

January 11, 2006

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

PRESENT: Council members Villari, Dr. Robert K. Smyth, Mr. Robert E. Smyth, Kinzler, Cesaretti and Solicitor Bruce M. Gunn

ABSENT: Council member Daniel

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 8, 2006

(b) Posting written notice on the official bulletin board on January 9, 2006

RESOLUTION 11-06

**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. Robert K. Smyth, who moved for its adoption. This was seconded by Mr. Cesaretti. A poll vote was then taken. Dr. Daniel absent, Mrs. Villari aye, Dr. Smyth aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti aye. It should be noted that personnel and potential litigation matters 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 absent, Mrs. Villari aye, Dr. Smyth aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti aye.

The minutes from December 7, December 14 and the closed session minutes from December 14 were then presented. Dr. Smyth moved that these minutes be approved as submitted. This was seconded by Mrs. Villari. A poll vote was then taken. Dr. Daniel absent, Mrs. Villari aye, Dr. Smyth aye, Mr. Smyth abstained, Mr. Kinzler abstained and Mr. Cesaretti aye.

TREASURER'S REPORT, FINANCE REPORT AND BILL LIST FOR APPROVAL

Dr. Smyth moved that the attached reports for the month of December, 2005 be approved as submitted. Dr. Daniel absent, Mrs. Villari aye, Dr. Smyth aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti aye

BOROUGH COUNCIL COMMITTEE ASSIGNMENTS FOR 2006

Mayor Martin announced the following committee assignments for 2006. **Finance and Administration**-Michael Kinzler*, Robert E. Smyth, Joseph Daniel, **Planning, Economic Development and Redevelopment**-Robert E. Smyth*, Michael Kinzler, Ron Cesaretti, **Public Safety, Fire, Animal Control, Parking**-Ron Cesaretti*, Robert K. Smyth, Laurie Villari, **Public Works & Wastewater Treatment**-Laurie Villari*Ron Cesaretti, Robert K. Smyth, **Shade Tree, Human Services, Board of Health, Environmental & Recycling**-Joseph Daniel*, Robert E. Smyth, Michael Kinzler, **Zoning, Code Enforcement, Park & Recreation**-Robert K. Smyth*, Joseph Daniel, Laurie Villari, **Board of Education Liaison**-Robert E. Smyth*, **Municipal Court Liaison**-Joseph Daniel*, **4th of July Liaison**-Laurie Villari* and **Shared Services Liaison**-Robert E. Smyth* and alternate Robert K. Smyth. ***designates the Chair**

Dr. Smyth moved that the 2006 committee assignments be accepted and approved. This was seconded by Mr. Cesaretti. A poll vote was then taken. Dr. Daniel absent, Mrs. Villari aye, Dr. Smyth aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti aye.

Mayor Martin also announced that the following members of Council would be negotiating a new police contract-Robert E. Smyth*, Michael Kinzler and Ron Cesaretti. Laurie Villari will serve as an alternate. ***designates the Chair**

COMMITTEE REPORTS

PUBLIC SAFETY-Mr. Cesaretti

Mr. Cesaretti read an end of year (2005) report that was submitted by Chief Robert Norcross. Vehicle mileage 36,059, Gas Used 452, Juvenile Arrests 12 (Assaults 0, Miscellaneous 9, Curfew 3), Adult Arrests 129 (Criminal Warrants 28, Criminal Summons 9, Traffic Warrants 61, DWI 20 and Other 11), Motor Vehicle Crashes 42, Motor Vehicle Stops 919, Motor Vehicle Warnings 90, Motor Vehicle Summons 991, Burglar Alarms 154, Asst. to other Police Departments 243, Animal Complaints 65, Fire Calls 224, Ambulance calls (Riverton) 319, Unattended Deaths 4, Criminal Cases 275, Domestic Violence 16, Thefts 43, Burglaries 9, Assaults 9, Sexual Assaults 0, Criminal Mischief 26, Robberies 0, Motor Vehicle Thefts 1, Miscellaneous Complaints 296, Miscellaneous Calls 6,467, Riverton School Walk Through Security Check 173, Riverton School Teaching/School Trips 18 and Total Calls 10,544.

Mr. Cesaretti read a report for the month of December that was submitted by Deputy Fire Chief Robert Yearly. Fire calls for month 13, Drills 3, Calls in town 8, Calls out of town 5 and man hours for the month 275.4

PUBLIC WORKS/ WASTEWATER TREATMENT-Mrs. Villari

Mrs. Villari reported that we need to re-bid the Broad Street Enhancement project. Mrs. Villari stated that the previous two times we bid this project, the bids received exceeded the grant funding. Mrs. Villari stated that a formal Resolution must be done to move forward. Mrs. Villari stated that the bid opening is scheduled for February 21st at 10:00 am. Mrs. Villari commented that she would contact the Department of Transportation to determine if we would be eligible for additional funding to get this project completed. Council will be kept apprised of this issue.

RESOLUTION 24-05

A RESOLUTION AUTHORIZING THE MUNICIPAL CLERK TO ADVERTISE FOR THE RECEIPT OF BIDS FOR THE BROAD STREET ENHANCEMENT GRANT

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

Regarding the Reconstruction of Fulton Street, Mrs. Villari reported that American Asphalt Company has formally requested a time extension of 118 days to complete this project. American Asphalt considers this request legitimate due to winter weather conditions. Mrs. Villari stated that this was a disappointment because we had hoped that this project would be completed by the end of 2005.

Mrs. Villari reported that she received data from AVR Resource Group, Inc. (Solid Waste Management Consultants). This pertains to potential interest in participating in a Regional Coordination Grant for residential solid waste. Mrs. Villari asked the Solicitor to review this information to determine if this would pertain to us.

Mrs. Villari reported that the Public Works Department have been working diligently to pick-up all of the leaves throughout the town

Mrs. Villari announced that she would be meeting with Emergency Management Coordinator, Tom Schneider to review his budgetary and stipend request.

Mrs. Villari reported that the Pollutant Minimization Plan for our Wastewater Treatment Facility has been completed and has been sent to the Delaware River Basin Commission.

Public Works Manager, Scott Reed announced that we have verified that the owner of the riverwall at Bank and Morgan Avenues is the New Jersey American Water Company. Mr. Reed reported that they will take care of making the required repairs and obtaining the necessary permits.

Public Works Manager Scott Reed announced that remediation work was done by PSE&G on Tenth Street (Jack's run area) a number of years ago. Mr. Reed was informed by a resident in that area that the stream is backing up on their property. Mr. Reed conferred with our Solicitor who determined that we should not go on private property. Mr. Reed then contacted a representative from the Department of Environmental Protection to try and help the resident out. Council will be kept apprised of this situation.

**Zoning, Code Enforcement & Park & Recreation-Dr. Smyth-No Report
Planning, Economic Development & Redevelopment-Mr. Smyth**

Mr. Smyth reported that the Planning Board is still considering the Brandenberger/Sheridan site plan application for the redevelopment of the Nu-Way property. The Board is also in the process of a re-examination of the Master Plan. Mrs. Alls-Moffatt will be the Chair of this sub-committee of the Board. Mr. Smyth reported that our COAH recertification process was accomplished in December. We have received written notice that COAH considers it to be a complete package. Mr. Smyth commented that he does not know the length of time it will take for us to get certified.

Mr. Smyth distributed a list of events that the Economic Development Committee is working on. Mr. Smyth will be attending a meeting of the Riverton Civic Association to talk about the needs of our businesses. Mr. Smyth will also be attending a seminar called River Town Redevelopment in South Jersey on January 19th. Mr. Smyth will also attend a shared services (County level) cooperative purchasing meeting tomorrow. The school will also be participating and sending representatives.

**Shade Tree, Human Services, Board of Health, Environmental
And Recycling-Dr. Daniel-No Report**

OLD BUSINESS

UPDATE FROM SOLICITOR RE: REQUEST TO VACATE MATTIS LANE

Mr. Gunn reminded Council that we had previously received and discussed a formal request to vacate Mattis Lane at Council's December meeting. Mr. Gunn stated that the Zoning Board of Adjustment has conditioned their final site plan and final subdivision approval to Brandenberger/Sheridan to develop property on Main Street on them acquiring the vacation of any public rights to Mattis Lane. Mr. Brandenberger stated that he recognizes the historic nature of Mattis Lane and would be willing to post signage on the property. A discussion then ensued. It was the consensus of Council that an Ordinance be introduced tonight to vacate Mattis Lane. It was also the consensus of Council that the Ordinance include verbiage that any sewer easements on the described property be excepted from this vacation, that Mr. Brandenberger will post signage on said property to recognize the historic nature of Mattis Lane and that Mr. Brandenberger will bear all costs, including, but not limited to the recording of any easements in favor of the Borough of Riverton on the above described property.

ORDINANCE 1-06

**AN ORDINANCE TO RELEASE, VACATE AND EXTINGUISH ANY AND ALL
PUBLIC RIGHTS IN AND TO MATTIS LANE**

The above Ordinance was read by title only for the first time by Mrs. Villari, who moved for its adoption. This was seconded by Dr. Smyth. A poll vote was then taken. Dr. Daniel absent, 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 February 8.

NEW BUSINESS

RESOLUTION 12-06

**A RESOLUTION APPOINTING COURT PERSONNEL
(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, Mrs. Villari aye, Dr. Smyth aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti aye.

**RESOLUTION 13-06
TRANSFER RESOLUTION**

The Treasurer informed Council that there would not be a Transfer Resolution needed this month.

RESOLUTION 14-06

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SOLID WASTE CONTRACT WITH THE BURLINGTON COUNTY FREEHOLDERS FOR THE CONTINUATION OF RECYCLING AND SOLID WASTE DISPOSAL SERVICES FOR THE CALENDAR YEAR 2006
(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 Dr. Smyth. A poll vote was then taken. Dr. Daniel absent, Mrs. Villari aye, Dr. Smyth aye, Mr. Smyth aye, Mr. Kinzler abstained and Mr. Cesaretti aye.

RESOLUTION 15-06

**A RESOLUTION AUTHORIZING THE SOLICITOR OF THE BOROUGH OF RIVERTON TO FILE APPEALS, OMITTED AND ADDED ASSESSMENT APPEALS, AND ROLLBACK COMPLAINTS WITH THE BURLINGTON COUNTY BOARD OF APPEALS
(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, Mrs. Villari aye, Dr. Smyth aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti aye

RESOLUTION 16-06

**A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT FOR LEGAL SERVICES-BRUCE M. GUNN
(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 absent, Mrs. Villari aye, Dr. Smyth aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti aye.

RESOLUTION 17-06

**A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR INSURANCE SERVICES-JOHN S. LATIMER OF THE WALTER S. BARCLAY AGENCY
(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, Mrs. Villari abstained, Dr. Smyth aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti aye.

RESOLUTION 18-06

**A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR AUDITING SERVICES-ROBERT STEWART OF INVERSO & STEWART
(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, Mrs. Villari aye, Dr. Smyth aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti aye.

RESOLUTION 19-06

**A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR STREETS & ROADS ENGINEERING SERVICES-RICHARD ARANGO OF REMINGTON, VERNICK & ARANGO
(IN FULL IN RESOLUTION BOOK)**

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

RESOLUTION 20-06

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR WASTEWATER TREATMENT FACILITY ENGINEERING SERVICES- RICHARD ARANGO OF REMINGTON, VERNICK & ARANGO (IN FULL IN RESOLUTION BOOK)

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

RESOLUTION 21-06

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR LEGAL SERVICES FOR POLICE MATTERS-STEPHEN RAYMOND OF RAYMOND & COLEMAN (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 Mrs. Villari. A poll vote was then taken. Dr. Daniel absent, Mrs. Villari aye, Dr. Smyth aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti aye.

RESOLUTION 22-06

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR LEGAL SERVICES FOR REDEVELOPMENT MATTERS-THOMAS COLEMAN OF RAYMOND & COLEMAN (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 absent, Mrs. Villari aye, Dr. Smyth aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti aye.

RESOLUTION 23-06

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR LEGAL SERVICES FOR THE DOLECKY/HORNER LITIGATION-THOMAS COLEMAN OF RAYMOND & COLEMAN (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, Mrs. Villari aye, Dr. Smyth aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti aye.

REPRESENTATIVES FROM COUNCIL TO SERVE ON THE RIVER ROUTE ADVISORY COMMITTEE

Mayor Martin announced that we have been asked to appointment two members of Council to serve on this committee. After a short discussion, it was the consensus that Robert E. Smyth and Dr. Robert K. Smyth serve on this committee.

RESOLUTION 25-06

A RESOLUTION APPOINTING ROBERT EDWARD SMYTH AND DR. ROBERT K. SMYTH TO SERVE ON THE 2006 RIVER ROUTE ADVISORY COMMITTEE (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, Mrs. Villari aye, Dr. Smyth aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti aye.

MAYORAL APPOINTMENT OF AN ALTERNATE MEMBER TO THE ZONING BOARD OF ADJUSTMENT

Mayor Martin announced that he was appointing Robert Hoag to serve as an alternate member to the Zoning Board of Adjustment. Mr. Hoag's term will expire on December 31, 2007.

SETTING DAYS AND TIMES FOR 2006 BUDGET WORK SESSIONS

This issue will be discussed after the Finance Committee has a chance to meet and review the submitted budget requests for 2006.

POSSIBLY CHANGING THE START TIME FOR ALL COUNCIL MEETINGS IN 2006

After a short discussion, it was the consensus of Council to change the start time for all Council meetings in 2006 from 7:00pm to 7:30pm. It was also the consensus of council to only hold one meeting in June, July & August. It was also the consensus of Council to continue holding any closed sessions at the beginning of the meetings.

RESOLUTION 26-06

A RESOLUTION AMENDING RESOLUTION 10-06 SETTING THE DATES AND TIMES OF ALL COUNCIL MEETINGS FOR 2006 (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 Mrs. Villari. A poll vote was then taken. Dr. Daniel absent, Mrs. Villari aye, Dr. Smyth aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti aye.

CORRESPONDENCE

The Clerk reported that correspondence has been received from resident Anne Creter. This pertains to neighbors wishing to dedicate a Peace Pole in Riverton Borough on the International Day of Peace. The Clerk reported that Mrs. Creter will attend Council's February meeting to go over her request. Dr. Smyth stated that he would contact Mrs. Creter to obtain additional information.

Mr. Cesaretti read a letter from Chief Norcross to Patrolman Merino acknowledging what a fine job he did during the incident that occurred on December 13 by protecting the life of his fellow officer's the public, as well as Mr. Merino's own life.

Mayor Martin read a letter from Chief Norcross thanking the Mayor and Council for all their concern regarding Patrolman Merino and his involvement in the shooting incident on December 13. Chief Norcross, who was on vacation when this incident occurred, also commended Sgt. Furrer for how he handled not only the unfortunate events of that day but also the hectic and harrowing days that followed. Chief Norcross also thanked his officers and the Police Secretary.

UPDATE RE: RESOLUTION ADOPTED ON DECEMBER 14, 2005 REQUESTING THAT THE BURLINGTON COUNTY BOARD OF CHOSEN FREEHOLDERS PURCHASE A PORTION OF NATIONAL CASEIN PROPERTY FOR OPEN SPACE

Mayor Martin asked if we could have the Planning Board review this request before we send a letter to the County. The Solicitor commented yes, since there was no timeframe indicated in the resolution.

Mr. Smyth made a motion to table this request until he has a chance to review it with the Planning Board Chair. This was seconded by Mr. Cesaretti. A poll vote was then taken. Dr. Daniel absent, Mrs. Villari aye, Dr. Smyth aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti aye.

PRESENTATION FROM T-MOBILE REPRESENTATIVES RE: POSSIBLE INSTALLATION OF A TELECOMMUNICATIONS TOWER IN THE BOROUGH (AT THE RIVERTON WASTEWATER TREATMENT PLANT)

Mr. Smyth introduced Doug Cowan, a professional Planner for T-Mobile and A.J. Tegler, Leasing Manager for Site Acquisitions for T-Mobile. Mr. Tegler explained that they are given a search area, which is an area that lacks coverage for T-mobile customers. This search area basically covers Riverton and Cinnaminson. Mr. Tegler stated that they are presently negotiating an agreement with a private landowner in Cinnaminson for the placement of a tower at that location. However, Mr. Tegler stated that they would consider the placement of a tower in Riverton. The height of the tower would be 120'. Mr. Smyth stated that while T-Mobile has come forward with this proposal, there could be 5 or 6 other companies (co-locators) that actually go onto the tower. Mr. Tegler stated that the tower can be designed to suit as many carriers as the Borough might require. Mayor Martin asked if the tower would be higher if other carriers used it. Mr. Tegler stated that T-Mobile needs 120'; the tower can be designed to be extendable. Mr. Smyth commented that these towers can be multi use. They can include police, police radio contacts and ready to response devices, etc. Mr. Smyth asked Mr. Tegler to review their two proposals. **Regarding a Rent Abatement Agreement**, Mr. Tegler explained that T-Mobile would construct the tower at their expense and turn ownership of the tower over to the Borough. In return the Borough would allow T-Mobile the use of the tower at no cost for the initial 16 years of the agreement. After the initial 16 years, T-Mobile would rent the tower from the Borough at a rate of \$1,500.00 per month with 15% increases in rent at each five-year renewal term. The Borough would have control over the rental terms and conditions of any additional collocations onto the Tower. **Regarding a Standard Lease Agreement**, Mr. Tegler explained that T-Mobile would construct the tower at their expense and maintain control of the tower. T-Mobile would agree to pay the Borough \$1,000.00 a month with 15% increases in the rent per term as well as a 15% revenue sharing (collocation) fee. The revenue sharing fee is based on 15% of the rents that will be received from future carriers and will be based on the terms of the master agreement between T-Mobile and the other carrier. Mr. Smyth understands that either of these two proposals would not create any out-of-pocket expense for the Borough. Mr. Tegler responded yes. Liability issues would need to be addressed though. Mr. Smyth stated that the public would want to know of any health risk issues and the visual impact of the tower. Mr. Smyth stated that Medford Lakes did a Bond Ordinance to own their tower and that 4 or 5 companies went on it. Mr. Smyth reported that Medford Lakes had a 2 ½ year pay back on their Bond Ordinance. Mr. Smyth asked Mr. Tegler if they would be interested on going on a tower that the Borough built and owned. Mr. Tegler stated that he would have to take that issue back to T-Mobile. Mr. Tegler did state that if the Borough was going to go that route, he feels T-Mobile would probably continue their negotiations in Cinnaminson Township. Dr. Smyth asked Mr. Tegler what his experience was regarding other carriers using the tower. Mr. Tegler stated that from a design point of view, it would be important from the get-go to know this. The tower would have to be extendable to accommodate other carriers. Dr. Smyth asked if the tower would interfere with other electronic equipment at resident's homes. Mr. Tegler responded no. Mayor Martin asked what kind of timeframe we are looking at. Mr. Smyth stated that he knows T-Mobile already has an application in Cinnaminson Township. Mr. Cowan stated that he filed that application last summer as an initial zoning permit application. In Cinnaminson this type of a use requires a use variance. The Zoning permit was automatically denied. Last month they filed a complete application. It is being reviewed for completeness and may be heard in February or March. Mr. Cowan stated that these types of applications sometimes take 6 months or a year to get approved. Mr. Smyth asked if T-Mobile is presently looking at a tower installation on private property in Cinnaminson. Mr. Cowan responded yes. Mr. Smyth asked our Solicitor what we need to do if we suggested our Wastewater Treatment Facility site for the placement of the tower. Mr. Gunn stated that he does not believe that a cell tower is a permitted use in our present Zoning Ordinance. This ordinance would have to be amended. Mr. Gunn stated that any amendment to the Zoning Ordinance should be referred to the Planning Board for their input. Mr. Gunn cautioned about doing a piecemeal approach. Mr. Gunn will research this

further. Mr. Gunn further stated that the Telecommunications Act is subject to local zoning laws. Mr. Smyth would like to study this proposal and take it to the Planning Board for their input. It was the consensus of Council to investigate this issue further and move forward. Mr. Smyth looks at this as a revenue source. Mr. Smyth reminded Council that if the tower is not located in Riverton, it is probably going to be placed at the Lippincott Boat Works in Cinnaminson Township. This is an important point because then the tower will be right across from National Casein. We will be able to see it from the new redevelopment project at the Nuway property. Mr. Smyth further stated that it will not help our tax base if the tower is placed in Cinnaminson. Mrs. Villari asked what T-Mobile is looking for from Riverton. Mr. Tegler stated that they are looking for a commitment from Riverton. Mr. Smyth will take this proposal back to the Planning Board for their input. He asked to have authorization to sit down with T-Mobile and start the preliminary negotiations and then come back to Council. It was the consensus of Council to agree to this.

MEETING OPEN TO THE PUBLIC

Muriel Aills-Moffatt, 202 Fulton Street, asked how wide the tower would be and how long the length of time is for the rent abatement. Mr. Tegler responded that the width is based on the height of the tower. The standard is 3 to 3 1/2 feet in width. It would be a 15 year rent abatement.

Jim Brandenberger, 203 Thomas Avenue, stated that as a resident and property owner he is very much in favor of the placement of a tower at the sewer plant. He thinks we should act quickly. He suggested going to a contract with T-Mobile subject to various contingencies. Mr. Brandenberger asked Mr. Tegler how many towers T-Mobile has where they are the only user. Mr. Tegler responded hardly any.

Muriel Aills-Moffatt, 202 Fulton Street, stated that she understands we could generate \$500,000.00 in revenue from a tower. Mrs. Aills-Moffatt asked if that is a one time shot or is it over a period of years. Mr. Kinzler stated that it would be over a period of years.

Joseph Augustyn, stated that he would welcome better cell phone use by having this tower. Mr. Augustyn would also welcome improved 9-1-1 response. Mr. Augustyn believes this would positively impact the health, welfare and safety of our residents. He believes this would improve the goals of our Master Plan. Mr. Augustyn understands that the tower can be placed in the wetlands, so it could be placed very close to the river.

Mr. Augustyn reminded Council that Riverton was awarded \$60,000.00 for a Centers of Place Grant. Mr. Augustyn, who represents Alaimo Associates, the Borough's Consulting Engineer for this grant, stated that an initial meeting was held last year with Mr. Gilmore to review our options. Mr. Augustyn commented that this grant is for accessibility for appearances. Mr. Augustyn encouraged Council to move forward as quickly as possible.

Muriel Aills-Moffatt, 202 Fulton Street, commented that she feels that changing the start time for the Council meetings will be an imposition on the taxpayers, especially if the closed sessions are held at the beginning.

ILLUMINATING THE FLAG AT THE PARK

Sgt. Furrer reminded Council that the Rotary no longer wants to pay the monthly lighting fee of \$30.00 to PSE&G. This issue had previously been discussed at Council's December 14th meeting. Mayor Martin suggested that Sgt. Furrer contact Ed Gilmore about this issue. Mr. Gilmore was going to try and find another organization to sponsor this.

At this time Dr. Smyth moved that Council return to closed session. This was seconded by Mrs. Villari. A poll vote was then taken. Dr. Daniel absent, Mrs. Villari aye, Dr. Smyth aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti aye. It should be noted that a personnel issue 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 absent, Mrs. Villari 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 Mrs. Villari, with all present voting in the affirmative.

Mary Longbottom
Municipal Clerk