

February 4, 2004

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

PRESENT: Council members Daniel, Villari, Gilmore (left the meeting at 8:45pm), Cesaretti, Alls-Moffatt and Solicitor Bruce M. Gunn

ABSENT: Council member Smyth

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

Meeting open to the public

Glenn Smyth, 201 Howard Street, raised concern, once again about an ongoing sewer problem at his home. Mr. Smyth previously brought this matter to Council's attention at their December 10 meeting. Mr. Smyth reported that a camera was sent down the line and major build up was found and roots were removed. Mr. Smyth stated that the Borough's sewer engineer was to review the tape. Mr. Smyth asked for an update regarding this problem. After a short discussion, Mrs. Villari stated that she would review this issue with our Public Works Manager and Sewer Engineer and report back to council next week.

Mr. Smyth raised concern regarding the handicapped ramp at the intersection of Howard and Second Street. Mr. Smyth stated that the Water Company recently did their paving at this location, causing this area to have poor drainage. Mrs. Villari commented that this ramp may be earmarked to be re-done as part of our Community Development project.

Bernadette Wilmot, 207 Linden Avenue, raised concern about the Planning Board's proposed Commercial Property Maintenance Code. Ms. Wilmot is adamantly opposed to it for various reasons. Ms. Wilmot also stated that she feels it is completely redundant to what is already on our books. She believes that the proposed new code would be open to anyone's interpretation, which would not be acceptable. Ms. Wilmot asked if Council had initiated the Board's work on this new code. Mr. Gilmore responded no.

Fred DeVece, 700 Cedar Street, agrees with Ms. Wilmot about this ordinance. Mr. DeVece commented that he was also under the impression that Council had asked the Planning Board to work on this ordinance.

Request from Lauren Lewonski, 515 Howard Street, for a parking space in front of her home. Mayor Martin reported that Ms. Lewonski was unable to make this meeting and that this issue would be reviewed at Council's March work session. Mr. Cesaretti stated that Council previously reviewed and discussed this issue and had denied Ms. Lewonski's request. Mr. Cesaretti stated that Ms. Lewonski is a resident who lives in the business district with a property that is landlocked with no way to get into the driveway onto her property. Ms. Lewonski lives between the Red Balloon and the restaurant on this street. Mr. Cesaretti further stated that the parking committee met and discussed this with the Chief of Police. The recommendation to Council at that time was not to give Ms. Lewonski a designated parking space on her street. Mr. Cesaretti stated that a precedent would be set by allowing this and that other residents would make similar requests of Council. Mr. Cesaretti reminded Council that Ms. Lewonski did purchase her home with no driveway in the business district. Mr. Cesaretti does not see how Council can offer her any relief based on the situation. Mr. Cesaretti also stated that the enforcement issue was another concern that was raised by the Chief of Police.

Amending Bond Ordinance 4-02 to amend the description of one of the projects listed, Mayor Martin reported that we would not be adding any additional monetary amounts to this ordinance. The only change would be under "Purpose (a) the words and

furnishings.” This will allow more things to be covered. The Treasurer commented that the Auditor and Bond Counsel made this recommendation. After a short discussion, it was the consensus of Council to agree to this.

ORDINANCE 1-04

BOND ORDINANCE AMENDING BOND ORDINANCE NO 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 AND 13-03 IN ORDER TO AMEND DESCRIPTION OF PROJECTS

The above Ordinance was read for the first time by title only by Mr. Gilmore, who moved for its adoption. This was seconded by Mrs. Alls-Moffatt. A poll vote was then taken. Dr. Daniel aye, Mrs. Villari aye, Mr. Smyth absent, Mr. Gilmore aye, Mr. Cesaretti aye and Mrs. Alls-Moffatt aye. It should be noted that second reading and a public hearing on this Ordinance is scheduled for March 10 at 7:00pm.

Discussion: New storm water regulations. Mrs. Villari provided a detailed overview of the new Municipal Stormwater Regulations for Council’s information. Municipalities and other entities regulated under the Municipal Stormwater Regulation Program are required to apply for a permit within 30 days from the effective date of the rules. Mrs. Villari stated that these new regulations will require substantial planning and physical improvements to the Stormwater infrastructure. Mrs. Villari commented that grant money will be provided by the Department of Environmental Protection to Tier A (Riverton designation) municipalities for the implementation of certain activities required by the Tier A NJPDES Municipal Stormwater general Permit. Council will be kept informed of this important issue since it may impact our budget.

Burlington County Local Space Program meeting (Council representation requested). Mr. Gilmore reported that he would be attending this meeting and asked if anyone from Council was also interested in attending to let him know as soon as possible.

Update Re: The Borough’s Livable Communities Grant Program Application. Mr. Gilmore reported that he has been in contact with the people who are reviewing the applications for this grant funding and that a decision should be reached sometime in March. Council will be kept informed.

Review of redevelopment schedule submitted by Mr. Gilmore. Mr. Gilmore reviewed his suggested objectives regarding redevelopment. A copy of this is on file with the Municipal Clerk. One of Mr. Gilmore’s objectives is to include 423 Lippincott Avenue on the list of areas to be redeveloped. Mr. Gilmore explained that this property is in very poor condition and something needs to be done about it. Dr. Daniel asked if it was the intention to get the property condemned, should it be included as a redevelopment area. Mr. Gilmore said no. Mr. Gilmore would like Council to work with the owner to get his property fixed—not necessarily to have it condemned. Council will be kept apprised of this situation. Mr. Gilmore’s suggested objectives were taken under advisement.

Request from Mr. Gilmore that an inspection of the Borough owned portions of the riverwall be done. Mr. Gilmore raised this issue because he is concerned that some of our portions need to be repaired and or maintained. Mrs. Villari stated that when she last served on Council, an inspection was done of all the Borough owned portions of the riverwall. Mr. Gilmore believes there are portions that need to be inspected, in particular at Linden Avenue. Mrs. Villari commented that she would review the areas in question with Mr. Gilmore.

Preliminary agenda for February 11. The Clerk reviewed this with the Governing Body

Point person for rail issues. Mrs. Villari volunteered to do this.

Traffic Signaling. Mrs. Villari reported that changes are being made regarding the traffic lights on Broad Street The Main Street intersection is scheduled to be adjusted to allow for better traffic flow. The Elm Avenue signals have been set and are functioning well. Cedar and Thomas traffic signals should be functioning properly within the next two

weeks. New grade crossing predictors will be installed soon. The pedestrian hand signals have been removed and will be replaced with auxiliary traffic lights that are for pedestrian's only. Mrs. Villari also stated that the Main Street intersection gates have been remaining in the down position after a train passes for a prolonged period of time. This concern will also be addressed as soon as possible.

CHIEF NORCROSS TO BE INSTALLED AS PRESIDENT OF THE BURLINGTON COUNTY CHIEF'S ASSOCIATION ON FEBRUARY 21.

Mayor Martin made this announcement to the public. Mayor Martin commented that the Chief has asked that Council place a full page ad in the booklet for this celebration at a cost of \$100.00. After a short discussion, Mr. Cesaretti moved that, in honor of the Chief's installment, that Council authorize the placement of an ad in this booklet. This was seconded by Dr. Daniel. A poll vote was then taken. Dr. Daniel aye, Mrs. Villari aye, Mr. Smyth absent, Mr. Gilmore aye, Mr. Cesaretti aye and Mrs. Alls-Moffatt aye.

Map on Wall. Mr. Gilmore reported that we acquired a map from 1860 of Camden and Vicinity (Riverton is listed) from the Fire Chief in Delran. Mr. Gilmore would like to have a small metal plaque hung in recognition of the donation of this map.

Light at Tony's restaurant on Howard Street. Mrs. Alls-Moffatt reported that she is working on this problem and hopefully it will be resolved as soon as possible. An update will be presented at next week's council meeting.

Rail update: Mrs. Villari reported that she has been informed by rail representatives that the gates are breakable and in case of an emergency you are to plow through them if you are stuck on the tracks.

Meeting open to the public

Michael Heine, 206 Carriage House Lane, urged that information be set up with our Solicitor to determine what statutory requirements remain regarding redevelopment. Mr. Heine doesn't feel Mr. Gilmore properly presented the redevelopment procedures. Mr. Heine commented that the law looks unfavorably when adding spot redevelopment. This pertains to Mr. Gilmore's recommendation that 423 Lippincott Avenue be included as a redevelopment area.

Mr. Heine stated that he recently wrote a letter to Council regarding the serious erosion issues at the Horner riverwall on Bank Avenue. Mr. Heine urged Council to get an engineering evaluation done immediately. Mrs. Villari asked when the last time our engineer reviewed the construction of specific property owners' riverwalls. Mr. Heine responded that he thought Dante Guzzi, Associates did this a couple of years ago. However, he stressed the importance of Council obtaining another evaluation of the areas immediately.

Bernie O'Reilly, 200 Lippincott Avenue, asked if anyone had spoken to the owners of 423 Lippincott about their property's appearance. Ms. O'Reilly also asked if the Council had a responsibility to inform these owners that their property may be considered part of our redevelopment area(s). Ms. O'Reilly asked why something is not being done about this house. She would like to see our codes enforced regarding this issue. A discussion then ensued. Mr. Gilmore commented that our Construction Official has indicated that there is nothing he can do about this property. Mr. Gilmore further stated that there is no property maintenance code in this town. Mrs. Alls-Moffatt stated that we are doing all we can to fill the Zoning Officer/Code Enforcement Officer's position

Joseph DellaPenna, 402 Linden Avenue, commented that everything should be done to fill the present vacancy for the zoning/code enforcement officer's position.

Frank Cioci, 408 Lippincott Avenue, asked if the owners of 423 Lippincott Avenue have any idea that their property may be designated as an area in need of redevelopment. Gilmore stated no, he is just initiating a suggestion that the Planning Board consider doing this. Out of respect for the property owner, Mrs. Villari feels some notification should have been sent to them before Mr. Gilmore brought up this issue tonight. Mayor Martin asked the Solicitor if we were crossing the legal line when an individual property

could be included in the redevelopment area. Mr. Gunn commented that Tom Coleman is the Borough's Redevelopment Solicitor. However, Mr. Gunn stated that generally you cannot spot zone; however, there maybe reasons to talk to Mr. Coleman about this issue. Mr. Gunn further commented that when the Planning Board did the initial work on the proposed redevelopment areas, they gave notice via letters to those that would be impacted by this determination. Recommendations were then given to Council to review and approve by Ordinance. Mr. Gunn further stated that Council does have the power to add an area; however, we should consult with our Redevelopment Solicitor first.

Michael Heine, 206 Carriage House Lane, commented that there are two possible remedies regarding 423 Lippincott Avenue. One is a public remedy whereby we obtain an injunction of what constitutes a public nuisance. This would be exercised by the municipality. The other remedy could be brought by the adjoining property owners who have the right to enjoin or compel certain activity that gives rise to a private nuisance.

Bernie O'Reilly, 200 Lippincott Avenue, commented that, in addition to pursuing remedies available to us by law, maybe we could offer some other solutions. Perhaps there are programs available to help the property owners. A suggestion was made to check with our Welfare Director, Florence Klein for any potential suggestions.

RESOLUTION 24-04

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. Cesaretti, 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 absent, Mr. Gilmore aye, Mr. Cesaretti aye and Mrs. Alls-Moffatt aye. It should be noted that a personnel and litigation matter will be discussed.

At this time Mr. Cesaretti 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 absent, Mr. Gilmore absent, Mr. Cesaretti aye and Mrs. Alls-Moffatt 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