

April 8, 2009

The regular meeting 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 notification of all meetings to be held in 2009 published in the Burlington County Times on December 29, 2008

(b) Posting written notice on the official bulletin board on January 2, 2009

The open and closed session minutes from March 4 and March 11 were then presented. Mr. Smyth asked that under his committee report for the March 11 minutes, the word town be corrected to read tower. The Clerk stated that this correction would be made prior to the minutes being posted on the website. Mr. Smyth moved that these minutes be approved as corrected. 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 abstained from the March 4th minutes and voted aye for the March 11th minutes.

ANIMAL CONTROL OFFICER DISCUSSION

Rick & Maryann Bailey of M&R Wildlife addressed Council. Mr. Bailey reported that a rabid raccoon was recently found in the vicinity of Homewood Drive in Riverton Borough. The County Board of Health prepared flyers which were distributed to the properties at the Homewood Drive location. The flyers stressed the need to keep a safe distance from stray & wild animals; to not attempt capturing any wildlife or stray animals and to not feed any stray or wild animals. Mr. Bailey expressed concern that there have been instances whereby residents have been feeding stray animals. Mr. Bailey stated that by doing that, the residents become responsible for the animals and the licensing of them. Mr. Bailey stated that he thought the Borough's Ordinance pertaining to Animals (Chapter 45) should be amended to clearly define what "feeding of stray and wildlife" means and the responsibility of doing so to our residents. After discussion, it was the consensus that the Solicitor be asked to draft an ordinance for Council's review.

Mr. Bailey also suggested that the Borough consider raising the fees charged for licensing dogs and cats. He believes Riverton is one of the lowest. There was some discussion on this issue. The consensus reached was that it was more important to impress upon our resident's the requirement to have their dogs and cats licensed so that the Borough knows the animal(s) have been properly inoculated against rabies as opposed to just raising the fees for the licensing procedure.

TREASURER'S, FINANCE REPORT & BILL LIST FOR APPROVAL. Mr. Kinzler moved that the attached reports for the month of March be approved. 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. Mr. Kinzler commented that to date, we have collected 96.75% in taxes.

Mr. Kinzler asked that the issue of recommending a Bond Counsel be tabled until Council's May 6th meeting. He needs to review additional information before making a recommendation. Council agreed to this.

ORDINANCE 2-09

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

The above Ordinance was read by title only for the first time 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. Second reading and a public hearing on this Ordinance is scheduled for May 13.

COMMITTEE REPORTS

PUBLIC SAFETY-Mr. Cesaretti

Mr. Cesaretti read a report for the month of March that was submitted by Police Chief Robert Norcross. Vehicle Mileage 2862, Gas used 396.7, Juvenile Arrests 1 (Assault 0, Miscellaneous 1 and Curfew 0), Adult Arrests 8 (Criminal Warrants 1, Criminal Summons 0, Shoplifting 0, Traffic Warrants 5, DWI 2 and Other 0), Motor Vehicle Accidents 4, Motor Vehicle Stops 119, Motor Vehicle Warnings 37, Motor Vehicle Summonses 85, (Riverton Officers 72, GD Grant 0, NJ Transit N/A, BCSD 13), Burglar Alarms 21, Assists to Other Police Departments 29, Animal Complaints 1, Fire Calls 6, Arson 0, Ambulance Calls (Riverton) 17, Unattended Deaths 0, Criminal Cases 24, Incidents 205, Domestic 1, Thefts 2, Shoplifting 0, Burglaries 0, Assaults 0, Sexual Assaults 0, Criminal mischief 4, Robberies 0, Motor Vehicle Thefts 0, Miscellaneous Complaints 16, Miscellaneous Calls 461 and Total Calls 1,041.

Mr. Cesaretti read a report for the month of March that was submitted by Deputy Fire Chief, Robert Yearly. There were 16 Fire Calls for the Month, 3 Drills, 8 Calls in Town and 8 Calls out of Town.

POLICE DEPARTMENT TO ADDRESS COUNCIL Mr. Cesaretti stated that the members of the Department would not be present tonight.

UPDATE RE: POLICE CONTRACT

Mr. Cesaretti reported that Council had received a copy of this contract for their review. Mr. Brown reviewed the changes to this contract as outlined in the Memorandum of Agreement from January 8, 2009. A Resolution specifying the changes and authorizing the Mayor to sign this document is required.

RESOLUTION 28-09

RESOLUTION TO APPROVE THE RIVERTON POLICE CONTRACT FOR THE YEARS 2007-2011 (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. Kinzler. A poll vote was then taken. Dr. Daniel nay, Mr. Brown aye, Ms. Cairns Wells Aye, Mr. Smyth nay, Mr. Kinzler aye and Mr. Cesaretti aye.

RESOLUTION 29-09
A RESOLUTION AUTHORIZING THE ADVERTISEMENT FOR THE
POSITION OF CHIEF OF POLICE FOR THE BOROUGH OF RIVERTON
(N 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. Kinzler. 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.

PLANNING/REDEVELOPMENT-Ms. Cairns Wells

Ms. Cairns Wells reported that as part of the Downtown Revitalization grant, we held a Community Visioning Session on March 25th at the Riverton School to obtain input from the public. Surveys were distributed to those in attendance and the information will be gathered and formulated by the Waetzman Group, Inc.

Ms. Cairns Wells reported that the Planning Board will be hearing a site plan application from Clearwire Communications, Inc. to become another co-locator on the Borough's cell tower at their next meeting.

Regarding the proposed Ordinance to increase escrow fees and escrow requirements for Site Plan, Subdivisions and Variances, Ms. Cairns Wells reported that all the changes requested by Council and the Planning Board and Zoning Board have been included. Ms. Cairns Wells asked that Council introduce this Ordinance tonight.

ORDINANCE 3-09

AN ORDINANCE IN THE BOROUGH OF RIVERTON AMENDING CHAPTER
22, SECTION 23 AND 29, CHAPTER 109, SECTION 10 AND CHAPTER 113,
SECTION 48 AND CHAPTER 128, ATTACHMENT 2, OF THE RIVERTON
BOROUGH CODE TO PROVIDE FOR INCREASES IN VARIANCE, SITE
PLAN AND SUBDIVISION FILING AND ESCROW FEES

The above Ordinance was read by title only for the first time by Ms. Cairns Wells 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. Second reading and a public hearing on this Ordinance is scheduled for May 13th.

STREETS/SEWER/GRANTS/ECONOMIC DEVELOPMENT-Mr. Smyth

Mr. Smyth reported that we received \$23,000.00 for our Safe Routes to Schools grant application. This grant money will be used to place stop signs at variance locations and to restripe specific crosswalks. Mr. Smyth asked that Mr. Cesaretti, the Chief of Police, the Public Works Manager and himself meet to review the grants parameters so that we can move forward and commence work. Mr. Gunn stated that Ordinances will need to be in place before any stop signs can be installed. Mr. Gunn reminded Council that draft Ordinances regarding these stop signs had previously been prepared. However, Council put these on hold when they decided to apply for this grant. It was the consensus of Council that these draft ordinances be placed on Council's May 6th agenda for discussion.

Mr. Smyth reported that Alaimo Associates prepared an Engineering estimate to make the entrance to the school's gymnasium handicapped accessible for elections. Mr. Smyth stated that the Bridge Commission would be considering our request to file an application for Emergency Community Development Block grant funding to get this

project done. Ms. Cairns Wells stated that the school board has indicated that they do not want automatic doors at this location. She will contact Alaimo Associates to adjust their estimate accordingly.

Mr. Smyth reported that we are still in a holding pattern regarding potential federal funding for our proposed park upgrades.

Mr. Smyth reported that it looks like the County will not pay for the installation of pedestrian actuated signals at Cedar, Thomas and Elm. We initially thought that they would do this. Mr. Smyth reported that we received notification from New Jersey Transit that they are estimating that it would cost \$143,768.00 to do this. Mr. Smyth stated that he would be conferring with Freeholder Joseph Donnelly regarding this issue to determine if they would reconsider their decision.

RESOLUTION 30-09

**A RESOLUTION AUTHORIZING THE REDUCTION IN SEWER CHARGES
ON THE PROPERTY LOCATED AT 308 MAIN STREET (BLOCK 604, LOT 13)
RIVERTON, NEW JERSEY
(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 aye.

Mr. Smyth reported that the issue of the new stormwater regulations would be discussed at Council's May 6th meeting.

**SHADE TREE/BD OF HEALTH/RECYCLING ENVIRONMENTAL-Dr. Daniel
PROCLAMATION-ARBOR DAY
(IN FULL IN RESOLUTION BOOK)**

The above Proclamation was read in full by Dr. Daniel.

Dr. Daniel reported that the Shade Tree Commission has voted to support two legislative bills. These bills would attempt to register and license anyone entering into the business of pruning, repairing, maintaining or removing trees, brush cutting and stump grinding, consistent with classification code 0106 of the New Jersey Worker's Compensation and Employer's Liability Insurance Manual. This legislation will not affect municipal employees managing trees on Government owned property. Dr. Daniel stated that the Shade Tree Commission is requesting that Council pass a Resolution supporting these bills.

RESOLUTION 31-09

**A RESOLUTION IN SUPPORT OF NEW JERSEY LEGISLATIVE BILLS S-2503
AND A-2872
(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 reported that it is the intention of the Shade Tree Commission to apply next year for the Cool Cities Tree Program to offset the costs for the purchase of new trees. Dr. Daniel explained that while we qualified this year for this program, the Shade

Tree Commission had already made commitments to three New Jersey Nurseries for trees that were planted in March.

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

Mr. Brown reported that the Zoning Board did not hold a meeting in March.

Mr. Brown read a report for the month of March that was submitted by Court Administrator, Jackie Gleason. The total receipts for the month amounted to \$10,643.00. The total disbursed to Riverton amounted to \$5,233.46

Mr. Brown reported that Construction Official Edward Schaefer informed him that representatives from the Riverton Post Office have not submitted any permit applications for the work they are doing at their new location at Riverton Square. Mr. Schaefer will be sending them a letter regarding this issue. Council will be kept apprised of the situation.

Mr. Brown reported that the issue of whether to permit Cinnaminson Township to utilize credit cards for our Municipal Court still has not been resolved. After a short discussion, it was the consensus that Cinnaminson Township be contacted to determine if and when they want to move forward with this and if Riverton has the option of declining. Council will be kept informed.

Mr. Brown reported that we have had a number of complaints concerning the existence of construction/equipment parked on and off the street in residential areas and that Council indicated that they wanted to restrict this from happening. Mr. Brown reported that our Solicitor has prepared a draft Ordinance for Council's review. This Ordinance states that "no construction equipment shall be placed or parked on any lot or lots or any public street in any zone, except during a period of ongoing construction of the same lot or lots that specifically requires the use of the construction equipment that is stored or parked." Mr. Gunn stated that this Ordinance would first have to be sent to the Planning Board for their review because it would be an amendment to our Zoning Code and could affect our Master Plan. A considerable discussion took place concerning the interpretation and amendment of this Ordinance relative to boats and recreational vehicles and/or other commercial vehicles. Because these issues would involve a more detailed review, it was the recommendation of the Solicitor to consider just presenting this amendment which addresses a present concern. It was the consensus of Council to agree to this.

MEETING OPEN TO THE PUBLIC

Richard Rauth, asked for a status report regarding 108 7th Street. Mr. Gunn responded that we are nearly at the deadline for the owners to comply with the court order. We might have to go back into court and seek more penalties and/or an order of eviction to demolish and/or correct the unsafe structure on the property.

Mr. Rauth asked when we would be able to have Verizon fios cable service in Riverton. The Clerk responded that the Borough presently has a 15 year cable franchise agreement with Comcast Cable Company which does not expire until January 10, 2014.

Scott Reed, raised concerns regarding the deterioration of the property at 423 Lippincott Avenue, in particular the chimney. Mr. Brown responded that he would have the Construction Official make an inspection of this property once again.

Gene Bandine thanked the Police Department for their efforts in keeping people from congregating at Zena's (gazebo) late at night.

Heidi Winzinger commented that she thought Council might want to consider raising the fees charged for non-neutered dogs and cats.

Ms. Winzinger raised concern regarding the continual music coming from the ice cream trucks driving through town (in particular the Mr. Softee truck). Ms. Winzinger cited portions of the Peddling & Soliciting Ordinance (Chapter 96 of the Borough Code) which she believes are not being enforced by the Police Department. Ms. Winzinger was of the opinion that the Borough should be supporting the present ice cream parlor in Riverton and should be doing more to discourage these ice cream trucks from coming into town. After a discussion, it was the consensus that the Chief of Police make sure that vendors are in compliance with our present ordinance. Solicitor Gunn suggested reviewing this Ordinance for possible amendments. Council concurred with this.

Frank Cioci was of the opinion that there are too many vendors allowed in Riverton. He believes they should be banned from coming into town. Mr. Cioci believes more should be done to help the businesses.

Regarding the recreational vehicle issue, Mr. Cioci commented that while he thinks there should be some regulations (perhaps by size), he reminded Council that Riverton is a boating town.

OLD BUSINESS

RESOLUTION 32-09

A RESOLUTION TO APPROVE THE SETTLEMENT OF THE PENNSAUKEN LANDFILL LITIGATION AGAINST THE BOROUGH OF RIVERTON (IN FULL IN RESOLUTION BOOK)

The above Resolution was read by title only by Ms. Cairns Wells, 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. Kindler aye, and Mr. Cesaretti aye.

NEW BUSINESS-There was no new business presented

CORRESPONDENCE-No correspondence was presented

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