

May 3, 2006

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

**PRESENT:** Council members Daniel (left meeting at 10:20pm), Dr. Smyth, Mr. Smyth, Cesaretti and Solicitor Bruce M. Gunn

**ABSENT:** Council member Kinzler

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 2006 published in the Burlington County Times on January 17, 2006

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

**RESOLUTION 59-06**

**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 Mr. Cesaretti. A poll vote was then taken. Dr. Daniel aye, Dr. Smyth aye, Mr. Smyth aye, Mr. Kinzler absent, and Mr. Cesaretti aye. It should be noted that a personnel matter will be discussed.

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

Mayor Martin announced that the Riverton Republican Committee submitted three names for consideration by the governing body to fill the vacancy created by the resignation of Laurie Villari on April 13, 2006. Those persons are William Brown, Michael Sencindiver and Suzanne Wells.

**RESOLUTION 60-06**

**A RESOLUTION TO APPOINT WILLIAM BROWN TO FILL THE UNEXPIRED TERM OF LAURIE VILLARI  
(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 Mr. Smyth. A poll vote was then taken. Dr. Daniel aye, Dr. Smyth aye, Mr. Smyth aye, Mr. Kinzler absent and Mr. Cesaretti aye.

At this time the oath of office was administered to William C. Brown Jr. by Solicitor Bruce M. Gunn as a member of Borough Council.

**Ordinances**

**Update from Solicitor on additional provision to the following Ordinance: 5-06 Amending Chapter 128, Article XXII, Conditional Uses to provide standards for telecommunication towers.** Mr. Gunn reported that he initially thought we might have to amend this Ordinance because of a severability provision. However, he has reviewed our code and there is such a provision in Chapter 1 Sec. 1-10 and 1-11. Mr. Gunn stated that Council could move forward with second reading on this Ordinance.

**ORDINANCE 5-06**

**AN ORDINANCE AMENDING CHAPTER 128, ARTICLE XXII,  
CONDITIONAL USES TO PROVIDE STANDARDS FOR  
TELECOMMUNICATIONS TOWERS  
(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. Cesaretti. At this time Mayor Martin

opened this portion of the meeting to the public for any comment on this Ordinance. Since there was no public comment on the Ordinance, Mayor Martin closed this portion of the meeting to the public. A poll vote was then taken. Dr. Daniel aye, Mr. Brown aye, Dr. Smyth aye, Mr. Smyth aye, Mr. Kinzler absent and Mr. Cesaretti aye.

**Ordinance to provide authority to the Chief of Police to close streets.** Mr. Gunn reported that he is recommending that Council put an Ordinance in place that would give the Chief of Police, or his designee authorization by Regulation, for the closing of any street or portion thereof to motor vehicle traffic on any day or days during specified hours on any day or days, whenever the Chief finds that such closing is necessary for the preservation of the public safety, health and welfare of our citizens. After a discussion, it was the consensus of Council to agree to the Solicitor's recommendation.

#### **ORDINANCE 6-06**

### **AN ORDINANCE AUTHORIZING THE CHIEF OF POLICE TO PROVIDE BY REGULATION FOR THE CLOSING OF ANY STREET OR PORTION THEREOF WHERE SUCH CLOSING IS NECESSARY FOR THE PRESERVATION OF THE PUBLIC SAFETY, HEALTH OR WELFARE**

The above Ordinance was read by title only for the first time by Mr. Cesaretti, who moved for its adoption. 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 aye. Second reading and a public hearing on this Ordinance is scheduled for June 7<sup>th</sup>.

**Amending portions of codebook to provide for strong littering fines.** Mr. Smyth commented that he feels the \$50.00 fine for littering as specified in Chapter 74 of the Borough code is inadequate. Mr. Smyth stated that he thought the fines for this offense should be much higher. Mr. Smyth cited a recent Ordinance that was adopted by Palmyra Borough whereby fines of up to \$500.00 could be imposed on violators of the new regulations. Mr. Smyth was also of the opinion that No Littering signs be posted at each road in Riverton that ends on Bank Avenue. A discussion ensued, with the Solicitor recommending that he prepare a draft Ordinance for Council's consideration at next week's meeting.

**Site Specific Redevelopment Plan.** Mr. Smyth stated that Council had previously authorized the Planning Board (Resolution 41-06) to review a draft site specific redevelopment plan (for the Nuway Tract-Block 1500, Lots 20, 21, 22 & 23 and the Sitzler Tract-Blocks 904, Lots 1&2, Block 905, Lot 6 and Block 906, Lot 1) prepared by resident Joseph Augustyn. Mr. Smyth reported that the Planning Board reviewed the draft plan and recommended that Council consider adopting it. Mr. Cesaretti asked what purpose this would serve since both properties were already being redeveloped privately. Mr. Smyth commented that by having this plan, it could assist us in obtaining various grants. After a discussion, it was the consensus that our Redevelopment Solicitor, Tom Coleman, Esquire, be asked to prepare an Ordinance for Council's consideration at next week's meeting.

**Discussion: Geographic Information System (GIS) agreement.** Mr. Smyth reported that we have been asked by the County to renew our Geographic Information System (GIS) agreement. Council reviewed the documentation received from the County regarding this issue. After a discussion, it was the consensus to move forward and renew the agreements.

#### **RESOLUTION 61-06**

### **A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A DATA SHARING AGREEMENT PERTAINING TO GEOGRAPHIC INFORMATION SYSTEM DIGITAL FILES WITH THE BURLINGTON COUNTY FREEHOLDERS (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. 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 aye.

#### **RESOLUTION 62-06**

**RECYCLING TONNAGE GRANT APPLICATION  
(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. Cesaretti. A poll vote was then taken. Dr. Daniel aye, Mr. Brown aye, Dr. Smyth aye, Mr. Smyth aye, Mr. Kinzler absent and Mr. Cesaretti aye.

**Update Re: Placement of a Peace Pole in Riverton**

**Anne Creter, 9 Laurel Road** stated that she understands that when this issue was raised at a previous meeting, it was not positively received. Mrs. Creter and the other Peace Pole Committee members present believe that a peace pole would be a positive addition to our town. Mrs. Creter stated that they are looking to have a dialogue on this issue instead of a debate. Mrs. Creter stated that they are asking for Council's support for the placement of a peace pole in our community. Mrs. Creter acknowledged that some people may not know what a peace pole is and may be concerned that it has religious or political connotations. Mrs. Creter stated that a peace pole is a universal symbol of world peace. There is an affirmation on it which reads; "May peace prevail on earth" in different languages. Mrs. Creter explained that there are 250,000.00 peace poles all over the world. If we want to create a culture of peace, it's our interactions with each other that begin the process of peace. Mrs. Creter believes everybody can agree on the peace affirmation, regardless of a person's politics, religion, etc. Mrs. Creter provided detailed historical background regarding peace poles for Council's information. Mrs. Creter did research and determined that many communities place peace poles on public spaces. In most cases they are embraced by the communities. Mrs. Creter stated that the same concerns that have come up here have also been raised in a small percentage of communities as well. There is one pending issue in Holland, Michigan. Mrs. Creter stated that the real issue there was the placement of a peace pole in a historical district. Everybody from Holland, Michigan was for it until it got to the historical society. Mrs. Creter stated that their governing body passed a new policy after discovering that there was a peace maker in the town of Holland from the 1800's who was famous. On the basis of that they felt that would make the peace pole historic. Mrs. Creter stated they would be moving ahead with this. Mrs. Creter then read a letter that the Executive Director from the World Peace Prayer Society wrote to the governing body of Holland Michigan supporting peace poles. Mrs. Creter then read off a list of towns that do have the poles in the United States.

Mrs. Creter stated that the Peace Pole Committee members are asking for a Resolution of support from Council. This would assist their efforts in raising funds from the community to purchase the pole. Mrs. Creter further stated that they would want the pole placed on public land in Riverton. Mrs. Creter stated that they had explored the possibility of placing it at the library; however that did not work out.

**Carol Crawford, 101 Midway** also did research and determined that there is a peace pole at the Pentagon. The dedication for that pole took place on the West Lawn at the White House. Mr. Brown asked if the sample peace pole brought tonight was the standard size. Mrs. Creter responded that there were all sizes. They are looking into acquiring one that is 8' high and it would have the peace affirmation on it in eight different languages.

**Linda Hayes, 407 Midway** stated that she has worked in Camden seeking solutions to the violence that occurs there. Mrs. Hayes reported that peace poles have been planted in certain portions of that town. Mrs. Hayes commented that she attended a meeting where the issue of a fund raiser for the peace pole was discussed at the school. Mr. Cesaretti asked if the school was asked for permission to place the pole on their property. Mrs. Hayes thought it might be a better idea to have it centrally located in town. Mr. Cesaretti commented that if the school were having this fund raiser, it would make sense to place the pole at that location. Mrs. Creter felt that it is difficult to find a place at the school to place it. There would also be the issue of maintenance to address.

**Michael Robinson, 6 2<sup>nd</sup> Street**, commented that the placement of the pole at the library didn't work out because of the historic appearance of the building. Mr. Robinson stated that his interest in the peace pole concerns the school. He understands that the children are

poised to have a penny drive to help purchase a pole. This would be in conjunction with a scheduled non-violence, non bullying event in October. Mr. Robinson sees the pole as strictly local, non sectarian and non political. It should encourage people to talk to one another with respect. Mr. Robinson thinks the pole would be a real asset to the town. Mr. Robinson understands that the selected languages placed on our pole would be those that correspond to the languages spoken in Riverton, i.e. English, Spanish, Serb Croatian, etc.

Mr. Brown asked where the committee would like to see the pole placed. Mrs. Creter responded at the War Memorial or at the Park. Mr. Smyth stated that he had reviewed all of the previous literature on the peace pole submitted by this committee. Mr. Smyth stated that he thinks the school's role is a good one. Mr. Smyth would like the pole placed at the park, if it is on public property. Mr. Smyth commented that the World Peace Prayer Society sounds like a religious group, but he understands from Mrs. Creter that it is not. Mrs. Creter responded that they are non-sectarian. It is a non-governmental organization of the United Nations. Dr. Smyth commented that he would like to see the fund raising completed before the 4<sup>th</sup> of July festivities so that the pole could be dedicated at that time. Mrs. Creter does not think there would be enough time to do this. Mr. Cesaretti asked where the purchase of the pole would come from. Mrs. Creter responded that there were different places where you can get them. Mr. Cesaretti asked if any of the churches in town had been approached about this issue. Mrs. Creter responded not yet. Mrs. Creter commented that placing it at a church makes the pole denominational. Whereby if it is placed on public lands, it is owned by everyone. Mayor Martin stated that we don't want this issue to become controversial. Mrs. Creter stated that if they get Council's support, they would need to educate people about what the peace pole is and isn't. Mrs. Creter also stated that they would maintain the pole. Mrs. Creter would like to see the pole dedicated on the International Day of Peace every year. (September 21<sup>st</sup>). Mayor Martin commented that he did ask some residents in town who are associated with the military about this issue and they were okay with this. Dr. Daniel commented that he served in the military and commented that he supports the peace pole.

**Don Dietz, 304 7<sup>th</sup> Street**, who also served in the military, thinks the peace pole is a wonderful idea. The one issue he has concern with is the word prayer. Dietz feels that when the general public sees the word prayer, it has a religious connotation. Dr. Daniel stated that the general public will perceive this as it being some religious group planting a pole in our public space. He believes this is wrong and that the public would need to be educated.

Mr. Gunn commented that a problem could occur when public funds are utilized for private purposes. Mr. Gunn stated that if Council were to do a general Resolution of support there would be no problem. Mr. Gunn cautioned where it would be placed in Riverton because we are on the historic register. Mr. Gunn stated that deed restrictions would have to be checked if the pole were placed at the park.

Mr. Smyth commented that he doesn't have a problem supporting the peace pole. What he is concerned about is that we haven't gotten a lot of feedback from all of the residents in town about this issue. Mr. Smyth believes perception is really important. Mr. Smyth suggested that the peace pole committee do a flyer to all residents to inform everybody. Mrs. Creter suggested that a possible survey be done. Dr. Daniel suggested that notices be sent home with the schoolchildren. Mr. Cesaretti suggested that a poll be posted on our website.

**Tom Ehrhardt, 410 Thomas Avenue**, commented that he believes what he has heard tonight indicates that Council seems to be in support of the peace pole. However, Mr. Ehrhardt feels that if Council decides not to vote on this issue, he wonders what kind of message that sends to the public.

**Muriel Alls-Moffatt, 202 Fulton Street** is a survivor of World War II. As elected officials, she believes that Council should be promoting peace. Mrs. Alls-Moffatt believes that peace is a goal that everyone should aspire for.

#### **RESOLUTION 63-06**

**A RESOLUTION RECOGNIZING THE RIVERTON COMMUNITY PEACE  
POLE PROJECT  
(IN FULL IN RESOLUTION BOOK)**

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

**Meeting open to the public**

**Tom Ehrhardt, 410 Thomas Avenue**, commented that he thought the proposed increase in the littering fines may be a little steep. Mr. Smyth believes the message needs to get out there. Mr. Ehrhardt expressed the need for the placement of a garbage can in front of the ice cream store.

**Margaret Wark, 406 Howard Street**, asked if the school would also be affected regarding the littering issue. The response was yes. Mrs. Wark stated that there is a lot of trash on her property that comes from the school. Mr. Smyth will talk to the Superintendent about this issue.

**Don Dietz, 304 7<sup>th</sup> Street**, expressed strong concern that the present businesses in the Nuway Shopping Center may not return after this property is redeveloped. Mr. Dietz understands that the rents will be increased substantially. Mr. Dietz feels we should be supporting our local businesses. Mr. Dietz believes that in addition to the CVS store that will be built at this site, we may see other corporate businesses come into town. Mr. Dietz is not in favor of this and stated that this goes against our Master Plan.

**Muriel Alls-Moffatt, 202 Fulton Street**, also commented that our Master Plan stated that box stores would not be appropriate for the Borough. Mrs. Alls-Moffatt is of the opinion that since the Borough has no redevelopment plan, we have no control over what is placed at the Nuway location.

**Possible Resolutions**

**Urging Re-Introduction of Legislation to Exempt the Municipal Clerk from Penalties for Open Public records Act Violations under certain circumstances**

The Clerk provided an overview of the Open Public Records Act law that was passed a couple of years ago. The Clerk explained that under the current law, the Municipal Clerk is designated as the Custodian of all Records. The Clerk is held responsible for not fulfilling a request, even when the record is in possession of another official. The Clerk reported that a Bill had been introduced during the 2004-2005 legislative session that would exempt the Municipal Clerk from penalties for Open Public Records Act violations under certain circumstances failed to be enacted. The Clerk asked that Council review a draft Resolution that urges the Re-introduction of this legislation. Council took this issue under advisement for next month's meeting.

**Amendment to Binding Arbitration Statute.** Mr. Smyth stated that we received a draft Resolution from the League of Municipalities proposing that the State Legislature amend the Interest Arbitration Law to limit awards to the amount of the annual CAP limitation. Mr. Smyth asked Council to consider adopting this Resolution. After a discussion, it was the consensus of Council to agree to Mr. Smyth's suggestion.

**RESOLUTION 64-06**

**AMENDMENT TO BINDING ARBITRATION STATUTE  
(N 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. 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 aye  
**Preliminary agenda for May 10<sup>th</sup>.** The Clerk reviewed this with the Governing Body.

**Dedication of eagle on the 4<sup>th</sup> of July** Mayor Martin announced that we would be doing this during our festivities. Council will be kept apprised when a definitive time is set for this dedication.

**Economic Development Marketing Projects.** Mr. Smyth reported that he received notification on April 27<sup>th</sup> pertaining to a joint venture by the Burlington County Economic Group and Burlington County College. We were asked to include any community projects in their handout by May 10<sup>th</sup>. Mr. Smyth talked to the Riverton Business and Civic Association about this issue. It was decided that there was not enough time to get this information together.

**Tax Summit.** Mr. Smyth reported that he would be attending a Tax Summit on May 10 in Lawrenceville. He will have a report for Council at next week's meeting.

**Meeting open to the public**

**Muriel Alls-Moffatt, 202 Fulton Street,** asked if a conflict of interest exists by having resident Joseph Augustyn to be advising us in certain areas because he works for one of the Borough's Engineers. Mr. Smyth stated that he is a volunteer for the site specific redevelopment plan just like many other residents are.

Dr. Smyth moved that we return to closed session to discuss a litigation matter. This was seconded by Mr. Cesaretti. A poll vote was then taken. Dr. Daniel aye, Mr. Brown aye, Dr. Smyth aye, Mr. Smyth aye, Mr. Kinzler absent and Mr. Cesaretti aye.

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

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 Lonbgottom, RMC  
Municipal Clerk