

March 2, 2005

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 William Martin, Esquire (filling in for 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

**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.40a:4-45.14)**

**(IN FULL IN ORDINANCE BOOK)**

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

**Update Re: Ordinance 3-05 Revisions to the Development Fee Ordinance.** Council reviewed a memo from our Solicitor regarding this issue. In his memo Mr. Gunn reminded Council that they had previously included the following paragraph in this Ordinance: C.

“At the sole discretion of the Borough, developers may elect to pay a fee in lieu of constructing low-and moderate-income housing units. The fee shall be equal to the cost of subsidizing low-and-moderate-income units that are replaced by the development fee. This option, in this paragraph, may only be exercised upon the prior approval of the Borough Council”. Since passage of this Ordinance on first reading, our Planner has reviewed this proposed Ordinance with representatives from the Council on Affordable Housing (COAH). They have advised us that the payment in lieu of option can only be included if it is at the discretion of the developer, not the Borough. Mr. Gunn, as well as our Planner are now recommending the elimination of paragraph C in its entirety from this ordinance. Mr. Gunn also informed Council that the elimination of paragraph C would substantially alter the substance of this Ordinance. If Council agrees to this change, a motion needs to be done to amend this Ordinance to delete paragraph C. The Ordinance would be republished and considered for final passage at the April 6 meeting. After a short discussion, it was the consensus of Council to agree with Mr. Gunn’s recommendation.

**ORDINANCE 3-05**

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

Mr. Gilmore made a motion to amend Ordinance 3-05 to delete paragraph C. 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. Second reading and a public hearing on this Ordinance is scheduled for April 6<sup>th</sup>.

**Update Re: Parking Committee Meeting (Mr. Cesaretti, Mayor Martin, Mr. Gilmore, Chief Norcross & Solicitor Gunn) with the President of Farmers’ &**

**Mechanics Bank, Craig Yates.** Mr. Cesaretti reported that the Borough is interested in utilizing the Bank's second parking lot, which is located on Harrison Street, for Borough business patrons. Mr. Cesaretti and Mr. Gilmore provided an overview of the discussion at this meeting. Mr. Cesaretti reported that Mr. Yates was agreeable to permitting the Borough to utilize this parking lot. He is requesting a year to year lease. Mayor Martin commented that there will be no cost for the proposed agreement. Mayor Martin stated that Mr. Yates is being very community minded. Our Solicitor will be preparing a document for the bank to review. Council would also have to review the proposed document. Council will be kept informed regarding this issue. **James Moffatt, 202 Fulton Street** reminded the Mayor that he had been appointed to serve on the parking committee. However, Mr. Moffatt was never informed about this meeting. Mr. Cesaretti apologized for not contacting him.

**Representatives to serve on the Route 130/Delaware River Corridor Strategic Plan for 2005.** Both Mr. Gilmore and Mrs. Alls-Moffatt volunteered to continue serving on this committee for 2005. They will keep Council informed.

**Update Re: 2004 Community Development Block Grant Project.** Mrs. Villari reported that the bid opening for this project is scheduled for March 8, 2005 at 10:00am in the Municipal Building.

#### **RESOLUTION 28-05**

#### **A RESOLUTION AUTHORIZING AERIAL MOSQUITO CONTROL ACTIVITIES OVER THE BOROUGH OF RIVERTON DURING 2005 (IN FULL IN RESOLUTION BOOK)**

The above Resolution as 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.

**Sample Resolutions for Council's consideration-(a) requiring the State to reimburse municipalities for the exemption of disabled Veterans from payment of property taxes.** The Treasurer reported that we presently have four (4) property owners who qualify for this tax exemption. The Treasurer further reported that for the year 2004 the total amount of taxes not collected on these four properties amounted to \$28,000.00. A discussion regarding this issue then ensued. It was the consensus of Council that this Resolution be adopted.

#### **RESOLUTION 29-05**

#### **A RESOLUTION SUPPORTING THE PASSAGE OF SENATE BILL S-1023 AND ASSEMBLY BILL A-1835 REQUIRING THE STATE TO REMIMBURSE MUNICIPALITIES FOR THE EXEMPTION OF DISABLED VETERANS FROM PAYMENT OF PROPERTY TAXES (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 aye, Mr. Smyth aye, Mr. Gilmore aye, Mr. Cesaretti aye, and Mrs. Alls-Moffatt aye.

#### **(B) Resolution in support of immediate and comprehensive property tax reform.**

After a short discussion, it was the consensus of Council to further review the information provided. This resolution will be placed on next week's agenda for consideration.

**Discussion: Possibly changing the format of agendas for Council meetings.** Due to the length of our Council meetings, the Clerk stated that there previously was some discussion about moving the closed session portion to the beginning of the meetings, instead of at the end. A discussion then ensued. Some concerns raised were an adherence to a time frame for the closed session portion, how the public would be notified and how much confusion this change may cause. Solicitor Martin commented that we have already advertised that our meetings for 2005 would start at 7:00pm. Council would have to start the meetings at 7:00pm and then announce that they were going into closed session. They

would also need to set a time frame so the public would know when to return. Discussion resumed. Mr. Gilmore was of the opinion that we should not move the closed session portion up front. He stated that if the meetings moved along as they should, we would be getting to the closed session portion at a reasonable hour. Because Council does not get to the closed session portion so late in the evening, Dr. Daniel believes we should try this out and see how it works. Dr. Daniel commented that if the time limit set for closed session discussion is not enough, we can always go back into closed session later in the evening. Discussion resumed. Mr. Smyth moved that we try having the closed session portion at the beginning of our Council meetings for our April and May meetings to determine how it works out. Mr. Smyth further moved that there will be a thirty (30) minute time limit on the closed session at the beginning of the meeting. Mr. Smyth further moved that Council will reconsider this change at the regular meeting in May. This was seconded by Mr. Cesaretti. 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.

**Preliminary agenda for March 9.** The Clerk reviewed this with the Governing Body.

**Leagues using our fields.** Mr. Smyth asked if any response had been made to Palmyra's recent request to utilize our fields. Mr. Gilmore understands that the soccer league will not be using Riverton's field in the spring. Mr. Gilmore reported that Palmyra does not have enough fields available to run their school program. He spoke to the athletic director in Palmyra, who will give us a schedule for their requested usage of our fields. Mr. Smyth reported that Palmyra's Legion field will be down for massive repairs. He asked if that was correct. Mr. Gilmore stated that certain portions will be closed at a time to get the required work done. Palmyra's big diamond area will be available for the high school varsity. Council will be kept informed regarding this issue.

**New President of the Riverton Police Association.** Mr. Cesaretti announced that Patrolman John Shaw has been elected President of the Riverton Police Association. Any questions about the Association should be addressed to him.

**Football Championship.** Mr. Cesaretti reported that the Pal/Riv panthers won the football championship and they were honored last Friday night at the new Woodbine restaurant in Pennsauken. Because of their success, Palmyra High School has agreed to have a freshman football team this upcoming school year.

**Flagpole on Rainier property.** Based on previous concerns raised by resident, Dennis Eversmyer, Mr. Smyth reported that Mr. Rainer indicates that the flagpole will be painted as soon as he can get a ladder high enough to reach the top. Mr. Rainer will also be purchasing and installing the necessary lighting. Mr. Smyth reported that the police will take care of raising and lowering the flag at this location.

**Meeting open to the public**

**James Moffatt, 202 Fulton Street,** reminded Council that they are management, they have employees and they have stockholders (taxpayers). Mr. Moffatt believes that the taxpayers interests should be put first. What disturbed him at last night's meeting was the extreme deference shown by some members of Council to the Borough employees. Mr. Moffatt is of the opinion that no cut in the budget is too small. Mr. Moffatt also stated that if Council has too much business to consider at their scheduled meetings, then perhaps additional meetings should be held per month.

**Michael Heine, 206 Carriage House Lane,** asked if Palmyra has submitted a proposal to Council to utilize our fields. Mr. Heine doesn't think it is appropriate to extend our facilities to another municipality unless Council receives a proposal for their consideration. Mr. Cesaretti commented that Riverton children play in the Palmyra/Riverton league. We play on some of their fields and they play on some of ours.

Mr. Heine would appreciate a report on a monthly basis from our Zoning Officer. Mrs. Villari commented that this was discussed before. Mrs. Alls-Moffatt commented that she did provide an end of year report to Council last month. Mrs. Villari asked if a monthly report will be generated. Mrs. Alls-Moffatt commented that the last Zoning Officer did not submit monthly reports; however, if we are starting a new tradition, she will take care of

this. Mrs. Alls-Moffatt commented that Mr. Heine drafted a form for the Zoning Officer to use to provide this information. Mrs. Alls-Moffatt commented that Mr. Hein submitted this sample form to Mrs. Villari. Mr. Gilmore's personal opinion is that the Zoning Officer's position is a part-time job (two hours per week) and we are burdening him for what one person (Mr. Heine) wants to have. Mr. Gilmore is against this request. Mrs. Alls-Moffatt reviewed in detail the information that is requested on the sample form that Mr. Heine submitted. Mrs. Alls-Moffatt took exception to fact that the property owner's name is requested on this sample form. Mrs. Alls-Moffatt does not think it is appropriate for the public, in particular, Mr. Heine to know which property owner has a summons. Mrs. Alls-Moffatt commented that the reason we have our present Zoning Officer was because our previous Zoning Officer got upset with Mr. Heine and quit. Since Mrs. Alls-Moffatt oversees the Zoning Officer, she asked why this sample form was given to Mrs. Villari as opposed to her. Mrs. Alls-Moffatt asked the Solicitor if the public has a right to know if their neighbors receive a summons. Mr. Martin commented that the question as phrased by Mrs. Alls-Moffatt can't really be answered. However, Mr. Martin stated that if it is something the public can know, the answer would be yes. Mr. Martin further stated that Council would need to decide if it would be publicly reported at a Council meeting. Mrs. Alls-Moffatt asked that this issue be deferred until next week during a closed session, since she believes this is a personnel issue.

**Bob E. Smyth, 1 Bank Avenue**, stated that last night's budget session was very productive. Although he was involved in the preliminary budget process as apart of the Finance/Admin. Committee, he commended Council on how the meeting went yesterday. Mr. Smyth asked when the second reading on the budget would occur. The Clerk responded that second reading and a public hearing on the budget would take place on April 13.

**William Harris, 502 Cinnaminson Street**, stated that historically, the Chief of Police has always done a tour of duty. Mr. Harris wants to know why the present Chief of Police does not, in light of the fact that their annual budget is \$600,000.00 and rising. Mr. Harris believes this is an enormous amount of money for the Police Department that we have. Mr. Cesaretti commented that he was comparing apples with oranges, that crime is completely different today and that we have to pay for work that is required by the federal government and the state. Mr. Cesaretti stated that he would find out the reasons why our Chief cannot do a tour of duty. Mr. Cesaretti stated that he would not be at next week's meeting; however, he would have an answer by the April meeting.

**Nancy Washington, 201 Main Street**, commented that she thought last night's budget meeting was very productive. Mrs. Washington is upset about the legal fees that we pay. Mrs. Washington asked if private citizens are calling the Borough's attorney and if we were being billed for that. Mr. Smyth responded that our attorney's do bill us for any call received. Mr. Smyth commented that one of the larger legal costs is due to the present Dolecky/Horner litigation against the Borough. Mr. Smyth believes the other two major areas would be the Planning and Zoning Boards. Mrs. Washington asked if it was legal to tell our attorneys that we won't pay for a private citizen's call. Mr. Gilmore stated that this issue came up with a previous Solicitor and he was instructed not to do this. Mr. Gilmore thought a reminder needed to be done. Solicitor Martin will confer with Mr. Gunn about this issue.

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

Mary Longbottom, RMC  
Municipal Clerk