

December 1, 2004

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

PRESENT: Council members Daniel, Villari, Smyth, Gilmore, Cesaretti, Alls-Moffatt 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 2004 published in the Burlington County Times on January 13, 2004

(b) Posting written notice on the official bulletin board on January 13, 2004

Recommendation from Solicitor and Shade Tree Commission Re: Shade Tree Contractor for 2005 and 2006. Dr. Daniel reminded Council that the Paul May Tree Service of Delran, New Jersey and Elite Tree Service of Manalapan, New Jersey bid for this contract. Dr. Daniel stated that while Elite Tree Service was the lower bidder, the Shade Tree Commission wanted to meet with their representatives and take a look at their operations. The Commission was concerned about where they are located and if the distance would pose any problems to them responding to our maintenance requirements. Our Solicitor commented that he thought it was a good idea for our Commission to review their concerns with these representatives. Council will be kept apprised of this situation before a final decision is made to award the contract.

Update Re: Broad Street Enhancement Grant. Mr. Gilmore reported that he would be reviewing the required documents that our Engineer (Dante Guzzi, Associates) will be submitting to the Department of Transportation by the end of this week. Mr. Gilmore is hopeful that our Engineer would have forwarded this documentation to the proper officials by next week. Council will be kept informed.

Discussion: Proposed attendance policy for members of Board and Commissions. Mrs. Villari reported that the newly proposed draft Resolution regarding this issue was placed in Council's packets for this evening's meeting. Mrs. Villari asked that Council review this for possible consideration at next week's meeting. Mr. Gilmore stated that he believes Council should get their own house in order before we start telling other people how what they should do. Mrs. Alls-Moffatt concurred with Mr. Gilmore's comments. Mrs. Alls-Moffatt stated that she feels this attendance policy is directed to the Planning Board. Mrs. Alls-Moffatt stated that she recently spoke with Frank Siefert, Planning Board Chairman regarding this proposed attendance policy. Mr. Siefert believes that he is more than capable of handling his Board members himself. Mr. Siefert informed Mrs. Alls-Moffatt that since he has served as Chair of the Planning Board there has always been a quorum to conduct business. Mrs. Villari asked Mrs. Alls-Moffatt to read this proposed resolution. Mrs. Alls-Moffatt stated that she did read it and she has also read the first draft of this resolution. Mrs. Villari commented that she thought it was important to get all of the boards and commissions on the right track. Mrs. Villari stated that this Resolution does have extenuating circumstances that are considered if there are absences. Mr. Gilmore asked Mrs. Villari if she had any help putting this Resolution together. Mrs. Villari commented that a lot of people helped. Mr. Gilmore asked if anyone in particular helped. Mrs. Villari responded Michael Heine helped. Mrs. Villari also stated that she had obtained sample Resolutions from other municipalities regarding their attendance policies. A discussion then ensued. Mrs. Alls-Moffatt suggested that the individual Chair's of our Boards and Commissions be asked for their opinion regarding this proposed resolution prior to Council's action on it. Mrs. Villari believes it is up to the Governing Body to make these decisions. Mayor Martin stated that we are trying to find a way to increase the attendance of these boards and commissions. Mr. Gunn stated that this resolution addresses attendance problems that are concurrent. Mr. Gunn commented that this resolution does not apply to Boards or Commission who do not meet four times a year.

Mr. Gilmore stated that he feels this Resolution is mean spirited and he does not think it has any place in Riverton. Mr. Gilmore stated that he would not be in favor of this. However, Mrs. Villari asked that this resolution will be placed on next week's agenda for Council's consideration.

Setting day and time for 2005 reorganization meeting. Mr. Smyth suggested that Council hold the 2005 Reorganization meeting in the Municipal Building on Wednesday, January 5, 2005 at 7:00pm. It was the consensus of Council to agree to this.

RESOLUTION 104-04

**A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF RIVERTON AUTHORIZING THE DAY AND TIME FOR THE 2005 REORGANIZATION MEETING
(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. Gilmore. 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.

Setting days and times for 2005 Council meetings. Mr. Smyth suggested keeping the 2005 Council meetings on the first and second Wednesday of each month during 2005. Mr. Smyth further suggested that the starting time for all 2005 Council meetings should be 7:00pm. It was the consensus of Council to agree to this.

RESOLUTION 103-04

**A RESOLUTION AUTHORIZING THE DAYS AND TIMES OF ALL COUNCIL MEETINGS FOR 2005
(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. Alls-Moffatt aye.

Professional Service Appointments for 2005. Mr. Smyth asked that this discussion take place in closed session later on tonight. It was consensus of Council to agree to this.

Setting holiday luncheon date and holiday schedule. The Mayor announced that the holiday luncheon for our Borough employees and officials would be held at his home on Tuesday, December 21st from noon until 2:00pm. Upon review of the guidelines set forth in the Borough's Employee handbook, Mr. Smyth suggested that Borough Offices close at noon on December 23rd and re-open on December 27th. Mr. Smyth further suggested that Borough Offices close at noon on December 30th and re-open on January 3, 2005. It was the consensus of Council to agree to this.

RESOLUTION 105-04

**A RESOLUTION SETTING THE HOLIDAY SCHEDULE FOR 2004
(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 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-Moffatt aye.

Discussion: to review and update current employee handbook. Mrs. Villari stated that the employee handbook should be reviewed and updated. She asked for representatives from Council to serve on this committee. Mrs. Alls-Moffatt and Mr. Cesaretti stated that they would serve. Mr. Smyth commented that he would be willing to serve as a substitute if needed. Laura Frick, Court Administrator, who was present in the audience, asked to participate on this committee. Mr. Gilmore stated his opposition to this. Mrs. Alls-Moffatt commented that she thought this would be inappropriate. Mrs. Villari stated that we are looking for input and ideas to look forward to a more positive working atmosphere. Mr. Gilmore believes it is Council's responsibility to handle this. Mrs. Alls-

Moffatt believes it is the employer's responsibility to do this. Mrs. Villari commented that she thought employees should be included. Dr. Daniel commented that he thought this was a good idea. Mr. Smyth stated that all reports and recommendations regarding the employee handbook should be referred back to Council for their consideration and review.

Request from Councilwoman Alls-Moffatt to send a letter to all residents. Mrs. Alls-Moffatt stated that she would like to send a letter to all Riverton property owners. Mrs. Alls-Moffatt would like to inform them about the progress or lack of progress regarding the implementation of a redevelopment plan. She would like to obtain mailing labels and have Council pay for the mailing of this letter. Dr. Daniel asked what the purpose was for this letter. Mrs. Alls-Moffatt responded that she wants to inform the public of what is and is not going on here. She is not happy with what has not been done by this council this year. This is her democratic point of view. Everybody is entitled to come and discuss it after she sends the letter. Mr. Smyth asked whose views are being represented. Mrs. Alls-Moffatt responded the democratic position on this Council, that being Mr. Gilmore and herself. Mr. Gilmore commented that both he and Mrs. Alls-Moffatt feel the need to speak up on this situation. Mrs. Villari commented that she thought everything Mr. Gilmore and Mrs. Alls-Moffatt have worked on has been conveyed to the public. Both Mr. Gilmore and Mrs. Alls-Moffatt disagreed with Mrs. Villari. Mr. Cesaretti commented that if this is a political issue, then perhaps the party that is doing the speaking along those lines, should send the letter out and pay for it. Mr. Gilmore commented that's what may have to be done if no cooperation is given from the rest of the Council. Mr. Gilmore commented that there was no communication either pro or con from the members of Council regarding the proposed redevelopment plan prepared by him and Mrs. Alls-Moffatt. Mr. Gilmore also expressed concern that nothing has been accomplished by this Council during the past 12 months. Mayor Martin stated we should re-form a redevelopment committee. Mrs. Villari concurred. She suggested it be rotating so that all members of Council can participate at different times.

Preliminary agenda for December 8. The Clerk reviewed this with the Governing Body.

Update Re: Possible Noise Ordinance. Mr. Cesaretti reported that the Public safety committee is still reviewing the State's suggested noise ordinance. Mr. Cesaretti stated that a recommendation may be made to merely amend our present animal ordinance to cover the ongoing barking dog issue. The committee will be reviewing sample ordinances from other municipalities regarding this issue. Council will be kept informed.

Meeting open to the public (five minute limit per person)

Michael Heine, 206 Carriage House Lane. Regarding the Heritage Trail, Mr. Heine reported that besides the primary route of Broad Street, an alternate route will be created down Fulton to either 2nd Street or Third Street. Mr. Heine understands that a pedestrian bridge will be constructed over the Pompeston Creek. Mr. Heine is strongly opposed to the routing of the Heritage Trail in Riverton's Residential Neighborhoods. Mr. Heine has provided Mrs. Villari with a draft resolution opposing this. Mr. Heine would like this Resolution placed on next week's agenda for action by the Council. Mr. Heine stated that his Resolution has a provision to take action in Superior Court if necessary. Mr. Heine urged Council to be proactive and adopt this resolution. Mayor Martin asked our Solicitor to review Mr. Heine's draft Resolution and render an opinion.

Mr. Heine stated that he believes there is great value in having an attendance policy for our Boards and Commissions. Mr. Heine stated that Zoning Board and Planning Boards are very important and it is necessary to make sure the people appointed to serve on them attend their respective meetings. Mr. Heine strongly urged Council to adopt the attendance resolution.

Cathy Martin, 103 Bank Avenue addressed Council regarding the Heritage Trail issue. Mrs. Martin reminded Council that a previous resolution adopted by Council stressed the fact that we didn't want the trail to go through our neighborhoods. Mrs. Martin commented that the possible construction of a pedestrian bridge over the Pompeston Creek is very abstract at this point.

Bob E. Smyth, 1 Bank Avenue, has spoken to Matt Johnson, County Open Space Coordinator regarding the Heritage Trail. Upon reviewing the Heritage Trail maps, Mr. Smyth asked Mr. Johnson if he had the proper authority to have taken out multiple segments of the trail from Morgan Avenue all the way down from Bank Avenue. Mr. Smyth commented that Mr. Johnson was vague in his response to this. Mr. Smyth stated that he is concerned about the issues of the construction bridge across the Pompeston Creek as well as the trail possibly going through residential neighborhoods. Mr. Smyth commented that these designations still appear on the Heritage Trail maps. Mr. Smyth believes Council should do a Resolution opposing the trail going through residential neighborhoods. Mr. Smyth is also of the opinion that we should also ask the Heritage Trail representatives for a legal document, which states that they have accepted the Borough's resolution.

Mrs. Alls-Moffatt asked how we can stop hikers or bikers from going down Bank Avenue. Dr. Daniel raised the same concern. Mr. Cesaretti asked why we would want to stop them anyway. Mayor Martin commented that the question is whether we want striping on Fulton, Third, Second, Howard and Bank and signage regarding the trail in the Borough. Mrs. Villari stated that she would distribute the draft resolution prepared by Michael Heine to Council and our Solicitor for review. Mr. Gunn commented that Council should be on record with whatever it is that they want to accomplish regarding the trail issue.

Nancy Washington, 201 Main Street does not believe the Heritage Trail people are being truthful. She is opposed to the trail and believes Council should do another Resolution indicating their opposition to the trail running through our residential neighborhoods.

Cathy Martin, 103 Bank Avenue commented that the trail issue has not been about the people coming through town. It's about the changes that would take place on our streets through residential areas that we objected to.

Nancy Washington, 201 Main Street, stated that Riverton is a historic district on the National Historic Register. No federal money can be spent to change the character of the historic district.

Dennis Eversmeyer, 400 Fulton Street, stated that he has been working with Councilwoman Villari to get the flag at the park illuminated at night. He has looked into several options with representatives from PSE&G. A discussion ensued. Mr. Smyth suggested the War Memorial location as a centralized location for the illumination of the flag. Mr. Gilmore concurred with Mr. Smyth. Mr. Gilmore commented that there would be costs involved to illuminate the flag at the park. There is presently no money in the budget for this. Mr. Gilmore feels that the flags at the other locations should be put up and taken down on special occasions and holidays. Discussion resumed. Martin Martin stated that the consensus here tonight is not to light the flag at the park. However, Mr. Eversmeyer volunteered to put up and take down the flag park location.

RESOLUTION 107-04

A RESOLUTION PERMITTING THE EXCLUSION OF THE PUBLIC FROM A MEETING IN CERTAIN CIRCUMSTANCES PER SECTION 8 OF THE OPEN PUBLIC MEETINGS ACT C.231 P.L. 1975 (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. Alls-Moffatt aye. It should be noted that personnel, litigation and contract negotiations 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-Moffatt aye.

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

Mary Longbottom, RMC
Municipal Clerk