

May 14, 2014

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

PRESENT: Council members Bianchini (left meeting at 8:05pm and returned at 9:20pm), Creighton, Cairns Wells (left meeting at 9:00pm), Azelby, Kinzler, Corbi 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 2014 published in the Burlington County Times on December 27, 2013
- (b) Forwarding written notification of the 2014 meeting schedule to the Courier Post for informational purposes only on January 2, 2014
- (c) Posting written notice on the official bulletin board on January 2, 2014

**PROCLAMATION
EMERGENCY MEDICAL SERVICES WEEK
(IN FULL IN RESOLUTION BOOK)**

This Proclamation was read in full by Mayor Brown. Members of the Palmyra-Cinnaminson-Riverton Emergency Medical Services team were present.

**PRESENTATION BY CHRISTINA BIRCH AND HOWARD NORCROSS FOR
THE REINSTATEMENT OF THE PALMYRA MUNICIPAL ALLIANCE**

Ms. Birch distributed an informational packet on this issue for Council's review and consideration. Ms. Birch stated that due to a serious drug/alcohol problem in Palmyra, there is a need for funding to re-instate the Palmyra Municipal Alliance commencing with the 2015-2016 school year. Ms. Birch explained that the grant money would be utilized for outreach programs for alcohol and drug problems in school. Ms. Birch reported that Riverton would be asked to provide a specific cash amount based on grant parameters. Both Ms. Birch and Mr. Norcross are looking for Council's support. They indicated that Palmyra Borough has already done a resolution in support of this reinstatement. After a short discussion, it was the consensus of Council to take this issue under advisement as to whether we would consider this request in next year's budget.

FINANCIAL ITEMS:Mr. Kinzler

PUBLIC HEARING ON 2014 MUNICIPAL BUDGET

At this time Mayor Brown opened this portion of the meeting to the public for any comment on the budget. There being no comment, the meeting was closed to the public.

**RESOLUTION 40-2014
A RESOLUTION TO AMEND THE 2014 BUDGET
(IN FULL IN RESOLUTION AND MINUTE BOOK)**

The above Resolution was read by title only by Mr. Kinzler, who moved for its adoption. This was seconded by Ms. Cairns Wells. A poll vote was then taken. Mr. Bianchini aye, Mr. Creighton aye, Ms. Cairns Wells aye, Ms. Azelby aye, Mr. Kinzler aye and Mr. Corbi aye.

**RESOLUTION 41-2014
ADOPTION OF THE 2014 MUNICIPAL BUDGET
(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. A poll vote was then taken. Mr. Bianchini aye, Mr. Creighton aye, Ms. Cairns Wells aye, Ms. Azelby aye, Mr. Kinzler aye and Mr. Corbi aye.

REVIEW OF 2013 AUDIT REPORT

Mr. Inverso, the Borough's Auditor, reviewed the 2013 Audit General Fund Financial Summary with Council in detail. Mr. Inverso reported that the Audit review went well and that there were no findings or recommendations that would require a corrective action report.

Mr. Inverso reminded Council that any expenditures for the Borough cannot be made without the prior approval of the Treasurer's Office. Mr. Inverso also stressed the fact that only full-time employees may make purchases on the Borough's behalf. Members of the Governing Body as well as any other volunteers of the Borough are not permitted to make any purchases. This is against the law.

RESOLUTION 42-2014

A RESOLUTION PERTAINING TO THE 2013 AUDIT REPORT (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. A poll vote was then taken. Mr. Bianchini aye, Mr. Creighton aye, Ms. Cairns Wells aye, Ms. Azelby aye, Mr. Kinzler aye and Mr. Corbi aye.

ORDINANCE 7-2014

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

The above Ordinance was read for the first time by title only by Mr. Kinzler, who moved for its adoption. This was seconded by Ms. Cairns Wells. A poll vote was then taken. Mr. Bianchini aye, Mr. Creighton aye, Ms. Cairns Wells aye, Ms. Azelby aye, Mr. Kinzler aye and Mr. Corbi aye. Second reading and a public hearing on this Ordinance is scheduled on June 11, 2014.

ORDINANCE 8-2014

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE BOROUGH OF RIVERTON, IN THE COUNTY OF BURLINGTON, NEW JERSEY, APPROPRIATING \$1,222,320 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$847,704 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 Ms. Azelby. Mr. Kinzler explained that this Bond Ordinance appropriates monies for the following purposes: Acquisition of two sports utility vehicles for the Police Department, a new roof for the Municipal Building, Police Department Remodeling, Road Improvements to Elm Terrace, Various Improvements and upgrades to Riverton Memorial Park, Acquisition of Equipment for the Public Works Department and Wastewater Treatment Facility and the Acquisition of a Fire Truck. A poll vote was then taken. Mr. Bianchini absent, Mr. Creighton aye, Ms.

Cairns Wells aye, Ms. Azelby aye, Mr. Kinzler aye and Mr. Corbi aye. Second reading and a public hearing on this Ordinance is scheduled for June 11.

ORDINANCE 3-2014

**AN ORDINANCE TO AMEND CHAPTER 92-5 TO REQUIRE PERMISSION FOR THE USE OF SOCCER FIELDS AND TO ESTABLISH A SCHEDULE OF FEES FOR THE USAGE BY ORGANIZATIONS OF BASEBALL AND SOCCER FIELDS AT RIVERTON MEMORIAL PARK
(IN FULL IN ORDINANCE BOOK)**

The above Ordinance was read by title only for the second time by Mr. Creighton who moved for its adoption. This was seconded by Ms. Cairns Wells. At this time Mayor Brown opened the meeting up to the public for any comment on this Ordinance. There being no public comment, Mayor Brown closed this portion of the meeting to the public. A poll vote was then taken. Mr. Bianchini absent, Mr. Creighton aye, Ms. Cairns Wells aye, Ms. Azelby aye, Mr. Kinzler aye and Mr. Corbi aye. It should be noted that a formal resolution outlining the required fees will be prepared and presented for Council's review and consideration at the June 11 meeting.

ORDINANCE 4-2014

AN ORDINANCE TO AMEND THE DEFINITION OF A FRONT YARD IN CHAPTER 128, SECTION 12 TO INCLUDE HOMES ABUTTING THE DELAWARE RIVER

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. It should be noted that the Planning Board had previously reviewed this Ordinance and has sent a Resolution of endorsement to the Governing Body. At this time Mayor Brown opened this portion of the meeting to the public for any comment on this Ordinance. **Mike Kearney, 309 Bank Avenue** raised concern regarding the last sentence in this proposed amendment. For the record it reads, "When a riverfront lot also abuts a street, the yard fronting on that street shall also be a front yard." Mr. Kearney stated that this basically makes the Bank Avenue lots that would be impacted by this Ordinance (6) to be non-conforming and the owners would then have to apply for variances. Using 311 Bank as an example Mr. Kearney stated that this property has Bank Avenue in the front, Penn Street on the side and Carriage House Lane behind it, on the back. Ms. Cairns Wells stated that we aren't trying to say that the part of this property that abuts Carriage House Lane is the front. Mr. Kearney disagreed and believes that that is what this sentence says. **Gary Ford, 311 Bank** asked what the purpose was to indicate that a side street of his property also has to be a front yard. Mr. Ford stated that his garage now faces Penn Street so with this language included that means his garage faces the front yard. Mr. Ford concurred with Mr. Kearney's comments. Mr. Ford is opposed to this Ordinance. Ms. Cairns Wells asked if this specific wording came from the Planning Board. Mr. Gunn responded that the recommendations for the wording for this amending definition came from both the Planning Board's Solicitor and Planner. Ms. Cairns Wells stated that we would need to talk to them about this. She was of the opinion that Council should defer any action on adopting this Ordinance tonight. Mr. Gunn suggested that this Ordinance be sent back to the Planning Board for their review and that council should consider tabling this Ordinance tonight. It was the consensus with Council to do this.

MOTION TO TABLE ORDINANCE 4-2014

Ms. Cairns Wells made a motion that Ordinance 4-2014 be tabled for further review and consideration by both the Planning Board and Council. This was seconded by Mr. Creighton. A poll vote was then taken. Mr. Bianchini absent, Mr. Creighton aye, Ms. Cairns Wells aye, Ms. Azelby aye, Mr. Kinzler aye and Mr. Corbi aye.

ORDINANCE 5-2014

AN ORDINANCE AMENDING CHAPTER 64-3 OF THE RIVERTON BOROUGH CODE TO INCREASE CONSTRUCTION FEES TO CONFORM WITH THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS' FEE SCHEDULE

(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. Creighton. At this time Mayor Brown opened 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. Mr. Bianchini absent, Mr. Creighton aye, Ms. Cairns Wells aye, Ms. Azelby aye, Mr. Kinzler aye and Mr. Corbi aye.

ORDINANCE 6-2014

AN ORDINANCE AMENDING CHAPTER 94 OF THE BOROUGH CODE TO PREVENT THE DISTURBANCE OF LAWFUL BUSINESSES, TO PROHIBIT LOUD, UNREASONABLE OR UNNECESSARY NOISES, INCLUDING THE USE OF LANDSCAPING AND YARD MAINTENENANCE EQUIPMENT, BETWEEN THE HOURS OF 8:00PM AND 7:00AM EACH WEEKDAY AND 8:00PM AND 8:00AM ON SATURDAY AND SUNDAY, AND TO PROHIBIT CONSTRUCTION BEFORE 7:00AM ON WEEKDAYS AND 8:00AM ON SATURDAYS AND SUNDAYS

(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. Creighton. At this time Mayor Brown opened this portion of the meeting to the public for any comment on this Ordinance. **Gene Bandine, 522 Main Street** believes that Council is penalizing both contractors and homeowners with this Ordinance. Mr. Bandine believes that there are cars that sound like hot rods that are not being addressed in this Ordinance. He would like the Police to get after these people. There being no further comment on this Ordinance, Mayor Brown closed this portion of the meeting to the public. A poll vote was then taken. Mr. Bianchini absent, Mr. Creighton aye, Ms. Cairns Wells aye, Ms. Azelby aye, Mr. Kinzler aye and Mr. Corbi aye.

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

DISCUSSION ITEMS:

DESIGNATING AN ENGINEERING FIRM TO HANDLE THE ELM TERRACE RECONSTRUCTION

Mr. Corbi reported that we had received an initial proposal for this work from Environmental Resolutions, our Streets and Roads Engineer a few months back. Council had asked that we also obtain another proposal from Alaimo Associates, the Borough's Engineer for this work. Mr. Corbi reported that both proposals were thoroughly reviewed by the Public Works Committee. On behalf of his committee, Mr. Corbi's

recommendation now is to go with Environmental Resolutions for the Elm Terrace reconstruction and to include Cedar Street as an alternate, utilizing the recent grant money allocation of \$195,000.00 from the Department of Transportation for this road improvement. Mr. Corbi reviewed both proposals with Council in detail. These are on file with the Municipal Clerk.

Ms. Cairns Wells asked if the engineering fees are based on the estimate of what the project will cost. If the estimates in actuality come in a lot lower would the engineering fee be reduced? Mr. Corbi responded that it should. Ms. Cairns Wells asked who would be the Project Manager from each firm who would be working with us on this project. She is not thrilled with Environmental Resolutions if Harry Fox would be the Project Manager. She expressed her displeasure with how the grandstand project was handled by Mr. Fox. Too many balls were dropped. She would not recommend him. Mr. Corbi responded that if Council decides to go with Environmental Resolutions he will make sure that Mr. Fox is not the Project Manager. A discussion ensued with Council reviewing the pros and cons of both firms. Mr. Corbi requested that Council accept the proposal from Environmental Resolutions as the engineering firm to handle the Elm Terrace/Cedar Street road improvements at a cost not to exceed of \$83,000.00 and that the Borough be able to choose the Project Manager from the firm for this work.

RESOLUTION 43-2014

A RESOLUTION TO ACCEPT THE PROPOSAL FOR ENGINEERING SERVICES FOR ELM TERRACE AND CEDAR STREET IMPROVEMENTS FROM ENVIRONMENTAL RESOLUTIONS, INC.

(IN FULL IN RESOLUTION BOOK)

The above Resolution was read by title only by Mr. Corbi, who moved for its adoption. This was seconded by Mr. Creighton. A poll vote was then taken. Mr. Bianchini absent, Mr. Creighton aye, Ms. Cairns Wells nay, Ms. Azelby abstained, Mr. Kinzler nay and Mr. Corbi aye. Mayor Brown then voted aye to break the tie.

AMENDED CONTRACT WITH BUILDING INSPECTIONS UNDERWRITERS, INC. (BIU) FOR ELECTRICAL INSPECTIONS

Ms. Cairns Wells reported that the issue of what BIU can charge for electrical inspections has been resolved to the State's satisfaction. Ms. Cairns Wells reviewed the changes with Council and requested that Council approve the amended contract.

RESOLUTION 44-2014

A RESOLUTION AUTHORIZING THE MAYOR OF THE BOROUGH OF RIVERTON TO EXECUTE A REVISED AGREEMENT WITH BUILDING INSPECTION UNDERWRITERS, INC. TO CONDUCT ELECTRICAL SUBCODE INSPECTIONS IN THE BOROUGH OF RIVERTON UNTIL

DECEMBER 31, 2014.

(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. Mr. Bianchini absent, Mr. Creighton aye, Ms. Cairns Wells aye, Ms. Azelby aye, Mr. Kinzler aye and Mr. Corbi aye.

REVIEW OF AUBURN ROAD VINEYARD'S REQUEST TO THE ALCOHOLIC BEVERAGE COMMISSION FOR A NEW ADDITIONAL RETAIL PRIVILEGE AT DISTRICT RIVERTON BISTRO RESTAURANT

Solicitor Gunn reviewed the correspondence received from the State's Alcoholic Beverage Commission regarding this request. Mr. Gunn explained that this license would be issued by the State and would authorize Auburn Road Enterprises, LLC to offer samples for on premises consumption and to sell his products in the original packages at retail to consumers for on or off premises consumption from the District Riverton Bistro Restaurant. Other "dry towns" such as Collingswood and Haddonfield do the same thing. Solicitor Gunn stated that the Alcoholic Beverage Commission is giving us notice of this request so that Council can provide them with any written comments or concerns. After a short discussion, it was the consensus of Council that they would have no objection to this request at this time. If the situation should become problematic down the road, Council will address it at that time.

SHADE TREE ISSUES-SHADE TREE BOARD PRESENT

Mr. Creighton commented that because there have been ongoing concerns regarding the Shade Tree budget, respective Shade Tree grants as well as the purchasing procedures for trees, Council felt that it was necessary for the Shade Tree Board to be present tonight.

Mr. Creighton reiterated to the Board members what our Auditor stated earlier regarding purchasing and/or tagging procedures, in particular that no volunteers may make any purchase on behalf of the Borough. Mr. Emens explained that when a tree is tagged there is no commitment at that point. The reason a tree is tagged is to be able to make our tree selection in the fall. Mayor Brown asked what would happen if for some reason we can't or wouldn't be able to move forward with the trees that were tagged. Mr. Emens responded that the order is cancelled. Mr. Creighton stressed the fact that all tree purchases and/or tagging must have prior approval by him before any order can be placed. Mayor Brown stated that it is imperative that the Shade Tree Board work within the confines of their Shade Tree budget and that the budget must last for the entire year. This incorporates planting, maintenance and removal issues. Mayor Brown stated that there is ongoing confusion as to the amount of trees that are being purchased (or tagged) as well where the funding will come from. This needs to stop.

Mr. Creighton brought up the three year planting grant that the Borough was awarded. Mr. Creighton stated that it wasn't made clear to him when we applied for this grant that we would have to pay up front and that it would probably be three years before the Borough would be reimbursed for the funds spent. Mr. Creighton again stressed the necessity that the Shade Tree Board work very closely with him on all Shade Tree Budgetary issues. Mr. Kinzler concurred with Mr. Creighton's comments. He also feels there has been a disconnect between what the Shade Tree Board authorizes our Tree Contractor to do relative to Mr. Creighton's awareness beforehand. This has caused us to spend money that we didn't anticipate. Mr. Kinzler stated that we continually have these types of Shade Tree budgetary issues. The point is the process of managing the spending of the respective grants as well as the Shade Tree Board's allocated budget for the year. Mayor Brown stated that no one is questioning Mr. Emens' integrity, ability, skills and devotion. Managing the Shade Tree budget is what is important.

Eric Bernt of the Shade Tree Board questioned the reduction in the Shade Tree budget from previously being \$50,000.00 to going down to \$40,000.00. Where are we supposed to find the flexibility in the budget with this reduction? Mayor Brown responded that purchasing less trees is one way.

Mr. Emens reported that a lot of expertise is needed regarding the trees and that is why we utilize a Certified Tree Expert (CTE). Mr. Creighton commented that he has spoken to shade tree people from other communities who utilize a Certified Arborists per ISA as opposed to a CTE. Mr. Creighton was of the opinion that when the specifications are reviewed this year for a tree contractor, it might be beneficial if the Borough did not go with a CTE. This could expand the number of contractors that bid for this work. Mr. Emens stated that there is a huge difference between the two and he would be opposed to this. Mr. Kinzler stated that if is good enough for other communities, what makes us different?

Mayor Brown stated that Council's Shade Tree Committee needs to meet with the Shade Tree Board to iron out all of our concerns, and then come back to Council with specific recommendations. Mr. Kinzler stressed the need to confirm the process as to how we are going to order trees, order removals and order maintenance of trees. The second is to look at what is needed from a budgeting perspective for next year's Shade Tree budget.

Mr. Emens then brought up the New Jersey Shade Tree and Community Forestry Assistance Act Grant. This potential grant would be used to assist us with our Community Forestry Management Plan. The grant is for \$3,000.00. We would need to hire a Community Forestry Consultant to write the plan. In the past, we have utilized Tamara Lee, Planner for the Planning Board to provide these services. Mr. Emens stressed the importance of moving forward with this grant application. Mr. Creighton reported that he has reviewed this grant in detail and is comfortable with moving forward with it. Mr. Kinzler stated that we still need an estimate from Ms. Lee regarding the number of hours she would need to do this work for us before we authorize the submission of this grant.

Mr. Kinzler then reiterated the need to follow up on the purchase process for the Shade Tree Board and the necessity to agree upon what is really needed regarding shade trees for this town.

RIVERTON POLICE REPORT FOR THE MONTH OF APRIL

Vehicle Mileage 2690, Juvenile Arrests 0, Adult Arrests 23 (Contempt 16, Possession of CDS 2, Agg. Assault 1, Shoplifting 2, Burglary 4, DUI 2-These figures represent people who were arrested and the charges against them), Motor Vehicle Accidents 0, Motor Vehicle Stops 193, Motor Vehicle Warnings 62, Motor Vehicle Summonses 131 (All Riverton), Alarms 15, Assistance to Other Agencies 25, Animal Complaints 6, Fire Calls 3, EMS Calls 18, Unattended Deaths 0, Criminal Cases 20, Incidents 328, Domestic 1, Thefts 1 (Bike), Burglaries 0, Assaults 0, Sexual Assaults 0, Criminal Mischief 0, Robberies 0, Miscellaneous Calls 300, Total calls dispatched 628, Incidents 318 and Quick Calls 300.

RIVERTON FIRE DEPARTMENT REPORT FOR APRIL

Fire Calls for Month 13, Drills 3, Calls In Town 5 and Calls Out of Town 8.

RIVERTON MUNICIPAL COURT REPORT FOR MARCH

The total receipts for the month amounted to \$11,154.00. The total amount disbursed to Riverton amounted to \$5,415.28

ANNOUNCEMENTS

Mayor Brown announced that the Memorial Day celebration will take place on Sunday May 25 at 10:30am at the War Memorial.

The Historic Bike race from New York to Riverton is scheduled for June 7th. At 10:00am on June 8th there will be a dedication of a historic marker to be placed at the gazebo garden area near the rail line station in commemoration of this event. The Historic Criterium is scheduled for June 8.

RECEIPT OF LETTER FROM THE HISTORICAL SOCIETY REGARDING THE DONATION OF A HISTORICAL MARKER TO THE BOROUGH

Mayor Brown read this letter in its entirety. It was the consensus of Council to formally accept this donation.

RESOLUTION 45-2014

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A DONATION OF A HISTORICAL MARKER IN THE GAZEBO GARDEN ON SOUTH BROAD STREET (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. Bianchini, with all present voting in the affirmative.

STREETS/ROADS/SEWER/RECYCLING-M. Corbi

Mr. Corbi reported that on April 24th T&M Associates sent out Request for Proposals for the repair of the Post Equalization Tank at the Wastewater Treatment Facility. The RFP's must be submitted to T&M Associates no later than 4:00pm, Friday, May 30, 2014.

Given the upcoming retirement of Scott Reed, we advertised for a Public Works Manager position in both the Burlington County Times and the League of Municipalities website. The interview process will commence as quickly as possible. Mr. Corbi, Ms. Azelby and Ms. Cairns Wells will serve on the interview committee.

PLANNING BOARD/REDEVELOPMENT-Mr. Bianchini

Mr. Bianchini reported that he spoke with Tom Coleman, the Planning Board's Solicitor regarding the need to implement an escrow policy for interpretations and/or appeals. This issue will be discussed at the next Planning Board meeting with a recommendation being made to Council afterwards.

SCHOOL/BOARD OF HEALTH/ENVIRONMENTAL-Ms. Azelby

Ms. Azelby reported that the school board held the public hearing on their budget on April 29. Ms. Azelby reported that the budget went up by \$64,000.00 from what was originally presented. This is due to an unexpected special education cost. There will now be a 1.2cent tax increase. This represents an increase of \$29.43 per household.

PARK/RECREATION/SHADE TREE-Mr. Creighton

Mr. Creighton reported that there are concerns and deficiencies with the company (Emory Dobson) that was to perform turf management at the park. Mr. Creighton reported that Mr. Dobson walked away from the work and that we are looking to find

another company. Mr. Creighton reported that he is working with our Solicitor to craft a letter to Mr. Dobson outlining the problems, the fact that the services had not been performed and that the bill would not be paid. Mr. Gunn stressed the importance of giving the company a chance to perform the work and if not, documenting that they walked away from the work. Council will be kept apprised of this issue.

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.

A handwritten signature in blue ink, appearing to read "Mary Longbottom".

Mary Longbottom, RMC
Municipal Clerk