

June 13, 2007

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

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

ABSENT: Council members Dr. Smyth, 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 ceremonial Oath of Office was administered by the Municipal Clerk to Mark Offermann as Patrolman for the Borough of Riverton

The minutes from May 2, May 9, May 21 and the closed session minutes from May 2 and May 9 were then presented. Mr. Brown 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 absent, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti absent.

TREASURER'S REPORT, FINANCE REPORT & BILL LIST FOR APPROVAL-

Mr. Kinzler

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

DISCUSSION: RIVER-LINE HORN ISSUE

Mayor Martin reported that there was a meeting in Senator Diane Allen's office this past Friday to discuss this issue. Senator Allen will be trying to help us out with this.

Ronald Blackeby, 600 Highland Avenue, Palmyra, is upset at the lack of concern by his

elected officials over this issue, in particular the Board of Chosen Freeholders. He has made many calls to their office to no avail. Mr. Blackeby stated that they promised that this little trolley was going to be a boon to mankind. Mr. Blackeby acknowledged that the rail line has helped the economy; however, the noise from the horns is driving people out of town. Mr. Blackeby stated that the horns must go away. Mr. Blackeby submitted a petition to Council asking for a halt to the excessive noise by the train horns on the River-line. Mr. Blackeby is asking that all the residents of Riverton sign this petition. Mr. Brown asked if the speed limit along Broad Street affects the horn issue. Mr. Blackeby stated that they were trying to find out if this were true or not.

Phyllis Blackeby, 600 Highland Avenue, Palmyra commented that they are looking into the possibility of installing quiet zones (quadrants), which can be very expensive.

Mrs. Blackeby is not sure if the placement of quiet zones is contingent upon the reduction of the speed limit to 25 mph. Dr. Daniel commented that he believes the rules for the horn blowing is rather parochial. He cited the fact that when the train goes through Burlington City, it operates as a trolley and only some bells sound. He doesn't believe

there is any regularity to the horn blowing problem. Dr. Daniel commented that resident William Harris did a lot of work for the Borough regarding the horn issue. Mr. Blackeby commented that he thought Mr. Harris was under the assumption that Senator Lautenberg was going to help us with the quiet zones. Mr. Blackeby stated that Mr. Harris drafted a bill for the Senator that would provide a grant to defray the costs of establishing the quiet zones, but nothing has happened in this regard.

Cate Wheelhouse 600 Main Street, has been in contact with a representatives from the River-line. She was told to e-mail them when the horn noise was excessive. She had lists of all the days it was horrible and forwarded that information on but nothing was ever done. Mrs. Wheelhouse believes they are not going to advocate for us. She believes the River-line people push this issue off on the Federal Railroad Administration, who have ruled that any grade crossing gets the horns. Mr. Smyth concurred that the FRA sets the rules. Mr. Smyth also stated that it would cost a lot of money to install the quadrant gates. Mr. Smyth stated that since the train is allowed to go as fast as the speed limit permitted on the adjacent road, we should try and get a waiver from the FRA for the train to go under 25mph though our town. Mayor Martin cited an editorial that Mrs. Wheelhouse wrote where she stated that this problem was created by the rail line, and they know the answers as to how to fix it. Mayor Martin asked for Council's support to being a squeaky wheel regarding this issue. Mrs. Wheelhouse asked if there was anyway to put pressure on New Jersey Transit to step up to the plate. She believes this problem will affect property values. Mr. Smyth asked if this issue has been presented to the Freeholders as an agenda item for discussion at one of their meetings. Mrs. Blackeby responded that they do not respond to their calls. Dr. Daniel asked what the Council in Palmyra thinks about these concerns. Mrs. Blackeby responded that they are in support of their efforts.

Gene Bandine, 522 Main Street said there is a similar light rail to ours in Portland Oregon and they do not use the horns. Mr. Bandine believes the current railroad employees are blowing the horns in a spiteful manner.

Thomas Wheelhouse, 600 Main Street stated that the speed limit is different on both sides of the railroad in town. That might make a difference.

Mayor Martin commented that Senator Allen has called a meeting for June 20th for all Mayor's along the river-line to discuss this issue. Mayor Martin will be attending. He will be asking the senator about petitioning the County about lowering the speed limit on Broad Street as a possibility to stop the horns.

Chris Halt, 400 Linden Avenue is for the quadrant crossing gates; he wants to improve his

quality of life. Mr. Blackeby commented that along with the quadrant gates comes the town's liability issue.

Phyllis Blackeby, 600 Highland Avenue has a copy of a lawsuit filed by Jersey City regarding the same issue in their area. However, there is a gag order on the settlement of this suit.

Mark Lewis 429 Elm asked if representatives from the Federal Railroad Administration could attend the June 20th meeting. Mrs. Blackeby stated that she was waiting for a response from them on this.

Ronald Blackeby, 600 Highland Avenue sent a letter to all of our elected representatives

and told them that the horn issue is a real problem and that they have to help us.

Jerald Cureton 110 Carriage House Lane, the current incoming chair of the Delaware Valley Regional Planning Commission stated that he might be able to help. On his Board are representatives from New Jersey Transit, New Jersey Department of Transportation and the Federal Highway Commission. He feels he might be able to start a dialogue with these people to assist us in fixing this problem.

PRESENTATION FROM THE DELAWARE VALLEY REGIONAL PLANNING

COMMISSION AWARD TO THE BOROUGH JERALD CURETON, INCOMING COMMISSIONER

Mr. Cureton announced that the Commission is by federal statute in charge of spending all federal highway and transportation dollars in our region. Mr. Cureton announced that Riverton was awarded a 2007 Transportation and Community Initiative Grant in the amount of \$44,800.00 for the downtown revitalization project on June 5, 2007. Mr. Cureton commended Council for all their efforts in applying for this grant.

UPDATE RE: IMPROVEMENTS TO THE WAR MEMORIAL (PAUL GRENA OF THE RIVERTON IMPROVEMENT ASSOCIATION PRESENT)

Mr. Grena reported that the Association held a fundraiser in May in efforts to Re-landscape the War Memorial. A local artist prepared a proposal which he shared with Council. Mr. Grena distributed a basic schematic of what would be used when bids are solicited for this work. Mr. Grena would appreciate Council's help in getting everything in place when the time comes. Mr. Smyth asked how much money was raised. Mr. Grena responded \$15,000.00. Mr. Smyth asked what the engineering design estimate would be. Mr. Grena responded that that would depend on what materials are used. Mr. Smyth asked if this design was reviewed with the representatives from the Veterans of Foreign Wars (VFW). Mr. Grena stated that they have been included from the beginning.

Robert Fenton 16 Morgan Avenue, a member of the VFW stated that while they were involved in the beginning, no members of the organization are involved now. Mr. Fenton is not happy with the proposal. What the VFW mainly wants is for the memorial to be cleaned up, names added to it and illumination installed. They also are concerned who will maintain the Memorial. Mr. Grena commented that the Porch Club has volunteered to maintain the landscaping. Mr. Grena would defer to the Borough for help with the other maintenance issues.

Dolly DeFreitas, 415 Thomas Avenue, stated that the VFW was immediately contacted

and they were invited to participate and review the plan. The RIA's first question to the VFW was what could they do for them. The VFW asked for a prominent flagpole, (a down payment has been made on that), better lighting (that is included in the plan), and they asked for simplicity so that it is clearly a memorial to veteran's. Mrs. DeFreitas understands that we have a responsibility that no deed restrictions are violated. Mrs. DeFreitas also understands that the Association has a responsibility of reporting their efforts to the governing body. They also have a responsibility to respect the veteran's regarding their requests.

The Mayor thanked Mr. Grena and the Association for all of their efforts.

PEACE POLE ISSUE-Mr. Brown

Mr. Brown met with representatives of the peace pole committee to review suggested areas for the placement of the pole at the park. Mr. Brown showed Council

a photo submitted by the Peace Pole committee of the pole in front of the Riverton Memorial Park sign. Another submitted photo showed how the pole would be displayed with bricks and flowers at the plaza in front of Zena's Bakery. Both of these suggested locations had been reviewed, discussed and turned down by Borough Council. Mr. Brown stated that we have had an ongoing discussion on this issue. Mr. Brown reported that Peace Pole Committee member Anne Creter indicated that if all else fails, she would accept Council's recommendation to place the pole at the corner 8th & Cedar at the park. Based on that and feedback from Council, Mr. Brown made the following motion:

RESOLUTION 54-07

A RESOLUTION AUTHORIZING THE PLACEMENT OF THE PEACE POLE ON THE GROUNDS OF THE RIVERTON MEMORIAL PARK AT THE INTERSECTION OF 8TH & CEDAR STREETS (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. Mr. Smyth has looked at all of the suggested locations and would support this. He feels it is a great location.

Carol Crawford 401 Midway stated that this location defeats the purpose of having the pole

connected with the school's anti-violence prevention week. No lighting is available for the children to gather. Mr. Kinzler asked if this event would be done at night. Mr. Kinzler stated that at the last meeting, three potential locations at the park were suggested. He believes we are re-hashing this issue over and over again. Mr. Brown stated that the Peace Pole Committee had wanted to place the pole at the Riverton Memorial Park sign. Mr. Kinzler feels that the placement of this pole in front of the Memorial Park sign is inflammatory. Mrs. Crawford took exception to all of Mr. Kinzler's remarks. Mrs. Crawford stated that the committee never understood Council's opposition to this location.

Mrs. Crawford stated that the recent peace pole survey showed that the town's preference was in front of Zena's; however, Council said no to that.

Linda Hayes, 407 Midway asked if the pole were placed at 8th & Cedar could the street be blocked off during the school's anti-violence prevention week campaign. The Chief stated that could be done.

Mr. Brown commented that his first choice for the placement of the pole was at the school. However, the school declined. Dr. Daniel stated that he still does not understand why a public school can simply say they don't want this pole. Funds were raised by the school children to purchase this pole.

Dennis Creter 9 Laurel Road has no problem with the 8th & Cedar location. His only reservations are that the shrubs at this location are not in good shape and the lighting problem is more about the vandalism issue. Mr. Reed thought we could work these issues out.

A poll vote on this Resolution was then taken. Dr. Daniel aye, Mr. Brown aye, Dr. Smyth absent, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti absent.

RESOLUTION 55-07

A RESOLUTION AUTHORIZING THE HIRING OF PARK PERSONNEL FOR THE 2007 SUMMER PROGRAMS, AND SETTING FEES FOR THE PARK PROGRAM AND ARTS AND CRAFTS PROGRAM

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

RESOLUTION 56-07

A RESOLUTION REQUESTING THE APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BOROUGH'S BUDGET FOR THE YEAR 2007 PURSUANT TO NJS 40a:4-87

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

RESOLUTION 57-07

A RESOLUTION AUTHORIZING A GRANT AGREEMENT BETWEEN THE BOROUGH OF RIVERTON AND THE DEPARTMENT OF ENVIRONMENTAL PROTECTION REGARDING THE COMMUNITY STEWARDSHIP INCENTIVE PROGRAM GRANT

(IN FULL IN RESOLUTION BOOK)

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

RESOLUTION 58-07

A RESOLUTION AUTHORIZING AN APPLICATION TO THE STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION CENTERS OF PLACE PROGRAM AND AUTHORIZING THE MAYOR AND MUNICIPAL CLERK TO EXECUTE THE REQUIRED DOCUMENTS

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

RESOLUTION 59-07

A RESOLUTION PERTAINING TO THE CORRECTIVE ACTION PLAN FOR THE 2006 AUDIT REPORT

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

UPDATE RE: PCB INFORMATION AT WASTEWATER TREATMENT FACILITY

Brad Young, Licensed Wastewater Treatment Facility Operator reported that the Delaware River Basin Commission has exempted the Borough from PCB testing for 2007. **SAVE THE PALMYRA COVE ISSUE.** Mr. Kinzler stated that he has seen many signs around town about this and asked what it meant. Brad Young, the Borough's Licensed Wastewater Treatment Facility Operator responded that they want to expand the dredge cell at that location another 70 acres from what was previously used. If permitted, the Cove

would lose additional acreage. Mr. Smyth reported that the County had signed an agreement years ago to allow the Army Corps of Engineers to go up another 100 acres at the Cove's site to allow for more dredge spoils. The Department of Environmental Protection has been asked not to permit this expansion to happen.

MEETING OPEN TO THE PUBLIC

Margaret Wark, 406 Howard Street expressed concern that the police should be doing more to enforce the parking regulations near the park.

SPEED LIMIT ON MAPLE LANE (BETWEEN THOMAS AND LIPPINCOTT) AND SPEEDING ISSUE ON THE LOWER PORTION OF LIPPINCOTT AVENUE)

Dr. Daniel asked if speed limit signs could be placed along this lane. He is concerned about the driver's who speed down this lane. He is concerned that someone will get hurt. He also asked if the traffic direction will be changed at this lane. There was a sense that that would not be a good idea because it might generate more traffic at that location. Dr. Daniel raised concern once again that people are speeding along this portion of Lippincott Avenue. Dr. Daniel stated that he believes this mainly occurs during shift changes at the Baptist Home. Dr. Daniel asked for a police officer to be placed at this location.

COMMITTEE REPORTS

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

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

Mr. Brown commented that the park looks great. Mr. Brown stated that the 4th of July parade starts at 10:00am. Regarding the court, the total receipts disbursed to Riverton in May amounted to \$4,380.04. The year to date disbursements to Riverton amount to \$26,380.09. Mr. Kinzler stated that we still need to review the court contract. Mr. Brown concurred with that.

PUBLIC WORKS/SEWER-Dr. Smyth (No Report)

PLANNING, ECONOMIC DEVELOPMENT & SHARED SERVICES-Mr. Smyth

Mr. Smyth reported that the Planning Board's next meeting is June 19th. The Board will be holding a public hearing on the re-examination of the Master Plan. They will also be hearing a sub-division application from the owner of 311 Bank Avenue.

Regarding Economic Development, Mr. Smyth reported that the Victorian Day celebration went very well. It was estimated that 8,000 people attend this event. Photos have been placed on the Borough's website. Mr. Smyth reported that the recent River Route Advisor Committee meeting went very well. The main topic of discussion was downtown revitalization successes. Various guest speakers spoke on this issue.

Regarding Shared Services, Mr. Smyth reported that the committee is looking to include the 8 South Jersey counties in our shared services discussions

Mr. Smyth brought up the recent proposal from Jim Brandenberger for the possible placement of a single home on Fulton Street (next to the CVS). Mr. Smyth reminded Council that our Zoning Ordinance would have to be amended to permit this. Mr. Smyth reported that Mr. Brandenberger has indicated to him that if he would be permitted to do this, he would donate all the proceeds (profit) from the sale of this potential house to the Borough. Concern was raised by Mr. Brown that by granting this proposal it appears to be "spot zoning". Mr. Brown stated his opposition to Mr. Brandenberger's proposal. Dr. Daniel

expressed concern that this issue was not addressed when Mr. Brandenberger made his original proposal before the Planning Board. It was the consensus of Council that this issue needs further review and consideration by Council before a final decision is made.

PUBLIC SAFETY-Mr. Cesaretti

In Mr. Cesaretti's absence, Mr. Brown read the report for May that was submitted by Chief Norcross. Vehicle Mileage 2764, Gas Used 474.70, Juvenile Arrests 2 (Assaults 1, Miscellaneous 1 and Curfew 0), Adult Arrests 10 (Criminal Warrants 0, Criminal Summons 1, Traffic Warrants 8, DWI 1, and Other 0), Motor Vehicle Crashes 5, Motor Vehicle Stops 72, Motor Vehicle Warnings 10, Motor Vehicle Summons 74 (Riverton Officers 74, NJ Transit? and Others ?), Burglar Alarms 7, Ass't to other Police Departments 42, Animal Complaints 7, Fire Calls 4, Arson 0, Ambulance calls (Riverton) 15, Unattended Deaths 0, Criminal Case 37, Domestic 1, Thefts 3, Burglaries 4 (From Residents 0, From Vehicles 4), Assaults 0, Sexual Assaults 1 (Juvenile 1 and Adult 0), Criminal Mischief 1, Robberies 0, Motor Vehicle Thefts 0, Miscellaneous Complaints 5, Miscellaneous Calls 513 and Total Calls 813.

Mr. Brown read a letter from Chief Norcross to Patrolman Willis thanking him for a job well done in coordinating and generally overseeing Riverton Borough's second annual Victorian Day celebration.

**ORDINANCES FOR CONSIDERATION
SKATEBOARDING**

Mr. Brown stated that he would like to propose a skateboard ordinance. The Chief has informed him that numerous calls have been received that people are skateboarding in front of Zena's Bakery and at the CVS, causing damage to the new bricks and to the CVS parking lot. Mr. Gunn reported that statutes provide for a governing body to regulate skateboarding on public property or on roadways. If there is a problem on private property, the owner should place a sign prohibiting skateboarding. When a complaint is filed by the owner, the police could then charge the people with trespassing. Mr. Gunn emphasized that the police cannot go on private property. To eliminate the individual complaint process, Mr. Reed asked if the CVS could have a letter on file with the Police Department permitting them to remove any skateboarders from their property. Mr. Gunn responded that he would have to research that. A discussion then ensued. It was the consensus of Council that the Solicitor prepare a draft Ordinance for Council's review at their July 11th meeting.

REQUIREMENT TO CREATE THE POSITION OF MUNICIPAL HOUSING LIAISON. Mr. Smyth reported that we are required to create the position of Municipal Housing Liaison to administrate the affordable housing provisions pursuant to the Fair Housing Act. Mr. Smyth stated that our Planner has also recommended that this position be created.

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

The above Ordinance was introduced 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 aye, Mr. Brown aye, Dr. Smyth absent, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti absent. Second reading and a public hearing on the Ordinance is scheduled for July 11th at 7:30pm.

DISCUSSION: PERFORMANCE BOND FOR THE BROAD & FULTON STREET DEVELOPMENT

Mr. Gunn reported that Brandenberger/Sheridan Properties has requested that this project (Broad & Fulton Streets) be bifurcated. Phase 1 is the CVS store which has been issued a CO and is up and running. The other part of the development is moving slower. Presently Mr. Brandenberger has a performance bond for the total development. Mr. Gunn stated that Mr. Brandenberger would like to split the two properties and post a maintenance bond for phase 1 and a maintenance bond for phase 2. Our engineer has recommended this and Mr. Gunn has no problem with it. Mr. Gunn would like Council's consensus. Dr. Daniel asked if this were normal building business. Mr. Gunn stated that he did confer with our engineer on this issue and was informed that this type of thing happens all the time. Dr. Daniel stated that he would defer to Mr. Gunn's recommendation. A discussion ensued. The consensus was to go with Mr. Gunn's recommendation after he confers further with the Borough's engineer for this project.

DISCUSSION: IMPLEMENTING PROCEDURES FOR THE COLLECTION OF DELINQUENT TAXES-Mr. Kinzler asked that this issue be deferred until next month's Council meeting.

LEAGUE CONFERENCE ROOM RESERVATIONS The Clerk reported that this year's conference will be held in Atlantic City on November 13, 14, 15 & 16th. The Clerk reported that Mr. Cesaretti would be attending the conference for two days. Everyone else present from Council indicated that they would not be staying overnight.

CORRESPONDENCE. There was no correspondence presented at this time.

RESOLUTION 60-07

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. Smyth, who moved for its adoption. This was seconded by Mr. Brown. A poll vote was then taken. Dr. Daniel aye, Mr. Brown aye, Dr. Smyth absent, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti absent. It should be noted that personnel matters will be discussed.

At this time Mr. Brown moved that we return to public session. This was seconded by Mr. Smyth. A poll vote was then taken. Dr. Daniel absent, Mr. Brown aye, Dr. Smyth absent, Mr. Smyth aye, Mr. Kinzler aye, and Mr. Cesaretti absent.

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 Longbottom, RMC
Municipal Clerk