

November 8, 2006

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

PRESENT: Council members Daniel (left meeting at 10:20pm), Brown, Dr. Smyth (arrived at 8:00pm), Mr. Smyth, Kinzler (arrived at 8:20pm) Cesaretti 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 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 October 4, October 11 and the closed session minutes from October 4th were then presented. Mr. Brown moved that these minutes be approved as submitted. This was seconded by Mr. Cesaretti. A poll vote was then taken. Dr. Daniel aye, Mr. Brown aye, Dr. Smyth absent, Mr. Smyth aye, Mr. Kinzler absent and Mr. Cesaretti aye.

COMMITTEE REPORTS

PUBLIC SAFETY-Mr. Cesaretti

Mr. Cesaretti read a report for the month of October that was submitted by Police Chief Robert Norcross. Vehicle Mileage 2808, Gas Used 444.5, Juvenile Arrests 5 –Assaults 0, Miscellaneous 5, Curfew 0, Adult Arrests 15- Criminal Warrants 1, Criminal Summons 0, Traffic Warrants 11, DWI 3, Other 0, Motor Vehicle Crashes 3, Motor Vehicle Stops 109, Motor Vehicle warnings 6, Motor Vehicle Summons 93-Riverton Officers 93, NJ Transit ?? (listed like this in report) Others ?? (listed like this in report), Burglar Alarms 4, Asst. to other Police Departments 38, Animal Complaints 4, Fire Calls 10, Ambulance calls (Riverton) 26, Unattended Deaths 0, Criminal Case 33, Domestic 3, Thefts 1, Burglaries 1-From Residents 0, From Vehicles 1, Assaults 0, Sexual Assault 0, Criminal mischief 3, Robberies 0, Motor Vehicle Thefts 0, Miscellaneous Complaints 0, Miscellaneous Calls 610 and Total Calls 964.

Mr. Cesaretti read a report for the month of October that was submitted by Animal Control Officer M&R Wildlife. One dead cat was removed from 4th & Howard Streets and one stray sick cat was removed at 105 2nd Street.

Mr. Cesaretti read a report for the month of October that was submitted by Deputy Fire Chief, Robert Yearly. There were 20 fire calls for the month, 4 drills, 15 calls in town, 5 calls out of town and 263 man hours for month.

RECOGNITION TO POLICE DEPARTMENT

Chief Norcross presented Patrolman Tommy Merino with a plaque commemorating his bravery during a December 13, 2005 domestic-violence incident in Palmyra. The Burlington County Prosecutor's Office inquiry determined that Patrolman Merino's use of force was justified. Patrolman John Shaw was honored for his dedication to juvenile and domestic violence programs. Patrolman Matt Kirk was honored for his administration of traffic and firearms programs. Chief Norcross and Patrolman Greg Willis were honored

for assisting in the delivery of a baby in July at a Borough residence. Susan Wompierski was honored for her administrative assistance in the Police Department. The Borough's Public Works Department was honored for outstanding response and dedication and reliable assistance.

ZONING, PARK, CODE ENFORCEMENT & COURT-Mr. Brown

Mr. Brown read a report for the month of September that was submitted by Court Administrator Jacqueline Gleason. There were 150 traffic tickets issued—8 for parking, 141 for moving and 1 DWI. There were no criminal warrants or summonses issued during the month. The total receipts for September amounted to \$13,752.00. The total disbursed to Riverton amounted to \$6,315.92.

Mr. Brown reported that the Zoning Board met on October 18th and heard variance requests. The Board discussed the issue of the placement of business signs on the sidewalks. Code Enforcement Officer, Mary Lodato, has gone to all of the businesses concerning these signs. We want to do the best we can regarding the enforcement of this issue. Research has shown that other towns do permit these signs. Mr. Brown stated that a business owner could apply for a variance in reference to the signs. Mr. Brown reported that the Zoning Board's attorney (Janet Zoltanski Smith) feels that there would probably be an option on a variance but she advises against this, because variances go with the property and not with the business. This could raise the issue that while appropriate for one business, such signs might not be appropriate for others. Ms. Smith believes the ordinance needs to be reviewed and if warranted, revised to allow the use of these types of signs and to provide the appropriate rules for their use. Council took this issue under advisement.

Regarding the development of the former Sitzler property on Main Street, Mr. Brown reported that the final plans have been signed and filed with the County, Engineer, Borough and Board. Construction at this site is underway.

Mr. Brown reported that Zoning Board member, Freeman Moorhouse, has submitted his written intent to resign from the Board.

PLANNING, ECONOMIC DEVELOPMENT, REDEVELOPMENT AND SHARED SERVICES-Mr. Smyth

Mr. Smyth reported that the Planning Board met on October 17th. A site plan application was heard regarding an addition in the side storage area of the property located at 515 Main Street. This hearing was continued until next month's meeting. The owners of Zena's bakery came in for an informal request/review regarding an expansion of their business.

Mr. Smyth reported that our Environmental Resource Inventory Study (Smart Growth Grant) is going very well. We are meeting with various stakeholders throughout the town to gather information. Suzanne Wells of Planning Board is the main coordinator for this project, Tamara Lee our Planner, is also a consultant on this project and Mr. Smyth is serving as the Council representative. After the information is gathered, town meetings will be held.

Mr. Smyth reported that the Broad Street Enhancement project is a little behind schedule. Mr. Smyth provided an overview of the work schedule. Mr.

Smyth reported that we are looking at having this project completed at least one week before the tree lighting ceremony and dedication of this plaza on December 1, 2006 at 7:00pm.

Mr. Smyth reported that the cell tower is now up and operational. We want to market additional space on the cell tower. This will generate additional royalty money for the Borough.

Mr. Smyth attended the First Tri-County Economic Summit. An award was given by Freeholder Aubrey Fenton to the River Route Advisory committee to the 12 communities along the Delaware waterfront for working together to revitalize their towns.

Mr. Smyth reported that Riverton will be featured in an article in the Burlington County Times in November. The video we did for the Comcast service station should be available for us to edit in approximately two weeks.

Mr. Smyth reported that we have received the Bicycle & Pedestrian Assisted Planning Grant. We will be looking at traffic calming issues and other things to improve safety. We are working with the Riverton Drive 25 Committee on this.

Mr. Smyth requested that the Mayor sign a letter requesting the Burlington County Bridge Commission assist the Borough in seeking the NJDOT Safe Routes to Schools funding by authorizing the Community Grants and Planning firm to prepare the Borough's grant application. Council reviewed the draft letter and the Resolution adopted last week that authorized an application for this grant. After a discussion, Mr. Smyth moved that the Mayor be authorized to sign this letter. This was seconded by Mr. Cesaretti. A poll vote was then taken. Dr. Daniel aye, Mr. Brown aye, Dr. Smyth absent, Mr. Smyth aye, Mr. Kinzler absent, and Mr. Cesaretti aye.

SHADE TREE & BOARD OF HEALTH—Dr Daniel

Dr. Daniel reported that 4 new trees have been delivered to the new plaza area in front of Zena's Bakery. The Shade Tree Commission has a short list of trees prioritized from a safety standpoint for removal. After conferring with Mr. Emens, Dr. Daniel reported that we will be expanding the involvement of the volunteers who serve on the Shade Tree Commission to address complaints from the community more acutely.

CORRESPONDENCE

Mayor Martin read a letter from the Pompeston Creek Watershed Association thanking the Borough's Licensed Wastewater Treatment Facility Operator, Brad Young, for his informative tour of the Riverton Sewage Treatment Plant at their annual meeting.

Mayor Martin read a letter from Phyllis & Brian Rodgers informing Council that the 2nd annual Victorian Day celebration is scheduled for June 2, 2007. Mayor Martin also announced that Phyllis & Bryan Rodgers donated the 12 fall flags hanging in the center of our town.

MEETING OPEN TO THE PUBLIC

Anne Creter, 9 Laurel Road, read the attached statement regarding the placement of a Peace Pole in the Borough. Mrs. Creter asked that this statement be entered into the record.

Regarding issue #1, Mr. Cesaretti stated that he was referring to 300 computer hits regarding litigation. He further stated that although he didn't save his search, he believes it was a Westlaw search. He indicated he would go back and try to replicate his findings. Mrs. Creter asked for a clarification as to whether it was litigation and actual court cases that he got "hits" on. Mr. Cesaretti responded that it was not court cases. Mrs. Creter asked him to name some of the towns of the 300 hundred. Mr. Cesaretti stated that the town of Holland, Michigan was definitely one. Mr. Cesaretti stated he would be glad to get back to Mrs. Creter on these issues and work with her as well.

Mr. Smyth addressed issues #3 & #5. Mr. Smyth reiterated his position that he doesn't have an issue with it, he supports the Peace Pole. When the public placement issue came up in this context, it was related to the possible placement of the Peace Pole at the War Memorial or at the park. Mr. Smyth supports placing the pole at the school. Mr. Smyth doesn't know if the placement of the pole at the park would be a problem, but he doesn't think it should be next to the War Memorial. Mr. Smyth commented that his knowledge of the Peace Pole issue in Holland Michigan was very minor in terms of the older lawsuit.

Regarding # 6 Mr. Gunn responded that the clock was donated to the Borough and the Robbins family paid for the installation. The clock was not actually placed on Borough property. It was the Bridge Commission's right of way. Mr. Gunn is unsure as to whether the Peace Pole would be a donation to the Borough. If it becomes Borough property then you don't have the private issue. The State constitution prohibits any municipality from putting public funds towards maintaining something owned by a private group. Mr. Gunn stated that we had to obtain permission from the State's Historic Preservation Department for the placement of the clock. Mrs. Creter commented that she thought the Peace Pole would be donated to the Borough.

Mayor Martin stated that he wouldn't be opposed to a public forum to discuss this issue. Mayor Martin believes the location of the pole is a concern.

Mr. Smyth asked Mrs. Creter what the committee's preferred location would be. Mrs. Creter responded in front of the War Memorial in the center of town would be the 1st preference, then the park. Mr. Smyth asked how she felt about it being placed at the school. Mrs. Creter responded that she understands that the Superintendent of the school did not want to be responsible for the pole. Mr. Smyth asked if it were permitted to be placed at the school would the Peace Pole committee maintain it? Mrs. Creter responded that Council's Resolution states that the committee has agreed to maintain it.

Dr. Daniel believes the location for the Peace Pole is an issue. Dr. Daniel stated that a number of people in town who are veterans have indicated to him that they take offense to the Peace Pole. With no disrespect to them, Dr. Daniel stated that it's purely out of ignorance on their part because they haven't been educated as to what the Peace Pole stands for. Dr. Daniel believes he was one of those people until Mr. & Mrs. Creter came to a Council meeting and explained it. Dr. Daniel thought the pole was an anti war display and he was originally against it. The purpose of gathering a group would be to provide

education. Dr. Daniel takes exception to placing the pole in the park, but not next to the War Memorial as though it represents something bad. It is peace. Mr. Smyth stated that he was concerned that if it were placed at the War Memorial, other radical groups may come in and request other things at that location.

Mr. Brown asked Mrs. Creter if she thought the school would be responsive to this now. Mr. Brown suggested getting the children to sign a petition that they want the pole placed at the school. Dr. Daniel believes the best location is the school. It sets an example of how to work through a problem. Mrs. Creter stated that the sense she previously got from the Superintendent was she would prefer that it wasn't at the school because it would be one more thing she would have to be involved in. Mrs. Creter stated that the committee did an informal survey regarding the Peace Pole over the summer. The majority of people would like it placed at the War Memorial in the center of town. The 2nd popular place was the park, then at Zena's and then at the library. People mentioned the Porch Club also.

Mr. Cesaretti doesn't want to speak for Council, but he doesn't feel that anyone here is against the pole-- we are trying to figure out the proper location for it. He wants due diligence done so the Borough doesn't potentially face any litigation over this issue. Mr. Gunn commented that the Borough owns the War Memorial property and the Fire Company maintains the War Memorial. Mrs. Creter will explore the possibility of placing the pole at the school.

MEETING OPEN TO THE PUBLIC

Linda Hayes, 407 Midway, commented that she believes the school superintendent's hesitance is that there would be people in town opposed to the pole. She doesn't think the superintendent wanted to be criticized for placing the pole at the school. Mrs. Hayes thinks a public forum would be a good thing. She also thinks the school is a good location for the pole.

Carol Crawford, 101 Midway Mrs. Crawford stated that the property at 105 Midway has been put under contract for sale. Mrs. Crawford understands that the potential purchaser is intending to build a second residence on part of this property. Mrs. Crawford submitted a signed list of specific property owners in town who oppose this. A copy of this is on file with the Municipal Clerk.

James Moffatt, 202 Fulton Street, asked when the clock would be operational. Mr. Smyth thought it would be up and running by the December 1st deadline for the project. Mr. Moffatt congratulated Dr. Daniel and Mr. Brown on their victory.

Gene Bandine, 522 Main Street commented that residents would like the opportunity to purchase additional personalized bricks for the placement at the plaza in front of Zena's. Mr. Bandine stated that this would be a continuation of what was previously initiated by the Riverton Improvement Association. Public Works Manager Scott Reed stated that if more bricks are purchased, they must be evenly placed at this location. He needs to tell the contractor to leave additional space for these new bricks at the site. We could leave one end open for any additional bricks. Mr. Reed stressed that a decision regarding this needs to be done tonight. After a short discussion, it was the consensus of Council to agree to this.

Erica Saia, 401 Martha's Lane (National Casein Manager) reported that the water run-off at Fulton Street and 3rd Street (the back of National Casein's property) was significant during a recent storm. Mr. Saia knows that the owners of National Casein have previously complained about the stormwater run-off problems in the past, but actions have never been taken to stop the problem. Mr. Reed stated that at one time we talked about installing a French drain at the 3rd street location to absorb some of the water. Mr. Reed explained that in order for us to run a pipe from the end of 3rd street to the Pompeston Creek, we'd have to get an easement through their property to do this. We need to get our engineer to shoot elevations. Mr. Reed thinks the creek may be too high for us to run a pipe through there. A discussion then ensued. It was the consensus of Council that Mr. Reed contact our engineer to obtain quotes as to what it would cost to solve this problem. Council will then review this information at next month's meeting.

Mr. Saia reported that there have been project problems (unauthorized access to National Casein's property, stormwater issues, etc.) with the development of the Nuway site. Mr. Saia was asked to contact the Keith Wenig the Project Manager to address these concerns.

REMOVAL OF DOG WATERING FOUNTAIN FROM WAR MEMORIAL LOCATION.

Mr. Cesaretti reported that this fountain was removed because of the construction going on near this location. Mr. Cesaretti reported that Dennis Eversmeyer had raised concern about this. Mr. Eversmeyer's son had done an Eagle Scout project at the War Memorial location.

STREETS ROADS & SEWER-Dr. Smyth

Dr. Smyth reported that we are making progress on the enhancement project.

TREASURER'S, FINANCE REPORTS & BILL LIST

FOR APPROVAL-Mr. Kinzler

Mr. Kinzler moved that the attached reports for the month of October be approved as submitted. 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 aye and Mr. Cesaretti aye.

**RESOLUTION 109-06
TRANSFER RESOLUTION
(IN FULL IN RESOLUTION BOOK)**

The above Resolution was read by title only by Mr. Kinzler, 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 aye and Mr. Cesaretti aye.

**RESOLUTION 110-06
A RESOLUTION TO APPOINT DOLORES ROSSO AS THE PART-TIME DEPUTY
TAX COLLECTOR, ALTERNATE REGISTRAR OF VITAL
STATISTICS AND OFFICE HELPER
(IN FULL IN RESOLUTION BOOK)**

The above Resolution was read by title only by Mr. Kinzler, 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 aye and Mr. Cesaretti aye.

RESOLUTION 111-06
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. Brown. A poll vote was then taken. Dr. Daniel aye, Mr. Brown aye, Dr. Smyth aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti aye. It should be noted that litigation and personnel matters will be discussed.

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

There being no further business to discuss, Dr. 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