

May 6, 2009

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

PRESENT: Council members Daniel (left at 8:30pm) Cairns Wells, Smyth, Kinzler, Cesaretti and Solicitor Bruce M. Gunn

ABSENT: Council member Brown

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

River Route Updates: Darlene Scocca and Ed Fox from the County present

Ms. Scocca and Mr. Fox provided Council with information on the accomplishments of the Burlington County River Route (10 years and counting) They highlighted some of today's success stories in the River Route, such as, the RiverLine, the Haines Industrial Center, Willingboro Town Center, The Shoppes at Cinnaminson, and The Shoppes of Riverton. Some future opportunities in the River Route are the Roebing Superfund Site, Commerce Square in Burlington City, the Golden Triangle in Riverside, NJ and the Southside Route 73 redevelopment in Palmyra, NJ.

Ms. Scocca and Mr. Fox also reviewed the River Route's Advisory Committee's ten-year progress Report (2009) for Riverton as follows: **Land Use**-Findings -All original plan activities completed-Recommendation-to implement Master Plan and redevelopment plan recommendations, **Housing**-Findings-All original Plan Activities completed-Recommendation-Implement housing element and fair share plan recommendations, **Economic Development**-Findings-All original plan activities complete – Recommendation-Re-evaluate legislation initiative for regional redevelopment zones, **Transportation**-Findings-All original plan activities completed-Recommendation-Implement redevelopment plans' circulation and parking recommendations and those in the Downtown Revitalization Study, **Recreation and Open Space**-Findings-All original plan activities completed-Recommendation-Continue to coordinate redevelopment with NJDEP's Delaware River Heritage Trail project), **Historic Preservation**-Findings and Recommendations-" The Municipal Land Use Law permits design control in historic district zones and redevelopment areas through a variety of measures. The Borough has determined that the design advice provided by the Architectural Review Committee sufficiently protects the historic district and redevelopment areas from visually incompatible development within reasonable review procedures of all applications," **Public Facilities and Services**-Finding-All original plan activities completed – Recommendation-(Continue regular annual maintenance of street, sidewalk, sewerage and storm drainage systems, and **Intergovernmental Coordination**-Finding-Most original Plan activities completed –Recommendation-Continue participation in joint/shared service ventures, and re-evaluate legislation initiative for regional redevelopment zones.

**RESOLUTION 33-09
A RECYCLING TONNAGE GRANT APPLICATION**

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

FINANCIAL ITEMS: Mr. Kinzler

ORDINANCE 1-09

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK FOR CALENDAR YEAR 2009

(N.J.S.A. 40a: 4-45.14)

(IN FULL IN ORDINANCE BOOK)

The above Ordinance was read for by title only for the second time by Mr. Kinzler, who moved for its adoption. This was seconded by Mr. Cesaretti. At this time Mayor Martin opened this portion of the meeting to the public for any comment on this Ordinance. There being no comment on this Ordinance, Mayor Martin closed this portion of the meeting to the public. A poll vote was then taken. Dr. Daniel aye, Mr. Brown absent, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler aye, and Mr. Cesaretti aye.

PUBLIC HEARING ON MUNICIPAL BUDGET

Joseph Threston, 307th Street commended Council on their budget process. He believes Council did the right thing by their citizens. Mr. Threston understands that we had taken our debt service down to \$50,000.00. He asked if things work out well during the year, could an amendment to the budget be made regarding that amount, or is that number fixed. Mr. Kinzler reported that our debt levels have been going down dramatically. We have been servicing our debt at a more aggressive level than we are doing for 2009. In order to deliver the 5% reduction in our tax rate, we took the debt service down to \$50,000. Mr. Kinzler doesn't know if the year progresses better than we thought, if receipts are better than we thought and if expenses are lower than we thought, if we can overshoot that mark. Mr. Kinzler also stated that our Bond Anticipation Note will roll over in July. We won't have a good enough read on the year at that time to take that kind of a gamble.

RESOLUTION 34-09

A RESOLUTION CERTIFYING THE APPROVED BUDGET BY THE CHIEF FINANCIAL OFFICER

(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 absent, Ms. Cairns Wells aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti aye.

RESOLUTION 35-09

A RESOLUTION ADOPTING THE 2009 MUNICIPAL BUDGET

(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.

RECOMMENDATION FOR THE APPOINTMENT OF A BOND COUNSEL

Mr. Kinzler distributed detailed information on the three candidates (firms) being considered for appointment as the Borough's Bond Counsel for Council's review. They are Ron Ianoale of McManimon & Scotland, Brian Kowalski of Capehart and Scatchard and Tom Coleman of Raymond & Coleman. Mr. Kinzler stated that McManimon and Scotland have served as the Borough's Bond Counsel for many years with no problems. After a short review and discussion, it was the consensus of Council to continue with McManimon & Scotland.

RESOLUTION 36-09

**A RESOLUTION AUTHORIZING THE AWARDING OF A CONTRACT FOR PROFESSIONAL SERVICES TO MCMANIMON & SCOTLAND AS BOND COUNSEL FOR THE BOROUGH OF RIVERTON FOR THE REMAINDER OF 2009 AND AUTHORIZING THE MAYOR AND CLERK TO EXECUTE THE REQUIRED CONTRACT
(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 absent, Ms. Cairns Wells aye, Mr. Smyth abstained, Mr. Kinzler aye and Mr. Cesaretti nay.

AMENDING CHAPTER 45 regarding Cats-Mr. Gunn reported that he has received a Cat Licensing model from our Animal Control Officer. He will review this document and prepare a draft amendment to our Ordinance for Council's review and consideration at their June 10th meeting.

AMENDING CHAPTER 128-52

Ms. Cairns Wells reported that the Planning Board has reviewed this proposed Ordinance and has recommended that Council move forward with it.

ORDINANCE 4-09

AN ORDINANCE TO AMEND CHAPTER 128-52 OF THE RIVERTON BOROUGH CODE REGULATING ON AND OFF STREET PARKING AND STORAGE OF CONSTRUCTION EQUIPMENT

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. Kinzler. A poll vote was then taken. Dr. Daniel aye, Mr. Brown absent, 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 June 10.

MEETING OPEN TO THE PUBLIC

RuthAnn Strom reported that she has been a victim of a robbery for the second time in six months in her house. This time they were home with two dogs in the gated yard. With the back door unlocked, someone slipped in and stole a digital camera and wallet out of her pocketbook. No one was ever caught. No fingerprinting was done. Ms. Strom was informed by the police the first time they were robbed that the Police Department has no detective to do fingerprinting. Ms. Strom reported that she believes the 2nd time she was robbed there were 9 car robberies in town. Five days later another robbery took place in town during the night near her home. Ms. Strom does not feel safe in her house or the neighborhood. She has seen an increase in crime in town. Ms. Strom believes that the Police Department is seriously undermanned. She believes the police presence needs

to be increased. Ms. Strom stated that she has offered her services to the Police Department to organize a Town Watch. She thinks this is needed. Ms. Strom believes the rail line has brought increased crime into town. Mr. Cesaretti believes a Town Watch is a good idea. However, he cautioned that while people are initially interested, it seems to fizzle out when they actually have to do it. Ms. Strom commented that she has been talking to people in town and she believes there is a real interest in doing this. She has researched information regarding Town Watch organizations online. You need the support of the Police Department and a member of Council to initiate it.

Ms. Strom reported that she was also informed by the Police Department that residents are using the local police number and leaving a message instead of calling 9-1-1. Mr. Cesaretti stated that if a resident feels that an issue is important and/or suspicious enough to call the police, they should call 9-1-1 and not the local number. That way the call is logged in. Ms. Strom feels that the public needs to know this. Regarding the River Line, Mr. Cesaretti stated that they have the transit police on rotation and the county has provided sheriff's deputies for increased presence.

Steve Strom reported that the first time their house was robbed information on the suspects were given to the Police Department and nothing was done. The 2nd time they were robbed the person they think committed the crime lives behind them. If the Police don't have the availability to follow up, what resources or where would he go. Mr. Cesaretti responded that they should contact him and he will follow through with the issues and concerns. Mr. Strom also reported that he was told by the Police Department that he should have locked his doors.

Scott Reed, who is a Special Officer, commented that it depends on the severity of the crime as to whether the Police Department will go to another municipality for a detective.

Mayor Martin thinks that the Police Department needs to check their messages more often. Mr. Kinzler asked if the Police Department's answering machine informs the public to call 9-1-1. Mr. Cesaretti responded yes. Mayor Martin thinks what is being said is that we do not provide enough services, and is wondering if the Police don't follow up as strongly as they should. He believes they do have the time to do it. Mayor Martin thinks that is what is being said here. Ms. Strom stated that what she has been told by the Police Department is that they do not have enough resources Mayor Martin stated that he supports a Town Watch.

Ms. Cairns Wells stated that what she has heard is that Ms. Strom does not feel safe in her house or neighborhood. You can't put a value on that. Mr. Smyth believes the victim should have the right to have a detective brought in. Mr. Cesaretti will follow-up on the issue of why a detective was not brought in. Mr. Cesaretti commented that it might have been because the criteria was not met to do this. Mr. Reed commented that we need to do more community policing. We need to be more involved with our residents. Mr. Reed stated that we do share detectives with other municipalities. Mr. Kinzler believes this issue is one of reasons we need we need to understand exactly what the police do.

Joe Threston suggested that information be placed on the Borough's website that explains the need for residents to call 9-1-1 instead of the local police department telephone number. Mr. Threston also suggested that this information be send home with the Riverton school children. Mr. Threston inquired as to whether the Police Department used a random method to call for a detective. Mr. Cesaretti responded that he believes the

Chief has what is considered to be a call tree regarding this issue. He will discuss this issue further with Chief Norcross.

Lisa Threston suggested putting out flyers at the local businesses with this information. Some people may not have computers.

Frank Cioci, asked how soon the Town Watch can be started. Mr. Gunn stated that a resolution would need to be done first appointing the members and making them a sub-committee of our Public Safety Committee for insurance purposes. We previously did this back in 1993 when a Town Watch group was first initiated.

Mark Austin strongly opposes the operation of the IPWA or Devastation University (wrestling school) Mr. Austin doesn't feel that this seems appropriate for a Victorian town. Mr. Austin also commented that their sign looks like graffiti.

Art Palmer, an instructor of Devastation University was asked to introduce himself tonight. Mr. Palmer stated that they want to be a good neighbor. They are working to keep the noise level down. Mr. Kinzler asked what Devastation University was. Mr. Palmer responded that that is the name of the school. Mr. Palmer indicated that the present sign could be change. Ms. Cairns Wells asked if he was one of the owners. Mr. Palmer responded no. Ms. Cairns Wells asked how many students they have and the hours of operation. Mr. Palmer responded approximately 20 students and that they would be operating MW&F in the evening. Ms. Cairns Wells asked if they are discussing the possibility of having performances at this location. Mr. Palmer responded that that was a possibility, but that that would be done with permission of the Borough and Code Enforcement Officer. Mr. Smyth commented that he understands that the owners have to go before the zoning board for a use variance. Mr. Palmer responded that he understands that is the case. Mr. Smyth said there are other properties along River Road which are more industrial and might better suit this type of operation. Gunn cautioned Council **Bill Guthrie** asked if this operation could evolve into an all day operation. The response was no; they would open at 6:00pm and close at 9:00pm

Ruth Strom asked what type of wrestling it was. Mr. Palmer responded professional. Ms. Cairns Wells asked that the all the proper procedures be followed. Mr. Palmer understands that they will have to go before the Zoning Board.

SAFE ROUTES TO SCHOOLS GRANT. Mr. Smyth reported that the Borough has received funding for this project in the amount of \$23,000.00. This is for the placement of stop signs, restriping and yield signs at specific locations. We initially thought this grant fell under the jurisdiction of the New Jersey Department of Transportation. However, we recently learned that this is a federal grant that has many rigid requirements. Mr. Smyth also reported that our engineer for this project has informed us that his estimated fee for the required professional services would amount to \$6,800.00. This amounts to 30% of the grant money received. Mr. Cesaretti conferred with our engineer, who recommended that we not do this grant. Mr. Kinzler stated that something is wrong with our entire grant process, because we seem to be finding out the problems and additional engineering costs involved after we go for and receive grants. Mr. Kinzler stated that due diligence needs to be done before we apply to determine whether a particular grant is right for the Borough. Council concurred with this. It was the consensus of Council that we decline this funding and determine what the costs would be if we do it ourselves. A formal resolution is required and will be placed on next week's agenda.

NEW STORMWATER REGULATIONS Mr. Smyth reported that we have been informed of new stormwater requirements that need to be implemented. Mr. Smyth asked Public Works Manager, Scott Reed if anything needs to be done by Council tonight so we are not in any violation. Mr. Reed responded that there are several items to be addressed, including the passage of two new required ordinances. Mr. Reed reported that he has conferred with our engineer for stormwater Terry Vogt, who indicated that we could probably wait awhile to get these done. The Clerk stated that she would place the ordinances on Council's June 10th agenda for review and consideration.

UPDATE RE: CHIEF'S POSITION. Mr. Cesaretti reported that the Public Safety Committee met May 9th. This was to review the local Chief's responses to the interviews they held with two internal candidates for the Chief's position. Mr. Cesaretti is coordinating getting the Chief's together with the Public Safety Committee so that we can drill them a little deeper as to how they got to their recommendations and whether there were any negative issues they want to speak with the committee about personally.

Mr. Cesaretti reported that he has conferred with Mr. Gunn about advertising for the Chief's position. Mr. Gunn stated that the state statute talks about non civil service communities. It indicates that a promotion of any member (including police chief), should be made from the membership of the Department or force. In addition to a candidate being physically and psychologically qualified, the only requirement is that they have to be in the force for three years. Mr. Gunn stated that we would first have to determine that the present members of the Department who have applied for the position are not qualified. Mr. Gunn feels it would be premature to advertise for this position until that determination is made. Mr. Cesaretti stated that we don't want to have a grievance. Concern was raised as to how a determination of qualification could be done since none of the present members of the police force have managerial experience. Mr. Gunn stated that it becomes a subjective issue. Mr. Gunn further stated that guidance is needed from professionals who can help us make that determination. However, in the end, it will be Council's decision.

Ms. Cairns Wells thought that the state statute was basically saying that you have to give preference to someone in the Department if they meet all of the qualifications. However, she asked if that meant that until you make that determination, you can't advertise for the position? Mr. Gunn responded that you could advertise because you're not hiring anybody yet. However, Mr. Gunn cautioned that it could look like we already made our mind up. Mr. Cesaretti stated again his concern that a grievance might be filed if we did this. Mr. Gunn stated that if Council wants to advertise, they should consult with our Police Counsel for his opinion and guidance on filling the Chief's position. While it is easier to promote from within, that doesn't mean you can't go outside. Ms. Cairns Wells feels that we have the right to find the most qualified person for this position. Do we have to take someone because they are qualified, but not necessarily the most qualified? Mr. Cesaretti responded that he posed the same question to Mr. Gunn. Mr. Kinzler believes, more importantly, we should be matching what we want in the role of Chief of Police. Mr. Gunn stated that you have to go through the approved process first. Ms. Cairns Wells believes we are doing just that. She also feels we have an obligation to see if there is someone outside who could be the most qualified. Mayor Martin questioned whether the labor laws give us a chance to do that. Mr. Gunn recommended again to consult our Police Counsel on this matter. Mr. Gunn feels that we

are doing the right thing now by closely evaluating the present members of the department interested in the Chief's position. Mr. Cesaretti will contact our Police Counsel. Council will be kept informed.

PRELIMINARY AGENDA FOR MAY 13. The Clerk reviewed this with the Governing Body.

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

Mary Longbottom, RMC
Municipal Clerk