

July 11, 2007

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

**PRESENT:** Council members Daniel, Brown, Dr. Smyth, Mr. Smyth and Solicitor Bruce M. Gunn

**ABSENT:** Council members Kinzler and Cesaretti

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 June 13 and the closed session minutes from June 13 were then presented. Dr. Smyth moved that these minutes be approved as submitted. 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 absent and Mr. Cesaretti absent.

**TREASURER'S, FINANCE REPORT & BILL LIST FOR APPROVAL-Mr. Smyth**

In Mr. Kinzler's absence, Mr. Smyth moved that the attached reports for the month of June be approved. 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 absent and Mr. Cesaretti absent.

**UPDATE RE: RIVER-LINE HORN MITIGATION**

Mayor Martin announced that Palmyra's Council will be discussing this issue at their August 6<sup>th</sup> meeting. David Myers from the Federal Railroad Association (FRA) and Don Thomas, the Grade Crossing and Trespass Manager have been asked to attend this meeting and do a presentation regarding the quiet zone issue. Other towns along the river-line will also be represented.

Mayor Martin stated that he has attended three meetings held at Senator Diane Allen's Office regarding this issue. Representatives from both the FRA and New Jersey Transit (NJT) have also been present. Senator Allen is looking at all avenues and has been discussing this issue with other politicians.

Mayor Martin reported that we might have to hire an engineer to look into a quiet zone for us. If we were to go to a quiet zone, we have to follow parameters that may involve closing a grade crossing and/or having one or more of our streets being one way to cut the risk factor. Mayor Martin stated that Council needs to be thinking about these issues. Mayor Martin stated that while safety is a major consideration, he is concerned about the potential cost factors to Riverton if we decide to install a quiet zone. Mayor Martin also stated that if we have a quiet zone, it would then become our liability. Mayor Martin stated that Senator Allen may try and get some rules changed to assist us in this regard. Dr. Daniel asked if we have an engineer look at this issue and the engineer finds that it would require a grade closing, will we have the ability of deciding which one to close? Mayor Martin commented that everything is very

open right now and all options would need to be explored. Mayor Martin believes that NJT knew the horns would be an issue and now we have to solve the problem and take the liability. He does not believe this is fair. Dr. Daniel commented that he assumes that the train would have to travel at a lower speed through Riverton if we opt for a quiet zone. Martin stated that that would make sense.

Mr. Smyth suggested that Council members attend Palmyra's August 6<sup>th</sup> meeting to gather more information before we make a decision to ask any of our engineer's to look at this issue for us. Mr. Smyth thought that another option would be to do the quadrant gates, but have the train slow down below 25 miles per hour. Mr. Smyth believes this would be a good question to ask the reps of the FRA and NJT. Dr. Daniel believes that it is an issue of safety and a level of comfort for the people who live in Riverton, especially those living right by the railroad. Mr. Brown asked if we could share the costs with other towns for an engineering study. Mr. Smyth thought we could. Mayor Martin cautioned that we won't commit to anything until we see what Senator Allen can do for us. Mayor Martin believes that Palmyra and Riverton are on the same page and goals regarding the horn issue.

Chief Norcross stated that he has conferred with Palmyra's Police Chief and has been informed that the law recently changed whereby the speed limit for the train to travel on Broad Street is 40 mph. It does not have to parallel the speed restrictions of the streets in town. Chief Norcross asked if the towns have considered filing a discrimination suit against the State. Chief Norcross cited the fact that the City of Burlington and Camden do not have the gates, horns or lights. He questioned why these towns are exempt. Mr. Smyth responded that they have grade level grade crossings in those towns. Council took this discussion under advisement.

#### **RESOLUTION 61-07**

#### **A RESOLUTION OF THE BOROUGH OF RIVERTON APPROVING CONTRACT CHANGE ORDER NO. 1 REGARDING THE 2006 SIDEWALK CENTERS OF PLACE GRANT**

**(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 Dr. Smyth. A poll vote was then taken. Dr. Daniel aye, Mr. Brown aye, Dr. Smyth aye, Mr. Smyth aye, Mr. Kinzler absent and Mr. Cesaretti absent.

#### **RESOLUTION 62-07**

#### **A RESOLUTION AUTHORIZING THE MAYOR OF THE BOROUGH OF RIVERTON TO EXECUTE AN AGREEMENT WITH THE BURLINGTON COUNTY BRIDGE COMMISSION TO CONVEY A NON-EXCLUSIVE EASEMENT TO CERTAIN PORTIONS OF THE RIGHT OF WAY AT THE INTERSECTION OF BROAD AND MAIN STREETS**

**(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 Dr. Smyth. A poll vote was then taken. Dr.

Daniel aye, Mr. Brown aye, Dr. Smyth aye, Mr. Smyth aye, Mr. Kinzler absent and Mr. Cesaretti absent.

**RESOLUTION 63-07**

**A RESOLUTION AUTHORIZING THE NICKOLAS CONSTRUCTION COMPANY OF VINCENTOWN, NEW JERSEY TO REPAIR AND RECOAT THE THREE TENNIS COURTS AND TWO BASKETBALL COURTS AT RIVERTON MEMORIAL PARK AND AUTHORIZING PAYMENT FOR THE WORK AT A COST OF \$18,000.00  
(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 Dr. Smyth. A poll vote was then taken. Dr. Daniel aye, Mr. Brown aye, Dr. Smyth aye, Mr. Smyth aye, Mr. Kinzler absent and Mr. Cesaretti absent.

**RESOLUTION 64-07**

**A RESOLUTION AUTHORIZING THE PURCHASE AND PAYMENT OF 2 DIGITAL-IN-CAR (POLICE) VIDEO SYSTEMS FROM THE WATCH GUARD COMPANY OF PLAINO, TEXAS AT A TOTAL COST OF \$9,996.00  
(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 Dr. Smyth. A poll vote was then taken. Dr. Daniel aye, Mr. Brown aye, Dr. Smyth aye, Mr. Smyth aye, Mr. Kinzler absent and Mr. Cesaretti absent.

**RESOLUTION 65-07**

**A RESOLUTION AUTHORIZING THE PURCHASE AND PAYMENT FOR THE FIRE DEPARTMENT'S AIR SYSTEMS FOR AID BOTTLES  
(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 Dr. Smyth. A poll vote was then taken. Dr. Daniel aye, Mr. Brown aye, Dr. Smyth aye, Mr. Smyth aye, Mr. Kinzler absent and Mr. Cesaretti absent.

**RESOLUTION 66-07**

**A RESOLUTION SUPPORTING THE OVER THE LIMIT UNDER ARREST 2007 CRACKDOWN  
(IN FULL IN RESOLUTION BOOK)**

The above Resolution was read in full by Mr. Brown, 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 absent and Mr. Cesaretti absent.

**RESOLUTION 67-07**

**A RESOLUTION AUTHORIZING THE AWARDING OF A CONTRACT FOR PROFESSIONAL SERVICES TO M&R WILDLIFE, INC. AS ANIMAL CONTROL OFFICER FOR THE BOROUGH OF RIVERTON FOR THE REMAINDER OF 2007 AND AUTHORIZING THE MAYOR AND CLERK TO EXECUTE THE REQUIRED CONTRACT  
(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 Dr. Smyth. A poll vote was then taken. Dr.

Daniel aye, Mr. Brown aye, Dr. Smyth aye, Mr. Smyth aye, Mr. Kinzler absent and Mr. Cesaretti absent.

**ORDINANCE 5-07**

**AN ORDINANCE TO AMEND CHAPTER 128 TO CREATE THE POSITION OF MUNICIPAL HOUSING LIAISON FOR THE PURPOSE OF ADMINISTERING THE BOROUGH'S AFFORDABLE HOUSING PROGRAM PURSUANT TO THE FAIR HOUSING ACT  
(IN FULL IN ORDINANCE BOOK)**

The above Ordinance was read by title only for the second time by Mr. Smyth, who moved for its adoption. This was seconded by Dr. Smyth. At this time Mayor Martin opened this portion of the meeting to the public for any comment on this Ordinance. There being no comment, 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 absent and Mr. Cesaretti absent. It should be noted that Dr. Daniel left the dais during the discussion of this Ordinance and was not present for the vote.

**REVIEW OF DRFT ORDINANCE TO REGULATE SKATEBOARDS AND SKATEBOARD RAMPS THROUGHOUT THE BOROUGH OF RIVERTON**

Mr. Gunn reviewed in detail this proposed ordinance for Council's consideration. Mr. Brown stated his opinion that this Ordinance is needed. He knows that people have been skateboarding on the new plaza at Broad & Main Streets, which is damaging the bricks. Chief Norcross asked if regular roller skates could be included in this Ordinance. After a discussion, it was the consensus of Council to include them also. Chief Norcross thought the fines were low (\$25.00) and suggested a minimum of \$50.00. Council concurred with this suggestion. After additional discussion, it was the consensus of Council to introduce this Ordinance.

**ORDINANCE 6-07**

**AN ORDINANCE TO REGULATE SKATEBOARDS, ROLLER SKATES AND SKATEBOARD RAMPS THROUGHOUT THE BOROUGH OF RIVERTON**

The above Ordinance was introduced and read by title only by Mr. Brown, 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 absent and Mr. Cesaretti absent. Second reading and a public hearing on this Ordinance is scheduled for August 8<sup>th</sup> at 7:30pm.

**MEETING OPEN TO THE PUBLIC**-There was no public comment

**4<sup>TH</sup> OF JULY Parade**

Dr. Smyth thanked everybody involved with the 4<sup>th</sup> of July parade and festivities for all of their efforts in making the day a success. Mr. Brown commented that the issue of throwing candy to the crowd has been raised. There is concern that a child could get hurt running out in the middle of the street to pick the candy up. Mr. Brown knows that Haddonfield has eliminated the throwing of candy at their parade. Dr. Daniel stated that he agrees with Mr. Brown. A discussion ensued with the consensus being that Mr. Brown raise this issue with the 4<sup>th</sup> of July committee. Council will be kept informed.

**COMMITTEE REPORTS**

**PUBLIC SAFETY-Mr. Cesaretti**

In Mr. Cesaretti's absence, Mayor Martin reported that Officer Willis went with the 8<sup>th</sup> grade class trip to Mt. Misery on his own time. His presence was very well received by the children.

In Mr. Cesaretti's absence, Mr. Brown read a report for the month of June that was submitted by Police Chief Robert Norcross. Vehicle Mileage 2670, Gas Used 550.8, Juvenile Arrests 5 (assaults 0, Miscellaneous 0 and Curfew 5), Adult Arrests 7 (Criminal Warrants 1, Criminal Summons 0, traffic Warrants 6, DWI 0 and Other 0), Motor Vehicle Crashes 2, Motor Vehicle Stops 75, Motor Vehicle Warnings 10, Motor Vehicle Summons 94 (Riverton Officers 64, NJ Transit ?, Others ?), Burglar Alarms 8, Ass't. to other Police Departments 46, Animal Complaints 6, Fire Calls 10, Arson 0, Ambulance Calls (Riverton) 13, Unattended Deaths 0, Criminal Cases 32, Domestic 2, Thefts 4, Burglaries 0, Assaults 0, Sexual Assault 0, Criminal Mischief 10, Robberies 0, Motor Vehicle Thefts 0, Miscellaneous Complaints 13 and Miscellaneous Calls 556.

The following report was submitted for the month of June by Deputy Fire Chief Robert Yearly. There were 13 fire calls for the month, 3 drills, 19 calls in town, 4 calls out of town and 234.6 man hours for the month.

The following report was submitted by M&R Wildlife, Inc for the month of Jun. The Borough was canvassed during this time period and traps were set and numerous cats were caught.

**PUBLIC WORKS/SEWER-Dr. Smyth**

Dr. Smyth read a letter from Adolf Schoemer announcing his retirement as an operator at the Wastewater Treatment Facility effective June 29, 2007.

Public Works Manager, Scott Reed reported that Mr. & Mrs. Horner, 109 Bank Avenue, received a letter from the Department of Environmental Protection informing them that they will be permitted to re-construct the damaged portion of their riverwall on the historic alignment, in line with the adjacent, intact, portions of the riverwall. This is very good news.

**ZONING, CODE ENFORCEMENT & PARK-Mr. Brown**

Mr. Brown reported that the Zoning Board recently heard a few bulk variance applications. The Board will be reviewing the Historic Society's proposed amendments to our Zoning Ordinance. The Planning Board is also going to thoroughly review this proposal as well as the Architectural Review Committee's report regarding this proposal. The Planning Board is concerned about the property maintenance issues of this proposal. Mr. Brown reported that there is no scheduled meeting of the Zoning Board for July.

Mr. Brown reported that the peace pole has been installed at 8<sup>th</sup> & Cedar Streets in the park. Mr. Reed reported that he has ordered a light which will be placed on the pole and will shine in the park.

Mr. Brown read a report for the month of June that was submitted by Court Administrator Jackie Gleason. The total receipts for the month amounted to \$7,458.00. The total disbursed to Riverton amounted to \$3,709.35.

Regarding the park, Mr. Brown reported that the condition of the fields needs to be addressed. Mr. Brown wants to limit soccer usage strictly to a

scheduled time of the year-from August 1 through November 30<sup>th</sup>. Mr. Reed commented that we are not trying to eliminate soccer altogether. However the big problem is that soccer is interfering with baseball causing overuse of the fields. If this continues we will lose whatever grass we have. That's why this suggestion is being made. Some type of moratorium is needed. A discussion then ensued on how best to proceed. Mr. Reed suggested that the Mayor, Mr. Brown, and he meet with the respective coaches to determine how we should proceed. Mr. Reed stressed the fact that the grass needs be able to grow therefore; some type of moratorium is needed. It was the consensus of Council to agree to Mr. Reed's suggestion. Council will be kept informed.

Mr. Brown reported that resident Joe Creighton is looking into a potential major league baseball grant for our park. Mr. Creighton would put the grant application and proposal together for us at no charge. Council will be kept apprised of this issue.

Dr. Daniel reported that the glass from the light on the flagpole at the park is broken. Mr. Reed commented that the Police Department handles that.

Mr. Reed reported that the hydraulic line on the bucket truck of the Borough's Tree Removal Contractor (Eastern Environmental) broke and oil spilled all over a resident's grass on Beechwood Street. Mr. Reed reported that we are working with the contractor to make sure the proper repairs and/or replacement is done as soon as possible. Council will be kept informed.

**PLANNING, ECONOMIC DEVELOPMENT & SHARED SERVICES-Mr. Smyth**

Mr. Smyth reported that the Planning Board held a public hearing and adopted the re-exam of the Master Plan at their June 19<sup>th</sup> meeting. The Board also discussed COAH issues at the meeting and Muriel Alls-Moffatt agreed to be our Municipal Housing Liaison. The Planning Board will be hearing a site plan application regarding 515 Main Street this month.

Regarding Economic Development, Mr. Smyth reported that two of Riverton's businesses made it to the best of SJ Magazine. They were Zena's and Nellie Blye's. On July 24<sup>th</sup> an Economic Development forum will be held. Various people will be talking about redevelopment issues. On July 26<sup>th</sup>, the River Route Advisory Committee will meet and discuss developments in Riverton.

Mr. Smyth reported that the next Shared Services meeting is scheduled for July 31<sup>st</sup> and the subject will be pooled financing.

**SHADE TREE, BOARD OF HEALTH & ENVIRONMENTAL-Dr. Daniel (No Report)  
OLD BUSINESS**

**PROPOSAL: SITE SPECIFIC AMENDMENT TO ZONING CODE RE: ARTIST  
STUDIO/RESIDENCES IN THE NEIGHBORHOOD BUSINESS ZONE**

Mr. Smyth asked that this issue be deferred until next month because the person making this proposal (Michael Turley) was not present.

**CORRESPONDENCE**-There was no correspondence presented at this time.

**RESOLUTION 68-07**

**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 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 absent and Mr. Cesaretti absent. It should be noted that personnel (wastewater treatment facility and contract negotiations (police) will be discussed.

At this time Dr. Smyth moved that we return to public session. 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 absent and Mr. Cesaretti absent.

**RESOLUTION 69-07**

**A RESOLUTION TO APPOINT BRAD YOUNG AS THE FULL-TIME LICENSED WASTEWATER TREATMENT FACILITY OPERATOR**

**(IN FULL IN RESOLUTION BOOK)**

Mr. Smyth outlined the terms and conditions of this position with Mr. Young, who along with Public Works Manager, Scott Reed was present. Mr. Young informed Council that there had not been any previous discussions about working on holidays during his negotiations for this position. A short discussion ensued with the consensus being that Mr. Young would be expected to work some holidays, the number and designation of which shall be established by the Public Works Manager after consideration of the resources available to provide alternative coverage in his department.

The above Resolution was read by title only by Mr. Smyth, 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 absent and Mr. Cesaretti absent.

**CONTRACT FOR COMPUTER SERVICES FOR THE POLICE DEPARTMENT**

In Mr. Cesaretti's absence, Mr. Brown reported that this contract is up for renewal. After a short discussion, it was the consensus of Council to table this until Mr. Cesaretti can review this and make a recommendation to them.

There being no further business to conduct, Mr. Brown moved that the meeting be adjourned. This was seconded by Dr. Smyth, with all present voting in the affirmative. Dr. Daniel aye, Mr. Brown aye, Dr. Smyth aye, Mr. Smyth aye, Mr. Kinzler absent and Mr. Cesaretti absent.

Mary Longbottom, RMC  
Municipal Clerk