

September 12, 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 9:10pm), Brown, Dr. Smyth, Mr. Smyth, Cesaretti and Solicitor Bruce M. Gunn

ABSENT: Council member Kinzler

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

At this time Mayor Martin introduced **Dave White of the Postal Service** to address Council regarding the Riverton Post Office. Mr. White reported that the postal service is considering moving the Riverton Post Office to a smaller space in Riverton. They are currently paying \$23,000.00 annually in utility bills. The current operation at this location realizes approximately \$100,001.00. a year. Mr. White stated that this is a large site, which is totally underutilized. Mr. White reported that the money is now there for them to make this move.

Mr. White reported that when the move is done, the existing building will be appraised and put up for sale at fair market value. Mr. White stated that the building would first be offered to federal, state, county and local governments for possible purchase. If there are no takers, it will be sold through the usual real estate channels. In Mr. White's experience, it is very seldom that one of these government entities would purchase the building.

Mr. White reported that the building was constructed in 1939 built under WPA in the Roosevelt administration. It is a solid building. Mr. White reported that a new roof will be installed in a couple of months. Some other maintenance issues will also be addressed.

Mr. White explained that 30 days from tonight they are allowed to advertise. Before that time, the public has an opportunity to write to the Postal Service's real estate people about any ideas they may have for the building from a personal or business view. Once solicitations are received back, a written list will be assembled and submitted to the Mayor for review. Comments are to be submitted in writing within ten days. If no comments are received, then the district (Bellmawr) gets a group of people from marketing, operations and the real estate department to review every offer received and then they are ranked—best to worst for Riverton. Once that list is done, it is forwarded onto the Mayor, who has a chance to comment back to the Real Estate Department. If nothing is wrong with the first choice and so forth, the Real Estate Department is then free to negotiate a lease for new postal space somewhere in Riverton.

Mr. Cesaretti asked if the postal service would be doing anything about the asbestos remediation or would the property be sold as is. Mr. White stated that when the appraiser lists the issues to be addressed in writing, the postal service will spend some money on asbestos remediation.

Mr. Smyth asked what the time frame would be on the sale of the building. Mr. White reviewed the process. It could take anywhere between four (4) or five (5) months for all requirements to be in place.

Mr. Cesaretti asked if it would be a posted price or an auction style sale. Mr. White stated that it is usually advertised for the appraised value. Mr. White commented that if the building has issues, that could possibly be negotiated. Council thanked Mr. White for coming to tonight's meeting.

At this time Mayor Martin introduced **Nicholas DeVecchis, Government Affairs Specialist of the New Jersey American Water Company**, to address Council. Mr. DeVecchis reported that he would be coming out on an annual basis to meet with Council to review any concerns. He is the contact for Council. Mr. DeVecchis reported that the Water Company has two customer assistance programs to provide financial assistance to those in need.

Mayor Martin brought up the ponding issue at Howard and 2nd Street. Mr. DeVecchis stated that he thought that was a road restoration issue when a water main was replaced at that location. He asked if the work had been done. Mayor Martin responded no. Mr. DeVecchis stated that he would bring this issue back to his construction department for action.

Gordon Reeves, 437 Elm Avenue asked if there were any plans in the future to replace all the water mains in town. Mr. DeVecchis stated he would find that information out and report back to the Mayor.

Bob Fenton, 16 Morgan Avenue feels that the two programs would help a lot of people.

Mayor Martin thanked Mr. DeVecchis for coming to tonight's meeting.

The minutes from August 8 (open and closed sessions) 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 aye, Mr. Brown aye, Dr. Smyth aye, Mr. Smyth aye, Mr. Kinzler absent and Mr. Cesaretti aye.

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

In Mr. Kinzler's absence, Mr. Smyth moved that the attached reports for the month of August be approved as submitted. 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 aye

COMMITTEE REPORTS

PUBLIC SAFETY-Mr. Cesaretti

Mr. Cesaretti read a report for the month of August that was submitted by Chief Norcross. Vehicle Mileage 3273, Gas Used 554, Juvenile Arrests 0, Adult Arrests 27 (Criminal Warrants 1, Criminal Summons 2, Traffic Warrants 17, DWI 4, Drugs 3 and Other 0), Motor Vehicle Accidents 5, Motor Vehicle Stops 156, Motor Vehicle Warnings 14, Motor Vehicle Summons 126 (Riverton Officers 126), NJ Transit N/A and Others N/A), Burglar Alarms 8, Assists to other Police Departments 37, Animal Complaints 2, Fire Calls 26, Arson 0, Ambulance Calls (Riverton) 18, Unattended Deaths 0, Criminal Cases 44, Incidents 289, Domestic 1, Thefts 6, Burglaries 0, Assaults 3 (Police Officers 0, Firefighters/EMT 0 and Civilian 3), Sexual Assaults 0, Criminal Mischief 4, Robberies 0, Motor Vehicle Thefts 0, Miscellaneous Complaints 2, Miscellaneous Calls 623 and Total Calls 1,391.

Mr. Cesaretti read a report for the month of August that was submitted by Deputy Fire Chief, Robert Yearly. Fire calls for the month 26, Drills 4, Calls in Town 17, Calls out of town 9 and total man hours for the month 330.2.

UPDATE ON SPEEDING ISSUES: Mr. Cesaretti reported that the Police Department ran a sting operation on speeders primarily on Broad Street and Main Streets. Of all the stops during this operation, 52% were Riverton residents. Chief Norcross stated that we clocked people at 10th & Main towards Cinnaminson. They were going anywhere from 35 to 48 mph. The police issued summonses. The Chief stated that forty (40) tickets were issued during this period. Mr. Brown stated that he understands that a few of the Riverton Drive 25 members were stopped. Chief Norcross responded that that was correct. There were three of them. Chief Norcross stated that we would be trying to run similar operations in different sections of town. Dr. Daniel stated that people have commented to him that they feel there is a greater police presence in town over the last 30-45 days. Chief Norcross stated that we are now back to full staff operation.

Chief Norcross reported that four (4) houses were burglarized over the last weekend. Three (3) were in the area of the 600 block of Thomas and one (1) was on Cedar Street. The Police may have a suspect.

UPDATE ON 622 THOMAS AVENUE: Mr. Cesaretti asked for an update on this property. The backyard is overgrown, pooled areas are creating a habitat for mosquitoes, windows are broken and it is infested with raccoons. Mr. Cesaretti stated that there are health and safety issues at this location. Mr. Brown commented that our Code Enforcement Officer has previously addressed this issue with the owners and the mortgage company for this property. They had sent someone down to secure the building. Mr. Brown will have our Code Enforcement Office address this issue once again. Council will be kept informed.

STREETS, ROADS & SEWER-Dr. Smyth & Mr. Smyth

RESOLUTION 80-07

A RESOLUTION AUTHORIZING REMINGTON, VERNICK AND ARANGO TO ADVERTISE FOR THE RECEIPT OF BIDS FOR THE 2007 ROAD PROGRAM (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. Cesaretti. A poll vote was then taken. Dr. Daniel aye, Mr. Brown aye, Dr. Smyth aye, Mr. Smyth aye, Mr. Kinzler absent and Mr. Cesaretti aye

UPDATE RE: MORGAN AVENUE. Mr. Smyth reported that Riverton and Palmyra have filed a joint application with New Jersey Department of Transportation for possible grant monies for the reconstruction of Morgan Avenue.

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

Mr. Brown reported that there were no reports for both Zoning (no meetings held) or the park.

Mr. Brown reported that there are code enforcement issues at 108 7th Street. There is a lot of debris at this property and a trailer has been on the property for a long time. The owners were served notice and they refused to accept it. The neighbors are very upset about these issues.

Mr. Smyth reported that former Zoning Officer Freeman Moorhouse is very much concerned over the continued erosion and riverwall problems at Bank & Thomas Avenue

(Horner property). Mr. Freeman believes something needs to be done about this issue quickly. Mayor Martin reported that the Horner's are trying to work with the Department of Environmental Protection (DEP) and the Army Corps of Engineers to obtain the required permits to rebuild their wall. Mayor Martin believes we are very close to seeing this happen. Mayor Martin also reported that the Horner's have placed a fence around the eroded areas. Mayor Martin also reported that the O'Brien's (at Bank & Linden) are very close to getting approval and building a riverwall on their property. A discussion took place regarding the potential liability issues that can happen due to all of this erosion at the Horner property. Mr. Brown asked if we can get our engineer to assess the risk situation at Bank & Thomas to determine if an emergent issue exists along this portion of Bank Avenue. It was the consensus of Council that Dr. Smyth contact T&M Associates to review this situation and report back to Council. We could then take the proper steps to get the DEP to issue the permits to the Horner's so that the work can be done. Mr. Cesaretti believes that the DEP will say that a lack of planning on our part does not constitute an emergency—that this area has been eroding for a number of years and suddenly the work needs to be done. Mr. Cesaretti stated that this work should have been done by the homeowner over the course of the years as preventative measures.

Mr. Brown read a report for the months of July and August that were submitted by Court Administrator, Jackie Gleason. The total receipts for the month of July amounted to \$10,449.00. The total amount disbursed to Riverton amounted to \$4,954.33. The total receipts for the month of August amounted to \$13,363.00. The total disbursed to Riverton amounted \$5,514.15.

POSSIBLE FUNDING BY THE BRIDGE COMMISSION FOR IMPROVEMENTS TO THE BOROUGH OWNED PORTION OF THE POCKET PARK AT BANK & LINDEN AVENUES. Regarding last week's discussion on this issue, Mr. Brown asked what steps need to taken to make this happen. Mr. Cesaretti recused himself from this discussion. After a short discussion, it was suggested that both Mr. Smyth and Mr. Brown meet with representatives of the Bridge Commission to discuss this issue. Council will be kept informed.

UPDATE RE: IMPROVEMENTS TO BE MADE TO THE WAR MEMORIAL THROUGH THE RIVERTON IMPROVEMENT ASSOCIATION

Mr. Brown had a meeting this afternoon with members of Association. Mr. Brown reported that there are two proposed plans that are being incorporated into one. Due mainly to costs, the project will not be as elaborate as originally planned. **Bob Fenton** of the VFW stated that he was not invited to this meeting. Dr. Daniel took exception to that. He believes that Mr. Fenton should have been invited. Mr. Fenton stated that he just wants the memorial to be dressed up, the names should be legible and maintenance done on a continued basis. Mr. Brown agreed with him. A discussion ensued with the following consensus being reached: that the improvements to the War Memorial be kept simple and basic, that Borough Council should review and approve the RIA's final plan before work commences and that a representative of the VFW be present at any further meetings of the RIA concerning this project. The following suggestions were made; That the RIA set up a maintenance fund, that the Flag pole be replaced, the replacement of the window and interior display area which contain the names of the members of the Armed services and to upgrade the lighting, drainage and plantings.

Councilman Brown will prepare a letter to the RIA outlining Council's requests and suggestions.

PLANNING, SHARED SERVICES, GRANTS & ECONOMIC DEVELOPMENT

Mr. Smyth

Mr. Smyth reported that the Planning Board will be hearing two site plan applications at their September 18 meeting. One is from Verizon to be a co-locator on the cell tower at the Wastewater Treatment Facility and the other is a continuation a hearing regarding the proposed addition to 515 Main Street.

Mr. Smyth reported that the Solicitor is working on the preparation of the requests for proposals regarding the grant we received from the Delaware Valley Regional Commission. This pertains to downtown revitalization.

Mr. Smyth reported that there are some economic development forums scheduled in October, which he will be attending.

UPDATE RE: QUIET ZONES IN MONTCLAIR AND WESTFIELD

Mr. Smyth reported that he visited Montclair and Westfield, the two municipalities in New Jersey that have quiet zones. Mr. Smyth stated that there really are no similarities between their train situation and Riverton's. Both train stations in Montclair and Westfield are elevated, with no grade crossings or gates. However, Mr. Smyth noted that the horns at these locations were very quick and low decibel sounding.

Mayor Martin reported that Senator Diane Allen is assisting us regarding the horn issue. Senator Allen has informed him that Riverton would need to have an engineer available to possibly attend a meeting with representatives from the Federal Railroad Administration to review the requirements for quiet zones. Mayor Martin asked for Council's okay to being in an Engineer when needed. It was the consensus of Council that the Mayor could do this. Mr. Smyth stated that he would also talk to the Mayor of Palmyra to determine if both towns could go in together to help defray costs.

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

Dr. Daniel reported that he was unable to attend the Shade Tree Commission's September 10th meeting. He will get updates from Barry Emens. Dr. Daniel reported that there have been some tree complaints received and they are being addressed. Procedures are being implemented whereby once a complaint is received; a written response from the commission will be made.

MEETING OPEN TO THE PUBLIC

Gary Ford, 311 Bank Avenue, asked for an update regarding the revaluation/reassessment process. Mr. Gunn commented that the State is requiring specific revisions to our tax maps before the process can commence. Mr. Gunn further stated that Council received a proposal from our engineer to make these changes. It was the consensus of Council that this proposal seemed high; therefore, Council will be seeking additional proposals from other engineering firms to determine if the original proposal was reasonable or not.

Mr. Ford also inquired about the number of fire calls (26) in August. He asked if they were all Riverton calls. Mr. Cesaretti stated that he did not know, but he would ask the Deputy Fire Chief to be more specific when he submits his reports.

Gordon Reeves, 437 Elm Avenue, reported that his trash is not consistently picked up by the Borough's hauler. He has complained about this to the Public Works Manager,

who is aware of the situation. Council asked Mr. Reeves to once again inform Mr. Reed about this problem so that it can be remedied.

OLD BUSINESS

REVIEW OF "DRAFT REVISED SKATEBOARD ORDINANCE-Mr. Brown

Mr. Brown reviewed the revised draft Ordinance that was prepared by our Solicitor. Chief Norcross asked that Council consider removing the section pertaining to sign restrictions. Mr. Gunn explained that the placement of signs would have to be in compliance with the provisions of Article XIV of Chapter 128 of the Borough Code. This could possibly cause someone to have to get a zoning variance and/or exemption. Mr. Gunn stated that Council could remove this section and if necessary, revisit this issue at a later date. They could then consider an amendment to the Ordinance. It was the consensus of Council to delete the sign restriction section and introduce this Ordinance tonight.

ORDINANCE 6-07

AN ORDINANCE TO REGULATE SKATEBOARDS AND SKATEBOARD RAMPS THROUGHOUT THE BOROUGH OF RIVERTON

The above Ordinance was introduced 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 nay, Mr. Kinzler absent and Mr. Cesaretti aye. It should be noted that second reading and a public hearing on this Ordinance is scheduled for October 10, 2007 at 7:30pm.

COMMENTS FROM THE ENVIRONMENTAL COMMISSION REGARDING THE POMPESTON CREEK REGIONAL PLAN

Mr. Smyth asked for a consensus of Council to forward these comments onto Rutgers Cooperative Extension Water Resources Program. Council concurred with this. Mr. Smyth will ask the Environmental Commission to submit their comments by the September 17th deadline.

NEW BUSINESS

RESOLUTION 81-07

A RESOLUTION REQUESTING THE APPROVAL OF THE DIRECTOR OF LOCAL GOVERNMENT SERVICES FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BOROUGH'S BUDGET FOR THE YEAR 2007

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 aye. It should be noted that this pertains to the Borough's receipt of an Assistance to Firefighters Grant in the amount of \$45,495.00.

CORRESPONDENCE-None

UPDATING NO PARKING ORDINANCE FOR UPPER PORTION OF LIPPINCOTT AVENUE (600 Block)

Chief Norcross requested that Council amend our No Parking Ordinance to include the South side of the 600 Block of Lippincott between Harrison and South Broad. Chief Norcross explained that emergency vehicles have a difficult time accessing this area when vehicles are park there. Council agreed to this request. Mr. Gunn will prepare a draft Ordinance for Council's consideration at next month's meeting.

UPDATING PEDDLERS AND SOLICITATIONS ORDINANCE. Chief Norcross reported that he would like to review this Ordinance with the Solicitor and possibly make recommended revisions for Council's consideration. Chief Norcross reported that there have been a number of complaints about the musical noise generated by ice cream trucks in town. After a short discussion, it was the consensus of Council for the Chief to review this Ordinance with our Solicitor.

RESOLUTION 82-07

**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. Cesaretti. A poll vote was then taken. Dr. Daniel aye (left the meeting at this point), Mr. Brown aye, Dr. Smyth aye, Mr. Smyth aye, Mr. Kinzler absent and Mr. Cesaretti aye. It should be noted that contract negotiations – police will be discussed.

At this time Dr, Smyth moved that we return to public session. 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.

RESOLUTION 83-07

**A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO SIGN THE POLICE CONTRACT FOR 2006
(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. 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.

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