

**MINUTES OF THE MILLVILLE
TOWN COUNCIL MEETING
July 12, 2016 @ 7:00 p.m.**

In attendance were Mayor Bob Gordon; Deputy Mayor Steve Maneri; Treasurer Susan Brewer; Secretary Valerie Faden; Council Member Steve Small; Town Solicitor Seth Thompson, AECOM Representative Kyle Gulbranson, Town Manager Debbie Botchie, and Town Executive Assistant Matt Amerling.

1. CALL MEETING TO ORDER

Mayor Bob Gordon called the meeting to order at 7:00 p.m.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. ADOPTION OF TOWN COUNCIL MINUTES AND NOTES

A. Adoption of Town Council Minutes – June 14, 2016

B. Adoption of Town Council Workshop Minutes – June 28, 2016

Council Member Steve Small motioned to approve the minutes from the June 14, 2016, Town Council meeting and the June 28, 2016, Town Council Workshop meeting. Council Member Susan Brewer seconded the motion. Motion carried 5-0.

4. FINANCIAL REPORT – Treasurer Susan Brewer

A. June 2016

Council Member Susan Brewer read the Financial Report for the month ending 6/30/16.

June 30, 2016:

General Revenue: \$ 136,032. Restricted Revenue: \$ 78,856.

General Expenses: 58,650. Restricted Expenses: 15,622.

Deputy Mayor Steve Maneri motioned to approve the Treasurer's Report for the month ending June 30, 2016. Mr. Small seconded the motion. Motion carried 5-0.

5. ADMINISTRATIVE MATTERS

A. Administrative Report for June 2016 – Town Manager

There were no comments.

6. NEW BUSINESS

A. Discuss and possible vote on a Final site plan submitted by Millville Mini Storage, LLC (formerly Two Mini Inc.), to construct three (3) 2500-square-foot self-storage buildings for a total of 7500 square feet. *Synopsis:* The preliminary site plan for the three buildings was approved at the September 21, 2015, Planning & Zoning (P&Z) Committee meeting, and then again at the November 10, 2015, Town Council meeting. AECOM reviewed the

final site plan and recommended the site plan be approved per evidence of Millville Mini Storage LLC having gained all necessary agency approvals as listed in AECOM's June 20, 2016, letter.

Mayor Bob Gordon recused himself from the dais. Mr. Jeff Clark, of Land Tech, stated he and the owner, Mr. Peter Astorino, have the final site plan approval before Council tonight and they have acquired approvals from all regulatory agencies as requested; and there was one issue raised at the November 10, 2015, Town Council meeting, which had to do with a dumpster and since that time, the dumpster has been relocated from the front of the property to the back, as shown on the final site plan, and there are no other issues to Mr. Clark's knowledge. AECOM representative Kyle Gulbranson stated he believes everything has been addressed, but the only issue he knows of is the fact that at the November 10 meeting, it was agreed upon that the dumpster be enclosed. Mr. Gulbranson asked if the dumpster is being enclosed. Mr. Clark stated no, because the dumpster was moved so it is out of sight, Mr. Clark and Mr. Astorino believed the reason for the enclosure (the location) had been fulfilled. Town Manager Debbie Botchie asked if one of the concerns was that trash would be blowing out of the dumpster with various people utilizing it, so how will Mr. Astorino prevent the trash from blowing if there is no enclosure. Mr. Maneri stated at the November 10, 2015, Council meeting, Council motioned to approve the preliminary site plan, with one of the conditions being "of adding an enclosure for the dumpster of the facilities." Mr. Clark stated he and Mr. Astorino interpreted that condition to mean the presence of the dumpster was unsightly and so they moved the dumpster, but Mr. Clark is not sure enclosing the dumpster will prevent trash from blowing out and around, since people don't always open the top to put trash in neatly and then close it before leaving. Mr. Clark further stated, unfortunately, unless someone is there constantly, it happens from time to time when someone throws trash in and leaves it where it falls. Mr. Clark stated it is his opinion that an enclosure will not prevent trash from being blown around, but if Council has a different opinion, he and Mr. Astorino will listen to it; but an enclosure will make it more difficult for a carrier to dump the dumpster as they will have to get out and open doors, and the enclosure also makes it more inconvenient for people to use the dumpster and leave trash. Mr. Maneri asked if the type of enclosure Council is talking about is not completely closed off. Mr. Gulbranson stated the intent of the enclosure was not just to keep the dumpster out of sight – so to speak – but also to have an enclosure to prevent trash from blowing onto a different piece of property. Mr. Gulbranson stated he believes that is in the approval letter and it is in AECOM's letter as well.

Mr. Astorino stated when he came in for the preliminary approval, the assumption was the dumpster was going to stay at the front of the property adjoining the gate, and there was an issue about the trash being visible. Mr. Astorino stated he moved the dumpster to the back of the property, so when these next three buildings are up, the dumpster would not be visible and the enclosure to keep the dumpster hidden would be unnecessary. Mr. Astorino stated he has no issue putting up an enclosure but the public still won't see the dumpster due to its location. Mr. Maneri stated Council was looking more into the garbage below the dumpster; for instance, when someone just throws something in the dumpster and the wind blows it out and into the daycare center or someone else's property next door. Mr. Astorino stated the dumpster he put out back is bigger than the one out front – it has been

upgraded to the next size – and customers of the storage unit are going to use the dumpster. Mr. Astorino stated he doesn't have a policeman to watch the dumpster all day, every day; although, he has put in place a video surveillance system so he can catch anyone grossly abusing the use, and he can evict them if necessary. Mr. Maneri asked how often a week the dumpster trash will be picked up. Mr. Astorino stated once per week. Council Member Valerie Faden stated she does have the approval letter (from after the November 10, 2015, Council meeting), dated November 19, 2015, and it states, "The Town Council voted in favor of the preliminary plan to construct three (3) 2500-square-foot self-storage buildings located on the lot with the following conditions: (1) Add to the plans a dumpster enclosure no higher than six (6) feet in height so as to shield the dumpster from being visible from the road." Mr. Astorino stated that condition was based on the dumpster being visible from the road, but now, after its relocation, it is not visible from the road. Mr. Astorino stated the reason he moved the dumpster to the back was because Town Code & Building Administrator Eric Evans asked Mr. Astorino to essentially relocate the dumpster, which Mr. Astorino did about four (4) or five (5) months ago. Mr. Gulbranson stated he does recall the Town had members of the public at the November 10 meeting and one of their concerns was trash blowing from the site and getting lodged in fencing on the perimeter of Mr. Astorino's property, which was the reason for the enclosure; and relocating the dumpster was also for aesthetic value. Mr. Clark asked how an enclosure would prevent trash blowing around if there is a lid on the dumpster which would most likely be closed. Ms. Faden stated she's new to Council and all she has to go on is the documentation from meetings, and in order to follow through with what's been done so far, Ms. Faden would have to follow what has been set up and it is what she sees in writing, and that is what she would like to see going forward. Mr. Clark asked if the letter or motion stated why the request for the enclosure. Ms. Faden stated the motion is not required to say why, and, for whatever reason, that is the condition he, Mr. Astorino and Council agreed upon, and so if the approval of the plan requires this element of an enclosure, then that element – the enclosure – has to be there. Ms. Botchie read the motion from the November 10, 2015, Town Council meeting for the approval of the preliminary site plan review: "Mr. Kent motioned to approve the preliminary site plan submitted by Two Mini Inc., to construct three (3) 2500-square-foot self-storage buildings for a total of 7500 square feet, with the condition of adding an enclosure for the dumpster of the facilities. Council Member Steve Maneri seconded the motion. Ms. Brewer voted yes. Mr. Maneri voted yes. Mr. Kent voted yes. Mayor Hocker voted yes. Mr. Gordon abstained. Motion carried 4-0-1 abstained." Mr. Clark asked if the purpose of the enclosure was to shield the dumpster from being visible from the road. Ms. Faden stated the November 19, 2015, letter was more about there being an enclosure and its specified height.

Town Solicitor Seth Thompson stated, from a legal perspective, the issue is there was a requirement placed on the preliminary site plan approval and that provision normally has to be met in order to receive final approval. Mr. Thompson further stated the confusion here is Mr. Astorino and Mr. Clark believed they were satisfying the Town's condition by doing something different, but, legally, Council would be able to say the condition has not been met and the applicant needs to do what they discussed with Council first; or, Council can approve what the applicant is proposing now, if Council believes the relocation of the dumpster will suffice as to the issue of trash blowing around and the visual aesthetics. Mr. Maneri stated his feeling is to remain with enforcing the condition of the applicant providing an enclosure for the dumpster. Ms. Faden stated she agrees. Council Member Steve Small suggested to Mr. Astorino it would not be a huge expense to provide a vegetative screen for the few residences surrounding, or within view of, the property under review, and asked if that

would be something Mr. Astorino would consider. Mr. Astorino stated the only residences which are visible from the property are Mayor Gordon, and Mr. Astorino gladly moved the dumpster because Mayor Gordon expressed at the November 10, 2015, meeting that the dumpster was ugly; and two months later, Mr. Astorino moved it so the dumpster was not visible to anyone from the street. Mr. Small stated he is not laying down a condition for approval but merely making a suggestion to Mr. Astorino that he voluntarily put up some vegetative screen to “soften the view,” and Mr. Small simply hoped Mr. Astorino would take his suggestion under advisement. Mr. Astorino stated he will take Mr. Small’s suggestion under advisement. Ms. Brewer stated she believes that was a side issue from what Council was currently discussing and reviewing. Mr. Small stated it is a side issue but the issue really hadn’t been covered as such and since Council is about to give final approval to something, and Mr. Small wanted to make a suggestion to Mr. Astorino, which Mr. Small is pleased to hear Mr. Astorino will take under advisement. Mr. Astorino stated he has no problem putting an enclosure around the dumpster while it’s located at the back fence but Mr. Astorino was merely pointing out the new location of the dumpster does not allow a public view of it unless someone is within the storage area. Ms. Brewer stated she would suggest the motion include the dumpster itself would be shielded or enclosed as originally requested. Ms. Brewer stated if Mr. Small would like the motion to include the vegetative screening, he could do so. Mr. Small stated he will rely on Mr. Astorino’s good will. Mr. Thompson stated Council would encourage some vegetative buffering, if possible, and that is a different issue from the dumpster enclosure, which was raised at the November 10 meeting. Mr. Thompson asked Mr. Astorino if having the dumpster in the back has made it easier for the trash trucks to access the dumpster. Mr. Clark stated yes, the new location of the dumpster is more functional.

Ms. Faden motioned to approve the Final site plan submitted by Millville Mini Storage, LLC (formerly Two Mini Inc.), to construct three (3) 2500-square-foot self-storage buildings for a total of 7500 square feet, with the condition of a three (3)-sided enclosure is placed around the dumpster located in the back of the establishment, and that said enclosure be higher than the dumpster but no higher than six (6) feet. Ms. Brewer seconded the motion. Mr. Maneri voted yes. Ms. Faden voted yes. Mr. Small voted yes. Ms. Brewer voted yes. Mayor Gordon abstained due to recusal. Motion carried 4-0-1 abstention.

7. PROPERTY OWNERS/AUDIENCE COMMENTS AND QUESTIONS

There were no comments.

8. ANNOUNCEMENT OF NEXT MEETING – The next meeting will be the Town’s workshop on July 26, 2016.

9. ADJOURNMENT

Mayor Gordon motioned to adjourn the meeting at 7:29 p.m. Ms. Faden seconded the motion. Motion carried 5-0.

Respectfully submitted,
Matt Amerling, Executive Assistant