

April 14, 2004

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

PRESENT: Council members Daniel, Villari, Smyth, Gilmore, Cesaretti, Alls-Moffatt and Solicitor Bruce M. Gunn

The following statement was read by Mayor Martin:

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 2004 published in the Burlington County Times on January 13, 2004

(b) Posting written notice on the official bulletin board on January 13, 2004

The minutes from March 1, March 3m, March 10, March 15 and closed session minutes from March 3, March 10 and March 15 were then presented. Mr. Smyth moved that these minutes be approved as submitted. This was seconded by Mr. Gilmore. A poll vote was then taken. Dr. Daniel aye, Mrs. Villari aye, Mr. Smyth aye, Mr. Cesaretti vote aye for the March 1 and March 15 minutes and abstained from the minutes of March 3 and March 10, Mr. Gilmore abstained from all of the minutes, and Mrs. Alls-Moffatt aye.

PROPOSED SCHOOL BUDGET: RICHARD PARK, PRESIDENT OF THE RIVERTON BOARD OF EDUCATION TO PROVIDE INFORMATION

Mr. Park provided Council with the attached information regarding the proposed school budget for their information. Mr. Park then reviewed the proposed budget increases with Council. Concern was raised that the repairs to the roof and the replacement of some windows on the first floor was being put before the voters as a separate question and not included in the general fund portion of the budget. There was concern voiced that the voters could possibly turn this question down. Mrs. Alls-Moffatt also questioned if any of the repairs to the roof would be covered by the school's insurance policies. Mr. Park responded that school officials were looking into that. The school budget goes before the voters on Tuesday, April 20th.

TREASURER'S & FINANCE COMMITTEE REPORTS-Mr. Smyth

Mr. Smyth moved that the attached Treasurer's and Finance Committee Reports for the month of March be approved as submitted. This was seconded by Mrs. Villari. A poll vote was then taken. Dr. Daniel aye, Mrs. Villari aye, Mr. Smyth aye, Mr. Gilmore aye, Mr. Cesaretti aye and Mrs. Alls-Moffatt aye.

COMMITTEE REPORTS

PUBLIC SAFETY-Mr. Cesaretti

Mr. Cesaretti read a report for the month of March that was submitted by Chief Norcross Vehicle Mileage 3,324, Gas Used 500.3, Juvenile Arrests 1, Assault 0, Miscellaneous 1, Adult Arrests 10, criminal Warrants 0, Criminal Summons 1, Traffic Warrant 8, DWI 1, Motor Vehicle Crashes 9, Motor Vehicle Stops 110, Motor Vehicle Warnings 15, Motor Vehicle Summons 111, Burglar Alarms 12, Asst. to other Police Departments 24, Animal Complaints 5, Fire Calls 16, (Riverton 3 Out of Town 13), Ambulance Calls (Riverton) 23, Unattended Deaths 0, Criminal Cases 33, Domestic 0, Thefts 1, Burglaries 2 (From Residents 1, From Vehicles 1), Assaults 1 (Police Officers 0, Firefighters/EMT 0, Civilian 1), Sexual Assault 2 (Juvenile 2, Adult 1), Criminal Mischief 3, Robberies 0, Motor Vehicle Thefts 0, Miscellaneous Complaints 33, Miscellaneous Calls 609.

Mr. Cesaretti read a report for the month of March that was submitted by Court Administrator, Laura Frick. There were 113 traffic violations-13 parking, 99 traffic other and 1 DWI. There was 1 criminal charged filed (1 summons), 0 warrants and 0 Local Ord. The total receipts for the month were \$8168.00. The total amount disbursed to Riverton was \$4395.19.

Mr. Cesaretti read a report for the month of March that was submitted by M&R Wildlife, the Borough's Animal Control Officer. The town was canvassed during the month.

PARK, RECREATION, RECYCLING AND

ENVIRONMENTAL COMMISSION-Mr. Gilmore

Mr. Gilmore received a new playground safety handbook from the State of New Jersey. Mr. Gilmore reported that due to all the rain we have been experiencing, scheduled work and maintenance at the park has been delayed. We are continuing to fertilize and maintain the flowers, bushes and shrubs along the railroad tracks.

Mr. Gilmore reported that the Environmental Commission is recommending that Council consider establishing a Stream Corridor Protection Ordinance. The Commission provided Council with a sample Ordinance from Moorestown Township for their consideration. Mr. Gilmore stated that his committee would be meeting with the Environmental Commission to review this issue and make recommendations to Council.

PUBLIC WORKS/SEWER-Mrs. Villari

Mrs. Villari commented that the weather has impeded the ongoing work needed to be done around the town. Mrs. Villari is keeping in closed contact with our Engineers regarding our ongoing projects. Mrs. Villari reported that the Engineer has submitted estimated costs for a proposed road program. Hopefully, we will be able to apply for grant money. Council will be kept informed. Mr. Cesaretti commented that the bakery had placed seven (7) 55 gallon trash cans out for removal. Mr. Cesaretti asked if there was a limit to the amount of trash cans that a business can place curbside to be picked-up. After reviewing our Ordinance, our Solicitor commented that there is a limit of three (3) fifty pound receptacles per collection day from any business. This matter will be referred to the Code Enforcement Officer.

ZONING, PLANNING, REDEVELOPMENT AND

CODE ENFORCEMENT-Mrs. Alls-Moffat

Mrs. Alls-Moffatt reported that the proposed Commercial Property Maintenance Code was discussed at the March Planning Board meeting. The Board approved a motion that Planning Board Solicitor, Tom Coleman, should review all the Borough Ordinances pertaining to housing. He would then compare those to the Proposed Maintenance Ordinance to note any overlaps, if any. The Planning Board Maintenance Code sub-committee will be advised of his findings. Mrs. Alls-Moffatt reported that a minor site plan application was approved for the placement of a photo studio at 523 Howard Street. Our Code Enforcement Office, Anthony Dydek was introduced to the Planning Board. The Board's fence committee is making good progress. The Board's representative to the Environmental Commission (Christian Hochenberger) reported that the Department of Environmental Protection would be funding \$250,000.00 as part of the new regional Stormwater Management Plan. Mr. Hochenburger hopes that there will be at least a 100 foot setback on the Pompeston Creek. Council will be kept informed.

Mrs. Alls-Moffatt reported that the Zoning Board did not meet last month. Mrs. Alls-Moffatt also attended a meeting of the Route 130 Corridor Advisory panel. The County Planner announced that the business vacancies along the corridor had fallen from 20% to 8%. The County Planner announced that the route for the Heritage Trail had been changed for our area. Mrs. Alls-Moffatt inquired where the trail would go in Palmyra. The County Planner did not know. Mrs. Alls-Moffatt commented that the trail would definitely go through the Taylor preserve up in Cinnaminson. Mrs. Alls-Moffatt reported that the Planner from Riverside reported that the former Zurbrugg Hospital would be converted into age restricted units and rooms for the visually impaired. **Jim Gross, 203 Fulton Street**, asked if there were still plans to have a footbridge that comes across National Casein. Mrs. Alls-Moffatt responded that as of today no, but this may be subject to change.

SHADE TREE/HUMAN SERVICES-Dr. Daniel

Dr. Daniel reported that ongoing maintenance of the Borough's Shade Trees continues to be done. Dr. Daniel announced that the Commission would be re-evaluating all of the public trees in Riverton in terms of age, size, variety, etc... Volunteers will be solicited for this effort. Arbor Day is set for April 29 at 1:30pm at the Riverton School.

Dr. Daniel read a report for the month of March that was submitted by Welfare Director, Florence Klein. There were three clients on assistance. Mrs. Klein attended various meetings and seminars throughout the month.

OLD BUSINESS

Finance Administration Committee. Mrs. Alls-Moffatt reported that both she and the Mayor believe it would be a good idea to have a Financial Administration Committee made up of three residents from town as well as the Borough's Finance Committee. Mrs. Alls-Moffatt commented that Michael Kinzler of Lippincott Avenue and Robert Smyth of Bank Avenue have volunteered. We are still seeking another volunteer from town to participate. Mrs. Alls-Moffatt stated that it is hoped that this committee could do the footwork for the Borough's Finance Committee in terms of investigating the best price for capital items, such as a police vehicle or copiers. Mr. Ceseratti asked if this committee would only be for the municipal end or would it also include the school. Mrs. Alls-Moffatt commented that she didn't know if we could include the school. Mr. Smyth asked our Solicitor for an opinion regarding the formation of this committee. Mr. Gunn stated that we can have an advisory committee that is established by Resolution, once you have all the names. **Bob Smyth, 1 Bank Avenue** asked if this committee would sit down with representatives from Council to review the scope of work. Mrs. Alls-Moffatt responded absolutely. Mr. Smyth asked if they would have a role in this year's budget. Mrs. Alls-Moffatt responded yes, in terms of expenditures and suggestions. However, Councilman Smyth stated that he did not think it would affect the current budget. The committee would assist in future financial discussions. Councilman believes there are a lot of capable people in the Borough we are trying to include and involve in the affairs of our town. **Michael Heine, 206 Carriage House Lane**, thinks this is a great idea and a good resource. However, he believes this committee should be asked to offer whatever suggestions and comments for this year's budget, which is scheduled to be adopted on May 12.

Park Committee. Mr. Cesaretti reported that the Chief will be meeting with this committee to review the parking study recently received from Alaimo Associates.

NEW BUSINESS

ORDINANCE 2-04

“CAP” ORDINANCE OF THE BOROUGH OF RIVERTON TO EXCEED INDEX RATE: INDEX RATE LESS THAN 5% LIMITATION FOR THE YEAR 2004 (N.J.S. 40A4-45.14)

(IN FULL IN ORDINANCE BOOK)

The above Ordinance was read by title only for the second time by Mr. Smyth, who moved for its adoption. This was seconded by Mrs. Alls-Moffatt. At this time Mayor Martin opened this meeting to the public for any comment on this Ordinance. Since there was no public comment on this Ordinance, Mayor Martin closed this portion of the meeting to the public. A poll vote was then taken. Dr. Daniel aye, Mrs. Villari aye, Mr. Smyth aye, Mr. Gilmore aye, Mr. Cesaretti aye and Mrs. Alls-Moffatt aye.

ORDINANCE 3-04

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF RIVERTON, IN THE COUNTY OF BURLINGTON, NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 123, SECTION 27.1 SCHEDULE VA OF THE RIVERTON BOROUGH CODE TO ADD AN ADDITIONAL LOCATION WITHIN THE BOROUGH OR DISABLED PERSONS PARKING

(IN FULL IN ORDINANCE BOOK)

The above Ordinance was read by title only for the second time by Mr. Cesaretti, who moved for its adoption. This was seconded by Mr. Gilmore. At this time, Mayor

Martin opened this portion of the meeting to the public for any comment on this Ordinance. Since there was no public comment on this Ordinance, Mayor Martin closed this portion of the meeting to the public. A poll vote was then taken. Dr. Daniel aye, Mrs. Villari aye, Mr. Smyth aye, Mr. Gilmore aye, Mr. Cesaretti aye and Mrs. Alls-Moffat aye.

ORDINANCE 4-04

BOND ORDINANCE AMENDING BOND ORDINANCE 4-02 OF THE BOROUGH OF RIVERTON, IN THE COUNTY OF BURLINGTON, NEW JERSEY FINALLY ADOPTED AUGUST 8, 2002, AS AMENDED BY BOND ORDINANCE NOS. 10-02, 7-03, 13-03 AND 1-04 IN ORDER TO AMEND DESCRIPTION OF PROJECTS AND PROVIDE FOR A SUPPLEMENTAL APPROPRIATION FOR THE PURCHASE OF A FIRE TRUCK, APPROPRIATING AN ADDITIONAL \$289,901 AND AUTHORIZING ADDITIONAL BONDS OR NOTES IN THE AMOUNT OF \$275,400.

The above Ordinance was read by title only for the first time by Mr. Smyth, who moved for its adoption. This was seconded by Mr. Villari. **Bob Smyth, 1 Bank Avenue** inquired as what it takes to require a vote from the public on a Bond Ordinance. Our Solicitor stated this could occur after second reading of a bond ordinance. There is a 20 day waiting period before a Bond Ordinance goes into effect after the second reading. Our Solicitor commented that 10% of the registered voters would have to sign a petition opposing the ordinance before it could go to a referendum. Mrs. Alls-Moffatt asked if it would cost the Borough any money if a bond ordinance goes to referendum. Our Solicitor responded yes. A special election would be required and the Borough would have to pay all of the costs involved. Mrs. Alls-Moffatt inquired as to whether we had ever done that before. Our Solicitor responded yes. A poll vote was then taken. Dr. Daniel aye, Mrs. Villari aye, Mr. Smyth aye, Mr. Gilmore aye, Mr. Cesaretti aye and Mrs. Alls-Moffat aye. Second reading and a public hearing on this Ordinance is scheduled for May 12, 2004 at 7:00pm

ORDINANCE 5-04

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 Mr. Smyth, who moved for its adoption. This was seconded by Mr. Gilmore. A poll vote was then taken. Dr. Daniel aye, Mrs. Villari aye, Mr. Smyth aye, Mr. Gilmore aye, Mr. Cesaretti aye, and Mrs. Alls-Moffat aye. Second reading and a public hearing is scheduled for May 12, 2004 at 7:00pm.

HIRING OF A COURT OFFICER

Mr. Cesaretti reported that there is a legitimate need to hire another Court Officer. The Public Safety Committee and the Chief of Police is recommending the hiring of George Gasper. It was the consensus of Council to agree to this.

RESOLUTION 43-04

A RESOLUTION AUTHORIZING THE HIRING OF GEORGE GASPER AS A COURT OFFICER FOR THE BOROUGH OF RIVERTON (IN FULL IN RESOLUTION BOOK)

The above Resolution was read by title only by Mr. Cesaretti, who moved for its adoption. This was seconded by Mr. Smyth. A poll vote was then taken. Dr. Daniel aye, Mrs. Villari aye, Mr. Smyth aye, Mr. Gilmore aye, Mr. Cesaretti aye and Mrs. Alls-Moffat aye.

RESOLUTION 44-04

A RESOLUTION RESCINDING THE COUNCIL APPOINTMENTS OF JOSEPH RUNYON AND JOSE TALAVERA IN RESOLUTION 6-04 (IN FULL IN RESOLUTION BOOK)

The above Resolution was read by title only by Mr. Smyth, who moved for its adoption. This was seconded by Mrs. Villari. A poll vote was then taken. Dr. Daniel aye, Mrs. Villari aye, Mr. Smyth aye, Mr. Gilmore aye, Mr. Cesaretti aye and Mrs. All-Moffat aye.

MAYOR'S APPOINTMENTS: ALTERNATE TO SERVE ON THE MUNICIPAL PLANNING BOARD AND A REGULAR MEMBER TO SERVE ON THE ENVIRONMENTAL COMMISSION

Mayor Martin announced that he was appointing Jose Talavera to serve as an alternate member on the Municipal Planning Board. Mr. Talavera's term will expire on December 31, 2005. Mayor Martin also announced that he was appointing Joseph Runyon to serve as a regular member to serve on the Environmental Commission. Mr. Runyon's term will expire on December 31, 2006.

RESOLUTION 45-04

A RESOLUTION AUTHORIZING REMINGTON VERNICK & ARANGO ENGINEERING TO PREPARE A MUNICIPAL POLLUTION PREVENTION PLAN AND MUNICIPAL STORMWATER MANAGEMENT PLAN (IN FULL IN RESOLUTION BOOK)

The above Resolution was read by title only by Mrs. Villari, who moved for its adoption. This was seconded by Mr. Cesaretti. A poll vote was then taken. Dr. Daniel aye, Mrs. Villari aye, Mr. Smyth aye, Mr. Gilmore aye, Mr. Cesaretti aye and Mrs. All-Moffat aye.

PROCLAMATIONS-FAIR HOUSING MONTH AND SHADE TREE COMMISSION DAY (IN FULL IN RESOLUTION BOOK)

The above Proclamations were read in full by Mayor Martin.

CORRESPONDENCE –There was no correspondence presented at this time.

At this time Mr. Gilmore announce that the Borough of Palmyra recently received a Tree City Award designation.

MEETING OPEN TO THE PUBLIC

Margaret Wark, 406 Howard Street, asked if the relocation of the court to Palmyra was because of a mandate from the County and/or State. Mr. Smyth responded that the County has continually cited us for inadequate court facilities. Mrs. Wark asked what would happen if we do not get the Post Office or a bigger space for municipal services. Mayor Martin commented that the court may remain in Palmyra for a longer period of time. Mayor Martin commented that our Court Administrator knows of a similar situation in Burlington City whereby the court was relocated to another facility for seven years. Mayor Martin further commented that perhaps shared services could be considered if we are unable to get the Post Office. Mrs. Wark asked if some type of study would be done to determine if the continued use of Palmyra facilities would be more beneficial to the tax payers than buying another property. Mayor Martin commented that all avenues would be considered.

Jim Gross, 203 Fulton Street, informed Council that he has seen commercial flyers placed on gas lamps and poles around town advertising a saloon in Riverside. Mr. Gross asked if there was an Ordinance on books that bars the placement of this type of flyer. Mr. Gunn responded that flyers are not permitted on telephone polls. This matter should be referred to the Police Department for enforcement. Dr. Daniel asked if some type of action can be taken against whatever organization is responsible for doing this. Our Solicitor commented that our Code Enforcement Officer would have to address this under our Zoning Ordinance.

Michael Heine, 206 Carriage House Lane, feels it is incumbent of Council to thoroughly review the budget. Mr. Heine strongly urged Council to assess our own Fire

Company costs to possibly consider shared services. Mr. Heine suggested that the present Fire Building may meet the Borough's needs for municipal services. Mr. Heine believes that Council needs to do a lot of homework before any decision is made regarding the acquisition of the post office. Mr. Heine urged Council to address the backyard light emanating from the restaurant on Howard Street into the home of Mr. Novatasky on Cinnaminson. Mr. Heine understands that our Code Enforcement Officer has determined that there is nothing else we can do to remedy this situation. Mr. Heine disagrees with that assessment and feels our Solicitor should render an opinion regarding this issue. Mr. Heine also raised concern over the proposed Farmers' Market. He is opposed to this.

Jim Gross, 203 Fulton Street, suggested that the owner of the restaurant use a shade to reduce the light problem.

Scott Reed, Fire Chief, informed Council that the rotary donated a defibrillator to the Fire Company. Mr. Reed informed Mr. Heine that the Fire building is not owned by the Borough, it is owned by the Fire Company. Mr. Reed also stated that he knows there is support from the townspeople regarding the purchase of a new fire truck.

Keith Wenig, 200 Cinnaminson Street, doesn't feel that any cuts should be made to the school budget. He suggests looking at ways to make cuts to the municipal budget.

RESOLUTION 46-04

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 Mr. Smyth, who moved for its adoption. This was seconded by Mr. Cesaretti. It should be noted that a litigation matter will be discussed.

At this time Mr. Smyth moved that we return to public session. This was seconded by Mrs. Villari. A poll vote was then taken. Dr. Daniel aye, Mrs. Villari aye, Mr. Smyth aye, Mr. Gilmore aye, Mr. Cesaretti aye and Mrs. Alls-Moffat aye.

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

Mary Longbottom, RMC
Municipal Clerk