

March 1, 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 10:00pm), Villari (arrived at 8:20pm), Dr. Smyth, Mr. Smyth, Kinzler, Cesaretti and Solicitor Bruce M. Gunn (arrived at 7:45pm)

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

**Possible Site Specific redevelopment plan** Mr. Smyth stated that rather than trying to do an entire town wide redevelopment plan, the Planning Board discussed the possibility of doing a site specific plan instead. Mr. Smyth stated that we are looking into doing one for the Nuway and Sitzler properties. Mr. Smyth stated that our codebook already identifies properties to be redeveloped. Mr. Smyth explained that we wouldn't want to do anything to harm Nuway's developers as they are very near to closing on the sale of this property. Mr. Smyth reported that resident Joseph Augustyn (a Planner) has experience in drafting a site specific redevelopment plan for other towns. Mr. Smyth asked for Council's authorization to ask Mr. Augustyn to draft one for us to consider. Mr. Smyth stated that Mr. Augustyn is willing to do this at no charge to the Borough. Mr. Smyth believes this type of redevelopment plan would help with financing and grants. Mr. Smyth believes we have nothing to lose. Council agreed to let Mr. Smyth approach Mr. Augustyn to draft a plan. Council will be kept apprised of this issue.

**Update Re: Smart Growth Grant** Mr. Smyth reported that we have received a response from Joe Donald, the Deputy Executive Director of the Office of Smart Growth. This pertains to our request to utilize these funds to do a traffic study in the Borough. Mr. Donald doesn't agree that a traffic study is the best way to utilize these funds. His proposal would be a smart growth future planning grant. He outlined a lot of things that would be in the scope of work for such a thing. Mr. Smyth stated that it really is like a redevelopment study, which would also look at traffic issues. Mr. Donald has also reviewed the Borough's COAH submittal and he doesn't see that that would have a negative impact on this grant. Mr. Smyth suggested that Planner, Tamara Lee, draft a response which he and the redevelopment committee will review. Mr. Smyth stated that Council would need to endorse this because it would be a change in the use of the funding. Mr. Smyth observed that there are so many positive things in what Mr. Donald is proposing and it also integrates in with our Master Plan. Council will be kept informed.

**Ordinance to provide for Telecommunication Towers as a conditional use in the General Business District.** Mr. Smyth stated that we had first reading on this Ordinance on February 1<sup>st</sup>. Second reading and a public hearing is scheduled for tonight. Mr. Smyth reported that this Ordinance was also reviewed at the last Planning Board meeting. Mr. Smyth stated that we have just received information from our Planning Board Attorney, Tom Coleman, which suggests that we add conditional use standards for telecommunication towers in this Ordinance. Council reviewed these suggestions. Mr. Smyth would like to have this Ordinance adopted tonight and not be delayed. Mr. Gunn stated that he thought the intent of the Planning Board Attorney was to make it more specific as to what a company needed to do. Mr. Gunn believes we can protect ourselves by including these suggested conditions in any agreement that the Borough would reach with a respective company. Mr. Gunn reported that he also reviewed these suggestions with Tom Coleman. Mr. Gunn stated that one of the concerns raised was that we have limited the installation of a telecommunications tower to municipal property. This could be viewed as excluding other private property owners who may want to have a cell tower on their

property. We could also run the risk that someone will say that there is a monopoly by the municipality. This is known as spot zoning. However, Mr. Gunn believes that we are protected with our proposed Ordinance because the applicant still has to come before the Planning Board, where conditions can be set and then met. Mr. Gunn stated that if Council decides to include Mr. Coleman's suggested standards, this would be considered a substantial change to the Ordinance. This would mean that the ordinance would have to be amended and could not be adopted tonight. A discussion then ensued, with the consensus being that we move forward and have second reading on the initially proposed Ordinance introduced last month.

#### **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 (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. There being no public comment on this Ordinance, Mayor Martin closed this portion of the meeting to the public. A poll vote was then taken. Dr. Daniel aye, Mrs. Villari absent, Dr. Smyth aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti aye.

**Update Re: Proposal from T-Mobile Re: installation of a Telecommunications Tower at the sewer plant** Mr. Smyth reported that he had some informal negotiation meetings with representatives from T-Mobile. Mr. Smyth told them that we needed higher lease payments from them as well as a higher royalty percentage of the 15% that was previously presented. Mr. Smyth commented that the rest of the terms seem pretty good on this compared to what he has seen from other towns. Mr. Smyth commented that there is one other positive that he was unaware of. Mr. Smyth stated that this tower will change the tax exempt status for the 2500 square feet at the sewer plant. The good news about this is that this property will now become a tax rateable. Mr. Smyth stated that this would be calculated based on revenue once the lease terms are decided upon. Mr. Smyth talked to our Tax Assessor and he confirmed this. This becomes additional revenue that we were not aware of previously. Mr. Smyth will keep Council informed.

#### **Update Re: Renovation costs for Court office in Cinnaminson-Dr. Daniel**

Dr. Daniel reminded Council that we had received estimates to renovate Cinnaminson's court facilities which need to be expanded as a result of their handling Riverton's court activities. The estimate for this work amounts to \$5,731.88. Mr. Gunn commented that our interlocal agreement with Cinnaminson Township states that the Borough will pay all capital expenditures incurred by Cinnaminson Township in accommodating Riverton. The Treasurer reported that Council could either place this additional expense in our budget or we could take the money out of our capital account. However, the Treasurer stated that by doing this we would have to do an ordinance that amends our bond Ordinance to include the renovation costs. This would take at least two months. A discussion then ensued, with the consensus being that this cost be placed in this year's budget. Concern was also raised by our Treasurer regarding the interlocal agreement that we have with Cinnaminson Township. Mrs. Boyle stated that it was unclear as to exactly what the Borough's will be paying Cinnaminson Township for 2006. After a short discussion, Mr. Kinzler asked that we defer formal action until next week so he has some time to include these costs in our budget as well as being able to review the interlocal agreement with Cinnaminson Township. It was the consensus of Council to agree to this. Dr. Daniel will inform the Administrator of Cinnaminson Township that we expect to be taking action on this issue at next week's council meeting.

**Discussion: Demolition or moving of a historically and/or architecturally significant structure-** Dr. Daniel stated that members of the Historic Society have asked him to bring this issue to Council's attention. Dr. Daniel explained that the Ruff Property

on Thomas Avenue has been purchased. The new owner wants to demolish this home and build two new homes at this location. The Historic Society members have concern about this and looked into the possibility of moving this house to another location in Riverton, but their budget will not allow it. Dr. Daniel stated that this house was originally a playhouse for one of the mansions in Riverton. The Historical Society would like to see the Borough modify our present ordinance (Chapter 128-50) on this issue to more strongly protect historic properties in town, similar to what Moorestown Township has on its books. Mr. Smyth understands that the purchaser of this property must come before the Planning Board to explain the justification for the demolition of the house. The Planning Board would then vote on this issue. Mr. Gunn confirmed what Mr. Smyth stated. A discussion then ensued. Dr. Daniel went on record to state that he is opposed to the demolition of this property. Dr. Daniel believes we should have something firm on the books to make it challenging for any potential builder to come into town and modify the complexion of our town without going before some type of authority. Dr. Daniel has read Moorestown's ordinance and believes it is a little bit more restrictive than what we currently have on our books. Mr. Gunn reviewed the Borough's present ordinance in detail. Council took this issue under advisement for further consideration and discussion.

**Update Re: 2006 Budget.** Mr. Kinzler provided an overview of the budget process for Council. Mr. Kinzler stated that he e-mailed a draft copy of the budget to all members of Council. Mr. Kinzler asked that Council review it and get back to him as soon as possible with any concerns. Mr. Kinzler stated that the 2006 municipal budget is scheduled to be introduced at our March 8<sup>th</sup> meeting.

**Tax Clerk Position.** Mr. Kinzler reported that we have received numerous resumes for this position which we are reviewing. Interviews for this position will be scheduled as soon as possible. Council will be kept informed.

**Discussion and possible Resolution to include the Economic Development Committee under the Borough's Insurance umbrella.** Mr. Gunn reported that a check of our records does not show that this was ever done. Mr. Gunn reported that the Borough has done this in the past for the 4<sup>th</sup> of July Committee. Mr. Gunn further stated that by including the Economic Development Committee under the Borough's insurance umbrella, it would not impact our insurance costs. After a short discussion, it was the consensus to agree to this.

#### **RESOLUTION 33-06**

#### **A RESOLUTION TO ESTABLISH THE ECONOMIC DEVELOPMENT COMMITTEE AS A SUBCOMMITTEE OF THE PLANNING COMMITTEE OF THE RIVERTON BOROUGH COUNCIL (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, Mrs. Villari aye, Dr. Smyth aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti aye.

**Res. Authorizing the Mayor to execute a lease agreement with the Riverton Fire Company.** Mr. Kinzler stated that he needs some time to review this lease agreement before a recommendation can be made. He asked that this issue be placed on next week's agenda for consideration.

**"CAP" Ordinance (4-06).** Council reviewed and discussed this proposed Ordinance as well as a memo from our Auditor stating that there is no down side to the Borough adopting it. This memo is on file with the Municipal Clerk. After a short discussion, it was the consensus of Council to move forward and introduce this Ordinance.

#### **ORDINANCE 4-06**

#### **"CAP" ORDINANCE OF THE BOROUGH OF RIVERTON TO EXCEED THE MUNICIPAL BUDGET COST OF LIVING ALLOWANCE AND TO ESTABLISH A CAP BANK WHEN THE COLA IS EQUAL TO OR LESS THAN 2.5 PERCENT (N.J.S.A. 40a4-45.14)**

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 aye, Mrs. Villari aye Dr. Smyth aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti aye. It should be noted that second reading and a public hearing on this ordinance is scheduled for April 5, 2006.

**Review of bids received for the Broad Street Enhancement Grant.** Mrs. Villari announced that two bids were received, opened and publicly read on February 21, 2006 at 10:00am. The total bid prices were as follows: **Paramount Enterprises, 116 Saddlebrook Court, Cherry Hill, New Jersey 08003 \$346,755.00 and Mount Construction, 427 S. White Horse Pike, Berlin, New Jersey 08009 \$377,260.00.** Mrs. Villari reported that the lowest bid received still exceeds the grant amount (\$308,200.00). Mrs. Villari reminded Council that this is the third time we have bid this project. Mrs. Villari stated that she has conferred with the Department of Transportation (DOT) regarding this issue. Mrs. Villari stated that a bid analysis must be performed before we can ask for additional aid. Mrs. Villari stated that it is common practice in engineering circles to do this. Mrs. Villari stated that she doesn't know why our Engineer did not do this when the first and second bids came in too high. However, Mrs. Villari stated that after finally doing the required bid analysis, our Engineer would be making a request to the Federal Highway Administration for additional funding for this project to cover the \$346,775.00 low bid plus \$17,337.75 for construction management costs for a total of \$364,112.75. Mrs. Villari also reported that she had asked DOT representatives whether we could utilize the funds we received from the Centers of Place Grant (\$60,000.00) towards this enhancement project and the answer was no. A discussion then ensued. A suggestion was made to possibly approach the Burlington County Bridge Commission and ask them if there was any potential grant money available to help Riverton complete this project. Mr. Smyth commented that he would try and find out if this would be possible. Mrs. Villari stated that she hopes to have additional information from the Federal Highway Commission for Council at next week's meeting.

**Review of Centers of Place Grant.** Mrs. Villari stated that Council needs to decide how best to proceed regarding this grant. Mrs. Villari stated that we were awarded a grant in the amount of \$60,000.00 for the project, Gateway to Riverton, Streetscape and Delaware Riverton Heritage Trail. Mrs. Villari further stated that Council had previously done a Resolution authorizing that the compensation for our Engineer (Alaimo Associates) is not to exceed \$12,000.00 (of which \$6,000 will be paid by the grant). Mrs. Villari suggested having Joseph Augustyn from Alaimo Associates at next week's meeting to review the Borough's options. It was the consensus of Council to agree to this.

**Discussion: Litter fines and the number of garbage/trash receptacles permitted.** Mr. Cesaretti commented that he had raised this issue last month. Mr. Cesaretti reminded Council that the New Leaf store has placed as many as 14 receptacles curbside which he feels is unacceptable. Our Ordinance (Chapter 74-9) states that we will not accept quantities of trash in excess of three (3) fifty-pound receptacles per collection day from any store. Mr. Cesaretti believes we should be enforcing this ordinance. Mr. Cesaretti is of the opinion that the owner of this store should provide a dumpster. A discussion then ensued, with the consensus being that our Assistant Zoning Officer, Robert Yearly be asked to address this issue with the owner of the New Leaf. Councilman Robert K. Smyth will confer with Mr. Yearly on this issue. Council will be kept apprised of this situation. It should be noted that the issue of the litter fines was not discussed at this time.

**Update Re: Fulton Street project.** Mrs. Villari reported that work has resumed on this project. Council will be kept informed of the progress.

**Discussion and possible resolution to authorize the County to conduct Aerial Larval Mosquito Control Activities.** Council reviewed this annual request from the County and agreed that the County be given authorization to proceed.

**RESOLUTION 34-06**

**A RESOLUTION AUTHORIZING AERIAL MOSQUITO CONTROL  
ACTIVITIES OVER THE BOROUGH OF RIVERTON DURING 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 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.

**Mayoral appointment of Nelson Dimpter to serve on the Shade Tree Commission**

Mayor Martin announced this appointment. Mr. Dimpter's term will expire on December 31, 2008.

**Update Re: Disposal of old police vehicles and bicycles.** Mr. Gunn stated that we have determined that the estimated fair value of the property (old police vehicles) does not exceed the applicable bid threshold in any one sale. Mr. Gunn further stated that the statutes permit the property to be sold at private sale without advertising for bids. Mr. Gunn recommended that Council authorize the Chief of Police to sell this personal property at private sale. Mr. Gunn then recommended that the Chief of Police be authorized to advertise for the sale of abandoned bicycles at public auction pursuant to state statutes. After a short discussion, it was the consensus of Council to agree to these recommendations.

**RESOLUTION 35-06**

**A RESOLUTION TO AUTHORIZE THE SALE OF MUNICIPAL PERSONAL  
PROPERTY**

**(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. 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 36-06**

**A RESOLUTION AUTHORIZING THE PUBLIC SALE OF ABANDONED  
BICYCLES BY THE RIVERTON POLICE DEPARTMENT**

**(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. Smyth. 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.

**Eagle Scout Project (Ryan Wilmot)** Dr. Smyth provided Council with an overview of Mr. Wilmot's proposed project. Dr. Smyth stated that Mr. Wilmot's goal is to make the area where the Pompeston Creek meets the Delaware River more accessible. It was the consensus of Council that Mr. Wilmot attend next week's meeting to review his proposed project with Council in more detail.

**Preliminary agenda for March 8.** The Clerk reviewed this with the Governing Body.  
**Meeting open to the Public**

**Gary Ford, 311 Bank Avenue,** commented that he thought the receptacle limitation ordinance for store owners was probably done when we had two collections a week. Mr. Ford thinks council should take that into account. Mr. Ford, a member of the Economic Development Committee, distributed sample Borough directories to Council for their review.

**William Harris, 502 Cinnaminson Street,** suggested that the owner of the New Leaf obtain a box crusher and bailer. Most stores have these. That's the solution to that problem.

**Gary Ford, 311 Bank Avenue,** commented that there were six other businesses who had wanted to advertise in our directory but there was no additional room.

**Jim Brandenberger, 203 Thomas Avenue** stated that he will be the new owner of the Ruff property on Thomas Avenue. Mr. Brandenberger stated that there are structural problems with the home and it doesn't make sense to build or add onto this house. Mr. Brandenberger stated that he has an agreement of sale which is non contingent upon zoning approvals. Mr. Brandenberger understands the concerns raised tonight regarding the proposed demolition of this home. Mr. Brandenberger then suggested that Council include

willful neglect of properties as a potential reason for demolition if they amend our present ordinance regarding this issue. Mr. Brandenberger believes there are many houses in town that have deteriorated and will have to be addressed sometime.

Mr. Brandenberger then informed Council that he is scheduled to purchase the Nuway property on April 22<sup>nd</sup> of this year. Mr. Brandenebrger provided Council with an overview of what the process would be after that date.

**Charles Caruso, 500 Fulton Street**, would like to see the bicycles given away to the students in our school. Mr. Caruso suggested that some type of community service effort be instituted to help clean up the town. Mr. Caruso suggested asking Judge Sweeney to help us out in this regard. Mr. Caruso commented that while he appreciates the County's mosquito spraying efforts, they are not working. Mr. Caruso would like to see this done locally.

**RESOLUTION 37-06**

**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 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 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 absent, Mrs. Villari aye, Dr. Smyth aye, Mr. Smyth aye, Mr. Kinzler aye and Mr. Cesaretti aye.

**RESOLUTION 38-09**

**A RESOLUTION AUTHORIZING THE HIRING OF BRIAN JOHNSON AS A CLASS II SPECIAL OFFICER FOR THE BOROUGH OF RIVERTON FOR THE REMAINDER OF THE CALENDAR 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 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.

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