

October 6, 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

Discussion: review of specifications for a Shade Tree Contractor (current contract expires on December 31 2004). Copies of the proposed specifications were distributed to Council for their review and comment. The Solicitor stated that he has reviewed these specifications, and made a few modifications after conferring with the Shade Tree Commission. Dr. Daniel asked that we defer action until next week so that Council has adequate time to thoroughly review them. It was the consensus of Council to agree to this. The Clerk will place this item on next week's agenda for consideration.

RESOLUTION 90-04

A RESOLUTION REQUESTING THE APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BOROUGH BUDGET FOR THE YEAR 2004

(IN FULL IN RESOLUTION BOOK)

The Clerk reported that the Fire Company applied for and received an Assistance to Firefighters Grant in the amount of \$78,607.00. The Clerk further stated that this Resolution must be done so that this amount can be inserted as a special item of revenue in our 2004 municipal budget.

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

Update Re: Contractual payments for a new fire truck. The Treasurer reported that two payments are due for the new fire truck. The dates are November 11th and the 26th. The Treasurer requested authorization from Council to release these checks prior to the final bill list being prepared for Council's approval. The payments are due about the 11th and 26th of November. It was the consensus of Council to agree to the Treasurer's request.

Motion to approve Sacred Heart Church's request to hold raffles

The Clerk reported that Sacred Heart Church has submitted the required paperwork and fees for the raffles they would like to hold in November. Mr. Gilmore moved that Sacred Heart Church be permitted to hold raffles during the month of November. This was seconded by Mrs. Alls-Moffatt. A poll vote was then taken. Dr. Daniel aye, Mrs. Villari aye, Mr. Smyth abstained, Mr. Gilmore aye, Mr. Cesaretti aye and Mrs. Alls-Moffatt aye.

Discussion: Proposed & Revised Development Fee Ordinance (drafted by Planner). Council reviewed this document. It was the recommendation from our Solicitor that the Planning Board review it before Council makes a final decision. It was the consensus of Council to agree to this. The Clerk will forward copies of this document to the members of the Planning Board. They will be asked to review it and make a recommendation to Council by their November 3 work session.

Discussion: Redevelopment. Mr. Gilmore stated that we had received a redevelopment handbook from the State which is very interesting and helpful. He suggested that Council may want to take a look at it. Mr. Gilmore stated that he was going to present a draft redevelopment plan tonight. However, Mr. Gilmore commented that our Redevelopment

Solicitor Tom Coleman had been asked to include language pertaining to affordable housing a couple of weeks ago. To date this has not been. Mr. Gilmore asked that this discussion be deferred until next week. Our Solicitor commented that he has spoken to Mr. Coleman about this issue and he has indicated that the affordable housing language has been forwarded to Tamara Lee, Planner for her review. It was the consensus of Council to agree to this. Mr. Coleman will be asked to attend next week's meeting.

Update Re: Cross Acceptance Meeting. Both Mrs. Alls-Moffatt and Mr. Gilmore provided an overview regarding the Cross Acceptance process. Council will be kept informed.

Discussion: Possible Noise Ordinance (with pre-approved language for the State of New Jersey). Mr. Cesaretti reported that we have received a variety of noise related complaints. Mr. Cesaretti stated that since the Borough does not have a specific noise ordinance on the books, there is very little we can do regarding enforcement. The Solicitor commented that many years ago the Borough adopted the Public Health Nuisance Code of New Jersey (1953) as a Nuisance Ordinance. Mr. Cesaretti stated that the Clerk provided a draft Noise Ordinance, with pre-approved language for the State of New Jersey. Mr. Cesaretti stated that this Ordinance was previously considered in 1998 but it was never adopted. Mr. Cesaretti would like Council to consider doing so now. The Clerk will contact the State to find out if any changes have been made to this suggested Ordinance. Council will be kept informed.

Update Re: Newsletter. The Clerk reported that resident Michelle Daniel, has volunteered to put together the format for a newsletter to serve the Borough of Riverton. After a short discussion, it was the consensus that this document should be a newsletter of the Mayor and Council. Therefore, it is important for the content to be reviewed by the Governing Body before their inclusion in the newsletter. One other suggestion was to post the newsletter on the Borough's website. It was the consensus of Council to agree to this. The Clerk asked the governing Body to submit articles regarding their departments for inclusion in the newsletter.

Preliminary agenda for October 13. The Clerk reviewed this with the Governing Body.
Attendance requirements when serving on boards and commissions. Mrs. Villari stated that she believes Council should consider adopting a Resolution that sets forth an attendance policy for Boards and Committees. Mrs. Villari distributed a sample of such a Resolution that Moorestown Township has adopted. After a short discussion, it was the consensus that our Solicitor review the sample Resolution and make a recommendation to Council.

Possible purchase of 500 Howard Street. Mr. Gilmore suggested that the Borough consider purchasing this property (presently houses garages) and turning it over into additional parking spaces for the Borough. Mr. Gilmore would like Council to give him permission to ask our Engineer to view the site and prepare a sketch to show how many parking spaces we could get out of it. Mrs. Villari commented that she did not think it was wise to ask our Engineer to pursue this when we don't know if the owner would be willing to sell it. A discussion ensued. It was the consensus of Council that Mr. Gilmore approach the owner (Matera) to determine if he would consider selling it and what his asking price would be. Council will be kept informed.

Parking lot in the back of the bank. Mr. Gilmore stated that we have previously written to the President of Farmers' & Mechanics Bank (Craig Yates) asking for permission to utilize their parking lot in the back of the bank for additional parking for the Borough. Mr. Gilmore stated that Mr. Yates had responded that he wanted to wait until the light rail line started before considering the Borough's request. Mr. Gilmore asked that the Mayor send another letter to Mr. Yates asking that we meet with him to discuss this issue. It was the consensus of Council to agree to this.

Horns blowing at grade crossings. Mrs. Villari stated that resident William Harris is working on this issue and that he would provide Council with an update. **William Harris, 502 Cinnaminson Street,** reported that he would be sending a letter to the

Executive Director of New Jersey Transit asking him to show us the law which states that these horns have to be blown at grade crossings. Mr. Harris stated that this law does not exist. Mr. Harris intends to copy his letter to Dan Young, Chairman of the Committee (member of Congress) which has oversight with the Federal Railroad Administration. A copy will also be forwarded to the Governor's Office. Mr. Harris further stated that he has informed representatives from New Jersey Transit that if we don't get some relief from horns blowing, that the Borough would consider filing a class action suit regarding the excessive noise issue.

Public Safety Issues

Mr. Cesaretti reported that he would like Council to approve a Resolution tonight authorizing the purchase of a new police vehicle. Mr. Cesaretti provided an overview of the vehicle's specifications and also stated that the purchase of a new police vehicle (capital item) had been previously discussed and approved during the 2004 budget process.

RESOLUTION 91-04

A RESOLUTION AUTHORIZING THE PURCHASE OF A 2004 FORD EXPEDITION VEHICLE FOR THE RIVERTON POLICE DEPARTMENT FROM WARNOCK FLEET AND LEASING OF EAST HANOVER, NEW JERSEY (NEW JERSEY STATE CONTRACT #15-B) (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 Mr. Smyth. 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.

Mr. Cesaretti and the Chief of Police then recommended that Council adopt a Resolution authorizing a Halloween curfew for October 29, October 30 and October 31 of this year. Mr. Gilmore commented that he did not think this was necessary.

RESOLUTION 92-04

A RESOLUTION AUTHORIZING A CURFEW FOR OCTOBER 29, OCTOBER 30 AND OCTOBER 31, 2004 IN THE BOROUGH OF RIVERTON (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 nay, Mr. Cesaretti aye and Mrs. Alls-Moffatt aye.

Caplan development in Cinnaminson. Mrs. Villari stated that she was unable to attend a recent Planning Board meeting in Cinnaminson Township when this issue was discussed. However, Riverton resident Donna Tyson, who attended, provided her with information on this issue. It should be noted that other Riverton residents also attended that meeting. Mrs. Villari stated that there is strong concern that traffic in Riverton will be impacted by this development, in particular to those residing on Main Street and Cedar Streets. Mrs. Villari stated that she understands that Riverton received no information regarding any traffic studies that were done as part of this proposed development. Mrs. Villari thought that as an adjoining town, Riverton would have been noticed. Mrs. Villari reported that she has received a revised copy of Cinnaminson's Traffic Engineer's Study (also Riverton's Engineer) regarding this development. Mrs. Villari is concerned that this study may have been accepted by Cinnaminson Township before light rail was up and running. Ms. Villari reported that Cinnaminson's Planning Board gave final approval at their last meeting. Mrs. Villari reported that the Borough's Engineer will keep Riverton abreast on any kind of change that would impact Riverton. Mrs. Alls-Moffatt commented that she also attended Cinnaminson's last Planning Board meeting. She asked for copies of traffic studies that they had done. Their Engineer was to forward them to us in three weeks.

Meeting open to the public

Michael Heine, 206 Carriage House Lane, expressed concern that deliveries are being made to the Baptist Home very early in the morning. This is in violation of their prior

zoning appeal. Mr. Heine raised concern about the proposed development scheduled to take place in the near future in Cinnaminson Township. Mr. Heine believes the traffic from this development will impact Riverton. Mr. Heine voiced concern that the directions to the proposed site that have been distributed to the public has traffic going through Riverton rather than Cinnaminson Township. Mr. Heine stated that he has useful suggestions to assist the Borough in this regard.

Regarding redevelopment, Mr. Heine believes that Council must be absolutely confident that any redevelopment plan is in the best interest of Riverton. Mr. Heine believes that the proposed draft plan is not consistent with the current Master Plan. It is also inconsistent with the present zoning. Mr. Heine urged Council to ask Redevelopment Solicitor Tom Colman what this draft redevelopment plan will do to encourage or permit the builders' remedy which will permit what the "Caplan" plan did in Cinnaminson to occur in Riverton.

Mr. Heine voiced his strong displeasure that the owner of 300 Broad Street, (Robert Moccia) was not fined for enlarging his parking lot at this location. **Birnie O'Reilly, 200 Lippincott Avenue**, raised strong concern that the proposed revisions to our development fee ordinance be forwarded to the members of the Planning Board as soon as possible so that the document can be reviewed before it is discussed at the next Board meeting. The Clerk stated that she would make sure that the Board members received copies.

Regarding the Curfew Resolution approved tonight, Ms. O'Reilly believes the Police should station a foot patrolman at the rail station between 9:00pm and 10:00pm to discourage people under 18 years old from getting off the train. Chief Norcross responded that New Jersey Transit has already taken care of this.

Mrs. O'Reilly asked when Mr. Gilmore would share the State's Planning Handbook with the entire Planning Board. Mr. Gilmore responded that the Chair of the Planning Board received a copy. Mrs. O'Reilly voiced her concern that information is not being shared with the entire Board. Mrs. Alls-Moffatt stated that we only received ten copies of the handbook, which were shared between Council, the Planning Board and Zoning Board.

Mrs. O'Reilly asked that the draft redevelopment plan of 2002 be removed from the lobby.

Frank Cioci, 408 Lippincott Avenue, stated that he believes there is too much animosity occurring at the Council meetings. There does not appear to be any respect shown. He believes it is an embarrassment to our community.

William Harris, 502 Cinnaminson Street, feels that there should be interaction between Council and the public. Mr. Harris also believes that something should be done to address complaints that are voiced. Regarding the Moccia issue, Mr. Harris believes it was handled properly in spite of the penalties and so forth.

RESOLUTION 93-04

A RESOLUTION PERMITTING THE EXCLUSION OF THE PUBLIC FROM A MEETING IN CERTAIN CIRCUMSTANCES PER SECTION 8 OF THE OPEN PUBLIC MEETING 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 Contract Negotiations, Litigation and Personnel matters will be discussed.

At this time Mr. Smyth made a motion to return to public session. 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.

MOTION REGARDING SUSAN WOMPIERSKI, PART-TIME POLICE SECRETARY

Mr. Cesaretti moved that his recently submitted letter to Susan Wompieriski indicating that the consensus of Council from 3 or 4 months ago regarding her request will not be changed. This was seconded by Mr. Gilmore. Mr. Smyth commented that this is a reaffirmation of what was previously conveyed. Mr. Cesaretti stated that a copy of his letter to Ms. Wompieriski was also given to the Chief of Police. A poll vote was then taken. Dr. Daniel absent, Mrs. Villari nay, Mr. Smyth aye, Mr. Gilmore aye, Mr. Cesaretti aye and Mrs. Alls-Moffatt aye.

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

Mary Longbottom, RMC
Municipal Clerk