

November 10, 2004

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

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

ABSENT: Council members Smyth and Cesaretti

The following statement was read by Mayor Martin:

(a) Public notice of this meeting, pursuant to the Open Public Meetings Act, has been given by the Municipal Clerk in the following manner:

(b) Having written notice of all meetings to be held in 2004 published in the Burlington County Times on January 13, 2004

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

The minutes from October 6 and October 13 were then presented. Mr. Gilmore moved that these minutes be approved as submitted. 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 absent and Mrs. Alls-Moffatt aye.

TREASURER'S & FINANCE COMMITTEE REPORTS-Mrs. Alls-Moffatt

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

COMMITTEE REPORTS

PUBLIC SAFETY-Mrs. Alls-Moffatt

In Mr. Cesaretti's absence, Mrs. Alls-Moffatt asked if there was a police report submitted. The Clerk responded no. Regarding the possible merger or absorption of the Riverton Police Department, Mrs. Alls-Moffatt reported that the Public Safety Committee has had only one meeting with a representative from Cinnaminson Township. Council will be kept informed

PARK, RECREATION, RECYCLING, ENVIRONMENTAL COMMISSION AND MUNICIPAL COURT-Mr. Gilmore

Mr. Gilmore announced that our annual Christmas Tree Lighting at the War Memorial will take place on Saturday, December 4, 2004 at 6:00pm.

Mr. Gilmore read a report for the month of October that was submitted by Court Administrator, Laura Frick. There were 110 traffic tickets issued—1 for parking, 107 traffic other and 2 DWI. There were 7 criminal charges filed—3 summons, 0 warrants and 3 local ord. The total receipts for the month amounted to \$11,167.50. The total disbursed to Riverton amounted to \$5,752.54.

PUBLIC WORKS/SEWER-Mrs. Villari

Mrs. Villari reported that the department is working on leaf removal with one man short. Mrs. Villari reported that we received a draft of the new Stormwater Regulations Plan from Engineer, Rick Arango. This Plan must be approved by our Planning Board and then filed with the County Planning Board by April 1, 2005. Mrs. Villari reported that we have been asked to provide names of project team members that will be included with the plan. Mrs. Villari reported that our Public Works Manager, Scott Reed attended a meeting on regarding these new regulations on October 28th. This meeting targeted communities along the river route region. An overview of the new Stormwater Regulations was done at this meeting.

Mrs. Villari reported that the recent road program (Homewood, Second and Cinnaminson Streets) is almost complete. There are just a few things that need to done.

Regarding our Community Development project, she is making sure that Dan Guzzi, the Engineer for this project, is guiding the Borough through the process. Mr. Guzzi needs to submit the required monthly progress reports to the county office.

Mrs. Villari reported that we still have not heard from the Department of Transportation Trust Funding Department regarding the possible funding for the reconstruction of Fulton Street. Mrs. Villari reported that we have also not received any notification regarding our municipal aid grant.

Regarding the concern raised by Dennis Eversmyer regarding flag illumination at the park, Yacht Club War Memorial and the base of Linden Avenue, Mrs. Villari contacted a representative from PSE&G's outdoor lighting department. This person will be providing the Borough with options. Council will be kept informed.

ZONING, PLANNING, CODE ENFORCEMENT AND REDEVELOPMENT-Mrs.Alls-Moffatt

Mrs. Alls-Moffatt reported that James Brandenberger was granted a use variance by the Zoning Board to develop the 1.4 acres of property located at Broad & Main Streets. This use variance permits the construction of a maximum of ten (10) residential units of mixed types, conditioned on approval of a site plan application. Consideration of additional use and bulk variances are reserved for approval or disapproval during the site plan process. Mrs. Alls-Moffatt also reported that Nancy Gorman, 402 7th Street, was granted a variance on the side yard and rear yard setback requirements for an addition. Debbie Lengyel and Chris Halt, 400 Linden Avenue, were told by the Zoning Board that they did not need a variance to construct an addition with a garage.

Regarding the Planning Board, Mrs.Alls-Moffatt reported that the Moccia application was continued until next month and the Miller's site plan application for the placement of an ice cream parlor on Howard Street passed.

SHADE TREE, HUMAN SERVICES & BOARD OF HEALTH-Dr. Daniel

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

Dr. Daniel attended a meeting with Barry Emens and Nancy Washington of the Shade Tree Commission on October 29th in Cherry Hill.

Dr. Daniel reported that two bids were received, opened and publicly read on Friday, November 5, 2004 at 10:00pm for a Shade Tree Contractor for the years 2005 and 2006. **They were from the Paul May Tree Service of Delran, New Jersey and Elite Tree Service, Inc. of Manalapan, New Jersey. The bid (dollar amounts) were as follows: Removal and trimming of trees, including all necessary equipment, chipping of brush and removal of debris per hour per man-\$60.00 from Paul May and \$52.00 from Elite, stump removal to 6" below ground level, including operating personnel and towing vehicle-hourly rate \$95.00 from Paul May and \$65.00 from Elite, spraying, including two operators, excluding materials—rate per hours \$95.00 from Paul May and from Elite \$75.00, feeding, including operators and necessary equipment—rate per hour per man \$60.00 from Paul May and from Elite \$52.00, planting trees (men and equipment) rate per hour per man \$60.00 from Paul May and from Elite \$52.00 and watering trees men and equipment rate per hour per man \$60.00 from Paul May and from Elite \$52.00.** The Clerk reported that these bids have been turned over to the Solicitor and the Shade Tree Commission for their review and recommendation to Borough Council.

OLD BUSINESS

RECOMMENDATION FROM PLANNER RE: POSSIBLE ESTABLISHMENT OF A STREAM CORRIDOR ORDINANCE

Council reviewed a memo from Tamara Lee, Planner regarding this issue. Ms. Lee pointed out that there are some definitional issues to deal with such as deforestation. Once council comes to a consensus, the Solicitor feels that the Planning Board should review this and give Council their input. A discussion then ensued. Mr. Gilmore believes we really need some professional help regarding this issue. Our Solicitor suggested obtaining sample Ordinances from other municipalities to review. The Clerk will contact the League for assistance. Mrs. Villari raised concern that even if we review other ordinances, we are

comparing our creek and stream to somebody else's. No two are the same. Our Solicitor said the only reason to obtain sample Ordinances is to see how they define deforestation. **Michael Heine, 206 Carriage House Lane**, commented that the Department of Environmental Protection has a model ordinance available. He'll get copies for Council.

NEW BUSINESS

ORDINANCE 11-04
AN ORDINANCE AMENDING AND SUPPLEMENTING SECTIONS OF
CHAPTER 128, ARTICLE XXV AFFORDABLE HOUSING DEVELOPMENT
FEEES

The above Ordinance was read by title only for the first time by Mrs. Alls-Moffatt, 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 absent, Mr. Gilmore aye, Mr. Cesaretti absent and Mrs. Alls-Moffatt aye. It should be noted that second reading and a public hearing on this Ordinance will be held December 8, 2004 at 7:00pm in the municipal building.

RESOLUTION 101-04
A RESOLUTION SETTING FORTH AN ATTENDANCE POLICY FOR
BOARDS AND COMMITTEES

Mrs. Villari moved that this Resolution be tabled for now. She stated that there were some modifications that she wanted Council to consider. This motion was seconded by Mr. Gilmore. A poll vote was then taken. Dr. Daniel aye, Mrs. Villari aye, Mr. Smyth absent, Mr. Gilmore aye, Mr. Cesaretti absent and Mrs. Alls-Moffatt aye.

RESOLUTION 102-04
TRANSFER RESOLUTION
(IN FULL IN RESOLUTION BOOK)

The above Resolution was read by title only by Mrs. Alls-Moffatt, 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 absent and Mrs. Alls-Moffatt aye.

CORRESPONDENCE

Mayor Martin read a letter from Mark C. Zagunis (Zagunis Caulking & Restoration, LLC). Mr. Zagunis has informed us that his company would be providing masonry restoration of the Veterans Memorial as a community service to our town. The completed repairs will honor those veterans who so bravely served our country. Mr. Gilmore suggested presenting Mr. Zagunis with a certificate of appreciation for his efforts. Council agreed to this suggestion.

MEETING OPEN TO THE PUBLIC

William Harris, 502 Cinnaminson Street, is concerned that Council has not followed through regarding the barking dog issue, sending a letter to New Jersey Transit regarding the horn blowing, parking issues (possible purchase of the Matera property on Howard Street (presently garages) to be utilized for parking.

Review of "Draft" Redevelopment Plan-Tom Coleman, Redevelopment
Solicitor present

Mr. Gilmore provided an overview of this "draft" plan. Mr. Gilmore stated that we have also received a memo from Planner, Tamara Lee, regarding COAH and redevelopment. Mr. Coleman stated that after reviewing State statutes and conferring with Ms. Lee, he is advising that the Borough should not at this time finally adopt any form of a redevelopment plan which offers a potential redeveloper the right to construct residential housing units on certain lands identified in the redevelopment plan. However, Mr. Coleman stated that if the Council is comfortable with the draft plan before them tonight,(which includes a mixed use of commercial and residential housing on the Nu-way and National Casein locations) it would be okay to introduce. However, Mr. Coleman stressed the fact that we would need to submit an amended housing plan to COAH before final adoption of the redevelopment plan could take place. Ms. Villari stated that Council

has not come to a conclusion as to how the Nuway and National Casein land should be used. Mrs. Villari stated that she has received information regarding age restricted housing and some of the problems that that can bring into town e.g. resale. Mrs. Villari believes these issues should be looked into prior to adopting a plan. Both Mr. Gilmore and Mrs. Alls-Moffatt disagreed with Mrs. Villari. Mrs Alls-Moffatt stated that unless the Borough has guidelines in place a developer can come in and build whatever they want. Mrs. Alls-Moffatt commented that a lot of work went into this plan. Mrs. Villari stated that she doesn't know how Council feels about this plan. Mr. Gilmore asked her how she felt about it. Mrs. Villari has reservations regarding the affordable housing issues. Mrs. Villari thought we should consider commercial development as opposed to residential. By doing this Mrs. Villari thought that there may not be any COAH issues. Mr. Gilmore stated that while that is true, this plan provides the guidelines for a developer to utilize for a mixed use. Mr. Gilmore believes that if we do not have a redevelopment plan, we are costing the Borough a lot of money. Dr. Daniel commented that we are costing the Borough a lot of money if this plan is not thought through. Mrs. Alls-Moffatt asked Dr. Daniel if he has read the plan, in particular the standards and guidelines. He responded yes. Mrs. Alls-Moffatt stated that she doesn't know what else could be put in or taken out. Dr. Daniel asked how much energy has been expended to looking into developers coming into town to make the Nuway/National Casein locations developed for commercial use only. Mr. Gilmore responded that commercial property won't fly in Riverton based on developers he has spoken to. Mrs. Alls-Moffatt concurred with what Mr. Gilmore said. Mr. Gilmore stated that a lot of work has gone into this draft plan. Our redevelopment subcommittee has worked very hard on this. Mr. Gilmore stressed the fact that Council was given copies of this draft plan to review and to make comments. Mr. Gilmore stated that he has not received any feedback from Council one way or the other regarding this proposed document. Mayor Martin commented that because only three council members can serve on the redevelopment subcommittee, it is hard to get the other members thoughts, ideas and opinions. Mr. Gilmore strongly stated that the Mayor never gave his opinion while serving on the redevelopment committee, or for that matter while he serves on the Post Office subcommittee. Mr. Gilmore strongly stated that the Mayor never gives an opinion one way or the other on anything. Mayor Martin took exception to Mr. Gilmore's remarks. Mayor Martin stated that he was opposed to the acquisition of the Post Office. Mrs. Villari asked if new redevelopment occurs within the municipality will it generate an affordable housing obligation. If so, what is the obligation? Mr. Coleman provided an overview of the COAH obligations. Mrs. Alls-Moffatt would like to have a first reading on this plan tonight. Dr. Daniel Daniel stated that we have a plan in place. Mrs. Alls-Moffatt responded that we don't. Mr. Coleman stated that we presently have a COAH housing plan in place. Mrs. Alls-Moffatt asked Daniel if he was basing his opinion on COAH? Dr. Daniel stated that the town is protected at this time. Mr. Coleman stated that Mr. Gilmore would like to introduce this plan tonight, authorize the planner to get an amended housing plan, but not adopt this plan until COAH gives approval. At this time Mr. Gilmore withdrew his discussion about redevelopment. Mr. Gilmore stated that if redevelopment comes up again it will have to be initiated from someone else. Mrs. Villari stated that it is important to represent the town regarding redevelopment. She volunteered and asked for others from Council to do so. Mrs. Alls-Moffatt believes Council has had more than enough time to review this. Mrs. Alls-Moffatt believes that nothing has been accomplished and was very disappointed.

Michael Heine, 206 Carriage House Lane, urged Council not to pass any redevelopment plan that has a residential component in it.

At this time both Mr. Gilmore and Mrs. Alls-Moffatt left the meeting leaving no quorum of the Governing Body to continue.

Mary Longbottom, RMC
Municipal Clerk