

January 9, 2008

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

**PRESENT:** Council members Daniel (left meeting at 8:30pm), 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 meetings 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

**PRESENTATION TO FRED DEVECE-LONGTIME MEMBER OF THE ZONING BOARD**

Mayor Martin presented Mr. DeVece with a plaque publicly acknowledging his outstanding civic contribution to our community by serving on the Borough's Zoning Board of Adjustment since 1998.

**SHADE TREE, BD OF HEALTH, ENVIRONMENTAL & RECYCLING-Dr. Daniel**

Dr. Daniel reported that five bids were received, opened and publicly read on Thursday, January 3, 2008 for the removal of 39 trees 2 and stumps for the year 2008. The bidders were: **Friendly Tree Service of Orange, New Jersey \$19,550.00, Barkers Tree Service of Yardville, New Jersey \$23,750.00; Paul May Tree Service of Delran, New Jersey \$24,700.00, US Tree Service of Allentown, Pennsylvania \$29,777.00 and Elite Tree Service of Manalapan, New Jersey \$30,225.00.** Dr. Daniel reported that both the Shade Tree Commission and the Solicitor have reviewed the bids. It is the recommendation of the Shade Tree Commission that Council award this contract to Friendly Tree Service.

**RESOLUTION 12-08**

**A RESOLUTION TO AWARD A CONTRACT TO FRIENDLY TREE SERVICE, INC. FOR THE REMOVAL OF TREES AND STUMPS FOR 2008 (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, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti aye.

Dr. Daniel announced that three bids were received, opened and publicly read on January 3, 2008 for the care and maintenance of trees for the years 2008 and 2009. The bidders were **Paul May Tree Service of Delran, New Jersey, Elite Tree Service of Manalapan, New Jersey and Friendly Tree Service, Inc. of Orange, New Jersey (bids attached).** Dr. Daniel stated that it is the recommendation of the Shade Tree Commission that these bids be rejected. The Commission would rather re-bid this work for a one year contract only. Dr. Daniel stated that there is also language in the present specs to provide services we don't need a contractor to provide, such as fertilizing, watering, etc. The Commission would like that language removed. Mr. Smyth asked what would happen if we need current care and maintenance work to be done on our trees. Mr. Gunn stated that we could negotiate with our former tree contractor.

**RESOLUTION 13-08**  
**A RESOLUTION AUTHORIZING THE REJECTION OF BIDS RECEIVED FOR**  
**CARE AND MAINTENANCE OF TREES FOR THE YEARS 2008 AND 2009**  
**AND AUTHORIZING THE BOROUGH CLERK TO READVERTISE FOR A**  
**ONE YEAR CONTRACT**  
**(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, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti aye.

**DISCUSSION: ZONING ORDINANCE REVIEW STUDY-Mayor Martin**

Mayor Martin reported that there have been complaints about excessive subdivisions in the Borough. Mayor Martin thought some rules, in fitting with our Master Plan, could be adjusted to prevent this. Mayor Martin stated that Mr. Smyth would be chairing a Zoning review study committee (task force) to look into potential zoning changes.

Mr. Cesaretti reported that he recently spoke to our Zoning Officer for more information on this issue. Using his property at 710 Main Street, which is in the R4 district, he obtained his square footage, which is just a shade less than 12,000 square feet. Based on the R4 size, does that mean he can cut his property into three lots and then sell them as three homes? Mr. Cesaretti believes if that is the case, we have to fix this. Mr. Cesaretti also stated that our ordinance reflects a residential lot minimum size, but it doesn't have a "home" size. Ms. Wells stated that there are setback requirements that must be met for that. Mr. Cesaretti asked if there was minimum size requirement for a home. Mr. Gunn responded that usually setbacks would control this. A newly built home would still have to meet all of the setback requirements. Mr. Cesaretti is concerned that there is nothing to prevent someone from putting a large home on a small lot. Mr. Cesaretti further stated that he does not like the newer homes that have been built recently. They do not fit the flavor of Riverton.

Mayor Martin reported that at the last Planning Board meeting their Planner stated that the way the Master Plan was set up (In 1998) and the re-zoning done that very little variances should be granted.

Mr. Cesaretti stated that one of the recommendations in the Historical Society's proposed revised Zoning Ordinance was to give the Architectural Review Committee (ARC) more teeth. They are presently an advisory committee only.

Mr. Smyth stated that the new task force would be getting educated and would determine what changes can be recommended. Mr. Cesaretti stressed the need to address these concerns now and not wait. Dr. Daniel reminded his colleagues that they are responsible for everyone in the Borough. He believes there is a significant population of individuals in town that want to maintain a certain style and character to our Borough. Dr. Daniel believes that the ARC should have more teeth. Dr. Daniel is of the opinion that a Historic town should have representation in voting for issues regarding the building of new homes that could change the style and character of the Borough. Dr. Daniel commented that other towns across the county do this.

Mr. Cesaretti stated that down the block from him, a vacant lot was recently sold and a prefab house is being placed there. He has a problem with this. Dr. Daniel stated

that maybe the Master Plan needs to be reviewed and perhaps crafted in such a way so that this does not happen. Dr. Daniel also commented that he does not like the new home that was recently built on 8<sup>th</sup> streets. Dr. Daniel stated that he believes the Historical Society should be involved and have a vote on the buildings of properties and deciding what properties can be split. Mr. Smyth stated that the Master plan was recently re-examined and he didn't see anything in it that would prevent us from doing what we have been talking about here tonight.. There is a whole section on historic preservation. All homes in the historic district are documented in the plan. Mr. Cesaretti wants it clearly stated what you can and can't do when building a home on these vacant lots.

Mr. Wells commented that she has served on the Planning Board for the last couple of years and feels that a clarification is needed regarding the sub-division issue. With the exception of one subdivision application that went before the Board, there were no variances. The properties in question met square footage; the proposed structures met the setbacks, so there was nothing legally to do. If the board had denied any of them, we would have been challenged in court. Ms. Wells further stated that the Planning Board did an initial review of the proposed zoning ordinance from the Historical Society for the first time last month and it will be continued to be reviewed and so that comments from the board members are obtained. Ms. Wells stated that she would take this discussion back to the board. Mr. Wells stated that maybe we might need to consider re-zoning some of the areas based on lot size. Ms. Wells also stated that a more immediate consideration would be the issue of setbacks to have viable options. Mr. Cesaretti asked if the Planning Board had any opinions whether the ARC should be given more teeth. Ms. Wells stated that, overall, in theory the board members think that would be a good thing. However, Mrs. Wells stated that concern was voice by Board members that we might not be able to get people to serve on the ARC. Ms. Wells' personal opinion is that the ARC should have more say. Dr. Daniel reiterated his opinion that the Historical Society should have a vote-on sub-dividing lots, or on zoning issues important in a historic town. Mr. Gunn stated that a number of years ago a previous Council had discussed giving the ARC more teeth. However, many residents voiced their strong concern over this and the Council shied away from doing this.

Dr. Daniel suggested appointing someone from the Historic Society to serve on the Planning Board. Ms. Wells responded that that was done and the person resigned after one or two meetings. After additional discussion, it was suggested that possible changes be done in pieces, first the sub-division issue and then the setback issue. Council will receive updates and recommendations from the new task force after they have a chance to meet.

The minutes from December 5<sup>th</sup> and December 12<sup>th</sup> were then presented. Mr. Cesaretti 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, Ms. Cairns Wells abstained, Mr. Smyth aye, Mr. Kinzler aye, and Mr. Cesaretti aye.

**FINANCIAL ISSUES-Mr. Kinzler**

**TREASURER'S, FINANCE & BILL LIST FOR APPROVAL**

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

## **UPDATE RE: 2008 BUDGET AND THE POSSIBLE INCLUSION OF SEWER CHARGES IN WITH THE TAX BILLS**

Mr. Kinzler reported that he has met with most department heads to review their 2008 budget requests. Mr. Kinzler distributed a 2008 Budget (Draft) expense detail that includes capital requests, insurance information and debt information. This report is on file with the Municipal Clerk.

Mr. Kinzler stated that the Borough employees did a good job of keeping expenses down during 2007. Mr. Kinzler stated that garbage/trash removal costs will be going up based on the recent bids received. Mr. Kinzler expressed concern over the Shade Tree Commission's \$70,000.00 budget request for this year. Mr. Kinzler stated that this is the same amount that was asked for last year. However, Mr. Kinzler understood that last year's request was a one time deal because numerous hazardous trees needed to be removed. Mr. Kinzler has not had an opportunity to review this year's request with Mr. Emens or Dr. Daniel to determine why they are requesting the same amount. Mr. Kinzler commented that it may have to do with additional tree removals.

Mr. Smyth asked if Mr. Kinzler's report reflected a percentage (assumption) increase for the Borough Employees (excluding police). Mr. Kinzler responded 4%.

Mr. Kinzler stated that we will see a sizeable reduction in our debt service because our Bond from 1996 is done. Mr. Kinzler reported that we will be trying to put together a five year projected capital program to include roads, sidewalks, curbs, park maintenance, equipment etc. This will be considered during the final budget discussions.

Mr. Kinzler reported that the State permits a Cap allowance of \$75,000.00 for our sewer charges. If we were to roll the sewer charges into the taxes, we would lose this allowance. Mr. Kinzler reported that our Auditor recently spoke to State representatives about including our sewer charges in with the taxes and they are not happy with that. Mr. Kinzler stated that presently sewer charges are a non-tax deductible item. Fairness issues would have to be addressed before Council makes a final decision on this issue.

Mr. Kinzler reported that we had a very good tax collection for 2007. The percentage rate collected was 98.98%.

Mr. Kinzler stated that we still need to address our computer hardware/software maintenance costs. Mr. Cesaretti commented that a large percentage of these costs pertain to the software license for Edmunds Associates. This runs approximately 6 or 7 thousand dollars. We will be looking into combining both the Borough and Police Department under one contract if possible.

Mr. Kinzler reported that the State has required tax map revisions pertaining to the Borough's revaluation process. Alaimo, Associates will be doing this work at a cost of \$5,000.00.

Mr. Kinzler reviewed some of the insurance costs with Council and reported that we have not received the Worker's Compensation figure from our insurance agent.

Mr. Kinzler reviewed various police line items with Council. We are working with the Chief regarding overtime issues. Mr. Kinzler reports that Police vehicle maintenance costs are being reviewed. We want to keep this under control.

Regarding the annual League conference, Mr. Kinzler stated that he feels we should only pay the \$45.00 per person registration fee. We should not be providing rooms for Council members, employees or Borough officials. Both Mr. Smyth and Mr. Brown concurred with this.

Mr. Kinzler then reviewed some requests from Boards and Commissions which will need to be decided. Mr. Kinzler also raised concern over the number of memberships we belong to.

Mr. Kinzler raised the issue of Borough Council's stipend for serving on the Governing Body. Presently it is at the option of the council members whether to take this or not. Mr. Kinzler is asking Council to go back to a volunteer basis when serving on Council as a cost savings. Mr. Kinzler wants the entire Council input on this. Mr. Cesaretti stated that he wanted to take his stipend.

Mr. Kinzler reviewed 2007 capital requests that have not been purchased and should be addressed this year. Mr. Kinzler reviewed the Police Chief's 2008 capital request. The Chief is requesting the purchase of a new 2008 Ford Expedition with Equipment (\$40,000.00.) to replace one of the Durango's. Mr. Cesaretti says no to any gas guzzler. Mr. Cesaretti stated that we are looking into a possible lease arrangement. The Chief also requested 2 stalker radars (\$2,495.00 a piece). The Chief commented that we should be getting one free with a grant and that we might be able to buy the other through DWI funds. Also included in this request is a 3 speed sentry bundle with 12: digits at a cost of \$11,910.00 and 1 car Video System which should cost approximately \$3,900.00. Further discussion on the budget will take place at Council's February 13<sup>th</sup> meeting.

## **COMMITTEE REPORTS**

### **MEETING OPEN TO THE PUBLIC**

**James Moffatt, 202 Fulton Street**, asked Council for an update regarding the revaluation process. Mr. Kinzler responded that the State has required numerous revisions to our tax maps before we can proceed. Council has authorized Alaimo Associates to make these revisions.

Mr. Moffatt stated that he believes all members of Council should have the option of taking the stipend for their service to the Borough or not. Mr. Moffatt took exception to Mr. Kinzler's suggestion that a stipend not be provided for the Governing Body.

**Joanne Costigan, 441 Fulton Street**, commented that all homes in Riverton do not look historical. She does not think people who live and come to Riverton do so just for the historical value of Riverton. It's the whole town that attracts people. Her block has a variety of homes, all of which are not historical looking. Mrs. Costigan does believe that the two new homes being built on Thomas are a little close for the lot size.

Mrs. Costigan expressed strong concern, once again, that there is still a tremendous flooding problem at her driveway. This has been ongoing since Fulton Street was repaved. Public Works Manager Scot Reed reported that the contractor (American Asphalt) re-did the curb but that didn't work. They have to come back and rip it out. It is anticipated that they will do this at the same time they will be doing the 7<sup>th</sup> Street project.

### **PUBLIC SAFETY-Mr. Cesaretti**

Mr. Cesaretti read a report for the month of December that was submitted by Chief Norcross. Vehicle Mileage 3361, Gas Used 535, Juvenile Arrests 1 (assaults 0, Miscellaneous 0, Curfew 1), Adult Arrests 8, Motor Vehicle Accidents 3, Motor Vehicle Stops 110, Motor Vehicle Warnings 10, Motor Vehicle Summonses 81 (Riverton Officers 81, NJ Transit N/A and Others N/A), Burglar Alarms 13, Assists to other Police Departments 32, Animal Complaints 9, Fire Calls 7, Arson 0, Ambulance Calls (Riverton) 28, Unattended Deaths 1, Criminal Cases 22, Incidents 230, Domestic 2,

Thefts 1, Burglaries 1 (From Residences 1, From Vehicles 0), Assaults 1 (Police Officers 0, Firefighters/EMT 0, Civilian 1), Sexual Assaults 0, Criminal Mischief 4, Robberies 0, Motor Vehicle Thefts 1, Miscellaneous Complaints 0, Miscellaneous Calls 902 and Total Calls 1,467.

Mr. Cesaretti read a report for the month of December that was submitted by Deputy Fire Chief Robert Yearly. There were 12 Fire Calls for The Month, 3 Drills, 7 Calls in Town, 5 Calls out Of Town and 236.9 Man Hours for the month.

Mr. Cesaretti reported that a Pedestrian Safety Committee is being formed. In addition to Mr. Cesaretti, Council members Smyth and Brown will serve. There will be representatives from the Drive 25 committee, from the Riverton School and the Police Department. Council will be kept informed.

**PUBLIC WORKS/SEWER & ECONOMIC DEVELOPMENT-Mr. Smyth**

**RESOLUTION 14-08**

**A RESOLUTION TO AWARD A CONTRACT TO WASTE MANAGEMENT OF NEW JERSEY, INC.**

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

Mr. Smyth reported that a Bell Zone waiver is being sought from the Federal Railroad Administration regarding the Riverline.

Mr. Smyth reported the Bridge Commission is preparing a scope of work for the Linden Avenue (at Bank Avenue) upgrades. Representatives from the Bridge Commission are scheduled to attend one of Council's meetings in February to review this with Council.

Mr. Smyth reported that a proposed regional police consolidation study will be discussed at a Burlington County Shared Services meeting on February 28, 2008. Mr. Smyth stated that we should also consider opening discussions with Cinnaminson Township again about consolidating our police departments.

**ZONING/PARK/CODE ENFORCEMENT & COURT-Mr. Brown**

Mr. Brown reported that we are looking into submitting a grant application to major league baseball for potential funding to upgrade the park. Local Planner, Dave Gerkins, is helping with the application process.

Mr. Brown reported that there have been code violations regarding 204 Main Street, which our Code Enforcement Officer and Construction Official officer are addressing. One issue is the number of units in question at this location. Mr. Brown reported that the issue of converting these units to affordable housing has been raised. In addition, the possibility of Section 8 housing at this location has also been raised. Council will be kept informed.

Mr. Brown reported that the Riverton Improvement Association has informed him that they would like to do something in the park. Mr. Brown will talk to Paul Grena to determine what they would like to do.

Mr. Brown reported that the upgrades at the War Memorial continue.

## **NEW BUSINESS**

### **RESOLUTION 15-08 A RESOLUTION APPOINTING COURT PERSONNEL (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 Ms. Cairns Wells. A poll vote was then taken. Dr. Daniel absent, Mr. Brown aye, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler aye & Mr. Cesaretti aye.

### **RESOLUTION 16-08 A RESOLUTION AUTHORIZING THE SOLICITOR OF THE BOROUGH OF RIVERTON TO FILE APPEALS, OMITTED AND ADDED ASSESSMENT APPEALS, AND ROLLBACK COMPLAINTS WITH THE COUNTY BOARD OF APPEALS (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, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti aye.

### **RESOLUTION 17-08 TRANSFER RESOLUTION (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 absent, Mr. Brown aye, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti aye.

### **RESOLUTION 18-08 A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SOLID WASTE CONTRACT WITH THE BURLINGTON COUNTY FREEHOLDERS FOR THE CONTINUATION OF RECYCLING AND SOLID WASTE DISPOSAL SERVICES FOR THE CALENDAR YEAR 2008 (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. Cesaretti. A poll vote was then taken. Dr. Daniel absent, Mr. Brown aye, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti aye.

## **CORRESPONDENCE**

Mr. Brown reported that a letter had been sent to Eastern Environmental, LLC, the Borough's former contractor for tree removals. The contractor was asked to reimburse the Borough in the amount of \$1,500.00 for damages caused by his equipment at 1009 Beechwood. Mr. Brown announced that the contractor has made this payment.

### **RESOLUTION 19-08 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. Brown, who moved for its adoption. This was seconded by Mr. Smyth. A poll vote was then taken. Dr. Daniel absent, Mr. Brown aye, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti aye. It should be noted that Personnel-2008 Compensation matters and police 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, 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 Mr. Brown, with all present voting in the affirmative

Mary Longbottom, RMC  
Municipal Clerk