

October 11, 2006

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

PRESENT: Council members Daniel (arrived at 7:34pm and left the meeting at 8:45pm), Brown, Dr. Smyth, Mr. Smyth, Kinzler (arrived at 7:45pm), Cesaretti 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 2006 published in the Burlington County Times on January 17, 2006

(b) posting written notice on the official bulletin board on January 19, 2006

The minutes from September 6, September 13 and closed session minutes from September 6 and September 13, 2006 were then presented. Dr. Smyth moved that these minutes be approved as submitted. This was seconded by Mr. Cesaretti. A poll vote was then taken. Dr. Daniel absent, Mr. Brown aye, Dr. Smyth aye, Mr. Smyth aye, Mr. Kinzler absent and Mr. Cesaretti 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 2853, Gas Used 411, Juvenile Arrests 4-Assaults 4, Miscellaneous 0, Curfew 0, Adult Arrests 9-Criminal Warrants 0, Criminal Summons 0 Traffic Warrants 8, DWI 1 and Other 0, Motor Vehicle Crashes 03, Motor Vehicle Stops 125, Motor Vehicle Warnings 05, Motor Vehicle Summons 121—Riverton Officers 121, NJ Transit ?? (listed like this in report), Burglar Alarms 08, Asst to other Police Departments 24, Animal Complaints 08, Fire Calls 24, Ambulance Calls (Riverton) 21, Unattended Deaths 0, Criminal Case 20, Domestic 0, Thefts 0, Burglaries 0, Assaults 1-Police officers 0, Firefighters/EMT 0, Civilian 1, Sexual Assault 0, Criminal Mischief info not submitted on report, Robberies 0, Motor Vehicle Thefts 0, Miscellaneous Complaints 13, Miscellaneous Calls 376 and Total Calls 762

Mr. Cesaretti read a report for the month of September that was submitted by Animal Control Officer, M&R Wildlife. One stray cat was taken to the shelter on September 22.

Mr. Cesaretti read a report for the month of September that was submitted by Deputy Fire Chief Robert Yearly. There were 18 fire calls-11 in town and 7 out of town. The man hours for the month were 92.

Mr. Cesaretti mentioned that the Sheriff's Department will have people in town running strict traffic (radar) enforcement. There will be zero tolerance with this Department. Mr. Cesaretti stated that the streets to be monitored are Thomas Avenue-both sides of the tracks, Lippincott Avenue, Bank Avenue, and Main Street

E-MAIL ACCOUNTS FOR ELECTED OFFICIALS AND DEPARTMENT HEADS

Mr. Cesaretti reported that he would like to establish these accounts on the Borough's website. There would be no charge for this. After a short discussion, it was the consensus of Council to agree to this. Mr. Cesaretti will get together with the Borough's webmaster and the Clerk to determine how best to proceed with this. Mr. Cesaretti will

bring additional information back to Council at their November 1 meeting as to how Borough Official's would be able to access their e-mail.

STREETS, ROADS & SEWER-Dr. Smyth

Dr. Smyth reported that Morgan Avenue, between 2nd and Bank Avenue is jointly owned by both Riverton and Palmyra. Dr. Smyth stated that this street is in bad shape and needs to be repaved. We have received a lot of complaints about its condition. Dr. Smyth reported that the Borough had put a sum of money into a Bond Ordinance a number of years ago to help defray the Borough's costs for their share of the work. Dr. Smyth stressed the importance of reopening discussions with the Palmyra to determine how best to proceed to get this street repaved. Concern was also raised that we may not have enough money to do the project now. Council took this issue under advisement.

REQUEST FROM BRANDENBERGER/SHERIDAN FOR SEWER WAIVERS AT THE NUWAY SITE AND 4 THOMAS AVENUE.

Dr. Smyth stated that this issue was previously discussed last week. Dr. Smyth spoke with reps from Palmyra and Delran to determine what their municipalities did. Dr. Smyth reported that Palmyra holds back on billing as long as the sewer is not in operation. Delran's sewage authority discontinues sewer charges at a specific location after receiving formal notification from the required Township officials. Sewer charges are resumed once re-connected to the sewer line. Mr. Reed commented that Cinnaminson Township charges a hook-up fee once a property is reconnected and then the sewer charges commence again. Council then reviewed and discussed the Borough's Ordinance (Chapter 106 of the Borough's Code) regarding sewer hook-ups, charges etc. Mr. Smyth asked if we could consider this waiver based on a demolition and total disconnect of sewer service. Mr. Gunn stated that our Ordinance is silent regarding any suspension of service. If Council wants to justify this request, we would have to indicate in the authorizing Resolution that the buildings on these sites have been demolished and the sewer connections are not being presently utilized, but will be reconnected once the proposed buildings on the site are constructed. Dr. Daniel stated that he may be contradicting what he stated last week; however, if it is truly a demolition, then he feels that Mr. Brandenberger shouldn't be paying sewer charges. When the building is constructed he should then pay for the hook-up charges. Since our ordinance specifies that there is a \$750.00 hook-up fee, then that is what it is. After another protracted discussion, it was the consensus of Council to agree to the sewer waivers at these locations. It was also the consensus of Council to consider increasing the amount we presently charge for a sewer hook-up.

RESOLUTION 101-06

A RESOLUTION AUTHORIZING THE SUSPENSION OF SEWER CHARGES FOR THE CONNECTIONS ON BLOCK 1501, LOTS 20, 21, 22 AND 23 AND ON BLOCK 204 LOT 12

(IN FULL IN RESOLUTION BOOK)

The above Resolution was read by title only by Dr. Smyth, who moved for its adoption. This was seconded by Mr. Smyth. A poll vote was then taken. Dr. Daniel aye, Mr. Brown aye, Dr. Smyth aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti abstained.

TRIMMING THE TREES AT THE SCHOOL ISSUE. Mr. Reed reported that the school wanted to trim the Borough trees on the side of the school. Mr. Reed stated that while he gave them permission to this, their contractor trimmed them back too far. Mr. Reed reported that the Chair of the Shade Tree Commission, Barry Emens was very upset about this. Mr. Reed wanted Council to be aware of this situation.

ZONING, PARK CODE ENFORCEMENT & COURT-Mr. Brown

Mr. Brown reported that one application before the Board was continued because all of the property owners within 200' were not properly notified. Mr. Brown reported that the Chair of the Zoning Board received a letter from Freeman Moorhouse indicating his intent to resign from the Board. Regarding the Cedar Lane Mews development, Mr. Brown reported that there has been no official development at this site since the deeds were signed.

Mr. Brown reported that Fred DeVece, a member of the Zoning Board, raised the issue that business owners are placing sidewalk signs at their establishments which are in violation of our zoning code. Mr. Brown reported that our Code Enforcement Officer would be reviewing this issue with the respective property owners. Mr. Brown stated that the Ice Cream Parlor and Antique store's sidewalk signs are on Borough property. Mr. Brown believes that these business owners will be coming to the next Zoning Board meeting to voice their concerns over this issue. Mr. Smyth asked if we would permit the business owners to have these signs. Mr. Brown stressed the need for control. Mr. Cesaretti stated that if this is permitted, you have to let everybody do it. A discussion ensued with concerns being raised about liability and safety issues. Mr. Gunn reviewed the portion of our codebook that covers this particular signage issue. Mr. Gunn commented that the business owner(s) could request a variance from the Zoning Board. For the time being, this issue was taken under advisement.

Regarding the deterioration of the property at 622 Thomas Avenue—there are bids out for contractor's to come in and seal up the house and repair the chimney as required by our Construction Official. Mr. Brown understands that this property will be up for sale by the beginning of next year. Dr. Daniel asked if the entire house had to be boarded up. Mr. Brown responded that only the rear portion, because of the deterioration. Mr. Brown stated that the house is going through the foreclosure process.

Mr. Brown reported that the Riverton Improvement Association is being reactivated. Riverton Resident Paul Grena is on board with this and will be holding their first fund raiser for the Borough early next year.

Mr. Smyth reported that residents are asking that there be more code enforcement regarding the deterioration of some properties in town. Mr. Smyth is also receiving complaints that the Borough's inspectors, do not always show for the scheduled inspection. Mr. Smyth asked Mr. Brown to speak with residents Gary Ford and Mary Ann Shea and Hank Croft on these issues.

Mr. Cesaretti requested that a park calendar be placed on our website that would list when all of the teams play on our field. We should also have a link to our park usage application. Mr. Cesaretti will confer with the Borough's webmaster on this issue.

Mr. Kinzler stated that the receipts for the court are starting to tail off. He asked Mr. Brown to find out about that.

REVIEW OF SPECS FOR 2007 & 2008 SHADE TREE CONTRACTS. Council reviewed these specifications once again, making additional changes and/or modifications. Dr. Smyth asked if Council had given any thought to deeding the Borough trees to the property owners. Dr. Daniel commented that Mr. Emens thought that was a bad idea. It might prevent us from keeping our "Tree City" status. Dr. Smyth stated that he was just suggesting this fundamentally from an economical point of view and not from an aesthetic one. At this time Dr. Daniel left the meeting. The Clerk reminded Council of the need to go out to bid as soon as possible for tree services for 2007 and 2008. Mr. Kinzler stated that he still has some monetary questions about the shade tree budgetary issues that he needs to address with both Dr. Daniel and Mr. Emens first.

UPDATE ON BUDGETARY ISSUES-Mr. Kinzler reported that our expenses for September were quite high, in particular legal fees. Mr. Kinzler stressed the need to

thoroughly review the legal bills. We only have \$11,000.00 remaining in the legal line item. Mr. Kinzler reported that police overtime costs went up big time in September. Mr. Kinzler then questioned fire expenses. Fire Chief Scott Reed stated that most of this was from the required matching funds for the recently received fire grant. Mr. Kinzler also commented that expenses at the Wastewater Treatment Facility were also high during September.

TREASURER'S, FINANCE REPORTS & BILL LIST FOR APPROVAL-Mr. Kinzler

Mr. Kinzler moved that the above reports for the month of September be approved as submitted. This was seconded by Dr. Smyth. A poll vote was then taken. Dr. Daniel absent, Mr. Brown aye, Dr. Smyth aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti aye

**RESOLUTION 102-06
A RESOLUTION AUTHORIZING A REFUND OF A PROPERTY TAX
OVERPAYMENT
(IN FULL IN RESOLUTION BOOK)**

The above Resolution was read by title only by Mr. Kinzler, who moved for its adoption. This was seconded by Mr. Cesaretti. A poll vote was then taken. Dr. Daniel absent, Mr. Brown aye, Dr. Smyth aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti aye.

**PLANNING, REDEVELOPMENT, ECONOMIC DEVELOPMENT
AND SHARED SERVICES-Mr. Smyth**

Mr. Smyth reviewed the proposal received from Tamara Lee Consulting regarding the revised scope of work for the Smart Grown Grant. Mr. Smyth requested that Council authorize the Mayor to execute this agreement. After a short discussion, it was the consensus of Council to agree to this.

**RESOLUTION 103-06
A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN
AGREEMENT WITH TAMARA LEE CONSULTING, LLC FOR THE REVISED
SCOPE OF WORK FOR THE SMART GROWTH PLAN IN THE
BOROUGH OF RIVERTON
(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. Brown. A poll vote was then taken. Dr. Daniel absent, Mr. Brown aye, Dr. Smyth aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti aye.

Mr. Smyth reported that the County is still working on completing the Center designation report for us. The report is due October 15th.

Mr. Smyth reported that the Planning Board heard a site plan application regarding 519 Howard Street. The first floor will be Milanese pizza and the 2nd floor will have an apartment. A conditional approval was granted by the Board. Parking issues at 519 Howard Street were raised at the meeting. Mr. Smyth asked if we could designate a parking space in front for pick-up and deliveries. We want to eliminate a possible double parking issue. Mr. Gunn stated that Council would have to amend our code. Mr. Cesaretti will confer with the Chief on this issue. Mr. Cesaretti asked if we would be considering a time limit, such as ten minutes. The response was yes. Public Works Manager, Scott Reed reminded Council that we already have time limits at various locations that are not enforced now. This issue was taken under advisement for now.

Mr. Smyth reported that the Planning Board amendment to the Master Plan pertaining to Stormwater Management.

Mr. Smyth reported that a site plan application will be heard regarding the property at 515 Main Street at this month's Board meeting. Mr. Smyth was not sure if the Board would hear an application from the owners of Zena's bakery's to expand their business.

Mr. Smyth reported that we anticipate that the Broad Street Enhancement project will be completed by the end of October.

Mr. Smyth reported that T-Mobile is constructing the new cell tower at the Wastewater Treatment Facility and it should be operational by November 1st. Lease payments have started to be received as of September 18th.

Mr. Smyth reported that Nellie Bly's Ice Cream Parlor received a "Best of South Jersey" award.

Mr. Smyth reported that the Rotary Club has asked that a letter be sent requesting their support in providing two defibrillators for our Police Department.

Mr. Smyth shared an article from the Courier Post about legislator's trying to force town mergers. Mr. Smyth stated the Riverton is focusing on shared services.

MEETING OPEN TO THE PUBLIC

James Moffatt, 202 Fulton Street asked when the leaf collection would commence. Public Works Manager Scott Reed responded October 30th. The leaf schedule will be published in the Burlington County Times and placed on our website. Mr. Moffatt raised concern over drainage problems on Fulton Street. Mr. Moffatt understands that this problem has to do with the new stormwater mandates imposed on the municipalities. Mr. Reed suggested that complaints be send to the EPA about this.

Mr. Smyth commented that we still get a lot of ponding around 2nd & Howard Street. Mr. Reed commented that this problem has persisted since the water company re-did the line at that location. Mr. Reed would like the water company held accountable for this. After a discussion, it was the consensus of Council to have the Solicitor write the water company a letter. Mr. Smyth also commented that the water company still has not done repair work to their riverwall.

UPDATE RE: DOLECKY LITIGATION. Mr. Gunn reported that Mr. Dolecky's attorney has moved for summary judgment. On behalf of the Borough, Tom Coleman, Esquire will be writing a brief in opposition. The Judge will then notify us when oral arguments will be heard for this case. Mr. Gunn stated that he thinks Mr. Dolecky's attorney will try and ascertain that the State has preempted the field so therefore the Borough's ordinance (Bulkhead) wouldn't apply. Council will be kept apprised of this issue.

NEW BUSINESS

ORDINANCE 11-06

AN ORDINANCE TO ESTABLISH STORMWATER MANAGEMENT REQUIREMENTS AND CONTROLS FOR MAJOR DEVELOPMENT (IN FULL IN ORDINANCE BOOK)

The above Ordinance was read by title only for the second time by Dr. Smyth, 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. 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 absent, Mr. Brown aye, Dr. Smyth aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti aye.

MOTION TO APPROVE REQUEST FROM SACRED HEART CHURCH TO HOLD RAFFLES

Mr. Brown moved that this request be approved. This was seconded by Mr. Smyth. A poll vote was then taken. Dr. Daniel absent, Mr. Brown aye, Dr. Smyth abstained, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti nay.

CORREONDENCE-There was no correspondence presented at this time

MEETING OPEN TO THE PUBLIC-There was no public comment at this time

Mr. Cesaretti announced that he would not need to discuss a personnel matter in closed session tonight.

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

Mary Longbottom, RMC
Municipal Clerk