

October 12, 2005

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

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

ABSENT: Council members Daniel and Gilmore

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 and

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

RESOLUTION 105-05

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

The minutes from September 7, September 14 and the closed session minutes from August 3, August 15, and September 7 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 absent, Mrs. Villari aye, Mr. Smyth aye, Mr. Gilmore absent, 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 reports for the month of September be approved as submitted. This was seconded by Mr. Cesaretti. A poll vote was then taken. Dr. Daniel absent, Mrs. Villari aye, Mr. Smyth aye, Mr. Gilmore absent, Mr. Cesaretti aye and Mrs. Alls-Moffatt aye.

COMMITTEE REPORTS

PUBLIC SAFETY-Mr. Cesaretti

Mr. Cesaretti read a report for the month of September that was submitted by Chief Norcross. Vehicle Mileage 3215, Gas Used 392, Juvenile Arrests 0, Adult Arrests-11, Criminal Warrants 2, Criminal Summons 0, Traffic Warrants 7, DWI 2, Other 0, Motor Vehicle Crashes . Motor Vehicle Stops 127, Motor Vehicle Warnings 11, Motor Vehicle Summons 121, Burglar Alarms 9, Asst. to other Police Departments 32, Animal Complaints 4, Fire Calls (info not provided) Ambulance Calls –Riverton (Info not provided), Unattended Deaths 0, Criminal Cases 25, Domestic 0, Thefts 2, Burglaries (info not provided), Assaults 0, Sexual Assaults 0, Criminal Mischief (Info not provided) Robberies (info not provided), Motor Vehicle Thefts 0, Miscellaneous Complaints 12, Miscellaneous Calls 647, Riverton School Walk Through Security Check 12, Riverton School Teaching/School Trips 0, and Total Calls (info not provided).

Mr. Cesaretti read a report for the month of September that was submitted by Deputy Fire Chief, Robert Yearly. Fire Calls for the month 19, Drills 4, Calls in Town 10, Calls out of Town 9, Man hours for the month 314.7.

Mr. Cesaretti read a report for the month of September that was submitted by Animal Control Officer, M&R Wildlife. Two stay dogs were taken to the shelter.

PARK, RECREATION, ENVIRONMENTAL COMMISSION AND

RECYCLING-Mr. Gilmore-No report
STREETS, ROADS & SEWER-Mrs. Villari

Mrs. Villari reported that we received, opened and publicly read one bid for the reconstruction of Fulton Street. **American Asphalt Co., Inc. 116 Main Street, West Collingswood Heights, NJ 08059 bid \$376,827.25** submitted the lone bid. It is the recommendation of the Borough's Engineer, Remington, Vernick & Arango to award this contract to American Asphalt Co., Inc., contingent upon the Solicitor's review and approval of their bid. It was the consensus of Council to agree to this.

RESOLUTION 106-05

**A RESOLUTION OF THE BOROUGH OF RIVERTON AUTHORIZING THE
AWARD OF CONTRACT FOR THE RECONSTRUCTION OF FULTON
STREET TO AMERICAN ASPHALT CO., INC. 116 MAIN STREET, WEST
COLLINGSWOOD HEIGHTS, NEW JERSEY 08059 IN THE AMOUNT OF
\$376,827.25 CONTINGENT UPON THE SOLICITOR'S REVIEW AND
APPROVAL OF THEIR BID
(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 absent, Mrs. Villari aye, Mr. Smyth aye, Mr. Gilmore absent, Mr. Cesaretti aye and Mrs. Alls-Moffatt aye.

RESOLUTION 107-05

**A RESOLUTION AUTHORIZING THAT A BOND ANTICIPATION NOTE IN
THE AMOUNT OF \$250,000.00 BE OBTAINED FOR THE RECONSTRUCTION
OF FULTON STREET
(IN FULL IN RESOLUTION)**

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

Mrs. Villari reminded Council that our Sewer Plant had been cited by OSHA for specific violations. A letter has been sent to OSHA informing them that these violations have been remedied. OSHA will make another inspection. Council will be kept informed.

Mrs. Villari commented that our Sewer Engineer, T&M Associates, is having some difficulty obtaining permits from the Department of Environmental Protection to work on the Borough owned portion of the riverwall. Mayor Martin commented that we are trying to set up a meeting with the DEP to discuss this issue. Mr. Gunn stated that he has sent a letter to the DEP listing specific dates for the meeting, but they have not responded. Council will be kept apprised of this situation.

Mrs. Villari reported that she will be meeting with our Emergency Management Coordinator, Tom Schneider to discuss his appointment for next year, as well as his budgetary and salary request. Council will be kept informed.

SHADE TREE & HUMAN SERVICES-Dr. Daniel-No Report
**ZONING, PLANNING, CODE ENFORCEMENT &
REDEVELOPMENT-Mrs. Alls-Moffatt**

Mrs. Alls-Moffatt reported that she did not attend last month's Planning Board meeting.

Mrs. Alls-Moffatt reported that the Cedar Lane Mews application before the Zoning Board was continued until the Board's October meeting. Mrs. Alls-Moffatt reported that the Board approved Mr. Brandenberger's variance request for a front yard setback.

Bob E. Smyth, of the Planning Board, commented that the housing element portion of the Master Plan re-examination includes the housing plan, growth share projections and fair share plan. These issues will be reviewed at the next Planning Board meeting. There may be some suggested changes to our zoning that would require amendments to our present zoning ordinance. Councilman Smyth commented that he believes Tamara Lee,

Planner is doing a great job of ameliorating our COAH responsibility. Bob E. Smyth concurred with Councilman Smyth's comments.

Mrs. Alls-Moffatt reported that our Code Enforcement Officer is resolving the issues at 622 Thomas Avenue. He is doing a good job and has submitted a written report to her.

OLD BUSINESS-There was no old business presented at this time
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, AND SIDEWALK AND CURB REPAIR

At this time Mrs. Villari reported that our Construction Official and representatives from PSE&G have raised some concerns about this ordinance that they would like us to address prior to its adoption. After a short discussion, it was the general consensus of Council to agree to this.

Mrs. Villari made a motion to table this Ordinance until next month's work session so that all of the concerns raised are reviewed and discussed by Council. This was seconded by Mr. Smyth. A poll vote was then taken. Dr. Daniel absent, Mrs. Villari aye, Mr. Smyth aye, Mr. Gilmore absent, Mr. Cesaretti aye and Mrs. Alls-Moffatt aye.

ORDINANCE 16-05

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF RIVERTON, IN THE COUNTY OF BURLINGTON, NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 123-30, SCHEDULE VIII, TO DESIGNATE ADDITIONAL THROUGH STREETS IN THE BOROUGH OF RIVERTON, AND TO PROVIDE FOR THE INSTALLATION OF STOP SIGNS ON THE INTERSECTING STREETS (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. Cesaretti. At this time Mayor Martin opened this portion of the meeting to the public for any comment on this Ordinance. Since there was no comment, Mayor Martin closed this portion of the meeting to the public. A poll vote was then taken. Dr. Daniel absent, Mrs. Villari aye, Mr. Smyth aye, Mr. Gilmore absent, Mr. Cesaretti aye and Mrs. Alls-Moffatt aye.

ORDINANCE 17-05

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF RIVERTON, IN THE COUNTY OF BURLINGTON, NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 123 OF THE RIVERTON BOROUGH CODE RELATIVE TO SCHEDULES FOR ONE WAY STREETS IN THE BOROUGH OF RIVERTON (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. Cesaretti. At this time Mayor Martin opened this portion of the meeting to the public for any comment on this Ordinance. Chief Norcross reported that he has reviewed this proposed Ordinance with the Riverton Board of Education and they are behind it. Mrs. Villari commented that she feels this is a step in the right direction. Chief Norcross stated that if we find that this Ordinance is not working or that safety issues arise, they will be addressed. Chief Norcross commented that this is being recommended in accordance with a grant from the Safe Route to Schools Program. We are trying to encourage children to walk to school. Mrs. Alls-Moffatt stated that she doesn't have a problem with this if it keeps our children safe. Mr. Cesaretti stated that the cones presently placed around the school are not enforceable. Both Mr. Cesaretti and Chief Norcross feel that these cones are giving the children a false sense of security. Chief

Norcross stated that once this ordinance goes into effect, he will place heavy enforcement around the school as well as issuing warnings before tickets are issued. Mrs. Alls-Moffatt commented that one of the complaints she gets is that the people who park around the school are not ticketed. Chief Norcross responded that they are.

Gary DosSantos, 205 Howard Street, stated that even though this ordinance will be a slight inconvenience, he has no objection. He wants to keep our children safe. Mr. DosSantos asked if other alternatives had been considered. Chief Norcross stated that this issue was brought up last year and tabled because of the engineering costs involved. When this grant became available, the County paid for the costs involved. It is the Chief's personal opinion, after consultation with the County and Borough's Engineer, that this is the best way to make it safe for our children. Mr. DosSantos inquired as to whether parking would still be permitted on the one side (across from the school) of Howard Street. Chief Norcross responded yes. For safety purposes, Mr. Dos Santos strongly urged the elimination of this parking.

Keith Wenig, 206 Cinnaminson Street, stated that he would like to see more enforcement around the school. Mr. Wenig commented that speed limits are not enforced. Mr. Wenig cited 4th Street as a major problem for school traffic.

Albert Reeves, 437 Elm Avenue, thinks this issue can be resolved by having the Police Department be there when the kids get out at noontime and when they come back. Mr. Reeves is of the opinion that the Police do nothing else, except sit at Manny's restaurant all the time. Mrs. Villari commented that Mr. Reeves is entitled to his personal opinions about the Police. However, Mrs. Villari stated that this whole issue started when parents of the school children asked what Council was doing to keep their children safe. The drop-offs are obnoxious and we know that the placement of cones to block streets are illegal. When the County obtained the Safe Routes to Schools grant, they wanted us to participate and they paid for the required traffic study. Mr. Reeves commented that we will have a town with signs at every corner. Mr. Reeves believes we have more signs than we need.

Gene Bandine, 522 Main Street, believes the children should be encouraged to walk to school.

Scott Reed, Public Works Manager, asked if Council would rescind this Ordinance if it doesn't work out. Mr. Smyth stated that we should give this Ordinance a chance. Mr. Cesaretti stated that we cannot go back to using cones because they are illegal. We have to do something. Chief Norcross stated that if there are problems, we will address them.

Keith Wenig, 206 Cinnaminson Street asked if we would go to a 15 mile an hour school zone now. Chief Norcross stated that that had not been considered.

Bonney Dos Santos, 205 Howard Street, believes we should promote children walking to school. Mrs. DosSantos questioned why we are making a portion of Howard Street one way. Mrs. DosSantos thought lowering the speed limit would be a more effective way of keeping the children safe. It was the consensus of Council to put the issue of a possible 15 mile per hour speed zone on next month's work session for discussion and consideration.

Scott Reed, Public Works Manager, asked if this Ordinance is adopted will it be enforced. Chief Norcross responded yes

Gordon Reeves, 437 Elm Avenue, asked where the teachers will park. The response was that they could find parking on some of the other streets.

Gary DosSantos, 205 Howard Street, does not feel the problem is being resolved. Mr. Dos Santos reiterated his position that we should eliminate the parking on Howard Street across from the school. He is only for the Ordinance if the parking is eliminated. He also thinks the speed limit needs to be reduced.

Keith Wenig, 206 Cinnaminson Street suggested changing the present parking on the school side of 4th Street to the other side of the street (the Porch Club side). Scott Reed, Public Works Manager, disagreed with this suggestion. He believes this would cause more traffic problems.

There being no further 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 aye, Mr. Smyth aye, Mr. Gilmore absent, Mr. Cesaretti aye and Mrs. Alls-Moffatt aye.

ORDINANCE 18-05

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF RIVERTON, IN THE COUNTY OF BURLINGTON, NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 123 OF THE RIVERTON BOROUGH CODE RELATIVE TO SCHEDULES FOR NO STOPPING OR STANDING, STOP INTERSECTIONS AND LOADING ZONES
(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. Cesaretti. At this time Mayor Martin opened this portion of the meeting to the public for any comment on this Ordinance. Since there was no comment, Mayor Martin closed this portion of the meeting to the public. A poll vote was then taken. Dr. Daniel absent, Mrs. Villari aye, Mr. Smyth aye, Mr. Gilmore absent, Mr. Cesaretti aye and Mrs. Alls-Moffatt aye.

ORDINANCE 19-05

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF RIVERTON AMENDING CHAPTER 22, ARTICLE 1, SECTION VI TO ESTABLISH THE FORM OF APPLICATION FOR THE INFORMAL REVIEW OF CONCEPT PLANS FOR SITE PLANS AND SUBDIVISIONS SUBMITTED TO THE RIVERTON PLANNING BOARD, AND TO DETERMINE THE APPLICATION AND ESCROW FEES TO BE PAID BY DEVELOPERS REQUESTING SUCH INFORMAL REVIEWS

The above Ordinance was read by title only for the first time by Mrs. Alls-Moffatt, who moved for its adoption. This was seconded by Mr. Cesaretti. A poll vote was then taken. Dr. Daniel absent, Mrs. Villari aye, Mr. Smyth aye, Mr. Gilmore absent, 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 November 9th.

ORDINANCE 20-05

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF RIVERTON AMENDING AND REPLACING CHAPTER 99 OF THE RIVERTON BOROUGH CODE FOR THE COLLECTION OF DESIGNATED RECYCLABLES AND MODIFYING FOR VIOLATIONS THEREOF

The above Ordinance was read by title only for the first time by Mrs. Villari, who moved for its adoption. This was seconded by Mr. Cesaretti. A poll vote was then taken. Dr. Daniel absent, Mrs. Villari aye, Mr. Smyth aye, Mr. Gilmore absent, 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 November 9th.

RESOLUTION 108-05

**A RESOLUTION AUTHORIZING THE RETURN OF A SEWER TAX PAYMENT RECEIVED IN ERROR
(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 aye, Mr. Smyth aye, Mr. Gilmore absent, Mr. Cesaretti aye and Mrs. Alls-Moffatt aye.

MAYORAL APPOINTMENT OF AN ALTERNATE MEMBER TO THE ZONING BOARD OF ADJUSTMENT

Mayor Martin announced that he was appointing Robert Hoag as an alternate member of the Zoning Board of Adjustment. Mr. Hoag will be filling the unexpired term of Alan Adams, who recently resigned from the Board. Mr. Hoag's appointment expires on December 31, 2005.

CORRESPONDENCE

MEETING OPEN TO THE PUBLIC

Keith Wenig, 206 Cinnaminson Street, asked for a status report regarding the possible purchase of the Post Office. Mrs. Alls-Moffatt responded that Council has been authorized to negotiate with the postal service to purchase the Riverton Post Office building for a not to exceed sum of \$175,000.00. We are still waiting to hear from the postal service. Mrs. Alls-Moffatt commented that while up in Trenton for a meeting regarding our Smart Growth Grant, the possible availability of grants for the remediation and rehabilitation of the Post Office was brought up. Mr. Wenig asked if we had estimates as to how much it would cost to renovate the Post Office. Mr. Smyth responded no, because our original plans had to include provisions for the court. Without the court, it will significantly reduce the amount for the renovations. Mr. Smyth commented that it is all tentative at this point. Mr. Wenig believes you should know what the costs are before you buy a property. You shouldn't buy it and then find out the costs. Mrs. Villari commented that we could buy the Post Office and then sell it. Mr. Wenig commented that he didn't think we were into land speculation. Mrs. Villari commented that the Borough could use a few more assets.

Gene Bandine, 522 Main Street a member of the Shade Tree Commission, reported that a Siberian Spruce will be going up at the War Memorial location and utilized as the Christmas tree. The tree originally planted here a couple of months ago had died. Mr. Bandine also reported that our tree contractor will be in at the beginning of November to complete some jobs. Mr. Villari commented that the Public Works Department just purchased a tree for the war memorial. She was unaware that the Shade Tree Commission had purchased one also. Mr. Bandine stated that she should check with Barry Emens on this issue. Mr. Bandine asked why Council was interfering with the Shade Tree Commission's work.

Albert Reeves, 427 Elm Avenue thinks that the people in charge of the War Memorial (the Fire Company) should be consulted to determine what we can and cannot do at that location.

William Harris, 502 Cinnaminson Street, commented that it was his understanding that the original tree that was placed at the War Memorial location was put in and paid for by the Shade Tree Commission. Mr. Harris stated that the tree was not donated privately. It is also his understanding that a Siberian spruce is not strong enough to hold Christmas lights.

Gordon Reeves, 431 Elm Avenue, stated that he has noticed that surrounding towns have considered and passed a Sex Offender Ordinance. Mr. Reeves believes that Riverton should do one also. Mrs. Alls-Moffatt commented that this issue was brought up last week and Council will be reviewing sample Ordinances at our November work session.

Mr. Reeves asked why our website is not up to date regarding the minutes. The Clerk responded that the minutes are not placed on the website until the Governing Body approves them. They are normally one month behind being placed on our site. Mr. Reeves also asked if the agendas could be placed on the site a couple of days before the meeting. The Clerk stated that she will talk to our webmaster about this.

William Harris, 502 Cinnaminson Street, stated that at the recent back to school night, cars were parked everywhere, blocking intersections and even his home's entrance. Mr. Harris doesn't believe that one ticket was given out.

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

Mary Longbottom, RMC
Municipal Clerk