

January 12, 2005

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

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

ABSENT: Council member Smyth

Mayor Martin read the following statement:

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 notice 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

The minutes from December 1, December 8 and closed session minutes from December 1 & December 8 were then presented. Mrs. Villari 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 aye, Mr. Smyth absent, Mr. Gilmore aye, Mr. Cesaretti aye and Mrs. Alls-Moffatt aye.

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

In Mr. Smyth's absence, Mrs. Alls-Moffatt moved that the attached Treasurer's and Finance Committee Reports for the month of December be approved as submitted. This was seconded by Mr. Cesaretti. 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.

COMMITTEE REPORTS

PUBLIC SAFETY-Mr. Cesaretti

Mr. Cesaretti read a report for the month of December that was submitted by Chief Norcross. Vehicle Mileage 2556, gas used 377.70, Juvenile Arrests 2 (miscellaneous 1 and curfew 1), Adult Arrests 15 (criminal warrants 4, Criminal Summons 2, Traffic Warrants 5, DWI 2, Other 2) Motor Vehicle Crashes 0, Motor Vehicle Stops 61, Motor Vehicle Warnings 13, Motor Vehicle Summons 59, Burglar Alarms 16, Asst. to other Police Departments 30, Animal Complaints 1, Fire Calls 31 (in town 11, Out of Town 20), Ambulance calls (Riverton) 25, Unattended Deaths 0, Criminal Cases 36, Domestic 4, Thefts 4, Burglaries 0, Assaults 0, Sexual Assault 0, Criminal Mischief 4, Robberies 0, Motor Vehicle Thefts 0, Miscellaneous Complaints 40, Miscellaneous Calls 456 and Total Calls 797.

Mr. Cesaretti read a 2004 Yearly Report that was submitted by Chief Norcross. Vehicle mileage 39,309, Gas Used 5,008.9, Juvenile Arrests 36, Adult Arrests 144, Motor Vehicle Crashes 46, Motor Vehicle Stops 996, Motor Vehicle Warnings 89, Motor Vehicle Summons 1085 Burglar Alarms 174, Asst. to other Police Departments 408, Animal Complaints 65, Fire Calls 247, Ambulance calls (Riverton) 502, Unattended Deaths 2, Criminal Cases 861, Domestic 14, Thefts 45, Burglaries 5, Assaults 9, Sexual Assault 2, Criminal Mischief 30, Robberies 0, Motor Vehicle Thefts 0, Miscellaneous Complaints 393, Miscellaneous calls 6,683 and total calls 11,836.

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

Mr. Gilmore reported that maintenance continues to be done at the park. Dead trees were removed and new trees are to be planted. The Park & Recreation Committee is working on having another irrigation system installed at the baseball diamond. Mr. Gilmore will look into the possibility of expanding our recreation areas in the field. Mr. Gilmore thinks we should look into acquiring a small piece of land that we could use for soccer and recreation on the river side of the Borough. Mr. Gilmore reported that the Environmental commission is working on the Pompeston Watershed Creek Grant.

Mr. Gilmore read a report for the month of December that was submitted by Court Administrator Laura Frick. There were 91 traffic tickets issued—11 for parking, 79 traffic other and 1 DWI. There were 99 criminal charges filed—2 summons, 3 warrants and 93 Local Ord. The total receipts for the month amounted to \$12,033.00. The total amount disbursed to the Borough amounted to \$6,629.25.

PUBLIC WORKS/SEWER-Mrs. Villari

Mrs. Villari reported that Public Works Manager, Scott Reed met with Terry Vogt of Remington Vernick and Arango to review the new Stormwater Regulations Plan. The Borough is mandated to comply with these regulations. Mrs. Villari reported that we have received the revised Stormwater Pollution Prevention Audit Summary. Mrs. Villari provided an overview of what will be required. Mrs. Villari reviewed correspondence from the League of Municipalities regarding the “Cap” law and how this might affect the expenditures for the new Stormwater Regulations. Mrs. Villari stated that exceptions will be considered by the Local Finance Board regarding this issue. Council will be kept informed.

Mrs. Villari reported that the Borough received \$150,000.00 from the Department of Transportation’s 2005 Municipal Aid program. This money will be utilized for Fulton Street. In addition to Fulton Street, Mrs. Villari stated that we are looking into repaving three additional streets in 2005.

Mrs. Villari reported that the 2005 Public Works budget has been completed and submitted and will be reviewed by Council.

Mrs. Villari reported that the Borough received \$6,000.00 in grant money to be utilized to clear away some trees and brush from the trail along the Pompeston Creek. In addition to this money, the Public Works Department was expended approximately \$3,500.00 to complete that project.

PLANNING ZONING, CODE ENFORCEMENT &

REDEVELOPMENT-Mrs. Alls-Moffatt

Mrs. Alls-Moffatt reported that the wind braker was removed from the Nuway Market building. Our Code Enforcement Officer, Tony Dydek is aware of this situation. Mrs. Alls-Moffatt commented that the back of the Nuway Market has been boarded up

Mrs. Alls-Moffatt reported that Mr. Dydek is recommending a registration program for apartments. Mrs. Alls-Moffatt stated that our Fire Marshal (Robert Yearly) concurs with this suggestion.

Mrs. Alls-Moffatt provided an overview of what transpired at the last Zoning Board meeting, in particular the Cedar Lane Manor application. Mrs. Alls-Moffatt found the meeting to be very confusing. She has asked three members of the Zoning Board and three members of the Planning Board to meet and discuss this issue with her. Mrs. Alls-Moffatt believes there have been decisions made at the Zoning Board that should probably come before the Planning Board.

Regarding the December Planning Board meeting, Mrs. Alls-Moffatt reported that members of the Board (Mayor Martin and Robert E. Smyth) were accused of sullyng the good reputation of Riverton because of family connections regarding the Moccia application. Mrs. Alls-Moffatt didn’t know what to make of this. Mrs. Alls-Moffatt stated that this issue would also be discussed with representatives from the Zoning Board and Planning Board. Mrs. Alls-Moffatt commented that she thought the December Zoning Board and Planning Board meetings were probably the most disconcerting ones that she has attended. Mrs. Alls-Moffatt stated that she would have to investigate what is going on here.

Mrs. Alls-Moffatt reported that the property at 503 Bank Avenue is currently up for sale. Mrs. Alls-Moffatt reported that there have been people investigating the sale of this house to possibly turn it into some kind of institutional home. Mrs. Alls-Moffatt referred to the current and similar situation going on in Delanco Township. Mrs. Alls-Moffatt reminded Council that we do not have a redevelopment plan in place to protect us and because of that we are very vulnerable.

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

Mrs. Villari attended the recent Shade Tree meeting in Mr. Daniel's absence. Mrs. Villari reported that they discussed new ideas and the importance of the five year forestry plan. This is a mandated plan presently in place. Mrs. Villari reported that Barry Emens (Shade Tree Chairman) has asked for a 6 month extension to complete this plan that he, the Commission and our Planner will help to create. Mrs. Villari reported that the Commission is looking into the possibility of a separate website to inform residents of the Commission's progress. Mrs. Villari reported that the Commission would like to upgrade their computer equipment and would like to see more school programs created. Mrs. Villari reported that the Commission estimates that we will continue to lose ten trees per year to bacterial leaf scorch disease. Mrs. Villari reported that John Brown has stepped down from serving on the Commission. The Commission is actively looking for a replacement. Mrs. Villari reported that the Shade Tree Commission meetings will be changed to the 2nd Monday of January, March, May, September and November. Mrs. Villari reported that the Commission will be sending out a brochure to residents with information on the Commission's philosophy. A letter will be included that informs the public how a tree donation can be made.

Mrs. Villari reported that the Commission is requesting that Council consider doing a Resolution that would only permit the Shade Tree Commission to oversee and approve the planting of any tree or shrub on the public right of ways in the Borough. Mr. Gilmore expressed concern with this and asked if there were any problems. Mrs. Villari commented that Mr. Emens is the expert and that plantings should be presented to the Commission for their review and approval. Mr. Gilmore again raised his concern and asked again if there were any problems. Dr. Daniel commented that Mr. Emens also discussed the planting issue with him. Dr. Daniel stated that Mr. Emens is not looking to make this a problem. Dr. Daniel believes that Mr. Emens thinks it should be more of a cooperative effort to make sure that Shade Tree monies are more efficiently spent. However, Mr. Gilmore stated that there are some issues in the park that if not addressed by the Shade Tree Commission, will have to be addressed by us. Dr. Daniel stated that he would have Mr. Emens contact Mr. Gilmore to discuss this issue.

Dr. Daniel read a report for the month of December that was submitted by Welfare Director, Florence Klein. There were two clients on the rolls. Mrs. Klein attended various training sessions and continuing education courses during the month.

OLD BUSINESS

REVIEW OF "DRAFT ORDINANCE RE: BARKING DOGS"

Council reviewed this draft ordinance. Mr. Cesaretti commented that he thinks this Ordinance is long overdue. He believes this ordinance is concise enough that it will be enforceable. Council then reviewed this Ordinance, making some modifications before introducing it.

ORDINANCE 1-05

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF RIVERTON IN THE COUNTY OF BURLINGTON, NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 45, ARTICLE III, OF THE RIVERTON BOROUGH CODE TO CONTROL THE CONTINUOUS BARKING OF DOGS

The above Ordinance was read by title only for the first time by Mr. Cesaretti, who moved for its adoption. This was seconded by Mr. Gilmore. A poll vote was then taken. Dr. Daniel aye, Mrs. Villari aye, Mr. Smyth absent, Mr. Gilmore aye, Mr. Cesaretti aye and Mrs. Alls-Moffatt aye. It should be noted that second reading and a public hearing on this Ordinance is scheduled for February 9 at 7:00pm.

UPDATE RE: BROAD STREET ENHANCEMENT GRANT

Mr. Gilmore reported that the grant process is progressing and that the County Engineer has been given a full drawing of the design. Mr. Gilmore reported that Lauralee Rappleye of the Bureau of Environmental Program Resources from the New Jersey Department of Transportation is reviewing required documentation received from our

Engineer for this project. Mr. Gilmore further reported that Thomas Berryman of the New Jersey Department of Transportation is also reviewing required documentation for this project. Council will be kept informed.

NEW BUSINESS

RESOLUTION 11-05 TRANSFER RESOLUTION (IN FULL IN RESOLUTION BOOK)

The above Resolution was read by title only by Mrs. Alls-Moffatt. This was seconded by Mr. Cesaretti. 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.

RESOLUTION 12-05 A RESOLUTION AUTHORIZING THE SOLICITOR OF THE BOROUGH OF RIVERTON TO FILE APPEALS, OMITTED AND ADDED ASSESSMENT APPEALS AND ROLLBACK COMPLAINTS WITH THE BURLINGTON COUNTY BOARD OF APPEALS (IN FULL IN RESOLUTION BOOK)

The above Resolution was read by title only by Mrs. Alls-Moffatt, who moved for its adoption. This was seconded Mr. Cesaretti. 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.

RESOLUTION 13-05 A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SOLID WASTE CONTRACT WITH THE BURLINGTON COUNTY FREEHOLDERS FOR THE CONTINUATION OF RECYCLING AND SOLID WASTE DISPOSAL SERVICES FOR THE CALENDAR YEAR 2005 (IN FULL IN RESOLUTION BOOK)

RESOLUTION A RESOLUTION ESTABLISHING CERTAIN FEES TO BE CHARGED TO A PERSON OBTAINING A STREET OPENING PERMIT

At this time Mrs. Villari asked that this Resolution be removed from the agenda because more information is needed from our Engineer. It was the consensus of Council to agree to this

MAYORAL APPOINTMENTS TO THE ZONING BOARD, PLANNING BOARD AND ENVIRONMENTAL COMMISSION

Mayor Martin read the following appointments: **Zoning Board (regular members)** Alfred DeVece, Ken Mills and John Trotman (terms to expire on 12-31-08), **Zoning Board (Alternate)** William Brown (term expires on 12-31-06), **Planning Board (regular members)** Class IV members Christopher Halt, Birnist O'Reilly (terms to expire on 12-31-08), Class II member Anthony Dydek (term to expire on 12-31-05), **Planning Board (Alternates)** Robert E. Smyth-Alternate 1 (term expires on 12-31-06) and Joseph Katella-Alternate 2 (term to expire on 12-31-05), **Environmental Commission (regular members)** Michael Robinson & Bradford Young (terms to expire 12-31-07), **Environmental Commission (alternates)** Bennett Landsman and Christopher Halt (terms to expire on 12-31-06).

CORRESPONDENCE

Mr. Cesaretti reported that the Chief of Police recently sent a letter to his Department thanking them all for picking up the slack when Officer Merino was on medical leave.

QUIET ZONE ISSUE

Mrs. Villari commented that she recently received a telephone call from Congressman Andrews office. They were asking if the Borough had submitted an application for quiet zones. Mrs. Villari asked for more information as to how we would do this. Ms. Villari understands that a lot of municipalities are moving forward in this regard. We may consider being one of them. Mrs. Villari reported that that a letter was received

from a representative from New Jersey Transit that included a copy of the rules on horn blowing that New Jersey Transit follows. Mrs. Villari reported that Jerry Savidge and Joyce Gallagher will no longer be our contacts at New Jersey Transit regarding light rail issues. Mrs. Villari believes the new customer service representative is Charles Ignoli. Mrs. Villari reported that she has left messages for him regarding some damaged trees at the War Memorial. Mrs. Villari will be asking if they could make a donation towards the replacement of these trees that would also include some additional landscaping at this location

LIGHTING OF THE FLAGPOLE AT THE PARK

Mr. Cesaretti announced that the Police Association will undertake this project and all costs associated with it.

UPDATE RE: 2005 INSURANCE FOR THE BOROUGH

Mayor Martin asked John A. Latimer from the Walter Barclay Agency to address Council on this issue. It should be noted that Council tabled the insurance issue at their reorganization meeting. Mr. Latimer believes the renewal charges came in pretty good. There was roughly a 6% increase mainly due to the new pick-up vehicle. Mr. Latimer stated that Selective Insurance Company has been the Borough's insurance company for a number of years. Mr. Latimer believes Selective has held the Borough's premiums; however, half of the Borough's premium encompasses workers compensation, which is really not negotiable. The State sets the workers compensation rates. Mr. Latimer commented that the Borough had some big claims this past year. Mr. Latimer believes the Borough is with the best insurance company we know of. Mr. Latimer commented that there are very few public carriers doing public entities anymore. Mr. Latimer commented that some carriers were not interested in Riverton because we are too small and we had a number of claims. Mr. Latimer asked that council consider raising the umbrella coverage up to ten million dollars. Right now we have a 5 million dollar umbrella. This increase would cost the Borough around \$2,600.00. Mr. Latimer believes Selective did a good job of paying the claims. He reminded Council that we are in a municipal pool. Mrs. Alls-Moffatt commented that she had recommended that Council table this appointment last week. Mrs. Alls-Moffatt further commented that she thought Council would re-appoint Mr. Latimer for this year; however, she wanted it clear that the Borough would be obtaining insurance quotes for future consideration. Mr. Latimer assured Council that they would never be able to duplicate the coverage or the services that the Borough receives now. Mr. Gilmore asked if there are any areas in our policies where we could possibly cut back. Mr. Latimer commented that although our deductibles are very low, to raise them would not save the Borough that much. However, Mr. Latimer stated that he could get the Borough a quote on raising the deductibles.

RESOLUTION 14-05

A RESOLUTION OF THE BOROUGH OF RIVERTON APPOINTING JOHN S. LATIMER OF THE WALTER S. BARCLAY AGENCY AS AGENT FOR THE SELECTIVE INSURANCE COMPANY FOR THE BOROUGH OF RIVERTON FOR THE YEAR 2005

(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 abstained, Mr. Smyth absent, Mr. Gilmore aye, Mr. Cesaretti aye and Mrs. Alls-Moffatt aye.

MEETING OPEN TO THE PUBLIC

Michael Heine, 206 Carriage House Lane asked if the police report broke down individual offenses. Mr. Cesaretti responded that it doesn't.

Mr. Heine would like to see ordinances introduced for first reading by Council posted on our website. It was the consensus that we can do this.

Mr. Heine asked Mrs. Alls-Moffatt for a clarification on some of her comments regarding a meeting that she was calling with some members of the Zoning Board and Planning Board. Mr. Heine asked what the purpose is for this meeting. Mrs. Alls-Moffatt responded that it was to discuss what she sees as some confusion as to what is going on at the Zoning Board meetings. It appears to her that some of the things happening at the Zoning Board should be brought before the Planning Board. She wanted to discuss this with both parties to see if she was correct. Mrs. Alls-Moffatt stated that this meeting was to have taken place this past Monday but was canceled because Borough Hall was not available. Mrs. Alls-Moffatt stated that it is her right to do this. Mr. Heine stated that he thinks it is grossly improper for any council person to act in a supervisory capacity to invoke and call meetings of these two Boards. Mr. Heine stated that the Zoning Board and Planning Board operate under statutory authority. Mr. Heine does not feel that Mrs. Alls-Moffatt has the right to question these Boards at meetings. Mr. Heine urged Mrs. Alls-Moffatt not to do this. Mr. Heine also urged the Mayor to get advice on this matter from the Solicitor.

Mr. Heine stated that he believes there has been no code enforcement regarding the Moccia parking lot issue since August of 2004. Mr. Heine asked Council for a confirmation regarding this issue. Mayor Martin stated that this issue is being handled by the Planning Board. Mayor Martin asked the Solicitor for his opinion regarding the process. Mr. Gunn stated that the Planning Board has to let the action take its course. Mrs. Alls-Moffatt commented that Mr. Dydek gave Mr. Moccia four citations which are being addressed.

Mrs. Villari asked if Mrs. Alls-Moffatt is allowed to call meetings with members of the Zoning and Planning Boards to discuss issues. Mr. Gunn stated that he would need to know the nature of the meeting. Mr. Gunn feels it would be appropriate for him to discuss this issue with Mrs. Alls-Moffatt after the meeting.

Mrs. Villari then asked if our Code Enforcement Officer submits a yearly report. Mrs. Alls-Moffatt stated no, but that she would get one. Mrs. Villari asked for reports from 2003 and 2004. Mrs. Villari stated that there have been some complaints that will be discussed further in closed session. Mrs. Villari thinks it is important that these reports be submitted to Council. While Mrs. Alls-Moffatt thinks it is a valid point, she asked where we are going with this. Mr. Gilmore commented that while he doesn't know where this is going, he hoped that Mrs. Villari was not insinuating that Mr. Dydek is not doing his job. Mrs. Villari stated that she wasn't saying that. She is just making a suggestion. Mr. Gilmore commented that he thought Mr. Dydek was doing a wonderful job.

William Harris, 502 Cinnaminson Street. asked if we had received a response to the Mayor's letter to New Jersey Transit regarding the horn blowing at the grade crossings. Mrs. Villari provided Mr. Harris a copy.

Nancy Washington 201 Main Street is very concerned and worried about the possible placement of an institutional home of some type in Riverton, which was mentioned tonight during Mrs. Alls-Moffatt's report.

RESOLUTION 15-05

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 aye, Mrs. Villari aye, Mr. Smyth absent, Mr. Gilmore aye, Mr. Cesaretti aye and Mrs. Alls-Moffatt aye. It should be noted that personnel and litigation 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 aye, Mrs. Villari aye, Mr. Smyth absent, Mr. Gilmore aye, Mr. Cesaretti aye and Mrs. Alls-Moffatt aye.

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

Mary Longbottom, RMC
Municipal Clerk