

October 9, 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 bulleting board on January 2, 2013

The minutes from September 11, 2013 were then presented. Ms. Azelby moved that these minutes be approved as submitted. 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.

FINANCIAL ITEMS: Mr. Kinzler

TREASURER'S, FINANCE REPORT & BILL LIST FOR APPROVAL

Mr. Kinzler moved that the attached reports for the month of September be approved as submitted. 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.

REVIEW OF BEST PRACTICES WORKSHEETS

Council reviewed the answers to this year's required best practices work sheets from the State. A copy is on file with the Municipal Clerk. Ms. Cairns Wells reported that both she and the Mayor met with our Chief Financial Officer, the Clerk and Treasurer to review and prepare the Borough's responses. After calculating the Borough's answers, it was determined that we should receive 100% of the final 5% allocation of our state aid, which is good news.

RESOLUTION 67-2013

A RESOLUTION TO MEMORIALIZE THE DISCUSSION OF THE BEST PRACTICES WORKSHEETS AT THE OCTOBER 9, 2013 BOROUGH COUNCIL 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 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.

2013 BUDGET UPDATE

Mr. Kinzler reviewed various line items with Council. Even though we have spent more than expected in police overtime, this line item is still not looking bad. Mr. Kinzler stated 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. Mr. Kinzler reported that he will be speaking to our Auditor about being able to capitalize this. Mr. Kinzler stated that we need

to keep a check on the overtime line item for Public Works. It might be short. Mr. Kinzler reported that the Shade Tree is all but expended for the year. Mr. Kinzler stated that over all, we are doing okay but he reminded everyone that we still have three months to go for this year's budget.

MEETING OPEN TO THE PUBLIC

Jeff Eliot, 414 Linden Avenue inquired as to how much is budgeted for the maintenance of Riverton Park. Mr. Kinzler responded to this. Mr. Eliot thought that yearly maintenance should be earmarked for the newly sodded areas. Mr. Creighton stated that we are trying to come up with more specifics for the maintenance of the field. The Public Works Manager provided an overview of how the maintenance is done at the park. Mr. Eliot suggested setting up some type of shared services agreement between Riverton and the Soccer Club to help contribute to the maintenance costs. He also believes that other clubs should do the same. Mr. Eliot stated that there is presently no charge for youth clubs to use Riverton Park. Mr. Eliot believes that all the new improvements made to the park will require additional maintenance which should be shared by all the clubs using the facilities. A discussion then ensued. It was the consensus that all parties should meet and come up with a plan of action regarding the maintenance of the park for Council's review and consideration.

Mr. Eliot inquired as to when the grandstand project would be finished. Mr. Creighton responded that we anticipate completion my mid or late November.

COMMITTEE REPORTS

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

Chief Shaw read the following report for the month of September, 2013. Vehicle Mileage 2069, Juvenile Arrests 1 (Possession of marijuana), Adult Arrests 22 (Contempt 12, Burglary 2, Theft 3, Drug Paraphernalia 1, Shoplifting 3, Aggravated Assault on Police/Resisting 1, Disorderly Conduct 1-These figures represent people who were arrested and the charges against them. Motor Vehicle Accidents 2, Motor Vehicle Stops 127, Motor Vehicle Warnings 62, Motor Vehicle Summonses 65 (All Riverton), Alarms 17, Assistance to Other Agencies 15 Animal Complaints 9, Fire Calls 4, EMS Calls 29, Unattended Deaths 0, Criminal Cases 25, Incidents 361, Domestic 0, Thefts 9 (Theft by Deception 1, Electronics 1, Shoplifting 4, Theft by Unlawful taking 1, Drugs 2), Burglaries 2 (Residential), Assaults 1, Sexual Assaults 0, Criminal Mischief 0, Robberies 0, Miscellaneous Calls 230, Total Calls Dispatched 591, Incidents 361 and Quick Calls 230.

Ms. Cairns Wells read a report for the month of September that was submitted by Court Administrator Jackie Gleason. Total receipts for the month amounted to \$9,031.00. The total amount disbursed to Riverton amounted to \$5361.57.

Ms. Cairns Wells read a report for the month of September that was submitted by Deputy Fire Chief Robert Yearly. Fire Calls for the Month were 14, Drills 3, Calls in Town 7 and Calls Out of Town 7.

RESOLUTION 68-2013

A RESOLUTION AUTHORIZING THE MAYOR OF THE BOROUGH OF RIVERTON TO EXECUTE A MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE STATE OF NEW JERSEY 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.

RESOLUTION 69-2013

**A RESOLUTION AUTHORIZING A CURFEW FOR OCTOBER 28, OCTOBER 29, OCTOBER 30 AND OCTOBER 31, 2013 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 aye.

RESOLUTION 70-2013

**A RESOLUTION TO AMEND RESOLUTION NUMBER 61-2013 TO REMOVE A 2003 CHEVROLET WAGON FROM THE LIST OF VEHICLES TO BE CONVEYED TO HELMRICH TRANSPORTATION, INC.
(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 REGARDING JOHN PARRY'S PARKING REQUEST (509 HOWARD STREET)

Ms. Cairns Wells reported that a meeting was held with Mr. Parry to discuss this issue. Mr. Parry has requested permission for his employees of the business located at 509 Howard Street to park in the rear of the premises. This would require the Borough to grant a right of way for persons to gain access to the rear of the premises at that business location. Ms. Cairns Wells provided Council with an overview of the issues and concerns reviewed at this meeting for Council's consideration. After a discussion, it was the consensus of Council that the Borough would be willing to execute a three-year agreement for this right of way access to include a hold harmless provision and an additional insured requirement on the owner of said property. It was also the consensus that Mr. Parry be required to reimburse the Borough for the fees of the Borough Solicitor to prepare the proposed agreement. If Mr. Parry is in agreement, the Solicitor will prepare an agreement that is acceptable as to the form by Borough Council.

RESOLUTION 71-2013

**A RESOLUTION TO DRAFT AN AGREEMENT TO PROVIDE FOR A RIGHT OF WAY FOR 509 HOWARD STREET
(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.

SEXUAL HARASSMENT TRAINING FOR BOROUGH EMPLOYEES

Ms. Cairns Wells stated that this training is important and that we should have it for all of our employees. We have reached out to our insurance agent to see if they can provide this training. Ms. Azelby commented that she might be able to pick up some material

regarding this at a seminar that she will be attending tomorrow. By doing this, we may be able to present the material ourselves to our employees.

STREETS/SEWER/RECYCLING-Mr. Myers

RESOLUTION 72-2013

**A RESOLUTION TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE 2014 ROAD IMPROVEMENT PROJECT
(IN FULL IN RESOLUTION BOOK)**

RESOLUTION 73-2013

**A RESOLUTION TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE CARRIAGE HOUSE LANE RECONSTRUCTION
(IN FULL IN RESOLUTION BOOK)**

The above Resolutions were read by title only by Mr. Myers, 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.

RESOLUTION 74-2013

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE RENEWAL OF A SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF CINNAMINSON AND THE BOROUGH OF RIVERTON FOR LEAF DISPOSAL
(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. 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.

RESOLUTION 75-2013

**A RESOLUTION AUTHORIZING T&M ASSOCIATES TO PREPARE A REQUEST FOR PROPOSAL FOR THE SOLICITATION OF CONTRACT SERVICES FOR THE REPAIR OF CORROSION OF DAMAGE TO THE EXISTING POST EQUALIZATION TANK AT THE BOROUGH'S WASTE WATER TREATMENT FACILITY
(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, Mr. Kinzler aye and Mr. Myers aye.

SHADE TREE/PARK-Mr. Creighton

Mr. Creighton reported that he is working on the Shade Tree Budget with Mr. Emens and that they are close to alignment on it. Mr. Creighton stated that he would be working behind the scenes to come up with an equitable way to maintain our new grass fields. He will keep Council apprised of this issue.

RESOLUTION 76-2013

**A RESOLUTION APPROVING CHANGE ORDER NUMBER 1 FOR THE RIVERTON MEMORIAL PARK GRANDSTAND PROJECT
(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 Mr. Myers. A poll vote was then taken. Ms. Azelby aye, Mr. Creighton aye, Ms. Cairns Wells, Mr. Corbi aye, Mr. Kinzler aye and Mr. Myers aye
PLANNING/REDEVELOPMENT-Mr. Corbi

Mr. Corbi reported that there were no new applications to be heard by the Planning Board this month. Mr. Corbi reported that a new restaurant would be opening soon at the old Glory Days location on Howard Street. Mr. Corbi also reported that the District Riverton Bistro restaurant has opened at the Shops at Riverton location.

Ms. Azelby asked if someone decides to build something in their backyard, such as a sizeable shed, what would the criteria be for them to have to go before the Planning Board for approval. Mr. Corbi provided Ms. Azelby with the square footage requirements. Ms. Cairns Wells stated that a homeowner should be talking to our Zoning/Code Enforcement Officer first for a determination as to whether what they want to do meets our codes and ordinances or if they have to apply to the Planning Board for a variance.

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

Ms. Azelby reported that she attended the recent State of the County event. The keynote speaker was the Lieutenant Governor.

Ms. Azelby reported that there has been no further word from the Chamber of Commerce as to whether they have approved their by-laws to include sub-chapters.

Ms. Azelby reported that at a recent Board of Health meeting, the ongoing mosquito concerns at specific properties were discussed.

OLD BUSINESS

UPDATE RE: PEDESTRIAN PUSHBUTTON ISSUE-Ms. Azelby

Ms. Azelby reported that on Monday, a meeting was held at the Riverton Firehouse. In addition to Ms. Azelby, Chief Shaw, the Mayor, resident Robin McGinnis, County Traffic Engineer Martin C. Livingston, Sheriff Jean Stansfield, Chris Van Brunt from the County Highway Department and Bryan Norcross of the County Sheriff's Office were in attendance. Ms. Azelby stated that the ultimate goal is to get these pushbuttons put up on Broad at Cedar, Thomas and Elm Avenue. This will not be easy to accomplish. In the interim a discussion was held on educating the public that it is the law in New Jersey to yield for pedestrians. This will be done through letters to be sent home with the schoolchildren and reaching out to the Bridge Commission for the placement of signs for drivers coming off the bridge from Pennsylvania that informs them of the pedestrian yield law. The County Engineer suggested formulating a letter to obtain as many signatures as possible supporting the installation of these pushbuttons. These signatures would be delivered to our Mayor, who would then forward it onto James Simpson, the Commissioner of the New Jersey Department of Transportation. We will connect with other towns, such as Palmyra, to also do this. Ms. Azelby stated that we were also provided with the names of two Not for Profit organizations that might be able to provide funding for these pushbuttons. They are the Cross County Connection and the Delaware Valley Regional Planning Commission.

Ms. Azelby reported that a diagnostic team meeting will be held on October 24th which will deal specifically with the Cedar Street crossing.

DISCUSSION: POSSIBLE AMENDMENTS TO FIRE PREVENTION (CHAPTER 69), ANIMALS (CHAPTER 45), PEACE AND GOOD ORDER (DISTURBANCE OF LAWFUL BUSINESSES & NOISE ISSUES-CHAPTER 94), LITTERING, BRUSH & DEBRIS ORDINANCES (CHAPTERS 74 AND 52)--Ms. Cairns Wells

Ms. Cairns Wells asked if any Council member had any issues with the amendments to the Fire Prevention Ordinance (Chapter 69), which was distributed at last month's meeting. Ms. Cairns Wells reported that a State Audit was done of the Fire Department and these amendments reflect their requirements for updating our Ordinance. After a short discussion, it was the consensus of Council to introduce this Ordinance at Council's November meeting.

Ms. Cairns Wells reported that concerns have been made regarding our Animal Ordinance (Chapter 45) that should be addressed. Ms. Cairns Wells cited the issue of the keeping of livestock, the number of animals per residential structure, the limited amount that can be levied for violations and penalties and the need to have both the Code Enforcement Officer as well as the Police be the enforcing agencies, the need to enforce that animals may not run at large, in particular at the park when children are playing, and habitually barking dogs. After a discussion, it was the consensus that these potential amendments need to be clearly defined and that further discussion would take place at Council's November meeting.

Ms. Cairns Wells stated that Chief Shaw is asking that Council consider amending our Peace and Good Order Ordinance (Chapter 94) to prevent the disturbance of lawful businesses. Ms. Cairns Wells cited an example that some businesses have been disrupted as a result of persons soliciting, loitering and/or removing merchandise without paying for same. The Police Department has had to expend time and resources to respond to business owners' complaints.

Ms. Cairns Wells stated that an additional amendment to Chapter 94 has to do with noise issues. In 2011 Council had considered prohibiting loud, unreasonable or unnecessary noises, including the use of landscaping and yard maintenance equipment between the hours of 8:00pm and 8:00am each day. Ms. Cairns Wells stated that this proposed amendment was tabled because of interpretation and enforcement issues. It also had a conflict with the Borough's snow removal requirements. Mr. Gunn stated that he would need to determine if we need DEP approval regarding any noise issue amendments. A short discussion took place regarding the time restrictions, with the suggested start up time for the weekends should not be before 9:00am. Both of these amendments were tabled for additional discussion at Council's November meeting.

Ms. Cairns Wells stated that she would like to amend Chapter 52 to specify the responsibilities of the owners of real property located in Riverton to maintain the exterior of their premises. Chapter 74 needs to provide for enforcement of the litter control ordinance by the Riverton Police Department. Ms. Cairns Wells asked that this be tabled until November's meeting for review and consideration.

THE FORMATION OF A SIDEWALK COMMITTEE TO REVIEW CHAPTER 111 OF THE BOROUGH'S CODE FOR AMENDMENT RECOMMENDATIONS

After a short discussion, it was the consensus that Ms. Cairns Wells, Mr. Corbi and Ms. Azelby serve on this committee. Mr. Myers will serve as an alternate on an as needed basis only.

BURLINGTON COUNTY ENERGY AGGREGATION-Mr. Creighton

Mr. Creighton stated that this issue was previously discussed at Council's June 12, 2013 meeting. The consensus at that time was not to move forward because of the many unknown factors. Mr. Creighton asked that Council reconsider participating in the County's non binding study regarding this issue. A discussion ensued with the consensus being that

we would participate as long as there is no financial obligation or other wise to the Borough. The Mayor was asked to send a letter to Freeholder Donnelly.

RESOLUTION 77-2013

A RESOLUTION AUTHORIZING THE BOROUGH OF RIVERTON TO PARTICIPATE IN A NON-BINDING STUDY WITH THE COUNTY OF BURLINGTON RELATIVE TO ENERGY AGGREGATION (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.

NEW BUSINESS

ORDINANCE 6-2013

AN ORDINANCE GRANTING RENEWAL OF MUNICIPAL CONSENT TO COMCAST OF BURLINGTON COUNTY, LLC TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATIONS SYSTEM IN THE BOROUGH OF RIVERTON, NEW JERSEY (IN FULL IN RESOLUTION BOOK)

The above Ordinance was read for the second time by title only by Ms. Cairns Wells, who moved for its adoption. This was seconded by Mr. Kinzler. 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.

RESOLUTION 78-2013

A RESOLUTION APPROVING AN APPLICATION REQUEST FROM THE PORCH CLUB OF RIVERTON, NEW JERSEY TO HOLD A RAFFLE EVENT ON NOVEMBER 5, 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.

REQUEST FOR RIVERTON BOROUGH TO BE A SPONSOR FOR THE PALMYRA HALLOWEEN PARADE

Council reviewed this request from Palmyra's Halloween Committee. Ms. Cairns Wells stated that Riverton always contributes police costs towards this parade. Ms. Azelby asked if Riverton had ever been a sponsor before. Ms. Cairns Wells responded that this is the first time we are being asked to consider doing this. After a short discussion it was the consensus that a letter be sent to Palmyra's Halloween Committee informing them that, as in the past, Riverton is happy to provide police protection and coordination for the night and that Riverton considers this expense our contribution to the parade.

RESOLUTION 79-2013

A RESOLUTION AUTHORIZING THE MUNICIPAL CLERK TO ADVERTISE FOR THE RECEIPT OF REQUESTS FOR PROPOSALS FOR 2014 PROFESSIONAL SERVICES

(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. 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.

RESOLUTION 80-2013

**A RESOLUTION TO ESTABLISH RESTRICTED PARKING FOR USE BY
HANDICAPPED PERSONS IN FRONT OF 313 PENN STREET**

(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, with all present voting in the affirmative.

RESOLUTION 81-2013

**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 Mr. Creighton, with all present voting in the affirmative. It should be noted that Personnel-Construction Official 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 82-2013

**A RESOLUTION APPOINTING RETIRED JUDGE RICHARD S. HYLAND AS A
HEARING OFFICER TO CONVENE A HEARING FOR THE BOROUGH'S
CONSTRUCTION OFFICIAL PURSUANT TO N.J.S.A. 52:27d-126**

(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.

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