

TOWNSHIP OF ROBBINSVILLE COUNCIL
Regular Meeting
March 27, 2014

CALL TO ORDER

The regular meeting of the Township Council of the Township of Robbinsville was called to order on March 27, 2014 at 7:30 p.m. at the Court Facility located in Robbinsville. Ms. McGowan, Council President, presided over the meeting.

ROLL CALL

The call of the roll showed the following to be present: Council President McGowan and Council Members Boyne, Ciaccio and Witt. Council Vice President Calcagno arrived at 7:34 p.m. Also present were: Mayor Fried, Administrator Tozzi, Chief Financial Officer Bauer, Recreation Director Barker, Public Information Officer Nalbene, Township Engineer McGough, Deputy Fire Chief Schaffener, Police Chief Masseroni, Construction Official Fort, Administrative Assistant Holt, Attorney Roselli and Municipal Clerk Seigfried.

SUNSHINE STATEMENT

The Municipal Clerk read the following statement: Adequate notice of this meeting has been provided as required under Chapter 231, P.L. 1975, specifying the time and place, with such notices being sent to the Times of Trenton, the Messenger Press and the Trentonian and being posted on the Municipal Building Public Notice Bulletin Board.

PLEDGE OF ALLEGIANCE

The Township Council members present led the public in the salute to the flag.

APPROVAL OF MINUTES:

Regular Meeting – February 27, 2014.

Mr. Witt offered a motion to approve the above meeting minutes. The motion was seconded by Mr. Boyne.

ROLL CALL:

AYES: Boyne, McGowan, Witt
NAYS:None
ABSTAIN: Ciaccio
ABSENT: Calcagno

There being three (3) ayes, no nays, and one (1) abstention, the minutes were declared approved.

REPORTS OF COUNCIL MEMBERS

Mr. Boyne said there have been no meetings lately. He thanked everyone for their help with the St. Patrick's Day parade. He said it was a great event.

Mr. Witt said the first movie night at Robbinsville Fieldhouse is Saturday evening and will be *Despicable Me*.

Mr. Witt said they had a subcommittee meeting for the Scavenger Hunt. He said they are moving it up to Spring based on a couple of events not panning out. He said there will be more details to follow.

Ms. Ciaccio said we should be proud of our Town for the way they get together for the Irish Parade. She said they gave an award to Pete and Kristin Aquilino for having the best decorated house. She said it was the biggest crowd that they had. She said the Robbinsville Municipal Alliance group walked in the parade.

Ms. Ciaccio said that in today's Messenger Press there was an article by Jennifer Alessio of SADD. She said ten members of SADD had kicked off a kick butts program, taking a stand against tobacco. She said it is nice that we have the Municipal Alliance as we are bringing awareness to our Town and it's important.

Mr. Calcagno arrived at 7:34 p.m.

Mr. Calcagno said that on Monday, he met with Mr. Colarocco and Chief Masseroni to discuss parking issues in Town Center with the snow, so that we can learn from this past season of snow and make some adjustments there.

Mr. Calcagno said the annual Senior Center Open House is on May 17th in the afternoon. He said there will be great door prizes.

Mr. Calcagno said the school offered cards for seniors that allows them to get into school activities for free, like their plays, and they are putting that in newsfeed. He apologized for being late.

Ms. McGowan said she has been on the parade committee since its first year and that this was the biggest year for participation in terms of spectators. She said it is a positive thing. She said that they are providing a scholarship at Robbinsville High School to a graduating senior again this year, so they do try to give back to the community.

Ms. McGowan said that the Redevelopment Committee had a meeting on Wednesday with a developer for something on the South side of Route 33. She said the plans will be at our next council meeting for the rest of Council to look at. She said it really looks nice and it is what we want. She said there is a lot more interest in the south side of 33, which is what we thought once the Walgreen's went up.

Ms. Ciaccio said they received an award for the Municipal Alliance from the Governor's Council on Alcoholism and Drug Abuse. She said we are proud of that. She thanked Joy Tozzi for giving a lot of her time toward the Alliance.

REPORTS OF BUSINESS ADMINISTRATOR/MAYOR

Ms. Tozzi introduced Roger Fort, the new Construction Official for Robbinsville.

Ms. Tozzi invited the Mercer Blood Council to say a few words. The Blood Council members explained that there was an emergency Community for Life blood drive at the Senior Center. He said they were overwhelmed. They presented the Mayor with a special recognition award, in appreciation for donating 86 units of blood, which equates to 258 lives saved.

Mayor Fried said that we collected more blood than the three other towns combined. He said that whenever he calls for help, the residents always deliver and always come out strong. He said we were happy to help.

Mayor Fried said that the State of the Township address was today. He said he was presented with a petition of 1,000 signatures from Foxmoor residents, which were all collected by Kimberly Switzgale, asking us to do something with the Foxmoor Shopping Center. He said the time is right for us to take action. He said they have been promising they would do something for a long time. He said he feels there are some things we can do to make that center more viable, open up the berm, give it some Route 33 frontage, change the signage, make it more vibrant and make the access better. He said it would be a good place to look at an area in need of redevelopment. He presented the petition to the Council President as Council is the redevelopment authority.

Ms. Bauer and Ms. Tozzi handed out budget books to Council.

Mayor Fried said he was happy to report that they have a budget that they are submitting to Council tonight. He said it is a tough budget process. He said they decided, along with the County, to reassess some of the largest properties, including Foxmoor, Town Center, Windswept and some of the other neighborhoods. He said a very large percentage of the Town's values went down, which causes us to adjust the rate, but overall, the budget is essentially flat. He said that overall, they will be spending about \$2 million less than last year, but a lot of that money was actually grants. He said in terms of real spending, we are about \$400,000 less, not counting grants, and \$100,000 less that we are actually collecting less from tax payers. He said it is a good budget, a stable budget, and that he thinks we should be stable going forward. He said that next year will be a tough year, but in terms of our fiscal soundness we are in good shape. He said we are spending less money on debt than ever before. He said we are talking about selling a piece of the Kushner Property to turn into a park and committing the proceeds of that property to pay down debt. He thanked Ms. Tozzi and Ms. Bauer for their work on the budget.

Mayor Fried spoke about appeals and how the reevaluation is going to help us going into next year. He said you are going to see a large portion of revenue this year from construction fees. He said the Amazon PILOT is a little lower due to the fact that we haven't gotten a full year worth of payments in yet. He said Police and Court fees are up since they are now fully staffed. He reiterated that the budget is in very good shape and is strong. He said taxes are stable.

Mr. Calcagno asked what was the value of the penny. Ms. Bauer said that the penny was \$239,000 last year and is \$245,000 this year. Mr. Calcagno said it makes it difficult because you are bringing in less at the same rate.

Mayor Fried said the City of Trenton and the City of Ewing, have not done reevaluations in twenty-four years. Ms. McGowan said this affects the County portion of taxes.

Ms. McGowan asked, what percentage of our taxes is the municipal portion? Mayor Fried said it is around 21% and said our portion is the smallest portion. Mayor Fried said that we lost the grant for the firefighters, but that we didn't lay the firefighters off, and we were able to include them in this budget.

PUBLIC PARTICIPATION

Ms. Betty Alfano, 832 Fourth Ave., said she had two strokes and a heart attack. She said the rescue squad had her to the hospital in 8.5 minutes. She commended the rescue squad and police department and thanked them. She said she is proud to be in this Township.

There being no one further from the public wishing to speak, Mr. Boyne offered a motion to close the public participation portion of the meeting. The motion was seconded by Mr. Witt.

There being five (5) ayes and no nays, the public participation portion of the meeting was declared closed.

ORDINANCES – INTRODUCTION

Ordinance 2014-08

Ms. Ciaccio offered a motion to introduce on first reading and have published according to law, "AN ORDINANCE OF THE TOWNSHIP OF ROBBINSVILLE, IN THE COUNTY OF MERCER, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND RELATED EXPENSES IN AND FOR THE TOWNSHIP, APPROPRIATING \$775,000 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$736,250 IN GENERAL IMPROVEMENT BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE SAME." The motion was seconded by Mr. Witt. The public hearing will be held on April 10, 2014.

ROLL CALL:

AYES: Boyne, Calcagno, Ciaccio, McGowan, Witt
NAYS: None

The motion carried.

ORDINANCES – PUBLIC HEARING

Ordinance 2014-05

This being the time and place for a public hearing on "AN ORDINANCE OF THE TOWNSHIP OF ROBBINSVILLE, COUNTY OF MERCER, NEW JERSEY, AMENDING AND REVISING CHAPTER 142 OF THE CODE OF THE TOWNSHIP OF ROBBINSVILLE ENTITLED "LAND USE," Ms. McGowan opened the meeting for comments from the public.

There being none, it was moved by Mr. Witt and seconded by Ms. Ciaccio to close the public hearing.

ROLL CALL:

AYES: Boyne, Calcagno, Ciaccio, McGowan, Witt
NAYS:None

The motion carried.

It was moved by Mr. Boyne and seconded by Mr. Witt to adopt the Ordinance.

ROLL CALL:
AYES: Boyne, Calcagno, Ciaccio, McGowan, Witt
NAYS:None

There being five (5) ayes and no nays, the ordinance was declared adopted.

CONSENT AGENDA

The following resolutions were approved as the consent agenda:

<u>Resolution 2014-72</u>	Conditionally Designating JP Property Investment as Redeveloper
<u>Resolution 2014-73</u>	Amending Resolution 2013-266, Bus Stops on Route 130
<u>Resolution 2014-74</u>	Consenting to Mayor’s Appointment on the Economic Development Committee
<u>Resolution 2014-75</u>	Appointing JIF Fund Commissioner and Alternate
<u>Resolution 2014-76</u>	Shared Services Agreement with Hightstown for Automotive Services
<u>Resolution 2014-77</u>	Extension of Time to Satisfy Sewer Bill – 100 West Manor Way
<u>Resolution 2014-78</u>	Amending Dates of Professional Services Agreement with Attorney for Redevelopment
<u>Resolution 2014-80</u>	Temporary Capital Budget
<u>Resolution 2014-81</u>	Requesting Expenditure of Affordable Housing Trust Fund on Emergent Affordable Housing Mechanisms Not Included in Fair Share Plan
<u>Resolution 2014-84</u>	Authorizing Sale of Refunding Bonds

Mr. Witt offered the above items and moved their adoption. The motion was seconded by Mr. Boyne.

ROLL CALL:
AYES: Boyne, Calcagno, Ciaccio, McGowan, Witt
NAYS: None

There being five (5) ayes and no nays, the resolutions were declared adopted.

RESOLUTIONS

Resolution 2014-79 Cancelling Emergency Temporary Appropriations
Mr. Witt offered the above resolution and moved its adoption as amended. The motion was seconded by Mr. Boyne.

ROLL CALL:
AYES: Boyne, Calcagno, Ciaccio, McGowan, Witt
NAYS: None

There being five (5) ayes and no nays, the resolution was declared adopted.

Resolution 2014-82 Emergency Temporary Appropriations

Mr. Boyne offered the above resolution and moved its adoption. The motion was seconded by Mr. Witt.

ROLL CALL:

AYES: Boyne, Calcagno, Ciaccio, McGowan, Witt
NAYS: None

There being five (5) ayes and no nays, the resolution was declared adopted.

Resolution 2014-83 Professional Services Agreement – Planner for Redevelopment

Mr. Witt offered the above resolution and moved its adoption. The motion was seconded by Mr. Boyne.

ROLL CALL:

AYES: Boyne, Calcagno, Ciaccio, McGowan, Witt
NAYS: None

There being five (5) ayes and no nays, the resolution was declared adopted.

PAYMENT OF BILLS:

Current	3-01, 4-01	\$3,404,490.62
Sewer	3-07, 4-07	15,895.07
Sewer Capital	C-08	0.00
Capital	C-04	6,373.92
Grant	G-02	24,733.06
Tax Map Escrow	E-20	0.00
Inspections	I-21	2,697.27
Plan Review	R-20	30,437.56
Performance	P-22	0.00
Maintenance	M-23	0.00
Other Trust	T-12	147,785.95
Revolving Loan	T-14	0.00
Animal Control	T-15	557.65
Recreation Trust	T-18	<u>9,675.12</u>
Total all funds		\$3,642,646.22

Mr. Boyne offered a motion that all bills found in order and correct be approved for payment. The motion was seconded by Mr. Witt.

ROLL CALL:

AYES: Boyne, Calcagno, Ciaccio, McGowan, Witt
NAYS:None

There being five (5) ayes, no nays, and one (1) abstention as noted above, the bills were declared approved.

DISCUSSION ITEMS

Land Use Requirements for Generator Installation in Town Center

Mr. McGough said that we have a situation where some properties in the Township where air conditioning units are technically outside of the setback, which he has allowed as it not being part of the principal structure. He said with the recent popularity of permanent generators, which is the same type of a pad, there is an issue because they run for 20 minutes weekly. He said you can see that if someone only has five feet to the property line, like in Town Center, you'd have a generator almost on the property line with exhaust. He said he wanted to make Council aware and suggest that we take some action in the way of an ordinance. He said right now, the ordinance is silent on anything that sits on a pad, so he has been making an interpretation that it's not part of the principal structure, so that it's okay, and that has been working, but he thinks there will be issues in Town Center or other parts of the Township. He said some of the suggestions would be to not allow them in the side yards, and to say the generators can only in rear yard. If they are in the rear yard, they wouldn't impact the side setbacks at all. He said you can also say that they comply with the rear yard setback, so someone couldn't put it out on the property line.

Ms. McGowan asked if the concern was the noise. Mr. McGough said yes.

Mr. Witt said he knows that you can buy shrouds for a lot of generators for noise reduction. He said most generator companies would do a study to let you know what the decibel level is when it's running at full capacity and try to figure out what an acceptable level of noise is.

Mr. McGough said if you don't specifically state a specification or what that noise level is, the noise ordinance is silent, so people will argue.

Mr. Witt said he was looking at trying to establish something to make it black and white.

Ms. McGowan said she is guessing that sometimes an air conditioner has to be put on the side of a home because that is where the electricity is. She said she doesn't want to prevent someone from putting it where their contractor feels it needs to go.

Mr. McGough said we don't need to include air conditioning, we can make this only for generators. Mr. McGough further explained that they can do exterior wiring for a generator.

Mr. Calcagno asked if Mr. McGough was thinking about having a regulation which states if generator is going to be less than so many feet from property line, then it has to go in the back of the house?

Mr. McGough said, "Something like that."

Mr. Calcagno said he thinks it's a good idea.

Mr. McGough said that you should also look at what Councilman Witt is saying in terms of the noise. He said in his neighborhood, he could have something on the side, and it would be within the setbacks, and the houses are still close together. He said if it's loud, then the neighbors will hear it. He said it's not just when there is an event, it's every week.

Chief Masseroni said it's no louder than a lawn mower.

Further discussion occurred.

Mark Roselli said he will look into it and see if he can find some samples from other municipalities.

Time of Council Meetings

Mr. Boyne wanted to know if council meetings could start at 7:00 p.m. The other council members agreed. Ms. Seigfried said that she will prepare the paperwork.

SECOND PUBLIC PARTICIPATION SESSION

Mr. Mike Moreken, 55 Sharon Road, Apartment E22, asked when the budget will be available to the public. Ms. Bauer explained, once it becomes introduced. Ms. McGowan said it will be at least a month.

Mr. Moreken asked about RFPs for sidewalks on the North and South side of Main Street. Mr. McGough said no. He said he has an application in for aid from the State, so he is waiting to see about that.

Mr. Moreken said that at the driveway for First Choice bank, there are no painted curbs and cars are parking right to where turn is. He suggested painting ten feet for no parking from the corner. Mayor Fried said the State has jurisdiction.

Ms. Betty Alfano, 832 Fourth Ave., asked about the new business in front of mercer mobile homes and she asked if that was zoned for a used car lot only. Mr. Roselli said that was a preexisting non-conforming use and you cannot have car lots there any longer.

There being no one further from the public wishing to speak, Mr. Witt offered a motion to close the public participation portion of the meeting. The motion was seconded by Ms. Ciaccio.

There being five (5) ayes and no nays, the public participation portion of the meeting was declared closed.

Mr. Roselli announced that we won an appellate division court case with respect to Mr. Aymes' complaint.

Mr. Roselli said that the Mayor had previously approached Council about some land between two parks and he was reporting that we agreed to purchase price of \$750,000. He said there will be an ordinance authorizing purchase at next meeting.

Ms. Ciaccio asked if Mr. Aymes still lived in Town. Chief Masseroni said that he does not think so.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:16 p.m.

Sheree McGowan, Council President

Michele Seigfried, Municipal Clerk