot of money by having a separate contract for tree removals. Mr. Creighton stated that he wants all of the dead trees in need of removal placed on one list.

Mr. Kinzler stated that the Shade Tree budget should cover both the cutting down and maintenance of the trees. Mr. Kinzler believes there are still differences of opinion on how to manage the money earmarked for the Shade Tree throughout the year. Mr. Kinzler thinks fund raising for tree planting is a good way to go. **Gene Bandine** asked if there have been any accidents or near misses because of tree issues. Ms. Cairns Wells asked why we would want to wait for that. Our certified tree expert should be letting us know in writing if a tree is safe or needs to be removed.

Mr. Emens stated that the Board is very careful in reviewing what trees should be removed and the list submitted reflects those trees that should come down. After it is decided which trees should be removed, our tree contractor should not have to take any other trees down. However, Ms. Cairns Wells commented that there might be some type of situation like storm damage that could require us to remove an additional tree during the year. **Gene Bandine** understands that Council wants to address issues before something falls, but stated that that is what the Shade Tree Board is doing. We are always looking at things now and trying to get it done within our budget. Ms. Cairns Wells stressed the fact that we don't want to have a scenario occur during the year whereby we have to address a questionable tree that was not placed on the removal list and then it is determined it must come down. This normally costs the Borough much more money and we should avoid this happening whenever possible.

Mr. Emens stressed the fact that we must also follow our Forestry Management Plan to minimize our liability. Ms. Cairns Wells responded that our tree contractor, who is a certified tree expert, can also weigh in on some of these issues too. Mr. Emens stated that our Tree Contractor can attest in writing as to the safety of a tree.

Mr. Kinzler stated that we used to get shade tree grants from time to time and inquired as to whether there is any chance of us getting anymore. Mr. Emens responded that there are absolutely none at this time. Mr. Kinzler believes this is all the more reason that additional effort should go into fund raising. After additional discussion, it was the consensus of Council to defer any decision on the tree removal issue until their November meeting. This will give the Shade Tree Board time to review the additional list of trees to be considered on the removal listing.

**REVIEW OF SPECIFICATIONS FOR THE CARE AND MAINTENANCE OF TREES FOR 2013-2014** It was the consensus of Council to defer this until November's meeting.

**FINANCIAL ITEMS:** Mr. Kinzler/Ms. Cairns Wells

**TREASURER'S, FINANCE REPORTS & BILL LIST FOR APPROVAL**

Mr. Kinzler moved that the attached reports for the month of September 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 absent.

**RESOLUTION 80-2012**

**A RESOLUTION AUTHORIZING THE MAYOR OF THE BOROUGH OF RIVERTON TO EXECUTE AN AGREEMENT WITH LABOR TEAM USA, INC. AND LABOR READY EMPLOYMENT AGENCIES  
(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 absent.

**RESOLUTION 81-2012**

**A RESOLUTION REFUNDING 3<sup>RD</sup> QUARTER TAXES ON BLOCK 1004 LOT 13  
(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. 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 absent.

**UPDATE RE: 2012 BUDGET**

Mr. Kinzler reviewed various budgetary line items with Council. Police overtime looks good, streets and roads overtime and maintenance looks good, although there are some outstanding bills. Mr. Kinzler cautioned that the Shade Tree budget needs to be monitored for any possible contingencies before the end of the year. Maintenance regarding the police vehicles has been coming down significantly. The Public Works and Fire Department vehicles maintenance line item is over expended. Mr. Kinzler asked if the gasoline bills are still back logged from Cinnaminson. The Treasurer reported that we're only up to August for our payments to Cinnaminson. We should be caught up very soon. Mr. Kinzler reported that the landfill fees line item is in pretty good shape. Mr. Kinzler stated that at our November meeting we will start to talk about the 2013 budget.

**OLD BUSINESS**

**NEW BUSINESS**

Mayor Brown would like to recognize our former Tax Assessor with a plaque and gift card at our holiday luncheon. Council agreed to this.

Mayor Brown would like to have our annual Borough Directory prepared by us as opposed to the Riverton Business and Civic Association. After a short discussion, Council concurred with this.

Mayor Brown announced that he and Ms. Cairns Wells attended a Make a splash event at the Palmyra Cove. They would like to invite us back next year but are asking for a contribution. They need to make a formal request for consideration in the 2013 budget.

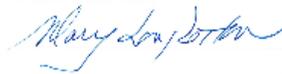
**DISCUSSION: CABLE FRANCHISE RENEWAL**

Ms. Cairns Wells reported that our present cable franchise with Comcast expires at the end of January 2014. When the prior cable agreement was negotiated in late 1998, Comcast was given an exclusive 15 year agreement. Ms. Cairns Wells reported that, in addition to this, a sidebar agreement was negotiated with Comcast. Council reviewed a copy of this. Ms. Cairns Wells stated that a committee needs to be formed. The Clerk reported that previously, we had representatives from Council, the school, the library and residents. Ms. Cairns Wells thought that we also need to find out if Fios would be interested in coming into Riverton. Mr. Kinzler asked why we have to pick one. Mr. Gunn stated that 15 years ago there was only one cable company available. Regarding the renewal process, Mr. Gunn explained that unless your provider is really bad you give them deference. If you go to somebody else, there has to be a very compelling reason. Mr. Gunn stated that other towns are probably going through the renewal process, and we should contact them to find out what concessions they are getting from the provider. Ms. Cairns Wells also stated that our present franchise agreement with Comcast provides that they pay to the Borough 2% of the gross revenues from all recurring charges received by the Company from subscribers to its cable television reception in the Borough. Ms. Cairns Wells stated that since this did not include computers and the internet, perhaps we could also re-negotiate this percentage. Ms. Cairns Wells asked that the formation of a cable committee be placed on Council's November meeting agenda.

**UPDATE RE: VETERAN'S DONATIONS**

Mayor Brown reported that we have received \$283.00 in donations for the maintenance of the war memorial. Five additional names are scheduled to be added at the site.

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



Mary Longbottom, RMC  
Municipal Clerk