

November 13, 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 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 open and closed session minutes from October 9, 2013 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 aye.

RECOGNITION OF VETERAN HERMAN TROUT

Mayor Brown presented Mr. Trout with a plaque commemorating his service to our country in WWII. Mr. Trout gave a short thank you speech.

FINANCIAL ITEMS: Mr. Kinzler

TREASURER'S, FINANCE REPORT & BILL LIST FOR APPROVAL

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

TRANSFER RESOLUTION-There was no Transfer Resolution for this month.

RESOLUTION 83-2013

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE RENEWAL OF A SHARED SERVICES AGREEMENT FOR THE PURCHASE OF GASOLINE AND DIESEL FUEL FROM THE TOWNSHIP OF CINNAMINSON

(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. Myers. 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.

BOND ORDINANCE FOR UPGRADING SEWER LINES IN THE BOROUGH

Mr. Kinzler reported he was recommending that Council consider passage of this Ordinance. Mr. Kinzler reminded Council that we had an unexpected expense to replace a portion of the sewer line at 2nd between Fulton and Howard, which was almost \$20,000.00. Having this Ordinance in place would assist us should other lines fail. The Public Works Manager asked if we could change the words sewer lines to sewer system. That way if something fails at the wastewater treatment facility, some of this proposed funding could be utilized for that. After a short discussion, it was the consensus to agree to this.

ORDINANCE 7-2013
**BOND ORDINANCE PROVIDING FOR UPGRADES TO THE SEWER SYSTEM
THROUGHOUT THE BOROUGH AND IN AND BY THE BOROUGH OF
RIVERTON, IN THE COUNTY OF BURLINGTON, NEW JERSEY,
APPROPRIATING \$50,000 THEREFOR AND AUTHORIZING THE ISSUANCE
OF \$47,500 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF
THE COST THEREOF**

The above Ordinance was read by title only for the first time by Mr. Kinzler, who moved for its adoption. This was seconded by Mr. Myers. 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. Second reading and a public hearing on this Ordinance will be held on December 11, 2013.

DISCUSSION: THE LEASE OR PURCHASE OF A NEW COPIER

Ms. Cairns Wells reported that we have been informed by the company who services the Borough's eight year old copier that they are no longer able to obtain supplies for it. Ms. Cairns Wells reported that due to the age of the copier, we would have to start paying for any parts and labor charges. Ms. Cairns Wells reported that we have obtained two quotes for a new copier, either by lease or by purchase. Ms. Cairns Wells reviewed those with Council. Mr. Kinzler asked that we obtain a copy of the proposed lease and/or contract agreements from the companies in question for his review prior to any decision being made.

AUTHORIZATION TO PURCHASE A SNOW PLOW (NOT TO EXCEED \$5,700.00)

The Public Works Manager reported that his Department is in need of a snow plow. Council had placed \$15,000.00 in the capital portion of the 2013 budget for equipment for the Public Works Department. Mr. Reed reported that he is in the process of obtaining two quotes for this piece of equipment. He is requesting authorization to proceed. It was the consensus of Council to agree to this.

MEETING OPEN TO THE PUBLIC

Jim Wittmeyer, expressed his displeasure, once again, regarding the deterioration of the abandoned property located at 701 10th Street. Mr. Wittmeyer stated that the fencing issues have not been addressed. Ms. Cairns Wells responded that she would confer with the Code Enforcement Officer on this issue. Mr. Wittmeyer stressed the necessity of keeping the heat on regarding the problems with this property.

Michael O'Reirdan 423 Lippincott Avenue noticed that there are some proposed amendments to the Animal Ordinance (Chapter 45) to be discussed tonight. Mr. O'Reirdan commented that he has two goats and a dozen chickens and wanted to know if he would be impacted by these amendments. He wanted to know if there had been any complaints or issues regarding this. Ms. Cairns Wells responded that there have been no complaints. Mr. O'Reirdan asked if these proposed amendments in anyway would be targeting the keeping of non cats or dogs. Ms. Cairns Wells stated that part of last month's discussion was to determine if there was a need to address the keeping of livestock issue, but nothing definitive was decided. Ms. Cairns Wells stated that we also discussed raising the penalties and fines, the noise issue with dogs, and whether we should have a combination of the Police Department and Code Enforcement Officer enforcing this Ordinance because we presently to not specify this in the current

Ordinance. Ms. Cairns Wells stated that Council took no action at last month's meeting to amend this Ordinance.

COMMITTEE REPORTS

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

Ms. Cairns Wells read a report for the month of October that was submitted by Police Chief, John Shaw. Vehicle Mileage 2373, Juvenile Arrests 0, Adult Arrests 10 (Contempt 7, Theft 1 Criminal Mischief 1 and DWI 1), Motor Vehicle Accidents 3, Motor Vehicle Stops 110, Motor Vehicle Warnings 62, Motor Vehicle Summonses 70 (all Riverton), Alarms 13 Assistance to Other Agencies 37, Animal Complaints 5, Fire Calls 7, EMS Calls 23, Unattended Deaths 0, Criminal Cases 14, Incidents 543, Domestic Violence 1, Thefts 2 (Theft of Bicycle 1 and Jewelry 1, Burglaries 1 (Residential), Homicide 1, Sexual Assaults 0, Criminal Mischief 0, Robberies 0, Miscellaneous 250, Total Calls Dispatched 793, Incidents 543 and Quick Calls 250.

Ms. Cairns Wells reported that the Department, in conjunction with the County Prosecutor's Office is actively investigating the recent homicide. Ms. Cairns Wells reported that one officer is still out in the Department. Interviews are taking place for the hiring of a new officer to replace the officer who resigned. Ms. Cairns Wells reported that the Chief will be holding town meetings to obtain feedback from residents.

Mr. Kinzler raised the issue about the Police monthly blotter that is now posted on the Department's Facebook page and lists the names of those people who have been arrested. Mr. Kinzler expressed concern about this because persons arrested are presumed innocent until proven guilty in a court of law. Mr. Kinzler was of the opinion that this is something we need to take a look at. Ms. Cairns Wells stated that she would confer with the Chief on this concern.

Ms. Cairns Wells read a report for the month of October that was submitted by Deputy Fire Chief, Robert Yearly. Fire Calls for the Month 12, Drills 3, Calls In Town 8, Calls Out of Town 4.

Ms. Cairns Wells read reports for the months of September and October submitted by the Court Administrator, Jackie Gleason. For September, the total receipts were \$6,972.00. The total amount disbursed to Riverton amounted to \$3,442.77. For October the total receipts were \$8,872.00. The total amount disbursed to Riverton amounted \$3,618.64.

ORDINANCE 8-2013

**AN ORDINANCE OF THE BOROUGH OF RIVERTON AMENDING
CHAPTER 69 FIRE PREVENTION**

The above Ordinance 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 aye. Second reading and a public hearing on this Ordinance will be held on December 11, 2013.

RESOLUTION 84-2013

**A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A LEASE
AGREEMENT WITH THE RIVERTON FIRE COMPANY, INC. FOR THE
YEARS 2014 AND 2015**

(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 aye.

**UPDATE ON THE STATUS OF THE CONSTRUCTION/BUILDING/
ELECTRICAL INSPECTOR'S POSITION**

Ms. Cairns Wells reported that Edward Schaefer resigned from these positions effective November 2, 2013. Ms. Cairns Wells has had a conversation with Cinnaminson Township about a possible shared service agreement with them pertaining to these positions. This is still in the discussion stage only. Ms. Cairns Wells reported that in the interim, Cinnaminson's Construction Official will help Riverton out by reviewing and signing off on permits for the next 6 weeks or so.

RESOLUTON 85-2013

**A RESOLUTION AUTHORIZING THE COUNCIL PRESIDENT TO EXECUTE
A SEPARATION AGREEMENT BETWEEN EDWARD SCHAEFER AND 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. Azelby aye, Mr. Creighton aye, Ms. Cairns Wells aye, Mr. Corbi aye, Mr. Kinzler aye, and Mr. Myers aye.

STREETS/SEWER/RECYCLING-Mr. Myers

RESOLUTION 86-2013

**A RESOLUTION APPROVING CHANGE ORDER NO. 2 FOR THE RIVERTON
MEMORIAL PARK GRANDSTAND PROJECT
(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 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 aye.

SHADE TREE/PARK-Mr. Creighton

Mr. Creighton announced that we applied to the County for Phase IV grant funding for additional Municipal Park Improvements. Mr. Creighton reported that we have been verbally informed that Riverton would be receiving \$125,000.00. We are still awaiting formal written confirmation of this grant award from the County. Mr. Creighton stated that some of proposed improvements to the park would be to rebuild the tennis courts and basketball courts, do a walking path around the entire park, replace the swing sets, etc. Mr. Creighton reported that the Park & Recreation Committee has discussed the issue of the old hockey court that previously was a tennis court (but too small to be a regulation court). It has been proposed to rip this out and put sod in its place. The Committee also discussed having the Boy Scouts scrape and paint the green shed, but since there would probably be lead paint, they are not comfortable with this. It was also proposed to get volunteers to place a deck around the shed and have the clubs use this as a snack location. Mr. Creighton stated that we might want to consider the placement of a cement patio at this location. It was the consensus of Council that Mr. Creighton should review all of these proposals with his committee for final recommendations.

Mr. Creighton reported that he recently attended a Shade Tree seminar. Mr. Creighton stated that one of the guest speakers spoke of the differences between a Shade Tree Board as opposed to a Commission. Mr. Creighton understands that a Commission is not subject to liability as a Shade Tree Board would be. Mr. Gunn stated that while this is true, we would also have immunity as a Board because we have a forestry plan.

PLANNING/REDEVELOPMENT-Mr. Corbi
Mr. Corbi reported that the Planning Board Solicitor, Tom Coleman, briefed the Board that on 9/26/13 the New Jersey Supreme Court invalidated COAH's third round growth share rules and regulations. They have been given 5 months to craft new rules and regulations.

Mr. Corbi reported that the Borough's Master Plan will not have to be re-examined until 2017. There has been a statutory change from 7 years to 10 years for the Master Plan re-examination process.

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

Ms. Azelby attended the recent School Board Meeting. The School received a Lockheed Martin grant to have a Lego club started for the 2nd & 3rd grade children to participate in. Ms. Azelby explained that the children are giving a task to learn about natural disasters and to find out what happens before, during and after. Ms. Cairns Wells commented that the children use the Legos to engineer something to help stabilize, protect, or help clean things up.

OLD BUSINESS

REVIEW OF PROPOSED AMENDMENTS TO CHAPTER 45 (ANIMALS), 94 (PEACE AND GOOD ORDER, CHAPTER 52 (BRUSH) AND CHAPTER 74 (GARBAGE, REFUSE AND LITTER)

Ms. Cairns Wells asked that we defer any additional discussion and decision regarding the proposed amendments to both Chapter 45 and 94. More work on refining these amendments still needs to be done.

Ms. Cairns Wells asked that Council consider introducing an Ordinance tonight to amend Chapters 52 and 74. Ms. Cairns Wells explained that the amendment to Chapter 52 specifies the responsibilities of the owners of real property located in Riverton to maintain the exterior of their premises. The amendment to Chapter 74 provides for enforcement of the litter control ordinance by the Riverton Police Department. It was the consensus of Council to agree to this.

ORDINANCE 9-2013

AN ORDINANCE OF THE BOROUGH OF RIVERTON AMENDING CHAPTER 52 (BRUSH, WEEDS, DEBRIS AND LITTER) AND ARTICLE IV OF CHAPTER 74 (REFUSE OR RUBBISH)

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. Azelby aye, Mr. Creighton aye, Ms. Cairns Wells aye, Mr. Corbi aye, Mr. Kinzler aye and Mr. Myers aye.

UPDATE ON THE DIAGNOSTIC TEAM MEETING FROM 10/24 REGARDING THE PLACEMENT OF PEDESTRIAN PUSHBUTTONS AT BROAD & CEDAR STREETS

Mayor Brown reported that this meeting only pertained to the Cedar Street location. The other two intersections would also require a diagnostic team meeting.

Mayor Brown reported that the Department of Transportation (DOT) is waiting for feedback from all of the people who attended this meeting before a response is done.

Mayor Brown is of the opinion that no one has addressed the issue of whether the rail line complied with the American's Disability Act when it was being built. Mayor Brown stated that we have been told by the DOT that they will not pay for these pedestrian pushbuttons. Mayor Brown asked the Solicitor to research this issue. Mayor Brown further stated that we presently have ramps at the Cedar Street intersection that go nowhere. How would a wheelchair/walker bound individual be able to cross Broad and Cedar Streets? Mr. Creighton believes the pedestrian pushbuttons were initially placed in the original rail design plans, were paid for by the taxpayers and then they were removed. This issue was taken under advisement by Council.

NEW BUSINESS

SHARED SERVICES REQUEST FROM THE BRIDGE COMMISSION

It was the consensus of Council that the Council President and the Clerk review and respond to this survey.

TREE LIGHTING DATE

It was announced that the Tree Lighting ceremony would take place on Friday, December 6th at 7:00pm at the gazebo.

HOLIDAY LUNCHEON DATE

It was the consensus of Council that the holiday luncheon be set for Thursday, December 19th from noon until 2:00pm and will be held at the District Riverton Bistro restaurant.

CORRESPONDENCE

REVIEW OF LETTER FROM THE OWNER OF 207 LIPPINCOTT AVENUE

Council reviewed this correspondence. Mr. Myers reported that he has spoken to Helen Hughes, the owner of this property. Mrs. Hughes wants to improve her seawall, which, including the engineering costs, would be a major undertaking and very expensive. Mr. Myers stated that a portion of the Borough's seawall is on one side of this property and is deteriorating because of hers. We might have to address this section of the Borough's wall if Mrs. Hughes does not take care of her seawall. Mr. Myers stated that Mrs. Hughes is looking for any assistance that the Borough might be able to provide in the area of engineering, soil issues, etc. Ms. Azelby questioned why we have to get involved with this. Mr. Myers agreed with Ms. Azelby. Mr. Myers suggested that Ms. Hughes explore other avenues for assistance with her seawall. Council concurred with this. Mr. Myers will inform Mrs. Hughes.

RESOLUTION 87-2013

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, with all present voting in the affirmative. It should be noted that potential litigation/contract negotiations/ and personnel-compensation issues will be discussed.

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

RESOLUTION 88-2013
A RESOLUTION AUTHORIZING A ONE-TIME MONETARY BONUS
PAYMENT TO THE CHIEF OF POLICE FOR EXTRAORDINARY AND
EXEMPLARY SERVICE TO THE BOROUGH DURING 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 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.

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