

April 13, 2005

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

**PRESENT:** Council members Daniel, Smyth, Villari (arrived at 7:05pm), Gilmore, Cesaretti and 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 2005 published in the Burlington County Times on December 29, 2004

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

**RESOLUTION 39-05**

**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 Dr. Daniel, who moved for its adoption. This was seconded by Mr. Cesaretti. A poll vote was then taken. Dr. Daniel aye, Mrs. Villari absent, 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. Smyth moved that we return to public session. 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.

The minutes from March 1, March 2, March 9 and closed session minutes from February 9, and March 9 were then presented. Mr. Smyth moved that these minutes be approved as submitted. This was seconded by Mr. Cesaretti. A poll vote was then taken. Dr. Daniel aye, Mrs. Villari abstained from the February 9 minutes and voted aye for all the others, Mr. Smyth aye, Mr. Gilmore abstained from the March 9 minutes and voted aye for all the others, Mr. Cesaretti abstained from the March 9 minutes and voted aye for all the others and Mrs. Alls-Moffatt aye.

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

Mr. Smyth moved that the attached Treasurer's & Finance Committee Reports for the month of March be approved as submitted. 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.

**COMMITTEE REPORTS**

**PUBLIC SAFETY-Mr. Cesaretti**

Mr. Cesaretti read a report for the month of March that was submitted by Chief Norcross. Vehicle Mileage 2,656, Gas Used 349, Juvenile Arrests 1 (Assault 0, Miscellaneous 1 and Curfew 0, Adult Arrests 10 (Criminal 2, Criminal Summons 0, Traffic Warrants 8, DWI 0 and Other 0), Motor Vehicle Crashes 4, Motor Vehicle Stops 71, Motor Vehicle Warnings 12, Motor Vehicle Summons 66, Burglar alarms 9, Asst. to other Police Departments 17, Animal Complaints 3, Fire Calls 16 (In town 4, Out of Town 12), Ambulance calls (Riverton) 24, Unattended Deaths 0, Criminal Cases 18, Domestic 1, Thefts 3, Burglaries 0, Assaults 0, Sexual Assaults 0, Criminal Mischief 2, Robberies 0, Motor Vehicle Thefts 0, Miscellaneous Complaints 20, Miscellaneous Calls 508, Riverton School Walk Through Security Check 18, Riverton School Teaching/School Trips 0 and Total Calls 803.

Mr. Cesaretti read a report for the month of March that was submitted by Fire Marshal Robert Yearly. Fire calls for month 15, Drills 4, Calls in Town 8, Calls out of Town 7 and man hours for month 257.8.

Mr. Cesaretti read a report for the month of March that was submitted by M&R Wildlife. A stray dog was taken to the shelter and one dead dog was also removed.

**PARK, RECREATION, ENVIRONMENTAL COMMISSION  
AND RECYCLING-Mr. Gilmore**

Mr. Gilmore provided an overview regarding all the maintenance being done at the park and the various courts. Mr. Gilmore reported that the Borough of Palmyra replaced one of our tennis nets. Mr. Gilmore has also ordered another net.

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

Mrs. Villari reported that maintenance continues around town which includes leaf pick-up, street sweeping, fertilizing, etc.

Mrs. Villari reported that once our budget is finally adopted, we will be going out to bid for our road program. Fulton Street will be one of these streets.

Mrs. Villari reported that our 2004 Community Development Block Grant project has been re-bid. The bids are scheduled to be opened on May 5, 2005.

Mr. Villari reported that we received a Clean Communities Grant in the amount of \$4,000.00.

Mrs. Villari reported that a light was installed at Honor roll that shines on the flag.

Mrs. Villari reported that we have contacted Thomas James from the Department of Transportation regarding the yield to oncoming traffic signs. These may be placed at various intersections in Riverton to prevent cars jumping over major streets.

Regarding the new Stormwater rules, Terry Vogt of Remington & Vernick has sent over the municipal general permit that is due by May 2<sup>nd</sup>. Both Mrs. Villari and Public Works Manager, Scott Reed will review this before it is mailed out.

Mrs. Villari reported that we did not receive the Livable Communities Capital Improvement Grant that we had previously applied for. Mrs. Villari stated that over 500 applications were received seeking more than \$70 million dollars in grant money. This grant pertained to potential funding for our fire truck and the park improvements.

Regarding the 4<sup>th</sup> of July celebration, Mrs. Villari provided an overview of the schedule of activities. Mrs. Villari stated that no finalization has been reached regarding the movie show that the committee would like to provide at the park on Friday, July 2<sup>nd</sup> at 8:45pm. No decision has been reached regarding the Grand Marshall designee. There will also be a food drive to assist the Food Bank of South Jersey. Canned goods will be collected.

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

Mrs. Alls-Moffatt reported that there was no Zoning Board meeting last month.

Regarding the Planning Board, Mrs. Alls-Moffatt reported that the Board approved Mr. Moccia's site plan application for the installation of a parking lot at his property located at 300 Broad Street. Mrs. Alls-Moffatt reported that Planning Board member Birnie O'Reilly wanted to rescind the approval because she believes the decision was under a cloud. Ms. Alls-Moffatt explained that conflict of interest issues regarding Planning Board members Robert Martin and Robert E. Smyth (both are related to the person who was to have been a tenant at the Moccia location). Mrs. Alls-Moffatt reported that a question was raised at the Planning Board's meeting as to whether board member Donna Tyson had a conflict of interest because her husband, Michael Heine, had threatened to sue the Borough over the Moccia issue. Mrs. Alls-Moffatt provided additional detailed information as to what occurred at the March Planning Board meeting. Further information regarding this issue can be obtained from the Planning Board minutes on the Borough's website.

Regarding the Master Plan, The Board's Planner, Tamara Lee, does not think that a major revision is needed. It was also suggested that a joint meeting of the Planning Board and Borough Council be held to review the Master Plan and reach a consensus as to what modifications need to be made. Mrs. Alls-Moffatt reported that a tentative meeting date for this has been set for May 2<sup>nd</sup>.

Regarding Code Enforcement, Mrs. Alls-Moffatt read a report that was submitted by Tony Dydek. A court appearance for the owner of Nuway Shopping Center has been postponed until May 10<sup>th</sup>, 1 summons was issued to the Baptist Home, 2 hanger type

notices were issued for snow removal and for trash and refuse, and 1 violation was given regarding a site plan issue. This pertains to a resident's request to be able to wait until the Spring to transplant a tree. Mrs. Alls-Moffatt provided photos of a very visible sign at the Baptist Home which states that deliveries are only accepted from the hours of 8:00am and 4:00pm.

Regarding Redevelopment, Mrs. Alls-Moffatt asked Mrs. Villari for an update on the recent meeting she and the Mayor had (Mrs. Alls-Moffatt was unable to attend this meeting) with representatives from the Kaplan Group and James Brandenberger. Mrs. Villari commented that Mr. Brandenberger was not present at this meeting. Mrs. Villari stated that basically the representatives just wanted to tell Riverton about themselves and their company.

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

Dr. Daniel read a report for the month of March that was submitted by Welfare Director Florence Klein. There were three clients on the rolls. Mrs. Klein attended various seminars this month and is scheduled to attend a conference in April.

Dr. Daniel read a report for the month of March that was submitted by Court Administrator Laura Frick. There were 69 traffic tickets issued-3 for parking, 66 traffic other and 0 DWI. There were 16 criminal charges filed-1 summons, 1 warrant and 10 local ord. The total receipts received for the month amounted to \$9,628.00. The total disbursed to Riverton amounted to \$5,019.67. Mr. Cesaretti commented that the numbers from the Court report may not jive with the Police report. That is because New Jersey Transit issues tickets to our town as well and we are not privy to these numbers.

#### **OLD BUSINESS**

##### **BANK PARKING LOT**

Mr. Gilmore reported that he would be preparing some required information (plot plan, photos, etc.) to turn over to the Solicitor to assist with the agreement that is being proposed to utilize this lot for Borough parking purposes. Council will be kept apprised of the situation.

##### **STELLING AND COLLINS BUILDINGS**

Mr. Gilmore reported that he has spoken to our Code Enforcement Officer regarding the trash and debris problems at these locations. Mr. Dydek will be making inspections of these properties to determine what violations exist.

##### **CENTERS OF PLACES GRANT**

Mr. Gilmore reported that we are eligible to apply for this grant. He has prepared the required documentation and will be submitting this application on behalf of the Borough.

##### **NEW BUSINESS**

Robert Stewart, the Borough's Auditor stated that Council would be amending the budget this evening. Mr. Stewart explained that Riverton received \$25,000.00 in Homeland Security Grant money. Council had previously reached a consensus to place this money in our surplus. However, the State is requiring that we utilize these funds to bring down our local municipal tax rate. Our current local municipal tax rate is at 9.9 cents. With the addition of this grant money, our local municipal tax rate will go down to 8 cents. Mr. Stewart further explained that, procedurally, Council must now hold a public hearing on the budget that was introduced on March 1 and advertised in the Burlington County Times on March 27, 2005.

##### **PUBLIC HEARING ON THE 2005 MUNICIPAL BUDGET**

**Robert E. Smyth, 1 Bank Avenue**, would like to know the number of calls both the Police and Fire Departments make to the Baptist Home. Mr. Smyth believes we need to figure out if their donation (payment in lieu of taxes) is appropriate for the burden that the Borough's services cost. Mr. Smyth believes there should be some discussion with the Baptist Home on this issue.

**Scott Reed 421 Lippincott Avenue** would like Council to consider changing the present calculation for water consumption regarding our sewer charges. Council took this suggestion under advisement.

**Michael Heine, 206 Carriage House Lane**, asked what has caused the projected delta in our general revenues. Mr. Stewart responded that delinquent taxes have gone up. Mr. Stewart further explained that most of the difference in our revenues comes from State grants. Mr. Heine also asked what the revenue is from the Municipal Court. Mr. Stewart responded that court revenues are \$67,000.00. Mr. Heine asked how that compares with the costs of maintaining the court. Mr. Stewart responded that salaries and regular expenses amount to approximately \$32,000.00. Mr. Stewart further stated that health benefits and other expenses also come out of this revenue. Mr. Stewart stated that the rent paid to Palmyra to utilize their facility to hold Riverton's Court and the Court Administrator's Office comes out of our Building and Grounds line item.

#### **RESOLUTION 40-05**

#### **A RESOLUTION TO AMEND THE 2005 MUNICIPAL BUDGET (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. Mr. Smyth stated that this Resolution would be published in full in the Burlington County Times on April 30, 2005. Second reading and a public hearing on the amendment will be held on May 11, 2005 at 7:00pm. 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.

#### **REVIEW OF 2004 AUDIT REPORT**

Mr. Stewart reported that our surplus is down \$150,000.00. Mr. Stewart stated that Council could consider passing what is called a deferred school tax. However, Mr. Stewart cautioned Council about this. Mr. Stewart believes this is a gimmick. It is merely a paper transaction that is not accepted by Wall Street nor is it accepted by generally accepted accounting principles. However, it is permitted by the State of New Jersey. Mr. Stewart explained that when this finally catches up to municipalities, tax rates will sky rocket. Mr. Stewart stated that the State is pushing for a constitutional convention to find a new way to fund the school districts. If this comes to fruition, the tax levy in the school districts will drop. If the school's tax levy drops, the deferred school tax is a real problem for towns to make up.

Mr. Stewart then cautioned Council on next year's budget. Mr. Stewart strongly urged Council to begin working on next year's budget now. Mr. Stewart explained that next year our CAP will be a 2.5% increase over this year. The Borough's salaries will exceed that 2.5%. This does not count potential insurance increases. Mr. Stewart strongly stated the need to reduce some type of expenditures. Mr. Stewart recommended getting the Finance Committee together now and getting a game plan for next year. Mr. Stewart commented that all towns will be facing similar problems. Mr. Cesaretti asked what type of things other towns will be doing. Mr. Stewart stated that they will be looking at additional revenue sources, which probably won't amount to much. Mr. Stewart stated that the schools will be facing similar problems and will be forced to cut employees. Mr. Stewart stated that by forcing these CAPS, the State is forcing municipalities to merge and look at regionalization.

Mr. Stewart informed Council that both the Clerk and the Treasurer do a fantastic job. Mr. Stewart stated that they run this town administratively. Mr. Stewart stated that it is very difficult to run a town with just 2 full-time employees. He believes both the Clerk and Treasurer should be applauded for all their efforts.

#### **RESOLUTION 41-05**

#### **A RESOLUTION PERTAINING TO THE 2004 AUDIT REPORT (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. Alls-Moffatt aye.

**ORDINANCE 5-05**

**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  
(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. Villari. At this time, Mayor Martin opened this portion of the meeting to the public for any comment on this Ordinance. There being 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. Cesaretti nay, Mrs. Alls-Moffatt aye

**ORDINANCE 6-05**

**BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE BOROUGH OF RIVERTON, IN THE COUNTY OF BURLINGTON, NEW JERSEY APPROPRIATING THE AGGREGATE AMOUNT OF \$280,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$262,500 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF  
(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 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-Moffatt aye.

**UPDATE ON THE PURCHASE OF THE NEW POLICE VEHICLE.**

Mr. Smyth reported we still need another \$9,000.00 to complete the costs for this vehicle. Mr. Stewart stated that this money would be reappropriated from the money originally to be used for the post office.

**ORDINANCE 7-05**

**ORDINANCE REAPPROPRIATING \$9,000 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSE IN ORDER TO PROVIDE ADDITIONAL FUNDS FOR THE PURCHASE OF A POLICE VEHICLE BY THE BOROUGH OF RIVERTON, IN THE COUNTY OF BURLINGTON**

The above Ordinance was read for the first time 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.

**RESOLUTION 42-05**

**A RECYCLING TONNAGE GRANT APPLICATION RESOLUTION  
(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 aye, Mrs. Villari aye, Mr. Smyth aye, Mr. Gilmore aye, Mr. Cesaretti aye and Mrs. Alls-Moffatt aye.

**PROCLAMATION-SHADE TREE COMMISSION DAY  
(N FULL IN RESOLUTION BOOK)**

The above Proclamation was read in full by Mayor Martin.  
**UPDATE RE: FARMERS' MARKET**

Mrs. Alls-Moffatt stated that she recently met with both Jody and Eric Goldstein, who want to run the Farmer's Market again this year. Mrs. Alls-Moffatt then announced that she just doesn't have the time to serve as the liaison for the Farmers' Market. Mrs. Villari volunteered to take her place.

The Solicitor reported that at Council's request, he prepared a list of proposed conditions for renewal of permission for the Farmers' Market to operate. A copy is on file with the Municipal Clerk. Mr. Gunn then reviewed these proposed conditions with Council. Mr. Gunn stated that the Borough must be protected from any major liability. Mr. Gunn commented that one of the conditions is for the Farmer's Market committee to explore the possibility of obtaining a 501 C (3) designation from the State for 2006. **Jody Goldstein, 404 Lippincott Avenue**, reported that they have already looked into this. Mrs. Goldstein stated that if they name themselves as a non-profit organization and register with the State, they would have to be insured or listed as an additional insured. Ms. Goldstein commented that registering as a non-profit agency is not costly. Purchasing the insurance would be the problem. **Nancy Washington, 201 Main Street**, believes that Council should confer with the Borough's Auditor regarding whether it is wise to operate a Farmers' Market. Mayor Martin commented that last year Borough money was used for the Farmer's Market; e.g legal fees. The Treasurer confirmed that legal fees were paid to our Solicitor regarding the market. There is a deficit of \$562.25.that is still owed by the Farmers' Market towards the balance of our solicitor's fees regarding this issue. A discussion then ensued. Mrs. Alls-Moffatt believes the Farmer's Market is a good idea. **Michael Heine, 206 Carriage House Lane** asked if there was an area of risk that is not covered by the indemnity of the Farmers' Market vendors. He asked if there has been any effort made to confirm with the underwriter's of the vendor's certificates that in fact, there is insurance in place. Mr. Gunn responded that there is a gap there. Mr. Gunn is confident that the Borough's insurance company is checking the vendors' insurance certificates. **Jody Goldstein** commented that every legal base can be covered and there will still be risk. Mrs. Goldstein reported that both she and her husband go directly to the underwriter's and get the Certificates of Insurance and they stipulate how much the coverage is for. Mrs. Goldstein stated that New Jersey Transit requires us to cover them, we cover New Jersey Transit and we require the farmers to cover us. Mrs. Goldstein stressed the fact that the farmers' are covered if there is an issue. **Donna Tyson, 206 Carriage House Lane**, feels we cannot help one entity and not help another group in town. Ms. Tyson is not anti-farmer's market; however, she feels it is their responsibility to rent the space themselves, and get their own insurance to operate a business. Mrs. Goldstein stated that the Farmer's Market is not a business. Mrs. Alls-Moffatt stated that she thought Ms. Tyson' comments were irrelevant because we have already done it for a year. Mr. Cesaretti asked if our 4<sup>th</sup> of July events are covered under the Borough's insurance. Mr. Gunn responded yes. The 4<sup>th</sup> of July committee was made a sub-committee of the Borough's Park & Recreation Committee. **Nancy Washington 201 Main Street** commented that the Friends of the Riverton Library could use assistance. Mrs. Washington stated that if our Solicitor is helping private organizations (the Farmers' Market), she wishes he could help them. She believes the library should be helped because everyone benefits from it. Mayor Martin commented that he believes Council would like to move forward with the Farmer's Market. Mayor Martin also stated that from what he has heard here tonight, he believes that the Farmer's Market committee will pay the balance of the Solicitor's bill. Mrs. Villari asked Mr. Gunn if she had a conflict serving as the liaison because she is employed by the Barclay agency, the Borough insurance agent. Mr. Gunn stated that he would take this under advisement and get back to her. **Jody Goldstein** asked Council if they were in favor of having the market and would work with her to get what is required accomplished. It was consensus of Council that the farmers' market is a good thing. Council will review the draft proposal from the Solicitor and discuss the issue at their May 4th work session.

#### **DETERIORATION OF THE BOROUGH OWNED PORTIONS OF THE RIVERWALL AT THE BASE OF LIPPINCOTT AND LINDEN AVENUES**

Mr. Gilmore informed Council of the deterioration at these locations. Mr. Gilmore commented that there was some question as to ownership. He checked with our Tax Assessor, who indicates that the Borough owns these portions down to the riverbank. Mr. Gilmore would like Council to authorize the Public Works Department to backfill the areas in questions with dirt. Scott Reed, Public Works Manager stated that he cannot do anything at these locations unless the Borough obtains a permit from the Department of Environmental Protection (DEP) and/or the Army Corps. of Engineers. Mr. Reed further stated that the only thing that he knows the DEP would permit him to place at these locations would be sandbags. Mr. Reed stated that if Council wants his Department to dump dirt at these locations, he is asking for written authorization from them to proceed. Mr. Gunn stated that we have contact people from the Army Corps of Engineers and the DEP that he will check with them on this issue. Mr. Reed stated that he was informed that if the Borough does something now while we are still in litigation with Mr. Dolecky and Mr. Horner regarding their riverwalls, it will create a conflict. Mr. Gilmore did not agree with this. Mr. Gunn commented that a Resolution could be done providing the caveat of obtaining any required permits. A discussion ensued.

#### **RESOLUTION 43-05**

#### **A RESOLUTION AUTHORIZING THE RIVERTON PUBLIC WORKS DEPARTMENT TO PERFORM TEMPORARY REPAIRS TO THE BOROUGH OWNED SEAWALL AT THE BASE OF LINDEN AND LIPPINCOTT AVENUES (IN FULL IN RESOLUTION BOOK)**

The above Resolution was read by title only by Mr. Gilmore, who moved for its adoption, subject to any legality, such as obtaining permits. This was seconded by Mrs. Alls-Moffatt. Mayor Martin asked the Solicitor if it would be better to wait until the litigation issue is resolved. Mr. Gunn commented that if this is an emergent situation, it would be justified. A poll vote was then taken. Dr. Daniel aye, Mrs. Villari nay, Mr. Smyth nay, Mr. Gilmore aye, Mr. Cesaretti aye and Mrs. Alls-Moffatt aye.

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

**Harvey Sklar, 10 Lippincott Avenue**, expressed concern over the length of time it is taking to resolve the Dolecky/Horner litigation. He asked if all of the metal that Dolecky has on his riverbank property (207 Bank Avenue) can be removed. It is dangerous and an eyesore. Mr. Gunn commented that Judge Sweeney will be determining summary judgment motions. The riverbank owners have been given the opportunity to intervene and some have opted to do this. Some have written letters. May 4<sup>th</sup> is the present date that the Judge will hear whether or not a future hearing is required. Mr. Sklar commented that he would write the Judge regarding his concerns.

**Scott Reed, 421 Lippincott Avenue**, suggested going out for a liquor license to have a nice restaurant in town. Mr. Reed suggested the Nuway site for this. The Clerk reported that a referendum would be required because Riverton is a dry town. Council took this suggestion under advisement.

**James Moffatt, 202 Fulton**, questioned the two over expenditures that were reflected in the 2004 Audit Report. The Treasurer responded that these two expenditures were outside CAP. Because of this, she could not transfer funds to cover them.

**James Rivard, 304 Shrewsbury**, asked the Council last Fall (2004) when a reassessment of all properties in the Borough would be done. He was told that that would take place the following year (2005). Mr. Rivard stated that he contacted the County Tax Administrator about this issue. He was informed by the County Tax Administrator that Riverton was thoroughly advised of the process and their options when he attended Council's November 3, 2004 meeting. Mr. Rivard asked Council when something would be done to rectify these inequities. Mrs. Alls-Moffatt commented that the reassessment process will be a costly one for the Borough. We need to obtain proposals from companies that do reassessments. Mr. Cesaretti reminded Council that the County Tax Administrator previously had informed us that if we do not choose to act, the County will get a court order directing us to do it. This issue will be referred back to the Finance Committee.

**Bob Smyth 1 Bank Avenue**, commented that he was as an ad hoc member of the Borough Finance Committee this past year. Mr. Smyth stated that this issue was going to be considered in the 2006 budget. We need to get proposals from companies that do reassessments. That would show the County that we are taking action.

**Michael Heine, 206 Carriage House Lane**, stated that the erosion in front of 109 Bank Avenue (Horner property) presents a serious and grievous threat of irreparable harm to the public. During the last storm the erosion of that area is now within 5 feet of the road. This is totally unprotected and hazardous. It is a danger to the pedestrians and vehicles. Mr. Heine urged Council to authorize the Solicitor to make an immediate application to Judge Sweeney for injunctive relief.

**Bernard Swiderek, 305 Carriage House Lane**, concurred with Mr. Heine's comments. A discussion then ensued on this issue.

**RESOLUTION 44-05**

**A RESOLUTION TO REQUEST T&M ASSOCIATES TO CONDUCT AN  
INSPECTION OF THE SEAWALL LOCATED IN FRONT OF 109 BANK  
AVENUE IN THE BOROUGH OF RIVERTON  
(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. Alls-Moffatt aye.

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

Mary Longbottom, RMC  
Municipal Clerk