

April 7, 2004

April 7, 2004

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

**PRESENT:** Council members Daniel (arrived at 6:05pm), Villari, Smyth, Gilmore, Cesaretti, Alls-Mofatt, Solicitor Bruce Gunn and Auditor Robert Stewart

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 this meeting published in the Burlington County Times on March 13, 2004

(b) Posting written notice on the official bulletin board on March 31, 2004

**2004 Budget Discussion-Borough Auditor present.** Mr. Stewart stated that as of Council's last budget work session, we were looking at a tax increase of just above 20 cents. (version 1) Mr. Stewart stated that this increase would not include any capital projects. Mr. Stewart further stated that by utilizing a portion of our surplus, he could bring the tax rate down to 10.3 cents. Mr. Stewart explained that with the exception of the purchase of a new fire truck, this version does not include any other additional capital projects.(version 2) However, Mr. Stewart stated that if Council would add 5 cents onto the tax rate, the down payment for all of the proposed capital projects they were considering (road repairs and/or repaving, rollover truck, police items) could be incorporated into the budget.(Version 3) A lengthy discussion. After much deliberation, it was the consensus of Council go with version 3. At this time it was decided that Council go into closed session to review some personnel issues that might impact this year's budget.

#### **RESOLUTION 36-04**

#### **A RESOLUTION PERMITTING THE EXCLUSION OF THE PUBLIC FROM A MEETING IN CERTAIN CIRCUMSTANCES PER SECTION 8 OF THE OPEN PUBLIC MEETINGS ACT C.231P.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 Mrs. Alls-Moffat. A poll vote was then taken. Dr. Daniel aye, Mrs. Villari aye, Mr. Smyth aye, Mr. Gilmore aye, Mr. Cesaretti aye and Mrs. Alls-Moffatt. It should be noted that personnel matters will be discussed as they may impact the 2004 Municipal Budget.

At this time Mr. Smyth moved that we return to public session. This was seconded by Mrs. Alls-Moffatt. A poll vote was then taken. Dr. Daniel aye, Mrs. Villari aye, Mr. Smyth aye, Mr. Gilmore aye, Mr. Cesaretti aye and Mrs. Alls-Mofatt aye. It was announced that the personnel issues discussed in closed session would not impact the 2004 budget.

#### **RESOLUTION 37-04**

#### **INTRODUCTION OF THE 2004 MUNICIPAL BUDGET (IN FULL IN MINUTE AND RESOLUTION BOOK)**

The above resolution was read by title only by Mr. Smyth, who moved for its adoption. This was seconded by Mrs. Villari. A poll vote was then taken. Dr. Daniel aye, Mrs. Villari aye, Mr. Smyth aye, Mr. Gilmore aye, Mr. Cesaretti aye and Mrs. Alls-Mofatt aye. It was announced that the budget would be published in the Burlington County Times on April 25, 2004 and that a public hearing on the budget would take place on May 12, 2004 at 7:00pm in the Municipal Building.

**Request from Lauren Lewonski, 515 Howard Street, for a parking space in front of her home-Alan Ettenson, Ms. Lewonski's attorney addressed Council.** Mr. Ettenson reminded Council that this is not the first time this issue has been brought before Council.

He also reminded Council that when Ms. Lewonski purchased her home the present restaurant was not next door to her property. Mr. Ettenson explained that the Planning Board created a parking hardship for Ms. Lewonski when they approved the site plan for the operation of a restaurant at this location that also included a parking variance. Ms. Lewonski does not have a driveway and is unable to park in front of her home. Mr. Ettenson is requesting permit parking for Ms. Lewonski. Mr. Ettenson stated that this would pose no detriment to the overall zoning of this area. Mr. Cesaretti commented that this issue has been discussed numerous times. Mr. Cesaretti asked Ms. Lewonski if she had any designated place to park when she purchased her property. Mr. Ettenson responded that she did not; however, there was no restaurant next door at that time. Mr. Cesaretti stated that Ms. Lewonski is asking relief from a situation that she knew full well when she purchased her home. Mr. Cesaretti stated that Ms. Lewonski purchased a home that was landlocked, without the ability to install a driveway. Ms. Lewonski asked why a parking variance was granted to the restaurant rather than letting them also be restricted to the land that they had. She also asked why the Borough gives loading zones to other businesses that are landlocked similar to her situation. Mr. Cesaretti disagreed with Ms. Lewonski's statements. Mr. Cesaretti stated that nothing was taken away from Ms. Lewonski. Howard Street is a public street and anyone can park there. Mr. Ettenson disagreed with Mr. Cesaretti's comments. Mr. Ettenson stated that Ms. Lewonski didn't know the parking situation when she moved in. Mr. Ettenson further stated that it is once thing move next to a business that is not in operation. Mr. Ettenson stated that once the Planning Board allowed the variance, Ms Lewonski's parking spot was taken. Mr. Cesaretti stated again that Howard Street is a public road whereby anyone has a right to park. Regarding the loading zone issue, Mr. Cesaretti stated that for safety issues the Red Balloon Nursery School was given loading and unloading privileges. Ms. Lewonski stated that she is not asking for anything more than what has already been done for the Red Balloon. Mr. Cesaretti commented that you cannot compare the two. Mr. Ettenson then suggested some type of restricted parking for her and her next door neighbors (Mr. & Mrs. Hoffler) during evening hours. Mr. Ettenson stated that the Planning Board's approving Resolution indicated that Council should consider permitting parking at this location. Mr. Cesaretti believes it would be shortsighted of this Council to grant a parking space to Ms. Lewonski. Other people in the Borough would then be asking for the same privilege. Mr. Cesaretti explained that we do not have the manpower or police to enforce it. This was one of the main reasons why her previous requests have been denied. Mr. Ettenson stated that this is a unique situation, which he believes the town, in part, has created within the neighborhood business zone. Mr. Cesaretti stated that the parking committee can meet and review this issue once again. A previous suggestion was to possibly grant a designated spot for Ms. Lewonski on the Borough's parking lot on Main Street. Mr. Gilmore commented that a number of years ago residents from Cinnaminson came in to request permitting parking on their street. This was due to the problem with the school employees' taking up parking spaces on this block. Mr. Gilmore stated that Council turned them down. Mr. Cesaretti stated that we have just received information from our Engineer regarding the Borough's authorized parking study. After this is reviewed, we could get back to Ms. Lewonski with our findings. Mr. Ettenson asked for the time frame. Mr. Cesaretti estimated within the next two months.

#### **Meeting Open to the Public**

**Robert Smyth, 1 Bank Avenue**, believes that there are economic problems in town and that we are providing too many services for a small budget. Mr. Smyth believes the purchase of a fire truck is an expensive item and we should be looking into municipal sharing and/or a used truck. Mr. Smyth also suggested reducing waste collection to one day throughout the entire year. Mr. Smyth also stated that the Nuway situation (the owner not paying taxes on time) bothers him. He would like this addressed in some way.

**Michael Heine, 206 Carriage House Lane**, believes Council should reconsider and allow Ms. Lewonski a parking space in front of her property. Mr. Heine believes Council

must correct this hardship that occurred when the Planning Board granted a variance to the restaurant next door to Ms. Lewonski.

Regarding the 2004 municipal budget, Mr. Heine believes Council should adopt version one that was discussed tonight. Mr. Heine believes Council should consider regionalization of the Fire Company. We should get a consultant to review the costs pertaining to shared services regarding this issue. Mr. Heine raised concern about the heavy police contract. We should be reviewing the costs in this regard also to determine if shared services could be a viable alternative.

Regarding the possible acquisition of the Post Office, Mr. Heine does not believe this is the right time to do this. He does not believe this is the fiscally responsible thing to do.

**Greg Urban**, the owner of the Red Balloon, announced that he would be willing to sell his property to the Borough at fair market value. Perhaps Council would like to purchase it and turn it into a parking lot. It would possibly address some of the present parking problems. Mr. Urban would like to relocate somewhere else, preferably in Riverton. Council took this issue under advisement.

**Mary Ann Shea, 205 Bank Avenue** inquired as to when all properties in town would be reassessed. Mr. Smyth stated that this would be a costly budget item and one that Council would need to review and discuss thoroughly.

**Cate Wheelhouse**, thanked Council for the Resolution adopted tonight that supports the noise mitigation measures regarding the light rail. Ms. Wheelhouse would like to see quiet zones implemented at the grade crossings.

**Dave Renzi, Burlington City** stated that it has been a battle in his town to implement quiet zones at their grade crossing.

**Various Resolutions reviewed for consideration.** Council reviewed the following Resolutions and agreed that they should be considered for adoption tonight.

#### **RESOLUTION 38-04**

### **A RESOLUTION AUTHORIZING PARTICIPATION IN THE BURLINGTON COUNTY SHARED SERVICES FORUM (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 aye, Mrs. Villari aye, Mr. Smyth aye, Mr. Gilmore aye, Mr. Cesaretti aye and Mrs. All-Mofatt aye.

#### **RESOLUTION 39-04**

### **A RESOLUTION AUTHORIZING THE BOROUGH OF RIVERTON TO ENTER INTO A COOPERATIVE PRICING AGREEMENT WITH THE COUNTY OF BURLINGTON (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 aye, Mrs. Villari aye, Mr. Smyth aye, Mr. Gilmore aye, Mr. Cesaretti aye and Mrs. All-Mofatt aye.

#### **RESOLUTION 40-04**

### **A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF RIVERTON SUPPORTING NOISE MITIGATION MEASURES FOR THE SOUTHERN NEW JERSEY LIGHT RAIL TRANSIT GRADE CROSSINGS IN THE BOROUGH OF RIVERTON (IN FULL IN RESOLUTION BOOK)**

The above Resolution was read by title only by Mrs. Villari, who moved for its adoption. This was seconded by Mr. Cesaretti. A poll vote was then taken. Dr. Daniel aye, Mrs. Villari aye, Mr. Smyth aye, Mr. Gilmore aye, Mr. Cesaretti aye and Mrs. All-Moffat aye.

#### **RESOLUTION 41-04**

**RECYCLING TONNAGE GRANT APPLICATION  
(IN FULL IN RESOLUTION BOOK)**

The above Resolution was read by title only by Mrs. Villari, who moved for its adoption. This was seconded by Mr. Cesaretti. A poll vote was then taken. Dr Daniel aye, Mrs. Villari aye, Mr. Smyth aye, Mr. Gilmore aye, Mr. Cesaretti aye and Mrs. Alls-Mofatt aye.

**RESOLUTION 42-04**

**SHADE TREE COMMISSION'S RECEIPT OF \$6,000.00 FROM THE  
COMMUNITY FORESTRY MANAGEMENT PLAN GRANT AWARD  
(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 Mrs. Alls-Mofatt. A poll vote was then taken. Dr Daniel aye, Mrs. Villari aye, Mr. Smyth aye, Mr. Gilmore aye, Mr. Cesaretti aye and Mrs. Alls-Mofatt aye.

**Update from Solicitor Re: Appointments to various boards and commissions.**

Solicitor Gunn reported that the appointments of Jose Talavera to serve as an alternate on the Planning Board and Joe Runyon to serve as a regular member to the Environmental Commission made at Council's reorganization meeting should be rescinded. These appointments were made with the consent of Council which is not consistent with state statutes. Solicitor Gunn stated that the Mayor should solely make these appointments.

Solicitor Gunn reported that our local Environmental Commission Ordinance should be amended to be consistent with the state statutes. Solicitor Gunn reviewed in detail his written opinion regarding these issues. After a short discussion, it was the consensus that the Solicitor prepare the required Resolution rescinding these appointments for next week's meeting. Mayor Martin indicated that he would then appoint these people to serve on these boards.

**Discussion: Possible expansion of the Environmental Commission.** After discussion this issue, it was the consensus of Council to defer any action on this issue at this time. However, the Solicitor reminded Council that they would have to amend our local environmental ordinance to make it consistent with the state statutes regarding the appointments of the Board. This issue was also taken under advisement.

**Proposed Ordinance Re: Food Manager Training.** Dr. Daniel reported that after discussing this issue with our Solicitor, it is their recommendation that this Ordinance be placed on hold and that no action be considered. Solicitor Gunn explained that the County Board of Health has been asking all of the municipalities to pass an Ordinance requiring food training to help in the prevention of food borne illness outbreaks in retail food establishments. Solicitor Gunn stated that our Local Board of Health would have to be on board with this Ordinance because our code book reflects the fact that they would be the ones to introduce and pass this Ordinance. Solicitor Gunn further stated that Council could amend our Board of Health Ordinance and revert everything to Council. It was the consensus of Council to take this issue under advisement.

**Update from Parking Committee.** Mr. Cesaretti commented that we have received our engineer's parking study of various locations throughout town, in particular Broad Street. With this information in hand, the Parking Committee can reestablish itself and start meeting, once again. **Gary Ford, 311 Bank Avenue,** commented that he knows that certain people have not decided to open businesses in town because of the parking problems.

**Discussion: Farmer's Market.** Eric Goldstein, 404 Lippincott Avenue, informed Council that volunteers in the Borough plan to launch "The Historic Riverton Farmers' Market. Mr. Goldstein stated that the Borough's newly formed business association will host the market. Mr. Goldstein informed Council that the market would be located immediately adjacent to the new Riverton Light Rail station making it highly visible from the passenger train. Mr. Goldstein stated that he would be meeting with representatives from New Jersey Transit to obtain their approval to hold the market on their property.

Mr. Goldstein reviewed in detail the registration, required fees and rules and regulations for the prospective vendors for Council's information. A discussion then ensued. Some concerns voiced by Council pertained to parking issues (people parking on side streets to go to the market) and potential liability issues for the Borough if the market spills out onto Borough property. This issue was taken under advisement until more information is received, in particular, approval from New Jersey Transit.

**Discussion: Smart Growth Grant.** Mayor Martin reported that this issue was discussed at the last Planning Board meeting. Mayor Martin stated that despite repeated requests by our former Mayor and the Board's Planner, there still has not been any formal acknowledgement and approval by the State regarding the changed scope of the project covered by the grant. The only written response the Borough has received from the State is an extension of the time period to complete this project. Mayor Martin stated that the Board voted to cease work on the project and has requested that Council send a letter to the State informing them that we would like to rescind all grant monies previously received. After a short discussion, it was the general consensus that our Solicitor prepare a letter for the Mayor's signature. Council will be kept apprised of this situation.

**Preliminary agenda for April 14.** The Clerk reviewed this with the Governing Body.

**NOTICE RECEIVED FROM BURLINGTON COUNTY TIMES RE: BEST OF BURLINGTON COUNTY CONTEST**

Mayor Martin announced that the Borough of Riverton won in the following categories: Best Community, Best Fire Department, Best Local Park, Best Playground, Best Police Force and Best School System. All of the results from this contest will be published in the Burlington County Times later on in the month.

At this time Mr. Smyth moved that we return to closed session. This was seconded by Mr. Cesaretti. A poll vote was then taken. Dr. Daniel aye, Mrs. Villari aye, Mr. Smyth aye, Mr. Gilmore aye, Mr. Cesaretti aye and Mrs. Alls-Moffatt aye. It should be noted that a litigation matter will be discussed.

At this time Mr. Smyth moved that we return to public session. This was seconded by Mr. Cesaretti. A poll vote was then taken. Dr. Daniel aye, Mrs. Villari aye Mr. Smyth aye, Mr. Gilmore aye, Mr. Cesaretti aye and Mrs. Alls-Moffat aye.

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

Mary Longbottom, RMC  
Municipal Clerk