

June 9, 2004

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

PRESENT: Council members Daniel, Smyth, Gilmore, Cesaretti, Alls-Moffatt, Solicitor Bruce Gunn and Redevelopment Solicitor Tom Coleman

ABSENT: Council member Villari

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 May 5 and May 12 were then presented. Mr. Smyth moved that these minutes be approved as submitted. This was seconded by Dr. Daniel. A poll vote was then taken. Dr. Daniel aye, Mrs. Villari absent, Mr. Smyth aye, Mr. Gilmore aye, Mr. Cesaretti abstained from the May 5 minutes and voted aye for the May 12 minutes and Mrs. Alls-Moffatt aye.

TREASURERS' & FINANCE COMMITTEE REPORTS-Mr. Smyth

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

COMMITTEE REPORTS

PUBLIC SAFETY-Mr. Cesaretti

Mr. Cesaretti read a report for the month of May that was submitted by Police Chief Robert Norcross. Vehicle Mileage 3,411, Gas Used 478.30, Juvenile Arrests 3 (Assaults 0, Miscellaneous 3), Adult Arrests 17 (Criminal Warrants 2, Criminal Summons 1, Traffic Warrant 14, DWI 0), Motor Vehicle Crashes 2, Motor Vehicle Stops 107, Motor Vehicle Warnings 15, Motor Vehicle Summons 134, Burglar alarms 14, Asst. to other Police Departments 33, Animal Complaints 6, Fire Calls 16 (Riverton 5, Out of Town 11), Ambulance calls (Riverton) 24, Unattended Deaths 0, Criminal Cases 32, Domestic 1, Thefts 3, Burglaries 1 (From Residents 1, From Vehicles 0), Assaults 0, Sexual Assault 0, Criminal Mischief 3, Robberies 0, Motor Vehicle Thefts 0, Miscellaneous Complaints 36 Miscellaneous Calls 637 and total calls 1,048.

Mr. Cesaretti read a report for the month of May that was submitted by M&R Wildlife, the Borough's Animal Control Officer. The town was canvassed and stray dogs and cats were removed.

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

Mr. Gilmore read a report for the month of May that was submitted by Court Administrator Laura Frick. There were 88 traffic tickets issued-13 for parking, 75 traffic other and 0 DWI. There were 12 criminal charges filed, 6 summons, 2 warrants and 0 local ordinance. The total receipts for the month amounted to \$8318.50. The total disbursed to the Borough amounted to \$4959.62.

The roof work on the historic shed in the park has been completed. Handicapped ramps will be addressed next. The Environmental commission is nearing completion of their booklet regarding the Pompeston Creek. We will try and replace water fountains at the park. We are looking to put back charcoal burners in the park at the picnic area. Other maintenance is also being done at the park.

PUBLIC WORKS/SEWER-Mrs. Villari (No Report)

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

Mrs. Alls-Moffatt reported that our Code Enforcement Officer has submitted seven recommended changes to specific ordinances such as setback requirements, sheds, temporary structures, awnings; possibly adjusting Chapter 59 to include a Certificate of Occupancy requirement for housing sales, consider changing the height for accessory buildings and the possible adoption of a new zoning permit application. These issues will be addressed and reviewed by the respective committees for recommendations to Borough Council.

The Planning Board discussed the lack of attendance for one of the alternate members of their board. This issue was previously discussed by Council. The proposed Commercial Property Maintenance code failed to be forwarded to Council for lack of a second to a board members motion.

SHADE TREE/HUMAN SERVICES-Dr. Daniel

Dr. Daniel reported that our Tree Contractor continues to maintain our Borough trees.

Dr. Daniel read a report for the month of May that was submitted by Welfare Director, Florence Klein. There were two clients on assistance. Mrs. Klein attended a conference of the Municipal Welfare Association of New Jersey on May 7, 2004 at the Barclay in Belmar, New Jersey.

OLD BUSINESS

FARMERS' MARKET UPDATE

Eric Goldstein reported that the Farmers' Market was launched this past Saturday. Mr. Goldstein informed Council that New Jersey Transit provided the Farmers' Market with an access permit. Mr. Goldstein is looking forward to the market being a success and to help our business community. Mr. Goldstein provided Council with information as to how the market would be advertised.

AD HOC ADVISORY FINANCE COMMITTEE

Mrs. Alls-Moffatt reminded Council that this ad hoc committee had been previously suggested. She stated that she would like Council to move forward with this. Mrs. Alls-Moffatt further stated that this committee would be created to advise the Governing Body through the Council's Finance Committee on budgetary matters involving the Borough. Mayor Martin commented that Michael Kinzler and Robert Smyth, both residents of the Borough, have volunteered to serve on this committee with Borough Officials. The Solicitor commented that a resolution would have to be done to create this committee. This will be considered later on in the meeting.

PARKING COMMITTEE UPDATE

Mr. Cesaretti reported that the Parking Committee recently met and discussed various parking issues, some of which will be considered under new business tonight. Regarding previous requests made by Lauren Lewonski (who was present) for a parking space in front of her home on Howard Street, the parking committee reached a consensus that they cannot offer her any other parking relief. Two of the ordinances scheduled to be introduced tonight might alleviate some of the parking issues not only in front of her home but in front of some other businesses as well. Mrs. Alls-Moffatt concurred with Mr. Cesaretti's comments. Mrs. Alls-Moffatt commented that a lot of hard work by the Parking Committee went into this decision.

NEW BUSINESS

At this time Mr. Gilmore acknowledged the passing of former President Ronald Reagan this week.

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

The above Ordinance was read by title only for the first time 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 absent, Mr. Smyth aye, Mr. Gilmore aye, Mr. Cesaretti aye

and Mrs. Alls-Moffatt aye. Second reading and public hearing on this Ordinance will be held on July 14, 2004.

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

The above Ordinance was read by title only by Mr. Cesaretti, who moved for its adoption. This was seconded by Mrs. Alls-Moffatt aye. 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. Second reading and a public hearing on this Ordinance will be held on July 14, 2004.

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

The above Ordinance was read by title only for the first time by Mr. Cesaretti, who moved for its adoption. This was seconded by Mrs. Alls-Moffatt. 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. Second reading and a public hearing on this Ordinance will be held on July 14.

RESOLUTION 66-04

**A RESOLUTION AUTHORIZING THE HIRING OF PARK PERSONNEL FOR THE 2004 SUMMER PROGRAMS, AND SETTING FEES FOR THE PARK PROGRAM AND ARTS AND CRAFTS PROGRAM
(IN FULL IN RESOLUTION BOOK)**

The above Resolution was read by title only by Mr. Gilmore, who moved for its adoption. This was seconded by Mrs. Alls-Moffatt. 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 67-04

**A RESOLUTION AUTHORIZING PARTICIPATION OF THE BOROUGH OF RIVERTON, BURLINGTON COUNTY, NEW JERSEY IN THE STATE DEVELOPMENT AND REDEVELOPMENT PLAN (STATE PLAN) CROSS-ACCEPTANCE PROCESS
(IN FULL IN RESOLUTION BOOK)**

The above Resolution was read by title only by Mr. Gilmore, who moved for its adoption. This was seconded by Mrs. Alls-Moffatt. 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 68-04

**A RESOLUTION TO APPOINT AN AD HOC FINANCE ADVISORY COMMITTEE
(IN FULL IN RESOLUTION BOOK)**

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

CORRESPONDENCE-There was no correspondence presented at this time.

REDEVELOPMENT DISCUSSION-Tom Coleman, Redevelopment Solicitor, David Gerkens, Riverton resident and a Professional Planner and Grant Writer, along with Mr. Quigley of the Caplan Organization (doing the development of 911 units in Cinnaminson Township) were also present. Mayor Martin commented that he spoke with a representative from the Smart Growth Office about redirecting the grant money previously awarded for a sustainable zoning ordinance to redevelopment. A letter would have to be sent informing them of our intentions. Mr. Gunn commented that the Smart Growth Office would have to amend our present contract with them to redirect the funds to be used for redevelopment purposes. Dave Gerkens, addressed Council. Mr. Gerkens believes it would be beneficial to the Borough if the grant monies could be reallocated towards redevelopment. Mr. Gerkens would like to a series of public meetings held to determine what our residents needs are. Mr. Gerkens stated that with Council acting as the Redevelopment Agency, they would have the final say in what the redevelopment plan says. Mr. Gerkens stated that there could be a mix of things that reflect the different areas in the plan. Mr. Gerkens singled out the Nu-Way parcel as the most blighted to be addressed. Mr. Gerkens does not feel that this would mean eminent domain for this parcel. It could mean coming up with incentives for the current owner to redevelop his property. Mr. Gerkens commented that the redevelopment planning process gives the Borough a number of options as to what type of redevelopment we would want. Mr. Gerkens stated that it would allow the Borough to negotiate directly with a developer rather than have people come before the Zoning Board and Planning Board..

Procedurally, Tom Colman reported that the previous Planning Board completed its function of developing a redevelopment plan. Mr. Coleman stated if this plan needs to be amended, there are one or two options. Council can take that charge on themselves and if there are going to be substantial amendments to this plan, Council may consider more public input. However, if Council is comfortable with the present plan, it can be adopted. If the plan is adopted and a subsequent amendment comes along, Mr. Coleman would have Council send it back the Planning Board. Mr. Coleman commented that that in April of last year that Council, by Resolution 31-03 established an initial phase of the Borough's redevelopment plan and limited certain properties within the Borough to be included within the initial phase.

At this time Mr. Gilmore provided an overview of the redevelopment suggestions that he and Mrs. Alls-Moffatt discussed with Council last week. Discussion resumed. Mrs. Alls-Moffatt stated that there are no developers lurking in the background that would suggest density building from the Pompeston Creek to Palmyra's borders. Mrs. Alls-Moffatt stated that both she and Mr. Gilmore believe the redevelopment issue needs to be addressed. It was their plan of what they thought would give Riverton the most tax rateables at the Nu-way/National Casein location. Mayor Martin asked Mr. Gunn and Mr. Coleman what our next step should be. Mr. Coleman stated that a consensus needs to be reached as to whether the current plan is viable. If it is not and needs to be amended, does Council want to take on that task or send it back to the Planning Board. Discussion resumed. **Michael Heine, 206 Carriage House Lane** urged Council to engage professionals to give them the information by which they will have the tools to assess the best interests of the community regarding redevelopment. This is very important when developers come into the Borough.

Mr. Quigley commented that he was here at this time to do an informal introduction. The Caplan Organization does a lot of redevelopment in municipalities throughout New Jersey. They would become a partner with the respective town, work with the professionals, work with the Governing Body and the public to bring the

concepts and plans to the respective Planning Boards. Mr. Quigley commented that most of the work is done for free. However, Mr. Quigley stated that they might want to become the formal developer of the area(s) discussed tonight. Mr. Quigley stated that developers such as the Caplan Organization can step in to facilitate and help Council and the Planning Board to come up with a really great plan that everybody can benefit from. The Caplan Organization is not interested in developing something that would benefit them. They would work closely with the public and governing body. Mayor Martin stated that Mr. Smyth suggested setting up a sub-committee to analyze the redevelopment issue. The suggested members would be Tom Coleman, Mr. Gilmore Mrs. Alls-Moffatt, Planning Board Chair Frank Siefert and David Gerkens. Dr. Daniel stated that we should be soliciting public comment as to what the majority of our residents really want in terms of redevelopment. Once we have the public's input, we could then solicit the opinion of the Caplan Group (or other developers) to come up with options for consideration. Mr. Cesaretti commented that he would not feel comfortable as a Councilman to approve or disapprove any redevelopment plan without, at least, the Planning Board's input. Mr. Gilmore stated that the idea that he and Mrs. Alls-Moffatt presented last week is one that they feel is desirable for this community. **Birnie O'Reilly, 200 Lippincott Avenue**, believes we need the guidelines to properly assess what the wishes of the community are. Mrs. O'Reilly informed Council that it was her understanding that if the redevelopment plan and our Zoning Ordinance are at odds with one another, the redevelopment plan would supersede the Zoning Ordinance. Mrs. O'Reilly believes that would be a way for potential developers to come in the back door. She believes we should be cautious and know the state guidelines before we would proceed with redirecting the grant money to redevelopment. Discussion resumed with the consensus being that a sub-committee be formed to make recommendations to Council regarding redevelopment. This sub-committee will report back to Council at their July 7 work session. It was also the consensus that the Mayor make a request to the State to utilize the Borough's Smart Growth Grant for redevelopment purposes.

RESOLUTION 69-04

A RESOLUTION TO FORM A SPECIAL SUBCOMMITTEE TO MAKE RECOMMENDATIONS RELATIVE TO THE REDEVELOPMENT OF THE BOROUGH OF RIVERTON (IN FULL IN RESOLUTION BOOK)

The above Resolution was read 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 absent, Mr. Smyth aye, Mr. Gilmore aye, Mr. Cesaretti aye and Mrs. Alls-Moffatt aye.

RESOLUTION 70-04

A RESOLUTION TO REQUEST THE STATE OF NEW JERSEY, DEPARTMENT OF COMMUNITY AFFAIRS TO UTILIZE THE BOROUGH'S SMART GROWTH GRANT FOR REDEVELOPMENT PLANNING (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 absent, Mr. Smyth aye, Mr. Gilmore aye, Mr. Cesaretti aye and Mrs. Alls-Moffatt aye.

MEETING OPEN TO THE PUBLIC

James Moffatt, 202 Fulton Street, congratulated Mr. Smyth on his primary victory. **Birnie O'Reilly, 200 Lippincott Avenue**, asked if the entire business community is aware of the parking committee's meetings so they can attend and voice their opinions. The response was no. Mrs. O'Reilly believes this should be done. Mr. Cesaretti commented that they would be notified when the next meeting is held.

Mrs. O'Reilly raised concern about New Jersey Transit's required access permit that permits the Farmers' Market to operate on their property at the rail station. She doesn't understand why it is a good idea this month and was a bad idea last month.

Mrs. O'Reilly asked if Council was aware that a private citizen was given permission by the Building Official to place a temporary structure on her property. However, this citizen was told by the court to remove this structure because it was illegal. It cost this private citizen a lot of time and money to do this, because the laws on our books were incorrectly applied. Mrs. O'Reilly believes an analysis needs to be done so that this type of thing does not happen in the future. Mr. Cesaretti asked for a clarification of what she was talking about. Mrs. Alls-Moffatt commented that Maryann Shea of 205 Bank Avenue placed a carport on her property. That is considered a permanent structure, for which Ms. Shea did not get approval from our Construction Official and Zoning/Code Enforcement Officer. Mrs. Alls-Moffatt stated that Mr. Heine, who is Ms. Shea's neighbor took her to court to have it removed. Ms. Shea was then cited by the proper Borough Officials. Ms. Shea will apply for the proper permits for a permanent structure.

Mrs. O'Reilly then asked how a vacancy on Borough Council would be filled... The Solicitor provided an overview of the statutory requirements.

Aleta Hoeffler, 513 Howard Street, reported that other people besides herself and her husband, are using the handicapped space in front of their property. She would like to have this spot designated for her use only. The Chief will follow through and obtain information as to whether this could be done. Mrs. Hoeffler also complained about all the trash placed curbside by the restaurant on her block. Most of the time the cans are not covered and the trash is put out a number of days in advance of the collection schedule. She would like this issue addressed. Mrs. Alls-Moffatt responded that she would inform our Code Enforcement Officer about this.

Laurie Lewonski, 515 Howard Street, raised concern about the proposed 2 hour parking limit for her block. She doesn't know how Council can do this knowing all of the parking problems at this location.

William Harris, 502 Cinnaminson Street, raised concern about the proposed ordinance designating one way streets on Howard between Fifth and Fourth and on Cinnaminson Street between Fourth and Fifth Street. He does not like this idea and doesn't think it will remedy any of the parking problems. Mr. Harris reminded Council that the owner of the Red Balloon previously offered to sell his property to the Borough. This property could possibly be used for parking. Regarding the restaurant trash he believes they are not in compliance with the initial approvals given. Since this is a commercial property, he does not feel that the Borough should be picking their trash up.

Michael Heine, 206 Carriage House Lane, asked if there was anything on our books which would prohibit Ms. Lewonski and Mrs. Hoeffler from parking on this parking lot. The Chief said it was on the books that this lot is for Borough business only. Regarding the Farmers' Market, Mr. Heine asked if any revenues were realized for that activity. Eric Goldstein commented that there is a weekly \$20.00 charge per vendor, which was waived for the first day. Mr. Heine asked if the Solicitor has been asked to quantify his costs regarding the market. Mr. Gunn responded no. Mr. Heine believes Council should obtain a legal opinion from the Solicitor as to whether that this market is not being conducted on Borough property.

Frank Cioci, 408 Lippincott Avenue, thinks a survey of what the public wants regarding redevelopment is a great idea.

RESOLUTION 71-04

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-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. It should be noted that personnel, contract negotiations and litigation will be discussed.

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 absent, Mr. Smyth aye, Mr. Gilmore aye, Mr. Cesaretti 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