

June 8, 2005

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

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

**ABSENT:** Council members Daniel and 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 notification of all meetings to be held in 2005 published in the Burlington County Times on December 29, 2004

(b) Posting written notice on the official bulletin board on January 4, 2005

Mayor Martin stated that Michael Heine has requested to address Council in closed session for five minutes regarding the possible purchase of the First Church on Main Street. A short discussion ensued regarding this request. Mr. Gilmore moved that Council not afford Mr. Heine the opportunity to address Council for five minutes in closed session. This was seconded by Mrs. Alls-Moffatt. A poll vote was then taken. Dr. Daniel absent, Mrs. Villari nay, Mr. Smyth absent, Mr. Gilmore aye, Mr. Cesaretti nay and Mrs. Alls-Moffatt aye. Mayor Martin voted nay to break the tie.

#### **RESOLUTION 72-05**

#### **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 Mrs. Villari, who moved for its adoption. This was seconded by Mr. Cesaretti. A poll vote was then taken. Dr. Daniel absent, Mrs. Villari aye, Mr. Smyth aye, Mr. Gilmore aye, Mr. Cesaretti aye and Mrs. Alls-Moffatt aye. It should be noted that contract negotiations 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 absent, Mrs. Villari aye, Mr. Smyth absent, Mr. Gilmore aye, Mr. Cesaretti aye and Mrs. Alls-Moffatt aye.

The minutes from May 4 and May 11 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 absent, Mrs. Villari vote aye for the May 4 minutes and abstained from the May 11 minutes, Mr. Smyth absent, Mr. Gilmore aye, Mr. Cesaretti abstained from the May 4 minutes and voted aye for the May 11 minutes and Mrs. Alls-Moffatt aye.

#### **TREASURER'S & FINANCE COMMITTEE REPORTS-Mr. Smyth**

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

#### **COMMITTEE REPORTS**

##### **PUBLIC SAFETY-Mr. Cesaretti**

Mr. Cesaretti stated that a Police report for the month of May was not submitted.

Mr. Cesaretti read a report for the month of May that was submitted by Animal Control Officer, M&R Wildlife. Two stray dogs were taken to the shelter.

##### **PARK, RECREATION, RECYCLING & ENVIRONMENTAL**

##### **COMMISSION-Mr. Gilmore**

Mr. Gilmore reported that for the fifth year in a row, the Burlington County Times has designated Riverton Park as the best park in Burlington County. Maintenance continues on the park.

##### **PUBLIC WORKS SEWER-Mrs. Villari**

Mrs. Villari reported that a pre-construction meeting regarding our 2004 Community Development Block Grant project is scheduled for next week.

Regarding the 2005 road program, the Borough's Streets and Roads Engineer, Rick Arango, is conducting field studies right now. We anticipate going out to bid in August of this year.

Mrs. Villari reported that four bids were received, opened and publicly read on June 6, 2005 at 11:00am for sludge removal. The bids were as follows. **North Star Waste of New Jersey d.b.a. Earthcare \$171,288.00, Charles M. Perna, Inc. \$190,382.40, Freehold Cartage, Inc. \$249,069.60 and Russell Reid Co. \$277,149.60.** Mrs. Villari reported that both the Borough's Sewer Engineer and Solicitor have reviewed the bid submittal of North Star Waste and found it to be complete and responsive. Mrs. Villari requested that Council award the three year (July 1, 2005 until June 30, 2007) sludge contract to North Star Waste of New Jersey d.b.a. Earthcare. Mrs. Villari also reported that North Star Waste's bid is based on a unit price of \$0.061 per gallon.

#### **RESOLUTION 72-05**

**A RESOLUTION OF THE BOROUGH OF RIVERTON AUTHORIZING THE AWARD OF CONTRACT FOR SLUDGE REMOVAL FROM JULY 1, 2005 THROUGH JUNE 30, 2007 TO NORTH STAR WASTE OF NEW JERSEY D.B.A. EARTHCARE COMPANY LOCATED IN EAGLE PENNSYLVANIA IN THE AMOUNT OF \$171,288.00 (BASED ON A UNIT PRICE OF \$0.061 PER GALLON) (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 absent, Mrs. Villari aye, Mr. Smyth absent, Mr. Gilmore aye, Mr. Cesaretti aye and Mrs. Alls-Moffatt aye.

Mrs. Villari announced that the 4<sup>th</sup> of July parade begins on Bank Avenue at 10:00am on Monday the 4<sup>th</sup>.

#### **ZONING, PLANNING CODE ENFORCEMENT & REDEVELOPMENT-Mrs. Alls-Moffatt**

Mrs. Alls-Moffatt reported that Jim Brandenberger has been given preliminary approval for the development on the "Sitzler" property. The Cedar Lane Mews application has been continued until the Board's June 15<sup>th</sup> meeting.

Mrs. Alls-Moffatt reported that the Planning Board approved a revised spending plan resolution regarding affordable housing. The Planner believes that Council should communicate its priorities regarding the reexamination of the Master Plan to the Planning Board as soon as possible.

Mrs. Alls-Moffatt reported that our Code Enforcement Officer, Anthony Dydek will be leaving by the end of this month. Resumes from a year ago are being reviewed.

#### **SHADE TREE, HUMAN SERVICES AND MUNICIPAL COURT-Dr. Daniel**

The following report was submitted for the month of May by Welfare Director, Florence Klein. There were six clients on the rolls. Mrs. Klein attended various meetings and seminars throughout the month.

The following report was submitted for the month of May by Court Administrator, Laura Frick. There were 101 traffic tickets issued—36 for parking, 64 other traffic and 1 DWI. There were 16 criminal charges filed—0 summons, 2 warrants and 14 Local Ord. The total receipts for the month amounted to \$11,399.00. The total disbursed to Riverton amounted to \$5432.58.

#### **OLD BUSINESS**

#### **BROAD STREET ENHANCEMENT GRANT**

Mr. Gilmore reported that yesterday we received final approval from the State and Federal Government to proceed with our Broad Street Enhancement grant project. We will be getting a packet of information from the State which we will need to review and process. The bid package will then be finalized so that we can advertise for the receipt of bids for this project. Council will be kept apprised of this situation.

## **NEW BUSINESS**

### **RESOLUTION 73-05**

#### **A RESOLUTION REQUESTING THE APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BOROUGH'S BUDGET FOR THE YEAR 2005 PURSUANT TO NJS 40A:4-87 (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. Alls-Moffatt. A poll vote was then taken. Dr. Daniel absent, Mrs. Villari aye, Mr. Smyth absent, Mr. Gilmore aye, Mr. Cesaretti aye and Mrs. Alls-Moffatt aye.

### **RESOLUTION 74-05**

#### **A RESOLUTION STRONGLY OPPOSING THE DEPARTMENT OF THE ARMY'S PLAN TO DUMP THE BYPRODUCT OF VX INTO THE DELAWARE RIVER (IN FULL IN RESOLUTION BOOK)**

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

### **RESOLUTION 75-05**

#### **A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN ADDENDUM TO THE INTERLOCAL SERVICES AGREEMENT WITH PALMYRA BOROUGH (IN FULL IN RESOLUTION BOOK)**

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

## **CORRESPONDENCE**

Mr. Cesaretti read a letter from Chief Norcross commending Patrolman John Shaw for his recent outstanding effort in putting together a crime prevention program at the Riverton School.

Mrs. Villari reported that we received correspondence from Freeholder Deputy Director Vincent Farias. Mr. Farias is suggesting that we send a letter to the Federal Railroad Administration requesting that a horn waiver be given regarding the River LINE. Mrs. Villari moved that such a letter be sent. This was seconded by Mrs. Alls-Moffatt. A poll vote was then taken. Dr. Daniel absent, Mrs. Villari aye, Mr. Smyth absent, Mr. Gilmore aye, Mr. Cesaretti aye and Mrs. Alls-Moffatt aye.

## **MOTION RE: SIDEWALKS & CURBS**

Mr. Gilmore reminded Council that the Assistant Code Enforcement Official (Robert Yearly) is presently doing a survey of sidewalks and curbing issues in town. Mr. Gilmore stated that there is a lot of controversy regarding the Borough's curbing at the park. Mr. Gilmore thinks that Council should be aware of this. Mr. Gilmore recently met with Mr. Yearly regarding this issue. Both of them think the curbing aspect should be deleted from the survey and just deal with the sidewalks. A discussion then ensued.

Mr. Gilmore moved that we just concentrate on sidewalks issues for now. Mr. Gilmore further moved that when this project is completed we address the curbing issues. This was seconded by Mrs. Alls-Moffatt. A poll vote was then taken. Dr. Daniel absent, Mrs. Villari nay, Mr. Smyth absent, Mr. Gilmore aye, Mr. Cesaretti abstained and Mrs. Alls-Moffatt aye. The motion failed.

## **O'BRIEN RIVERWALL ISSUE AT BANK AND LINDEN AVENUES**

Mr. Gilmore requested that Council assist Jim O'Brien, who resides at Bank and Linden Avenues, with the construction of a riverwall at this location. Mr. Gilmore would

like to set up a meeting of Council members (Mr. Gilmore, Mayor Martin and Mrs. Alls-Moffatt) representatives from the Army Corps of Engineers, the Department of Environmental Protection (DEP) and Mr. O'Brien to determine how this can be accomplished. Our Solicitor commented that the Borough has previously attempted to assist Mr. O'Brien regarding this issue. Mr. Gunn commented that the problem lies with the DEP and their regulations.

Mr. Gilmore moved that we join together to convince the Army Corps. of Engineers and the DEP to permit Mr. O'Brien to construct that wall. This was seconded by Mrs. Alls-Moffatt. A poll vote was then taken. Dr. Daniel absent, Mrs. Villari aye. Mr. Smyth absent, Mr. Gilmore aye, Mr. Cesaretti nay and Mrs. Alls-Moffatt aye.

#### **PROPOSAL BY JIM BRANDENBERGER RE: NUWAY SHOPPING CENTER**

Mr. Brandenberger states that he is under contract to purchase this property. Mr. Brandenberger distributed copies of a plan of what he would like to create at that location when the sale is finalized. His plan calls for a CVS pharmacy and retail shops. He is requesting Council's review. Mr. Brandenberger stated that he had looked into the possibility of placing either a Trader Joe's or a Whole Foods at this location. Mr. Brandenberger stated that they are both not interested in coming to this location. Mr. Brandenberger stated that the Nuway Shopping Center is a functioning retail center with a core group of businesses. It is important to realize that.

Mr. Brandenberger stated CVS is a double A rated credit tenant, which means that a new building would be constructed. Mr. Brandenberger stated that the existing shopping center would be raised to house existing tenants. Mr. Brandenberger stated that the following tenants who would like to remain are the Riverton Coffee Shop, the Chinese Restaurant and possibly Milanese Pizza. Mr. Brandenberger stated that CVS is willing to do an architectural rendering; they know our town, having looked at it previously. CVS is willing to sit down with us to discuss the aesthetics of the building as well as signage issues. Mr. Brandenberger wants the first thing you see upon entering Riverton to be a nice center.

Mr. Gilmore stated that some years ago a beautiful rendering was done that showed Victorian apartments above retail for the space at Nu-Way. Mr. Brandenberger stated that as much as we like that romantic idea, it just won't work because there is a lot of retail suffering in this town right now. Mr. Brandenberger stated that he is open to ideas.

Mr. Gilmore suggested that we take a look at the Victorian looking CVS in Moorestown. Mr. Gilmore likes the looks of that building and thinks it would go very well in Riverton. Regarding the plan Mr. Brandenberger submitted, Mr. Gilmore also suggested that there be green grass on the Broad Street side and parking should start about 50' back. Mr. Brandenberger suggested to Mr. Gilmore that parking is very vital and people want to see where they are going to park. Mrs. Alls-Moffatt questioned the business that a CVS would do considering that there are a number of pharmacies in the surrounding areas. Mr. Brandenberger commented that CVS and Walgreen's are the best drug chains out there. CVS's site committee members have approved the Nu-way site; they drove through town and absolutely love it. Mrs. Alls-Moffatt stated that CVS is a chain, a big box store. Mrs. Alls-Moffatt commented that it is in our original Master Plan that that type of retail doesn't go with Riverton. Mrs. Alls-Moffatt is surprised that CVS is still interested in coming here when they got such an unhappy response the last time.

Mr. Brandenberger stated that these plans call for a small CVS, about 12 thousand square feet. Mr. Brandenburg stated that there is nothing wrong with a chain store. Mr. Brandenberger stated that he would not be able to do this project without a credit worthy tenant. It would be hard to fill a new center with individual tenants.

Mr. Cesaretti asked if any restaurants were interested in the space. Mr. Brandenberger responded no because Riverton is a dry town. Mr. Cesaretti asked if a liquor license were approved, would we have more offers. Mr. Brandenberger stated that a lot of restaurants do not have as good a credit rating as CVS. Mr. Brandenberger believes that the present space should remain commercial and the stores that are already there are

good tenants. Mr. Brandenberger doesn't want to add office space and throw people out. Mr. Brandenberger stated that the CVS will be about 30' away from the residences on Manor Court. There will not be a parking lot back there; however there would be a driveway where the trucks would unload. Mr. Brandenberger did not think this would be a 24 hour store; however he will check this out.

Mayor Martin stated that he feels a store would be a lot cleaner than a restaurant. He doesn't like the idea of a liquor license.

#### **MEETING OPEN TO THE PUBLIC**

**Michael Heine, 206 Carriage House Lane**, stated that this is a dreadful proposal. Mr. Heine stated that we have wonderful streets with great houses with respectful architectural structures. This proposed center will be a cold slap in the face. Mr. Heine explained how it bothers him that we have a resident in town who should feel some loyalty to quality in our architectural traditions to even propose such a project. Mr. Heine stated that he thinks it is God awful and he will be as out spoken personally about the situation as he possible can. Mr. Heine would like to see development at the Nu-way center; however he doesn't feel what was presented is right.

Regarding the hiring of a new Zoning/Code Enforcement Officer, Mr. Heine believes that our Solicitor should be asked to review potential applicants and make a recommendation. Mr. Heine believes that this position is very important. Mr. Cesaretti asked what salary our present Code Enforcer receives. The Treasurer responded \$4,532.04 per annum.

Mr. Heine then spoke of the great opportunity that the purchase of the First Church on Main Street would be for the Borough. Mr. Heine spoke of how inadequate our building is space wise and storage wise. The Clerk confirmed that all of the Zoning and Planning Board records are currently housed in the Planning Board Secretary's house because there is no room to house them in this building. Mrs. Villari stated that she does not feel that this building meets our needs and is inadequate. Mrs. Villari then asked the Council members present if they agreed. Mr. Gilmore, Mr. Cesaretti and Mrs. Alls-Moffatt stated that they agreed that this building was not adequate.

**James Moffatt, 202 Fulton Street** stated that he liked Mr. Brandenberger's proposal. Mr. Moffatt stated that the Nuway shopping center is an eye sore. Mr. Moffatt stated that for years Borough Council has not done anything about this issue. Mr. Moffatt believes that Mr. Brandenberger has a great idea. Mr. Moffatt commented that out of all the drug stores, he believes CVS is one of the better ones. Mr. Moffatt stated that he hopes Council will consider Mr. Brandenberger's proposal.

**Christopher Halt, 400 Linden Avenue** appreciates all of Mr. Brandenberger's efforts to get the Nu-way Shopping Center developed. Mr. Halt believes people would like to see a food market at that location; however he understands that may not be the most profitable market for that space.

Mr. Halt stated that the First Church is a beautiful building and he believes everyone would enjoy working there if Council were to purchase it. He encouraged Council to act quickly on a possible purchase before someone else does.

**Rebecca Hunn, 2 Lippincott Avenue**, addressed Council on behalf of her mother, Bunny Hunn. Ms. Hunn reported that she wrote a letter of complaint a year ago regarding the Dolecky property (207 Bank Avenue) which backs up to her mother's house. Ms. Hunn explained that there is a health and safety hazard regarding Mr. Dolecky's property. Ms. Hunn stated that Mr. Dolecky's fence exceeds the 6' limit. She also showed Council pictures of all the debris and refuse from Mr. Dolecky's property. Ms. Hunn also stated that parking is a problem for her mother because of the Baptist Home. Ms. Hunn added that there is no code enforcement in this town. Ms. Hunn stated that her mother pays over \$6,500 in taxes and threatened a lawsuit if these issues are not addressed. Mrs. Alls-Moffatt stated that she would review the problems raised with our Assistant Zoning/Code Enforcement Officer Robert Yearly. Mrs. Villari strongly stated that enforcement is the issue.

**Albert Reeves, 437 Elm Avenue**, raised concern again about the Ward fuel oil delivery trucks that were backed up against the back fence of his father's property. Mr. Reeves commented that the trucks were moved to the front of the building. Chief Norcross stated that Mr. Ward had been issued a ticket for the truck violation. Frank Siefert, Chair of the Planning Board, explained that on Mr. Ward's site plan application he stated that the property would be used for only offices and not hazardous materials. Mr. Siefert considers the truck to be hazmat.

Mr. Reeves also raised concern about the property at 16 Broad Street and how run down it is. There is also a lot of trash at the property. Mr. Reeves presented Council with pictures of the property in question.

**Leslie Lewis 429 Elm Avenue**, believes that Council needs to address the conditions of our Borough Hall. She thinks it would be foolish to think that purchasing the First Church is not what the tax payers want. Ms. Lewis is of the opinion that Council should think ahead and not let this opportunity pass us by. She would like all of the Council members to commit to going through the church before next month's meeting.

Mayor Martin stated that he would go through the church. Mayor Martin further stated that there are a lot of people in town who don't believe we should spend the tax dollars that it would take to purchase a new building. Mayor Martin also stated that he believes additional storage space could be found at the sewer plant. Mrs. Villari is concerned that the inadequacy of this building does not appear to be a serious issue with Council. Mrs. Villari stated that all Council members should to through the church, get a personal opinion about it and that a vote should be taken on whether we should purchase it. Mr. Gilmore stated that he is willing to deal with a real estate agent regarding the availability of the church, but he will not deal with Mr. Heine. Mr. Gilmore is of the opinion that Mr. Heine has been negative to this town.

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

Mary Longbottom, RMC  
Municipal Clerk