

April 4, 2007

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

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

Mayor Martin read the following statement:

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

Updates Re: Shared Services, Economic Development & Grants-Mr. Smyth.

Mr. Smyth reported that he would be setting up a meeting with Mayor Gural of Palmyra to discuss a possible shared service for garbage/trash collection. Mr. Smyth announced that we had a pre-construction meeting yesterday for the Centers of Place Grant project. Work should start in the next couple of weeks. The project must be done a week or earlier before the Victorian Day (June 2nd) celebration. Mr. Smyth reported that we have been requested to ask the RBA group for the Bicycle and Pedestrian Safety Grant to submit a letter to the New Jersey Department of Transportation to advocate that the Borough gets the Safe Routes to Schools grant. Mr. Brown responded that he would take care of this.

Discussion: Possible amendments to Chapter 74 of Borough Code as it pertains to bulk pick-up. Council reviewed a “draft” ordinance prepared by the Solicitor. Mr. Gunn reported that, as directed, he included an exclusion/exception that the Borough would not collect bulk trash generated by owners or occupiers of premises in connection with the sale or lease of their property. Mr. Gunn went on to explain that persons (the owner or seller) who generate trash as a result of the sale, or the expiration of any leasehold, of any improved real estate lot, shall be responsible to deposit their trash in a dumpster. A discussion ensued. Concerns were raised about the placement of and length of time a dumpster can remain on a street. Council also reviewed the fines that could occur should someone be cited. Mr. Gunn stated that if this ordinance is adopted, we would have to notify the local realtors about the ordinance. Mr. Gunn also stated that since we have never codified our bulk trash requirements listed in the Borough Directory, he included a separate section of the ordinance to take care of that. Discussion resumed. It was the consensus of Council that the Solicitor re-word this proposed ordinance for Council’s consideration at next week’s meeting.

Request from Jim Brandenberger (present) for Council to consider amendments to our Zoning Code as it pertains to his development of the old Nuway site.

Mr. Brandenberger reported that he appeared before the Planning Board last month to review a concept with them. Mr. Brandenberger would like to subdivide the former Nuway site into four (4) lots. Mr. Brandenberger stated that his reason for doing this is strictly financial. Mr. Brandenberger has also considered what to do with a piece of this property that adjoins the residential portion of Fulton Street. This is presently zoned as the general business district. Mr. Brandenberger is asking that Council consider amending our zoning ordinance to permit him to build a single family home at this location. Mr. Brandenberger would donate the proceeds of the sale of the proposed home to charities that would benefit the Borough. Mr. Brandenberger believes this would be a cleaner way for him to go. Dr. Daniel asked why this subdivision proposal wasn’t considered when Mr. Brandenberger did the original development plans. Mr. Brandenberger stated that this is

simpler for permanent financing. He presently has a temporary construction loan on the development. Rates are more attractive for it to be broken up this way. Mr. Smyth asked what other benefits Mr. Brandenburger would get from this proposed zoning change. Mr. Brandenburger responded that he was not looking at other benefits. It is what it is. As far as an agreement with the Borough goes, Mr. Brandenburger suggests that the proceeds not just go to one cause. He personally likes the emergency responders because they are under funded. Mr. Brandenburger is wide open to suggestions from Council about where the money would go. His only stipulation would be that it benefits the Borough. He would like a committee set up to help with the decision making.

Mayor Martin asked how an agreement would write in a profit number. Mr. Brandenburger stated you really can't. Mr. Brandenburger doesn't know how to guarantee any amount. However, Mr. Brandenburger feels that it would be in the neighborhood of \$50,000.00. Mayor Martin stated the issue is whether we want to divide the property four ways or three ways. A discussion ensued about the pros and cons of dividing the property in terms of a rateable for the Borough. Questions regarding the possibility of changing the zoning ordinance and assessment issues were also discussed. Mr. Kinzler asked if our Assessor was aware of these potential sub-division issues. Mr. Brandenburger stated he didn't think so. Mr. Kinzler will get our Assessor's thoughts on this. Mr. Smyth stated that by changing the zoning of this Fulton Street location from GB to R8 is that the house becomes a rateable. The 2nd benefit would be the donation of proceeds to the Borough. Mr. Smyth feels that the only negative is that the potential home would be really close to the CVS.

Mr. Kinzler asked why the Zoning Board was hesitant about this issue. Mayor Martin responded that it should be zoned as a residential lot to fit properly with all the current codes. Mayor Martin explained that it would be a cleaner way to go if a residential house were placed and have it zoned the same as the other homes on the street. Mr. Brandenburger stated that the Zoning Board has not indicated they don't want to do it. However, Mr. Brandenburger believes it would be a nightmare trying to decide whether to permit a single family home in what is now the GB district. Mayor Martin asked what the proposed home would sell for. Mr. Brandenburger stated that while he acknowledges that the lot may not be very desirable (CVS next to it), he figures it would sell for \$350,000.00. Mr. Brandenburger stated that the proposed home could be either a rancher or a two story. Mr. Smyth asked if Mr. Brandenburger approached the homeowner next to this lot. Mr. Brandenburger responded yes. The homeowners were okay with the concept.

Mr. Kinzler questioned whether we should carve out a corner of a commercial property and make it residential. Mr. Kinzler thinks it will look unusual and stick out there. Mr. Kinzler questioned whether the property would be saleable ten years from now. A discussion ensued regarding these concerns. From a tax standpoint only, Mr. Cesaretti asked what's more valuable to the Borough, a vacant addition to a big lot or a residence zoned residential. Mayor Martin stated that services would have to be provided. As a builder and developer, Mr. Brandenburger believes the house will sell. Buffers will be provided. Discussion resumed about the rateable aspects, setback aspects and designs of the new home. Procedurally, Mr. Gunn commented that a proposal must be made and brought before the Planning Board. Any proposed zoning change must be in conformance with the Master Plan. Mr. Gunn further stated that any change would also require that the Borough's zoning map(s) be amended by our engineer. Council took Mr. Brandenburger's proposal under advisement.

Discussion: Noise level from the horns of the River Line trains. Mayor Martin reported that we have received complaints about this issue. Mr. Brandenburger

commented that he thought any outdoor café interested in moving in would be deterred from doing so because of the noise level from these horns. Mr. Brandenberger spoke to a representative from New Jersey Transit (NJT) about the horn issue, which is regulated by the Federal Railroad Administration. The representative from NJT indicated that they would check on the decibel level of the horns. Mr. Brandenberger understands that it is a complicated process to establish a quiet zone and the liability for doing this falls on the town. Mr. Brandenberger doesn't believe the horn issue will go away anytime soon. However, he asked Council to make a request about possibly mitigating the intensity of the horn noise. Mr. Smyth stated that he would also ask the other members of the River Route Advisory Committee what their municipalities are doing about this problem. Mayor Martin suggested doing a letter after Mr. Smyth reports back with his findings.

Meeting open to the public-five minute limit per person

Muriel Alls-Moffatt, 202 Fulton Street, commented that while she would have preferred it to remain open space, she believes that the construction of a new home next to the CVS will extend the neighborhood. It should keep the aesthetics of the street going.

Mrs. Alls-Moffatt asked how many renters are using our cell tower. Mr. Smyth responded just T-Mobile. Verizon has indicated an interest. Mrs. Alls-Moffatt asked for a clarification regarding the proposed amendments to our garbage/trash ordinance. Mr. Gunn responded.

Update Re: E-mail addresses to be placed on website for Borough officials.

Mr. Cesaretti distributed info about how Council can retrieve their e-mails from the Borough's website. The accounts have already been created but are not yet live. Council will be informed when this will occur.

MAYORAL APPOINTMENT TO THE PLANNING BOARD

Mayor Martin announced that he was appointing Jeff Myers as alternate No. 2 to the Planning Board. Mr. Myers fills the unexpired term of Patricia Bruncker, who recently resigned. Mr. Myers' term expires 12-31-08.

PROCLAMATION

**ARBOR DAY CELEBRATION
(IN FULL IN RESOLUTION BOOK)**

Mayor Martin read this Proclamation in full. The Arbor Day celebration is scheduled for April 26th at 1:00pm at the Riverton School.

Discussion: 2010 Census. The Clerk reported that we been receiving information in preparation for the 2010 census. The Clerk contacted the Mayor to let him know that former resident Jose Talavara had assisted the Borough during the 2000 census. Mayor Martin asked the Clerk to contact Mr. Talavara to ask if he had any interest in helping the Borough again. Mr. Talavara has indicated that he would be willing to do this at no charge with the caveat that the Borough recommend him to Delanco Township officials. Mr. Talavara is now a resident there. Mr. Gunn stressed the fact that there is a lot of paper work involved, classes are required and a contact person is needed. Discussion ensued. Mr. Brown volunteered to be the contact person from Council for this project. We will also reach out to the public via our website to determine if there is a local resident willing to serve as the Borough's census coordinator.

Preliminary agenda for April 11. The Clerk reviewed this with the Governing Body.

RESOLUTION 32-07

**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**

The above Resolution was read by title only by Mr. Cesaretti, who moved for its adoption. This was seconded by Dr. Daniel. 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 Contract Negotiations (Police) and personnel matters would be discussed.

At this time Mr. Cesaretti moved that we return to public session. 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.

RESOLUTION 33-07

A RESOLUTION CALLING FOR AN OPEN VOTE ON THE TENTATIVE RECOMMENDATION BY THE BOROUGH'S POLICE NEGOTIATING COMMITTEE PERTAINING TO THE 2006 POLICE CONTRACT YEAR (IN FULL IN RESOLUTION BOOK)

The above Resolution was read by title only by Mr. Brown, who moved for its adoption. This was seconded by Mr. Cesaretti. A poll vote was then taken. Dr. Daniel nay, Mr. Brown aye, Dr. Smyth nay, Mr. Smyth nay, Mr. Kinzler aye, Mr. Cesaretti aye and Mayor Martin nay. It should be noted that Council rejected the tentative recommendation of the Police Negotiating Committee by a vote of 4 to 3.

RESOLUTION 34-07

A RESOLUTION TO REJECT THE PROPOSAL OF THE BOROUGH OF PALMYRA TO CONDUCT A FEASIBILITY STUDY FOR THE COMBINATION OF PUBLIC SAFETY OPERATIONS (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, 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. Brown, with all present voting in the affirmative.

Mary Longbottom, RMC
Municipal Clerk