

June 12, 2013

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

PRESENT: Council members Azelby, 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 2013 published in the Burlington County Times on December 28, 2012
- (b) Forwarding written notification of the 2013 meeting schedule to the Courier Post for informational purposes only on January 3, 2013
- (c) Posting written notice on the official bulletin board on January 2, 2013

The open and closed session minutes from May 8th were then presented. Mr. Creighton moved that these minutes be approved as submitted. This was seconded by Ms. Azelby. A poll vote was then taken. Ms. Azelby aye, Mr. Creighton aye, Ms. Cairns Wells aye, Mr. Corbi aye, Mr. Kinzler aye and Mr. Myers absent.

RESOLUTION 50-2013

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 Ms. Azelby. A poll vote was then taken. Ms. Azelby aye, Mr. Creighton aye, Ms. Cairns Wells aye, Mr. Corbi aye, Mr. Kinzler aye and Mr. Myers absent. It should be noted that Personnel-Police will be discussed.

At this time Ms. Cairns Wells moved that we return to public session. This was seconded by Mr. Creighton, with all present voting in the affirmative.

RESOLUTION 51-2013

RESOLUTION APPOINTING ANDREW BEUSCHEL AS A REGULAR POLICE OFFICER 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 Ms. Azelby. A poll vote was then taken. Ms. Azelby aye, Mr. Creighton aye, Mr. Corbi aye, Mr. Kinzler aye and Mr. Myers absent.

At this time Solicitor Bruce M. Gunn administered the Oath of Office to Andrew Beuschel as a regular police officer in the Borough of Riverton.

FINANCIAL ITEMS: Mr. Kinzler

TREASURER'S/FINANCE REPORT & BILL LIST FOR APPROVAL

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

REVIEW OF PURCHASING PROCEDURES

Mr. Kinzler asked that this issue be deferred until Council's July 10th meeting for discussion.

MEETING OPEN TO THE PUBLIC

Bob Smyth reported that the recent Memorial Day ceremony went very well. Mr. Smyth commented that we are looking into doing some additional maintenance on the War Memorial.

Armand Bianchini thanked the Police Department for utilizing the speed radar gun on Main Street. It is working.

Robin McGinnis asked for an update on the pedestrian pushbutton issue. Mayor Brown provided an overview of previous discussions at Council meetings regarding the need for a push button type operation for the traffic signal at the intersection of Cedar and Broad. Mayor Brown reported that the Burlington Traffic Engineer has commenced and completed a survey/study of this intersection. Ms. Azelby doesn't understand why we needed another survey/study when one was done a number of years ago that clearly showed that these pushbuttons were needed at all the grade crossings in Riverton. Mayor Brown stated that he would like to form a committee to handle this project. He asked Ms. Azelby to serve from Council and Ms. McGinnis to serve from the public. Both agreed. Ms. McGinnis stated that there are blueprints from the rail project that clearly show the pushbuttons in place at the crossings. A discussion then ensued with the consensus of Council being that a concerted effort be made to remedy this hazardous situation for pedestrians trying to get across Broad Street at the grade crossings by foot or bicycle.

PRESENTATION FROM MARK REMSA AND DAVE WYCHE OF THE BRIDGE COMMISSION'S DEPARTMENT OF ECONOMIC DEVELOPMENT ON THE "BUY LOCAL INITIATIVE"

Mr. Remsa reported that the Freeholders, the Bridge Commission and the Burlington County Chamber of Commerce have started this initiative. They are trying to enlist some of the local business associations to become part of this. Mr. Remsa stated that this effort is not a replacement of what the local business associations do. Mr. Remsa also acknowledged that some communities do not have a local business association.

Mr. Remsa explained that in this case, the Chamber of Commerce will wear two hats-as a local partner and as a regional partner. They will also create a new form of membership for municipalities at a very low rate. All businesses in that respective community get to become part of this initiative. Mr. Remsa further explained that the whole purpose of this initiative is to help the economy and have people buy things locally. There is no cost to the local business owners. Mr. Remsa reported that there is a website whereby residents can review detailed information on this initiative and can pledge to buy local. The website is www.shopburlingtoncounty.com. You have to be a real bona fide business association, which requires a certain criteria to join. There is also a Memorandum of Understanding that the local business association would enter into with the Freeholders, the Bridge Commission and the Burlington County Chamber of Commerce.

Mr. Remsa reported that three communities in Burlington County already have a buy local campaign. They are Maple Shade, Mt. Holly and Bordentown City. A directory will also be compiled on the county website that will be available to the public. Ms.

Azelby stated that she would be contacting our local businesses to find out if there is any interest in participating in this program

DISCUSSION ITEMS:

GRANDSTAND PROJECT

Mr. Creighton reported that our Building Inspector has informed us that State statutes and codes require the Borough to install a lift (elevator) at the new grandstand for handicapped accessibility to the 2nd level. Mr. Creighton reported that the Borough's Engineer (Land Engineering) has made the adjustment for the inclusion of this required lift in a new set of drawings, and that the Building Inspector will now sign off on the required permits for the contractor to start work on the new grandstand. Mr. Creighton thought the cost for this lift would run \$10,000.00, but he isn't sure.

Mr. Corbi stated that he thought the Engineer was under the impression that because the new grandstand would only be 9' high and would be considered a mezzanine that a handicapped lift would not be required. We now know this is not the case. Mr. Corbi understands that the initial set of drawings for the grandstand project included this lift. It was taken out when the redesign work was done.

Ms. Cairns Wells stated that the contract was awarded without this lift being in the specifications. Ms. Cairns Wells didn't know if this issue would require a change order or if we would have to re-bid this. Ms. Cairns Wells questioned whether this lift could be purchased separately and then installed by the contractor. Mayor Brown responded yes that is his understanding. Ms. Cairns Wells thought we would have to find companies that sell these things and get quotes; however if the costs exceed our permitted bid threshold of \$29,000, we would have to bid this out. Mayor Brown expressed concern over the additional unanticipated costs for this lift as well as its installation. Ms. Cairns Wells stated that it sounds like the engineering firm made the determination incorrectly that a structure of this size or height didn't need this lift. Mayor Brown asked why we then would have to pay for this if the engineering company made the mistake by taking it out of the revised drawings. Ms. Cairns Wells stated that the Borough should not be billed for whatever new designs the company had to do to put it back in. She was also unsure as to whether we could say to them that they have to pay for all of it. Mayor Brown was of the opinion that there should be some type of cost sharing. Mr. Creighton stated that he would be conferring with Mr. Myers who might have more information about this issue. Council will be kept apprised of this situation.

2ND STREET SEWER ISSUE

Council reviewed a bill from Root 24, Inc. in the amount of \$19,404.75 for the repair of an emergency sewer break at 2nd & Fulton Street on May 24th. Ms. Cairns Wells reported that this invoice will not be placed on this month's bill list of payment. We need to review this invoice and then perhaps we could go back to the company and ask if this is the best they can do for us. Mr. Gunn asked if this bill was submitted to the Borough's insurance carrier. Ms. Azelby stated that she would talk to our insurance carrier.

COMCAST CABLE FRANCHISE RENEWAL

Ms. Cairns Wells reported that a meeting was recently held with Fred DeAndrea a representative of Comcast Cable to discuss the Borough's renewal. The Clerk and the School Board Secretary were also in attendance. Ms. Cairns Wells reported that the Borough's franchise agreement with Comcast expires on January 10, 2014. Ms. Cairns Wells reported that we have found out that any new agreement with Comcast would be

non-exclusive. This means that if another provider comes into town a number of years from now, that would be okay. For the record, Ms. Cairns Wells reported that we did reach out to Fios to determine if they were interested in coming into Riverton. They responded that they were not at this time.

Ms. Cairns Wells stated that if Comcast is not in compliance during the proposed renewal agreement, we do have remedies through the State Board of Public Utilities. Ms. Cairns Wells reported that our present agreement with Comcast provides that they pay the Borough 2% of the gross revenues from all recurring charges received by Comcast from subscribers to its cable television reception service in the Borough. This 2% is state regulated and just on the cable TV portion. Therefore, we cannot ask for an additional percentage for internet and phone service. Ms. Cairns Wells stated that in actuality, the residents who subscribe to Comcast Cable are paying the 2% franchise fee. It's listed on the respective customer's bill.

Ms. Cairns Wells has preliminarily reviewed a sample cable ordinance. She wants verbiage included that the Borough be given advance notice when Comcast has to come in to trim trees near the cable lines. The listing of the Borough Clerk as the person to handle customer complaints should be changed to the Office of Cable Television.

Ms. Cairns Wells reported that the committee has asked Comcast to continue to honor commitments from a 1998 agreement which include, but is not limited to free cable internet access to the Borough office for up to three (3) computers). A copy of this prior agreement is on file with the Municipal Clerk. Ms. Cairns Wells reported that within six months of the Borough's renewal with them, Comcast will give us a \$10,000.00 technology grant. We will be the custodian of this but will work with the school and library to determine what assistance we can give them. Ms. Cairns Wells reiterated that there really is no reason not to give Comcast a 15 year renewal since it is non exclusive. Mr. Creighton asked if we could possibly get free internet connection at our new stadium at the park for movies. Ms. Cairns Wells responded that she would ask the Comcast representative about this.

Mr. Gunn commented that with a 15 year renewal agreement, there is wording included for an automatic 10 year renewal in the proposed ordinance. Mr. Gunn stated that the Borough would have to show just cause not to go with the automatic renewal. Ms. Azelby asked if we lock in to the automatic renewal, do we then waive our ability to collect an additional \$10,000 in grant money at the time of the renewal? Mr. Gunn stated that this might be a negotiable item. Mr. Gunn further stated that the State Board of Public Utilities must approve the renewing Ordinance. Ms. Cairns Wells reported that Council will be holding a special meeting on July 2nd to conduct the required public hearing on this renewal. The renewing Ordinance needs to be adopted before the end of the year.

ENERGY AGGREGATION

Mayor Brown reported that 13 municipalities (including Riverton) had expressed interest in attending a meeting with Freeholder Donnelly to learn more about Community Aggregation. This pertains to the ability for towns and counties to "bulk purchase" electricity or natural gas for all its residents and businesses at a reduced cost. Mayor Brown reported that at this meeting, it was determined that there is no history or data to refer to as to whether this would be good, bad or indifferent. Mayor Brown reported that Plumstead Township is the only municipality in New Jersey that has this program.

Mayor Brown reported that there were no answers about the rate issue. Ms. Cairns Wells stated that she is uneasy with this program. She doesn't think a lot of people in town would be happy knowing that we have switched their providers. Ms. Cairns Wells stated that while there is the ability to opt out, she didn't know how difficult this would be. A discussion ensued with the consensus being that with so many unknown factors, this would not be a good idea for our municipality at this time.

COMMITTEE REPORTS

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

Chief Shaw read a report for the month of May. Vehicle Mileage 1585, Juvenile Arrests 0, Adult Arrests 7 (Contempt 3, DUI 1, Shoplifting 2, Possession of Drug Paraphernalia 1, Burglary/Theft 1-These figures represent people who were arrested and the charges against them), Motor Vehicle Accidents 4, Motor Vehicle Stops 59, Motor Vehicle Warnings 10, Motor Vehicle Summonses 49- (All Riverton), Alarms 8, Assistance to Other Agencies 10, Animal Complaints 4, Fire Calls 4, EMS Calls 27, Unattended Deaths 0, Criminal Cases 10, Incidents 220, Domestic Violence 0, Thefts 7 (Identity Theft 1, Shoplifting 2, Jewelry/Electronics 3), Burglaries 3 (Residential 2, Business 1), Assaults 0, Sexual Assaults 0, Criminal Mischief 1, Robberies 0, Miscellaneous Calls 153, Total Calls Dispatched 373, Incidents 220 and Quick Calls 153.

Chief Shaw reported that the Paint the Porch Pink and the Historic Criterium Bike race events went well. Chief Shaw reported that the hiring of the new police officer and the return of one officer who was out on medical leave will have a positive effect on the Police Department. Chief Shaw thanked everyone for helping out.

Ms. Cairns Wells read a report for the month of May that was submitted by Deputy Fire Chief Robert Yearly. Fire Calls for the Month were 16, Drills 8, Calls in Town 7 and Calls Out of Town 9.

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 \$9,685.00. The total amount disbursed to Riverton amounted to \$5,030.71.

Ms. Cairns Wells reported that our Code Enforcement Officer has sent written notification of the requirement to file a Vacant Property Registration Application to four property owners in town.

Ms. Cairns Wells reported that our Construction Official is still out ill and that we are conferring with our Solicitor as to what direction we need to take regarding this position.

Ms. Cairns Wells reported that review is still being done regarding possible amendments to our Sidewalk Ordinance. This issue will be placed on Council's July 10th agenda for discussion.

RESOLUTION 52-2013

A RESOLUTION AUTHORIZING THE HIRING OF ONE SUBSTITUTE CROSSING GUARD 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. Creighton. A poll vote was then taken. Ms. Azelby aye, Mr. Creighton aye, Ms. Cairns Wells aye, Mr. Corbi aye, Mr. Kinzler aye and Mr. Myers absent.

RESOLUTION 53-2013
A RESOLUTION AUTHORIZING THE PURCHASE AND PAYMENT FOR 90
CONES FOR THE POLICE DEPARTMENT IN THE AMOUNT OF \$994.50
FROM WORK AREA PROTECTION CORPORATION OF
ST. CHARLES, ILLINOIS
(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. Azelby aye, Mr. Creighton aye, Ms. Cairns Wells aye, Mr. Corbi aye, Mr. Kinzler aye and Mr. Myers absent.

RESOLUTION 54-2013
A RESOLUTION AMENDING RESOLUTION 32-2013 TO PROVIDE FOR
PROPERTY MAINTENANCE RULES AND REGULATIONS AS AUTHORIZED
BY SECTION 6 OF ORDINANCE 2013-3 FOR THE MAINTENANCE OF
VACANT AND ABANDONED PROPERTIES 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. Creighton. A poll vote was then taken. Ms. Azelby aye, Mr. Creighton aye, Ms. Cairns Wells aye, Mr. Corbi aye, Mr. Kinzler aye and Mr. Myers absent.

SHADE TREE/PARK-Mr. Creighton

Barry Emens, Shade Tree Board Chairman reported that we have submitted a Community Stewardship Incentive program grant application. The amount requested is \$20,000 for tree planting. We should be hearing very soon as to whether we have gotten this grant.

Mr. Emens then brought up the issue of planting and the maintenance of trees on County roads. He recently met with the County Superintendent of Roads, Jeff Kirchner to review the County's requirements in this regard. Mayor Brown stated that it is his understanding that if we want to plant trees on a County Road in Riverton that the County would then require us to maintain those trees. Mr. Emens responded that that is correct. Mayor Brown expressed concern that if the Borough does this, we would then be incurring additional costs. Mr. Emens also stated that the County will not replace any tree that they take down along their roadways. Mr. Emens reported that some municipalities have agreements with the County regarding the planting and maintenance issues. He would like to pursue this and have the County submit a proposed agreement for Council's consideration.

Mr. Creighton reported that PSE&G presently takes care of the maintenance (trimming) of the trees along the one side of Main Street. The other side of Main Street is the issue that would require additional maintenance. Mr. Creighton reminded Council that Riverton has been designated Tree City USA for a very long time. He is of the opinion that the gateway to Riverton with all of the trees along the upper portion of Main Street should be a maintenance expense we need to take on. Mr. Creighton believes the Borough should pursue this agreement with the County.

Mr. Kinzler stated that he doesn't understand the County's position in not replacing trees on their roads. Mr. Emens thought it might be a liability issue on their

part. Mr. Emens stated that if the County had a Community Forestry Plan, that liability would disappear.

Ms. Cairns Wells commented that there is also a non economic cost that must be looked at and that is the landscape of our town. Ms. Cairns Wells noted that a recent article in the paper reported that the County is lowering the open space tax from 4 cents to 1.5 cents because there is 48 million dollars in it. Perhaps the County would consider utilizing some of this money by giving out tree planting/maintenance grants to municipalities in Burlington County. Mr. Creighton stated that he would pursue this suggestion with Freeholder Director, Joseph Donnelly. It was also the consensus of Council that Mr. Emens obtain additional information regarding a potential tree planting and maintenance agreement with the County for Council to review and consider. This issue was taken under advisement.

RESOLUTION 55-2013

A RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE BURLINGTON COUNTY BOARD OF FREEHOLDERS TO OBTAIN COUNTY MUNICIPAL PARK DEVELOPMENT PROGRAM FUNDS

(IN FULL IN RESOLUTION BOOK)

The above Resolution was read by Mr. Creighton who moved for its adoption. This was seconded by Ms. Cairns Wells. Mr. Creighton stated that this application would be for the 4th round of potential grant funding under the County's Municipal Parks Development Grant Program. The application is due June 28th at 5:00pm. A poll vote was then taken. Ms. Azelby aye, Mr. Creighton aye, Ms. Cairns Wells aye, Mr. Corbi aye, Mr. Kinzler aye and Mr. Myers absent.

STREETS/SEWER/RECYCLING-Mr. Myers-No Report
PLANNING/REDEVELOPMENT-Mr. Corbi

Mr. Corbi reported that he was unable to attend the last Planning Board meeting. Mr. Corbi announced that Quality Management settled on the property at 1005 Beechwood.

ECONOMIC DEVELOPMENT/SCHOOL/BOARD OF HEALTH-Ms. Azelby

Ms. Azelby announced that the Riverton Teacher of the Year award went to Mrs. Sutcliffe. The Board also recognized Mrs. Sutcliffe and their custodian, Wade McDaniels for 25 years of service to the school.

CLERK & SOLICITOR'S REPORTS-NONE

OLD BUSINESS-NONE

NEW BUSINESS

RESOLUTION 56-2013

A RESOLUTION APPROVING APPLICATION REQUESTS FROM THE ROBERT J. ASHLEY IV MEMORIAL FOUNDATION, INC OF CINNAMINSON, NEW JERSEY BURLINGTON COUNTY TO HOLD A RAFFLE EVENT AND A CASINO NIGHT AT SACRED HEART CHURCH IN 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 Ms. Azelby. A poll vote was then taken. Ms. Azelby aye, Mr. Creighton aye, Ms. Cairns Wells aye, Mr. Corbi aye, Mr. Kinzler aye and Mr. Myers absent.

CURFEW ISSUE

Ms. Azelby reported that there have been some issues with teens being out very late at night. She has reviewed this concern with the Chief of Police who feels that our present Ordinance is not particularly enforceable. Ms. Azelby thought we might want to consider reviewing our present ordinance for possible amendments.

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



Mary Longbottom, RMC
Municipal Clerk