

**RIVERTON BOROUGH PLANNING BOARD  
MINUTES  
February 21, 2012**

The Public Session of the Planning Board was called to order at 7:00 PM by Vice Chairman Ken Mills. Public Notice of this meeting pursuant to the Open Public Meetings Act has been given in the following manner:

1. Posting notice on the official bulletin board in the Borough Office on January 18, 2012.
2. Required Service of notice and publication in the Burlington County Times on January 25, 2012.

**PRESENT:** Kerry Brandt, Ken Mills, Craig Greenwood, Robert Kennedy, Joseph Threston (8:15pm), Mayor William Brown, Councilman William Corbi, Mary Lodato, Deborah Weaver, and Robert Martin.

**Also Present:** Solicitor Tom Coleman, Planner Tamara Lee, and secretary Ken Palmer.

**ABSENT:** Joe Della Penna, Robert Bednarek, and Tracy Foedisch.

**REORGANIZATION**

Solicitor Tom Coleman swore in Kerry Brandt and Robert Kennedy. Chairman Brandt assumed chairing the meeting.

**MINUTES:** Following discussion of several minor corrections, a motion was made by Ken Mills and seconded by Craig Greenwood to adopt the minutes of the January 17, 2012, regular meeting of the planning board as amended. The voice vote was unanimous.

**CORRESPONDENCE/ANNOUNCEMENTS**

1. 2/2012, Contracts from all three board professionals.

**OLD BUSINESS**

**Affordable Housing** – The chair and mayor announced that Deborah Weaver has been appointed as the Borough's new Municipal Housing Liaison. The chair next introduced reviewed matters as he understands them and stating that he hoped to: One, bring the board up to speed on affordable housing developments; and two, hoped to develop a proposed course of action to resolve the issues. Tamara Lee and Tom Coleman reviewed that a section of the State's Fair Housing Act has always maintained that municipalities must actually expend their housing funds and not just allow the funds to sit dormant. Failure to expend the funds in a timely fashion can result in the State escheating (taking) the funds and making them part of State's affordable housing funds thus effectively removing any control a municipality has over the spending of its funds. While apparently unenforced prior to now, the State has made it known that it intends to vigorously enforce the requirement beginning in July. This section of the statutes remains in effect and is not part of any of the current challenges to affordable housing administration. Tom and Tamara reviewed that the two major cases currently before the Appellate and Supreme Courts are the original challenge as to the fairness and accuracy of the Third Round methodology developed by COAH; and, the subsequent challenge that the Governor's action abolishing COAH is unconstitutional. Tamara reviewed that in order for a municipality to spend its funds, there must be an approved Spending Plan in place. The Borough last submitted its Spending Plan in 2010 along with a revised Housing Plan and Fair Share Plan to COAH as part of its petition for Third Round Certification. The petition was in the final steps of the approval process when the two major challenges just mentioned effectively brought all approval activity to a halt. The State has stated that one method to move things forward is for municipalities to submit and request an expedited approval of their spending plan. Tamara reviewed that since the Borough's last submission conditions have changed that render the proposed spending plan obsolete and impossible to accomplish. As a means to summarize matters and address the chair's objectives, Tamara provided a brief review and history of affordable housing explaining how the Fair Housing Act legislation came about and explaining that the current state of affairs is not about the need or legality of affordable housing but has to do

with challenges as to how affordable housing regulation has been administered under COAH and the legality of the governor's decisions regarding COAH. The board and Council need to reach a consensus as to whether the Borough wishes to retain control of its funds or to allow them to be escheated by the State and thus forcing the Borough to petition the State to release funds as needed to accomplish spending needs. If the decision is to retain local control of the funds, the Borough needs to submit and obtain approval of a revised Spending Plan and at a minimum show due diligence by having executed agreements in place that show the funds have/are/will be expended according to the plan.

Discussion ensued about possible scenarios to satisfy the currently calculated obligation and meet the spending deadline. Among possible solutions discussed was to continue to work with Quality Management Associates (QMA), who own and manage the group home in the Borough; as well as possibly working with groups such as Habitat for Humanity to provide qualified affordable housing. The chair stated that to provide insight to the board, he had asked Councilwoman Suzanne Wells to attend to speak regarding initiatives with QMA; and, he had also extended an invitation to representatives from the Burlington County Affiliate of Habitat for Humanity (Habitat) to explain that organization's mission and how they accomplish their goals. Following counsel's advice, the chair suggested that in order to allow the Habitat representatives and Suzanne to address the board, that the meeting be opened to allow for public comment.

**PUBLIC COMMENT** – A motion was made by Ken Mills and seconded by Bill Brown to open the meeting to public comment.

- Todd Ermer, Executive Director of the Burlington County Affiliate of Habitat for Humanity introduced himself as well as Borough residents Amanda Bolton and Dennis Lojek who are on the organization's board. Todd explained Habitat's mission and that they provide a complete package in providing affordable housing, not only qualifying owner candidates; but, also by educating candidates on the responsibilities of ownership and instilling a pride of ownership and community by requiring that candidates contribute their own "sweat equity" to provide their new residence. Habitat does have deed restricted properties in South Jersey and is involved with both new construction of "in fill" homes and rehabilitation projects. Mr. Ermer stated that he feels Habitat may be able to help the Borough and the organization welcomes all assistance provided to help them locate possible projects, providing volunteers, and of course any possible funding assistance. Deb Weaver and other members asked and received clarification on the types of properties and/or suitable rehabilitation candidates Habitat tries to look for.
- Suzanne Wells reviewed the history of negotiations with QMA and stated she felt it might be worth pursuing things, especially since there are bonus credits involved.

There being no further comment, a motion was made by Bob Kennedy and seconded by Ken Mills to close the meeting to public comment.

## **OLD BUSINESS**

**Affordable Housing (cont'd)** – The consensus of the board is that the preferred course of action is to keep the funds in the Borough and to develop a revised Spending Plan that satisfies that objective. Mayor Brown and Councilman Corbi feel that Council is/will be on board with this approach. The board will undertake research to assist in identifying suitable properties for Habitat for Humanity and Councilwoman Wells should be asked to pursue the possibility of negotiating an agreement with QMA regarding the group home, either at the current home or a new home. William Brown motioned and Craig Greenwood seconded that Suzanne Wells pursue contacts with QMA. Deb Weaver explained her approach to researching for suitable properties. Joe Threston mentioned the recent news articles that indicate the state may allow communities to use housing funds to acquire foreclosed properties for affordable housing. Tamara stated she is prepared to begin revising the 2010 Spending Plan based on the research results and is prepared to speak to Council to ensure they are on board with the proposed approach. Tom Coleman will continue to approach the State to determine if the proposed solutions are suitable. Tom Coleman and Tamara Lee led a discussion on what the roles of the board and Council are in the process. At present, the board is charged with developing the revised spending plan and then recommending that Council endorse the plan. Council would then submit it to the State requesting an expedited approval. Further required action would be based on the State's action and the List of Service supplied by the

State. Tamara and Tom concurred that the Borough should pursue the activities with all due diligence since there will most likely be a logjam of submissions to the State. Following a request by the chair, Deb Weaver volunteered to lead the research effort to try and come up with possible properties for Habitat for Humanity involvement. Joe Threston offered to help the research efforts. Mary Lodato stated she would see if there was any helpful information from the Construction officials. It was agreed that any list of possible candidate properties would be passed along to Habitat and to allow them to approach the property owners as they saw best fit.

**E-Mail Correspondence Policy** – The chair asked Tom for clarification on the impact of the e-mail policy on correspondence among board members. Tom reviewed that subject of e-mail dialogs is a very "hot button" within the county and that the simple best rule to follow is to never use the "reply all" option when replying to board related e-mails. The rule is that e-mail correspondence should not be able to be construed as conducting a dialog of board business among the board members outside of a public meeting. Except for clearly non-business related correspondence such as letting all members know that you will be unable to attend a meeting, never use reply all or engage in an ongoing dialog among multiple board members.

**Council Matters of Importance to the Board and 2012 Budget** – The mayor and Councilman Corbi reported that the 2012 budget will be discussed at the March 7, 2012, Council Workshop session.

**Environmental Commission** – Joe Threston reported that following the presentation to Council by members of the Sustainable Jersey program in January that the commission members are interested in pursuing the program and asked the mayor if it would be possible for members of the program to further address Council on the matter. The mayor suggested contacting Mary Longbottom. Joe reviewed continuing fund raising efforts for the rain garden at the Riverton School.

**Minor Site Plan Applications** – Mary Lodato reported that none had been submitted since the last board meeting.

**Mandatory Education** – The secretary announced that Tracy Foedisch and Bob Martin had attended and passed the NJPO course offered by Alaimo Associates.

**Move Board Records to Borough Hall** – The secretary updated the board on the process of relocating the board's files to the new file cabinets in Borough Hall.

## **NEW BUSINESS**

**Invoices and vouchers: (None presented)**

**PUBLIC COMMENT** – The chair noted for the record that no members of the public were still present.

**Meeting adjourned at 9:04 PM. (motion by Threston, second by Greenwood)**

**Next meeting is at 7:00 pm on 3/20/2012 in Borough Hall.**

**Tape is on file for one year.**

**Kenny C. Palmer, Jr., Secretary  
RIVERTON PLANNING BOARD**