

December 14, 2005

The regular meeting of the Riverton Borough Council took place on the above date. Mayor Martin presiding.

PRESENT: Council members Daniel (arrived at 7:15pm), Villari, Smyth, Gilmore, Cesaretti, 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 20, 2004

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

RESOLUTION 125-05

**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 Mr. Smyth, who moved for its adoption. This was seconded by Mrs. Villari. 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 personnel and 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, Mr. Cesaretti aye and Mrs. Alls-Moffatt aye.

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

TREASURER'S & FINANCE COMMITTEE REPORTS-Mr. Smyth

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

COMMITTEE REPORTS

PUBLIC SAFETY-Mr. Cesaretti

Mr. Cesaretti read a report for the month of November that was submitted by Chief Robert Norcross. Vehicle Mileage 2793, Gas Used 337.4, Juvenile Arrests 0, Adult Arrests 10 (Criminal Warrant 1, Criminal Summons 1, Traffic Warrant 4, DWI 4, Other 0), Motor Vehicle Crashes 2, Motor Vehicle Stops 93, Motor Vehicle Warnings 11, Motor Vehicle Summons 95, Burglar Alarms 8, Asst. to other Police Departments 16, Animal Complaints 8, Fire Calls 9, Ambulance Calls (Riverton) 32, Unattended Deaths 0, Criminal Case 17, Domestic 0, Thefts 3, Burglaries 0, Assaults 0, Sexual Assault 0, Criminal Mischief 1, Robberies 0, Motor Vehicle Thefts 0, Miscellaneous Complaints 12, Miscellaneous Calls 335, Riverton School Walk Through Security Check 14, Riverton School Teaching Trips 0 and Total Calls 666.

Mr. Cesaretti read a report for the month of November that was submitted by Deputy Fire Chief Robert Yearly. There were 16 fire calls during the month and 3 drills.

PARK, RECREATION, RECYCLING & ENVIRONMENTAL

COMMISSION-Mr. Gilmore

Mr. Gilmore reported that the fencing at the grandstand was supposed to be installed by November, but has not. Mr. Gilmore has left numerous messages with the contractor, but his calls have not been returned. Mr. Gilmore wants to make sure that the Council person who takes over Park & Recreation next year will follow through on this.

Mr. Gilmore reported that he submitted a preliminary budget for 2006 and that it is the same amount that he asked for last year. He hopes that next year's Council will approve it.

At this time Mr. Gilmore publicly thanked Mrs. Alls-Moffatt for doing such a great job during her time on Council. He stated that she put her heart and soul into everything she has done. Mr. Gilmore also stated that she did a great job with our COAH obligation and the Smart Growth grant.

STREETS, ROADS & SEWER-Mrs. Villari

Regarding the Fulton Street project, Mrs. Villari reported that the barrels of stone were dropped off and the contractor will begin to rip up the road any day now. Mrs. Villari reported that all of the stop signs were installed on the upper side of Broad Street. There are now a stop signs at every cross street.

Regarding the required Pollutant Minimization Plan for the sewer plant, Mrs. Villari reported that we had received word that PCP's were found at the plant and that we were required to have this plan by the Delaware River Basin Commission. Mrs. Villari stated that we essentially requested a waiver because the amount of PCB's was so small and it appears that most of them were being deposited through the air. Mrs. Villari further stated the Delaware River Basin Commission denied our request for a waiver. Therefore it is imperative that the Borough move forward with the required plan. Mrs. Villari reported that we have now received three proposals regarding the required Pollutant Minimization Plan. Mrs. Villari reported that T&M Associates proposal is \$13,000.00, Remington, Vernick & Arango's proposal is \$8,000.00 and TRC Omni Environmental Corporation's proposal is \$3,000.00. Mrs. Villari reminded Council that this plan, as required by the Delaware River Basin Commission, must be in place by January 25, 2006. A discussion then ensued. Mr. Gunn commented that if Council so desires, they can authorize Omni Environmental Corporation to prepare the required plan contingent upon him reviewing all three proposals.

RESOLUTION 126-05

A RESOLUTION AUTHORIZING OMNI ENVIRONMENTAL CORPORATION TO PREPARE THE REQUIRED POLLUTANT MANAGEMENT PLAN FOR THE BOROUGH'S WASTEWATER TREATMENT FACILITY CONTINGENT UPON OUR SOLICITOR'S REVIEW OF THE THREE PROPOSALS RECEIVED (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.

ZONING, PLANNING, CODE ENFORCEMENT, & REDVELOPMENT-Mrs. Alls-Moffatt

Mrs. Alls-Moffatt stated that she was not at the last Zoning Board and could not give a report.

Mrs. Alls-Moffatt reported that on November 15th, the Planning Board approved the Fair Share Housing Element as an amendment to our Master Plan. Mrs. Alls-Moffatt stated that our Planner Tamara Lee, had provided the Board with a presentation on this amendment. Mrs. Alls-Moffatt stated that National Casein would now be earmarked as a site for six affordably housing units. Mrs. Alls-Moffatt reported that Eric Saia, a representative from National Casein, told the Board that the Borough has been treating them very badly. Mr. Saia commented that he believes that National Casein has tried to be a good neighbor, and that Riverton apparently does not want the company here anymore. Mrs. Alls-Moffatt stated that the Board assured Mr. Saia that that is not the case. Ms. Lee assured Mr. Saia that the Borough needs to make a zoning change because there was no other place to put affordable housing and that the decision was not a personal one.

Mrs. Alls-Moffatt reported that the Planning Board also held a completeness hearing on Mr. Brandenberger's plans for the Nu-Way Shopping Center. Mr. Brandenberger is

hopeful that the Board will give final approval by April of next year and that ground will be broken in mid summer. Mr. Brandenberger anticipates that it will take 6 to 8 months from that point for the project to be completed. Mrs. Alls-Moffatt also reported that Mr. Brandenberger has purchased Riverton Motors and it is anticipated that that will be torn down and either a bank or bank satellite will be put in its place. Mrs. Alls-Moffatt also stated that a CVS is scheduled to be placed at the corner of Fulton Street. Six addition stores will also be placed at this site.

SHADE TREE & HUMAN SERVICES& MUNICIPAL COURT Dr. Daniel

Dr. Daniel reported that there was no Shade Tree Report. Dr. Daniel then read a report for the month of November that was submitted by Welfare Director, Florence Klein. There were 5 clients on the rolls. Mrs. Klein attended various seminars and meetings during the month.

Dr. Daniel read a report for the month of November that was submitted by Court Administrator Jackie Gleason. There were 57 traffic tickets issued, 0 for parking, 56 traffic other and 1 DWI. There was 1 criminal charge filed, 0 summons, 1 Warrant and 0 Local Ord. The total receipts for the month amounted to \$12,753.00. The total amount disbursed to Riverton amounted to \$5021.17.

Dr. Daniel reported that we have received written notification from Cinnaminson Township that they have gotten estimates to renovate their court facilities which need to be expanded as a result of their handling Riverton's Court activities. Dr. Daniel commented that the estimate is \$5,731.88. Dr. Daniel stated that Council had reviewed this request in closed session tonight. He will be contacting Cinnaminson Township and the Administrative Offices of the Courts to obtain more information on this request before a final decision is reached.

OLD BUSINESS

UPDATE RE: REVALUATION/REASSESSMENT OF ALL PROPERTIES IN THE BOROUGH

Mr. Smyth reported that he has reviewed the one proposal (\$125,000.00) we received for this project with our Tax Assessor. Mr. Smyth reported that our Assessor is also of the opinion that this proposal was high. Mr. Davis has also informed the County Tax Administrator of the information. Mr. Smyth reported that one of the reasons why the estimate was so high was a lot of municipalities are presently doing revaluations. Mr. Smyth stated that it is being suggested that Council begin to seek proposals once again in 2006 for a revaluation to be completed by 2008. Mr. Cesaretti strongly stated that there is no way to tell that the proposals would be any cheaper if we wait. Mr. Cesaretti stated that the proposals could be even higher. Mr. Cesaretti stated that he would confer with our Tax Assessor on this issue.

ANNOUNCEMENT OF 2006 REORGANIZATION MEETING

Mr. Smyth announced that Council's 2006 Reorganization meeting would be held on Wednesday, January 4, 2006 at 7:00pm in the Media Center of the Riverton Public School.

NEW BUSINESS

ORDINANCE 15-05

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF RIVERTON, IN THE COUNTY OF BURLINGTON NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 111 OF THE RIVERTON BOROUGH CODE, RELATIVE TO DRIVEWAYS, SNOW AND ICE REMOVAL, STREET EXCAVATIONS, SIDEWALK AND CURB REPAIR (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. At this time Mayor Martin opened this portion of the meeting to the public for any comment on this Ordinance. There

being no 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 21-05

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF RIVERTON AMENDING CHAPTER 8 OF THE RIVERTON BOROUGH CODE TO COMPLY WITH THE INTERLOCAL SERVICES AGREEMENT BETWEEN RIVERTON BOROUGH AND CINNAMINSON TOWNSHIP CONCERNING RIVERTON MUNICIPAL COURT, ITS PERSONNEL AND LOCATION
(IN FULL IN ORDINANCE BOOK)**

The above Ordinance was read by title only by Dr. Daniel, 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 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.

DISCUSSION: PROPOSED SEX OFFENDER ORDINANCE Mr. Cesaretti reminded Council that concern was raised during previous discussions on this Ordinance regarding its constitutionality and enforceability. Mr. Cesaretti reported that Moorestown Township introduced legislation that would exclude Tier 1 offenders because those individuals are considered the least likely to offend. Mr. Cesaretti also reminded Council that a Tier 1 offender has filed a lawsuit challenging a similar ordinance in Lower Township, Cape May County. Mr. Cesaretti asked if our Ordinance could be amended to also exclude Tier 1 offenders. Mr. Gunn stated that that would be considered a substantive change to this Ordinance. Council would have to consider reintroducing it during next year. Mr. Gunn commented that Council could also move forward tonight, adopt this Ordinance and then consider amending to it next year. A discussion then ensued with the consensus being that this Ordinance be considered for adoption tonight, with possible amendments to follow next year.

ORDINANCE 22-05

**AN ORDINANCE OF THE BOROUGH OF RIVERTON TO ESTABLISH SEX OFFENDER RESIDENCY AND OTHER LIMITATIONS
(IN FULL IN ORDINANCE BOOK)**

The above Ordinance was read by title only for the second time by Mr. Cesaretti, 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 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.

RESOLUTION 127-05

**TRANSFER RESOLUTION
(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. 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 128-05

**A RESOLUTION AUTHORIZING THE REFUND OF PROPERTY TAX OVERPAYMENTS
(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. 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.

COMMENTS FROM SOLICITOR RE: NEW JERSEY LOCAL UNIT PAY-TO-PLAY LAW Mr. Gunn provided Council with an overview of this new law which goes into effect January 1, 2006. Mr. Gunn stated that the law permits agencies to award contracts to business entities that have not made a political contribution to members of the Governing Body. Mr. Gunn also stated that the law requires that a business entity file a disclosure form certifying that no reportable contribution was made during the previous year if the prospective contract will be in excess of \$17,500.00 for the calendar year. Mr. Gunn further stated that the statute provides that an official from the Borough must certify in writing that the estimated amount of the contract to be awarded exceeds \$17,500.00. Mr. Gunn recommended that Council adopt a resolution pertaining to the business entity disclosure certification. After a short discussion, it was the consensus of Council to agree to this.

RESOLUTION 129-05

A RESOLUTION TO PROVIDE FOR A BUSINESS ENTITY DISCLOSURE CERTIFICATION FOR CERTAIN CONTRACTORS FOR 2006 (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. Alls-Moffatt. 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.

CORRESPONDENCE

REQUEST FROM T-MOBILE RE: POSSIBLE INSTALLATION OF A CELL TOWER ON BOROUGH PROPERTY

Councilman-Elect Robert E. Smyth met with A.J. Tegler, the Leasing Manager with T-Mobile, to discuss the possibility of their leasing ground space at the Riverton Wastewater Treatment Facility for a telecommunications installation. Joseph Augustyn of Alaimo Associates as well as a Mr. Doug Cowan were also present. Council reviewed written correspondence from T-Mobile regarding the following proposals: A rent abatement agreement or a standard lease agreement. A copy of the proposal is on file with the Municipal Clerk. A copy was also given to our Solicitor for his review. Mr. Smyth provided Council with an overview of what was discussed at this meeting. Mr. Smyth reported that T-Mobile is also looking at Cinnaminson Township as another possible location. Mr. Smyth commented that if T-Mobile decides to go with Cinnaminson, then the tower would be placed near the Pompeston Creek on Broad Street. Mr. Smyth stated that he feels we should seriously review T-Mobile's proposals and determine how best to proceed in Riverton's interests. Mr. Smyth further stated that this could turn out to be a very good revenue source for the Borough. Solicitor Gunn stated that T-Mobile most likely has experts that will come in to explain all of the details and the legal ins and outs. Mr. Gunn further stated that the Zoning Board would also have to get involved regarding the proper zoning requirements. The Zoning Board can require reasonable restrictions that are in the best interest of the Borough. A discussion then ensued.

Mr. Smyth moved that Mr. Cesaretti, Dr. Daniel and Councilman-Elect Robert E. Smyth serve on the cell tower committee. Mr. Smyth further moved that the members of this committee should meet with the T-mobile representatives to review and discuss their proposal for the installation of a cell tower in the Borough. It was further moved that the representatives from T-mobile be asked to attend Council's January meeting to answer any questions or concerns. 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.

BOROUGH LOGO DISCUSSION. Mrs. Villari reported that she received two suggested samples regarding a Borough Logo from Phyllis Rodgers, owner of the New Leaf. Mrs. Rodgers feels the present logo should be changed. Mrs. Villari reviewed the suggested changes with Council, who took this issue under advisement.

UPDATE RE: LIGHTING OF THE FLAG AT THE PARK. Mr. Cesaretti reported that when the Police Association volunteered to illuminate the flag at the park that the Rotary volunteered to pay the monthly lighting fee from PSE&G of \$30.00. Mr. Cesaretti stated that the Rotary no longer wants to do this. After a short discussion, Mr. Cesaretti stated that an attempt would be made to find another organization to sponsor this. Council will be kept apprised of the situation.

COMMENTS FROM MR. GILMORE REGARDING OPEN SPACE

Mr. Gilmore proposed approaching the Burlington County Freeholders and informing them that it is Riverton's desire to designate a portion of the National Casein property (Block 1500 Lot 5) as open space. Mr. Gilmore further stated that he would like Council to ask the Freeholders to purchase this land (approximately three acres) with their funds. That way this we could reserve this space forever. Mrs. Villari stated that the Borough receives taxes from this property and we would be then be losing a rateable. A discussion then ensued.

RESOLUTION 130-05

**A RESOLUTION REQUESTING THAT THE BURLINGTON COUNTY BOARD OF CHOSEN FREEHOLDERS PURCHASE A PORTION OF THE NATIONAL CASEIN PROPERTY FOR OPEN SPACE
(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 Mrs. Alls-Moffatt. A poll vote was then taken. Dr. Daniel aye, Mrs. Villari nay, Mr. Smyth aye, Mr. Gilmore aye, Mr. Cesaretti nay and Mrs. Alls-Moffatt aye.

COMMENTS FROM OUTGOING COUNCIL MEMBER

MRS. ALLS-MOFFATT

Mrs. Alls-Moffatt stated that defeat is never pleasant by that she has worked with Council members-Elect Robert E. Smyth and Michael H. Kinzler before ad she finds them to be good men. She thinks they will serve the taxpayers of Riverton well. Mrs. Alls-Moffatt further stated that she is very grateful for the people who have given her a major helping hand over the past three years and she would like to acknowledge them right now: Bruce Gunn, Mary Longbottom, Betty Boyle, Ed Gilmore and James Moffatt.

MEETING OPEN TO THE PUBLIC

James Moffatt, 202 Fulton Street, stated that as the Vice President of the Riverton Democratic Club, he would like to say thanks to Ed Gilmore for his last six years on Council and for the many, many years he has put into our community. Mr. Moffatt told Mr. Gilmore to keep on roaring and thanked him very much for his love of Riverton.

Gene Bandine, 522 Main Street, stated that the girls at Farmers & Mechanics Bank decorated the spruce tree, they did a nice job, and the tree doesn't have lights on it.

Mr. Bandine asked Councilwoman Villari if the people from the Delaware River Basin Commission gave her a PCB count; a maximum that you are allowed to have. Mrs. Villari stated that it depends on the type in the study.

Mr. Bandine stated that he knows Chief Norcross approached the County about the yellow line that needs to be painted in front of the bank to keep people from parking there.

Mr. Bandine raised concern that people are still parking across from the Bank on Main Street. He hopes this issue will be resolved as soon as possible.

Mr. Bandine feels something should be done about the cars that do not have their lights on during the rain and snow. Mr. Bandine feels that the police should do something about people using cell phones while driving.

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