

August 8, 2007

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

PRESENT: Council members Daniel (left meeting at 9:40pm), Brown, Dr. Smyth, Mr. Smyth, Kinzler, 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 2007 published in the Burlington County Times on December 27, 2006

(b) Posting written notice on the official bulletin board on January 3, 2007

The minutes from July 11 and closed session minutes from July 11 were then presented. Dr. Smyth moved that these minutes be approved as submitted. This was seconded by Mr. Brown. A poll vote was then taken. Dr. Daniel aye, Mr. Brown aye, Dr. Smyth aye, Mr. Smyth aye, Mr. Kinzler abstained, and Mr. Cesaretti abstained.

FINANCIAL ISSUES: Mr. Kinzler

TREASURER'S, FINANCE REPORTS & BILL LIST FOR APPROVAL

Mr. Kinzler moved that the attached reports and bill list for July be approved as submitted. This was seconded by Mr. Cesaretti. A poll vote was then taken. Dr. Daniel aye, Mr. Brown aye, Dr. Smyth aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti aye.

RESOLUTION 70-07

A RESOLUTION AUTHORIZING THE DESIGNATION OF BENEFICIAL BANK-RIVERTON BRANCH-AS AN ADDITIONAL DEPOSITORY FOR THE BOROUGH'S ACCOUNTS FOR THE REMAINDER OF 2007 AND AMENDING THE BOROUGH'S CASH MANAGEMENT PLAN TO ALSO INCLUDE BENEFICIAL BANK-RIVERTON BRANCH AS AN ADDITIONAL DEPOSITORY

(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 Dr. 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 aye.

UPDATE RE; REVALUATION-PROPOSALS RECEIVED FROM THE BOROUGH ENGINEER TO MAKE THE STATE'S REQUIRED REVISIONS TO OUR TAX MAPS.

Mr. Kinzler reported that he and our Tax Assessor met with representatives from Remington, Vernick and Arango to review their proposal to do this work (\$23,000.00). Mr. Kinzler stated that this proposal is based on what they assume will be an ongoing process with the State. The last time the Borough's maps were changed or revised was approximately 20-25 years ago. Mr. Kinzler stated that the State is moving for these maps to be more and more accurate. A very detailed process will be involved. With their experience, our Engineer believes the process can take a number of months until the State is satisfied. The State would also like all maps computerized. Mr. Kinzler believes there is still more work on our part that needs to be done to fully understand the magnitude of this costs and process involved. Mr. Kinzler reported that an issue regarding how Bank

Avenue shows on our maps was raised by our Engineer, which our Solicitor is reviewing for us. This might play into the amount of work needed to fix our tax maps. Mr. Kinzler stated that we are running out of time if we want to do the revaluation for 2008. Mr. Kinzler reported that he and our Tax Assessor will be working on these issues to hopefully turn this around soon. The other main issue is the cost concern. No monies were budgeted for this project. Mr. Kinzler will hopefully have an additional update for Council at their September 5 work session.

POSSIBLE PURCHASE OF COMPUTER EQUIPMENT FOR MUNICIPAL OFFICES

Mr. Kinzler reported that we had placed money in our capital budget for the purchase of this equipment. This was based on a proposal received from United Computer Sales and Service Inc., who presently service the computer systems in Borough Hall. Council reviewed this proposal once again. Mr. Cesaretti reported that he had reviewed the computer hardware/software needs with the Borough staff and came up with a punch list of needed items, such as a new server and flat screen monitors to provide additional working space. Mr. Cesaretti stated that he might be able to beat the price regarding the server. He asked that we defray any decision until Council's September 5th meeting. It was the consensus of Council to agree to this.

RESOLUTION 71-07

A RESOLUTION AUTHORIZING THE REFUND OF A 2006 NEW JERSEY HOMESTEAD REBATE (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. 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. It should be noted that Dr. Daniel had left the dais during this portion and was not present for the vote.

2nd READING AND PUBLIC HEARING ON ORDINANCE 6-07-REGULATING SKATEBOARDS, ROLLER SKATES & SKATEBOARD RAMPS THROUGHOUT THE BOROUGH

Mr. Brown stated that when Council reviewed and introduced this Ordinance last month they included roller skates and increased the fines. Mr. Gunn reported that under Section 4, we have only listed the restricted areas, but did not spell out the permitted areas. This needs to be incorporated in the Ordinance. Mr. Smyth asked if a portion of the park could be utilized for skateboards under this Ordinance. Mr. Gunn stated that under this ordinance the answer is no; however, Council could establish an ordinance to permit a skateboard park on a portion of the park to do that.

Mr. Cesaretti commented that he thought we might be taking a little too much away from the kids with this ordinance. Mr. Brown stated that we are looking into providing space at the park for this activity. Mr. Cesaretti stated with all the recent articles on childhood obesity, we are creating another excuse for kids not to leave their homes. Mr. Smyth commented that he cannot support this ordinance anymore. Mr. Smyth thinks the portion at the park where people play field hockey would be a good place for this activity. He doesn't think it would cost a lot to make this happen. Mr. Smyth thought that the Riverton Improvement Association may be able to help us with this project too.

Mr. Brown stated that while he has no objection to doing something at the park, he does object to the skateboarding presently being done on the new plaza. Mr. Brown strongly stated that something needs to be done about that. Mr. Cesaretti stated that he has no problem placing restrictions on the destruction of public or private property. However, he doesn't like to see us remove something without providing an alternative.

Mr. Gunn stated that if Council wants to keep this ordinance we could take out some of the restricted areas listed under Section 4A2 or we can go back to the drawing board with this ordinance. A discussion then ensued. Mr. Smyth asked if there is no ordinance in place, what the Chief could do if people skateboard at the plaza. Chief Norcross commented that without an Ordinance on the books, there is nothing he can do. Mr. Reed commented that the school already has signs prohibiting skateboarders. Mr. Reed thinks we wouldn't have a problem if we get the kids on the streets with the ramps they use and designated an area in the park for them to skate in. Mayor Martin asked if we designate an area at the park for skateboarding, could we exclude this activity from any other areas in the park. The response was yes.

Chief Norcross commented that we are not against the kids in town. He believes most of the problems are with outsiders and this Ordinance would provide us with tools to use. Dr. Daniel believes there should be options for skaters; however he does feel people should be able to skate at the Riverton public school if they want to. Officer Willis commented that he was out on patrol and a couple of kids asked him if this ordinance would be adopted. He responded that he wasn't sure. These kids told him that if it is passed it will only make kids angry and they will find a way to retaliate against the Borough. He told them if that was the case they would be charged with criminal mischief. Mr. Brown stated that all we really want is some kind of control regarding skateboarding at the new plaza and war memorial.

Public Comment on this Ordinance

Don Dietz, 304 7th Street thanked Officer Willis for all his help with his recent license renewal. Mr. Dietz also thanked the Public Works Department for all their work at the park. Mr. Dietz thanked Council for funding the work at the tennis courts. Mr. Dietz believes there should be a designated area at the park for both hockey and skateboarding. We need to spell out what areas are permitted or not.

Michael Heine 206 Carriage House Lane believes there is a distinction between rollerblading and skateboarding. They are very very different. Mr. Heine believes that some of the suggestions made tonight are considered substantive changes, which would prevent its adoption tonight. Mr. Heine commented that if some places would be prohibited to skateboarding, then there ought to be an ordinance supporting enforcement that makes signage appropriate, necessary and enforceable in those areas, especially where it is found to be dangerous and destructive. Mr. Heine is of the opinion that this Ordinance needs to be re-worked.

At this time Mr. Brown moved to table this Ordinance. This was seconded by Mr. Cesaretti. A poll vote was then taken. Dr. Daniel aye, Mr. Brown aye, Dr. Smyth aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti aye.

GRANT(S) DISCUSSION:

REQUEST FOR PROPOSALS FOR THE DELAWARE VALLEY REGIONAL PLANNING COMMISSION'S TRANSPORTATION COMMUNITY DEVELOPMENT INITIATIVE GRANT

Mr. Gunn stated that he has reviewed the detailed agreement requirements for this grant. To assist the Borough regarding the preparation of the request for proposal for this project, Mr. Gunn stated that he would like to obtain a sample of such a proposal from the Delaware Valley Regional Commission. Mr. Gunn stressed the importance that whoever the Borough chooses to serve as the consultant must have expertise and experience in dealing with this type of grant. This is crucial so that all of the parameters of the grant process are handled accurately and timely, in particular for the reimbursement process. Mr. Smyth commented that he would reach out to the DVRC about getting a sample proposal to review. Council will be kept informed

BICYCLE/PEDESTRIAN GRANT

Mr. Brown reported that the Public Information Center for the Riverton Bicycle and Pedestrian Plan will be held at Borough Hall on Thursday, August 30th from 4:00pm-7:00pm. Members of the community are invited to attend.

SAFE ROUTES TO SCHOOLS GRANT-Mr. Smyth reported that we received notification that we did not receive this grant this year.

NOTICE OF GREEN ACRES GRANT. Mr. Smyth stated that we have just received notice about this grant. We might be able to utilize potential funding for usage in our park. Mr. Smyth will see if the Bridge Commission could assist us with the application process. Mr. Smyth will keep Council informed.

UPDATE RE: HORN MITIGATION ISSUE-Mayor Martin

Mayor Martin reported that Mr. Smyth, Mr. Brown and himself attended Palmyra's Council meeting on August 6th where this issue was discussed. Senator Diane Allen and Assemblyman Jack Connors were also present at that meeting and they are working hard to come up with a solution, such as quiet zones. They are trying to put legislation in place that would take the liability away from the municipalities that would opt for a quiet zone. Mayor Martin reported that the people present at the meeting were very angry about the horn noise. Mayor Martin reported that we are looking into funding that could possibly be provided from the Bridge Commission to a certain degree regarding the costs for a quiet zone.

Mr. Smyth stated that only reps from the Federal Railroad Administration (FRA) were at this meeting. Mr. Smyth would like to know who the high level representatives from New Jersey Transit (NJT) are to voice our concerns over the horn issue. Mr. Smyth stated that we have to comply with every requirement regarding the potential installation of a quiet zone. Part of the risk assessment is that we can't have any lower safety factors that we currently have. Mr. Smyth stated that the representatives from the FRA informed those present that it could take between one-two years to meet all of the requirements of a quiet zone. It is a tough process. Mr. Kinzler asked if the goal was a reduction in the number of horns or no horns at all. Mr. Smyth commented that bells sounds would be better.

Dr. Daniel asked if anyone spoke about the fact that the horn blowing is dependent on the conductor. Mayor Martin stated that the FRA reps indicated that the conductors are not blowing the horns enough per their regulations.

Mr. Smyth reported that only two towns in New Jersey have been granted horn waivers-Westfield and Monmouth. They were done under attorney/client privilege.

Chief Norcross reported that on August 2nd every Chief and/or Public Safety Director in Burlington County that has the river-line going through their town met about

the horn issue. The County Prosecutor will be working on police policy that can be dictated to NJT. They are hoping to get NJT police representatives to meet with them. Council will be kept apprised of this issue.

MEETING OPEN TO THE PUBLIC

Michael Heine, 206 Carriage House Lane expressed concern over the erosion at the Horner property on Bank Avenue. This is causing a hazardous condition for cars and pedestrians that should be addressed. Public Works Manager, Scott Reed responded that the Horner's recently received approval from the Department of Environmental Protection that they would be permitted to reconstruct the damaged portion of their riverwall on the historic alignment, in line with the adjacent, intact, portions of the riverwall. Mayor Martin stated that he will contact the Horner's to see how they are progressing. Mr. Reed commented that for safety reasons, we have been thinking of placing some fencing around the area in question but it is not our property. Mayor Martin asked if we got permission from the Horner's, could we place fencing around the problem area. Mr. Gunn stated we would need something in writing from the Horner's to do this. Mr. Reed asked if we could make the Horner's place the fencing. Mr. Gunn stated we would have to go to court to do this. Mayor Martin stated that he would also talk to the Horner's about this.

Mr. Cesaretti asked if people are allowed to launch boats at the base of Linden Avenue. The response was no that it is private property.

Mr. Heine then raised concern over the people who bicycle along Bank Avenue. Mr. Heine stated that a statute exists whereby bicyclists must observe the normal right of ways of motor vehicles. There is a hazardous situation on Bank Avenue with both bicyclists and vehicles. Mr. Heine believes bicyclists should observe the one way character of Bank Avenue. Mr. Heine asked for signage so that the bicycling is only permitted southbound on Bank Avenue. Mr. Heine does not feel bicyclist should be permitted northbound on Bank Avenue. Mr. Cesaretti asked the Chief for any enforcement comments on this suggestion. The Chief deferred to Officer Willis, who thinks the only way to enforce this would be if there was a designated bicycle lane on Bank Avenue. Mr. Smyth commented that the Bicycle/Pedestrian Safety Grant recently received will look at things like this.

Gene Mori, 902 Cherry Lane is requesting Council's assistance in getting a street light installed on a utility pole in a very dark section of Cherry Lane. Mr. Mori reported that recent vandalism has occurred in cars and property on this street. The police are aware of this. Mr. Cesaretti commented that he spoke to Mr. Mori about this issue, checked the area out and agrees that a light should be installed. Mr. Reed commented that he can call PSE&G about this. He estimates that there would be a waiting period before a light could be installed. Mr. Reed also estimated that it would cost the Borough between 50 and 55 dollars a month more on our electric bill. Council concurred that a light is needed and asked Mr. Reed to follow through with this.

COMMITTEE REPORTS

PUBLIC SAFETY-Mr. Cesaretti

Chief Norcross submitted the following police report for the month of July. Vehicle Mileage 3092, Gas Used 571.8, Juvenile Arrests 0, Adult Arrests 17 (Criminal Warrant 1, Criminal Summons 0, Traffic Warrants 14, DWI 2 and Other 0), Motor Vehicle Crashes 4, Motor Vehicle Stops 149, Motor Vehicle Warnings 13, Motor Vehicle

Summons 148 (Riverton Officers 148, NJ Transit ? and Others ?), Burglar Alarms 6 Asst. to other Police Departments 47, Animal Complaints 7, Fire Calls 17, Arson 0, Ambulance Calls (Riverton) 15, Unattended Deaths 0, Criminal Case 39, Domestic 2, Thefts 8, Burglaries 0, Assaults 0, Sexual Assaults 0, Criminal Mischief 4, Robberies 0, Motor Vehicle Thefts 0, Miscellaneous Complaints 6 Miscellaneous Calls 599 and total calls 1,064.

Mr. Cesaretti read a report for the month of July that was submitted by Deputy Fire Chief Robert Yearly. Fire Calls for the Month were 19, Drills 4, Calls in Town 12, Calls out of Town 7, and Man Hours for the Month 162.

Mr. Cesaretti read a report for the month of July that was submitted by Animal Control Officer M&R Wildlife. Various stray cats were removed and taken to the shelter. **Bob Fenton, 16 Morgan Avenue** if we have had any trouble with deer. Mr. Fenton has seen some deer coming in from the Palmyra harbor area.

Mr. Kinzler asked for an update regarding speeding issues in town. Chief Norcross responded that 144 traffic tickets have been issued, mostly on Bank and Lippincott Avenues. No more warnings are being given to Riverton residents. When school starts, two radar speed traps will be set up. Mr. Cesaretti asked about the trailer being fixed. Chief Norcross commented that that is being dealt with. Mr. Kinzler asked how Thomas Avenue fared regarding the issuance of traffic tickets. Officer Willis commented that for the most part the traffic tickets were for Bank and Lippincott Avenue. Mr. Smyth reported that he has received complaints about the area of Linden and Bank Avenue regarding noise and trash. Chief Norcross stated that he will pass this onto the Department to review. Mr. Kinzler asked if we will be maintaining speeding vigilance on Lippincott Avenue. Mr. Kinzler continues to see a steady stream of speeders along the lower portion of this street. Chief Norcross stated that we applied for \$5,000.00 in grant money for additional DWI patrols to commence August 16th. Mayor Martin commented that he understands we will be getting this grant. Chief Norcross reported that Patrolman Matt Kirk has applied for some grant money through the 2008 Aggressive Driving Program from the Division of Highway and Safety. This pertains to the new radar units.

PUBLIC WORKS/SEWER-Dr. Smyth & Mr. Smyth

Dr. Smyth announced that Adolf Schoemer recently retired and that Brad Young was appointed as the full-time licensed Wastewater Treatment Facility Operator.

UPDATE RE: BIDDING THE GARBAGE/TRASH CONTRACT

Mr. Smyth reported that he has talked to Palmyra council members about shared services for garbage/trash collection. Mr. Smyth reported that Palmyra authorized their Solicitor to get together with ours to talk about a joint Request for Proposal for our waste contracts. Mr. Smyth reported that both Riverton's and Palmyra's contracts expire at the end of this year. Mr. Smyth asked Council for authorization for our Solicitor to work with Palmyra's on this issue. We'd have to have several options included in the bid process to review costs. Mr. Smyth stated that one of the options we could include would be to also bid the towns separately. Mr. Reed was of the opinion that there wouldn't be any cost savings to the Borough by going in with Palmyra. After additional discussion, it was the consensus of Council to have our Solicitor work with Palmyra's Solicitor on this issue. Council will be kept informed.

POSSIBLE SUBMISSION OF A NJDOT TRUST FUND STATE AID APPLICATION FOR A ROAD PROJECT

Mr. Smyth asked if we could consider filing a joint application with Palmyra for the reconstruction of Morgan Avenue from Bank to Second Street. This road is in dire need of repair. Mr. Reed reported that our Engineer, Rick Arango, informed him that if Riverton submitted a separate application for a road project, his firm would charge \$1,700.00 to prepare the application. Each additional application would cost \$850.00 each. There was no money placed in our budget to defray these costs. Mr. Arango informed Mr. Reed that he thought the Borough would receive \$150,000.00 in grant money, which wouldn't be enough to complete the project. The issue is whether Council would want to bond the additional monies necessary to get the work done. Mr. Smyth stated that that was the reason we should consider filing a joint application with Palmyra. Mr. Smyth would also like to contact the Bridge Commission to find out if they would do the application at no cost. Mr. Reed commented that he thought we could try a joint application with Palmyra regarding the Morgan Avenue reconstruction and see how that turns out before considering any other joint ventures. After a short discussion, it was the consensus of Council that Mr. Smyth should set up a meeting with Palmyra representatives regarding this and will bring Mr. Reed with him.

ZONING, CODE ENFORCEMENT PARK & COURT-Mr. Brown

Mr. Brown reported that the Zoning Board did not meet last month nor will they meet this month. No new applications have been received. Mr. Brown stated that there was nothing to report regarding Code Enforcement and that a court report was not received. Regarding the soccer issue, Mayor Martin reported that he talked to all of the parties involved. In the fall they will do what is normally done—will stay off the fields in the spring if at all possible.

UPDATE RE: RIVERTON IMPROVEMENT ASSOCIATION'S PLAN TO ENHANCE THE WAR MEMORIAL

Mr. Brown called a meeting between the Riverton Improvement Association (RIA) and the Veterans of Foreign Wars (VFW) to review these plans. A concept has been prepared which was reviewed by Council at a previous meeting. The RIA wants to stay within the \$15,000.00 dollar range which was raised. They are reaching out to contractors to donate their time and materials towards this goal. A deposit has been made on a 50' flagpole by the RIA. Concerns have been raised by the VFW regarding insurance issues, maintenance issues and design of the bass plaques. Council will be kept informed.

PLANNING, ECONOMIC DEVELOPMENT & SHARED SERVICES-Mr. Smyth

Mr. Smyth reported that the Planning Board approved a demolition application for a carriage house located at 103 Main Street. Mr. Smyth reported that we continue to work on the Smart Growth Grant (Environmental Resource Inventory) The required public outreach programs for this project will be held in September. At the Planning Board's August 21st meeting, two hearings will be held—one for 515 Main Street which is a request for a small expansion and a subdivision application at the CVS and Shoppes at Riverton location.

Regarding Economic Development, Mr. Smyth reported that Riverton has been getting good press at various meetings and in articles in the newspapers.

SHADE TREE, BOARD OF HEALTH & ENVIRONMENTAL-Dr. Daniel

Dr. Daniel reported that Mr. Emens contacted him regarding the Shade Tree Commission and the Police Department. They will be meeting be meeting in September to go over these issues.

DISCUSSION-NOTICE THAT THE POSTAL SERVICE WILL BE VACATING THE RIVERTON POST OFFICE-Mayor Martin

Mayor Martin reported that David White, a representative from the Postal Service, has contacted us about this issue. Mr. White would like to attend one of Council's September meetings to discuss this further. Mayor Martin reported that based on a postal service process, Mr. White would be hand delivering a letter to him about this issue tomorrow morning at Borough Hall at 7:30am. Mayor Martin reported that the post office might be renting space somewhere else in town. Mayor Martin reported that the Postal Service would offer the building to federal, state, county and local agencies to determine any interest in its purchase. Mayor Martin commented that he does not think we should purchase the post office building. He would rather see someone else purchase it and redevelop the property. Council will be kept informed.

DISCUSSION-EMAIL ADDRESSES TO BE PLACED ON THE BOROUGH'S WEBSITE FOR COUNCIL-Mr. Cesaretti

Mr. Cesaretti reviewed information about how Council will be able to retrieve their e-mails from the Borough's website. Mr. Cesaretti reported that he still needs to confer with the Borough's webmaster regarding a few issues before Council's e-mail addresses are placed on our site. Mr. Cesaretti will provide more information at Council's September work session.

DISCUSSION POSSIBLE FLUORIDE TREATMENT IN OUR WATER SUPPLY-Mr. Cesaretti

Mr. Cesaretti stated that he had been interested in finding out if fluoride treatment could be provided in our water supply. Mr. Cesaretti spoke to a representative from New Jersey American Water Company about this issue. Mr. Cesaretti was informed that a number of other municipalities that are getting their water service from New Jersey American Water Company would have to be on board with this. Mr. Cesaretti asked that this issue be tabled for now.

DISCUSSION: POMPESTON CREEK REGIONAL STORMWATER MANAGEMENT PLAN. Mr. Smyth asked that this issue be table until September 5. We are still gathering comments from the Environmental Commission on this issue.

CORRESPONDENCE

Mayor Martin reported that Bill Sauers sent pictures of Council from the 4th of July celebration. These photos were distributed to Council.

RESOLUTION 72-07

**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. Brown, who moved for its adoption. This was seconded by Mr. Kinzler. 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. It should be noted that Contract Negotiations (Police and Tax Map issues) will be discussed.

At this time Mr. Brown moved that we return to public session. 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.

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

Mary Longobottom, RMC
Municipal Clerk