

February 11, 2004

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

PRESENT: Council members Daniel (arrived at 7:03pm), Villari, Smyth, Gilmore, Cesaretti, Alls-Moffat and Solicitor Bruce 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 notice 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 January 7, January 14 and the closed session minutes from January 14 were then presented. Mr. Smyth moved that these minutes be approved as submitted. This was seconded by Mrs. Alls-Moffatt. A poll vote was then taken. Dr. Daniel absent, Mrs. Villari aye, Mr. Smyth aye, Mr. Gilmore aye, Mr. Cesaretti aye and Mrs. Alls-Moffat aye.

TREASURER'S & FINANCE COMMITTEE REPORTS-Mr. Smyth

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

COMMITTEE REPORTS

PUBLIC SAFETY-Mr. Cesaretti

Mr. Cesaretti read a report for the month of January that was submitted by Chief Robert Norcross. Vehicle Mileage 2,865, Gas Used 492.2, Juvenile Arrests 2, Assaults 1 Court, Miscellaneous 1 HWD, Adult Arrests 16, Criminal Warrant 1, Criminal Summons 2, Traffic Warrants 11, DWI 2, Motor Vehicle Crashes 4, Motor Vehicle Stops 51, Motor Vehicle Warnings 7, Motor Vehicle Summons 60, Burglar Alarms 10, Asst. to other Police Departments 37, Animal Complaints 1, Fire Calls 21, Riverton 5, Out of Town 20, Ambulance Calls (Riverton) 20, Unattended Deaths 0, Criminal Case 29, Domestic 2, Thefts 1, Burglaries 0, Assaults 2, Criminal Mischief 4, Robberies 0, Motor Vehicle Thefts 0, Miscellaneous Complaints 23, Miscellaneous Calls 535.

Mr. Cesaretti read a report for the month of January that was submitted by Court Administrator, Laura Frick. There were 41 traffic tickets issued, 2 for parking, 38 traffic other and 1 DWI. There were 3 criminal charges filed, 1 summons 1 warrant and 0 local ordinance. The total receipts for the month amounted to \$5903.00. The total disbursed to Riverton amounted to \$3677.76.

Mr. Cesaretti read a report for the month of January that was submitted by Animal Control Officer, M&R Wildlife. The town was canvassed during the month, two stray cats were removed and the Animal Control Officer spent two hours in court regarding specific animal violations.

PARK, RECREATION, RECYCLING &

ENVIRONMENTAL COMMISSION-Mr. Gilmore (No Report)

UPDATE RE: HERITAGE TRAIL

Mayor Martin reported that a recent meeting was held with County representatives and Matthew J. Johnson, County Open Space Program Coordinator regarding this issue. Council representatives were the Mayor, Mrs. Alls-Moffatt and Mr. Gilmore. Borough officials informed those who attended about the Resolution recently adopted rescinding Council's previous support for the Heritage Trail going along our back streets. Mayor Martin commented that while we might support a trail along Broad

Street, nothing was set in stone. Mayor Martin stated that another public meeting on this issue would be held in the next couple of months. We are trying to keep Palmyra informed of our decisions.

PUBLIC WORKS/SEWER-Mrs. Villari

Mrs. Villari reported that we are waiting for approval from the Community Development Block Grant Office regarding our proposed project. We should hear by July or August of this year.

Regarding the problems raised last week by Glenn Smyth about sewer problems at his home at 2nd & Howard Streets, Mrs. Villari reported that our Sewer Engineer stated that no underground study is being done. A video camera was sent down the line and major build up was found and roots were removed. Mrs. Villari considers this issue resolved.

Regarding the erosion on the Borough's portions of the riverwall, Mrs. Villari stated that the areas in question were reviewed with our Public Works Manager and a contractor from Adamo Construction. It was determined to hold off because of the present issues (litigation) regarding the riverwall. Council will be kept informed.

Regarding the traffic signals at Broad & Main Streets, Mrs. Villari reported that the traffic signaling at Broad & Main continues to be a part of the problem so far as consistency in the traffic patterns at the other intersections. Mrs. Villari stated that the traffic signaling at Elm, Thomas and Cedar have been completed with the proper traffic clearance. Mrs. Villari commented that problems at Broad & Main should be resolved as soon as possible.

Mrs. Villari reported that 4th of July committee recently met. The 4th of July parade for 2004 will be held on Saturday, July 3rd.

ZONING, PLANNING, CODE ENFORCEMENT &

REDEVELOPMENT-Mrs. Alls-Moffat

Mrs. Alls-Moffat reported that there were nine applicants for the Zoning/Code Enforcement Official position. Her committee is recommending the hiring of Anthony Dydek of Delanco, NJ. Mrs. Alls-Moffatt stated that Mr. Dydek has previous experience in this area because he served as Delanco's Zoning Officer. Mrs. Alls-Moffatt stated that he will be taking courses towards obtaining a state certification. With Council's approval, Mr. Dydek can start work on Wednesday, February 18, 2004. After a short discussion, it was the consensus of Council to agree with Mrs. Alls-Moffatt's committee's recommendation.

RESOLUTION 26-04

**A RESOLUTION APPOINTING ANTHONY DYDEK AS ZONING OFFICER/CODE ENFORCEMENT OFFICIAL AND AFFORDABLE HOUSING OFFICER FOR THE BOROUGH OF RIVERTON FOR THE REMAINDER OF 2004
(IN FULL IN RESOLUTION BOOK)**

The above Resolution was read by title only by Mrs. Alls-Moffat, 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

The Zoning Board held their Reorganization meeting in January 21. The Board held a lengthy discussion regarding the potential construction of townhouses on Cedar Street. Mr. Flamimi, who is the owner of the Cedar Lane Manor Apartments, had asked for an informal conversation with the Board on this issue; however, this was rejected by the Board. A formal application would have to be made.

The Planning Board held their reorganization meeting on January 20th. Mr. Heine made presentation on the Proposed Commercial Property Maintenance Code. Concern was raised by members of the public regarding this ordinance as to why we needed to have more codes when we already have codes on the books. Mrs. Alls-Moffatt commented that she is withholding her position on this code until the whole thing has

been discussed in public. Mrs. Alls-Moffatt stated that she is diametrically opposed to a private residential property maintenance code. Mrs. Alls-Moffatt does not remember this Council specifically asking the Planning Board to work on a commercial property maintenance code. Our Solicitor commented that he thought this issue was initiated by the Board sometime in 1998.

SHADE TREE, BOARD OF HEALTH AND HUMAN SERVICES

Dr. Daniel shared the Shade Tree report from 2003 with Council. 75 complaints were received, 31 new street and park trees were planted this past year. New Jersey Transit donated trees to the Borough for the right of way areas. Arbor Day is scheduled for April 17, 2004 at the Riverton Public School. The Riverton computerized tree inventory continues to be updated. Dr. Daniel stated that presently 2,580 trees line our streets with 138 different species. Dr. Daniel further stated that bacterial leaf scorch disease continues to threaten our oak trees.

Dr. Daniel met with Board on Health on February. The Board reviewed information mandating that individuals involved in overseeing those handling food attend a training course either in person or online. Dr. Daniel reported that, currently, there are twelve areas in town that serve food. Dr. Daniel stated that Council would be reviewing sample ordinances regarding this issue at our next work session.

Dr. Daniel read a report for the month of January that was submitted by Welfare Director, Florence Klein There were two clients on the rolls. Mrs. Klein attended training seminars and meetings throughout the month.

OLD BUSINESS-LIGHT COMPLAINT AT THE NOVATASKY PROPERTY ON THE 500 BLOCK OF CINNAMINSON STREET

Regarding this ongoing complaint, Mrs. Alls-Moffatt checked to determine if the restaurant in question was in compliance with all of our codes. She was informed by respective Borough officials that they were. Mrs. Alls-Moffatt looked at the light problem herself and has determined that the shade over the light is too big. The shade is reflecting against the siding on the back of Tony's restaurant and bouncing off into Mr. Novatasky's house. Mrs. Alls-Moffatt took photos of the light shade to share with Council. Mrs. Alls-Moffatt is not sure what the answer is to this problem. Mrs. Alls-Moffatt will take the new code enforcer to review this issue.

NEW BUSINESS

RESOLUTION 25-04 TRANSFER RESOLUTION (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. 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.

PROCLAMATION-READ ACROSS AMERICA (IN FULL IN RESOLUTION BOOK)

The above Proclamation was read in full by Mayor Martin.

SETTING DAYS AND TIMES FOR 2004 BUDGET WORK SESSIONS

It was the consensus of Council to hold two 2004 budget work sessions on March 1 and March 15 at 6:00pm. The Clerk will advertise these meetings in the Burlington County Times.

CORRESPONDENCE-There was no correspondence presented at this time.

UPDATE RE: NEW STORMWATER REGULATIONS (RICK ARANGO OF REMINGTON VERNICK AND ARANGO WAS PRESENT

Mr. Arango stated that he had the required Tier A Municipal Stormwater General Permit Application (due March 3, 2004) and the Tier A Municipal Grant application for the Mayor to sign. After conferring with Mrs. Villari, it was determined that our Public Works Manager Scott Reed would serve as our Storm Water Program Coordinator.

Mr. Arango provided Council with a hard copy of his firm's power point presentation for the new regulations which came into effect this year. Council can arrange for Terry Vogt of his engineering firm to make a presentation, if they so choose. Mr. Arango further provided Council with a detailed engineering proposal to guide the Borough through the first year of these new regulations. All municipalities must come into compliance over a five year period. Mr. Arango stressed the fact that there is a lot of work to be done during the first 12 months. Mrs. Alls-Moffatt inquired as to whether the Department of Environmental Commission (DEP) works with the engineering firms on these new regulations. Mr. Arango responded that we work with them. Mayor Martin asked what goes on after the first year in terms of expenses. Mr. Arango reviewed his engineering firm's fees for years 2 through 5. Mr. Gilmore asked if the grant application included the engineering fees. Mr. Arango responded no. Mr. Arango stated that 6 million dollars in grant money should be available to be distributed to all of the municipalities. Mrs. Villari asked how much money the Borough should set aside for this purpose. Mr. Arango stated that his firm's fee is \$11,000.00. Mr. Arango informed Council that we need to demonstrate that less than one (1) square mile of land remains for development. Otherwise a Borough wide land use intensity analysis will be required as part of the Storm water plan. Mr. Arango stated that the DEP would be formulating an ordinance for municipalities to adopt. It is anticipated that this Ordinance would fit into Riverton's requirements. Mr. Cesaretti asked what the DEP is charging us for the permit. Mr. Arango indicated that the permit price has not been determined. Mr. Cesaretti asked if the DEP ever waives their fees. Mr. Arango responded that to the best of his knowledge, they don't. Mayor Martin asked if there could be a backlash from communities trying to fulfill these new requirements. Mr. Arango responded these new regulations will be good for the environment. It will make the stormwater cleaner. The regulations would have developers who build the developments have the water perk on site. Presently the water is collected in basins, putting it into streams and eventually the oceans. Mr. Arango provided an overview of what the DEP is trying to accomplish with these new regulations, i.e. a schedule for street sweeping, changing the grates on the hoods of the inlets, etc.. Mr. Arango stated that his proposal is not a one lump fee. If his firm is authorized to do the work, he will be working closely with Mrs. Villari, Chair of the Streets and Roads Committee, as well as our Public Works Manager. Mr. Arango stated that he is not looking for any authorization tonight from Council regarding his proposal. Mayor Martin asked how we know we are getting a good price for the services we are getting. Mr. Arango feels that his firm's prices are very competitive. Dr. Daniel asked is a specific timetable would be set up. Mr. Arango said eventually there would be a time schedule over the first 12 months. Mrs. Villari feels very comfortable with Mr. Arango handling this issue. Mr. Gilmore concurred with Mrs. Villari's comments.

RESOLUTION 27-04

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN THE APPLICATION FOR THE TIER A MUNICIPAL STORMWATER GENERAL PERMIT AND THE TIER A MUNICIPAL GRANT APPLICATION FORM (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. 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-Moffatt aye.

PUBLIC COMMENT ON THE STORMWATER REGULATIONS PROGRAM

Gene Bandine, 522 Main Street, asked if the price would go down for the more we do. Mr. Arango responded no. The DEP is requiring all municipalities to be in compliance with certain rules and regulations on how storm water is handled. The Engineer's role would be to assist the municipality in developing those procedures to put into place. The cost of rehabilitating the actual structures depends on what we have already.

Bob Smyth 1 Bank Avenue, asked if these regulations limit the upstream impact like pesticide runoff, oil and grease emulsions, and soaps used in car washes. Mr. Arango commented that it would.

Michael Heine, 206 Carriage House Lane feels that quotes should be obtained from other engineering firms for this work.

Donna Tyson, 206 Carriage House Lane, asked what the bid threshold was. She was informed that it is \$25,000.00.

Bernie O'Reilly, 200 Lippincott Avenue, would like to see uniformity when awarding all contracts. We shouldn't do anything under duress. Ms. O'Reilly feels it is the Solicitor's job to help with the articulation of specifications. Mrs. O'Reilly also commented that she thought The Geographical Information Systems was a wonderful tool.

Michael Heine 206 Carriage House Lane, 206 Carriage House Lane asked for a specific breakdown of Mr. Arango's proposal. Mayor Martin stated that we weren't going to discuss this. Mr. Heine reiterated his position that quotes be obtained.

MEETING OPEN TO THE PUBLIC

Gene Bandine, 522 Main Street, strongly suggested alternating parking on one side of the street(s) when cleaning the streets.

Mr. Bandine raised concern about the lights at the intersection of Broad & Main Streets and the length of time it takes for these lights to change. Mr. Bandine asked why the blinking lights now go red on Broad Street, causing the traffic to stop. Mrs. Villari stated because if there is a car stuck on the track and there is major congestion of Broad Street, the driver will not be able to get off the track in time, unless this is done. Mr. Bandine wants this problem fixed. Mrs. Villari stated that Main Street continues to be the cause of the problem with coordinating the traffic signals at Elm, Thomas and Cedar.

James Moffatt, 202 Fulton Street, feels that Council should reject the 15 time limit for the public to speak at a work session. Mr. Moffatt thinks the public should be allowed to speak as long as they want.

Regarding Lauren Lewonski's request for a designated parking space Mr. Moffatt believes Council should give her one. However, Mr. Moffatt acknowledged that Mr. Cesaretti had a good argument last week when he stated all the reasons why he thought Council should not do this.

Regarding the Robert Stelling issue, Mr. Moffatt asked for an update. Chief Norcross reported that due to the weather, the Judge gave Mr. Stelling an extension of one month to have his property cleared.

Mr. Moffatt stated that he believes a Police Office should be assigned to monitor the 500 block of Howard Street from 5:00pm-7:00pm everyday. He feels there is a real safety issue here and that an accident will happen near the Red Balloon Nursery School. Chief Norcross stated that he does not have manpower to this but he will have it checked out.

Mr. Gilmore asked if the Chief had formulated an opinion regarding the recent implementation of parking on both side of Howard Street. The Chief believes it should go back to parking on only one side. Mr. Gilmore strongly requested that the Chief follow through and have the no parking signs re-installed where they were on the 500 block of Howard Street.

Bernie O'Reilly, 200 Lippincott Avenue, asked if Council could consider making 5th street in front of the school be one way between 8 and 9 in the morning. There is a safety hazard at this location.

Mrs. O'Reilly asked Dr. Daniel if the Judi Rossi, Chair of our Board of Health would be taking the training course he mentioned earlier. Dr. Daniel responded that she is supposed to.

Mrs. O'Reilly asked if the public can attend budget meetings. The response was yes.

MaryAnn Shea, 205 Bank Avenue, reviewed the proposed Commercial Property Maintenance Code and is very much against it. A number of other people also feel the same way. Ms. Shea is of the opinion that we should do more to enforce our present codes.

Michael Heine, 206 Carriage House Lane, inquired as to whether the public right of way on Bank Avenue extended between Howard & Fulton Street. Mr. Cesaretti stated that a pocket park exists at the end of Fulton Street. You can walk right down Fulton Street to the river. This is Borough property.

Mr. Heine then questioned the gate at Bank & Howard Streets. Does the public have the right to access this area? Mr. Heine thinks there should be a review of this area and the signage to determine if the public should have accessibility. We need a legal statement. Mr. Heine also questioned the signage at Second and Fulton Streets that prohibits vehicles from accessing this area. Public Works Manager, Scott Reed stated that that sign was placed there to prevent cars from entering that location similar to what they do at Linden and Bank Avenues. Mr. Reed stated that that is Borough property. Mr. Heine believes our Solicitor needs to look at this and render a legal opinion.

Mr. Heine raised the following concerns: the need for Council to be vigilant in containing the Heritage Trail, the qualifications and references of the newly appointed Zoning Officer and the length of time it is taking to resolve Mr. Novatasky's complaint regarding the light problem.

Robert Novatasky, Cinnaminson Street., spoke at length about the light emanating from the restaurant into his house. He doesn't understand why it is taking so long to resolve this issue.

Donna Tyson, 206 Carriage House Lane, would like to have a commitment in writing from all parties involved that Bank Avenue will not be used for the Heritage Trail. Mr. Cesaretti asked if anyone had spoken to the people who live along Broad Street to see how they feel about this road being used as a potential alternate route. The response was no. The Solicitor suggested that the recent resolution rescinding previous support for the Heritage Trail be sent to the County Freeholders and Matthew Johnson, Council Open Space Program Coordinator. Ms. Tyson would like to see our Council encourage Palmyra to eliminate the two blocks in their town (off of Bank Avenue) for the trail too. Ms. Tyson believes that the right of way issues along Broad Street need to be determined.

Ms. Tyson raised concern about the reappointment of Jose Talavera as an alternate to the Planning Board. He has missed a lot of meetings. He was given responsibility of being on the fence sub-committee of the board; however, showed up for any of those meetings. Ms. Tyson believes certain standards need to be set. Very surprised by this. There should be certain standards set.

Bob Smyth, 1 Bank Avenue, urged Council to determine who has the ultimate authority regarding the Heritage Trail. Mr. Smyth is very concerned that some type of eminent domain action could take place regarding this trail in the future.

Bernie O'Reilly, 200 Lippincott Avenue, asked if her concern about making 5th street in front of the school one way will be addressed. Mr. Smyth stated that the Chief would look into this concern.

Ms. O'Reilly feels that Riverton has one of the worst air qualities in Burlington County. Given the fact that many diesel engines idle along Main Street, she does not think it makes sense to create a town center in front of the bakery (pertains to the Broad Street Enhancement Grant), before a traffic study of the area is done.

Michael Heine, 206 Carriage House Lane, stated that there were outspoken comments made at the recent Planning Board public hearing on the proposed Commercial Property Maintenance Code. Mr. Heine believes most of the criticism was from those that would be impacted by this ordinance. Mr. Heine believes it was a very modest adverse reaction to the ordinance. Mr. Heine feels that Council should reserve their judgment when this ordinance comes before them. Mr. Heine stated that he would supply Council with substantive information that should assist Council during the review process.

RESOLUTION 28-04
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. 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. It should be noted that contract negotiations will be discussed.

At this time Mr. Smyth moved that we return to public session. This was seconded by Mrs. Alls-Moffat, with all present voting in the affirmative

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

Mary Longbottom, RMC
Municipal Clerk