

February 1, 2006

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

**PRESENT:** Council members Daniel, Villari, Dr. Smyth, Mr. Smyth, Kinzler, 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 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 27-06**

**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. Mrs. Villari aye, Dr. Smyth aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti aye. It should be noted that personnel and litigation issues will be discussed.

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

**Review of Required Stormwater Ordinance.** Council reviewed this draft Ordinance which establishes stormwater management requirements and controls for major development. Mrs. Villari stated that the Borough's Engineer, Terry Vogt, has indicated that this ordinance must be adopted before April, 2006. Mr. Vogt has also informed us that our Stormwater Plan may be reviewed (again) by Burlington County between April 1, 2006 and June 1, 2006. Upon receipt of County review, comments and requested changes, if any, the plan will have to be completed and finalized by or before January, 2007 in accordance with NJDEP regulations. Mrs. Villari further stated that she still needs to confer with Mr. Vogt as to whether the Borough should include a mitigation plan as part of our Stormwater Plan. Mrs. Villari will keep Council apprised of this issue. After a short discussion, it was the consensus of Council that the Stormwater Ordinance be placed on next week's agenda for first reading.

**Update Re: Possible Revaluation-Reassessment.** Mr. Kinzler announced that we have been informed by the County Tax Administrator that the Director's ratio in Riverton is 56.34 and the Coefficient of Deviation is 15.30. These indicators are below the acceptable level and indicate action should be taken to update assessments in our community. Mr. Kinzler stated that this information is intended to open a door of discussion and is not a revaluation order. Mr. Kinzler stated that he would take this issue up with our Tax Assessor and the County Tax Administrator. Council will be kept informed.

**Update Re: Possible installation of a Telecommunications tower and Amending Zoning Code.** Mr. Smyth stated that he has talked with representatives from T-Mobile about their proposal. Mr. Smyth has also spoken with representatives from Medford Lakes Borough regarding the installation of their telecommunication tower. Mr. Smyth reminded Council that T-mobile has presented two options-rent abatement (could possibly generate approximately \$15,000.00 in annual revenue) or a standard lease agreement (could possibly generate \$35,000-40,000 in annual revenue with collators plus T-Mobile). Mr. Smyth stated that there is zero cash outflow from the Borough for both of these options. Mr. Smyth is asking that Council permit him to go back to the representatives from T-Mobile to discuss better terms. Mr. Smyth then provided Council with the following information he obtained from Medford Lakes. Medford Lakes spent \$180,000.00 to do their tower,

\$30,000 of that is for engineering and consulting fees. Their tower generates about \$100,000.00 for them a year, escalating at 3% a year in revenue. Mr. Smyth stated that liability insurance (at least one million dollars) is a requirement. You must maintain the tower yourself and absorb any costs associated with that. Mr. Smyth further stated that there is a risk of a 60 day termination clause if any FCC action changes the requirements on the tower or any environmental condition changes it. Mr. Smyth also stated that obsolescence is also a problem to consider and should be included with any agreement reached. Mr. Smyth also stated that these are the rules should Council decide to own the tower. Mr. Smyth asked Council to consider what he has told them tonight and again asked for permission to go back to T-Mobile to attempt better agreement terms. Mr. Smyth stated that we also need to amend our Zoning ordinance to permit telecommunication towers as a conditional use in the general business district. After a discussion, it was the consensus of Council to agree to amend our present Zoning Ordinance. Council also permitted Mr. Smyth to discuss the possibility of obtaining a better agreement terms with T-Mobile. Mr. Smyth will bring back any additional information for Council's consideration before any final decision is decided.

### **ORDINANCE 2-06**

#### **AN ORDINANCE AMENDING CHAPTER 128, ARTICLE VIII, OF THE RIVERTON BOROUGH CODE TO PROVIDE FOR TELECOMMUNICATION TOWERS AS A CONDITIONAL USE IN THE GENERAL BUSINESS DISTRICT**

The above Ordinance was read by title only for the first time by Mr. Smyth, who moved for its adoption. This was seconded by Mr. Cesaretti. A poll vote was then taken. Dr. Daniel aye, Mrs. Villari aye, Dr. Smyth aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti aye. Second reading and a public hearing on this Ordinance is scheduled for March 1.

**Update Re: Master Plan Re-Exam.** Mr. Smyth reported that the sub-committee has completed the worksheets, the goals, the housing appendix, and received input from the Boards, Committees and Organizations. Mr. Smyth stated that at the last meeting, the sub-committee went through all of the remaining elements to be done. The sub-committee is looking at completing their task by the April Planning Board meeting.

**Update Re: 2006 Budget.** Mr. Kinzler reported that Mr. Smyth, Treasurer Betty Boyle and himself met last night with Auditor Robert Stewart who brought them up to date on the 2005 budgetary results for the Borough. The news was quite good. The preliminary unaudited results for 2005 indicated that we beat the budget by \$223,000.00. The bulk of that which amounts to \$203,000.00 was due to stronger tax receipts. We came in at a 98.75% collection rate. A lot of this was as a result of the taxes on the Nuway property being paid in a timely fashion. Mr. Kinzler provided an overview regarding our fund balance and debt service. Mr. Kinzler reported that we are limited to a 3.5% (CAP) increase for all expenses this year. This translates into \$63,000.00. Mr. Kinzler further stated that both insurance and debt service is outside of this. Mr. Cesaretti asked if this figure includes salaries. Mr. Kinzler responded yes. Mr. Kinzler then provided an overview of the budgetary process. Mr. Kinzler stated that we are looking to introduce our budget to the public at Council's March 8 meeting.

**Discussion: Auctioning old police vehicles, used police equipment and any and all recovered bicycles.** Chief Norcross stated that he has requested that Council pass a resolution that would authorize him to advertise and auction off the above. Mr. Gunn reported that the statute has been amended to permit sealed bids instead of a public auction if the fair value of the property did not exceed 15 percent of the bid threshold, or the amount of \$4,350.00. Mr. Gunn also stated that a licensed auctioneer is required if the vehicles are auctioned off. After a discussion, it was the consensus of Council to go with sealed bids for the vehicles. It was also the consensus of Council to donate the bicycles to the 4<sup>th</sup> of July Committee. The Solicitor will prepare the required Resolutions for next week's meeting.

**Implementation of the National Incident management System. (NIMS)** Mrs. Villari reported that we need to pass a Resolution stating that NIMS is the system that all agencies

in the municipality will use for the management of any and all disasters and that we will comply with the provision of the Governor's Executive Order 50 outlining NIMS compliance time lines and requirements.

**RESOLUTION 28-06**  
**A RESOLUTION IMPLEMENTING THE NATIONAL INCIDENT**  
**MANAGEMENT SYSTEM**  
**(IN FULL IN RESOLUTION BOOK)**

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

**Update Re: request to dedicate a Peace Pole to Riverton.** Dr. Smyth reported that he still needs to gather more information regarding this issue. He will try to discuss this at next week's meeting.

**MOTION TO APPROVE A REQUEST FROM SACRED HEART CHURCH TO**  
**HOLD RAFFLES ON MARCH 8**

Mrs. Villari moved that this request be approved. This was seconded by Mr. Smyth. A poll vote was then taken. Dr. Daniel aye, Mrs. Villari aye, Dr. Smyth abstained, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti nay.

**MOTION TO ACCEPT RESIGNATION OF KELLY WELLS**

Dr. Smyth moved that the resignation of Kelly Wells be accepted and that a letter of acknowledgement be forwarded to her. This was seconded by Mr. Kinzler. A poll vote was then taken. Dr. Daniel aye, Mrs. Villari aye, Dr. Smyth aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti aye.

**RESOLUTION 29-06**  
**A RESOLUTION TO HIRE RUSSELL J. COOK TO PROVIDE TEMPORARY**  
**OFFICE ASSISTANCE**  
**(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, Mrs. Villari aye, Dr. Smyth aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti aye.

**Preliminary agenda for February 8.** The Clerk reviewed this with the Governing Body. **Possible inclusion of the sewer charges in the tax rate and bills.** Mr. Cesaretti reminded Council that this issue was discussed during last year's budget process and that Council had decided against it. Mr. Cesaretti asked that this issue be considered again during this year's budget process. Mr. Kinzler stated that the pros and cons of this would be discussed and considered.

**Update from Economic Development Committee (Phyllis Rodgers and Gary Ford)** Mrs. Rodgers reported on the success of the tree lighting ceremony. The Borough contributed \$500.00 towards that event. They had an additional \$500.00 donated by private funds to help defray costs. Mrs. Rodgers asked if Council would consider setting aside \$1,000.00 for this event next year. Mrs. Villari commented that we had talked in the past about a budget for the Economic Development Committee. Mrs. Villari commented that Mr. Ford had indicated that he would submit a budget, but to date, he has not done so. Mr. Ford stated that they are still working on a list of items and events to be included in the Committee's budget request. Mr. Ford stated that the first big event will be the Victorian Day and Art Festival on May 20<sup>th</sup>. Mrs. Rodgers provided an overview of the festivities scheduled for that day. Mrs. Rodgers is looking for Council's support and backing. Mrs. Villari asked what they need in terms of a budget request for this one event. Mrs. Villari also asked if their calendar of events will be listed in the Borough's Directory. Mr. Ford responded yes. Mrs. Villari stated that if the Economic Development Committee does not have the money to do all of these events, then how can the events be listed. Mr. Ford said they would be doing some private fundraising. Mrs. Rodgers believes that they will need at least \$2,000.00 from the Borough regarding the tree lighting event and Victorian Day. Mrs. Rodgers stated that other funding would also be requested of the Borough. Mrs. Rodgers

stated that the businesses in town are barely struggling. Mrs. Rodgers commented that she feels light rail has been very positive for the town. Mrs. Rodgers then asked if Victorian Day would be covered under the Borough's liability insurance. Mr. Gunn commented that he thought we may have previously done this, but verification needs to be done. Mrs. Rodgers inquired as to whether the committee could utilize our legal counsel if an issue comes up. This issue was taken under advisement. Mr. Smyth commented that he just received a list of county events in the County Bell and Riverton was not listed in it. Mrs. Rodgers asked if vendors need a permit. The response was yes. Mr. Ford provided an overview on how other communities (Collingswood & Haddonfield) support their businesses by placing monies in the budget to defray costs for various events. Mrs. Rodgers stated that it is important for Council to decide how they want to promote our community. Mr. Smyth suggested that he meet with Mrs. Rodgers and Mr. Ford to review their budget requests. It can then be brought before Council for full consideration during the budget process. Mr. Ford commented that they are also looking into potential grant funding for their events in the future with Palmyra.

**Update re: Borough and Business Directory** Mrs. Villari stated that she had given the Economic Development Committee a deadline of the end of 2005 to have the business portion of the directory completed. Mrs. Villari stated the committee did not comply with this deadline. Mrs. Villari stated that our Clerk normally prepares the Borough's Directory and it should be in print now. Mrs. Villari stated that she asked Mr. Ford to obtain a written estimate from the printer the committee chose. Mrs. Villari stated that to date she has not received this information. Mrs. Villari feels very frustrated with how this is going. Mrs. Villari is asking for Council's support to have two booklets this year instead of one. Mr. Ford commented that he estimates that the costs for the booklet will run between \$2,700.00 and \$3,000.00. Mr. Ford stated that the Borough's portion will only be a \$600.00 contribution. Mr. Ford stated that they would be utilizing Good Impressions of Riverside to do the printing. Mrs. Villari reminded Council that we do not have a formal written quote from the printer as to what the charges will be. Mrs. Villari does not know why it has been difficult to obtain this information. Mrs. Villari expressed her displeasure with how the Economic Development Committee has handled this project. A discussion then ensued over this issue. It was the consensus of Council that the Economic Development Committee prepare and disseminate the 2006 Borough Directory and that the Borough's contribution will not exceed \$600.00.

#### **RESOLUTION 30-06**

### **A RESOLUTION AUTHORIZING THE ECONOMIC DEVELOPMENT COMMITTEE TO PREPARE AND DISSEMINATE THE 2006 BOROUGH DIRECTORY**

#### **(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. Cesaretti. A poll vote was then taken. Dr. Daniel aye, Mrs. Villari nay, Dr. Smyth aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti aye.

#### **Meeting open to the public**

**James Moffatt, 202 Fulton Street**, stated that May 20th is Alumni Reunion Day at Rutgers Camden.

At this time Mr. Kinzler moved that we return to closed session. This was seconded by Mrs. Villari. A poll vote was then taken. Dr. Daniel aye, Mrs. Villari aye, Dr. Smyth aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti aye. It should be noted that personnel and contract negotiations will be discussed.

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

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

Mary Longbottom, RMC  
Municipal Clerk