

April 1, 2015

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

PRESENT: Council members Bianchini, Creighton, Cairns Wells, Azelby, Corbi and Solicitor Bruce M. Gunn

ABSENT: Council member Kinzler

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 2015 published in the Burlington County Times on December 28, 2014
- (b) Forwarding written notification of the 2015 meeting schedule to the Courier Post for informational purposes only on January 6, 2015
- (c) Posting written notice on the official bulletin board on January 5, 2015

RESOLUTION 33-2015

**INTRODUCTION OF THE 2015 MUNICIPAL BUDGET
(IN FULL IN RESOLUTION AND MINUTE BOOKS)**

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. Mr. Bianchini aye, Mr. Creighton aye, Ms. Cairns Wells aye, Ms. Azelby aye, Mr. Kinzler absent and Mr. Corbi aye. A public hearing on the 2015 municipal budget is scheduled for May 6. A summary of the municipal budget will be published in the Burlington County Times on April 19th and the budget will be placed on the Borough's website in its entirety.

RESOLUTION 34-2015

**SELF EXAMINATION BUDGET RESOLUTION
(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. Bianchini. A poll vote was then taken. Mr. Bianchini aye, Mr. Creighton aye, Ms. Cairns Wells aye, Ms. Azelby aye, Mr. Kinzler absent and Mr. Corbi aye.

ORDINANCE 2-2015

**BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL
IMPROVEMENTS IN AND BY THE BOROUGH OF RIVERTON, IN THE
COUNTY OF BURLINGTON, NEW JERSEY, APPROPRIATING \$947,075
THEREFOR AND AUTHORIZING THE ISSUANCE OF \$476,971 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 Ms. Cairns Wells, who moved for its adoption. This was seconded by Mr. Creighton. A poll vote was then taken. Mr. Bianchini aye, Mr. Creighton aye, Ms. Cairns Wells aye, Ms. Azelby aye, Mr. Kinzler absent and Mr. Corbi aye. Second reading and a public hearing on this Ordinance is scheduled for May 6.

ORDINANCE 3-2015

**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 by title only for the first time by Ms. Cairns Wells, who moved for its adoption. This was seconded by Ms. Azelby. A poll vote was then taken. Mr. Bianchini aye, Mr. Creighton aye, Ms. Cairns Wells aye, Ms Azelby aye, Mr. Kinzler absent and Mr. Corbi aye. Second reading and a public hearing on this Ordinance is scheduled for May 6.

**RESOLUTION 35-2015
RECYCLING TONNAGE GRANT APPLICATION AND TAX
IDENTIFICATION STATEMENT
(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 Ms. Cairns Wells. A poll vote was then taken. Mr. Bianchini aye, Mr. Creighton aye, Ms. Cairns Wells aye, Ms. Azelby aye, Mr. Kinzler absent and Mr. Corbi aye.

**RESOLUTION 36-2015
A RESOLUTION AUTHORIZING THE MAYOR OF THE BOROUGH OF
RIVERTON TO SIGN AN AGREEMENT WITH STEVEN RICKERSHAUSER
TO PERFORM SERVICES AS ACTING PLUMBING SUBCODE OFFICIAL
(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. Mr. Bianchini aye, Mr. Creighton aye, Ms. Cairns Wells aye, Ms. Azelby aye, Mr. Kinzler absent and Mr. Corbi aye.

**RESOLUTION 37-2015
A RESOLUTION TO SUPPORT THE ANNUAL BOOT DRIVE FOR THE
RIVERTON FIRE COMPANY
(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. Mr. Bianchini aye, Mr. Creighton aye, Ms. Cairns Wells aye, Ms. Azelby aye, Mr. Kinzler absent and Mr. Corbi aye.

**PROCLAMATION
ARBOR DAY CELEBRATION
(IN FULL IN RESOLUTION BOOK)**

The above Proclamation was read in full by Mr. Bianchini.

MEETING OPEN TO THE PUBLIC

Carlos Rogers reported that he was here tonight to follow-up on his previous proposal for the placement of a dog park in Riverton Memorial Park. He doesn't understand why there would be opposition to this because he believes it would be an asset to the community. Mr. Rogers reported that as asked, he has developed a committee that will address issues concerning a dog park. Mr. Rogers distributed a packet of information for Council's review. A copy of this is on file with the Municipal Clerk.

Regarding potential liability issues, Mr. Gunn commented that there is no New Jersey case that has addressed the liability issue for a dog park on public grounds. This

issue does fall under the New Jersey Torts Claim Act. There is immunity to public entities for failure to provide supervision of public recreational facilities. However a municipality could be held liable for the existence of a dangerous condition. Mr. Gunn gave a detailed explanation of this. Mr. Gunn stated that the Borough's Park Ordinance currently prohibits any dog from running at large in the park; therefore our code would have to be amended should Council give approval for a dog park.

At this time Mayor Brown asked Mr. Rogers where he got the authority to utilize the Borough's logo on a notice posted about the dog park at a local establishment. Mayor Brown is of the opinion that gives the impression that the Borough is endorsing the dog park and he took exception and offense to Mr. Rogers doing this. Mayor Brown also reminded Mr. Rogers that he was not authorized to contact our Solicitor about the proposed dog park, but went ahead and did it anyway. Mr. Rogers apologized for that.

Mr. Rogers then introduced a number of people who would be volunteering to serve on the dog park committee.

Jen Douglass believes that the people who would be serving on this committee are very responsible citizens and committed to keeping Riverton a special place. They would not wish our community to be marred by a dog park in anyway. Ms. Douglas stated that she takes her dog to the dog park in Delanco. She is of the opinion that people who come to dog parks know each other and that relationships are established because of it.

Susan Zimmerman stated that the committee members helped put together the dog park packet that was distributed tonight. They did a lot of research on this issue. There are three areas of concern regarding dog parks- safety, sanitation and maintenance. The safety aspect encompasses the rules and regulations for a dog park, the sanitation aspect includes litter pick-up and garbage removal. Ms. Zimmerman stated that the committee would be looking at doing this twice a week. This would be in conjunction with the Public Works Department picking up trash cans right outside the dog park. Ms. Zimmerman then reviewed the maintenance plan for the dog park with Council. Ms. Zimmerman reported that the committee did a Facebook page to obtain public opinion on the dog park. In just about a month over 300 from the community were in favor.

Dave Polenczky commented that people do not curb their dogs. He lives on Main Street and this is an ongoing occurrence. He believes this is also happening elsewhere in the Borough. While he has concerns over the maintenance issues of having a dog park, he thinks that perhaps having dogs go to one central location might alleviate the curbing issue.

Anne Creter of Laurel Road reminded everybody about the peace pole issues a number of years ago. Ms. Creter believes we have the benefit of hindsight now to see that all of the things we were so fearful of never came to be.

Regarding the maintenance issue, Ms. Azelby asked if the committee would have the dog waste, etc placed in a receptacle outside the dog park for the Public Works Department to pick-up. The response was yes. Ms. Azelby asked the Public Works Manager if this would be acceptable. Mr. Rodi stated that the receptacles in the park are emptied twice a week during the summer and once a week during the other times. Ms. Azelby asked if it would be feasible for his crew to pick up one more receptacle. Mr. Rodi did not have an issue with this. Ms. Azelby acknowledged the dog curbing problem that Mr. Polanczy brought to Council's attention. Ms. Azelby asked who would be

monitoring and doing the turf inspections noted in the proposed maintenance plan. She also inquired who would be responsible for any repairs should a dangerous condition or situation come up as noted in the liability law. Mr. Rogers responded that he anticipates the committee would do that although he doesn't anticipate a massive crater problem at the dog park location. Ms. Azelby also asked if the committee would be asking the Public Works Department to provide any inside labor to maintain the dog park. Mr. Rogers responded no.

Mr. Creighton stated that he feels you cannot put a date on how long the proposed volunteer dog park committee will last. He believes this to be an unfair criticism. Mr. Creighton feels that the basket ball courts generate more trash than dog parks generally do.

Ms. Cairns Wells stated that since the proposed area is sloped, is the plan to just fence around this area and leave it as is. The response was yes. **Catherine Summers** stated that this wasn't a big concern to the committee. Ms. Cairns Wells asked how long each area (for small and large dogs) is. Mr. Rogers reviewed what was submitted in the proposal. Mr. Rogers also stated that the exact size(s) would probably be determined by how much funding is raised for the proposed dog park. Ms. Cairns Wells stated that one of her biggest concerns was the maintenance issues. She appreciates the fact that a committee is being formed to address this.

Mr. Bianchini is a dog owner and took issue with the person who raised the curbing issue. Mr. Bianchini always comes prepared when walking his dogs and removes the waste. He believes the same people to do not curb their dogs now will do the same thing at a dog park. Mr. Bianchini is concerned that the proposed for the proposed dog park is too small. Mr. Bianchini's other concerns asked what would happen if a dog is attached by another dog and who would monitor whether the animals have all their shots up to date.

Kelly Dellinger of Thomas Avenue likes the idea of having a dog park so that her dogs can run. She has done research on other dog parks in South Jersey including their respective rules and regulations and incident issues. Basically the owner is responsible for his/her dog when entering a dog park.

Mr. Corbi believes it is time to take this issue to a vote. Mr. Corbi appreciates the due diligence of the people present tonight in support of the proposed dog park. Mr. Corbi stated that Council must also do their due diligence in looking at both the pros and cons regarding this issue. Mr. Corbi raised strong concern over who would be enforcing and monitoring the rules and regulations for the park. He also raised concern that people will not control their dogs at this proposed park. He believes people mean well when they volunteer, but what happens when the novelty wears off and they don't want to do it anymore. Mr. Corbi asked if the Borough would have control over the fencing at the site. Mr. Gunn stated that once the fence goes up and it is donated to the Borough, it becomes Borough property and can be taken down at will. Discussion ensued with the consensus being that a vote should be taken. Ms. Azelby wanted to make a clarification that what Council would be voting on would be the ability for the dog park committee to move forward with a more concrete plan for Council's consideration and review prior to final approval for this project. Council concurred.

RESOLUTION 38-2015
A RESOLUTION TO EXPLORE THE CREATION OF A DOG PARK 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. Mr. Bianchini nay, Mr. Creighton aye, Ms. Cairns Wells aye, Ms. Azelby aye, Mr. Kinzler absent and Mr. Corbi nay.

Steve Falicki stated that the grandstand mortar needs to be cleaned before opening day. Mr. Corbi responded that the contractor for this project should take care of this. Mr. Falicki asked when the bathrooms at the park are officially closed in the wintertime. Mr. Rodi responded right after Thanksgiving a sign will be posted.

RESOLUTION 39-2015
A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RELEASE
AND INDEMNIFICATION AGREEMENT WITH THE COUNTY OF
BURLINGTON FOR THE USA CYCLING SANCTIONED BICYCLING RACE
ON JUNE 14, 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. Mr. Bianchini aye, Mr. Creighton aye, Ms. Cairns Wells aye, Ms. Azelby aye, Mr. Kinzler absent and Mr. Corbi aye.

UPDATE: COUNCIL ON AFFORDABLE HOUSING (COAH)

Mr. Creighton reported that he and the Mayor, along with representatives from the Planning Board, the Planning Board's Solicitor and Planner met this afternoon to discuss this issue. Mr. Creighton explained that the Supreme Court has transferred the responsibility of certifying municipalities from COAH to the trial courts. Mr. Creighton stated that the Fair Share Housing Center (FSHC) now is claiming that Riverton should be responsible for 121 new affordable units under Round 3 for potential placement at the empty space along Broad Street belonging to National Casein. Mr. Creighton stated that he doesn't believe that the FSHC understands that the Borough does not own this property and therefore cannot develop it. Mr. Creighton referenced the fact that after June 8th municipalities will have 30 days to submit filings to the court that explains why they should be certified as required by fair housing. Mr. Creighton stressed the fact that we need to prove that we don't have any place to build, we have tried to create units, and we have done our due diligence such as having valid agreements with Habitat for Humanity and Quality Management. Mr. Creighton stated that he wanted to share with Council what negotiation strategies we might use in this effort. Mr. Gunn cautioned that this would be considered a closed session discussion. Mr. Creighton also referenced the fact that the Borough would be incurring additional costs to pay our Planner and Solicitor's to assist us during this process. Ms. Cairns Wells reported that we received notification today that the Burlington County Bridge Commission is offering a no cost shared service agreement to help defray the unforeseen planning costs. A discussion ensued with Council weighing the pros and cons of opting for the Bridge Commission's assistance as opposed to utilizing our professionals who have been with the Borough for many years and have all of the historical background regarding the Borough's COAH's issues. It was

the consensus of Council that it would be prudent to stay with our current professionals in this regard.

PRELIMINARY AGENDA FOR APRIL 8 The Clerk reviewed this with the Governing Body.

RESOLUTION 40-2015

**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 Contract Negotiations regarding COAH 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.

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