

TOWNSHIP OF ROBBINSVILLE COUNCIL

Regular Meeting

October 13, 2016

7:00 p.m. – Court Room

CALL TO ORDER

The regular meeting of the Township Council of the Township of Robbinsville was called to order on October 13, 2016 at 7:00 p.m. at the Court Facility located in Robbinsville. Mr. Witt, Council President, presided over the meeting.

ROLL CALL

The call of the roll showed the following to be present: Council President Witt, Council Vice President Calcagno and Council Members Ciaccio, Schuberth and McGowan. Also present were: Mayor Fried, CFO Bauer, Administrator Tozzi, Township Engineer McGough, Director of Public Works Colarocco, Recreation Director Barker, Traffic Officer Egan, Associate Township Attorney Renaud, 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 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:

- a. August 25, 2016- Regular Meeting
- b. September 8, 2016 – Regular Meeting
- c. September 8, 2016 – Executive Session Minutes
- d. September 22, 2016 – Regular Meeting
- e. September 22, 2016 – Executive Session Minutes

Ms. Ciaccio offered a motion to approve the above meeting minutes. The motion was seconded by Mr. Calcagno.

ROLL CALL:

AYES: Calcagno, Ciaccio, McGowan, Schuberth, Witt

NAYS: None

There being five (5) ayes and no nays, the minutes were declared approved.

REPORTS OF COUNCIL MEMBERS

Mr. Calcagno said next Tuesday is the Senior Advisory Committee meeting at the Senior Center. He then asked about the move in date for the new building.

Ms. Tozzi said that we have a temporary CO, that the furniture will be moved over on Monday, and the employees will move on Tuesday.

Ms. Seigfried said the Clerk's office will be in the old building on Tuesday for voter registration and the Tax Department will also be at the old building on Tuesday because of a tax sale.

Ms. McGowan said that the Economic Development Advisory Committee awards banquet was postponed until the spring. She also said the next meeting is postponed and she didn't know if it would be held in the old or new municipal building.

Ms. Tozzi said that meeting will be held at the old building.

Mr. Witt asked about the Economic Development Advisory Committee scavenger hunt.

Ms. Tozzi and Mr. Schuberth said it was great event and there was a big turnout, with 100 kids attending.

Ms. McGowan said that Dan Jackson did a phenomenal job.

Ms. Ciaccio recommended Mr. Jackson be moved up to Chair of Economic Development Advisory Committee.

Mr. Witt said he attended the *Friends Making A Difference* event for Becky DeVito. He explained that *Friends Making A Difference* is a group of businesses that get together to support someone going through a hardship. He said Ms. DeVito has a very aggressive type of cancer, and he was happy to see the outpouring of support from the Robbinsville residents. He said about 300 people were at the event, they raised \$14,000 and they will keep the collections open for another week.

Mr. Witt then asked about the Tomm May Run.

Mr. Barker said that the annual Christmas Tree and Menorah lighting will take place on Tuesday, December 6th. He said they will have a photographer taking pictures for a donation, and the money raised will go to a good cause.

Ms. Ciaccio said that the Tomm May Run is a very important run. She said Tomm May was on our Environmental Foundation and he fought hard not to put a landfill in a Robbinsville, which helps with our quality of life. She said unfortunately, he died tragically. She said his family was very active in town and they come back every year for this event. Ms. Ciaccio said that the Life Tree church comes and cooks on the grill and provides free snacks and drinks for everyone. She said they had a good turnout and a lot of people attend such as Public Works and the Police Department, it is a very nice event.

Ms. Ciaccio said she went to the Historic Preservation meeting and on the historic part of Route 130, there is an office building with a home health aid office going up, and they went over the plans. She said we are building up Route 130, which is good.

Mr. Witt asked about the historic artifacts.

Ms. Tozzi said we have been slowly going through them, so we can identify what will go into the building and what will go in another location.

Ms. Ciaccio thanked Mr. Barker, Ms. Tozzi and Mayor Fried for the attending the Tomm May Run, and said it was a great event to get everyone in town together.

Ms. McGowan said Sunday, Lee Paroly from Friendly's hosted a phenomenal PBA fundraiser with bands and comedians. She said he is donating a portion of the proceeds to the PBA. She gave Mr. Paroly kudos for this worthwhile cause.

Ms. Ciaccio said that Mr. Paroly and the owner of Take 5 thanked the Mayor for coming out and helping with the Foxmoor shopping center.

Mr. Schuberth said that every year, the Mercer County Department of Human Services gives a Young Woman of Achievement Award to someone who does an outstanding job through volunteer service, he said after asking a few dozen people, one name was mentioned quite a few times, Ashley Stamboulian. He said that Ms. Stamboulian is a wonderful person who is a junior at Robbinsville High School, and she started a chapter of the One Project at the High School. Mr. Schuberth said that she embodies what volunteer spirit is.

Ms. Stamboulian thanked the town for all their support.

REPORTS OF BUSINESS ADMINISTRATOR/MAYOR

Mayor Fried said he met with Amazon, Upper Freehold, Allentown, Mercer County, and Mr. McGough to work on the traffic issues that Amazon causes. He said they are running six buses a day down Gordon Road and they would like to start to use police to direct traffic. He said he doesn't want it to turn into a disaster like last year.

Mayor Fried said the road needs to be widened, and there is a property on tonight's agenda that we are looking to purchase to widen the road. He said he thinks it's Amazon's responsibility and he will push them to buy the property from us. Mayor Fried then asked Mr. McGough to explain.

Mr. McGough said there are two residential units, but it's considered one property. He said all the other properties are owned by Matrix.

Mayor Fried said this is not something we would normally do, but it ultimately makes sense. He said they are conducting a traffic study for the whole County, and they will come back with recommendations for a long term solution.

Mayor Fried said there is a Mayor's scholarship through the League of Municipalities. He said we've had two people from Robbinsville win in the past.

Ms. Tozzi said that she was glad Mr. Calcagno made the suggestions for the natural light in the new municipal building. She said it really makes a difference and was implemented well.

Mr. Calcagno said it made sense to do and he cannot wait to see it.

PUBLIC PARTICIPATION

Ms. Marie Ondy, 178 Robbinsville – Edinburg Road, thanked Mayor and Council for the effort being made to save the land. She said that with all the damage that was caused getting that land ready, she will most likely never see the trees or wildlife there again. She also said all of the noise, dirt and diesel fumes during dinner hours and all day on Saturdays are really affecting their quality of life, and she can't imagine dealing with this for another decade. Ms. Ondy said she has yard signs available after the meeting if anyone wants one.

Mr. Gary Backinoff, attorney for Washington Woods, said he's been in the land use field for 35 years and he gave his background. He said he sincerely believes that the cooperation between the Township and engineers and planners came up with a good plan for this property, and especially with the 165 acres of open space and the dedication of \$700,000 in affordable housing funds, would make sense to implement this project.

Mr. Backinoff said that he is a nature freak and enjoys hiking and kayaking and would like to give an additional 50 acres to open space. He said it does not make sense to come in at the 13th hour to take this property, funds would be a lot better spent and it would make more sense to take other properties. It doesn't make sense to come in at the 13th hour to take this property - it would make more sense to take other properties He said you probably already made up your minds, since you paid the first bond ordinance last week, however after I made the pitch for not taking it for open space and asking Council to approve the bonds, they ignored that and went right to court. He said that the court has allowed the builder, pursuant to its legal rights to continue to work on the project and implement DEP approvals. He said he is requesting that Council approves the bonds that they didn't last month and that Council really thinks about taking this land.

Mr. Backinoff said that the owner of the property isn't just going to roll over; he has put a lot of time and money into this project. He also said it is going to cost the Township a lot of money and he hopes Council votes tonight at least to take the right step in regards to the bonds.

Mr. Roselli asked if they did an environmental assessment with respect to species on the land, especially with there being an eagle that landed on the property.

Mr. Backinoff said he didn't recall.

Further discussion occurred.

There being no one further from the public wishing to speak, Mr. Schuberth 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.

ORDINANCES – INTRODUCTION

Ordinance 2016-34

Mr. Schuberth offered a motion to introduce on first reading and have published according to law, "AN ORDINANCE OF THE TOWNSHIP OF ROBBINSVILLE, MERCER COUNTY, APPROPRIATING \$36,215.00 FROM THE SEWER CAPITAL IMPROVEMENT FUND FOR

A 2017 DODGE DURANGO FOR THE TOWNSHIP ENGINEER.” The motion was seconded by Ms. Ciaccio. The public hearing will be held on October 27, 2016.

ROLL CALL:

AYES: Calcagno, Ciaccio, McGowan, Schuberth, Witt

NAYS: None

There being five (5) ayes and no nays, the motion carried.

Ordinance 2016-35

Mr. Calcagno offered a motion to introduce on first reading and have published according to law, “AN ORDINANCE OF THE TOWNSHIP OF ROBBINSVILLE, COUNTY OF MERCER, STATE OF NEW JERSEY, AMENDING CHAPTER 187 OF THE CODE OF THE TOWNSHIP OF ROBBINSVILLE ENTITLED “PROPERTY MAINTENANCE,” SPECIFICALLY SECTION § 187-10.1.1 ENTITLED “NOTICE OF VIOLATION; REMOVAL BY TOWNSHIP.” The motion was seconded by Ms. Ciaccio. The public hearing will be held on October 27, 2016.

ROLL CALL:

AYES: Calcagno, Ciaccio, McGowan, Schuberth, Witt

NAYS: None

There being five (5) ayes and no nays, the motion carried.

Ordinance 2016-36

Mr. Calcagno offered a motion to introduce on first reading and have published according to law, “AN ORDINANCE OF THE TOWNSHIP OF ROBBINSVILLE, COUNTY OF MERCER, NEW JERSEY, AUTHORIZING THE ACQUISITION OF THE REAL PROPERTY MORE COMMONLY DESCRIBED AS 1632 OLD YORK ROAD, MORE COMMONLY REFERRED TO AS BLOCK 41, LOT 23 ON THE TAX MAP OF THE TOWNSHIP OF ROBBINSVILLE, MERCER COUNTY.” The motion was seconded by Ms. Ciaccio. The public hearing will be held on October 27, 2016.

Ms. McGowan said she would like to know when the current owners purchased their home, before or after Amazon.

Ms. Tozzi said she can find out as she didn’t know off the top of her head.

Ms. McGowan said she doesn’t want to set a precedent and have the other home owners in that area think that we will buy their homes too. She said she thinks that the County, State, Matrix and Amazon should be responsible.

Mayor Fried said he disagrees.

Ms. McGowan said she feels that if we buy the property it takes the pressure off of the County, State, Matrix and Amazon.

Mayor Fried said we will continue to pressure them, either way we have to do the project.

Further discussion occurred.

ROLL CALL:

AYES: Calcagno, Ciaccio, McGowan, Witt

NAYS: None

ABSTAIN: Schuberth

There being four (4) ayes and no nays and one (1) abstention, the motion carried.

ORDINANCES – PUBLIC HEARING

Ordinance 2016-32

This being the time and place for a public hearing on “AN ORDINANCE OF THE TOWNSHIP OF ROBBINSVILLE, IN THE COUNTY OF MERCER, NEW JERSEY, PROVIDING FOR A PORTION OF THE PRICE OF ACQUIRING THE WASHINGTON WOODS PROPERTIES IN AND FOR THE TOWNSHIP, APPROPRIATING \$1,200,000 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$1,140,000 IN GENERAL IMPROVEMENT BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE SAME,” Mr. Witt opened the meeting for comments from the public.

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

ROLL CALL:

AYES: Calcagno, Ciaccio, McGowan, Schuberth, Witt

NAYS: None

There being five (5) ayes and no nays, the motion carried.

It was moved by Mr. Schuberth and seconded by Ms. McGowan to adopt the Ordinance.

ROLL CALL:

AYES: Calcagno, Ciaccio, McGowan, Schuberth, Witt

NAYS: None

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

Ordinance 2016-33

This being the time and place for a public hearing on “AN ORDINANCE OF THE TOWNSHIP OF ROBBINSVILLE, IN THE COUNTY OF MERCER, NEW JERSEY, PROVIDING FOR A PORTION OF THE PRICE OF ACQUIRING THE WASHINGTON WOODS PROPERTIES IN AND FOR THE TOWNSHIP, APPROPRIATING \$7,000,000 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$6,650,000 IN GENERAL IMPROVEMENT BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE SAME,” Mr. Witt opened the meeting for comments from the public.

Mr. Andrew Kohut, 10 Landview Court, said he is emotionally stressed about what is going on with this situation. He said he bought his property based on the beautiful land and the Robbinsville community. He said he is offended by the destruction of trees and he is looking for something to be done. He said there are 150- year -old trees being knocked down for no reason

at all, we are going to vote on open space, then why is it continuing and why aren't we doing something about it.

Mr. Witt said we are trying.

Mr. Kohut said once these trees are cut down, you are not going to be able to replace them. He said he called the police today about it and nothing was done. He said he is upset about what little the community is doing about it and he wants something to be done to put a halt to it. He said the developer should be shut down and fined.

Mr. Mark Ondy, 178 Robbinsville–Edinburg Road, said he wanted everyone to know the property they are going to give us is swampland; they are not giving us anything great.

Mayor Fried asked if he had any photos of the eagle.

Mr. Ondy said that every time he had seen it there was never enough time to take the picture before it flew away.

Mayor Fried asked if he'd be willing to get a signed statement. Mr. Ondy replied yes.

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

ROLL CALL:

AYES: Calcagno, Ciaccio, McGowan, Schuberth, Witt

NAYS: None

There being five (5) ayes and no nays, the motion carried.

It was moved by Mr. Calcagno and seconded by Mr. Schuberth to adopt the Ordinance.

ROLL CALL:

AYES: Calcagno, Ciaccio, McGowan, Schuberth, 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:

- Resolution 2016-250 Accepting Monument Bonds – Raajipo
- Resolution 2016-251 Amending Shared Services Agreement – Crossing Guard
- Resolution 2016-252 Refund Overpayment of Sewer Charge
- Resolution 2016-253 Authorizing Municipal Lien - 68 Robbinsville-Allentown Rd
- Resolution 2016-254 Authoring Contract for Basketball/Tennis Court Renovations
- Resolution 2016-257 Authorizing State Contract Purchase of Canon OCE Colorwave 500 Printer for Planning/Zoning/Engineering Department
- Resolution 2016-258 Amending Professional Services Agreements for Engineers
- Resolution 2016-259 Amending Capital Budget

Resolution 2016-260 Waiving Construction Fees – Project Freedom

Ms. McGowan offered the above items and moved their adoption. The motion was seconded by Mr. Schuberth.

ROLL CALL:

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

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

RESOLUTIONS

Resolution 2016-255 Approving Special Event Permit – Robbinsville Education Foundation

The above resolution was pulled from the agenda because the event is not being held.

Resolution 2016-256 Accepting Performance Guarantees – Washington Woods, Edinburg Village

Ms. Seigfried explained an amendment to the resolution.

Ms. Ciaccio offered the above resolution and moved its adoption, as amended. The motion was seconded by Mr. Calcagno.

ROLL CALL:

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

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

Mayor Fried said that for the community's sake and for the record's sake, he does have the bond ordinances here tonight and he is actually going to sign them to start the clock ticking. He said in contrast to what the attorney said, he believes that he did have an agreement with the developer but he did announce that he wanted to buy back this land back in April. Mayor Fried also said that we have mentioned to them time and time again that we would wait until after the referendum, and they started doing the work, going far beyond the DEP permits. He said there is nothing we can do about it; we have tried to sit down with them numerous times and hopefully we can meet with them next week. He said that they said we have not been forthright with our intentions and that is not true; they have known all along. He said in conjunction with the DEP permit, they asked us to set up a meeting with DEP to sign an extension and then at that meeting, they argued that they would sue DEP if they gave them that extension. Mayor Fried said we are going to do our best to do what's right for our community. He said he is not blaming the developer for trying to do what he is doing, but unfortunately things changed for our town overnight, to where it would not be a good idea to build that project anymore. He said he doesn't understand why they are going and destroying these trees; it is unnecessary. Again, I will be signing this tonight, the clock will be ticking on the twenty days, we will approach the court and ultimately they will be making this decision.

PAYMENT OF BILLS:

| | | |
|------------------|------------|------------------|
| Current | 5-01, 6-01 | \$ 3,851,954.54 |
| Sewer | 5-07, 6-07 | 19,781.55 |
| Sewer Capital | C-08 | 0.00 |
| Capital | C-04 | 115,672.09 |
| Grant | G-02 | 32,973.30 |
| Plan Review | 6-20 | 0.00 |
| Inspections | 6-21 | 0.00 |
| Performance | 6-22 | 63,259.32 |
| Maintenance | 6-23 | 0.00 |
| Other Trust | T-12 | 13,975.30 |
| Revolving Loan | T-14 | 0.00 |
| Animal Control | T-15 | 1,536.85 |
| Payroll | T-16 | 0.00 |
| Recreation Trust | T-18 | <u>31,316.35</u> |
| Total all funds | | \$ 4,130,469.30 |

Ms. Ciaccio offered a motion that all bills found in order and correct be approved for payment. The motion was seconded by Ms. McGowan.

ROLL CALL:

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

There being five (5) ayes and no nays, the bills were declared approved.

SECOND PUBLIC PARTICIPATION SESSION

Mr. Gary Backinoff, attorney for Washington Woods, said that the facts you stated were not the truth; we will make our arguments in court.

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

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

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:52 p.m.

Ron Witt, Council President

Michele Seigfried, Municipal Clerk