

**TOWNSHIP OF ROBBINSVILLE COUNCIL**  
**Regular Meeting**  
**June 22, 2017**

**CALL TO ORDER**

The regular meeting of the Township Council of the Township of Robbinsville was called to order on June 22, 2017 at 7:03 p.m. at the Municipal Building located in Robbinsville. Mr. Schuberth, Council President, presided over the meeting.

**ROLL CALL**

The call of the roll showed the following to be present: Council President Schuberth, Council Vice President Calcagno and Council Members Ciaccio and McGowan. Council Member Witt arrived at 7:06 p.m. Also present were: Mayor Fried, Chief Financial Officer Bauer, Director of Community Development English, Administrator Tozzi, Recreation Director Barker, Health Officer Swanson, Township Attorney Roselli, Associate Attorney Renaud, 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:**

Regular Meeting – May 11, 2017  
Regular Meeting – May 25, 2017

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  
NAYS:None  
ABSENT:       Witt

There being four (4) ayes and no nays, the minutes were declared approved.

Councilman Witt arrived at 7:06 p.m.

**REPORTS OF COUNCIL MEMBERS**

Mr. Calcagno spoke about updating the Open Space map and gave an update on the Master Plan.

Ms. Ciaccio spoke about the RMAPSA Father's Day Fishing Derby and how it was a success. She explained how Ms. Tozzi came up with the idea, and she thanked Mr. Barker for his work with the Derby.

Mr. Barker said the festivals are growing bigger, better, and more well run every year, which goes beyond him.

Ms. McGowan said the EDAC meeting for last Wednesday was cancelled. She thanked Mr. Barker for prize alley on Community Day, and she explained EDAC's activities at Community Day. Ms. McGowan said the Flag raising ceremony at Community Park was phenomenal, and that it is nice to get the veterans in town more involved.

Mr. Witt spoke about the success of Community Day, saying it shows what a great community Robbinsville is.

Mr. Schuberth spoke about the fair share of school funding, how he worked with School Board Members, talked to seniors, and the successful petition drive for State legislators. He said that the Flag Day Ceremony was a wonderful event lead by the American Legion Post 530. Mr. Witt said you can see the five service and American flags from the turnpike. Mr. Schuberth thanked Mr. Colarocco for making it happen.

Mr. Schuberth spoke about Destination Imagination, a largely student run group that has helped provide programing and opportunities for individuals enriched and engaged in STEM fields. He said there is no shortage of need, and we are competing in a global economy where other nations are much more developed and sustained in programs than we are. Mr. Schuberth said they recently competed in a national championship in Knoxville, Tennessee. He wanted to acknowledge their efforts. Members of the Destination Imagination Teams spoke about their experiences on the teams and what they learned.

Mr. Schuberth noted that the Destination Imagination Teams were passionate and have put in a lot of time and effort. He congratulated them for all of their hard work.

#### BOARD OF HEALTH

Mr. Schuberth said that Council serves as the Board of Health.

Ms. Swanson reviewed the Annual Health Report, gave an overview of the Health Department and answered questions from Council. She recommended that there be two Board of Health meetings per year.

Mayor Fried said he appreciates the work they do for the Town.

#### REPORTS OF BUSINESS ADMINISTRATOR/MAYOR

Ms. Tozzi said the EDAC scavenger hunt was amazing, and they did a great job at Community Day. She said the audit is completed and will be forthcoming. She also said there is a summer concert at the Senior Center on Monday at 5:00 p.m.

Mayor Fried said it was a busy week in Town with a lot of issues. He said there is a tremendous amount of new ratables and safety issues. He said we need to start thinking differently about how to keep the town safe, we will be doing a lot of outreach. He said our number one priority is to keep everyone in Town safe.

#### PUBLIC PARTICIPATION

Mr. Mel Boyce, 74 Robbinsville-Allentown Road, thanked Council and the Mayor. He said he was impressed with how things went and the turn out for the Flag Ceremony. He said he was working on getting some plaques for the parks.

Mr. Andrew Karlin, 55 Sara Drive, spoke about the purchase of the Windsor School. He said he found a county grant, and that the information is on the County website with a deadline of July 18<sup>th</sup>.

Mr. Al Schillaci and Ms. Cindy Schillaci, 89 Richardson Road, said they were here regarding a chicken problem. Ms. Schillaci said they were here six months ago, nothing has been done, and she is losing her patience. She said they've been taxpayers for 28 years and have just as many rights as any other resident. She said they need Council's support.

Mayor Fried said he will let the attorneys speak for us, but we are as frustrated as you are.

Mr. Schillaci asked, if you have existing laws in the books, then why can't you uphold the new ones.

Mr. Renaud said that will be addressed in municipal court, and we have a trial set for July 6<sup>th</sup> at 11:00. He said the Code Enforcement Officer did cite the individual for having chickens on her property. He said there are multiple layers to this.

Ms. Tozzi said the federal law preempts the municipal laws, and that is where the confusion lies and why we can't enforce it as well. She said it has to go through the court process. She said she has a tremendous amount of compassion for what Ms. Schillaci is are going through.

Ms. Schillaci played an audio recording of the chickens. Mr. Schillaci noted that the noise was five feet from their home and said it is just out of hand.

Mr. Roselli said that everyone understands the issue and the concern, but when someone raises the issue with a disability, that triggers another set of laws. He said while it's not typical, he can assure them that he and Mr. Renaud have been engaged with HUD representatives and the federal government. He said that the other problem is that the Township has consistently responded in a timely fashion and they have not. He said with working with the Federal government they have asked us to respond and to allow some interim delay in the prosecution to see if it can be resolved amicably. He said unfortunately, it could not. He said we are continuing to work with the federal government, and it is not because of not wanting to, or not being able to, but the Township follows the process, because we can be subject to discrimination and liability. He said it is a unique case, and said let's see how it plays out, because beside from municipal court, we still have to deal with the Zoning Board.

Ms. Schillaci said that she has a disability as well. She said this could go against the Township.

Mr. Schuberth said this would not be appropriate conversation for this forum.

Mr. Roselli said it is not an issue of us not responding or not wanting to respond, but having to ensure that we address the issues we need to address.

Mr. Witt said the court case is going to be in a few weeks.

Mr. Renaud said that it is going to actually be a trial, and the judge will hopefully make a finding that day of guilty or not guilty.

Ms. Schillaci asked, then what of the chickens and what about us?

Mr. Witt said you have to appeal that to the judge.

Ms. Schillaci asked if she didn't have to pay her tax bill since they cannot use their property. She asked if they can make them move.

Mayor Fried said unfortunately without the order of the judge, there really is nothing that can be done.

Mr. Schillaci asked what we can do if the judge doesn't rule in our favor.

Mr. Roselli said we can appeal his decision.

Further discussion occurred.

There being no one 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 Mr. Calcagno.

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

#### ORDINANCES – INTRODUCTION

##### Ordinance 2017-15

Mr. Witt 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 \$2,230,670 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$2,119,136 IN GENERAL IMPROVEMENT BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE SAME." The motion was seconded by Ms. Ciaccio. The public hearing will be held on July 13, 2017.

#### ROLL CALL:

AYES: Calcagno, Ciaccio, McGowan, Witt, Schuberth

NAYS: None

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

#### ORDINANCES – PUBLIC HEARING

Ordinance 2017-13

This being the time and place for a public hearing on “AN ORDINANCE OF THE TOWNSHIP OF ROBBINSVILLE, COUNTY OF MERCER, NEW JERSEY, REPEALING AND REPLACING PARAGRAPH 12.8.6 ON PAGE 113 OF THE TOWNSHIP’S TOWN CENTER SOUTH REDEVELOPMENT PLAN” Mr. Schuberth opened the meeting for comments from the public.

Mr. Renaud explained a minor amendment to the ordinance. Mr. Roselli said that it was not a substantive change, so Council could proceed to vote on it.

There being no comments from the public, it was moved by Mr. Witt and seconded by Ms. Ciaccio to close the public hearing.

ROLL CALL:

AYES: Calcagno, Ciaccio, McGowan, Witt, Schuberth

NAYS:None

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

It was moved by Mr. Witt and seconded by Mr. Calcagno to adopt the Ordinance as amended.

ROLL CALL:

AYES: Calcagno, Ciaccio, McGowan, Witt, Schuberth

NAYS:None

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

Ordinance 2017-12

This being the time and place for a public hearing on “AN ORDINANCE REPLACING THE ENTIRE CONTENTS OF THE EXISTING AFFORDABLE HOUSING ORDINANCE OF TOWNSHIP OF ROBBINSVILLE (§142-80) TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE TOWNSHIP’S AFFORDABLE HOUSING OBLIGATIONS,” Mr. Schuberth opened the meeting for comments from the public.

Mr. Schuberth announced that amendments were passed out tonight to the ordinance, and since the amendments are substantial, there will be a continuation of the public hearing on July 13<sup>th</sup> and that the ordinance would not be adopted tonight. Mr. Renaud explained the changes.

Ms. Noushin Kanani, 806 Cypress Street, asked Council to explain the ordinance and give more details.

Mr. Renaud said every Township and municipality in the State of New Jersey has an affordable housing requirement, we are just updating it.

Mr. Roselli said because of new State laws and regulations we are required to update the ordinance.

Ms. Kanani asked if the ordinance was about having more affordable housing, and if it would be part of the south side of Town Center.

Mr. Roselli said it will potentially be on the south side.

Mr. Witt said part of what is happening is that other towns are building marketable housing without the equivalent affordable home. He said Robbinsville was one of the few towns to even have their obligation met.

Mr. Roselli said it's a way to capture future development that is not necessarily part of the plan.

There being no further comments, a motion was made by Mr. Witt and seconded by Ms. McGowan to continue the public hearing until July 13<sup>th</sup>.

ROLL CALL:

AYES: Calcagno, Ciaccio, McGowan, Witt, Schubert

NAYS:None

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

Ordinance 2017-14

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 VARIOUS PORTIONS CHAPTER 142 OF THE CODE OF THE TOWNSHIP OF ROBBINSVILLE ENTITLED “LAND USE” SPECIFICALLY SECTION 12 ENTITLED “GENERAL PRINCIPLES,” Mr. Schubert opened the meeting for comments from the public.

Mr. Schubert announced that amendments were passed out tonight to the ordinance, and since the amendments are substantial, there will be a continuation of the public hearing on July 13<sup>th</sup> and that the ordinance would not be adopted tonight. Mr. Renaud explained the changes.

There being no one wishing to comment, a motion was made by Mr. Witt and seconded by Ms. Ciaccio to continue the public hearing until July 13<sup>th</sup>.

ROLL CALL:

AYES: Calcagno, Ciaccio, McGowan, Witt, Schubert

NAYS:None

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

CONSENT AGENDA

The following resolutions were approved as the consent agenda:

- Resolution 2017-133 Chapter 159 – Clean Communities Grant
- Resolution 2017-134 Authorizing Brush Lien – 11 Harvest Bend
- Resolution 2017-135 Authorizing Brush Lien – 68 Robbinsville-Allentown Road
- Resolution 2017-136 Authorizing Brush Lien – 12 Annie Lane
- Resolution 2017-137 Authorizing Brush Lien – 110 Hillside Drive
- Resolution 2017-138 Authorizing Special Event Permit – American Diabetes Charity Bicycle

- Ride  
Resolution 2017-139 Discharge of Repayment Mortgage – 735 Walden Circle  
Resolution 2017-140 Discharge of Repayment Mortgage – 623 Walden Circle  
Resolution 2017-141 Amending Resolution 2015-56, Professional Services Agreement – Architect  
Resolution 2017-143 Authorizing Developer’s Agreement – AOI Properties  
Resolution 2017-144 Award of Bid – Sanitary Sewer Cleaning

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

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

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

RESOLUTIONS

Resolution 2017-142 Authorizing A.B.C. Licenses  
 Mr. Witt offered the above resolution and moved its adoption as amended. The motion was seconded by Ms. Ciaccio.

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

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

PAYMENT OF BILLS:

Current	6-01, 7-01	\$ 609,771.04
Sewer	6-07, 7-07	13,602.86
Sewer Capital	C-08	0.00
Capital	C-04	39,021.69
Grant	G-02	10,745.29
Plan Review	7-20	8,739.50
Inspections	7-21	0.00
Performance	7-22	0.00
Maintenance	7-23	0.00
Other Trust	T-12	44,854.59
Revolving Loan	T-14	0.00
Animal Control	T-15	2,098.35
Payroll	T-16	0.00
Recreation Trust	T-18	<u>7,952.54</u>
Total all funds		\$ 736,785.86

Mr. Witt 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, Witt, Schuberth  
NAYS: None

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

## SECOND PUBLIC PARTICIPATION SESSION

Mr. Mike Moreken, 55 Sharon Road, Apartment E22, asked about the grant for the sidewalks on Main Street. Mr. English said we have the grant and we are ready to do sidewalks, curbs, and the new street, but we are holding off due to all the construction with the water main going on over there. He thought it would be done by Labor Day.

Mr. Witt asked if that has anything to do with the reconstruction of Route 33 as it relates to Town Center South. Mr. English said it could because we are waiting for that corner on Main Street.

Mr. Moreken asked if we were able to just do a piece of it. Mr. English said no because it would double the cost.

Ms. Noushin Kanani, 806 Cypress Street, asked about the Foxmoor Shopping Center. Mr. Calcagno asked about the Foxmoor Sherriff's Sale. Mr. English said it has been postponed again until July 26<sup>th</sup> because they have not received the environmental study yet.

Ms. Kanani asked about the bomb threat at the school. She said there were two situations in the past two months, and she wanted to know how they were handled.

Mayor Fried said we get a lot of incredible threats, but we still have to follow through. He said if we thought they were material, we would cancel school. He said we are going to change the way we do things. He said we are going to request a bomb dog from the Council, not because of there being anything wrong, but just to prove to people in that situation that all is ok.

Ms. Kanani said she is going to bring this to the School Board and request a Town Hall meeting to inform people on how they should handle a situation if it should come up.

Mayor Fried said threats bubble up from students all the time, whether they are real or not, and it is best we handle the situation. He said we still need to check them all out and do a thorough search.

Mr. Moreken, 55 Sharon Road, Apartment E22, spoke about cell phone laws in other states for children.

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 Mr. Calcagno.

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

## EXECUTIVE SESSION

Ms. Seigfried read the following resolution:



**RESOLUTION**

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances, and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED by the Township of Robbinsville Council, County of Mercer, State of New Jersey, as follows:

1. The public shall be excluded from discussions of and action hereinafter specified as
  - a. Litigation – D’Alessandro v. Robbinsville
  - b. Litigation - Fair Share Housing
  - c. Potential Litigation - Foxmoor Shopping Center
2. It is anticipated at this time the above stated subject matter will be made public when it is determined that the need for confidentiality no longer exists.
3. This resolution shall take effect immediately.

Mr. Witt offered a motion to adopt the above resolution and recess the meeting. The motion was seconded by Mr. Calcagno.

ROLL CALL:

AYES: Calcagno, Ciaccio, McGowan, Witt, Schuberth

NAYS:None

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

The meeting was recessed at 8:28 p.m.

The meeting reconvened at 9:24 p.m.

RESOLUTIONS

Resolution 2017-145 Amending Settlement Agreement with Fair Share Housing

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

ROLL CALL:

AYES: Calcagno, Ciaccio, McGowan, Witt, Schuberth

NAYS: None

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

ADJOURNMENT

There being no further business, the meeting was adjourned at 9:25 p.m.

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Dan Schuberth, Council President

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Michele Seigfried, Municipal Clerk