

September 8, 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 and Solicitor Bruce M. Gunn

ABSENT: Council member Villari

At this time Mayor Martin announced the passing of former Municipal Clerk, Anna May Whitelock on September 2, 2004. Solicitor Bruce M. Gunn, who had served with Mrs. Whitelock while he was a member of Council, gave a eulogy for Mrs. Whitelock. Mayor Martin then asked for a moment of silence in memory of Mrs. Whitelock.

Mayor Martin read the following statement:

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 August 4, August 11 and Closed Session Minutes from August 4 and August 11 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 and Mrs. Alls-Moffatt aye.

TREASURER'S & FINANCE COMMITTEE REPORTS-Mr. Smyth

Mr. Smyth moved that the attached Treasurer's & Finance Committee reports for the month of August be approved as submitted. 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.

COMMITTEE REPORTS

PUBLIC SAFETY-Mr. Cesaretti

Mr. Cesaretti read a report for the month of August that was submitted by Chief Norcross. Vehicle Mileage 3010, Gas Used –pending, Juvenile Arrests-pending, Adult Arrests-Pending, Motor Vehicle Crashes 3, Motor Vehicle Stops 104, Motor Vehicle Warnings 22, Motor Vehicle Summons 114, Burglar Alarms 15, Asst. to other Police Departments 37, Animal Complaints 7, Fire Calls 16, Ambulance Calls (Riverton) 24, Unattended Deaths 0, Criminal Cases-pending, Domestic 0, Thefts 7, Burglaries-pending, Assaults 1 civilian, Sexual Assault 0, Criminal Mischief-pending, Robberies 0, Motor Vehicle Thefts 0, Miscellaneous Complaints 40, Miscellaneous Calls 583 and total calls-pending. Mr. Cesaretti also provided an overview of the types of miscellaneous calls the Department receives.

Mr. Cesaretti read a report for the month of August that was submitted by Animal Control Officer, M&R Wildlife Inc. Various stray animals were removed this month.

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

Mr. Gilmore asked the Chief if he followed up on making sure that the bathrooms at the park were locked after dark. The Chief responded that his department was making sure this was done.

Mr. Gilmore read a report for the month of August that was submitted by Court Administrator, Laura Frick. There were 90 traffic tickets issued, 5 for parking, 83 traffic other and 2 DWI. There were 12 criminal charges filed, 5 summons, 0 warrants and 6 local

ord. Total receipts for the month amounted to \$10718.00. The total amount disbursed to Riverton amounted to \$6283.55.

PUBLIC WORKS/SEWER-Mrs. Villari

In Mrs. Villari's absence, Mr. Gilmore reported that both Departments continue to work on maintaining the streets and wastewater treatment facility.

ZONING, PLANNING, CODE ENFORCEMENT AND

REDEVELOPMENT-Mrs. Alls-Moffatt

Regarding the Zoning Board, Mrs. Alls-Moffatt reported that the Brandenberger application to develop the Sitzler property on Main Street as well as the Flamini (Cedar Lane) application have been continued until next month. The proposed application by Omipoint (wireless cell tower) has been postponed indefinitely.

Regarding the Planning Board, Mrs. Alls-Moffatt reported that the site plan application for 300 Broad Street will be discussed at the Board's September 21st meeting. The owner of this property (Robert Moccia) is scheduled to appear. Mrs. Alls-Moffatt reported that two minor site plan applications were approved by the Board at their August meeting. Detailed information can be obtained from the Planning Board secretary.

SHADE TREE/HUMAN SERVICES-Dr. Daniel

Dr. Daniel stated that the Board and our Solicitor are reviewing the current Shade Tree Contractor specifications. Paul May's (the Borough's present Shade Tree Contractor) contract expires at the end of this year. Council will be kept informed.

Dr. Daniel read a report for the month of August that was submitted by Welfare Director, Florence Klein. There were two clients on the rolls. There were no state meetings or training in August.

OLD BUSINESS

SMART GROWTH GRANT: REVIEW OF DRAFT LETTER REQUESTING PERMISSION FROM THE STATE TO UTILIZE THESE FUNDS FOR REDEVELOPMENT PURPOSES

Council once again reviewed this draft letter which was prepared by Tamara Lee, Planner and distributed to Council at last week's meeting. Mr. Gilmore stated that he would like the proposed timeline listed in the letter to be reduced from 16 months to 12 months. It was the consensus of Council to agree to this. There being no further changes, Mr. Gilmore moved that this letter, with the timetable change, be sent to the State's Office of Smart Growth for their consideration. 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.

NEW BUSINESS

ORDINANCE 9-04

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF RIVERTON, IN THE COUNTY OF BURLINGTON, NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 22 ARTICLE 1 OF THE RIVERTON BOROUGH CODE CREATING A UNIFORM CHECKLIST FOR SUBMISSION REQUIREMENTS FOR VARIOUS APPLICATIONS TO THE PLANNING BOARD

(IN FULL IN ORDINANCE BOOK)

The above Ordinance was read by title only for the second time by Mrs. Alls-Moffatt, 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. 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 aye, Mrs. Villari absent, Mr. Smyth aye, Mr. Gilmore aye, Mr. Cesaretti aye and Mrs. Alls-Moffatt aye.

ORDINANCE 10-04

**AN ORDINANCE TO AMEND CHAPTER 13 OF THE RIVERTON CODE TO
PROVIDE FOR THE MAYORAL APPOINTMENT OF THE MEMBERS OF THE
RIVERTON BOROUGH ENVIRONMENTAL COMMISSION AND
DESIGNATION OF ITS CHAIRMAN
(IN FULL IN ORDINANCE BOOK)**

The above Ordinance was read by title only for the second time by Mr. Gilmore, who moved for its adoption. This was seconded by Mr. Smyth. 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 aye, Mrs. Villari absent, Mr. Smyth aye, Mr. Gilmore, Mr. Cesaretti aye and Mrs. Alls-Moffatt aye.

RESOLUTION 88-04

**A RESOLUTION URGING THE NEW JERSEY LEGISLATURE TO
STRENGTHEN THE BALANCED BUDGET PROVISION OF THE STATE
CONSTITUTION
(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 absent, Mr. Smyth aye, Mr. Gilmore aye, Mr. Cesaretti aye and Mrs. Alls-Moffatt aye.

CORRESPONDENCE-There was no correspondence presented at this time.

MEETING OPEN TO THE PUBLIC

Josh Cooper, 513 Main Street, asked if the Borough has a contingency plan in place now that they have placed 2 hour parking limits on his portion of Main Street. Mr. Cooper raised concern over this because most houses at this location do not have driveways. Mr. Cooper asked Council to consider permitting parking. Mr. Cesaretti commented that the parking committee worked very diligently to come up with a parking solution for both the residents and business community. Mr. Cesaretti stated that the new Ordinance increased the amount of time permitted to park at these specific locations. Mr. Cesaretti stated that the original law on our books for the areas in question had limited parking to only 1 hour. However, Mr. Cesaretti stated that this law had not been enforced. Mr. Cooper expressed his displeasure with the 2 hour parking limit and asked where the tax paying residents are supposed to park.

Cynthia Park, 503 Main Street, also expressed her displeasure with the 2 hour parking limitation. She believed when she purchased her property that she would be able to park in front of or near her home. Mrs. Alls-Moffatt stated that the reason the parking limits were increased was to encourage customers shopping in our business districts to have a minimum of 2 hours to patronize our stores. Mrs. Alls-Moffatt commented that it was her understanding that there is unlimited parking at the areas in question after 6:00pm. The Chief responded that that was correct.

Gene Bandine, 522 Main Street, expressed his displeasure with this parking limit. He would like to see parking lines placed along Main Street. Mr. Bandine believes that Council should go to the people and get some input on parking issues. Mrs. Alls-Moffatt commented that the Borough cannot stripe Main Street because it is a County road.

Rick Park, 503 Main Street, appreciates the fact that Council placed a handicapped parking space in front of his home because his wife has problems with his neck. It should be noted that Mrs. Park received a handicapped designation from the State. Mr. Park was told that the County only owns Main Street up to Broad Street. He understands that the Borough owns the portion from Broad to the river. Mr. Park believes the Borough should have sought County approval before putting this ordinance in place and installing the parking signs. The Chief responded that that is not correct. The County owns Main Street in Riverton in its entirety. Although we cannot stripe Main Street, we do have legal authority to place parking signs along Main Street. The Chief stated that the parking committee has been working on parking issues for two years. Residents, business owners

and Borough officials have been involved in the process. Mr. Cesaretti commented that people were also taking advantage of the Borough's lot on Main Street. Boats, motor homes and campers were being parked there indefinitely. The parking committee decided that there were better uses for this lot and that a parking limitation was warranted.

Josh Cooper, 513 Main Street, believes Council gave the stores priority before the property owners who pay taxes. Mr. Cesaretti disagreed with Mr. Cooper. Mr. Cesaretti stressed the fact that the business owners were not a driving force. Mr. Cesaretti stated that the Borough cannot guarantee that any resident will have a parking space in front of their home. This ordinance is a work in progress and may change. Mrs. Alls-Moffatt commented that we are a very small Borough with no parking space.

Rich Suter, 509 Main Street, believes that the people should be involved with the process. Mr. Suter cited an example that if the hair salon and restaurant along Howard street had their employees park on their respective lots, it would free up street parking.

Gary Ford, 311 Bank Avenue, commented that wherever possible, businesses in town are trying to increase their parking capacities for customers and employees. Mr. Ford commented that he, as well as some other business owners, requested that we try and have around 10 parking spots in the center of town with a parking limitation of 2 hours. Business owners were not looking to create a huge parking problem.

Margaret Wark, 406 Howard Street, stated that the people who are impacted by the 2 hour parking limitation should have been notified in writing prior the passage of the ordinance.

Mayor Martin suggested that the parking committee take the information that has been presented here tonight for further review. Mr. Cesaretti commented that that would not be a problem. Mr. Smyth suggested that those present who have voice parking concerns should leave their names and addresses.

Gary Ford, 311 Bank Avenue stated that as a business owner, the issue is more than having a parking space in front of your home. In order to maintain viable businesses in town, parking must be available. Empty storefronts do not make the Borough look good. Business owners and residents must work together to come up with a plan.

Michael Heine, 206 Carriage House Lane, urged Council to pass a Resolution putting a moratorium on the enforcement of the 2 hour parking limit ordinance recently adopted. Mr. Heine believes the Borough should seek professionals to review the parking issues in town.

Mr. Heine stated that the Zoning Officer recently issued a notice of violation to the owner of 300 Broad Street. This pertains to the recent enlargement of the parking lot on his property. Mr. Heine stated that a Site plan application is required. Mr. Heine stated that the owner of this property should be fined in accordance with the penalties spelled out in our Zoning Ordinance. Mr. Heine does not understand why this owner has not been fined. Mr. Heine distributed sections of our Zoning Ordinance pertaining to the duties of the Zoning Officer and the penalties for particular zoning violations. Mr. Heine asked Council if they thought our Zoning Officer is satisfactorily enforcing our Zoning Ordinance. Mrs. Alls-Moffatt commented that based on discussions with the Mayor, our Zoning Officer and the Chair of the Planning Board, that the owner of this property would not be fined at this time. We are going to ask the owner (Robert Moccia) to appear before the Planning Board to review the required process. Mrs. Alls-Moffatt believes our Zoning Officer is handling this issue in the appropriate manner.

Nancy Siefert, 304 Main Street, agrees with Mrs. Alls-Moffatt that we should sit down with Mr. Moccia and try to obtain the end result we are attempting to achieve.

Cynthia Park, 503 Main Street, asked if permitting parking could possibly be considered for those locations on Main and Howard impacted by the 2 hour parking ordinance. The Chief stated that it is his personal opinion that permitting parking would be a disaster for the town. The Chief believes we can work something out.

Tom Wheelhouse, 600 Main Street, asked that Council not enforce the current ordinance until the issue is resolved.

RESOLUTION 89-04
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 absent, 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 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.

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

Mary Longbottom, RMC
Municipal Clerk