

May 11, 2005

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

PRESENT: Council members Daniel (left meeting at 7:30pm), Smyth, Gilmore, Cesaretti, Alls-Moffatt and Solicitor Bruce M. Gunn

ABSENT: Council member Villari

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 56-05

**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 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 personnel and litigation will be discussed

At this time Mr. Cesaretti moved that we return to public session. This was seconded by Mrs. Alls-Moffatt. 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.

The minutes from April 6, April 13 and closed session minutes from April 6 and April 13 were then presented. Mr. Smyth moved that these minutes be approved as submitted. This was seconded by Mrs. Alls-Moffatt. A poll vote was then taken. Dr. Daniel absent, Mrs. Villari absent, Mr. Smyth aye, Mr. Gilmore aye, Mr. Cesaretti aye and Mrs. Alls-Moffatt aye.

TREASURER'S & FINANCE COMMITTEE REPORTS-Mr. Smyth

Mr. Smyth moved that the attached Treasurer's and Finance Committee Reports for the month of April be approved as submitted. This was seconded by Mr. Cesaretti. A poll vote was then taken. Dr. Daniel absent, Mrs. Villari absent, 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 April that was submitted by Chief Norcross. Vehicle Mileage 3102, Gas Used 348.5, Juvenile Arrests 2 (Assaults 0, Miscellaneous 1, Curfew 1), Adult Arrests 18 (Criminal Warrants 2, Criminal Summons 0, Traffic Warrants 12, DWI 4, Motor Vehicle Crashes 4, Motor Vehicle Stops 88, Motor Vehicle Warnings 3, Motor Vehicle Summons 107, Burglar Alarms 10, Asst. to other Police Departments 16, Animal Complaints 5, Fire Calls 22 (In-town 7, Out of Town 15), Ambulance calls (Riverton) 27, Unattended Deaths 0, Criminal Cases 32, Domestic 1, Thefts 5, Burglaries 0, Assaults 1, (Police Officers 0, Firefighters/EMT 0 & Civilian 1), Sexual Assaults 0, Criminal Mischief 2, Robberies 0, Motor Vehicle Thefts 0, Miscellaneous Complaints 28, Miscellaneous Calls 562, Riverton School Walk Through Security Check 20, Riverton School Teaching/School Trips 0 and Total Calls 953.

Mr. Cesaretti reported that there were no calls to M&R Wildlife, the Borough's Animal Control Officer for the month of April.

PARK, RECREATION, RECYCLING &

ENVIRONMENTAL COMMISSION-Mr. Gilmore

Mr. Gilmore reported that we are continually working to maintain the park. Mr. Gilmore reported that a couple of benches have been ordered for the tennis courts. These

courts have been repaired. Some dogwood trees will be planted at the park. We are still getting prices for some fencing to be placed in the park.

Mr. Gilmore reported that the Environmental Commission, who has concerns with the proposed Cedar Mews development site, is working with the owner on respective issues.
PUBLIC WORKS/SEWER-Mrs. Villari

In Mrs. Villari's absence, the Clerk read the attached list of bids that were received, opened and publicly read on May 5, 2005 at 10:00am. The Clerk reported that the Borough's Engineer for this project, Dante Guzzi, recommends the awarding of the contract to Ocean Excavating, Inc., the lowest bidder. Mr. Gunn reported that he has reviewed the bids and everything was in order. He recommended that Council award to the lowest bidder, subject to final approval from our Public Works Committee.

RESOLUTION 57-05

A RESOLUTION OF THE BOROUGH OF RIVERTON AUTHORIZING THE AWARD OF CONTRACT FOR THE 2004 COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT TO OCEAN EXCAVATING, INC. OF TOMS RIVER, NEW JERSEY (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 absent, Mrs. Villari absent, Mr. Gilmore aye, Mr. Cesaretti aye and Mrs. Alls-Moffatt aye.

ZONING, PLANNING, CODE ENFORCEMENT

& REDEVELOPMENT-Mrs. Alls-Moffatt

Mrs. Alls-Moffatt reported that Code Enforcement Officer, Tony Dydek will be doing a sidewalk and curb survey on various streets throughout the Borough.

Mrs. Alls-Moffatt reported that the Zoning Board granted a continuance on both the Flamimi and Brandenberger site plan applications until next month. Mrs. Alls-Moffatt reported that the Chair of the Zoning Board raised concern that the escrow charges may not be enough. Mrs. Alls-Moffatt stated that we will need to look into this.

Mrs. Alls-Moffatt reported that the Planning Board gave final approval to Robert Moccia regarding his site plan application. Mrs. Alls-Moffatt reported that Planning Board member Donna Tyson has indicated that a draft of the new fence ordinance has been completed. Planning Board member Bob E. Smyth suggested that as the Master Plan is being revised, that Borough officials should not forget the traffic that will be generated by the new development in Cinnaminson Township.

SHADE TREE, HUMAN SERVICES & MUNICIPAL COURT-Dr. Daniel

The following Human Services report for the month of April was submitted by Welfare Director, Florence Klein. There were six clients on the rolls. Mrs. Klein attended various seminars and conferences during the month.

The following Municipal Court report for the month of April was submitted by Court Administrator, Laura Frick. There were 100 traffic tickets issued—7 for parking, 90 traffic other and 3 DWI. There were 13 criminal charges filed—0 summons, 3 warrants and 10 local ord. The total receipts for the month amounted to \$10,221.00. The total disbursed to Riverton amounted to \$4111.81.

Mr. Gunn reported that a letter has been received from Palmyra's Solicitor regarding the interlocal agreement we had with them to utilize their facilities for our court and to house our Court Administrator. Palmyra will now grant us an extension (pending re-negotiations of the present agreement) until September 13, 2005.

OLD BUSINESS

LIBRARY

Mrs. Alls-Moffatt reported that she was under the impression that the County library system picked up the entire tab for our library operations. That is not the case. Mrs.

Alls-Moffatt explained that the library has a \$50,000.00 budget that has to be raised locally. She believes we should consider in our next budget to increase the amount of money we give the library. This issue was taken under advisement.

Update: Re: Revaluation of all properties in the Borough. Mr. Gilmore reported that he will be talking to Moorestown Township's Tax Assessor to obtain information on their revaluation process. He will report back to Council. Mr. Smyth reported that our Tax Assessor has put together a form letter that will be submitted outlining what we would be doing regarding our revaluation. He will be helping us to get our tax maps in order for the review process. We will solicit proposals from three firms. Mr. Smyth reported that we are under a County mandate to do the revaluation within the next 4 or 5 years. We are taking the preliminary steps to get this process started. Mr. Cesaretti stated that he understands it is mandated to do the revaluation; however, he doesn't want to wait that long to get this process done. Mr. Smyth stated that we have to show the County that we are taking steps to move forward with the process. Mrs. Alls-Moffatt thought we have to take the steps this year, so that next year the process will be in place. Mayor Martin commented that it is a bone of contention as to when the County might force us to do the revaluation. Mr. Smyth commented that the Tax Assessor would be putting a packet together. Mr. Cesaretti reiterated his position that he wants to make sure that we aren't going to drag our feet regarding this issue.

POSSIBLE ACQUISITION OF THE POST OFFICE FOR MUNICIPAL PURPOSES

Mrs. Alls-Moffatt stated that she would like to have further discussions regarding this issue. She understands that the postal service has indicated their desire to do a swap—the post office building for our present municipal building. Mr. Smyth moved that either at the June 1 or July 6 meeting the entire matter regarding the post office be discussed for purposes of preparing an item on the November 2005 ballot to which the citizens of Riverton can voice their support or objection. Mr. Gunn reminded Council that any public question would have to be decided by Council's August meeting. It is not

easy to phrase a question to be placed on the ballot. Mr. Smyth thought this issue could be discussed at Council's June 1 meeting. Mr. Gilmore seconded Mr. Smyth's motion. A poll vote was then taken. Dr. Daniel absent, Mrs. Villari absent, Mr. Smyth aye, Mr. Gilmore aye Mr. Cesaretti aye and Mrs. Alls-Moffatt. aye.

NEW BUSINESS

PUBLIC HEARING ON AMENDMENT TO THE 2005 MUNICIPAL BUDGET-AUDITOR PRESENT

Auditor Robert Stewart announced that Riverton had received \$25,000.00 in homeland security aid from the State. The State informed us that this money was to be used to reduce our tax rate. Mr. Stewart reported that was the reason our budget had to be amended. Mr. Stewart reported that the local municipal tax increase will be 8 cents as opposed to 9.9 cents. At this time Mayor Martin opened this portion of the meeting to the public for any comment on this amendment. Since there was no public comment on this amendment, Mayor Martin closed this portion of the meeting to the public.

RESOLUTION 40-05

A RESOLUTION TO AMEND THE 2005 MUNICIPAL BUDGET (IN FULL IN RESOLUTION BOOK)

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

RESOLUTION 58-05

A RESOLUTION TO ADOPT 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. A poll vote was then taken. Dr. Daniel absent, Mrs. Villari absent, Mr. Smyth aye, Mr. Gilmore aye, Mr. Cesaretti aye and Mrs. Alls-Moffatt aye.

RESOLUTION 59-05

**A RESOLUTION AUTHORIZING REMINGTON, VERNICK AND ARANGO TO PROCEED WITH THE 2005 ROAD PROGRAM AND PREPARE THE REQUIRED SPECIFICATIONS FOR THE PROJECT
(IN FULL IN RESOLUTION BOOK)**

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

FARMER'S MARKET-It was the consensus of Council to table this issue until the June 1 work session meeting.

ORDINANCE 7-05

**AN ORDINANCE REAPPROPRIATING \$9,000 OF 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, NEW JERSEY
(IN FULL IN ORDINANCE BOOK)**

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

Lawrence Morgan, 427 Elm Avenue, asked what kind of vehicle this was. Mr. Cesaretti responded that it is a 2005 Ford Expedition. There being no further public comment on this Ordinance, Mayor Martin closed this portion of the meeting to the public. A poll vote was then taken. Dr. Daniel absent, Mrs. Villari absent, Mr. Smyth aye, Mr. Gilmore aye, Mr. Cesaretti aye, and Mrs. Alls-Moffatt aye.

**DISCUSSION: SMART GROWTH GRANT-(REDEVELOPMENT)
TAMARA LEE, PLANNER PRESENT)**

Mayor Martin stated that one of Council's concerns about this revised scope of work was the Borough in-kind services. Ms. Lee responded that this means there won't be any cash out of pocket expenses to the Borough. It's the value of time she put on the time that Borough officials, residents, etc would spend on meetings to discuss various proposals from developers. Ms. Lee stated that you have to include a 25% matching component. Ms. Lee explained that it is either cash or in-kind services. Mr. Gilmore asked how we would move forward with the grant process. Ms. Lee stated that the way this scope of work is written, the first thing to be done is to complete the redevelopment plan and get it adopted. We then need to develop conceptual design plans for the entire redevelopment area. Ms. Lee reported that the State has expressed its concern that the work we are proposing here is less work than is needed for the grant. Because of this, Ms. Lee recommended we include the entire redevelopment areas in the scope of work. Ms. Lee stated that when it comes to the issue of bids to developers, you can focus on a portion of the redevelopment areas and move forward that way. Ms. Lee stated that she would do the up front planning for the entire redevelopment areas. Mayor Martin asked if Council needed to do a resolution to go forward with this. Ms Lee stated that she needs Council's approval to send this scope of work to the State. Ms. Lee reported that the State has asked Council to do a Resolution which commits them to following through with this grant project. Mr. Gunn commented that if this scope of work would be changed without the State's permission, they could theoretically ask for the grant money to be returned. Ms. Lee also stated that if Council were to stop work on the grant before it is completed, the State could also ask for the money back.

Michael Heine, 206 Carriage House Lane, believes this is a very serious commitment. The public should have access to this proposal before Council commits to it.

Mrs. Alls-Moffatt commented that it is Council's choice whether to move forward with this grant process or run the risk of having to return the money. Ms. Lee stated that there is a time issue here. The State has been calling her regarding the grant's status. Ms. Lee commented that she does not have a problem sharing this scope of work with the public. It was the consensus of Council that Ms. Lee forward the revised scope of work to the Department of Smart Growth.

RESOLUTION 60-05

A RESOLUTION TO APPROVE A REVISED SCOPE OF WORK FOR THE SMART GROWTH GRANT IN THE BOROUGH OF RIVERTON (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 by Mr. Gilmore. A poll vote was then taken. Dr. Daniel absent, Mrs. Villari absent, Mr. Smyth aye, Mr. Gilmore aye, Mr. Cesaretti aye and Mrs. Alls-Moffatt aye

CERTIFICATE OF APPRECIATION PRESENTED TO BOROUGH COUNCIL FROM THE PALMYRA, CINNAMINSON, RIVERTON EMERGENCY MEDICAL SERVICES

Chief Norcross presented a plaque to Borough Council in appreciation of devotion and invaluable services to Palmyra, Cinnaminson, Riverton Emergency Medical Services. **CORRESPONDENCE**-There was no correspondence presented at this time.

RESOLUTION 61-05

A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF RIVERTON TO HOLD ONLY ONE MEETING DURING THE MONTHS OF JULY AND AUGUST OF 2005 (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 absent, Mrs. Villari absent, Mr. Smyth aye, Mr. Gilmore aye, Mr. Cesaretti aye and Mrs. Alls-Moffatt aye.

UPDATE RE: HOLDING CLOSED SESSION'S AT THE BEGINNING OF THE COUNCIL MEETING.

Mr. Cesaretti stated that he likes holding the closed session portions at the beginning of the meeting instead of at the end. He asked how Council felt about this. Mayor Martin stated that he feels it is working. It was the consensus of Council to continue with this.

MEETING OPEN TO THE PUBLIC

Iris Gaughan, 401 Main Street, raised concern, once again that the clock at the triangle location that is not working. Mr. Gilmore stated that we are still waiting for final approvals from various state and federal agencies to proceed with the Broad Street Enhancement Grant. Upon completion of this project, the clock will be operational. Mrs. Gaughan commented that she has heard this before and wondered if the problem lies with the Council.

Mrs. Gaughan doesn't understand why we don't have flower baskets hanging from our gas lamps anymore. While Mrs. Gaughan acknowledged that watering the plants was probably the major reason why we stopped it, she believes more effort should be made to try and get this accomplished. She believes the plants beautify our business district. Mrs. Gaughan cited other municipalities that have these types of plants and keep them watered.

Ms. Gaughan also feels we should do a better job of marketing our businesses in town.

Michael Heine, 206 Carriage House Lane, asked what happened to the summons that were issued to the owner of Nuway Shopping Center and postponed until May 10. Mr. Heine asked for a follow-up regarding this issue. Mrs. Alls-Moffatt stated that this was

postponed until the owner retains an attorney. In the future Mr. Heine would like follow-ups on notices of violation issued by the Zoning/Code Enforcement Officer.

Mr. Heine asked to review the base bids for the 2004 Community Development Block Grant project. The Clerk reviewed them again. Mr. Heine asked if there was an engineer's estimate for this project. Mr. Gunn stated that this is a grant in the amount of \$85,000.00. Mr. Heine thinks we should reconsider the award until we are sure the engineer did estimates for this project.

Mr. Heine asked what the rent will be for the court and Court Administrator to remain in Palmyra until September. Mr. Gunn stated that that has to be negotiated. Mr. Gunn stated that we are now paying Palmyra \$650.00 per month.

William Harris, 502 Cinnaminson Street, doesn't think Council should rely on the Tax Assessor regarding the proposals for a revaluation. Mr. Harris does not believe a costly revaluation of all properties in town is necessary. Mr. Harris did comment that he believes there would be a cost savings to the Borough if Council considers doing a reassessment by percentage. Mr. Harris stated that this was done in Palmyra a number of years ago.

Mary Anne Shea, 205, Bank Avenue, asked if the Zoning Officer's file pertaining to violations is open to the public. Mrs. Alls-Moffatt stated yes. The Clerk stated that a request form needs to be filed first.

James Rivard, 304 Shrewsbury Lane, disagreed with Mr. Harris' comments. Mr. Rivard strongly believes a revaluation needs to be done now. He asked Council when they would proceed with the process. He doesn't believe everybody in town is paying their fair share of taxes. Mr. Rivard stated that he will not accept Council's vague references about when they will authorize a revaluation. Mr. Rivard believes the Borough is long overdue in this regard. Mr. Rivard stated that he will spend the money necessary to get legal relief in this situation. He believes Council is dragging their feet on this issue.

Margaret Wark, 406 Howard Street, expressed her opposition that this year's 4th of July festivities will include a Food Drive for the Food Bank of South Jersey. Mrs. Wark feels that by making a donation to the food bank, people will not make monetary donations to the 4th of July committee to help defray the costs for the parade. Mrs. Wark stated that she has spoken to Mrs. Villari, Council's liaison to the 4th of July Committee about her concerns.

Regarding the possible acquisition of the Post Office, Mrs. Wark asked if the public would be given detailed information regarding how much it would cost to renovate and remediate that building prior to a public question being placed on the November ballot. Mr. Smyth responded yes.

Gordon Reeves, 437 Elm Avenue, is concerned about the Jamco Transmission building. Ward fuel has been given permission by the Planning Board to occupy that building. Mr. Reeves is concerned about the fuel oil delivery trucks that back up against the back fence bordering his father's property. If that tank leaks we have a hazard. He didn't know the Planning Board was permitted to change the use of that building without the knowledge of the residents around the area in question. Mr. Reeves stated that he never received notice and questioned why this was allowed to happen. Mrs. Alls-Moffatt stated that she would look into this and get back to Mr. Reeves.

Albert Reeves, 437 Elm Avenue, also commented that he didn't think Ward Fuel Company is permitted to park their trucks in a residential area. Mrs. Alls-Moffatt will also look into this concern.

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

Mary Longbottom, RMC

Municipal Clerk