

April 11, 2007

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

PRESENT: Council members Brown, Dr. Smyth (arrived at 7:40pm), Kinzler, Cesaretti and Solicitor Bruce M. Gunn

ABSENT: Council members Daniel and Mr. Smyth

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 2007 published in the Burlington County Times on December 27, 2006

(b) Posting written notice on the official bulletin board on January 3, 2007

The minutes from March 7, March 14 and closed session minutes from March 7 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 absent, Mr. Brown aye, Dr. Smyth absent, Mr. Smyth absent, Mr. Kinzler aye and Mr. Cesaretti aye.

TREASURER'S, FINANCE REPORT & BILL LIST

FOR APPROVAL-Mr. Kinzler

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

2007 MUNICIPAL BUDGET-(Auditor present)

RESOLUTION 35-07

A SELF-EXAMINATION OF BUDGET 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 absent, Mr. Brown aye, Dr. Smyth absent, Mr. Smyth absent, Mr. Kinzler aye and Mr. Cesaretti aye.

PEACE POLE ISSUE

Bob Foster, 504 Cinnaminson Street commented that the Peace Pole Committee previously presented their recommendation of the new plaza for the placement of the peace pole. If that is ruled out, the committee requests that the park be given equal consideration with other remaining site options. They did a town wide survey asking for the preferred location of the peace pole. The survey listed three possible locations-the library, the new plaza, or the school. They also asked for other options. They distributed approximately 1200 survey cards. The results were as follows: 101 responded (8.4%) Riverton Plaza 50, Riverton Public School 23, Riverton Public Library 12, Riverton Memorial Park 6, Private property 5, War Memorial 2, Riverbank 1, Sacred Heart Church 1 Train Gazebo 1. Mr. Foster reviewed the design of the survey as well as comments that were received on the survey forms.

Michael Robinson, 6 Second Street, stated that the committee's three options listed on the survey met the criteria of the committee members, that being safety, centrality and access to the school.

Bill Brown does not understand why the school or the library will not permit the peace pole to be placed at either of those locations. Mr. Brown is strongly against placing the pole

at the plaza. Mr. Brown feels that the pole should be placed where the school children normally gather, such as a playground at the school or library.

Susan Foster, 504 Cinnaminson Street, believes that now that the weather is warmer, people will use the plaza as a gathering spot for the peace pole.

Michael Robinson 6 Second Street commented that initially the school saw the peace pole as a way of promoting the anti-bullying campaign the school will have this fall.

Susan Foster 504 Cinnaminson Street is slightly concerned that this is being directed more toward the kids. While she feels that kids should be encouraged, it should be for the adults as well. Mrs. Foster feels that people would gather around the pole more at the plaza than the school.

Mayor Martin understands and respects those that are opposed to placing this pole on public property at all. Mayor Martin is of the opinion that it could be placed at the park, between the swings and the creek. Benches could be placed around it and large gatherings could be held there. Solicitor Gunn stated that there are no deed restrictions to the placement of the pole at the park.

Susan Foster, 504 Cinnaminson Street asked if goes at the park, does that mean that Riverton would like to pay for placing some benches around the pole.

Michael Robinson, 6 Second Street, commented that the Environmental Commission previously received funding to place trail markers and posts at the park.

These were repeatedly pulled off and thrown in the creek. That's one of the reasons why the park was not at the top of the list because of the potential vandalism issues.

Mr. Gunn reported that the Borough does not own the new plaza property. It belongs to the County and Bridge Commission, which have given the Borough a right-of-way. Mr. Gunn further explained that any changes to this completed project would have to go through County, State and Federal channels.

Carol Crawford, 101 Midway asked if permission was granted could this be pursued. Mr. Gunn responded that it would take a prolonged period of time and there are no guarantees that approval would be obtained.

Anne Creter 9 Laurel Road, commented that it is her understanding from the County Freeholders that this property would eventually become municipal property. Mrs. Creter stated that while she likes the idea of the park, potential vandalism issues concern her. She suggested placing the pole at the entrance to the park by the sign.

Carol Crawford, 101 Midway ran this issue by some people (former kids) and they did not think the park was a good idea. They thought it would be vandalized.

Francis Conroy, 407 Midway believes the placement of the pole at the school would still be an option. Mr. Conroy understands that Council has to weigh the pros and cons of each option before deciding.

Susan Foster, 504 Cinnaminson Street commented that no formal permission has been given by the school for the placement of the pole on their property.

Anne Creter, 9 Laurel Road, believes the advantage of the park to the school is that the park is more accessible to more people. She prefers the park location.

Mr. Kinzler supports the peace pole, but feels there is a safety issue by placing it at the new plaza.

Scott Reed, Public Works Manager suggested that if it goes in the park, a plexiglass cover should be placed over it to prevent vandalism.

Don Dietz, 304 7th Street, is not opposed to the peace pole but is concerned about the separation of church and state issues, because it has the word prayer in it. Mr. Dietz suggested going to the churches and have it placed on a rotating basis on a church by church basis.

Bob Fenton, 16 Morgan Avenue, suggested placing the pole at Bank and Linden Avenues and make it a peace park.

Scott Reed, Public Works Manager suggested that Council make a decision one way or the other. Mr. Reed suggested the location at 8th & Cedar, by the apartments.

Mr. Brown believes the placement of the peace pole should go back to the School Board and have them vote on it.

Bob Foster, 504 Cinnaminson, stated that speaking for the Peace Pole Committee, they are asking Council to work out the decision. The peace pole decision was taken under advisement by Council.

PUBLIC HEARING ON 2007 MUNICIPAL BUDGET

Mayor Martin opened this portion of e meeting to the public for any comment on the budget. There being no public comment on the budget, Mayor Martin closed this portion of the meeting to the public.

RESOLUTION 36-07

ADOPTION OF THE 2007 MUNICIPAL BUDGET (IN FULL IN RESOLUTION BOOK)

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

COMMITTEE REPORTS

PUBLIC SAFETY-Mr. Cesaretti

Mr. Cesaretti read a report for the month of March that was submitted by Chief Norcross. Vehicle Mileage 2703, Gas Used??, Juvenile Arrests 0, Adult Arrests 8 (Criminal Warrants 0, Criminal Summons 0, Traffic Warrants 8, DWI 1 and Other 0), Motor Vehicle Crashes 4, Motor Vehicle Stops 93, Motor Vehicle Warnings 18, Motor Vehicle Summons 65 (Riverton Officers 65, NJ Transit ?, Other?), Burglar Alarms 13, Asst. to Other Police Departments 28, Animal Complaints 3, Fire Calls 5, Arson 0, Ambulance Calls (Riverton) 18, Unattended Deaths 0, Criminal Case 22, Domestic 0, Thefts 2, Burglaries 1 (From Residents 1, From vehicles 0), Assaults 1 (Police Officers 0, Firefighters/EMT 0, Civilian 1), Sexual Assault 0, Criminal mischief 2, Robberies 0, Motor Vehicle Thefts 0, Miscellaneous Complaints 1, Miscellaneous Calls 519 and Total Calls 803.

Mr. Cesaretti read a report for the month of March that was submitted by Deputy Fire Chief Robert Yearly. There were 13 fire calls for the month, 3 drills, 7 calls in town, 6 calls out of town and 121.7 man hours for the month.

RESOLUTION 37-07

A RESOLUTION AUTHORIZING THE HIRING OF AN ADDITIONAL CROSSING GUARD FOR THE REMAINDER OF THE 2006-2007 SCHOOL YEAR (IN FULL IN RESOLUTION BOOK)

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

STREETS, ROADS & SEWER-Dr. Smyth

Dr. Smyth and Mr. Reed reported that they are reviewing applications and resumes to fill the vacancy created by Leroy Moore's retirement effective April 1. Council will be kept apprised of the situation.

PLANNING, ECONOMIC DEVELOPMENT, SHARED SERVICES

AND GRANTS-Mr. Smyth

In Mr. Smyth's absence, Mr. Cesaretti reported that the next Planning Board meeting is scheduled for April 17th. The scheduled hearings are a site plan application for 515 Main Street and a Minor Subdivision for 509-11 Main Street. The Board continues to work on the re-examination of the Master Plan. The CVS opens the week of April 23rd and a tentative grand opening is set for the weekend of April 28.

Riverton has been awarded \$44,000.00 in grant money for the Transportation and Community Development Initiative. The Borough applied for this grant in February and funding will be used for revitalization planning in the Broad and Main Streets corridors. This grant is a joint effort between the Borough and the County. The Borough can choose their own consultant.

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

Mr. Brown reported that there was no Zoning Board meeting last month. The next meeting is set for April 18th.

Mr. Brown reported that a Park & Recreation Commission meeting was recently held. Vandalism issues at the park need to be addressed.

Mr. Brown reported that he would be meeting with Court Administrator, Jacqueline Gleason about receiving the Court reports in a timely fashion. Mayor Martin asked if we were making sure that we are following the stipulations specified in our contract with Cinnaminson pertaining to the Court. Mr. Brown stated that he needed to review the contract to better understand the parameters. Mayor Martin stated that we need to make sure that the numbers are working out. Mr. Kinzler stated that now that work has been completed on the budget, we would be looking closely at this contract. Mr. Brown asked that the Treasurer provide a listing of all the monies spent and received regarding this contract in 2006. A discussion ensued regarding the current contract, with the issue taken under advisement

SHADE TREE, ENVIRONMENTAL & BOARD OF HEALTH-Dr. Daniel

It was announced that the Borough, through our Shade Tree Commission has been awarded a 2006 Community Stewardship Incentive Program grant in the amount of \$25,000.00.

MEETING OPEN TO THE PUBLIC

Margaret Wark, 406 Howard Street, is against the peace pole and definitely against it being placed on public property.

Don Dietz, 304 7th Street, publicly thanked the Public Works Department for all of the work they do at the park.

Mr. Deitz raised strong concern with the size of the new buildings going up in town, in particular the one at Broad & Main Streets. Mr. Dietz referred to and read some portions of the Master Plan from 1998. Mr. Dietz believes these buildings do not conform to what was specified in the Master Plan. Mr. Dietz asked if the Master Plan was binding. Mr. Gunn responded that usually, the zoning laws enacted will fulfill the Master Plan. However that can be overridden by a 2/3's vote of Council. Mr. Dietz asked to whom the Planning Board and Zoning Board answer and who makes the appointments. The Mayor

responded that a large majority of the appointments to these two Boards are made by him. This is specified in our Ordinances. Mr. Dietz commented that there appears to be a connectiveness regarding these appointments which could possibly be construed as a conflict of interest. Mayor Martin stated that a middle ground was reached by the respective Boards regarding these two developments. Sensitivity was attempted to be met through the design of these projects. Mayor Martin believes that the building at Broad & Main will look different when it is completed and landscaped. Mr. Dietz is concerned that other properties that may be developed in the future might have the same largeness to them. Mr. Dietz raised strong concern that if the building at Broad & Main cannot be rented as offices or storefronts, apartments might be placed there. Mr. Gunn stated that the appropriate Board would need to review this.

OLD BUSINESS

REVIEW OF PROPOSED AMENDMENTS TO CHAPTER 74 OF BOROUGH CODE AS IT PERTAINS TO BULK TRASH

Based on last week's discussion on this proposed Ordinance, Mr. Gunn revised the wording to clarify that either the buyer of a respective property or the successor would be responsible for removal of bulk trash as a result of the sale. The other issue was the regulation of a dumpster. Mr. Gunn conferred with our Construction Official, who suggested that if a dumpster is placed on a public street written permission of the Chief of Police and the Fire Sub code Official of the Borough would be required first. Council agreed to this suggestion. Chief Norcross suggested that Council incorporate a not to exceed period of seven days for the placement of a dumpster on a public street. After discussion, Council agreed to this suggestion. Mr. Gunn stated that he would incorporate language to that effect into the Ordinance. Mr. Gunn further stated that Council could introduce this Ordinance tonight.

ORDINANCE 2-07

AN ORDINANCE AMENDING CHAPTER 74 OF THE RIVERTON BOROUGH CODE BY PROVIDING FOR BULK TRASH REGULATIONS AND EXCLUDING THE PICK UP OF TRASH GENERATED BY THE SALE OR TRANSFER OF PROPERTY

The above Ordinance was read by title only for the first time by Mr. Cesaretti, who moved for its adoption. This was seconded by Mr. Brown. A poll vote was then taken. Dr. Daniel absent, Mr. Brown aye, Dr. Smyth aye, Mr. Smyth absent, Mr. Kinzler aye and Mr. Cesaretti aye. Second reading and a public hearing on this Ordinance is scheduled for May 9.

NEW BUSINESS

ORDINANCE 1-07

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 13 OF THE RIVERTON BOROUGH CODE TO PROVIDE FOR ADDITIONAL REGULAR MEMBERS OF THE ENVIRONMENTAL COMMISSION

(IN FULL IN ORDINANCE BOOK)

Mr. Gunn reported that terms of expiration for the present regular members and the two potential new ones were inadvertently listed incorrectly at introduction last month. Mr. Gunn stated that he does not consider correctly this information substantive. We would just need a motion to amend. Council concurred. Dr. Smyth moved that Council accept the amendments to Ordinance 1-07 by Solicitor Gunn. This was seconded by Mr. Cesaretti. A poll vote was then taken. Dr. Daniel absent, Mr. Brown aye, Dr. Smyth aye, Mr. Smyth absent, Mr. Kinzler aye, and Mr. Cesaretti aye.

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

MAYORAL APPOINTMENTS TO THE ENVIRONMENTAL COMMISSION

Mayor Martin announced that current alternates Bennett Landsman and Chris Halt will become regular members to the Environmental Commission. Mayor Martin then appointed Patricia De Vito and Eric Crawbuck as new alternates to the Environmental Commission.

ORDINANCE 3-07

AN ORDINANCE REAPPROPRIATING \$153,800 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES TO PROVIDE FOR VARIOUS IMPROVEMENTS BY THE BOROUGH OF RIVERTON, IN THE COUNTY OF BURLINGTON, NEW JERSEY

The above Ordinance was read by title only for the first time by Mr. Kinzler, who moved for its adoption. This was seconded by Mr. Cesaretti. A poll vote was then taken. Dr. Daniel absent, Mr. Brown aye, Dr. Smyth aye, Mr. Smyth absent, Mr. Kinzler aye and Mr. Cesaretti aye. Second reading and a public hearing on this Ordinance is scheduled for May 9, 2007.

ORDINANCE 4-07

AN ORDINANCE OF THE BOROUGH OF RIVERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY TO PROVIDE FOR AND DETERMINE RATES OF COMPENSATION OF EACH OFFICER AND EMPLOYEE OF THE BOROUGH OF RIVERTON

The above Ordinance was read by title only for the first time by Mr. Kinzler, who moved for its adoption. This was seconded by Mr. Cesaretti. A poll vote was then taken. Dr. Daniel absent, Mr. Brown aye, Dr. Smyth aye, Mr. Smyth absent, Mr. Kinzler aye and Mr. Cesaretti aye. Second reading and a public hearing on this Ordinance is scheduled for May 9.

HARRISON STREET ISSUE. Chief Norcross understands that Council previously discussed changing Harrison Street to a two-way street. Mr. Cesaretti stated that members of the business community had asked Council to consider this. Mr. Cesaretti further commented that Council was going to defer any decision regarding this issue until we see what the traffic study mentions. Chief Norcross stated that he is 100% against making Harrison Street two-way. He believes current parking spaces would be lost by doing this. Scott Reed, Public Works Manager stated that he is also opposed to this because it would take all the traffic from Main Street and divert it to our neighborhoods. A discussion then ensued with the consensus to leave Harrison as a one-way street at this time.

Victorian Day. Mr. Brown reported that Phyllis Rodgers has informed him that this event may not happen. They are not getting the support from the business community necessary. In addition, there are also problems within the business and economic development committee. Some things are not being addressed. They would like to meeting with council and explain what is going on with this situation. Since this is a sensitive subject, Mr. Brown asked if they could discuss their concerns during a closed session of Council. Mr. Gunn stated that this does not fall under the closed session requirements. Mr. Gunn suggested that one or two members of Council could meet with the business owners to review their concerns and then report back to Council.

RESOLUTION 38-07

**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 absent, Mr. Brown aye, Dr. Smyth aye, Mr. Smyth absent, Mr. Kinzler aye and Mr. Cesaretti aye. It should be noted that a potential litigation 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 absent, Mr. Brown aye, Dr. Smyth aye, Mr. Smyth absent, Mr. Kinzler aye and Mr. Cesaretti aye.

RESOLUTION 39-07

**A RESOLUTION AUTHORIZING AN INCREASE IN COMPENSATION
FOR SUSAN WOMPIERSKI
(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 absent, Mr. Brown aye, Dr. Smyth aye, Mr. Smyth absent, 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 Mr. Brown, with all present voting in the affirmative.

Mary Longbottom, RMC
Municipal Clerk