

December 13, 2006

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

PRESENT: Council members Daniel, Brown, Dr. Smyth, Mr. Smyth and Solicitor Bruce M. Gunn

ABSENT: Council members Kinzler and Cesaretti

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 notification of all meetings to be held in 2006 published in the Burlington County Times on January 17, 2006

(b) Posting written notice on the official bulletin board on January 19, 2006

The minutes from November 1, November 8, and closed session minutes from November 1 and November 8th were then presented. Dr. Smyth moved that these minutes be approved as submitted. This was seconded by Mr. Smyth. A poll vote was then taken. Dr. Daniel aye, Mr. Brown aye, Dr. Smyth aye, Mr. Smyth aye, Mr. Kinzler absent and Mr. Cesaretti absent.

TREASURER'S, FINANCE REPORT AND BILL LIST FOR

APPROVAL-Mr. Smyth

In Mr. Kinzler's absent, Mr. Smyth moved that the attached reports for the month of November be approved as submitted. This was seconded by Dr. Smyth. A poll vote was then taken. Dr. Daniel aye, Mr. Brown aye, Dr. Smyth aye, Mr. Smyth aye, Mr. Kinzler absent and Mr. Cesaretti absent.

COMMITTEE REPORTS

PUBLIC SAFETY-Mr. Cesaretti

In Mr. Cesaretti's absence, Mr. Brown read the following police report for the month of November that was submitted by Chief Norcross. Vehicle Mileage 2913 Gas Used 467.5, Juvenile Arrests 2 (Assaults 0, Miscellaneous 2 (Arson) & Curfew 0), Adult Arrests 25 (Criminal Warrant 0, Criminal Summons 2, Traffic Warrants 20, DWI 3 and Other 0, Motor Vehicle Crashes 4, Motor Vehicle Stops 117, Motor Vehicle Warnings 8, Motor Vehicle Summons 107 (Riverton Officers 107, NJ Transit and Others??-listed like this in report), Burglar Alarms 15, Asst. to other Police Departments 50, Animal Complaints 3, Fire Calls 15, Arson 1, Ambulance Calls (Riverton) 24, Unattended Deaths 1, Criminal Case 40, Domestic 3, Thefts 2, Burglaries 1, (from Residents 1, From Vehicles 0), Assaults 2 (Police Officers 0, Firefighters/EMT 0 Civilian 2), Sexual Assault 0, Criminal Mischief 4, Robberies 0, Motor Vehicle Thefts 0, Miscellaneous Complaints 2, Miscellaneous Calls 594 and Total Calls 1,044.

In Mr. Cesaretti's absence, Mr. Brown read the following report for the month of November that was submitted by Deputy Fire Chief Robert Yearly. Fire Calls for the Month 13, Drills 3, Calls in Town 9, Calls out of Town 4 and Man Hours for the month 281.8.

STREETS, ROADS & SEWER- Dr. Smyth

Dr. Smyth reported that there has been a problem with ponding water which resulted from New Jersey American's placement of a water line at 2nd &

Howard Streets a couple or years ago. We will be setting up a meeting with representatives of New Jersey American Water Company to discuss the appropriate resolution of this issue. Council will be kept informed. Mr. Smyth announced that the Enhancement grant project is now completed.

ZONING, CODE ENFORCEMENT & PARK-Mr. Brown

Mr. Brown reported that the Zoning Board recently heard setback variance applications at their last meeting.

Mr. Brown reported that our Code Enforcement Officer has been working with the County Board of Health and our Solicitor to resolve certain issues at the property located at 300 Main Street.

Mr. Brown reported that a litter issue still exists when the fields are utilized. He will be addressing this issue with the coaches and Directors of these programs.

Mr. Brown reported that he met with Joseph Powell NJDOT Project Manager and Laura Torchio, Senior Planner for the RBA Group regarding the Borough's approved application for Technical Assistance for the Pedestrian/Bicycle Study to review the required process. Mr. Brown reported that a scope of work should be submitted for review by the end of January. Council will be kept informed.

Mr. Brown read the following Municipal Court reports submitted by Court Administrator, Jacqueline Gleason. For the month of October there were 63 traffic tickets issued-2 for parking, 60 moving and 1 DWI. There was 1 criminal warrant issued. The total receipts for the month amounted to \$10,654.00. The total amount disbursed to Riverton amounted to \$5,604.60. For the month of November there were 148 traffic tickets issued-8 for parking, 137 moving and 3 DWI. There were 3 criminal summonses issued and 1 warrant issued. The total receipts for the month amounted to \$10,642.00. The amount disbursed to Riverton amounted to \$5,008.16.

PLANNING, ECONOMIC DEVELOPMENT, SHARED SERVICES

AND REDEVELOPMENT-Mr. Smyth

Mr. Smyth reported that the Planning Board recently heard 3 minor site plan applications. The Planning Board is scheduled to hear a sub-division application for the property located at 815 Homewood Drive at their December 19th meeting. Mr. Smyth reported that work continues on the Borough's response to the requirements for Riverton's COAH certification under Round Three. The response is due by January 22, 2007.

Mr. Smyth announced that Khara Ford, who previously worked in the Office of Smart Growth is now working as the Regional Planner for the Burlington County Department of Economic Development. She replaces Robert Kull. Mr. Smyth reported that the Economic Development Committee has submitted suggested amendments to the Borough's sign Ordinance. The Planning Board will be reviewing these suggestions before making a recommendation to Council. Mr. Smyth also reported that the Economic Development Committee would be preparing the 2007 Borough Directory. They are once again asking that the Borough contribute the same amount as last year (\$600.00) for the Borough's portion. Mr. Smyth reported that he has

been attending various meetings regarding shared services. Mr. Smyth noted that we have not heard yet about the Borough's application for feasibility study funds regarding a possible merger of public safety functions.

SHADE TREE & BOARD OF HEALTH-Dr. Daniel. Dr. Daniel stated that Council would be discussing the care and maintenance tree contract in closed session later in the meeting.

MEETING OPEN TO THE PUBLIC

Muriel Alls-Moffatt, 202 Fulton Street asked how many special police officers we have. Mr. Brown responded three, but one is on suspension. Mrs. Alls-Moffatt asked for a status report regarding Sergeant Gerry Furrer. Mr. Gunn stated that this issue is still under investigation by the County. Mrs. Alls-Moffatt asked for a status report on the Fulton Street water problem. Dr. Smyth referred her to Public Works Manager, Scott Reed.

Dr. Smyth reported that we have received an agreement from resident Jim Brandenberger to provide space on his property at Broad & Main for the placement of the peace pole. Dr. Smyth stated that the peace pole could not be placed there until construction is completed at this location.

Ken Parkar, Fire Company President. Mr. Parkar provided written documentation regarding the War Memorial and what can and cannot be placed at that location. A copy is on file with the Municipal Clerk. The Riverton Fire Company is responsible for maintaining the names listed at that memorial. The land was deeded to the Borough with the stipulation that if its usage as a commemorative memorial to the veteran's of wars would no longer apply; it would revert back to the donor or his heirs. Mr. Parkar stated that if the suggestion of placing the pole at the war memorial had initially been brought to the Fire Company's attention, they would have put an end to the problems surrounding this suggestion. Mr. Gunn stated that he has reviewed the deed and if there is a use that is not in accordance with the donor's request, a possible a challenge could occur. Mr. Gunn further stated that the only thing he feels that could possibly be placed at this location would be enhancing landscaping.

Linda Hollins, 706 Cedar Street, heard that there was an offer to place the peace pole at the Porch Club. Dr. Daniel stated that the Porch Club Board met and turned down that suggestion. Ms. Hollins commented that she believes that the people who want this peace pole raised purposely want it right near that war memorial.

Muriel Alls-Moffatt, 202 Fulton Street sits on the board of the Porch Club. This issue was brought up the President, who indicated that a letter would be sent to Borough Council suggesting that if no other place was found for the peace pole, she would take it to the members to vote on it. Mrs. Alls-Moffatt doesn't feel that the peace pole would be placed at the Porch Club.

Robert Fenton, 16 Morgan Avenue, stated that the peace pole should not be placed at the War Memorial.

Dr. Smyth commented that if the peace pole is placed on the Brandenberger property, he thinks it would be about 20 feet away from the memorial. Mr. Smyth commented that he is very sensitive to the peace pole issue. If it should be

placed at the park, there should be caveats, such as not near the Flag and not near the World War One memorial stone.

Jim Gross, 203 Fulton Street, stated that if the peace pole goes on Borough property we are opening the door to opposing points of view being expressed. Mr. Gross would like to see a victory pole placed in the Borough for those people who support the war. Speaking as a veteran, Dr. Daniel commented that the peace pole does not oppose the war. He believes the pole has nothing to do with the war. Dr. Daniel believes it is a symbol of communication. Dr. Daniel believes that the definition of the peace pole is to promote peace and communication and open discussion. Mr. Smyth commented that he did research and determined that many peace poles are either placed in parks or at schools.

Margaret Wark, 406 Howard Street took issue with Dr. Daniel's comments. She cited Holland, Michigan and how their officials handled the peace pole issue. Mrs. Wark stated that their Resolution indicates that they were replacing an existing peace pole that was in their park; it was a compromise with various stipulations. Also stated in their Resolution was the fact that the Holland Michigan peace pole people were adamantly anti-war. The reason a plaque was not permitted on the pole was because of the peace pole people's anti-war activities. Mrs. Wark believes a lot of the people promoting this peace pole in town are anti-war and have attended anti war demonstrations.

William Harris, 502 Cinnaminson Street stated that he has three older brothers who served in the Korean War and they have never been honored by Riverton by having their names on a plaque at the War Memorial.

Ken Park, Riverton Fire Company President stated that papers specifically say that the memorial that is there is for all personnel who have served, who will serve and who had given their lives from the Borough of Riverton. Mr. Parkar stated that up until now we had not known that that was its full mention; however, it wasn't the Fire Company's misunderstanding. The determinations of who goes onto that memorial have always been left in the hands of the Veteran's Memorial Post. Mr. Parkar stated that Mr. Harris can be provided with a copy of the deed for his information.

Terry Pierce, 628 Lippincott Avenue supports the Peace Pole. Mr. Pierce is a member of an Aikido group and one of the founders (from Japan) was on the main peace pole committee. Mr. Pierce explained that Aikido is based on the teaching of martial arts. They teach harmony and how to redirect energy rather than fighting and killing. The idea is for peace. It doesn't mean you are against the Army or war. You are just trying to improve things. It stresses trying to learn to how discuss things and to get rid of conflict rather than going through the actual battle.

Jim Gross, 203 Fulton stated that in its broadest sense the peace pole is a political statement. Mr. Gross is in favor of its placement on private property. However, if it is placed in the park Mr. Gross asked if Council is prepared to give space to a group like the Ku Klux Klan to put up their message. Mr. Gross feels the peace pole does not belong on Borough property.

Mr. Gunn stated that before considering the park we would have to see if there are any deed restrictions. Mr. Gunn explained that because we are on the Historic Register, we would have to go to SHIPPO to get permission to place it on public property. If it does go on public property he recommends that there be a conveyance from the peace pole group to the Borough.

Mr. Smyth raised concern that we might be setting a precedent if the peace pole were to be placed in the park.

Ken Parkar, Riverton Fire Company President had concerns about placing the pole on private property and if it would meet our regulations and ordinances. Mr. Gunn stated that he would have to do some research to determine if the placement of a peace pole on private property would require a permit or a variance application. Mayor Martin commented that he thought Mr. Gunn should review the park deed to determine if there are any restrictions before a final decision is reached.

Margaret Wark, 406 Howard Street asked if historic restrictions would apply to placing the pole on Mr. Brandenberger's property. Mr. Gunn responded no.

Gene Bandine, 522 Main Street wants a four way stop sign and Lippincott and 4th street. Mr. Bandine commented that he believes the Chief thinks this is justifiable. Mr. Smyth reported that the Safe Routes to Schools grant would deal with these types of issues.

Muriel Alls-Moffatt, 202 Fulton Street believes people are getting bent out of shape over where this peace pole goes.

Robert Fenton, 16 Morgan Avenue represents about 500 combat veterans. He wants to respect his fellow comrades at the War Memorial.

Anne Creter, 9 Laurel Road stated that one of the things about the peace pole is that it should remind people to speak more respectfully to one another. Mrs. Creter stated that she learned a lot from Mr. Fenton about why people were against placing the peace pole at the war memorial. Mrs. Creter no longer feels comfortable with the pole being placed there. Responding to Mrs. Wark's statement about the Holland, Michigan peace pole issue, Mrs. Creter read excerpts from their Resolution on peace pole issue. This document is on file with the Municipal Clerk. In response to Ms. Hollins comments, Mrs. Creter stated that the peace pole committee is not plotting; they are just looking to find a location for the peace pole. Mrs. Creter stated that she likes the options of placing the peace pole in the park or on Mr. Brandenberger's property. Mrs. Creter also suggested placing it somewhere in the new plaza in front of Zena's bakery.

Margaret Wark, 406 Howard Street stated that what Mrs. Creter previously read was not the whole Resolution. There was a portion stated whereby the pole could be removed at anytime. There are other issues in the Resolution which Mrs. Wark believes Council should read.

William Harris, 502 Cinnaminson Street, suggested that Council do a Resolution to form a racket squad here to eliminate war.

Jim Gross, 203 Fulton Street stressed the fact that this pole should not be placed on public property.

James Moffatt, 202 Fulton Street praised both Dr. Smyth and Dr. Daniel and Mrs. Creter for their work on the peace pole. It has not been easy or popular. Mr. Moffatt thanked everybody who helped in getting the new plaza done. Mr. Moffatt also thanked the Public Works Department for their work in removing the leaves.

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

NEW BUSINESS

**RESOLUTION 119-06
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 Mr. Brown. A poll vote was then taken. Dr. Daniel aye, Mr. Brown aye, Dr. Smyth aye, Mr. Smyth aye, Mr. Kinzler absent and Mr. Cesaretti absent.

CORRESPONDENCE-There was no correspondence presented at this time.

MEETING OPEN TO THE PUBLIC-There was no further public comment at this time

**RESOLUTION 120-06
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 Dr. Smyth, who moved for its adoption. This was seconded by Dr. Daniel. A poll vote was then taken. Dr. Daniel aye, Mr. Brown aye, Dr. Smyth aye, Mr. Smyth aye, Mr. Kinzler absent and Mr. Cesaretti absent. It should be noted that contract negotiations will be discussed.

At this time Dr. Smyth moved that we return to public session. This was seconded by Dr. Daniel. A poll vote was then taken. Dr. Daniel aye, Mr. Brown aye, Dr. Smyth aye, Mr. Smyth aye, Mr. Kinzler absent and Mr. Cesaretti absent.

**RESOLUTION 121-06
A RESOLUTION REJECTING BIDS FOR THE CARE AND MAINTENANCE OF
TREES AND AUTHORIZING THE BOROUGH CLERK TO READVERTISE FOR NEW
BIDS
(IN FULL IN RESOLUTION BOOK)**

The above Resolution was read by title only by Dr. Daniel, who moved for its adoption. This was seconded by Mr. Brown. A poll vote was then taken. Dr. Daniel aye, Mr. Brown aye, Dr. Smyth aye, Mr. Smyth aye, Mr. Kinzler absent, and Mr. Cesaretti absent.

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

Mary Longbottom, RMC
Municipal Clerk