

July 14, 2004

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

PRESENT: Council members Villari, Smyth, Gilmore, Cesaretti, Alls-Moffatt and Solicitor Bruce M. Gunn

ABSENT: Council member Daniel

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

The minutes from June 2, June 9 and closed session minutes from May 5 & May 12 were then presented. Mr. Smyth made a motion that these minutes be approved as submitted. This was seconded by Mrs. Villari. A poll vote was then taken. Dr. Daniel absent, Mrs. Villari aye, Mr. Smyth aye, Mr. Gilmore aye, Mr. Cesaretti aye 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 June be approved as submitted. This was seconded by Mrs. Villari. A poll vote was then taken. Dr. Daniel absent, 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 reported that the police, fire and animal control reports were not submitted for the month of June.

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

Mr. Gilmore reported that additional shrubs and bushes were received from the light rail people and have been planted at various locations throughout town. Mr. Gilmore reported that a municipal court report was not submitted. Mr. Gilmore explained that court was held last night and the Court Administrator had not processed the paperwork.

PUBLIC WORKS/SEWER-Mrs. Villari

Mrs. Villari thanked the Public Works Department for all of the efforts in making the town look great for the 4th of July celebration.

Mrs. Villari reported that our Streets and Roads Engineer has recommended that Council accept the one bid received from Paramount Enterprises, Inc., of Cherry Hill, New Jersey for the road work to be done on Homewood Drive, Second Street and Cinnaminson Street. Our Solicitor commented that he was reviewed the bid received and everything appears to be in order. After a short discussion, it was the consensus of Council to agree to this recommendation.

RESOLUTION 78-04

A RESOLUTION OF THE BOROUGH OF RIVERTON AUTHORIZING THE AWARD OF CONTRACT FOR THE 2004 ROAD PROGRAM (HOMWOOD DRIVE, SECOND STREET AND CINNAMINSON STREET) TO PARAMOUNT ENTERPRISES, INC. OF CHERRY HILL, NEW JERSEY (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 absent, Mrs. Villari aye, Mr. Smyth aye, Mr. Gilmore aye, Mr. Cesaretti aye and Mrs. Alls-Moffatt aye.

ZONING, PLANNING, CODE ENFORCEMENT AND REDEVELOPMENT-Mrs. Alls-Moffatt

Mrs. Alls-Moffatt reported that the Zoning Board was to have heard an application from James Brandenberger regarding the potential development of vacant land on the 600 hundred block of Main Street. However, this application was deferred until next month.

Regarding Cindy Vee's application for the placement of a Bed and Breakfast (River Line Inn) at 204 Broad Street, Ms. Vee was informed by the Board that she must show that this Inn is in conformance with the Borough's Master Plan and not harmful to the neighborhood. She was also informed that she would need a variance for parking and for her driveway. Mrs. Alls-Moffatt reported that the Board held a considerable discussion on whether Ms. Vee would need a fence or a 10' landscape barrier to separate her property from the adjacent one.

Regarding the Planning Board, Mrs. Alls-Moffatt reported that the long awaited Pompeston Creek Pamphlet would be available this month. Copies will be placed at the library. Mrs. Alls-Moffatt reported that Mr. Gilmore raised concern at the Planning Board meeting about the deterioration of the property at 423 Lippincott. He asked if some type of scattered site redevelopment could be used to save this historic house. The Planning Board Solicitor stated that Borough Council would have to initiate this. The Planning Board noted that Mr. Glenn Smyth is selling used furniture at 300 Broad Street. This business needs a minor site plan review. Concern was raised as to how this business was permitted to open without anyone's knowledge.

Regarding redevelopment, Mrs. Alls-Moffatt reported that the new sub-committee recently formed for this issue met and reviewed the draft redevelopment plan, making certain modifications. Council will be kept updated on this issue.

SHADE TREE/HUMAN SERVICES-Dr. Daniel

In Dr. Daniels' absence, Mrs. Villari read a report submitted by our Welfare Director for the month of June. There were two clients on assistance and Mrs. Klein attended two seminars during the month.

OLD BUSINESS

BROAD STREET ENHANCEMENT GRANT

Mr. Gilmore asked the Solicitor if he had prepared the required correspondence pertaining to our selection of an Engineer for this project. Mr. Gunn responded that this letter would be mailed out tomorrow and copied to Council.

NEW BUSINESS

ORDINANCE 6-04

AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF RIVERTON, IN THE COUNTY OF BURLINGTON, NEW JERSEY, AMENDING CHAPTER 26, ARTICLE X SCHEDULE OF FEES (IN FULL IN ORDINANCE BOOK)

The above Ordinance was read by title only for the second time by Mr. Smyth, who moved for its adoption. This was seconded by Mr. Cesaretti. It should be noted that this Ordinance provides that the fees for all vital records (birth, death, marriage, and domestic partnership) be set at \$20.00 for the first copy and \$15.00 for every additional copy. Mr. Gilmore stated that our local funeral director has expressed concern at the proposed fees for death certificates. A discussion then ensued. The Solicitor stated that to prevent a substantive change to this Ordinance, Council could consider changing the fees charged for all vital records. However, only changing the fees charged for death certificates would be considered substantive. After a short discussion, it was the consensus to keep the fee schedule the way Council originally intended. At this time Mayor Martin opened this portion of the meeting to the public for any comment on this Ordinance. Since there was no public comment on this Ordinance, Mayor Martin closed this portion of the meeting to the public. A poll vote was then taken. Dr. Daniel absent, Mrs. Villari aye, Mr. Smyth aye, Mr. Gilmore aye, Mr. Cesaretti aye and Mrs. Alls-Moffatt aye.

ORDINANCE 7-04

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
RIVERTON, IN THE COUNTY OF BURLINGTON, NEW JERSEY, AMENDING
AND REPEALING CHAPTER 123, ARTICLE VIII, SCHEDULE IV, TO ADD
ADDITIONAL PARKING LIMITATIONS AND TO REPEAL THE
RESTRICTIONS ON OTHER LOCATIONS
(IN FULL IN ORDINANCE BOOK)**

The above Ordinance was read by title only for the second time by Mr. Cesaretti, who moved for its adoption. This was seconded by Mr. Gilmore. At this time Mayor Martin opened this portion of the meeting to the public for any comment on this Ordinance.

Greg Urban, 509-511 Howard Street, reiterated his strong opposition to this Ordinance and the problems he believes will occur if Council adopts it. This Ordinance raises the parking limitation on this portion of Howard Street from one to two hours. It should be noted that Mr. Urban is the owner of the Red Balloon Nursery School at this location and the parking at this location is an ongoing problem. Mr. Urban does not believe the one hour parking limit was ever enforced

Michael Heine, 206 Carriage House Lane, believes this Ordinance is not rationale nor enforceable. He believes a parking survey needs to be done by a professional planner before any decisions are reached.

Laurene Lewonski, 515 Howard Street, asked what year the original parking ordinance was passed. The Solicitor was asked to determine that information. Ms. Lewonski stated that presently there are no signs posted regarding parking restrictions on Howard Street. She stated that she would never have purchased her property if she had known there was a one hour parking restriction on her street. Ms. Lewonski expressed strong opposition to this ordinance and the new parking restrictions it will bring. Ms. Lewonski expressed her displeasure once again, with the fact that the Planning Board approved a site plan application a number of years ago for the placement of a restaurant next door to her property. Ms. Lewonski feels that she is unable to get a parking space in front of her home. She believes there are other parking options that could be explored. Ms. Lewonski stated that her property is in the neighborhood business district and not the business district. She wants parking relief in the way of a person parking space in front of her home. She has made this request on numerous occasions.

Michael Heine, 206 Carriage House Lane, reiterated his opinion that professionals need to review our parking problems.

Greg Urban, 519 Howard Street, read a letter offering to sell the Red Balloon Nursery School property to the Borough of Riverton for fair market value. Mr. Urban believes this may help the Borough with some of the parking problems. Council took this issue under advisement.

Council then discussed what was raised by the public regarding this Ordinance. Mr. Cesaretti, Mr. Gilmore and Mrs. Alls-Moffatt (members of the parking committee) provided detailed information as to how much time and effort was done by the parking committee to review various parking problems in town. It was only after all of this work had been completed that a recommendation to Council was made to consider the passage of this Ordinance. Mrs. Alls-Moffatt stated that if we find that this Ordinance does not work after six months, the issue can be revisited. Mr. Cesaretti commented that Alaimo, Associates had done a parking study for us. Mr. Cesaretti also reiterated his position that the Borough would be setting a precedent if they provided Ms. Lewonski with a designated parking space in front to her home. Mrs. Villari stated that while she acknowledges all the work the parking committee has done on this issue, she believes Council should not adopt this Ordinance at this time. Mrs. Villari then made a motion to table this Ordinance. This was seconded by Mr. Smyth. A poll vote was then taken. Dr. Daniel absent, Mrs. Villari aye, Mr. Smyth aye, Mr. Gilmore nay, Mr. Cesaretti nay and Mrs. Alls-Moffatt nay.

At this time Mr. Gilmore called for a vote on this Ordinance. Dr. Daniel absent, Mrs. Villari nay, Mr. Smyth nay, Mr. Gilmore aye, Mr. Cesaretti aye and Mrs. Alls-Moffatt aye.

ORDINANCE 8-04

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF RIVERTON, IN THE COUNTY OF BURLINGTON, NEW JERSEY, AMENDING AND REPEALING PORTIONS OF CHAPTER 123 SECTION 27.1 SCHEDULE VA OF THE RIVERTON BOROUGH CODE TO ADD AN ADDITIONAL LOCATION WITHIN THE BOROUGH FOR DISABLED PERSONS PARKING AND TO REPEAL AN EXISTING LOCATION FOR DISABLED PERSONS PARKING
(IN FULL IN ORDINANCE BOOK)**

The above Ordinance was read by title only for the second time by Mr. Cesaretti, who moved for its adoption. This was seconded by Mrs. Alls-Moffatt. At this time Mayor Martin opened this portion of the meeting to the public for any comment on this Ordinance. Since there was no public comment on this Ordinance, Mayor Martin closed this portion of the meeting to the public. A poll vote was then taken. Dr. Daniel absent, Mrs. Villari aye, Mr. Smyth aye, Mr. Gilmore aye, Mr. Cesaretti aye and Mrs. Alls-Moffatt aye.

**CONSENT AGENDA
RESOLUTION 75-04**

**A RESOLUTION LIMITING THE NOTARIZATION OF DOCUMENTS BY BOROUGH OFFICE PERSONNEL
(IN FULL IN RESOLUTION BOOK)**

RESOLUTION 76-04

**A RESOLUTION SUPPORTING STATEWIDE SMOKE FREE AIR LEGISLATION THAT PRESERVES LOCAL AUTHORITY TO PROTECT PUBLIC HEALTH
(IN FULL IN RESOLUTION BOOK)**

Mr. Gilmore moved that the above Consent Agenda be adopted. This was seconded by Mr. Cesaretti. A poll vote was then taken. Dr. Daniel absent, Mrs. Villari aye, Mr. Smyth aye, Mr. Gilmore aye, Mr. Cesaretti aye and Mrs. Alls-Moffatt aye.

CORRESPONDENCE-There was no correspondence presented at this time

PROPERTY TAX RELIEF

At this time Mr. Smyth reported that we have received notification from the Department of Community Affairs that Riverton will receive \$25,000.00 of property tax relief as our share of the new \$32 million Municipal Homeland Security Police Assistance Aid Program. Since our budget has already been adopted, Mr. Smyth reported that the Department of Local Government Services would amend it for us by reducing the tax levy that is certified by the County Tax Board. Mr. Smyth stated that \$25,000.00 amounts to a reduction of almost 2 cents on our tax rate.

MEETING OPEN TO THE PUBLIC

James Moffatt, 202 Fulton Street, asked that Council consider revisiting the fee schedule issue in six months to determine if any modifications need to be made.

Michael Heine, 206 Carriage House Lane asked Mr. Cesaretti if he understood correctly that an engineer reviewed data and approved the parking plan that was passed tonight by Ordinance. Mr. Cesaretti responded yes, Alaimo Associates prepared the blueprints. Mr. Cesaretti stated that there will probably be other suggested parking changes presented for Council's review at next month's work session. Mr. Heine then stated that if he had known that the ordinance passed tonight reflected an engineering study, most of his comments tonight would not have been made. He apologized to Council. Mr. Cesaretti commented that the Ordinance adopted tonight was based on the Engineering study.

Nancy Washington, 201 Main Street, stated that a lot of the trains are only tooting their horns once. She wanted to thank whoever was responsible for this.

RESOLUTION 77-04

**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 absent, Mrs. Villari aye, Mr. Smyth aye, Mr. Gilmore aye, Mr. Cesaretti aye and Mrs. Alls-Moffatt aye. It should be noted that 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 absent, Mrs. Villari aye, Mr. Smyth aye, Mr. Gilmore aye, Mr. Cesaretti aye and Mrs. Alls-Moffatt aye.

RESOLUTION 79-04

**A RESOLUTION APPOINTING DUCA/HUDER & KUMLIN , P.A. AS THE ARCHITECT FOR THE POTENTIAL CONVERSION OF THE USPS POSTAL FACILITY IN RIVERTON TO A BOROUGH MUNICIPAL BUILDING
(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 absent, 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. Cesaretti, with all present voting in the affirmative.

Mary Longbottom, RMC
Municipal Clerk