

February 9, 2005

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

PRESENT: Council members Daniel, Smyth, Gilmore (left meeting at 7:20pm), Cesaretti, Alls-Moffatt (left meeting at 7:20pm) and Solicitor Bruce M. Gunn

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 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

The minutes from January 5 and January 12 were then presented. Mr. Smyth moved that these minutes 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.

TREASURER'S & FINANCE COMMITTEE REPORTS-Mr. Smyth

Mr. Smyth moved that the attached Treasurer's and Finance Committee Reports for the month of January 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.

STATEMENT PREPARED BY MR. GILMORE AND MRS. ALLS-MOFFATT

At this time Mayor Martin announced that Mrs. Alls-Moffatt has asked to make a statement. Mrs. Alls-Moffatt then read the attached signed by her and Mr. Gilmore. This pertains to a Finance/Admin. Committee meeting that was held on Monday February 7, 2005, when resident Michael Heine was present and refused to leave. At the completion of this statement, Mrs. Alls-Moffatt moved that Mr. Smyth be requested to resign as Chair of the Finance Committee. She asked for a discussion on this issue and that a vote be taken. Mr. Gilmore seconded the motion. Mayor Martin asked if a committee can meet without having the public there. The Solicitor responded that it is at the committee's discretion. The Solicitor also commented that it is helpful to have guidelines in place to address this particular situation. Mayor Martin commented that he would like to see the full Finance Committee make a decision on whether the public should be permitted at their meetings. Mayor Martin stated that he does not feel that Mr. Smyth should resign as Chair of the Finance Committee.

At this time Mr. Gilmore commented that resident Michael Heine has given Council a three or four page document that threatens to sue the Borough and the Planning Board regarding certain issues. The Solicitor cautioned Mr. Gilmore that this issue should not be discussed in public session, since it is a matter of litigation. Mr. Gilmore stated that he believes the public should know what is going on. Mr. Gilmore stated that we are paying legal fees to have these issues defended.

Mr. Gilmore stated that he thinks it is despicable that the Chair of the Finance Committee permitted Mr. Heine to stay for the Monday night meeting. This is beyond his comprehension. Mr. Gilmore called for a vote to have Mr. Smyth resign as Chair of the Finance Committee. Mrs. Alls-Moffatt also stated that at Monday night's Finance/Admin Committee meeting, Mr. Smyth announced that everybody was going to get a 4% salary increase. Mrs. Alls-Moffatt stated that this has not even been discussed. We're still reviewing budgets with department heads. Mrs. Alls-Moffatt thought it was grossly inappropriate for Mr. Heine to pull his chair up to the table at Monday night's meeting and announce that he was there to help us with our budget. That is not his job. Mr. Smyth then asked the Clerk to announce who serves on the Finance Committee from Council. The Clerk responded Mr. Smyth, Mrs. Alls-Moffatt and Dr. Daniel. Mr. Smyth then asked by what authority Mr. Gilmore speaks as if he is a member of this committee? Mrs. Alls-

Moffatt stated that Mr. Gilmore was at Monday's meeting as a member of Council to review his Parks & Recreation budget. Mr. Smyth stated that that does not make him a member of the Finance Committee. He was just there to present information. Mrs. Alls-Moffatt stated that she thought Mr. Smyth's actions at Monday's meeting were not just inappropriate, they were grossly outrageous. Mrs. Alls-Moffatt stated that every time we have a meeting, we spend more time discussing outside comments than we actually do with the subject before us. This is our work, which we are duly elected to do. Mrs. Alls-Moffatt commented that she doesn't feel that the Finance/Admin Committee is the only meeting that is disrupted by Mr. Heine. She cited the Planning Board as another. Mrs. Alls-Moffatt stated that we are either being sued by Mr. Heine or corrected by Mr. Heine. Our attorney's have to be consulted on every i that we dot and t that we cross. There is no public business being done by this Council and she took exception to it. Mrs. Alls-Moffatt stated that Monday night was a total disgrace and an embarrassment to the Borough of Riverton and its elected officials. Mr. Gilmore called again to vote on the Motion.

Mr. Cesaretti commented that he was originally opposed to this Finance/Admin Committee. Mr. Cesaretti stated that we are the elected officials empowered to make the decisions such as reviewing budgets, etc. Mr. Cesaretti took offense to the creation of this committee initially and he takes offense to it now. Mr. Cesaretti stated that if you want the public involved and you are discussing budgets, the place to do it is up here on this table, not with these little quasi ad hoc committees. Mr. Cesaretti reiterated that we are the officials elected to make these decisions. Mr. Gilmore agreed with Mr. Cesaretti. Mr. Cesaretti reminded Mr. Gilmore that he voted to have the Finance/Admin Committee. Mr. Gilmore commented that he made a mistake. Mayor Martin stated that the Finance Committee is attempting to put more effort and time into the process than the Council may have time. Mr. Cesaretti commented that he understands the Finance/Admin Committee's intentions. Mayor Martin believes the Finance Committee should decide whether they want the public at their meetings, if that is the legal thing to do. Mayor Martin stated that there appears to be grudges being voiced here and that we are airing out our dirty linen, which makes him very uncomfortable. Mayor Martin believes this is embarrassing to the members of Council.

Mr. Smyth asked which member of the Finance Committee called the Police Department on Monday night. Mr. Gilmore responded that he called them. Mr. Smyth asked Mr. Gilmore if he was a member of the Finance Committee. Mr. Gilmore responded no, but he is a member of Council. Mr. Smyth stated that Mr. Gilmore took it upon himself to call the police. Mr. Gilmore did not even ask if he should or could call the police. Mrs. Alls-Moffatt commented that Mr. Smyth is the Chair of the Finance Committee and did nothing on Monday night. Mr. Gilmore called again called for a vote on the motion. Mayor Martin asked for a clarification on what the vote is for. The Clerk responded that Mrs. Alls-Moffatt's motion was to request that Mr. Smyth resign as Chair of the Finance Committee. Mr. Cesaretti asked if this was something we could vote on. Our Solicitor responded that Council organizes themselves thereby it is a Council decision. Mr. Gilmore stated that nothing is getting done on Council. This issue has to be addressed.

Mr. Gilmore further stated that he was going to work on obtaining some grants for the Borough. However, after what transpired Monday, he has decided not to. He feels that not only will he have to fight to get the projects done, he'll have to fight the same people in the audience. Mr. Gilmore called for the vote once again. The Mayor asked again for a clarification on the motion. The Clerk reiterated that the motion is to request that Mr. Smyth resign as Chair of the Finance Committee. The Clerk further stated that this motion was previously seconded by Mr. Gilmore. A poll vote was then taken. Dr. Daniel nay, Mrs. Villari absent, Mr. Smyth nay, Mr. Gilmore aye, Mr. Cesaretti nay and Mrs. Alls-Moffatt aye.

Mr. Gilmore announced that both he and Mrs. Alls-Moffatt would now leave the meeting. Mr. Gilmore hopes that Council will think very seriously over this situation and

come up with a reasonable solution. Mrs. Alls-Moffatt stated that bi-partisanship has been destroyed. Mayor Martin commented that he thought Mrs. Alls-Moffatt and Mr. Gilmore were grandstanding. Upon leaving Mrs. Alls-Moffatt told Mr. Heine that he must be very happy with himself. Mr. Heine stated that the only time Mrs. Alls-Moffatt opens her mouth was to change her foot. It should be noted that words ensued between Mr. Heine and another resident (Charles Caruso) who was present over Mr. Heine's remarks to Mrs. Alls-Moffatt. Mr. Caruso was escorted out of the meeting by Sergeant Furrer.

COMMITTEE REPORTS

PUBLIC SAFETY-Mr. Cesaretti

Mr. Cesaretti read a report for the month of January that was submitted by Chief Norcross. Vehicle Mileage 2,552, Gas Used 418.70, Juvenile Arrests 1 (Miscellaneous), Adult Arrests 13 (Criminal Warrants 3, Criminal Summons 0, Traffic Warrants 9, DWI 1, Other 0, Motor Vehicle Crashes 4, Motor Vehicle Stops 53, Motor Vehicle Warnings 2, Motor Vehicle Summons 67, Burglar Alarms 15, Asst. to other Police Departments 9, Animal Complaints 2, Fire Calls 15 (In-town 7, Out of town 8), Ambulance calls (Riverton) 40, Unattended Deaths 0, Criminal Cases 40, Domestic 3, Thefts 5, Burglaries 0, Assaults 0, Sexual Assaults 0, Criminal Mischief 5, Motor Vehicle Thefts 0, Miscellaneous Complaints 23, Miscellaneous Calls 497, Riverton School Walk Through Security Check 20, Riverton School Teaching/School Trips 5, and total calls 819.

Mr. Cesaretti read a report for the month of January that was submitted by Animal Control Officer, M&R Wildlife. A stray dog was taken to the shelter and the Animal Control Officer spent three hours in Municipal Court regarding unlicensed dogs and cats for the year 2004. It should be noted that M&R Wildlife did a complete dog and cat census for the Borough last year.

PARK, RECREATION, RECYCLING & ENVIRONMENTAL

COMMISSION-Mr. Gilmore-No Report

PUBLIC WORKS/SEWER-Mrs. Villari

In Mrs. Villari's absence, Mr. Gunn reported that he has reviewed and approved the specifications for the 2004 Community Development Block Grant Project. The Engineer for this project can now proceed with the bidding process.

Regarding the Broad Street Enhancement Grant, Mr. Gunn reported that he has been talking to the attorney for the Burlington County Bridge Commission. A legal transfer of the Bridge Commission's right of way (triangle area) to the Borough still needs to be completed. Mr. Gunn stated that when we were originally talking about this transfer everybody was only thinking about the triangle (island) area. However, in the actual grant there will also be some work done East of the intersection (Broad & Main) on Broad Street. It will have to be determined whether this is considered an easement or a right of way. Mr. Gunn stated that we don't anticipate any problems with the Bridge Commission. They want to complete this transfer because the County wants to repave Broad Street in the spring of this year. Mr. Gunn stated that required paperwork on this grant has been forwarded by our Engineer to Tom Berryman of the State's Department of Transportation for his review. Council will be kept apprised of this issue.

ZONING, PLANNING, CODE ENFORCEMENT AND

REDEVELOPMENT-Mrs. Alls-Moffatt-No report

SHADE TREE/HUMAN SERVICES & BOARD OF HEALTH-Dr. Daniel

Dr. Daniel stated that there was nothing to report regarding Shade Tree issues.

Dr. Daniel read a report for the month of January that was submitted by Welfare Director, Florence Klein. There were three clients on the rolls. Mrs. Klein attended the State Welfare Association meeting in Middletown on January 19.

OLD BUSINESS There was no old business presented at this time.

NEW BUSINESS

ORDINANCE 1-05

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF RIVERTON IN THE COUNTY OF BURLINGTON, NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 45, ARTICLE III OF THE RIVERTON BOROUGH CODE TO CONTROL THE CONTINUOUS BARKING OF DOGS (IN FULL IN ORDINANCE BOOK)

The above Ordinance was read by title only by Mr. Cesaretti, 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. **William Harris, 502 Cinnaminson Street**, asked for a copy of this Ordinance after it is adopted. There being no further 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 absent, Mr. Cesaretti aye and Mrs. Alls-Moffatt absent.

**RESOLUTION 24-05
BUDGET TRANSFER RESOLUTION
(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 Dr. Daniel. A poll vote was then taken. Dr. Daniel aye, Mrs. Villari absent, Mr. Smyth aye, Mr. Gilmore absent, Mr. Cesaretti aye and Mrs. Alls-Moffatt absent.

**PROCLAMATION-READ ACROSS AMERICA
(IN FULL IN RESOLUTION BOOK)**

The above Proclamation was read in full by Mayor Martin.

CORRESPONDENCE

Mr. Cesaretti read a note from Brownie Troop 2874 to the Riverton Police Department thanking them for making our town a safe place to live.

Mr. Cesaretti read a thank you note from Mary Ellen Eck, Superintendent of the Riverton Public School to Chief Norcross regarding a homeless family in town. Mrs. Eck cited Patrolman Willis for his compassion and his level of service regarding this situation.

Mr. Cesaretti read a thank you letter sent by the Chief to Patrolman Matthew Kirk for coming in during the snow storm even though he was quite ill.

MEETING OPEN TO THE PUBLIC

Robert E. Smyth, 1 Bank Avenue, addressed Council regarding the Finance/Admin Committee. Mr. Smyth stated that this committee has three members of Council. Two resident's (himself and Michael Kinsler) were also appointed to serve in an advisory capacity. Mr. Smyth stated that the goal of this committee is not to take anything away from any council member, but really to help the Finance Committee members and the respective borough department heads regarding the budget process. They would like to recommend alternatives for revenue and to look at more fiscally responsible ways to have tax relief in town. We are not looking to reduce the level of services in town. Mr. Smyth and others have experience from a business perspective. He doesn't look at this in an adversarial way. He believes it benefits the process. He was sorry to hear what happened at last Monday night.

Mr. Smyth was distressed about Mr. Gilmore's comments about potential grants. Mr. Smyth would love to work on obtaining grants for Riverton. Mr. Cesaretti believes the objectives of the Finance/Admin Committee are good; however, sometimes the more people you get involved can make the process unmanageable. Dr. Daniel stated that he was unable to attend Monday's Finance/Admin Committee meeting. He thinks Mr. Cesaretti's comments tonight were well taken. However, Dr. Daniel embraces all the help that Robert E. Smyth and Michael Kinsler provide to us. Dr. Daniel commented that we don't take everything they say on face value. Dr. Daniel hopes that what happened at Monday's Finance/Admin Committee meeting is not a recurring theme. Councilman Smyth stated that

the Borough's principle financial advisor is our Auditor, who is well versed and schooled on what the fiscal responsibilities for municipalities are.

Gene Bandine, 522 Main Street asked if the bricks at the triangle area would be utilized for the enhancement grant and whether additional donations for new bricks would be considered. Mr. Cesaretti stated that these bricks would be utilized. Mr. Cesaretti referred Mr. Bandine to Mr. Gilmore regarding additional donations of new bricks.

Mr. Bandine believes there are too many times when a private contractor comes in and removes trees from private property and then leaves debris for our Public Works Department to remove. He is concerned that building contractors are doing the same thing. Mr. Bandine commented that the Shade Tree Commission would be closely monitoring the new Shade Tree Contractor.

Michael Heine, 206 Carriage House Lane raised issues with Mrs. Alls-Moffatt's statements tonight and well as her motion. Mr. Heine stated that he appreciates the respect that Councilman Smyth showed him Monday night. Mr. Heine asked Mr. Smyth to confirm some facts as to what transpired that night: that Mr. Heine was only there to monitor the meeting. Mr. Smyth stated that was correct. That Mr. Heine did not attempt to participate. Mr. Smyth stated that was correct, although Mr. Heine did ask for copies of worksheets so that he would know what was being discussed. When the police arrived and asked why Mr. Heine was there, Mr. Heine said as a member of the public and suggested that the officer speak to Mr. Smyth to determine that Mr. Heine had permission. Mr. Smyth stated that that was correct. Mr. Heine asked Mr. Smyth to confirm that there was no disruptive behavior on his part. Mr. Smyth responded in the affirmative.

Mr. Heine raised concern about 18 separate violations regarding deliveries being made to the Baptist Home prior to 8:00am. Mr. Heine stated that only one violation was written for prosecution by our court.

Mr. Heine stated that setback Zoning violations exist on the property at 203 Thomas Avenue and no violation has been issued.

Mr. Heine stated that the Moccia violation is still pending before the Planning Board; however, no zoning violations have been issued.

Mr. Heine stated that there is a serious issue regarding the Yacht Club, which is a commercial property (4A). Mr. Heine stated that the Yacht Club received a federal grant for bulkheads; however no reassessment of this property has been done. Mr. Heine questioned whether the Club is paying their fair share of taxes. Mr. Cesaretti feels that this issue is why it is important for the entire town to be reassessed. Mr. Cesaretti asked if there is a process whereby the Tax Assessor is informed after an improvement is made to a specific property. The response was yes. Mayor Martin commented that the Yacht Club is a non-profit making organization just trying to get by. Mr. Heine stated that the Mayor would have to recuse himself because he is a member of the Yacht Club.

RESOLUTION 25-05

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 absent, Mr. Smyth aye, Mr. Gilmore absent, Mr. Cesaretti aye and Mrs. Alls-Moffatt absent. It should be noted that litigation and contract negotiations would be discussed.

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

UPDATE: NEWSLETTER. Dr. Daniel reported that his wife and the Mayor's wife have volunteered to put together a newsletter. All items to be placed in this newsletter will be reviewed by Borough Council before publication.

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

To the Borough of Riverton Council,

On Monday night, Feb. 7th we attempted to hold a meeting Finance and Admin. Committee. This meeting is not open to the public because the issues discussed include personnel and salary issues that are not appropriate for a public forum. The public was informed at the last work session, Wed. Feb. 2, that the next public meeting would be the Finance Budget meeting on Feb. 28th at 6:00 PM.

The Monday meeting was never convened because Mr. Micheal Heine, a resident of Riverton, was present and refused to leave. We explained to Mr. Heine that it was inappropriate for him to be present during the meeting, a majority of the committee did not wish him to be there, that he had no official standing, he was not elected to do the people's business, and, therefore, could not be present. Mr. Heine refused our repeated requests to leave.

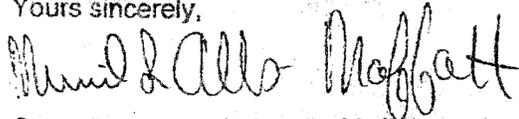
So we pose this question to the council and to the people of Riverton: Do we really want self-appointed walk-ins who have no accountability or responsibility to the public dictating the finances, tax rates, or other important policy decisions that effect the people of Riverton? Does a Committee Chair get to arbitrarily appoint non-elected people to committees when they show up at a meeting over the objections of the majority of the committee? That does not sound like democracy to us.

Our belief is that this is still a democracy, and there are rules by which we conduct the people's business. So in the face of Mr. Heine's refusal to comply with our request, we called the Riverton Police to escort Mr. Heine out of the building with the hope that we could conduct our business.

Police officer Tommy Marino promptly showed up and quite rightly decided to consult ~~the~~ Chief Norcross. Not wanting to put the Chief in a tough spot, we decided to abandon our attempt to discuss the budget that night, and to bring the matter before the full council and the people of Riverton.

Given Mr. Smyth's inappropriate request to have Mr. Heine participate in the meeting, and given his apparent contempt for the rules by which we conduct the people's business, we respectfully request that he resign as chair of the Finance Committee.

Yours sincerely,



Councilmember Muriel Alls-Moffatt



Councilmember Ed Gilmore