

May 8, 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, Myers (left the meeting at 9:30pm) and Solicitor Bruce M. Gunn

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 minutes from April 3 and April 10 were then presented. Ms. Cairns Wells moved that these minutes be approved as submitted. This was seconded by Mr. Myers. A poll vote was then taken. Ms. Azelby abstained from the April 3 minutes and voted aye for the April 10 minutes, Mr. Creighton aye, Ms. Cairns Wells aye, Mr. Corbi aye, Mr. Kinzler aye and Mr. Myers aye.

REVIEW OF AMENDED AGREEMENT AND PROPOSED DEED RESTRICTION WITH QUALITY MANAGEMENT PERTAINING TO 1005 BEECHWOOD -ATTORNEY TOM COLEMAN PRESENT

These documents were distributed to Council for their review prior to this meeting. Mr. Coleman reported that we received notification from COAH of their intent to seize the housing trust fund monies, which we have no interest in sending to them. The Borough's Planner, with Mr. Coleman's assistance, is preparing a response back to COAH.

Mr. Coleman stated that this deed restriction stems from an agreement that we executed with Quality Management Associates (QMA). QMA is about to purchase the home at 1005 Beechwood, which when it goes to closing and the deed restriction is placed on it, the Borough will receive five (5) affordable housing units from COAH. Mr. Coleman believes this deed restriction is pretty straight forward and it is for 30 years. In exchange we will be providing QMA with \$80,000.00 at closing which is on May 24th.

Mayor Brown commented that one of the concerns brought up by neighboring residents on Beechwood was what would happen to the use of this property should QMA sell the property in five years or so. Mr. Coleman read the following language that appears in the Section III Restrictions (D) "The property may be operated during the restriction period set forth herein as a group home for individuals with developmental disabilities, mental health issues or those who need elder care as licensed and/or regulated by the New Jersey Department of Human Services, Division of Developmental Disabilities and the statutes of the State of New Jersey." Mr. Creighton questioned the mental illness wording in D&E of this section and the special needs wording in section F. He asked if they were cumulative. Mr. Coleman responded that he thought so. Mr. Coleman clarified that this home would be deed restricted as a group home for low or moderate income individuals. Mr. Coleman believes that QMA targets residents who are elderly. Mr. Creighton reiterated the concern of what happens if and when QMA would want to sell this property.

Engenia Drobbitt, the President of Quality Management stated that their primary mission is to serve people with developmental disabilities. This is defined as someone who doesn't develop normally under the age of 21. Ms. Drobbitt stated that all the gentlemen living in the group home on Homewood Drive are over the age of 65. That is why the word elder is included in the wording of the agreement. Ms. Drobbitt commented that QMA has been in business in New Jersey for twenty (20) years. The intent is not to leave, but there are no guarantees. Mayor Brown asked if the people they are serving on Homewood Drive would be the same for the property on Beechwood. The response was yes. Ms. Azelby asked if they had facilities that would house people with drug or alcohol problems. Ms. Drobbitt reiterated that QMA does not serve that population. They have fifteen (15) group homes throughout Burlington County and service only those with developmental disabilities. The resident's ages range from 28 to 82.

Dan Howard is concerned with the mental illness language in the document. He would like this language removed and just limit it to developmental disabilities.

Mayor Brown asked if designated homes for those with drug or alcohol problems get separate funding. Ms. Drobbitt responded that that normally falls under the Department of Mental Health or the Department of Drug and Alcohol. Ms. Drobbitt stated that QMA's funding comes from the Division of Development Disabilities. She can't address mental health or drug/alcohol issues.

Elizabeth Drobbitt Blair of QMA reported that even if they would want to service and place someone who is especially dangerous, they would first have to obtain permission to do so. There are extra levels of regulations before this could happen. She reiterated that this is something that QMA does not do. This is not the population that QMA serves.

Allison Heller asked if the words mental illness can be removed from the document. Attorney Coleman responded yes. Mr. Coleman read the revised wording into the record. Mr. Coleman stated that Council must now do a Resolution that authorizes the Mayor to sign both the agreement and deed restriction. A copy of the finalized agreement and deed restriction will be on file with the Municipal Clerk.

RESOLUTION 44-2013

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE FIRST AMENDMENT TO AN AGREEMENT AND DEED RESTRICTION FOR THE INCLUSION OF AN AFFORDABILITY HOUSING PROJECT WITH QUALITY MANAGEMENT ASSOCIATES, 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. 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 aye.

FINANCIAL ITEMS: Mr. Kinzler

TREASURER'S, FINANCE REPORT & BILL LIST FOR APPROVAL

Mr. Kinzler moved that the attached reports for the month of April 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 aye.

ORDINANCE 4-2013

**AN ORDINANCE OF THE BOROUGH OF RIVERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY TO PROVIDE FOR AND DETERMINE RATES OF COMPENSATION OF EACH OFFICER AND EMPLOYEE OF THE BOROUGH OF RIVERTON
(IN FULL IN ORDINANCE BOOK)**

The above Ordinance was read for the second time by title only by Mr. Kinzler, who moved for its adoption. This was seconded by Mr. Myers. At this time Mayor Brown opened this portion of the meeting to the public for any 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. Azelby aye, Mr. Creighton aye, Ms. Cairns Wells aye, Mr. Corbi aye, Mr. Kinzler aye, and Mr. Myers aye.

ORDINANCE 5-2013

**BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE BOROUGH OF RIVERTON IN THE COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$63,000 THERETO, INCLUDING \$324.32 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES, CANCELLING \$38,653.88 UNFUNDED BALANCES AND AUTHORIZING THE ISSUANCE OF \$57,475 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF
(IN FULL IN ORDINANCE BOOK)**

The above Ordinance was read for the second time by title only by Mr. Kinzler, who moved for its adoption. This was seconded by Ms. Cairns Wells. 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 this Ordinance, Mayor Brown closed this portion of the meeting to the public. 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 aye.

RESOLUTION 45-2013

**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 2013
(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. Ms. Cairns Wells explained that we received a Firefighter's Assistance Grant in the amount of \$7,200.00 that will be used for the purchase of a thermal imaging camera. This Resolution is needed if these funds are to be expended this year. 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 aye.

REVIEW OF PURCHASING PROCEDURES

Ms. Cairns Wells asked that Council review the purchasing procedures that were instituted back in 2004 to determine if any changes need to be made. This issue will be placed on Council's June agenda for further discussion.

MEETING OPEN TO THE PUBLIC

Gordon Reeves of the 400 block of Elm Avenue raised concern that Borough trees have caused many of the sidewalks on his street to elevate, which, in turn has created a hazardous situation. If someone trips and falls, who then is responsible? He also believes a number of these trees need to come down as many limbs are hanging and continue to fall creating yet another hazardous situation. While our Streets and Sidewalk Ordinance states that it is the responsibility of the owner to repair their sidewalks, the issue of sidewalk ownership is not spelled out in this ordinance. Mr. Reeves reported that the deed to his property does not include his ownership of the sidewalk. A discussion ensued. Mr. Myers commented that the issue of Borough trees causing problems with sidewalks has been an ongoing concern and problem for a very long time and needs to be addressed. Ms. Cairns Wells stated that she and our Code Enforcement Officer have done a cursory review of this Ordinance and thought that there could be some suggested amendments. Mr. Creighton stated that he would make sure that the trees in question on Mr. Reeves' street would be looked at.

Mr. Reeves also complained that numerous residents put their trash out a few days before the regular collection, which creates an unsightly situation. He would like to see this addressed. Ms. Cairns Wells stated that she would speak to our Code Enforcement Officer about this issue.

Mr. Reeves raised the issue of the 4-way stop sign at the intersection of 4th & Elm Avenue. He believes it is in the wrong place and that the intersection of 5th & Elm would have been a better location. Mr. Reeves reported that there has been an increase of speeding on Elm Avenue. Ms. Cairns Wells commented that the suggested location of 5th & Elm has no cross through street. Mr. Creighton believes we have an enforcement issue here regarding the speeding issue.

John Heller raised the issue of the maintenance of the gas lamps in town. He stated that PSE&G was out and repaired all but one of the gas lamps at the 600 Main Street location. Ms. Cairns Wells reported that she knows of one or two on Bank Avenue that also need to be repaired. Attempts will be made to have PSE&G address the gas lamp maintenance issue.

Robert Smyth, 1 Bank Avenue reported that there is a lot of foot traffic and bicyclists this time of year on Bank Avenue. He wants to make sure the police are aware of this for enforcement purposes because there are speeding issues along Bank Avenue.

Mr. Smyth reported that there is an erosion issue along the riverwall at Bank and Morgan Avenue that needs to be fixed. It could also impact the Borough's stormwater pipe. Mr. Smyth stated that in addition to himself, both the Borough's of Riverton and Palmyra own a section. Mr. Smyth suggests that a cost estimate be put together to fix this problem. The Public Works Manager will be asked to assist Council in this regard.

Mr. Smyth reported that even though there is an easement on Bank Avenue, everyone thinks the ground between his property on Bank Avenue and the riverwall is public. Mr. Smyth stated that this is private property and he pays taxes on it. He has posted No Trespassing signs (similar to what other Bank Avenue property owners have done), to no avail. The signs are torn down. Mr. Smyth reported that he has been informed that the State has an interest in providing public access to waterfronts. The State might be willing to buy a portion of his property on a sub-division to guarantee public access. Mr. Gunn commented that Mr. Smyth can post No Trespassing signs; however, historically the argument has been made by the Borough that there has been a prescriptive

easement as long as people are peaceful. If they are disorderly, Mr. Smyth has a right to call the police. Ms. Cairns Wells stated that Mr. Smyth knew about the easement when he bought his property. A discussion ensued. Ms. Cairns Wells stated that if Mr. Smyth were so inclined and wanted to pursue a sub-division of his property, he would need apply to the Planning Board. Mr. Smyth asked if grants could be obtained, would the Borough want to buy his property. Ms. Azelby asked if the Borough would then have to maintain it. The response was yes and we would also lose the tax revenue.

COMMITTEE REPORTS

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

Ms. Cairns Wells read a report for the month of April that was submitted by Chief Shaw. Vehicle Mileage 1772, Juvenile Arrests 0, Adult Arrests 5 (Contempt 4 and Possession with the Intent to Distribute CDS 1) Motor Vehicle Accidents 4, Motor Vehicle Stops 43, Motor Vehicle Warnings 11, Motor Vehicle Summonses 32 (All Riverton), Alarms 5, Assistance to Other Agencies 20, Animal Complaints 3, Fire Calls 3, EMS Calls 15, Unattended Deaths , Criminal Cases 9, Incidents 230, Domestic 2, Thefts 1 (Cell Phone), Burglaries 0, Assaults 1, Sexual Assaults 0, Criminal Mischief 0, Robberies 0, Miscellaneous Calls 130, Total Calls Dispatched 360, Incidents 230 and Quick Calls 130.

Ms. Cairns Wells announced that Crossing Guard Mary Dolan is resigning effective May 10, 2013.

Ms. Cairns Wells reported that the Police Unity Tour will be coming through Riverton tomorrow. This tour honors fallen police officers throughout the State. They will be stopping at the Patrolman Thomas Whitelock's memorial at the Plaza. Ms. Cairns Wells announced that Treasure Day is this Saturday. The Law Enforcement Torch Run, which benefits the Special Olympics, will come through Riverton on June 7. June 2nd is Paint the Porch Pink Day, which is a walk for breast cancer awareness and that June 9th is the Riverton Criterium Bike Races.

Ms. Cairns Wells reported that we still have three (3) police officers out on medical leave. We continue to have Palmyra officers working for us on their days off. The Sheriff's Department is also assisting us.

Ms. Cairns Wells reported that there will be some revisions to the Vacant Property Registration Application and when completed, will be ready to go.

Ms. Cairns Wells read a report that was submitted by Deputy Fire Chief, Robert Yearly. Fire Calls for the Month 14, Drills 3, Calls in Town 6 and Calls out of Town 8.

Ms. Cairns Wells read a report for the month of March that was submitted by Court Administrator Jackie Gleason. Total receipts for the month amounted to \$7,679.00. The total amount disbursed to Riverton amounted to \$4,612.00.

STREETS/SEWER/RECYCLING-Mr. Myers

Mr. Myers announced that we received written notification from the Department of Transportation that we have been submitted grant monies in the amount of \$205,000.00 for the Reconstruction of Elm Terrace. We had hoped to receive enough money to do the entire street from Park to Broad. However, this amount will not do that. Mr. Myers has conferred with our Engineer who has indicated that we could do a mill and pave of the entire length of the street or we could earmark a smaller portion of this street for total reconstruction. Ms. Azelby asked if there was a deadline to use this funding. The Clerk responded that we would have eighteen (18) months from the date

that the grant agreement papers are signed to award a contract for this project. The Clerk stated that if we intend to spend any of this money this year, we would have to do a Resolution requesting permission from the Director of Local Government Services to insert this item of revenue in our budget for this year. Mr. Myers stated that he wants to confer again with our engineer and our Public Works Manager to come up with the best recommendation for Council to consider. The Clerk will list this as an agenda item for our June meeting.

Mr. Myers announced that the preconstruction meeting for the grandstand project will take place tomorrow morning at 9:00am.

PLANNING/REDEVELOPMENT/ENVIRONMENTAL-Mr. Corbi

Mr. Corbi reported that a use variance application for the possible installation of a concrete patio with steps across the back could not be heard at last month's meeting. The applicant was not advised correctly and needs to reapply again. Mr. Corbi reported that our Municipal Housing Liaison, Deb Weaver reported that the required annual updates regarding the Borough's Housing Trust Fund monies have been made and submitted to the state.

SHADE TREE/PARK-Mr. Creighton

Mr. Creighton reported that our Park & Rec Advisory Committee has asked for permission to permit Geocaching in Riverton. Mr. Creighton explained that Geocaching is a real-world outdoor treasure hunting game using GPS enabled devices. Participants navigate to a specific set of GPS coordinates and then attempt to find the geocache (container) hidden at that location. After a short discussion, it was the consensus that Council did not have to give their formal approval but they had no problem with this.

Mr. Creighton reported that all of the trees we have been billed for have been picked up, so he couldn't put the kibosh on these purchases. Mr. Creighton reported that after his letter went to the tree contractor informing him that all shade tree orders and purchases must be reviewed by him, we received a bill indicating that more work was done before the letter was received. Mr. Kinzler asked how it is determined how much of what is spent goes against the funds that were raised last year (donations) versus Borough funding. Mr. Creighton responded that that is the next piece that he has to do. He reported that the shade tree committee would be meeting to craft a document that will spell out how we work from now on. Mr. Kinzler stated that it comes down to who has the fiduciary responsibility over the Shade Tree funds and that is the Borough Council and not the Shade Tree Board. A discussion ensued. Ms. Cairns Wells suggested that notices be sent to the nurseries we deal with informing them that Mr. Emens no longer has the authority to tag any trees. Mr. Kinzler thought they should also be informed that their purchase orders must be first signed by Mr. Creighton or another member of Council or their invoice will not be honored. Mr. Creighton reported that some of the trees already purchased were going to come from some of the grant money for the grandstand project. We originally thought we would need ten trees but that is now down to 9. Mr. Kinzler asked where these trees are. Mr. Creighton responded probably at the tree contractor's yard. Mr. Kinzler stated that he should be informed that these trees were bought in error and they are to be returned. Discussion resumed. These issues will be addressed by Mr. Creighton.

Mr. Creighton also commented that Mr. Emens has a complete inventory of all the trees on his computer at home. Ms. Cairns Wells commented that this is the

Borough's property because it was funded by a grant. Mr. Gunn stated that it is not a good idea to have any Borough information housed in somebody's home. All Borough records should be housed in the municipal building. Mr. Creighton will address this issue with Mr. Emens.

Mr. Creighton brought up the Shade Tree grant application that needs to be signed by the Mayor. Ms. Cairns Wells raised concern that matching funds might be required for this grant and there is no money to cover this. Mr. Creighton will review this again at the next shade tree meeting on Monday.

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

Ms. Azelby reported that she met with Bob Smyth and Joe Threston, Riverton's reps to the River Route Advisory Committee. They talked about the Buy Local Initiative. She will be attending a meeting on May 15 that will roll this initiative out.

RESOLUTION 46-2013

**A RESOLUTION IN SUPPORT OF A PEDESTRIAN AND BICYCLE SAFETY
STUDY FOR HIGHWAY ROUTE 130
(IN FULL IN RESOLUTION BOOK)**

The above Resolution was read by title only by Ms. Azelby, who moved for its adoption. 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.

RESOLUTION 47-2013

**A RESOLUTION APPOINTING ANN MARTIN AS A MEMBER OF THE
BOARD OF HEALTH FOR THE BOROUGH OF RIVERTON
(IN FULL IN RESOLUTION BOOK)**

The above Resolution was read by title only by Ms. Azelby, who moved for its adoption. 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.

CLERK & SOLICITOR'S REPORTS (COMCAST CABLE RENEWAL)

The Clerk reminded Council that they must file their 2013 Financial Disclosure Statements online by May 31.

Regarding the cable renewal process, Mr. Gunn reported that a public hearing must be held no sooner than 60 days, or later than 90 days, after the filing of the application for municipal consent. Mr. Gunn reported that Council's July 10th meeting puts us over this timeframe by one day. However, he has conferred with representatives from Comcast and they are all right with the hearing being held at our July meeting. Mr. Gunn further reported that a majority of the governing body must be in attendance for this hearing. Mr. Kinzler, Mayor Brown and Ms. Azelby stated that they would not be able to attend our July meeting. A discussion ensued with the consensus being that a special meeting be convened on July 2, 2013 at 7:30pm for the sole purpose of holding this public hearing.

RESOLUTION 48-2013

**A RESOLUTION AUTHORIZING THAT A SPECIAL MEETING OF THE
BOROUGH COUNCIL BE HELD ON JULY 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. Azelby aye, Mr. Creighton aye, Ms. Cairns Wells aye, Mr. Corbi aye, Mr. Kinzler aye and Mr. Myers absent.

RESOLUTION 49-2013
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
(N 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. It should be noted that Police Litigation and Personnel 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.

PEDESTRIAN PUSHBUTTON ISSUE AT THE BROAD & CEDAR STREETS LOCATION

Mayor Brown reported that he has received a letter from Todd Hirt, Supervising Engineer for the New Jersey Department of Transportation stating that he has asked Burlington County Traffic Engineer, Martin Livingston to commence a study regarding this issue. Council will be kept apprised of this situation.

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



May Longbottom, RMC
Municipal Clerk