

TOWNSHIP OF ROBBINSVILLE COUNCIL
Regular Meeting
February 27, 2014

CALL TO ORDER

The regular meeting of the Township Council of the Township of Robbinsville was called to order on February 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, Council Vice President Calcagno and Council Members Boyne, and Witt. Ms. Ciaccio was absent. Also present were: Mayor Fried, Administrator Tozzi, Director of Public Works Colarocco, Public Information Officer Nalbone, Chief Financial Officer Bauer, Deputy Fire Chief Schaffener, Police Chief Masseroni, 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:

Special Meeting – January 2, 2014

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

ROLL CALL:

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

There being two (2) ayes, two (2) abstentions and no nays, the minutes were declared approved.

Regular Meeting – January 23, 2014

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

ROLL CALL:

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

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

Executive Session – January 23, 2014

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

ROLL CALL:

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

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

Emergency Meeting – February 12, 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: Calcagno
ABSENT: Ciaccio

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

REPORTS OF COUNCIL MEMBERS

Mr. Boyne said the boys hockey team won their first game of the State series and have their second round tonight.

Mr. Boyne said that he went to his first EDAC meeting on February 12th. He said that he emailed Ms. Huddleston to let the Mayor know that it seems to be a very dynamic group. He said that the meet and greet at Amarone's was very well attended.

Mr. Boyne said that he had his first finance meeting with the CFO and Business Administrator and everything seems to be on track with the budget.

Mr. Calcagno said that the road crews have done a very good job with handling the snow storms.

Ms. McGowan said that she attended her last EDAC meeting as liaison. She spoke about how much the meet and greets have grown over this past year. She said that she attended the grand opening for Walgreens and it was a wonderful event.

Mr. Boyne asked if Gordon Road was done. Mayor Fried said that Gordon Road is now open and it is extremely bumpy. He said it will get resurfaced in the spring. Ms. Tozzi said that we will be putting official signage up tomorrow.

REPORTS OF BUSINESS ADMINISTRATOR/MAYOR

Mayor Fried said that they are working on the budget. He said that the County will be doing a revaluation of a portion of the Town and explained how that will affect the Town.

Mayor Fried said that the blood bank in Mercer County is extremely low. He said they will be putting together a contest for the groups that participate and bring in the most donors. He said the blood drive will be at the senior center next Thursday from 2 p.m. to 8 p.m.

Mayor Fried said the Township's budget is pretty stable and explained further. He spoke about Amazon and the jobs that will be available. He said that it has been a challenging year with the snow and the problems with the salt and low temperatures.

Proclamations:

Ms. McGowan presented a proclamation to Sergeant Thomas Lee as the 2014 St. Patrick's Day Parade Grand Marshall.

Ms. McGowan presented a proclamation to Mr. Richard Karas as the 2014 Irish Person of the Year.

PUBLIC PARTICIPATION

Ms. Karen Kutch, 15 Prestile Place, said that she has a neighbor that has about fifteen pine trees that are about thirty-five feet tall. She said that they have done zero maintenance on these trees. She said every year they blow the needles onto her driveway and the limbs constantly fall off of them. She said that it's a hazard and she has asked him several times to assist with it and he will not. She said that she doesn't know what to do and it is a safety hazard and she would like the Township to look into this.

Mr. Roselli said that she always has the right to file a complaint against him with respect to a public nuisance. He said that the Town does have an ordinance with regard to the removal of trees but the determination has to be made. He suggested having Mr. Brash go out and take a look at it. Mr. Roselli explained the process for filing the complaint.

Mr. Larry Hoffman, 13 Vahlsing Way, said that he had called the Township prior and was told that if the limbs fall on his property it's his responsibility. He gave a brief history of the trees. He said it's an accident waiting to happen.

Mr. Witt said that we should get Mr. Brash out there as a first step. There was further discussion on the matter.

Mr. Roselli said that the Township's interaction is limited.

Mr. Witt said that if we could provide them with some ammunition to go to the neighbor and if he still doesn't respond, then they could take it to the next level.

Mr. Boyne asked about an ordinance that controls the height of grass.

Mr. Roselli explained what's covered under that ordinance. He said that we can't force someone to cut a tree because it's too tall.

Ms. Kutch asked if he has the responsibility to clean up what's fallen on her property.

Mr. Roselli said that her recourse would be to file a law suit.

Ms. Kutch asked if they should do a certified letter and asked other questions about the filing process. Mr. Roselli explained the process in detail.

Mr. Hoffman said that he doesn't have to take the trees down, he just wants them to maintain them.

Mr. Colarocco said that he will set something up with Mr. Brash and for Ms. Kutch to contact Mr. McGough regarding the matter.

Ms. Susan Sarnowski, 25 Hibiscus Lane, thanked Public Works for the job that they did with the storm. She spoke about her disdain for Cablevision. She went over a list of problems with Cablevision and hidden costs. She spoke about the problems with the internet and the poor service. She said that it's always about more money. She said they are not customer oriented. She said that she has written to the BPU and hasn't gotten a response from them. She said that it's not a good situation and would like the Township to take this into consideration.

Mr. Jerry Foster, 15 Sussex Lane, West Windsor and Liz Usmiani, 2 Hilltop Place, Robbinsville spoke about a Complete Streets Policy for Robbinsville. He explained that it's a policy that would be passed through ordinance or resolution, that would include bicyclists and pedestrians in the design of a new road project. He explained the benefits of doing this and asked Council to consider it.

Mayor Fried asked if they were thinking wider streets, more bike paths, or more connectivity on sidewalks.

Ms. Usmiani said that it could be anything that you want it to be. She said that it's not necessarily wider roads. She said if we are going to have repaving projects we can make the shoulder a little bigger for pedestrians and cyclists. She spoke about the benefits to the Township with participating with this.

There was further discussion among Council, the Mayor, Ms. Usmiani, and Mr. Foster on this subject.

Mr. Calcagno spoke about the striped bike lanes in other towns. He said that's for two reasons: for bikes and to make the drivers feel more compressed and slow them down.

Mr. Foster said the nice thing about the grants coming out is, if you have something ready to go, then you can be in and get the best possible chance of obtaining the grants. He spoke about another grant coming out that concentrates on the areas around the school.

Mayor Fried said that they are looking into creating a path from Sharon School to Community Park. He explained that it would be for two reasons: to create walkability and also to be used in case of emergency.

Ms. Usmiani said the Township has a great opportunity to set the town up for something nice. She said in order to qualify for local aid, you have to have an implementation plan and she explained it further.

Ms. McGowan asked if they have a template and she would pass it along to Energy Committee.

Ms. Usmiani said that she would email the information to her.

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. Boyne.

There being four (4) ayes and no nays, the public participation portion of the meeting was declared closed.

ORDINANCES – INTRODUCTION

Ordinance 2014-6

Ms. McGowan indicated that there was a small typo in this ordinance.

Mr. Witt offered a motion to introduce as amended on first reading and have published according to law, **“AN ORDINANCE REFUNDING BOND ORDINANCE PROVIDING FOR THE REFUNDING OF PRIOR BONDS ISSUED BY THE TOWNSHIP OF ROBBINSVILLE, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING NOT TO EXCEED \$2,500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$2,500,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING THE COST THEREOF.”** The motion was seconded by Mr. Calcagno. The public hearing will be held on March 13, 2014.

ROLL CALL:

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

The motion carried.

Ordinance 2014-7

Mr. Witt offered a motion to introduce on first reading and have published according to law, **“CALENDAR YEAR 2014 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET**

APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14),” The motion was seconded by Mr. Calcagno. The public hearing will be held on March 13, 2014.

ROLL CALL:

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

The motion carried.

ORDINANCES – PUBLIC HEARING

Ordinance 2014-1

This being the time and place for a public hearing on **“AN ORDINANCE GRANTING MUNICIPAL CONSENT FOR THE OPERATION OF A CABLE TELEVISION SYSTEM WITHIN THE TOWNSHIP OF ROBBINSVILLE, NEW JERSEY TO CSC TKR, LLC, d/b/a CABLEVISION OF HAMILTON,”** Ms. McGowan opened the meeting for comments from the public. There being none, it was moved by Mr. Witt and seconded by Mr. Calcagno to close the public hearing.

ROLL CALL:

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

The motion carried.

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

ROLL CALL:

AYES: Boyne, McGowan, Witt
NAYS: Calcagno
ABSENT: Ciaccio

There being three (3) ayes and one (1) nay, the ordinance was declared adopted.

Ordinance 2014-2

This being the time and place for a public hearing on **“AN ORDINANCE AMENDING CHAPTER 109 OF THE CODE OF THE TOWNSHIP OF ROBBINSVILLE ENTITLED “FEES,” SPECIFICALLY SECTION 109-7 (A) ENTITLED “FOOD HANDLING ESTABLISHMENTS” AND SECTION 109-17 ENTITLED “VENDING MACHINES,”**

Ms. McGowan opened the meeting for comments from the public. There being none, it was moved by Mr. Witt and seconded by Mr. Calcagno to close the public hearing.

ROLL CALL:

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

The motion carried.

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

ROLL CALL:

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

There being four (4) ayes and no nays, the ordinance was declared adopted.

Ordinance 2014-3

This being the time and place for a public hearing on “**AN ORDINANCE TOWNSHIP OF ROBBINSVILLE, MERCER COUNTY AMENDING THE CODE OF THE TOWNSHIP OF ROBBINSVILLE, SPECIFICALLY CHAPTER 109, FEES, SECTION 109-15 ENTITLED "SWIMMING POOLS,"**” Ms. McGowan opened the meeting for comments from the public. There being none, it was moved by Mr. Witt and seconded by Mr. Calcagno to close the public hearing.

ROLL CALL:

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

There motion carried.

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

ROLL CALL:

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

There being four (4) ayes and no nays, the ordinance was declared adopted.

Ordinance 2014-4

This being the time and place for a public hearing on “**AN ORDINANCE ACCEPTING DEED OF DEDICATION FOR A PORTION OF PROPOSED WASHINGTON BOULEVARD,**” Ms. McGowan opened the meeting for comments from the public. There being none, it was moved by Mr. Witt and seconded by Mr. Calcagno to close the public hearing.

ROLL CALL:

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

The motion carried.

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

ROLL CALL:

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

There being four (4) ayes and no nays, the ordinance was declared adopted.

Ordinance 2014-5

Ms. McGowan stated that the Planning Board had requested more time to review this ordinance. She said we will be continuing the public hearing on this ordinance to March 27th. She said that there was also some confusion about it reading zero percent instead of non-applicable. She said that we will be clarifying that tonight in an amendment.

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, Mr. Calcagno made a motion to amend the ordinance to zero percent for the standard for floor area ratio and impervious surface ratio to read not applicable in the OW District. The motion was seconded by Mr. Witt.

ROLL CALL:

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

The motion carried.

It was moved by Mr. Witt and seconded by Mr. Calcagno to continue the public hearing to March 27, 2014.

ROLL CALL:

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

There being four (4) ayes and no nays, the public hearing was continued to March 27, 2014.

CONSENT AGENDA

Ms. Seigfried explained that there was a minor typo in the account number in letter I, in which the 8 needs to be changed to 7.

Mr. Boyne asked why there needs to be so many petty cash funds. Ms. Bauer explained. Mr. Boyne suggested having a larger fund in the Administrative side inside of Treasurer. There was further discussion on the matter. Ms. Tozzi suggested keeping the petty cash accounts the way

that they are. She said if they would like to change it, they will work with Council. It was decided to leave it as is.

The following resolutions were approved as the consent agenda:

- Resolution 2014-44 Waiving Dog License Late Fees for Month of February 2014
- Resolution 2014-45 Authorizing Change in Custodian of Police Petty Cash Fund
- Resolution 2014-46 Rescinding Welfare Department Petty Cash Fund
- Resolution 2014-47 Authorizing Annual Petty Cash Funds
- Resolution 2014-48 Establishing New Petty Cash Funds - Administration Department
- Resolution 2014-49 Renewing Membership in the Mid Jersey Municipal JIF
- Resolution 2014-50 Releasing Plan Review and Inspection Fees
- Resolution 2014-51 Consenting to Mayor's Appointment on Municipal Alliance Committee
- Resolution 2014-52 Professional Services Agreement, Attorney for Redevelopment – Greenbaum, Rowe, Smith & Davis

- Resolution 2014-54 Cancelling Year-End Penalty Tax Charge – Block 21, Lot 42
- Resolution 2014-55 Amendment to EUS Agreement with WPST
- Resolution 2014-56 Authorizing Part Time Employee to Carry Over Unused Vacation Time
- Resolution 2014-57 Consenting to Mayor's Appointment on Recreation & Cultural Arts Committee

- Resolution 2014-58 Refund of Taxes
- Resolution 2014-59 Authorizing Developer's Agreement – JLC Real Estate Holdings, LLC
- Resolution 2014-60 Award of Bid – Town Center Landscaping Maintenance
- Resolution 2014-61 Establishing Change Fund for Recreation Division
- Resolution 2011-62 Release of Plan Review Escrow – BP Amoco Corp
- Resolution 2011-64 Reallocation of Capital Ordinance

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

ROLL CALL:

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

There being four (4) ayes and no nays, the resolutions were declared adopted.

RESOLUTIONS

Resolution 2014-65 Emergency Temporary

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

ROLL CALL:

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

There being four (4) ayes and no nays, the resolutions were declared adopted.

Resolution 2014-63 Amending Personnel Policy

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

Mr. Boyne asked why we are doing this. Ms. Tozzi explained that our current policy does not meet the State requirements. She said that our current policy is very vague.

Mr. Boyne asked if managerial staff gets comp time under State law. Ms. Tozzi explained the State requirements. She gave an example of the Public Works Director's position. She said that when he works additional hours for snow storms he is not entitled to additional compensation or comp time for that. If the Administrator finds it reasonable to credit him up to that time it's up to her discretion.

Mr. Boyne asked if we are required to provide comp time to individuals that work above thirty five hours. Ms. Tozzi said for non-exempt employees we are. She explained how the current policy reads and this new one will tighten it up and she explained further. There was further discussion among Council Members and Ms. Tozzi on the issue.

Mr. Witt asked how Ms. Tozzi decides on who gets comp time and who doesn't, and if we were opening ourselves up for a grievance.

Mr. Roselli explained that what we are trying to do is ensure that the process is in place so there isn't a grey area.

Mr. Calcagno said there are certain situations where it would clearly not be able to be pre-approved.

Ms. Tozzi said that everything will be documented.

ROLL CALL:

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

There being four (4) ayes and no nays, the resolutions were declared adopted.

PAYMENT OF BILLS:

Current	3-01, 4-01	\$ 4,331,455.56
Sewer	3-07, 4-07	29,881.45
Sewer Capital	C-08	0.00
Capital	C-04	727.50
Grant	G-02	3,696.52
Tax Map Escrow	E-20	0.00
Inspections	I-21	1,184.50
Plan Review	R-20	3,620.50
Performance	P-22	0.00
Maintenance	M-23	0.00
Other Trust	T-12	4,032.14

Revolving Loan	T-14	1,458.33
Animal Control	T-15	1,714.85
Recreation Trust	T-18	<u>1,387.10</u>
Total all funds		\$ 4,379,158.45

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

ROLL CALL:

AYES: Boyne, Calcagno, McGowan, Witt

NAYS:None

ABSENT: Ciaccio

There being four (4) ayes, no nays, and as noted above, the bills were declared approved.

The meeting recessed at 8:54 p.m.

The meeting reconvened at 8:59 p.m.

DISCUSSION ITEMS

Part Time Staff in Clerk's Office

Ms. McGowan explained that right now we have a part time person in the Clerk's office who is retiring. She said that she has gotten reassurance from the Mayor's office that there will be coverage when needed.

Mr. Witt expressed his concerns with the coverage. Mayor Fried explained how that would work.

Mr. Boyne asked, what we started out with four years ago. Ms. Seigfried said that when she first came on there were five people, two full timers and three part-timers. She said for a while we were down to two people and it was extremely difficult. She explained how the part timer has helped and the problems with coverage at the window. She said the main issue is coverage.

Mr. Boyne asked, how much of that position is covered by the dog trust?

Ms. Seigfried explained that fifty percent is charged out to the dog trust. She said that after the retirement, if someone were hired right away, \$5,000 would hit the budget.

Mayor Fried said that we are going to be having a tough year next year and to be wise as to what we are doing and he explained further. He said we need to be consistent in that wherever we are putting extra bodies that they are really warranted.

Ms. McGowan explained that her concern is will they be able to provide coverage instead of closing the office. She gave an example of some duties that maybe can be moved around and taken from the clerk's office such as Landlord Registration.

Ms. Seigfried explained that State law requires that the landlord registrations are taken by the Municipal Clerk's office and explained further.

Mayor Fried questioned other Department Heads about their workloads.

Mr. Witt said that he believes it's a fair point and he wants to be assured that everything is going to work out without inconveniencing the residents.

Mayor Fried asked how many people the Clerk's office normally gets at the window. Ms. Seigfried said that it depends on the time of the year, but there are thousands, and she explained further.

Ms. McGowan said that perhaps cutting the hours down to 11 to 2.

Mayor Fried expressed his concerns with doing this and said he needs to be consistent across the board. Ms. McGowan said that she would like some type of compromise.

There was further discussion on the issue among the Mayor and Council.

Clearing Snow from Sidewalks

Ms. McGowan said that Ms. Seigfried had found ordinances from five surrounding communities. She said that some are more detailed than others. She said that it should be common sense and we shouldn't have to make an ordinance for everything.

Mr. Boyne asked why we stopped this the other two times. Mr. Roselli said that as he recalls we didn't want to legislate people's behavior.

Ms. Tozzi asked Council to please support this ordinance. She explained the phone calls they are receiving regarding the matter.

Ms. McGowan asked about the fines.

There was further discussion among Council regarding the fines and the timelines.

Mr. Roselli said that he would draft the ordinance.

Town Center Streets and Snow Removal

Mr. Boyne said that he has gotten several complaints about the streets in Town Center. He asked if we could do something to enforce residents to park on one side of the road so they can plow.

Mayor Fried said the problem in Town Center is that the driveways are very small and they have limited parking.

Mr. Colarocco said that the most logical decision to make would be to make them park on one side and explained further. He said that it would be different in each location so they impact the least amount of residents.

There was further discussion among Council, the Mayor and Mr. Colarocco.

Ms. McGowan said that we should have this ready to go by the fall.

SECOND PUBLIC PARTICIPATION SESSION

Ms. Noushin Kanani, 806 Cypress Street, said that if they are going to charge for cleaning sidewalks after twenty four hours then she wants her money back. She said that she works at a hospital and she has lost lots of money because she can't get her car out. She said if she sees a fine because she wasn't able to shovel the sidewalk because she is working, she will pay the \$100.00 and the Township will pay her \$500.00 and she explained her frustration further.

Mr. Calcagno said that this is not a revenue source for the Township but it is an issue that needs to be addressed.

Mr. Witt said this is a safety issue.

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. Boyne.

There being four (4) 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 9:32 p.m.

Sheree McGowan, Council President

Michele Seigfried, Municipal Clerk