

TOWNSHIP OF ROBBINSVILLE COUNCIL
Regular Meeting
July 9, 2009

CALL TO ORDER

The regular meeting of the Township Council of the Township of Robbinsville was called to order on July 9, 2009 at 7:30 p.m. at the Court Facility located in Robbinsville. Mr. Levesque, Council President, presided over the meeting.

ROLL CALL

The call of the roll showed the following to be present: Council President Levesque, Council Vice President Calcagno and Council Members Boyne, Ciaccio and McGowan. Also present were: Administrator McGough, Constituent Relations Specialist Tozzi, Director of Public Works Colarocco, Assistant Chief Financial Officer Halasz, Police Chief Masseroni, Acting Township Attorney Lozier and Municipal Clerk Auletta. Mayor Fried arrived at 7:32 p.m.

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 – June 11, 2009
Executive Session – June 25, 2009

Ms. Ciaccio offered a motion to approve the minutes of the regular meeting of June 11, 2009 and the executive sessions of June 25, 2009. The motion was seconded by Mr. Boyne.

ROLL CALL:

AYES: Boyne, Ciaccio, Levesque

NAYS: None

ABSTAIN: Calcagno, McGowan

There being three (3) ayes, no nays and two (2) abstentions, the minutes were declared approved.

REPORTS OF COUNCIL MEMBERS

Ms. Ciaccio said that she attended the Sesquicentennial Committee meeting. She said that they discussed the plans for Planes, Trains and Automobiles, which will be held on Saturday, August 8th. She said that she will have more to report at the next Council meeting.

Mr. Boyne, Ms. McGowan and Mr. Calcagno said that they did not have anything to report at this time.

Mr. Levesque said that the Economic Development Committee did not meet because of a lack of a quorum. He said that it has been rescheduled for this coming Wednesday.

REPORTS OF BUSINESS ADMINISTRATOR/MAYOR

Mr. McGough said that he attended a meeting with NJDOT consultants and the project manager regarding the Route 33 realignment. He said that they are moving forward and would like to see the groundbreaking and construction activities in the first or second quarter of next year. He explained that the wetlands permit for this project expires in August 2010 and as it has already been extended five years, there are no more extensions. He said that he will be attending another meeting on July 24th regarding this project.

Mr. Levesque said that he would like to publicly thank Mr. McGough for the work he has done regarding this project. He said that he appreciates his hard work.

Discussion of the 2009 Municipal Budget

Recreation

As Recreation Director Chris Merias was unable to attend the meeting, Mr. McGough presented the Recreation budget to Council. He said that the summer camps and sports camps are self-sustaining. He explained that they charge a fee, which goes into a trust fund to pay all expenses. He said that he believes the numbers are higher due to the economy as people are not going on vacations.

Ms. McGowan asked why the Administrative Secretary's salary is doubling.

Mr. McGough explained that the allocation of her salary has changed because the bulk of what she does is done for Recreation.

Mayor Fried said that she was brought in from the MUA a year ago. He explained that the salary hasn't changed, but her allocation of time is being more correctly allocated.

Mr. McGough said that the bulk of the budget for Celebration of Public Events is the Community Festival. He explained that the increase in the budget is because there has been a decrease in contributions from the businesses in Town.

Mayor Fried said he believes once the economy changes, we will be able to raise more money.

Mr. Levesque said that there will also be more businesses coming to Town.

Mayor Fried asked Council if they would consider giving the food vendors back their fees. He explained that it would be a show of good will as they came and set up twice and did not sell anything due to the weather.

Mr. Levesque said that he has some other projects he is working on within the County, which will give these vendors some other opportunities.

Ms. Ciaccio said that they will also ask these vendors to attend Planes, Trains and Automobiles so they will have another opportunity.

Council and the Mayor discussed this further.

Fire Division

Mr. McGough asked Council to postpone the Fire budget. He said that last Thursday was his first day and he has determined that there are some structural problems with the Fire budget. He spoke about the overtime and per diem budget deficits. He explained that to avoid these types of deficits, he would like to institute a new procedure and have monthly reports by department prepared so that he may track expenditures. He would also like to institute a rule that certain expenditures would require the approval of himself and the Mayor.

Mr. McGough explained further and requested he be able to present the Fire budget at the next Council meeting. He continued to answer questions from Council.

Discussion/Vote on Changes to the Budget

Mr. Levesque said that changes to the budget will be postponed until the July 23rd meeting.

PUBLIC PARTICIPATION

Ms. Regina Arcuri, 523 Walden Circle, asked who has been the Fire Chief.

Mayor Fried said that at this time, the captains have been reporting to the Police Chief.

Ms. Arcuri asked if the Police Chief is Chief of the Fire Department.

Mayor Fried explained that technically everyone reports to the Public Safety Director, but at this time, the Captains are reporting to the Police Chief and the Police Chief reports to the Mayor, who is the Public Safety Director.

Ms. Arcuri asked how the overtime has gotten out of hand.

Mayor Fried said that this is a good question and they are looking into it.

Mr. Levesque said that he believes they will have more answers next week.

Ms. Arcuri asked why we do not have a Fire Chief.

Mayor Fried said because he resigned. He explained that they have not yet decided whether to make a Captain the new Chief or bring in a Chief from the outside. He reiterated that we would know more next week.

Mr. Hal Walker, 26 School Drive, Windsor, asked regarding the construction on Route 130, when the shoulder lane would be blacktopped. He explained that it is dangerous.

Mr. Levesque asked Mr. McGough if he had spoken with DOT regarding this matter.

Mr. McGough said that he would look into it. He, the Mayor and Council discussed the issue further.

Ms. Sonja Walter, 10 Patriot Drive, said that in listening to the Fire budget, she is curious why only \$45,000.00 was budgeted for overtime when last year \$155,000.00 was spent.

Mayor Fried explained that it was built-in overtime as part of their salaries. He explained further.

Ms. Walter asked if that is the same thing for the per diem. She said that she knows it has been a very difficult year for a lot of people in Town due to the economy. She asked Mr. Levesque why he and Mayor Fried decided this year to ask the residents to pay for their health insurance, which is upward of \$22,000.00.

Mr. Levesque said that it is an option available to them and like all other employees, they do contribute toward the cost.

Ms. Walter continued to disagree with Mr. Levesque on the matter. Mr. Levesque said that he has answered the question and appreciates her comment.

Ms. Walter said that she is concerned about the position of Economic Development Coordinator, which she read about in the newspaper. She said that she knows the salary is not in the budget but in a revolving loan. She explained her concern is that the fund will run out before the four years are up.

Mayor Fried said that two positions have been eliminated from Engineering.

Ms. Walter said that information was not in the newspaper.

Mayor Fried said that with the bypass going through, there will be significant opportunity for the development of the Kushner property not only for additional revenue and ratables but also in the value of the property. He said that it makes sense to have someone who will be able to manage the project. He said that Ms. Caffrey understands redevelopment, she understands the Town and she understands how to market the Town.

Ms. Walter asked if we are now going to do redevelopment on the Kushner property.

Mayor Fried said that we may move down that path because it is a strong opportunity for us.

Ms. Walter asked for clarification of the process that is in place.

Mr. Levesque said that we are looking to potentially go to auction in September.

Mayor Fried said we may go to auction, we may look into redevelopment or we may do some auctioning and some redevelopment. He explained further.

Ms. Walter asked if this could go to auction in September, would there be a public process, would it be outlined more clearly? She explained that there was a plan in place a year and a half ago and it never came to fruition.

Mayor Fried said that the plan Ms. Walter is referring to did not include the bypass. He explained that it would be a bad idea to do any planning before the road configuration is done.

Ms. Walter said that as revenue cannot be anticipated for payment of the note unless the contract is signed by the adoption of the budget, would the payment for the interest on the note have to come out of the budget.

Mayor Fried said that he believes there is a way to manage it.

Ms. Walter continued to discuss her concerns regarding the budget. She spoke about her concerns with the Legal Services budget expenses and questioned why so many attorneys were needed.

Mr. Levesque asked her which attorneys were not necessary. They continued to discuss the issue.

Mr. Levesque said that Ms. Walter is speaking about budgeted items that she has had months to look at and could have talked about during the time that she had served on Council. He said that Engineering, Planning, Zoning have all been discussed and she didn't say a word.

Ms. Walter said that she is up here as a member of the public and she wants to know where her money is being spent.

Mr. Levesque asked Mr. Lozier if the Legal Services budget Ms. Walter referred to is a public document.

Ms. Walter said that she is discussing a matter of which she has previous knowledge.

Mr. Levesque asked Mr. Lozier if this document was discussed while Ms. Walter was on Council, is it able to be discussed at this time.

Mr. Lozier explained that if the document was previously discussed in public, then you waive the client-attorney privilege. He explained that if it was discussed among Council and the attorney solely, then it is privileged information and should not be discussed.

Mr. Levesque asked Mr. Lozier to clarify that the budget is not a public document until it is adopted.

Mr. Lozier explained that once the Council has made its final numbers and the budget is introduced, it may be reviewed and discussed at an open public meeting. He said prior to that it is premature and should not be discussed.

Ms. Walter said that the public does not get to discuss it until the public hearing.

Mr. Lozier reiterated that once it is introduced, you are able to review it and discuss it openly at the meeting.

Ms. Walter, Council and the Mayor continued to discuss various budget issues.

Mr. Thomas Halm, 203 Garden Place, said that he has been asked to serve as the liaison from the School Board to Town Council. He said if there are any issues Council would like him to take back to the School Board, he will be happy to do so. He said that he will also bring any issues that the School Board has to Council's attention.

Mr. Calcagno said that more shared services agreements with the school would be beneficial to the Township as a whole.

Mr. Halm said that he serves on the Facilities, Finance and Transportation Committee. He said our new superintendent started on July 1st and we would be happy to work with the Town. He said that he will be happy to bring anything back to FFT as well as the School Board.

Mayor Fried asked Mr. Halm if he could have the FFT Committee do a field trip and walk outside their three buildings to look at the landscape.

Mr. Calcagno said that First Choice Bank, which is in Planning Board approval, is unable to put all the trees required on their property. He said that he suggested those trees be planted elsewhere within the Township and recommended that they offer them to the school.

Mr. Halm said he would bring it to the attention of FFT as well as the School Board.

Ms. Ciaccio said that she and the Mayor are working on something for the schools and have someone who wants to donate an irrigation system. She explained that you can't plant without drip irrigation. She said that they have volunteers to plant the trees and they will select one of the three schools.

Mayor Fried said that he is extremely excited about the new superintendent.

Mr. McGough said that Ms. Tozzi, Mr. Colarocco, Chief Masseroni and himself met with the new superintendent. He said that they spoke about opportunities for additional shared services, safety in the schools and buildings and grounds. He said it was a great meeting and they are looking forward to working together.

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

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

ORDINANCES – INTRODUCTION

Ordinance 2009-19

Mr. Boyne offered a motion to introduce on first reading and have published according to law, AN ORDINANCE AMENDING CHAPTER 2 THE CODE OF THE TOWNSHIP OF ROBBINSVILLE ENTITLED “ADMINISTRATION OF GOVERNMENT” SPECIFICALLY SECTION 2-61 ENTITLED “TERM LIMITS”. The motion was seconded by Mr. Calcagno. The public hearing will be on July 23, 2009.

ROLL CALL:

AYES: Boyne, Calcagno, Ciaccio, McGowan, Levesque

NAYS: None

The motion carried.

Ordinance 2009-20

Mr. Boyne offered a motion to introduce on first reading and have published according to law, AN ORDINANCE FIXING THE SALARY OF THE BUSINESS ADMINISTRATOR/ DIRECTOR OF COMMUNITY DEVELOPMENT OF THE TOWNSHIP OF ROBBINSVILLE. The motion was seconded by Ms. Ciaccio. The public hearing will be on July 23, 2009.

ROLL CALL:

AYES: Boyne, Calcagno, Ciaccio, McGowan, Levesque

NAYS: None

The motion carried.

Ordinance 2009-21

In response to Mr. Boyne’s question, Mr. Levesque clarified the ordinance. Mr. McGough explained further.

Ms. Ciaccio offered a motion to introduce on first reading and have published according to law, ORDINANCE OF THE TOWNSHIP OF ROBBINSVILLE AUTHORIZING THE VACATION OF A PORTION OF THE FORMER GORDON ROAD RIGHT-OF-WAY FROM THE NORTHERLY SIDELINE OF NEW JERSEY STATE HIGHWAY ROUTE 130 TO

RELOCATED GORDON ROAD. The motion was seconded by Mr. Boyne. The public hearing will be on August 13, 2009.

ROLL CALL:

AYES: Boyne, Calcagno, Ciaccio, McGowan, Levesque

NAYS: None

The motion carried.

CONSENT AGENDA

The following resolutions were approved as the consent agenda:

- Resolution 2009-170 Governing Body Certification of the Annual Audit
- Resolution 2009-171 Professional Services Agreement – Township Auditor
- Resolution 2009-172 Professional Services Agreement – Public Defender
- Resolution 2009-173 Repealing No Parking Regulations on Route 33 near Route 526
- Resolution 2009-174 Combining Recreation and Cultural Arts Advisory Committees
- Resolution 2009-175 Authorizing Shared Services Agreement for Automotive Services –
Borough of Hightstown
- Resolution 2009-176 Consenting to Mayor Appointment to the Affordable Housing Advisory
Committee
- Resolution 2009-177 Consenting to Mayoral Appointment to the Municipal Alliance Committee
on Alcohol and Drug Abuse

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

ROLL CALL:

AYES: Boyne, Calcagno, Ciaccio, McGowan, Levesque

NAYS: None

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

Mr. McGough clarified Resolution 2009-174, Repealing No Parking Regulations on Route 33 near Route 526. He explained that this will allow parking in the shoulder area.

Mr. Levesque said this will also please the businesses in Town Center.

RESOLUTIONS

Resolution 2009-178 EMERGENCY TEMPORARY RESOLUTION

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

ROLL CALL:

AYES: Boyne, Calcagno, Ciaccio, McGowan, Levesque

NAYS: None

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

PAYMENT OF BILLS:

Current	9-01	\$3,238,216.60
Sewer Util	9-07	5,012.48
Construction	9-50	19,249.80
Capital	C-04	35,154.85
Grant	G-02	611.00
Inspection Escrow	I-21	5,435.00
Plan Review	R-20	30,049.50
Other Trust	T-12	6,064.50
Recreation	T-18	<u>8,327.98</u>
Total all funds		\$3,348,121.71

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

ROLL CALL:

AYES: Boyne, Calcagno, Ciaccio, McGowan, Levesque

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 E-22, spoke about grass cutting on Block 2 Lot 18 owned by NJDOT and Block 2 Lot 9 owned by UNJRR and Consolidated Rail. He suggested that the Town cut the grass and put a lien on the properties. He asked about the sidewalk along Route 130 and Main Street.

Mayor Fried said regarding the grass cutting, that we will write a letter and if they don't comply, we will cut the grass.

Mr. McGough said that we should probably just go ahead and cut the grass.

Mr. Moreken asked about the status of the emergency communications documents he supported.

Mr. Levesque said that it was sent to Mr. Roselli who was unable to attend tonight's meeting. He said he would follow up with Mr. Roselli.

Mr. Moreken congratulated Ms. McGowan and Mr. Calcagno.

Ms. Regina Arcuri, 523 Walden Circle, asked what the salary of the Business Administrator is.

Mr. Levesque said \$155,000.00 combined for Business Administrator, Director of Community Development and Township Engineer.

Ms. Arcuri asked what the percentage of time for each position is.

Mr. McGough said that the initial estimate is 60% Engineering and 40% Administration.

Ms. Arcuri asked what the salary maxes out at.

Mr. Levesque said that for this year it is set at \$155,000.00.

Ms. Arcuri said that although he does not draw a salary, the salary for the Governor is \$175,000.00, and he is responsible for the whole State of New Jersey. She said that the Commissioner of Community Affairs, Joe Doria, has a salary of \$141,000.00. She said it confuses her that a gentleman who is overseeing one town is making more than the Commissioner of Community Affairs.

Mr. Calcagno said it may be misleading when you just look at a salary. He explained that you have to look at the contract to see if there are other allowances, such as cars, etc.

Ms. Arcuri said that she would prefer the money go toward Mayor Fried as a full-time mayor. She said that it is hard to ask taxpayers, especially in this economy, to support a salary of \$155,000.00 for a gentleman who is going to oversee one town.

Mr. Levesque explained that the Mayor consolidated government by bringing three positions down to one. He explained that those three positions totaled \$217,000.00. He said that there has been a process and he appreciates consolidation in government, which is important.

Ms. McGowan said that Hopewell combined the Business Administrator and Engineer two or three years ago and his salary is more than Mr. McGough's. She explained that only 40% of the salary is for Business Administrator portion and 60% is for the Engineering portion.

Ms. Arcuri asked if we have been paying a full-time salary for a Business Administrator and her job duties were only valued as part-time work for the past four years.

Mayor Fried said that you have to take a look at what is happening in the economy. He said that right now is unprecedented times and we have significantly less engineering coming in, significantly less work coming in. He said that he is consolidating government due to the fact

that this is a terrible year and we have considerably less building happening. He said it is an opportunity for us to consolidate.

Mayor Fried explained that we are making tough decisions. He said we are cutting expenses and consolidating government. He spoke about ending lifetime health benefits, taking over the Fire Department and consolidating the MUA. He said that we have to do it or none of us will be able to afford to live here.

Ms. Arcuri said that from what she has heard tonight, as far as consolidating the Fire Department, it appears that it is costing us money.

Mayor Fried said that years ago we had a \$3,000,000.00 Fire Department and we now have a \$2,000,000.00 Fire Department.

Ms. Arcuri said that she would love to see those numbers on paper.

Mayor Fried said that she can compare the old Fire District's budget with our budget today, which will be released in a few weeks.

Ms. Arcuri said that she is just having a tough time with the salary of the Business Administrator.

Ms. McGowan said that you are looking at a \$155,000.00 salary and comparing that to what our former Business Administrator earned a year. She said that you are not comparing apples to apples because that \$155,000.00 salary is two jobs consolidated into one.

Mr. Boyne explained that Mayor Fried is reducing the size of government, which you do not see in State government. He said that is why the State's spending is out of control.

Mayor, Council and Ms. Arcuri continued to talk about this subject.

Ms. Sonja Walter, 10 Patriot Drive, asked if the combined position would include a Zoning Officer.

Mayor Fried said that it would not.

Ms. Walter asked if we would be hiring a zoning officer. She said that in Hopewell they do have a separate paid Zoning Officer.

Mayor Fried said that we have a person who will take over that position.

Ms. Walter asked who.

Mr. McGough said Ann Bell.

Ms. Walter asked if her salary would be increased.

Mayor Fried said no and explained further.

Mayor Fried and Ms. Walter continued to discuss the matter.

Mr. McGough said that Ms. Bell is doing a fantastic job. He said that she is excited about the opportunity and the Mayor's confidence to appoint her as Zoning Officer.

Mr. Levesque said that he also had a meeting with Ms. Bell and he is impressed.

Mayor Fried said that the Robbinsville Girls Softball Team just won their game in the District Finals.

There being no one further from the public wishing to speak, Ms. Ciaccio 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.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:36 p.m.

Rich Levesque, Council President

Michele Auletta, Municipal Clerk