

October 1, 2008

The work session of the Riverton Borough Council was held on the above date. Mayor Martin presiding.

PRESENT: Council members Daniel, Brown, Cairns Wells, 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 notice of all meeting to be held in 2008 published in the Burlington County Times on December 30, 2007

(b) Posting written notice on the official bulletin board on January 4, 2008

Update Re: 108 7th Street Mr. Brown reported that letters have been sent by the Code Enforcement Officer on September 3, 2008 by regular and certified mail to the owners of 108 7th Street. The letters was also hand delivered by the Police Department. One letter had to do with violations outlined in Chapter 52 of the Borough Code, such as unsightly weeds and debris, specifically plastic containers, tarps and miscellaneous unidentified items covered by tarps. The owners were given 10 days from the receipt of this letter to comply and remove the aforementioned items. If they do not do that, the Borough may remove the debris and charge the cost to the owners and/or enforce the provisions of the chapter by proceedings next to municipal court.

Mr. Brown stated that the Public Works Department will be cleaning up the outside of this property. Mr. Gunn stated that the Borough could use an outside agency but the Borough would then have to hold a public hearing to get the money back. Mr. Gunn stated that the quickest way is to have our Public Works Department handle this. Dr. Daniel asked if the property owners can be fined. Mr. Gunn responded that it is up to our Code Enforcement Officer to issue a summons. Mr. Brown reported that our Construction Official has also cited the owners of this property for the fact that their front porch, roof support and rear upper roof was unsafe due to water damage. He also sent a second notice of unsafe structure and ordered the above mentioned structure to be demolished by 9/21/08. A penalty of \$500.00 per week will be assessed if this is not done. Mr. Gunn stated that the next step is to go to Superior Court to have this remedied. Mr. Gunn would need a recommendation from the Construction Official regarding the status of these issues before proceeding.

Mr. Reed stated that in the past when his Department has had to clean up a property, the owners are charged by the guidelines set by FEMA rates. Mr. Gunn stated that once a bill is submitted by the Public Works Department, we have to hold a hearing to give the owners a chance to come in and contest the charges. Mr. Brown stressed the fact that he doesn't want anymore delays. Ms. Cairns Wells raised concern that we might remove items that the owner wanted to keep. Would they have recourse? Mr. Gunn stated that we have to itemize everything we are asking the owners to remove. Mr. Gunn reviewed Chapter 52 with Council.

Mayor Martin asked if Council felt we could be doing a better job of monitoring and addressing the properties that are deteriorating in town. Mr. Brown believes we can do better. Mr. Brown has instructed our Construction Official and Code Enforcement Officer to follow through with these problems legally. Mr. Cesaretti believes we should

be more diligent and aggressive when the problems first surface so these issues can be remedied. Dr. Daniel does not feel it is fair to those residents who live near these deteriorating properties. Mr. Cesaretti stated that he doesn't want to see us get into a situation of selective enforcement. Everybody should be treated the same.

Mr. Brown also reported that he previously contacted the State's Bureau of Housing Inspections in April of 2008 to inform them that some multiple dwellings in the Borough of Riverton may not be up to the standards of the NJ Hotel & Multiple Dwelling Law. Mr. Brown requested that the Bureau investigate these properties in particular the ones along Bank Avenue. A list of approximately 36 properties was submitted. It's an ongoing process.

Jackie Dorworth, 634 Linden Avenue, stated that the issues at 108 7th Street have been going on for ten years. For the past eight years she has been coming to the Borough's Code Enforcement Officer asking questions about the violations at this property. For six years there was a broken down trailer at this location that sat on the street and we were unable to get the owners to move this. Finally it was moved to their driveway. It sat there for four years and was not registered. Every time Mrs. Dorworth met with our Code Enforcer, she was told that Riverton has no ordinances with meat that would permit us to go after these people. Mrs. Dorworth gave examples of the amount of brush and debris that is on the property. Animals have been seen in the roof pulling out material from underneath the eaves.

Dr. Daniel stated that he thought the owners should be fined. Mr. Kinzler felt we should be consistent in what we do. Mr. Smyth questioned if we are doing the clean up under our existing ordinance now, why couldn't we do it eight years ago. Mr. Brown responded that he has been pushing our officials to address these issues and enforce the ordinances. Mayor Martin commended Mr. Brown for his efforts and wants stricter interpretations of our ordinances. Mr. Brown stated that to address the structural condition of the building will be addressed through the Construction Official and Bruce Gunn will then go to Superior Court.

Jackie Dorworth, 634 Linden Avenue asked if there was a property maintenance ordinance in Riverton. The response was no, but that Chapter 52 refers to brush and debris, and Chapter 59 deals with Buildings unfit for Habitation and includes the State Housing Plan. Mrs. Dorworth reported that the owners of 108 7th Street do not live at this property all of the time.

Ms. Cairns Wells stressed the need to go forward and hopefully we won't get to this point again with a particular property. Mr. Cesaretti asked is there was anyway of generating a list of all the distressed properties in town. Mr. Brown will confer with our Construction Official and Code Enforcement Officer on this. Mr. Cesaretti suggested that once we have this information, Council can then be given a status report.

It was decided that the Public Works Department would clean up this property early Friday morning. Mr. Gunn reiterated that only what was identified in the letter should be removed. The property owners will be billed for the work done by the Public Works Department. The Ordinance (Chapter 52) gives us the right to go on the property. **David Dorworth, 634 Linden Avenue** believes that Chapter 52 needs to be upgraded a bit in the way that clutter should be included.

622 Thomas Update: Mr. Brown reported that our Code Enforcement Officer has sent a letter (regular, certified and via e-mail) to a law firm in Livingston New Jersey who are

representing Financial Freedom Services Bank in the foreclosure of this property. No response has been received. Mr. Brown reported that the Construction Official has also sent them notice of an unsafe structure and fines are accruing. Council will be kept informed.

Discussion: possible Ordinance regulating Residential/Commercial Alarms

Mr. Cesaretti reported that this issue was previously discussed and the Chief obtained sample Ordinances from other municipalities. Our Solicitor has provided a Draft Ordinance. He asked that it be tabled until next week so everyone has a chance to review it.

Mr. Cesaretti reported that when people have alarms and they don't register them with the Police Department, the police have no way of disabling the alarm. Mr. Cesaretti stated there have instances where an alarm went off and rang for a day and a half. It can get pretty obnoxious to those living next to the situation. This Ordinance would force those having an alarm to register with the police and list the name of the alarm company and any emergency contact information to assist the Police Department. The Chief stated that if anyone from the Department were to disable a ringing alarm or cut the wires, the Borough would be liable as well as the person who does it. Council did a cursory review of the proposed ordinance, raising concerns on the penalties and violations and the possible inclusion of medical alert systems. Mr. Kinzler asked for specific information on the number of calls received by the Police Department for alarm problems. It was the consensus of Council to defer any decision on this ordinance until next week's meeting when additional review is done.

Discussion: Shade Tree contracts for 2009 (care, maintenance & tree removals) Mr. Gunn reported that he met with representatives of the Shade Tree Commission to review the specifications for these upcoming contracts. Mr. Gunn reported that he would have draft specifications prepared and distributed to Council for their review as soon as possible.

Discussion: Requirement for the public to indicate where they reside when addressing Council during the public portion of a meeting. The Clerk reported that resident, Katy Roussos, has expressed a privacy concern that when the minutes from the Council meetings are posted on the Borough's website, they include the addresses of those people who chose to make public comment to Council. Ms. Roussos does not like the fact that this information could be accessed by anyone using the internet. Mr. Gunn reported that he conferred with William Kearns, General Counsel of the League of Municipalities and the suggestion was to list the name of the person speaking and give them the option of giving their address. After a short discussion, it was the consensus of Council to do this.

Police Department Consolidation Study. Mr. Smyth announced that we received notification from the Department of Community Affairs that Palmyra Borough will receive a Sharing Available Resources Efficiency Grant in the amount of \$44,800.00. This award will provide funds to allow Palmyra, Riverton and Cinnaminson Township to determine the feasibility of consolidating the three existing police departments. Mr. Smyth reported that he, Mr. Cesaretti and the Chief would be attending a meeting tomorrow at Palmyra Borough Hall to review the grant procedures. Representatives from Cinnaminson will also attend. Mr. Smyth will provide Council with additional information at next week's meeting.

Tree Lighting date. Mayor Martin announced that the tree lighting ceremony is scheduled for Friday, December 5, 2008 at 7:00pm at the gazebo.

Link to Aviation website to be placed on the Borough's website. Mr. Cesaretti reported that we received detailed information that the Federal Aviation Administration has prepared a Draft Environmental Impact Statement that evaluates the potential impacts of the capacity Enhancement Program at the Philadelphia International Airport. The City of Philadelphia is proposing the project to enhance airport capacity in order to accommodate current and future aviation demand in the Philadelphia Metropolitan area during all weather conditions. Mr. Cesaretti suggested that we post their website on the Borough website so that the public can obtain additional information.

Peace Pole award to Bruce Gunn Mr. Smyth reported that he attended the recent Peace Pole dedication ceremony on September 21st at the park and that Bruce Gunn was given the first Peace Pole award.

Meeting open to the Public

Gary Ford 311 Bank Avenue expressed concern over the deterioration of the riverwalls at 109 and 207 Bank Avenue. Mr. Ford believes that we have a major safety factor at 109 Bank Avenue that should be addressed immediately. There is erosion along Bank Avenue at this location that might also impact the Borough's sewer line. Mr. Smyth responded that Council is well aware of the problems at these locations. Mr. Smyth stated that Council had assisted the owner of 109 Bank Avenue with the required permitting requirements from the Army Corps of Engineers and the Department of Environmental Protection; however, the owner has not proceeded with getting the necessary repairs and/or replacement done. After some discussion, it was the consensus of Council to ask Borough Engineers, T&M Associates to submit a proposal to evaluate erosion conditions behind the failed riverwalls at these locations. This issue will be placed on next week's agenda for discussion.

Katy Roussos, Riverton resident, asked if the Borough heard anything about the submitted grant applications for Safe Routes to Schools and Safe Routes to Transit. Mr. Smyth responded no, but he thought we might hear something this month.

Request from Acqua-Tex (Environmental Consulting to perform a soil boring investigation of the Borough's Main Street parking lot

Solicitor Gunn recused himself from this discussion because he is a member of Calvary Presbyterian Church.

Bill Noone of Aqua Tex explained that his company is in the process of conducting a soil and groundwater investigation at the Calvary Presbyterian Church Thrift Shop at 520 Main Street, where a release of #2 heating oil occurred in the basement. Aqua Tex is requesting permission to perform a soil and groundwater sampling from the Borough's Parking Lot on Main Street. Mr. Noon explained that this boring investigation would consist of driving a sample rod through an approximately 2 inch diameter hole. After a short discussion it was the consensus for Council to agree to their request.

Ms. Cairns Wells made a motion to permit Acqua-Tex Environmental to do soil borings in the Main Street Parking Lot under the guidance of the Borough's Public Works Department. This was seconded by Mr. Smyth. A poll vote was then taken. Dr. Daniel aye, Mr. Brown aye, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti aye.

Request for letter of support Re: Implementation of the Pompeston Regional Stormwater Management Plan Mr. Smyth reported that the Pompeston Creek Watershed Association, in cooperation with Rutgers Cooperative Extension Water Resources Program, is applying for a 319h grant for the above referenced plan. The Watershed Association needs a letter of support from the Environmental Commission. Mr. Smyth reported that there are two objectives that would apply to Riverton that can be funded through this grant. They are Disconnection of Impervious Surfaces and Removal of Invasive Species in Riverton. Mr. Smyth made a motion to endorse the application for this grant. This was seconded by Mr. Cesaretti. A poll vote was then taken. Dr. Daniel aye, Mr. Brown aye, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti aye.

Preliminary Agenda for October 8. The Clerk reviewed this with the Governing Body.

RESOLUTION 78-08

**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. Cesaretti, who moved for its adoption. This was seconded by Mr. Brown. A poll vote was then taken. Dr. Daniel aye, Mr. Brown aye, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti aye. It should be noted that personnel-police and contract negotiations-police will be discussed.

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

RESOLUTION 79-09

**A RESOLUTION APPOINTING JEFFREY WALKER AS A REGULAR POLICE OFFICER IN THE BOROUGH OF RIVERTON
(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. Daniel. A poll vote was then taken. Dr. Daniel aye, Mr. Brown aye, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti abstained.

RESOLUTION 80-08

**A RESOLUTION APPOINTING JOSEPH STEINMAN AS A REGULAR POLICE OFFICER IN THE BOROUGH OF RIVERTON
(IN FULL IN RESOLUTION BOOK)**

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

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

Mary Longbottom, RMC
Municipal Clerk