

February 2, 2005

The work session of the Riverton Borough Council was held on the above date. Mayor Martin presiding.

PRESENT: Council members Daniel, Smyth, Villari, 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 notification of all meetings to be held in 2005 published in the Burlington County Times on December 29, 2004

(b) Posting written notice on the official bulletin board on January 4, 2005

Proposed Ordinances for consideration: "CAP" Ordinance. Mr. Smyth, Chair of the Finance Committee, reviewed the Auditor's written recommendation that Council consider adopting this Ordinance. A copy of this is on file with the Municipal Clerk. After a short discussion, it was the consensus of Council to agree to this.

ORDINANCE 2-05

"CAP" ORDINANCE OF THE BOROUGH OF RIVERTON TO EXCEED THE MUNICIPAL BUDGET COST OF LIVING ALLOWANCE AND TO ESTABLISH A CAP BANK WHEN THE COLA IS EQUAL TO OR LESS THAN 2.5 PERCENT (N.J.S.A. 40a:45.14)

The above Ordinance was read by title only 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. Second reading and a public hearing on this Ordinance will be held on March 2, 2005.

Revisions to development fee ordinance, Tamara Lee, Planner present. Ms. Lee reported that the current development fee ordinance only applies to a certain portion of the Borough. The new COAH regulations are known as growth share regulations. Any development that occurs in the Borough is going to generate an obligation whether it's residential or non-residential. Ms. Lee explained that for every eight (8) residential units the Borough will have to provide one (1) additional affordable housing unit. Ms. Lee further explained that for every twenty-five (25) jobs created by non residential units, the Borough's going to have to create one (1) 1 unit. Ms. Lee further stated that COAH actually adds up fractions. If we have a small non-residential development, it may generate three tenths of a unit. However, if you have a couple of those, the Borough's going to have an obligation to provide a new unit. This is in addition to the units the Borough is already obligated to provide. Ms. Lee further reported that the new rules cause us to have an automatic obligation when there is any new development. Ms. Lee stated that it is advisable to have a developmental fee ordinance that covers the entire Borough; therefore our present Ordinance should be amended. Ms. Lee reminded Council that at the end of last year we did send COAH our proposed amendments to our development fee ordinance for their review. This was done before the new COAH regulations were adopted. This ordinance included a retroactive clause that suggested that any development that would be approved last year or before the new COAH regulations were adopted would still have to approve some COAH units. The reason we did that is because the COAH regulations were retroactive to January 1. Therefore, we wanted our development fee ordinance to be retroactive to January 1 of 2004 to mirror the State rules. Ms. Lee reported that the Deputy Attorney General for COAH reviewed last year's proposed Ordinance and stated that the retroactive clause was not legal under COAH regulations. Therefore, the Ordinance was never adopted by Council last year. Ms. Lee stated that we don't need the retroactive clause now (no developments were approved last year). Ms. Lee stated that the new COAH regulations have now been adopted. Ms. Lee stated that our development fee ordinance has now been revised and the retroactive clause has been eliminated. Ms. Lee stated that this

newly proposed Ordinance would require that any development or redevelopment that occurs in the Borough essentially mirrors the new COAH regulations. It requires developers to provide the affordable housing that their project generates.

Ms. Lee believes that one issue that we should discuss is the payment in lieu of clause. Ms. Lee stated that many towns provide for this option. Ms. Lee explained that if a developer can't provide the required affordable housing units, they can give the Borough money. The Borough could then use that money to create affordable housing units. Ms. Lee further explained that only 20% of the money taken from developers can be used towards the administration of our COAH obligation. The 80% has to be used towards building housing. Ms. Lee has conferred with Mr. Gunn and Alls-Moffatt. They seem to think that Riverton is not the type of municipality that would do a municipally sponsored housing project. Ms. Lee doesn't think there is a whole lot of point in giving the developers that option. Basically that would put the burden on the developers to provide the housing. Ms. Lee stated that this is not the most common way of doing this. Ms. Lee suggests leaving that option out of the ordinance. Mr. Gunn stated that what is before Council is really the same as the one introduced at the end of last year, with the exception of the retroactive provision. Ms. Lee stated that if Council chooses, a first reading would need to be done on this ordinance. It then gets sent to the Planning Board for their review and approval. It is then forwarded onto COAH for their review and approval. Ms. Lee reported that COAH needs to approve it before Council can do a second reading. Dr. Daniel asked if the affordable housing obligation is one (1) per eight (8) units. Ms. Lee responded yes. Dr. Daniel asked if there was a time frame for a proposed developer to follow to meet an obligation. Ms. Lee is unsure, but she will check into the details regarding timing issues.

Ms. Lee reported that currently, our housing plan says we have to provide two (2) new units on Martha's Lane and fifteen (15) rehab units. Ms. Lee further stated that the Borough presently has a certified plan, so we are protected. Ms. Lee believes that between now and when our certification runs out, if we have development here, that will generate more obligation. Ms. Lee explained that when the Borough comes up to renew their certification, we are going to have to be able to demonstrate to COAH that either those units are in place or there is a reasonable chance that they will be in place in a timely manner. Ms. Lee stated that there is no time limit in the COAH regulations. A lot of what COAH does is by policy. Regarding commercial building, Mr. Lee stated that the burden is placed on the builder to provide the required units. Dr. Daniel asked what happens if the builder doesn't step up and comply. Ms. Lee responded that we wouldn't give the builder the required approvals.

Mr. Gilmore stated that we presently have a developer who wants to place five (5) townhouses at a specific location in the Borough. Ms. Lee stated that that would be considered five-eighths of a unit. Mr. Gilmore asked if we can we force the developer to have one affordable housing unit. Ms. Lee responded yes, but only if this ordinance is in place before approvals are given. If not, the Borough would be obligated. Mr. Gilmore stated that he would pass this information onto the Zoning Board.

Mrs. Villari asked Ms. Lee to define a rehab unit. Ms. Lee stated that this is an existing unit that needs at least \$8,000.00 worth of renovations. The inhabitants of that unit must be income qualified for affordable housing. If they are income qualified and if the construction meets the requirements through COAH, then specific stipulations are placed on that unit for approximately 20 years. Mrs. Villari asked if eight (8) new dwellings go up in Riverton and we have to have one (1) affordable housing unit, would we still be obligated regarding the fifteen (15) rehabs. Ms. Lee responded yes. Ms. Lee explained that COAH says that we have to provide a reasonable opportunity for those rehabs to occur. Mrs. Villari asked how we go about advertising that. Ms. Lee stated that it should be advertised in certain newspapers and spelled out in our housing plan. Ms. Lee stated that the Borough also has a Memorandum of Understanding with the County who will help us administer our rehab obligation. Mrs. Villari asked Ms. Lee to define an affordable

housing unit. Mrs. Villari asked if it could be apartments above a commercial property. Ms. Lee responded that COAH defines the affordable housing unit. Ms. Lee explained that there is a minimum square footage that has to be determined. Ms. Lee stated there is low income and low moderate income housing. Mr. Gilmore asked where the money comes from for the rehabs. Ms. Lee responded from the County.

Mr. Cesaretti asked a question regarding the in lieu of payment issue. Mr. Cesaretti suggested placing wording in the ordinance that it is at the governing body's discretion. Ms. Lee stated that that could be done if Council so desires.

Michael Heine, 206 Carriage House Lane, asked if this proposed ordinance and the COAH regulations make any distinction between commercial development and the nature of rehabilitation of existing commercial facilities as distinguished from totally new commercial property. Is there a difference there regarding the unit requirements? With respect to commercial development, Mr. Heine asked Ms. Lee what she sees as the maximum fee chargeable under existing regulations to the developer who may be rehabilitating existing commercial facilities. Ms. Lee responded that the whole point of this growth share was for COAH to capture affordable units under rehab. Previous to this the only way we would get COAH units was if someone did a new development. The purpose of the 3rd round of COAH regulations was when something gets developed, new units will be generated. Although the regulations stipulate for every twenty-five (25) jobs there will be one unit, the truth is there is a chart that says for x number of square feet you will provide a unit. Ms. Lee stated that COAH has that in their regulations. That's how the calculation will be done, not based on the testimony of the developer. Mr. Heine then asked if the new construction is tied to new construction or is it ignored in the event of rehabilitation of an existing facility. Ms. Lee responded that it is tied to any application that comes before the Zoning or Planning board. Mr. Heine asked where we go on commercial development in terms of a maximum fee. Ms. Lee stated that the way this proposed ordinance is written is that it follows the current COAH regulations. For residential development, a development would be assessed a development fee of 1% of the assessed value of the development. For non-residential its 2%; however, if they get a density bonus on a residential, or a Floor Area Ratio use variance on a non-residential, then the developer is essentially getting permission to build more than the ordinance allows him to. That excess is going to be assessed at 6%, not the 1% for residential or 2% for non-residential. Ms. Lee further stated that any unit obligations generated from new development have to be new units. They cannot be rehabbed units. After a short discussion, it was the consensus that this Ordinance should be introduced tonight.

ORDINANCE 3-05

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

The above Ordinance was read by title only by Mrs. Alls-Moffatt, who moved for its adoption of this Ordinance with the inclusion of wording that developers may elect to pay a fee in lieu of constructing low-moderate-income housing units. This option may only be exercised upon the prior approval of Borough Council. 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. Second reading and a public hearing on this ordinance will be held on March 2, 2005.

Amending Bond Ordinance. Mr. Smyth stated that all of the necessary information has not been gathered for a recommendation to be made to Council. He asked that this issue be deferred.

Adopting rules of decorum for the conduct of Borough Council Meetings. Mrs. Villari reported that a sample Ordinance regarding this issue was obtained from League of Municipalities. Mrs. Villari provided an overview of the content of this Ordinance, pertaining to the General Provisions, Length of presentation, Disorderly Conduct, Defamatory and Threatening Language Prohibited, Sergeant at Arms, Resisting Removal,

Recording, Taping, Photography and Rules of Conduct. Mrs. Villari commented that the Solicitor also provided her with some legislative findings on this issue. The Solicitor commented that Council could pick and choose what they would want included in this ordinance. Mr. Villari would like Riverton to formulate our own code of conduct for our Council meetings. Mrs. Alls-Moffatt asked the Solicitor how this Ordinance would affect anybody's first amendment rights. The Solicitor stated that it is a balancing act. Mrs. Villari stated that this Ordinance protects the government and the public. Mr. Cesaretti asked if we would have to pay someone from the Police Department to be present at our meetings. Our Solicitor stated that in larger towns, they utilize their Court Officers. Our Solicitor commented that this issue would be at Council's discretion. Mr. Gunn feels that this sample ordinance just sets some guidelines so everybody is on the same page. Mrs. Alls-Moffatt asked if we had something similar to this in our codebook. Mr. Gunn stated that there are personnel policies spelled out in our employee handbook. We don't have anything with respect to the governing body. Mr. Gunn commented that this Ordinance would just be for the governing body; our other Boards would have to do one of their own, if they so chose. Mrs. Alls-Moffatt agrees with this sample ordinance in principle; however, she is concerned with first amendment rights. Dr. Daniel commented that he thought we all know what threatening, abusive language is. He believes this Ordinance is a good idea. Dr. Daniel believes it sets a tone where people will certainly be given their right to express themselves. However, they will do so in a mature and in a professionally and orderly fashion. Dr. Daniel stated that the Mayor should make the decision if someone gets out of hand. Mr. Gunn stated that he felt the reason you would adopt something like this ordinance is so Council can conduct its business in a timely manner. A discussion then ensued. Mayor Martin asked for a consensus of this issue. Mr. Smyth suggested reviewing this sample ordinance in more detail and discussing it at next month's work session. Mr. Gunn will provide what is listed in the state statutes regarding ethics for Council's review. It was the general consensus to agree with this.

Setting day and time for 2005 budget work session. A consensus was reached that a budget work session be held on Monday, February 28, 2005 at 6:00pm in the Municipal Building. The Borough's Auditor will also attend. The Clerk will advertise this meeting in the Burlington County Times.

Mayoral appointments. Mayor Martin announced the following appointments to the Architectural Review Committee. They are Chris Halt to serve as a regular member (term to expire on 12-31-08) and Andee Byers, Rocky Adriance and Robert Kennedy to serve as alternates (terms to expire on 12-31-05). Mayor Martin also announced the appointment of Stuart Brayshaw to serve as a member of the Shade Tree Commission (term to expire 12-31-07). Both Mr. Gilmore and Mrs. Alls-Moffatt took exception to the Mayor's appointments. They both felt that the Council should have been made aware of vacancies on specific boards. They also felt that since Mr. Halt presently serves on both the Planning Board and Environmental Commission, that someone else should have been considered. Mayor Martin stated that he made his decision based on a recommendation from the Architectural Review Committee.

RESOLUTION 16-05

A RESOLUTION AUTHORIZING THE HIRING OF A SUBSTITUTE CROSSING GUARD FOR THE REMAINDER OF THE 2004-2005 SCHOOL YEAR

(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 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.

Public Works Issues: Update Re: 2004 Community Development Block Grant Project. Mrs. Villari reported that Dante Guzzi, Associates have prepared the specifications and plans for this project. However, our Solicitor needs to review these

documents prior to going out to bid. Mrs. Villari asked that Council consider authorizing Dante Guzzi, Associates to advertise for bids contingent upon review and approval of the specifications by our Solicitor. Council concurred with this recommendation.

RESOLUTION 17-05

**A RESOLUTION AUTHORIZING DANTE GUZZI, ASSOCIATES TO
ADVERTISE FOR THE RECEIPT OF BIDS FOR THE BOROUGH'S 2004
COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT CONTINGENT
UPON THE SOLICITOR'S REVIEW AND APPROVAL OF THE
SPECIFICATIONS
(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. 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.

Request for authorization for the removal of two properties from the Borough's Sewer Tax Rolls. Mrs. Villari reported that after a camera inspection of the sewer lines on 10th Street, our Licensed Wastewater Treatment Facility Operator, Brad Young, has concluded that the residences of 707 and 711 10th Street are not connected to the Borough's wastewater system. Mr. Young is recommending that these residences be removed from the Borough's sewer tax rolls. After a short discussion, it was the consensus of Council to agree to this. February 2, 2005 will be the effective date of their removal from our sewer register.

RESOLUTION 18-05

**A RESOLUTION AUTHORIZING THE REMOVAL OF TWO PROPERTIES
FROM THE BOROUGH'S SEWER TAX ROLLS
(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. 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.

Disposition of the Borough's Original Linen Tax Maps. Mrs. Villari reported that she is recommending that Council authorize that these maps be turned over to our Streets and Roads Engineer, Remington, Vernick and Arango. Ms. Villari reported that these maps are presently being held with Dante Guzzi, Associates. After a short discussion, it was the consensus of Council to agree to Mrs. Villari's recommendation. The Clerk was asked to contact Mr. Guzzi and ask for the return of these maps so that they can be transferred to our new Streets and Roads Engineering firm.

RESOLUTION 19-05

**A RESOLUTION AUTHORIZING THE BOROUGH'S ORIGINAL LINEN TAX
MAPS TO BE TURNED OVER TO REMINGTON, VERNICK AND ARANGO,
THE BOROUGH'S STREETS AND ROADS ENGINEER
(IN FULL IN RESOLUTION BOOK)**

The above Resolution was read by Mrs. Villari, 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.

Update Re: Wastewater Treatment Facility Engineer Appointment. Mrs. Villari reminded Council that James C. Anderson, Associates was appointed at our reorganization meeting to serve as the Engineer for our Wastewater Treatment Facility. Mrs. Villari reported that we have received written notification that all of the managers and employees of this firm have joined T&M Associates as of January 3, 2005. Mr. Gunn stated that Council needs to consider the appointment of T&M Associates to serve in this capacity. After a short discussion, it was the consensus to appoint T&M Associates, contingent upon the Solicitor reviewing and approving their submitted contract.

RESOLUTION 20-05

**A RESOLUTION RESCINDING THE PROFESSIONAL SERVICE
APPOINTMENT OF JAMES C. ANDERSON, ASSOCIATES AS THE
ENGINEER FOR THE BOROUGH'S WASTEWATER TREATMENT FACILITY
FOR 2005 AND AUTHORIZING THE PROFESSIONAL SERVICE
APPOINTMENT OF T&M ASSOCIATES OF MOORESTOWN, NEW JERSEY
TO SERVE IN THIS CAPACITY
(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. Cesaretti. A poll vote was then taken. Dr. Daniel aye, Mrs. Villari aye, Mr. Smyth aye, Mr. Gilmore aye, Mr. Cesaretti aye and Mr. Alls-Moffatt aye.

Possible submission of a grant application for the New Jersey Department of Transportation's Fiscal Year 2006 Municipal Aid Program. The Clerk brought this potential grant information to Council's attention to determine if there was any interest in applying. After a short discussion, it was the consensus of Council to make an application. Mr. Gilmore volunteered to follow through with the process. Council will be kept informed.

Approval for the Porch Club to hold a Chinese Auction. The Clerk reported that the Porch Club has submitted all the required documentation and fees to hold this event on February 25, 2005.

RESOLUTION 21-05

**A RESOLUTION APPROVING THE PORCH CLUB'S REQUEST TO HOLD A
CHINESE AUCTION ON FEBRUARY 25, 2005 AT SACRED HEART CHURCH
(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. Villari. A poll vote was then taken. Dr. Daniel aye, Mrs. Villari aye, Mr. Smyth abstained, Mr. Gilmore aye, Mr. Cesaretti and Mrs. Alls-Moffatt had recused herself from this issue.

Preliminary agenda for February 9. The Clerk reviewed this with the Governing Body. **Parking Committee to meet in February.** Mr. Cesaretti reported that this committee would be meeting before the end of February. Mr. Cesaretti stated that those resident's who have expressed specific parking concerns would be asked to attend this meeting. Council will be kept apprised of this situation.

Lighting of the Flag at the War Memorial. Mr. Cesaretti reminded Council that the Riverton Police Association has offered to undertake this project and all costs associated with it. Mr. Cesaretti stated that the Police Association would like a letter of support for this project from the Governing Body. Patrolman John Shaw then provided an overview of the project for Council.

RESOLUTION 22-05

**A RESOLUTION SUPPORTING THE RIVERTON POLICE ASSOCIATION'S
OFFER TO UNDERTAKE THE PROJECT OF ILLUMINATING THE FLAG AT
THE RIVERTON MEMORIAL PARK
(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.

STREETS AND ROADS KUDOS. Mr. Cesaretti, who works for the Burlington County Bridge Commission, received compliments from his associates on how well Riverton's streets were cleaned during the recent snow storm. Mr. Cesaretti publicly thanked our Public Works Department for their efforts.

POLICE MERGER MEETING. Mrs. Villari stated that she understands a meeting had been set by Mrs. Alls-Moffatt with representatives of the Borough of Palmyra. This pertains to a possible merger of our Police Department with theirs. Mrs. Villari understands

that this meeting was cancelled. Mrs. Villari asked if Mr. Cesaretti, Public Safety Committee Chair, gave Mrs. Alls-Moffatt permission to meet with Palmyra officials regarding this issue. Mrs. Alls-Moffatt stated that she thought this conversation was grossly inappropriate. Mrs. Villari asked Mrs. Alls-Moffatt why the meeting was scheduled, what was the outcome and what was her agenda. Mr. Cesaretti stated that he did not have knowledge of this meeting and has not conducted any conversations with either Palmyra's Public Safety Committee or their Mayor regarding a police merger. Mrs. Villari stated that she does not believe any Council person up here has the authority to act alone to represent this government, our town or our Police Department. Mrs. Villari believes that what happened was embarrassing. Mrs. Villari believes this was detrimental to the morale and the confidence of the Riverton Police Department. Mrs. Villari apologized for herself to the Police Department. She thinks what happened was wrong. Mrs. Villari doesn't believe anybody on Council has the expertise to even investigate a police department merge. Mrs. Villari thought that was our understanding at our last meeting. Mrs. Villari asked Mrs. Alls-Moffatt why she felt the need to proceed.

Mr. Gilmore commented that he thought Mrs. Villari's actions should be incorporated into any proposed ordinance regarding decorum to be followed at council meetings. Mr. Gilmore believes this is an attack on one of our council members. Mrs. Alls-Moffatt stated that she attended a recent Finance/Admin meeting and the subject of a police merger came up because of the exorbitant budget that the Police department has (approximately \$600,000.00). Mrs. Alls-Moffatt stated that in the course of conversation at the Finance/Admin Committee meeting, it was suggested that the Chair of the Public Safety Committee was not doing his job.

Mrs. Alls-Moffatt stated that Mr. Cesaretti was asked 5 months ago to contact the responding municipalities regarding a possible police merger and he has not done so. Mrs. Alls-Moffatt was asked to do it and she did it in three days. Mr. Cesaretti asked for a clarification as to what meeting she was talking about. Mrs. Alls-Moffatt stated that she called him on Saturday to see if he could make the meeting on Monday with officials from Palmyra and he told her he would attend. Mrs. Alls-Moffatt remarked that for Mr. Cesaretti to state that he had no knowledge of this meeting is a bare face lie. Mr. Cesaretti stated that he didn't recall this conversation. Mrs. Alls-Moffatt commented that it was very convenient of him. Mrs. Alls-Moffatt stated that this is the way this Council is run and she has absolutely nothing else to say on this subject.

Mrs. Villari stated that at the last meeting we all decided that if in fact this merger was to be investigated it would come from an outside third party. Mrs. Alls-Moffatt responded that that was wrong. Mrs. Alls-Moffatt stated that this Council said that we would investigate a police merger ourselves, take it as far as we could, and then determine if we could afford somebody to negotiate a merger if we decided to go that route. Mrs. Villari asked Mr. Cesaretti to verify that he said we were not moving forward with this. Mr. Cesaretti responded that that was correct.

Mr. Gilmore reminded Council that representatives from the Borough have already had one meeting with representatives from Cinnaminson Township regarding a possible merger. Mr. Gilmore stated that we also thought we should talk to Palmyra about this issue. Mr. Gilmore stated that all Mrs. Alls-Moffatt was basically trying to do was determine if Palmyra was interested in a possible merger. If there was some interest, we would ask them for some cost estimates. Mr. Gilmore stated that we may be able to save the Borough money by considering this. Mrs. Villari stated that money was not the only thing that needs to be considered regarding this issue. Mr. Gilmore stated that Mrs. Alls-Moffatt was taking the bull by the horn because no one else was. Mrs. Alls-Moffatt stated that she did this at the request of our Mayor. Mayor Martin stated that while she was saying this, he didn't know what she was talking about. Mrs. Alls-Moffatt stated that that was a bare face lie. Mrs. Alls-Moffatt reiterated her position that she was requested by the Mayor to do this. Mr. Gilmore stated that the Police Department is a huge portion of our budget that

goes up each year. Mr. Gilmore said there is no harm in talking and discussing this possibility to save money for the community.

Mrs. Villari stated that if it is Council's decision, we need to find a qualified person to handle this for us. Mr. Gilmore stated that he would not argue with her because he believes Mrs. Villari has a personal interest in this discussion. Mrs. Villari took exception to Mr. Gilmore's remarks. Mr. Cesaretti believes Mrs. Alls-Moffatt basically called him a liar. Mrs. Villari, once again, apologized to the Riverton Police Department for the embarrassment. Mrs. Alls-Moffatt strongly stated that it is not a question of the police doing their jobs, the problem we are having is the cost to run the police department, which she feels needs to be addressed. Mayor Martin then moved on with the rest of the agenda.

Meeting open to the public

Dennis Eversmyer, 400 Fulton Street, is appreciative that the Police Association will take care of illuminating the flag at the Park. This has been a concern of Mr. Eversmyer for some time now. Mr. Eversmyer also stated that the lighting of the Flag at the war memorial location is not correct and is not functioning. He has brought this issue to Council on numerous occasions. Mr. Gilmore stated he would review this issue with our Public Works Manager to determine if we can get another fixture at this location. Mr. Eversmyer then reminded Council that the Flag at the point (Rainer property on Main Street) is not being properly lit. Mr. Gilmore stated that he thought the police take care of putting this flag up and taking it down. Chief Norcross stated that he would talk to Mr. Rainer about this issue. He will report back to Council on his findings.

Joan Novatasky of Cinnaminson Township stated that Council should practice what they preach before adopting rules of decorum for the conduct of Borough Council meetings. Mrs. Novatasky was upset about the meeting tonight. Mrs. Novatasky stated that the Mayor at any time could place the gavel down. Mrs. Novatasky believes that Mrs. Villari was out of order by apologizing for another Council member's actions. Mrs. Villari is only responsible for herself. Mrs. Novatasky stated that Mrs. Villari should apologize to the public for her actions here tonight. Mayor Martin commented that he knows that he may allow people to talk too long, but he doesn't want to muzzle them. He is trying to permit the first amendment rights to be exercised. Mrs. Novatasky reiterated her opinion that what went on here tonight was very poor. She didn't like the name calling that took place at the table.

Bernard Swiderek, 305 Carriage House Lane, believes there is a life and death issue at the Thomas Avenue riverwall location (Horner property). Every storm causes more and more erosion towards Bank Avenue. Mr. Swiderek stated that if Council does not want to address this situation, they should consider closing off Bank Avenue to traffic. Mrs. Alls-Moffatt commented that the Borough is in litigation with the property owner regarding this problem. Mr. Gunn commented that Judge Sweeney has us under a case management order. A summary judgment is scheduled to be heard in April. There will be some further matters coming out in the next couple of weeks. The court will be giving notice to all riverbank owners about the litigation suggesting that they intervene if they want to. Mr. Swiderek suggested that Borough officials walk along the area in question. Mr. Swiderek is concerned that an accident is waiting to happen and this is an emergent matter. Mr. Gunn suggested that the Borough Engineer take a look at the area in question. Mr. Smyth suggested that our Public Works Manager and Chief of Police walk the area and make a determination regarding the situation. Mr. Gunn commented that this would be okay.

Charles Caruso, 412 Lippincott Avenue, stated that he is completely in support of the proposed dog barking ordinance. This is a quality of life issue for him. He stated that his home is surrounded by dogs constantly barking. Mr. Caruso also voiced his concern about the racism that exists in this town.

James Moffatt, 202 Fulton Street, disagreed with Mrs. Novatasky's comments tonight. He thought what went on here tonight is wonderful. This is called democracy. Mr. Moffatt applauded Council tonight for acting in a democratic fashion. Mr. Moffatt disagrees with rules of decorum.

Michael Heine, 206 Carriage House Lane, thinks that Mrs. Villari did a very important thing here tonight regarding her comment on the Police Department issue. He agreed with Mrs. Villari that a professional should be consulted if Council decides to explore a possible police department merger.

Mr. Heine believes the Finance/Admin meetings should not be closed to the public. That is wrong. He believes that the public has a right to monitor these meetings. This committee was created because of some perceived local need for assistance. Mr. Heine reiterated his position that these meetings should be public.

Regarding the riverbank issue, Mr. Heine stated he has quarreled away how the riverbank litigation issue has been handled month after month over the last two years. There is an immediate threat of irreparable harm on the riverbank. Those matters are handled through special application to the court asking for injunctive relief. To his knowledge this has never been done in this litigation. He believes there is no excuse for not doing this.

Mr. Heine expressed his disappointment that the Zoning Officer's (Tony Dydek) report was not given tonight. He stated that this was requested at the last meeting. Mr. Heine believes that Mr. Dydek has a perceived history of not issuing summons' that are required under our zoning ordinance. Mr. Heine understands that there is another zoning violation in town that is not being addressed. This pertains to the Brandenberger house that was built at 203 Thomas Avenue, which is in violation with a portion of our zoning code. To date Mr. Heine does not believe a variance was granted to Mr. Brandenberger.

Mr. Heine asked what our Zoning Officer has filed in the way of a summons regarding this issue.

At this time Mr. Villari asked Mrs. Alls-Moffatt if she gave the list of Shade Tree violations that Barry Emens (Shade Tree Chair) had given her to Mr. Dydek. Mrs. Alls-Moffatt stated that Mr. Dydek took care of those issues. Mrs. Villari commented that she has another page of 18 other violations (deliveries to the Baptist Home) that have not been addressed by Mr. Dydek.

Mrs. Alls-Moffatt read the following report that was submitted by Mr. Dydek. 10 verbal warnings were issued, 3 door hanging types of notices were delivered, 2 letters were written, 9 written violations were issued, 0 summonses for 2004 were issued, 1 summons for 2005 was issued, 11 violations are now in compliance, 4 in progress and 2 tree notices are pending due to weather.

Mr. Heine wants to know why the Zoning Officer is not observing his duty under our Zoning Ordinance. Mrs. Alls-Moffatt asked our Solicitor at what point does this become harassment of a Borough employee. What legal rights to both she and Mr. Dydek have to defend themselves against these very negative reports we get from Mr. Heine every week we are here. Mr. Gunn stated that there has to be a written and signed complaints before the Zoning Officer will take action. Mr. Gunn understands that Mr. Dydek sends a written notice of violation that gives so many days to rectify the violation. If there is no compliance, the Zoning Officer has the right to file a summons through our Municipal Court. Mr. Gunn stated that our Zoning Ordinance is vague regarding the Zoning Officer's discretion as to what is compliance. Mr. Heine disagreed with our Solicitor.

Bernard Swiderek, 305 Carriage House Lane stated that the Baptist Home has outgrown itself. He raised concern that tractor trailers try to gain entrance to the home on our streets for delivery purposes. Mr. Swiderek also raised concern over how dead bodies are removed from the home.

RESOLUTION 23-05

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 aye, Mr. Smyth aye, Mr. Gilmore aye, Mr. Cesaretti aye and Mrs. Alls-Moffatt aye. It should be noted that contract negotiations and litigation matters would be discussed. Dr. Daniel was not present for the closed session and Mr. Gilmore left the closed session portion at 10:35pm.

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