

December 8, 2004

The regular meeting of the Riverton Borough Council was held on the above date. Mayor Martin presiding.

**PRESENT:** Council members Daniel, Villari, Smyth (arrived at 7:05pm), 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

At this time Mayor Martin introduced Mark Zagunis of Zagunis Caulking & Restoration, Inc. Mayor Martin publicly thanked Mr. Zagunis for performing the masonry repairs and restoration work at the War Memorial as a community service to our town. Mayor Martin presented Mr. Zagunis with a Certificate of Appreciation.

The minutes from November 3, November 10 and closed session minutes from October 6, October 13 and November 3 were then presented. Mr. Smyth moved that these minutes be approved as submitted. 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 voted aye for the November 3 minutes and abstained from the November 10 minutes, and Mrs. Alls-Moffatt aye.

**TREASURER'S & FINANCE COMMITTEE REPORTS-Mr. Smyth**

Mr. Smyth moved that the attached Treasurer's and Finance Committee Reports for the month of November be approved as submitted. 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-Moffatt aye.

**COMMITTEE REPORTS**

**PUBLIC SAFETY-Mr. Cesaretti**

Mr. Cesaretti read a report for the month of November that was submitted by Police Chief Robert Norcross. Vehicle Mileage 2530, Gas Used 343.80, Juvenile Arrests 1 (Assaults 0, Miscellaneous 0 Curfew 1), Adult Arrests 9 (Criminal Warrants 2, Criminal Summons 0, Traffic Warrants 4, DWI 3, other 0), Motor Vehicle Crashes 4, Motor Vehicle Stops 88, Motor Vehicle Warnings 13, Motor Vehicle Summons 90, Burglar alarms 10, Asst. to other Police Departments 25, Animal Complaints 5, Fire Calls 8, (In-Town 2, Out of Town 6), Ambulance Calls- (Riverton) 18, Unattended Deaths 0, Criminal Case 23, Domestic 2, Thefts 1, Burglaries 0, Assaults 0, Sexual Assault 0, Criminal Mischief 0, Robberies 0, Motor Vehicle Thefts 0, Miscellaneous Complaints 28, Miscellaneous Calls 508, and Total Calls 831.

Mr. Cesaretti read a report for the month of November that was submitted by Animal Control Officer, M&R Wildlife. The town was canvassed and a dead squirrel was removed at the Police Department's request.

Mr. Cesaretti announced that the Animal Control Officer has finished the dog and cat census for this year. There are approximately 100 people who will be cited in Court for not obtaining the required dog and/or cat licenses. They will be scheduled to appear in court on January 11, 2005.

**PARKS, RECREATION, RECYCLING, ENVIRONMENTAL COMMISSION AND MUNICIPAL COURT-Mr. Gilmore**

Regarding the Environmental Commission, Mr. Gilmore reported that he and Mrs. Villari attended a meeting in Delran regarding the new regional stormwater regulations. Council will be kept apprised of this issue.

Mr. Gilmore read a report for the month of November that was submitted by Court Administrator, Laura Frick. There were 78 traffic tickets issued-6 for parking, 70 traffic

other and 2 DWI. There were 12 criminal charges filed-5 summons, 2 warrants and 1 local ord.

**PUBLIC WORKS/SEWER-Mrs. Villari**

Mrs. Villari reported that the 2004 leaf-pick up will be completed by December 17. We have received the 2005 Solid Waste contract from the County. This pertains to the continuation of recycling and solid waste disposal services. Mrs. Villari stated that she would like some time to review this document. She will ask Council to consider it at their January 12, 2005 meeting.

Regarding the request from New Jersey Transit, Mrs. Villari reported that a black 900 foot long, 4 foot high fence will be placed along the railroad tracks from the Pompeston Creek to Cedar Street. This is being done to prevent anyone from going on the tracks at this location. No trespassing signs will also be placed on the fence.

**ZONING, PLANNING, CODE ENFORCEMENT**

**AND REDEVELOPMENT-Mrs. Alls-Moffatt**

Mrs. Alls-Moffatt reported that our Code Enforcement Officer will be citing certain individuals for particular violations.

Regarding the Zoning Board, Mrs. Alls-Moffatt reported that the Cedar Lane Mews application has been continued until the December 15<sup>th</sup> meeting. Regarding the Broad and Main development (Sitzler property), a letter was received from the applicant's attorney stating that the applicant (Brandenberger) does intend to re-file a revised site plan application and that there is no continuance of the hearing.

Regarding the Planning Board, Mrs. Alls-Moffatt reported that the Board approved a site plan application for Mr. & Mrs. Miller to open an ice cream parlor at 519 Main Street. Mrs. Alls-Moffatt commented that she also understands that the owner's of Tony's Seafood restaurant on Howard Street will be filing an application with the Board to extend their hours.

**SHADE TREE/BOARD OF HEALTH & LOCAL ASSISTANCE-Dr. Daniel**

Dr. Daniel reported that the issue of a new Shade Tree Contractor would be discussed under old business.

Dr. Daniel read a report for the month of November that was submitted by Welfare Director, Florence Klein. Mrs. Klein attended various workshops during the month. Mrs. Klein is working with the Masons and Eastern Star regarding food baskets and gifts to be delivered to needy Riverton families for the holidays.

**OLD BUSINESS**

**RECOMMENDATION FROM SHADE TREE COMMISSION AND SOLICITOR  
RE: SHADE TREE CONTRACTOR FOR 2005 AND 2006**

Dr. Daniel reminded Council that two bids were received for this service. They were the Paul May Tree Service Company of Delran, New Jersey and Elite Tree Service of Manalapan, New Jersey. Dr. Daniel stated that the low bidder was Elite Tree Service. Mr. Gunn reported that members of our Shade Tree Commission met with representatives from Elite Tree Service in Manalapan to review the required specifications and their equipment. Mr. Gunn stated that the Shade Tree Commission is comfortable with this company. Mr. Gunn stated that Council can award the Shade Tree Contract tonight.

**RESOLUTION 106-04**

**A RESOLUTION OF THE BOROUGH OF RIVERTON AUTHORIZING THE  
AWARD OF A SHADE TREE SERVICE CONTRACT FOR THE YEARS 2005  
AND 2006 TO ELITE TREE SERVICE OF MANALAPAN, NEW JERSEY  
(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. 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.

**DRAFT RESOLUTION EXPRESSING OPPOSITION TO THE ROUTING OF THE HERITAGE TRAIL IN RIVERTON'S RESIDENTIAL NEIGHBORHOODS AND ADOPTING AN ALTERNATE ROUTE**

Council reviewed the draft Resolution submitted by Solicitor Gunn. Mr. Gilmore reported that Council received correspondence and a map from Matthew Johnson, County Open Space Program Coordinator today regarding the Heritage Trail. A copy is on file with the Municipal Clerk. In his letter, Mr. Johnson stated that the "Riverview trail alignment along municipally-owned roadways in Riverton will not be identified and/or improved as part of the Delaware River Heritage Trail". Mr. Gilmore further stated that they are investigating having the trail route run along Broad Street. A discussion then ensued. Mr. Gilmore commented that given this information, he does not feel there is a need to do this Resolution. Both Mayor Martin and Mrs. Villari disagreed. Riverton should have this on the books in case things change down the road. Discussion resumed.

**RESOLUTION 107-04**

**A RESOLUTION ADOPTING AN ALTERNATE ROUTE FOR THE HERITAGE TRAIL 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. Smyth. A poll vote was then taken. Dr Daniel aye, Mrs. Villari aye, Mr. Smyth aye, Mr. Gilmore aye, Mr. Cesaretti nay and Mrs. Alls-Moffatt abstained.

At this time Mr. Gilmore distributed information to Council regarding "Trail Effects on Neighborhoods: Home Value, Safety, Quality of Life" for their review. Mr. Gilmore provided the public with an overview on this. Copies are on file with the Municipal Clerk

**NEW BUSINESS**

**ORDINANCE 11-04**

**AN ORDINANCE AMENDING AND SUPPLEMENTING SECTIONS OF CHAPTER 128, ARTICLE XXV AFFORDABLE HOUSING DEVELOPMENT FEES**

At this time Mrs. Alls-Moffatt moved that this Ordinance be tabled until next year. This was seconded by Mr. Gilmore. Mrs. Alls-Moffatt explained that we received notification from the Deputy Attorney General for COAH indicating that the retroactive clause in this Ordinance is not permitted under COAH regulations. Our Planner will need to revise this Ordinance and Council can re-introduce the Ordinance next year. 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.

**RESOLUTION 108-04**

**TRANSFER RESOLUTION**

**(IN FULL IN RESOLUTION BOOK)**

The above Resolution was read 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-Moffatt aye.

**RESOLUTION 109-04**

**A RESOLUTION AUTHORIZING THE REFUND OF PROPERTY TAX OVERPAYMENTS**

**(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.

**RESOLUTION 110-04**

**A RESOLUTION SETTING FORTH AN ATTENDANCE POLICY FOR BOARDS AND COMMITTEES**

The above Resolution was read by title only by Mrs. Villari, who moved for its adoption. This was seconded by Mr. Smyth. Mrs. Alls-Moffatt believes this Resolution should be tabled until we have given the people who Chair our Boards and Committees the opportunity to review and comment on the Resolution. Mrs. Alls-Moffatt stated that this Resolution is grossly inappropriate given the fact that members of this Council do not always show up for our meetings. We should get our own house in order first. Mrs. Alls-Moffatt believes the Committees should be afforded the courtesy of replying to this before this Council heavy handedly passes this obnoxious Resolution. Mrs. Villari stated that this is an attendance policy. It doesn't have anything to do with how the Board's run their meetings. It's about being responsible. Mrs. Alls-Moffatt's personal opinion is that this Resolution is directed to one particular Board. Mrs. Villari disagreed. Mr. Gilmore believes that if people have to come before Council to defend the fact that they have missed some meetings, they just won't serve. Mr. Gilmore believes this Resolution is mean spirited. Our Solicitor provided an overview of the content of this Resolution. A discussion then ensued. Dr. Daniel would not describe this Resolution as mean spirited. However, he thinks there could be an easier way of handling situations as they come up (through the Chair of the respective committee or Board) as opposed to having the person come before Council to give an explanation. Both Mr. Gilmore and Mrs. Alls-Moffatt agreed with Dr. Daniel's comments. Mr. Smyth asked if the Chair's of the Boards and Commissions were informed about this proposed Resolution. Mrs. Villari responded no. Mr. Smyth believes we should table this Resolution for at least a month to do that. Mrs. Villari disagreed with the comments made here tonight. She believes this Resolution is important. Mr. Cesaretti commented that he has difficulty holding people to a higher standard than what he holds himself to. Mr. Cesaretti acknowledged the fact that he has missed some Council meetings due to particular conflicts. He believes we are not holding ourselves to the same standard. Mr. Cesaretti stated that he doesn't think he can vote for this Resolution. Mrs. Villari then stated that she would talk to the committee chairs and ask Council to talk about it again in January.

At this time Mrs. Villari moved to table this Resolution. This was seconded by Dr. Daniel. 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.

#### **2005 BOROUGH COUNCIL COMMITTEE ASSIGNMENTS**

Mr. Smyth asked that Council consider keeping these assignments the same for 2005. Council took this under advisement. A decision should be reached by Council's 2005 Reorganization meeting.

**CORRESPONDENCE**-There was no correspondence presented at this time.

#### **MEETING OPEN TO THE PUBLIC**

**Bill Washington, 201 Main Street**, publicly thanked the Mayor and Council for their efforts. Mr. Washington stated that his confidence has been restored since Mayor Martin took office.

Regarding the Broad Street Enhancement Grant Project, Mr. Washington asked if a traffic study was done to determine the impact of the elimination of the triangle in front of the bakery at Broad & Main. You will no longer be able to make a soft right hand turn at this location. If you want to make a right hand turn onto Broad Street, you will have to do so at the traffic light. Mr. Gilmore responded that traffic studies were not done because they weren't needed. Mr. Washington disagreed with Mr. Gilmore.

**James Moffatt, 202 Fulton Street**, commented that at last week's meeting, Mr. Gilmore provided information as to how many Council meetings respective members of the Governing Body missed during 2004. Mr. Moffatt wanted to go on record that Mrs. Alls-Moffatt has not missed one meeting this year.

**Bill Harris, 502 Cinnaminson Street**, asked for the status on a dog barking ordinance. Mr. Cesaretti stated that the Chief has obtained some sample Ordinances from other municipalities, which will be reviewed and considered by Council early next year.

**Michael Heine, 206 Carriage House Lane** commented about the attendance resolution. Mr. Heine stated that the people who Chair Boards and Commission have no legal authority to set an attendance policy. This is only reserved for the Council to implement. Mr. Heine believes an attendance policy is absolutely essential for the Boards. Mr. Heine asked that Mrs. Villari remove the Resolution from the table and vote on it tonight. Mrs. Alls-Moffatt feels Council has made their decision tonight regarding the attendance Resolution. Mrs. Villari made a motion to remove the attendance resolution from the table for action. There was no second to Mrs. Villari's motion.

**RESOLUTION 111-04**

**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 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-Moffatt aye.. It should be noted that Litigation and personnel matters will be discussed. It should also be noted that Mrs. Villari left the meeting at this time (8:30pm.) She was not present for the closed session.

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

**RESOLUTION 112-04**

**A RESOLUTION AUTHORIZING THE BOROUGH COUNCIL TO RESPOND TO MEDIATOR'S SETTLEMENT PROPOSAL IN DOLECKY V. BOROUGH OF RIVERTON  
(IN FULL IN RESOLUTION BOOK)**

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