

April 6, 2005

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

**PRESENT:** Council members Daniel, Villari Smyth (arrived at 7:20pm), Gilmore, Cesaretti, Alls-Moffatt and Solicitor Bruce M. Gunn

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 notification of all meetings to be held in 2005 published in the Burlington County Times on December 29, 2004

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

**RESOLUTION 33-05**

**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 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 contract negotiations will be discussed.

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

**ORDINANCE 3-05**

**AN ORDINANCE AMENDING AND SUPPLEMENTING SECTIONS OF CHAPTER 128, ARTICLE XXV AFFORDABLE HOUSING DEVELOPMENT FEES  
(IN FULL IN ORDINANCE BOOK)**

The above Ordinance, which was previously introduced on February 2, 2005, and amended on March 2, 2005, was read by title only for the final time by Mrs. Alls-Moffatt, 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.

**ORDINANCE 4-05**

**AN ORDINANCE AMENDING AND SUPPLEMENTING SECTIONS OF CHAPTER 106, ARTICLE II, SEWER RATES, OF THE BOROUGH OF RIVERTON, IN THE COUNTY OF BURLINGTON, NEW JERSEY  
(IN FULL IN ORDINANCE BOOK)**

The above Ordinance was read by title only for the second time by Mrs. Villari, who moved for its adoption. This was seconded by Mr. Smyth. Mrs. Villari commented that this Ordinance provides for an increase of an additional \$100.00 in sewer charges. At this time Mayor Martin opened this portion to the public for any comment on this Ordinance.

**Michael Heine, 206 Carriage House Lane**, stated the definition of non-residential units and residential units in this Ordinance is very unclear. Mr. Heine raised concern over how properties are being billed for sewer. The Borough's Treasurer commented that residential properties are annually billed per unit. Non-residential units are also billed annually per unit and on water consumption. A specific calculation for water consumption is presently listed in our Sewer Ordinance. Mr. Heine believes we should determine how we compare with other municipalities regarding sewer charges before this Ordinance is adopted. He recommends holding off on any action tonight until next week. He believes we need to determine if we are charging the correct amount. Mr. Cesaretti commented that he doesn't

think it would matter what other towns charge if we already have a fixed rate. Mrs. Villari commented that over the last few years, we have realized that we are not charging our residents enough. The Treasurer also stated that we will be going to bid on a new sludge removal contract and we anticipate a substantial increase in this area. **Harvey Sklar 10 Lippincott Avenue**, asked how the Baptist Home is charged for sewer. The Treasurer responded that they are billed based on water consumption. The Treasurer further commented that during the budget process when this issue was discussed, Council had indicated that the present water consumption calculation would probably be revisited at a later time to determine if any changes need to be made. Mr. Smyth commented that we need to get this Ordinance on the books. Mr. Smyth asked if Mr. Heine would allow us to proceed, but in the next couple of months Mr. Heine or whoever else wants to do a study of the factors he has brought up can do so. Council can take another look at this ordinance at a later date. Mr. Heine stated he would be happy to do this. **Donna Tyson, 206 Carriage House Lane**, stated that she has heard that there are a number of illegal apartments in town. She asked if in conjunction with this sewer increase, if an effort could be made to take an inventory of all of the apartments in town and determine the accurate number of units. The Treasurer commented that a few years ago the Tax Collector compared the number of units in our sewer register against the Tax Assessor's records for accuracy.

Mr. Smyth suggested asking our Ad-Hoc Finance Committee to work with our Solicitor and Mr. Heine and anyone else that wants to work on the sewer matter. Mr. Gilmore and Mrs. Alls-Moffatt strongly stated that we don't need to do that. Mr. Gilmore called for a vote on this Ordinance. Mrs. Villari stated that since a resident has asked us to wait a week before considering the adoption of this Ordinance, she thinks Council should consider that request and take a vote on it. Mrs. Villari made a motion that this Ordinance be amended and reviewed this week and have Mr. Heine do whatever he feels necessary. Mrs. Villari further moved that Council should also work on the amendment and if that does not pass, we will go forward with adopting this Ordinance. Mr. Smyth seconded Mrs. Villari's motion. A poll vote was then taken. Dr. Daniel nay, Mrs. Villari aye, Mr. Smyth aye, Mr. Gilmore nay, Mr. Cesaretti nay and Mrs. Alls-Moffatt nay. Mr. Gilmore called once again for a vote on adopting this Ordinance tonight. A poll vote was then taken. Dr. Daniel aye, Mrs. Villari aye, Mr. Smyth aye, Mr. Gilmore aye, Mr. Cesaretti nay and Mrs. Alls-Moffatt aye.

**Streets & Roads Issues: a. Bids received for the 2004 Community Development Block Grant Project.** Mr. Gunn reported that he has reviewed the bids which were submitted on March 8, 2005 in connection with this project. Mr. Gunn stated that the lowest bidder failed to attach a copy of his Business Registration as required under the recent amendment to NJSA 40A:11-23.2 (f). Mr. Gunn further stated that he also checked with the Division of Local Government Services and they indicated to him that the Business Registration Certificate is required in such a project. Mr. Gunn further stated that the Borough's Engineer for this project, Dante Guzzi, Associates did not include the Business Registration requirement in the bid specifications for this project. Mr. Gunn is recommending that Council reject these bids and authorize Mr. Guzzi to re-advertise. After a short discussion, it was the consensus of Council to agree to the Solicitor's recommendation. Mrs. Villari commented that since our Engineer did not include the Business Registration requirement in the specifications, that he should be directed to prepare new specifications at his firm's sole cost. It was the consensus to agree to this.

#### **RESOLUTION 34-05**

#### **A RESOLUTION REJECTING BIDS FOR THE 2004 COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT AND AUTHORIZING THE RE-ADVERTISEMENT FOR NEW BIDS (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.

**b. Application for Stormwater Grant Funding.** Mrs. Villari reported that Council needs to authorize the Mayor to sign the application for potential Stormwater Grant Funding.

#### **RESOLUTION 35-05**

#### **A RESOLUTION AUTHORIZING THE MAYOR TO SIGN THE APPLICATION FORM FOR THE TIER A MUNICIPAL STORMWATER GRANT (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.

**c. Municipal Aid Application** (Centers of Place application). Mr. Gilmore reported that he would be putting this application together. He has reviewed Delanco Township's application for guidance. Mr. Gilmore reported that we would be making this application for streetscape improvements (sidewalk replacement) on the following streets: Broad Street from the Pompeston Creek to Fulton Street, Harrison Street and on the Southwest side of Main Street from Block 801 Lot 33 to 39. Mr. Gilmore stated that he would be contacting our Streets and Roads Engineer to provide estimated costs for these improvements. This is a requirement for the application process. Council will be kept apprised of this issue.

**d. Update re: Broad Street Enhancement Grant.** Mr. Gilmore reported that our Engineer for this project, Dante Guzzi, Associates, has submitted required information to the Department of Transportation representatives in Cherry Hill for their review and approval. Mr. Gilmore stated that a representative from the Federal Government will also review this information. If everything is okay, then Mr. Guzzi can go ahead and write up the bid package. Mr. Gilmore reported that the state will send us a letter to make sure that we have funds available to pay the contractor. After we submit verification of payment to the contractor, the State will reimburse us within thirty days.

**Update Re: Farmers' Market.** Mrs. Alls-Moffatt stated that she met with Jody & Eric Goldstein this week about this issue. The market is scheduled to start the first week in June. Mrs. Alls-Moffatt stated that the market is eventually going to come under the State program called New Jersey Farm Fresh. Mrs. Alls-Moffatt reported that a suggestion was made to move the market from its present location to Harrison Street between Farmers' and Mechanics Bank and the barbershop. That would mean shutting down the street. It was the consensus of Council that this would not be a good idea. Mrs. Alls-Moffatt further reported that there are still outstanding legal fees from last year in the amount of \$562.25, which Mrs. Alls-Moffatt would like to see paid. Mr. Gunn provided an overview how the market was handled last year. Mr. Gunn stated that the Borough had an agreement with New Jersey Transit, that the Borough provided insurance and that insurance certificates were required of the farmers. A discussion then ensued about the market. It was the consensus of Council that Mr. Gunn draft a list of recommended parameters that would be required before approval is given by the Council for the Farmer's Market to operate. Council will review this at next week's meeting.

**Requests from 4<sup>th</sup> of July Committee.** Mrs. Villari, the Council liaison to this committee, provided Council with an overview of all the festivities that will occur at this celebration. Mrs. Villari stated that the Committee would like to hold an Old-Time Outdoor Movie Show in the park on July 2<sup>nd</sup>. Although Council thought this was a good idea, the issue of additional liability insurance and Police overtime was raised. The Clerk reported that we are going to advertise the Borough's website in the 4<sup>th</sup> of July letter to all Borough residents.

**Update Re: Utilization of Farmers & Mechanics Bank parking lot for Borough purposes.** Mr. Gunn stated that to utilize this parking lot and ensure that we have the enforcing power under Title 39, we will have to get permission from the State. Mr. Gunn further stated that an Ordinance, site plan and plot plan are also required. Mr. Gunn further

stated that the representatives from the Bank would agree to a one year agreement with the Borough to permit and post a two hour parking limit on the respective parking lot. Mr. Gilmore commented that he would assist with the plot plan. Chief Norcross stated that he would reach out to the State Department of Transportation to assist the Borough. Council took this issue under advisement.

**Auditor's recommendation to cancel certain uncashed checks.** The Clerk reported that the Borough's Auditor has determined that there are old outstanding checks from the Current Account and the Municipal Court Bail Account that can be cancelled. Council reviewed specific documentation from the Auditor regarding this issue. It was the consensus of Council to concur with the Auditor's findings.

**RESOLUTION 36-05**

**A RESOLUTION AUTHORIZING THE CANCELLATION OF OLD  
OUTSTANDING CHECKS  
(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 Mr. Smyth. 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 Re: Purchase of a 2004 Ford expedition for the Police Department.** Mr. Cesaretti reported that when the 2004 Ford Expedition was delivered there were some defects on it. Chief Norcross was not satisfied with it and sent the vehicle back. The dealership decided to reissue a 2005 Ford Expedition to the Borough at no additional cost. Mr. Cesaretti requested that Council update the authorizing Resolution to reflect that we are going to purchase a 2005 Ford Expedition instead of a 2004 model.

**RESOLUTION 37-05**

**RESOLUTION RESCINDING THE AUTHORIZATION TO PURCHASE A 2004  
FORD EXPEDITION VEHICLE AND AUTHORIZING THE PURCHASE OF A  
2005 FORD EXPEDITION VEHICLE FOR THE RIVERTON POLICE  
DEPARTMENT FROM WARNOCK FLEET, EAST HANOVER, NEW JERSEY  
(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 Mr. Smyth. 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 nay.

**Discussion: Additional charge of \$60.00 received from the Architect for the Schematic Design Phase work on the Riverton Post Office.** The Treasurer reported that Council had originally contracted with the firm of Duca, Huder & Kumlin for this preliminary design work at a fixed price of \$10,000.00. The Treasurer reported that this firm has exceeded the original fixed fee by \$60.00. The Treasurer stated that she needs Council approval to pay this additional sum. After a short discussion, it was the consensus of Council to approve this payment.

**RESOLUTION 38-05**

**A RESOLUTION AUTHORIZING THE ADDITIONAL PAYMENT OF \$60.00 TO  
BE MADE TO DUCA, HUDER & KUMLIN, THE ARCHITECT FOR THE  
SCHEMATIC DESIGN PHASE WORK ON THE RIVERTON POST OFFICE  
(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.

**Discussion: property located at 519 Howard Street.** Mr. Gilmore reported that this property has a substantial amount of trash, debris and an abandoned car on it. He would like this issue to be addressed as soon as possible. Chief Norcross commented that he was recently informed that the County Sheriff's are scheduled to evict the occupant (Mr. Robert

Stelling) from this property on April 18, 2005 and turn it over to the new owners. Chief Norcross reported that Mr. Stelling is in the process of filing for bankruptcy again. However as of right now, Mr. Stelling is scheduled to be evicted on April 18<sup>th</sup>.

**Meeting open to the public**

**John Shaw, Riverton Police Association President**, provided an overview of the progress in illuminating the flag at the park. The Riverton Police Association is incurring the costs involved with this project.

**Donna Tyson, 206 Carriage House Lane**, complimented the Police Department and the Public Works Department for all their efforts. Ms. Tyson stressed the fact that it is very important to support the school budget on April 19<sup>th</sup>. Regarding the Broad Street Enhancement Grant, Ms. Tyson believes our Architectural Review Committee should lend their expertise. Ms. Tyson commented that she does not like how Palmyra's Enhancement Grant project turned out. Ms. Tyson asked what happened to a previous grant application for the possible placement of a skate path at the park. Mr. Gilmore responded that the Borough did not get that grant. Ms. Tyson stressed the importance of being very careful when applying for specific grants that could potentially improve any part of New Jersey Transit's property. She is opposed to this. Ms. Tyson is not in favor of permitting a Farmers' Market to operate in the Borough. She thinks this is setting a bad precedent. Ms. Tyson reported that deliveries to the Baptist Home are restricted from 8:00am until 4:00pm. However, Ms. Tyson reported that some of these deliveries are being made prior to 8:00am. Tyson stated that the noise level from these deliveries is intolerable. Ms. Tyson reported that 20 notices of violations regarding this issue have been turned over to the Zoning/Code Enforcement Office to address. Ms. Tyson believes that only one court summons was issued by the Zoning/Code Enforcement Officer, which is totally unacceptable to Ms. Tyson

**James Moffatt, 202 Fulton Street**, commented that at the last year's 4<sup>th</sup> of July celebration there were not enough chairs on the reviewing stand for the Council members. Mr. Moffatt also thought it was a disgrace that the Council members did not stay for the entire parade and just vanished. He thinks this is a disgrace.

Mr. Moffatt asked Mr. Smyth for a clarification regarding his comments earlier that anybody could be a member of the Ad-Hoc Finance committee to help with the sewer charge issue. Mr. Smyth stated that his point was that we had an Ad Hoc finance group of people who worked on budgetary items; the sewer charges just being one part. Mr. Smyth thinks we should review the issues raised tonight and then possibly refine our legislation to make it as lucrative to the town as possible. Mr. Moffatt stated that he does not feel that people should just walk into a meeting of someone's committee and state that they want to be a member of that committee. This is not a good way to conduct business.

**Michael Heine, 206 Carriage House Lane**, stated that the single most important officer in this town for the protection of real property is the Zoning Officer. However, Mr. Heine does not feel that our present Zoning Office (Tony Dydek) is doing his job. Mr. Heine is of the opinion that his performance is dismal and believes he should be terminated and that Council should find someone who is competent.

Mrs. Alls-Moffatt wanted to go on record that she is offended again by Mr. Heine's comments. She believes this is harassment of our Zoning Officer by Mr. Heine. Mrs. Alls-Moffatt stated that Mr. Heine is the only person that she has heard from who complains about our Zoning Officer. Mrs. Alls-Moffatt stated that for Mr. Heine to demand that Mr. Dydek be terminated is outrageous.

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

Mary Longbottom, RMC  
Municipal Clerk

