

June 11, 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 10:00pm), Brown, Cairns Wells, Smyth, Kinzler and Solicitor Bruce M. Gunn

ABSENT: Council member 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 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.

The minutes from May 7 and May 14 were then presented. Ms. Cairns Wells 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 aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti absent.

FINANCIAL ITEMS: Mr. Kinzler

TREASURER'S, FINANCE REPORT & BILL LIST FOR APPROVAL

Mr. Kinzler moved that the attached reports for the month of May 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 aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti absent.

UPDATE ON 2008 MUNICIPAL BUDGET

Mr. Kinzler reported that when we introduced the budget at our May 7th meeting we were looking at a zero municipal purpose tax increase. This was based on the assumption that we would be getting 50% (\$73,000.00) of our state aid restored. However, we have been informed that right now we are only getting \$25,000.00. Mr. Smyth asked what happens if we adopt the budget and then find out we would be getting more in state aid. Mr. Kinzler responded that additional state aid funding would go to reduce the tax rate.

Mr. Kinzler proposed that Council reduce our debt service from \$180,000.00 to \$130,000.00 to offset the amount of state aid we will be receiving. This will still keep the increase in the local municipal purpose tax at zero. Mr. Kinzler reported that we will need to amend our budget to reflect this change. It was the consensus of Council to agree to Mr. Kinzler's proposal. Mr. Kinzler stressed the importance of adopting our budget so we don't delay the process for the issuance of our tax bills in a timely fashion. Mr. Kinzler reported that our Auditor has recommended that a special meeting be held to adopt the budget instead of waiting until Council's July 9th meeting. After a short discussion, it was the consensus of Council to hold a special meeting on June 23rd at 7:00pm regarding the required public hearing on the amendment to the budget and to adopt of the budget. The Clerk reported that procedurally, we need to hold the public hearing on the budget that was introduced last month tonight. We can then move forward and do the amendment. The Clerk also reported that Resolution 53-08 is being required by the State and needs to be adopted.

PUBLIC HEARING ON 2008 MUNICIPAL BUDGET

At this time Mayor Martin opened this portion of the meeting to the public for any comment on the budget. There being no public comment, Mayor Martin closed this portion of the meeting to the public.

RESOLUTION 52-08

**A RESOLUTION TO AMEND THE 2008 BUDGET
(IN FULL IN RESOLUTION & MINUTE BOOK)**

The above Resolution was read by title only by Mr. Kinzler, who moved for its adoption. 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 absent. A public hearing on this amendment is scheduled for June 23, 2008 at 7:00pm.

RESOLUTION 53-08

**A RESOLUTION REQUESTING APPROVAL OF THE DIRECTOR OF THE
DIVISION OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A
DEDICATED TRUST BY RIDER FOR PARKING OFFENSES ADJUDICATION
ACT, PURSUANT TO N.J.S.A.40A4:39
(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 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 absent.

RESOLUTION 54-08

**A RESOLUTION PERTAINING TO THE 2007 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 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 absent.

RESOLUTION 55-08

**A RESOLUTION PERTAINING TO THE CORRECTIVE ACTION PLAN FOR
THE 2007 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 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 absent.

REVIEW OF 2008 BUDGET Mr. Kinzler distributed an expense detail report regarding the budget as of April. This is on file with the Municipal Clerk. Mr. Kinzler highlighted some line items of concern such as postage, Computer hardware/software costs for the Borough and Police Department, Planning Board Professional Service Costs, Workers Compensation, Streets and Roads Miscellaneous and Wastewater Treatment Facility Cap allowance.

Mr. Kinzler brought up the issue of a check that was authorized last month for \$100.00. This was a contribution on behalf of the Mayor and Borough Council to be made to the family of a member who served the community. Mr. Kinzler asked who requested that this check be done. The response was the Mayor. Discussion took place

on whether we should be doing this and if so, what parameters should be set for consistency purposes. The Mayor and the Clerk reported that this is done on an individual basis. After a discussion, it was the consensus that \$50.00 be the limit, with the judgment being made between the Mayor and the Clerk. It was also the consensus that a new check be done for this particular contribution in the amount of \$50.00.

DISCUSSION: TAX MAP AND ZONING MAP REVISIONS RE: 101

LIPPINCOTT AVENUE Mr. Gunn reviewed the zoning map regarding this property with Council. It shows the line between the R8 and R15 as bisecting this property. The lot is at the corner of Carriage House and Lippincott Avenues. Mr. Gunn stated that he understands this issue came up when the owner submitted a subdivision application to the Planning Board. Mr. Gunn reported that Tax Assessor, Tom Davis has done a memorandum stating that he has reviewed the two deeds that are in his office from 2003 and 1982 for this property. Both deeds indicate one lot and not two. Mr. Davis believes our tax map needs to be corrected to reflect this.

Ms. Cairns Wells commented that the Planning Board referred this issue to the Zoning Board for an interpretation and that the Zoning Board voted that this property is one lot. Ms. Cairns Wells explained that at that point it was to come back to the Planning Board. However, the applicant chose not to appear nor did he request a continuance. Based on that the Planning Board dismissed the application.

Mr. Gunn reported that an Ordinance would need to be done to make any changes to the zoning map. It would then go back to the Planning Board for their review because any amendment to the zoning map is a change to the zoning classifications. The map should be in accordance with our Master Plan. An Engineer would have to re-draw the zoning map. We would have to notice every property owner within 200' of this property of any proposed change to let them know when the public hearing would be held. Mr. Gunn stated that both our Planner and Tax Assessor do not know why the line was drawn this way on the 1999 Zoning Map. Mr. Gunn further stated that that was around the time when we were working on a new Master Plan. Mr. Gunn stated that if Council wants to make this property all within the R15 zone, the zoning map needs to be amended. Mr. Gunn doesn't know if there are other instances of similar problems with our tax map; however, he believes it makes sense to do everything at once if possible. The Clerk reported that Joe Augustyn of Alaimo Associates has indicated that his firm would charge under \$750.00 to update the zoning map and tax map if Council chooses.

Ms. Cairns Wells commented that the Zoning Ordinance Task Force Committee may have recommendations for additional changes to our zoning map. A discussion ensued, with the consensus being to hold off until we have all the changes we want to make done at the same time.

MEETING OPEN TO THE PUBLIC

Michael Heine, 206 Carriage House Lane asked if the Zoning Board action on 101 Lippincott Avenue is within the appeal period (45 days) process to go to superior court. Ms. Cairns Wells stated that the Zoning Board heard the issue at their April meeting. The memorializing resolution would have been done in May. Mr. Heine urged Council to move forward immediately to change the zoning of this property.

Mr. Heine then complimented Council on their hard work on the budget process. Mr. Heine had some questions about the Municipal Court revenue to which Mr. Brown

responded. Mr. Heine stated that he would like to see the Court return to Riverton. He volunteered his help in this regard.

COMMITTEE REPORTS

PUBLIC SAFETY-Mr. Cesaretti

In Mr. Cesaretti's absence, Mr. Brown read a report for the month that was submitted by Chief Norcross. Vehicle Mileage 2924, Gas Used 476, Juvenile Arrests 0, Adult Arrests 10 (Criminal Warrants 2, Criminal Summons 0, Traffic Warrants 8, DWI 0 and Other 0), Motor Vehicle Accidents 6, Motor Vehicle Stops 112, Motor Vehicle Warnings 10, Motor Vehicle Summonses 96 (Riverton Officers 60, GD Grant 36, NJ Transit N/A and Other N/A), Burglar Alarms 11, Assists to Other Police Departments 18, Animal Complaints 3, Fire Calls 13, Arson 0, Ambulance Calls (Riverton) 28, Unattended Deaths 0, Criminal Cases 28, Incidents 173, Domestic 0, Thefts 6, Burglaries 0, Assaults 0, Sexual Assaults 0, Criminal Mischief 2, Robberies 0, Motor Vehicle Thefts 0, Miscellaneous Complaints 4, Miscellaneous Calls 472 and Total Calls 992.

PUBLIC WORKS/SEWER/GRANTS, SHARED SERVICES AND

ECONOMIC DEVELOPMENT-Mr. Smyth

RESOLUTION 56-08

A RESOLUTION APPROVING THE SUBMISSION OF A GRANT APPLICATION AND THE EXECUTION OF A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE DOWNTOWN STREETSCAPE EXPANSION PROJECT (CENTERS OF PLACE) (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, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti absent.

RESOLUTION 57-08

A RESOLUTION APPROVING THE SUBMISSION OF A GRANT APPLICATION AND EXECUTION OF A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE RIVERTON PEDESTRIAN SAFETY PROJECT (SAFE ROUTES TO TRANSIT) (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 aye, Mr. Brown aye, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti absent.

Mr. Smyth reported that there will be a write-up on Riverton in the Burlington County Times as it pertains to the river route towns. Mr. Smyth reported that the County will be doing an updated video on Riverton. The County has published an Economic Resource Guide for Burlington County. Mr. Smyth reported that the Delaware Valley Regional Planning Commission presented Riverton with a "Classic Town" plaque at a recent dinner.

Mr. Smyth reported that the Morgan Avenue project will be starting soon and that the repair work on Fulton Street continues.

The Chief reported that new gas mains will be installed next week on Broad Street from the Pompeston Creek to Lippincott Avenue.

Public Works Manager Reed reported that the reason the railroad area has not been cut is because the tractor mower broke down. We have an arrangement with New Jersey Transit whereby they will mulch all the flower beds along the railroad and we cut the grass. Mr. Reed informed Council that his department must attend safety seminars to do this.

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

Mr. Brown reported that the Zoning Board memorialized a resolution at their May meeting regarding a requested interpretation of our zoning map by Robert Recchuiti, 101 Lippincott Avenue.

RESOLUTION 58-08

**A RESOLUTION AUTHORIZING THE HIRING OF PARK PERSONNEL FOR THE 2008 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 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 absent.

COURT AUDIT. Mr. Brown asked for an update on this issue. Mr. Kinzler stated that he needs to do more fact finding and confer with Cinnaminson Township's Administrator on this issue. Mr. Kinzler believes our agreement with Cinnaminson spells out that they will do the audit. Council will be kept informed on this issue.

RESOLUTION 59-08

**A RESOLUTION TO ACCEPT THE DONATION OF TWO BENCHES FOR PLACEMENT AT THE PEACE POLE ON THE GROUNDS OF RIVERTON MEMORIAL PARK AT THE INTERSECTION OF EIGHTH AND 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 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 absent.

POLICE CONTRACT UPDATE. Mr. Brown announced that the Riverton Police Association has filed for arbitration. This information was just received yesterday. Mr. Kinzler stated that we know what we presented to the Association; however, what is the police's side? We have never received anything in writing from them. Mr. Brown concurred with Mr. Kinzler. Mr. Brown stated that anything that was done by the Association was verbal and not placed in writing. Mr. Kinzler doesn't understand how you can go to arbitration like this. Council will be kept informed on this issue.

PARK . Mr. Reed reported that the pole pads needed to be square in shape and round ones were inadvertently ordered. Mr. Reed donated them to the school because it would cost us more to send them back.

FENCING TO BE PLACED AT 100 MIDWAY. Mayor Martin reported that Mrs. Martin would be putting up a temporary fence at this location during the downhill race on the 4th of July. The owner of this property requested this fencing.

CODE ENFORCEMENT. Mr. Brown reported that the home at 815 Homewood has sold and is going to be used for developmentally disabled people. This is a permitted use under the Municipal Land Use Law (MLUL) and should be dealt with as a single family dwelling. Our Code Enforcement Officer, Zoning Attorney and Solicitor have been working on this issue. Mr. Brown stated that we don't want this to be a halfway house. Mr. Brown stated that part of the requirement of the MLUD is not to permit any individuals that have been convicted based upon a plea of insanity living in the home. Mr. Gunn stated that before any final CO is issued for this property, we need to make sure that the owners are licensed by the State. Council will be kept apprised of this situation.

PLANNING/REDEVELOPMENT- Ms. Cairns Wells

Ms. Cairns Wells reported that the Zoning Task Force Committee are considering recommending some changes to our zoning code, such as, revising the percentage of impervious coverage for lots, deleting the definition for back yards /side yards, etc. and replace it with a more generic measurable definition, add an additional zone (R20) in areas where there are lots over or close to 30,000 square feet, set the minimum/maximum front yard set back, make changes to the demolition procedures, rewrite the addition of a mobile sign code, etc. Ms Cairns Wells stated that the committee would be meeting again to fine tune their work before making any formal submissions to Council.

SHADE TREE/BD OF HEALTH/RECYCLING & ENVIRONMENTAL-Dr. Daniel
No report

OLD BUSINESS. There was no old business presented at this time.

NEW BUSINESS

ORDINANCE 2-08

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 128,
ARTICLE XV TO PROVIDE FOR A STREAM CORRIDOR PROTECTION
BUFFER IN THE BOROUGH OF RIVERTON
(IN FULL IN ORDINANCE BOOK)**

The above Ordinance was read by title only for the second time by Ms. Cairns Wells, who moved for its adoption. This was seconded by Mr. Brown. At this time, Mayor Martin opened this portion of the meeting to the public for any comment on this Ordinance. There being no public comment, Mayor Martin closed this portion of the meeting to the public. 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 absent.

ORDINANCE 3-08

**AN ORDINANCE OF THE BOROUGH OF RIVERTON, COUNTY OF
BURLINGTON AND STATE OF NEW JERSEY TO PROVIDE FOR AND
DETERMINE RATES OF COMPENSATION OF EACH OFFICER AND
EMPLOYEE OF THE BOROUGH OF RIVERTON
(IN FULL IN ORDINANCE BOOK)**

The above Ordinance was read by title only for the second time by Mr. Kinzler, who moved for its adoption. This was seconded by Ms. Cairns Wells. At this time, Mayor Martin opened this portion of the meeting to the public for any comment on this

Ordinance. There being no public comment, Mayor Martin closed this portion of the meeting to the public 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 absent.

CORRESPONDENCE-There was no correspondence presented at this time.

There being no further business to discuss, Mr. Brown 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