

TOWNSHIP OF ROBBINSVILLE COUNCIL
Regular Meeting
April 9, 2015

CALL TO ORDER

The regular meeting of the Township Council of the Township of Robbinsville was called to order on April 9, 2015 at 7:03 p.m. at the Court Facility located in Robbinsville. Ms. Ciaccio, Council Vice President, presided over the meeting.

ROLL CALL

The call of the roll showed the following to be present: Council Vice President Ciaccio and Council Members Boyne and McGowan. Council President Witt and Council Member Calcagno participated via conference call. Also present were: Chief Financial Officer Bauer, Township Engineer McGough, Public Works Director Colarocco, Recreation Director Barker, Redevelopment Planner Wisner, 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.

Ms. Ciaccio presented the Mayor's Proclamation to Robbinsville resident, Bill Dressel.

Mr. Dressel thanked Council, Mayor Fried and the staff for the great honor.

APPROVAL OF MINUTES:

Regular Meeting – March 12, 2015

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

ROLL CALL:

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

There being four (4) ayes, no nays and one (1) abstention, the minutes were declared approved.

REPORTS OF COUNCIL MEMBERS

Ms. McGowan said she attended the Economic Development meeting last night. She said the committee is active and there will be an event this Thursday which will include Robbinsville

business owners, to which they are expecting 75 to 80 people. She said the committee will be taking over “prize alley” at Community Day because they will be able to lower the cost from what they were charged in the past. She said they sent the invitations out to businesses, but they will be only accepting 40, on a first-come, first-served basis. She said there will be a scavenger hunt in September.

Mr. Calcagno said there will be an Open House at the Senior Center on May 16, 2015 from 1:00-4:00 p.m. He said Council got an e-mail from Mercer County Trail Development Priorities regarding the trails project and the trail project is number 14, so we are getting some visibility. He said he reviewed the plans for the new municipal building, and the outside of the building is nice. He said he has some comments that he passed on to Mr. McGough and Administration. He said it looks like it will be a nice building.

Mr. Witt said the Mayor’s State of the Township Address was a good positive message, and an example of how the community could pull together for such a great cause. He said the Planning Board meeting was canceled for next week because there were no items on the agenda.

Ms. Ciaccio said there will be an Earth Day walk on April 24th. She said the Council feels the Mayor’s State of the Township Address was powerful and heartwarming. She said it shows that the residents of Robbinsville work together to help each other and to pay it forward.

PUBLIC PARTICIPATION

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. Boyne.

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

REPORTS OF BUSINESS ADMINISTRATOR/MAYOR

Mr. McGough said we are in need of members of the Environmental Commission. He said there were two resignations, including the Chair.

Ms. Seigfried said the Environmental Commission is the Mayor’s Appointment only. She said she thought all the positions were filled except the Planning Board representative.

Mr. McGough said two people are resigning.

Ms. Seigfried said there were applications that came in, but there were no openings at this time, and she will resend those out.

Ms. Ciaccio asked if we still had a student on the Commission. She said if so, we can ask for a high school student.

Mr. McGough said there was a State Regulatory Cemetery Board meeting today. He said they voted to allow the property to be sold. He said he is expecting to go to bid on the Sharon Road/Gordon Road traffic signal in the next few weeks. He said he wanted clear title on the property before closing on it because there will be traffic signal equipment on it. He said he wants to do the sidewalk project separately.

Ms. Ciaccio said residents are happy there will be a light there.

Mr. Boyne asked when Gordon Road will be shut down.

Mr. McGough said it will be closing on Monday. He said they have to be out of there before Community Festival. He said they will be there five or six weeks. He said if we did not allow them to close the road, it would be dangerous because the work they are doing is on the existing roadway.

Mr. Boyne said the road is dangerous.

Ms. Ciaccio asked when Taco Bell is opening.

Mr. McGough said April 15th.

CONSENT AGENDA

The following resolutions were approved as the consent agenda:

- Resolution 2015-122 Accepting a Donation of Drainage Piping
- Resolution 2015-123 Authorizing Change Order #1-Sidewalk Replacement Program, Phase III
- Resolution 2015-124 Honoring Robbinsville Resident, Bill Dressel, Executive Director, NJSLOM
- Resolution 2015-125 Honoring the League of Municipalities 100 Year Anniversary
- Resolution 2015-126 Release Performance Guarantees-KTR NJ Urban Renewal II, LLC

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

ROLL CALL:

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

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

RESOLUTIONS

- Resolution 2015-127 Professional Services Agreement-Architectural Services, Police/Court Building

Ms. Seigfried said the capital account number has been added.

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

ROLL CALL:

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

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

Resolution 2015-128 Authorizing Redevelopment Agreement with MSB NYC for Town Center South

Mr. Boyne said he is concerned about the lack of specificity with respect to the price of the land that we are getting for the 22 or 23 acres. He said at the end of the agreement, the developer shows 4.2 million. He said the book value of that land is 9 or 10 million.

Mr. McGough said that is for the entire 49 acres. He said they are looking at a portion of 23 acres.

Mr. Boyne said we are looking at a 4 or 5 million dollar hit in terms of the purchase price of the land. He said if DOT requires access via a bypass, there was a cost-sharing agreement associated with that and it read that the Township would be kicking in on this aspect of the project. He said there was a PILOT associated with this project, which in itself, is not an issue, but coupled with the other aspects, he is concerned about the financial impact this project will have on the Township. He said he spoke with Ms. Tozzi and that Ms. Bauer did a schedule for him. He said the Mayor was not aware of all aspects of this agreement and he suggested they table the agreement until he can review it in more depth.

Ms. McGowan said the cost of the purchase of the land has not been set because it has to be negotiated.

Mr. Boyne said he is using \$4.2 million in his analysis, so his expectation is \$4.2 million.

Ms. McGowan said it has to be negotiated. She said, in regard to the bypass, Robbinsville may or may not be responsible along with other land owners.

Ms. Boyne said we have not been excluded from the cost-sharing agreement.

Ms. McGowan said the information is not known. She said we can't get to the point of the bypass cost without having something to go to the DOT with. She said either party can get out if they cannot negotiate.

Mr. Boyne asked if there would be damages for getting out of the agreement.

Ms. McGowan said that was her understanding.

Mr. Wiser said this was a legal business conversation that he was not part of.

Mr. Boyne said we do not have a legal representative to tell us whether or not both parties can walk away from the agreement without damages.

Ms. Ciaccio said this is supposed to be a resolution just to authorize the mayor to execute a redevelopment agreement.

Mr. Witt asked if it will be detrimental if there is more discussion on this over a week or two and have it appear on the next agenda.

Mr. McGough said they gave a 120 day-extension in December, which expires by the next council meeting. He said the intent was to get something on the council agenda for this evening and there are things that will be negotiated in a later agreement. He said he and Mr. Beckelman have been careful to make sure the Township's interests are protected. He said one of the ideas has been a land lease to have a positive impact on the developer's ability to get financing. He said the developer is here, and there is a sense of urgency in getting to a point where we have a redeveloper's agreement. He said all this is saying is that there is a redeveloper and there are escape clauses.

Mr. Witt asked if the resolution is passed, is there recourse if we don't agree with something?

Mr. McGough said he believes there is.

Ms. McGowan agreed.

Mr. McGough said there was a lot of work that went into it on both parties. He said if there were legal questions, the attorney should have been here and no one said that.

Ms. McGowan said the attorney was being extremely cautious in making sure the Township was protected and she has the upmost faith that we are. She said this is just one of the steps we need to take to move to the next step.

Mr. Calcagno said if we have uncertainties, we could formulate questions and ask the attorney.

Ms. McGowan said the agreement was written to give the Township protections for things to be done at a later date.

Mr. Witt asked if the resolution can be approved with a caveat with confirmation from the attorney.

Mr. Roselli said no, because a resolution is authorizing the agreement.

Ms. McGowan said the Council appointed her and Ms. Ciaccio to represent them and the redevelopment attorney is representing the Town. She said we have to trust in him that the Town is protected, and trust in Ms. Ciaccio and herself to ask the right questions.

Ms. Ciaccio asked if there should be a presentation at the next meeting done by the redeveloper and have Mr. Beckelman present.

Mr. Witt said yes.

Mr. McGough said it expires between now and the next council meeting.

Mr. Roselli said it can be extended. He said the resolution that you were going to adopt can be a resolution amending the time frame.

Ms. Ciaccio said she and Ms. McGowan are okay with everything and the applicant is here and was going to show pictures and answer questions.

Ms. McGowan said if Mr. Witt and Mr. Calcagno were okay with passing the authorization tonight and trusting in our professionals, we can send Mr. Witt the PDF of the information.

Mr. Boyne asked Mr. Witt if he is okay with passing it.

Mr. Witt said yes.

Ms. Ciaccio asked Mr. Calcagno if he is okay with her making a motion on it.

Mr. Calcagno said he is, but he would like Mr. Boyne to formulate questions and submit them to the redevelopment attorney.

Mr. Boyne said it is the basis of the deal and the financial impact to the town that concerns him. He said he is certain that the redevelopment attorney, Ms. Ciaccio and Ms. McGowan did their utmost to protect the town with respect to the deal. He said he is concerned with the term and conditions.

Ms. McGowan said that has not been finalized yet, and there will be an opportunity for that.

Mr. Boyne said he will formulate the questions.

Mr. Calcagno said there are details that need to be worked out and that this is a framework.

Mr. Witt asked if we are agreeing to financial terms.

Ms. McGowan said we are not. She said we have the ability to fine tune the details in another agreement down the road.

Mr. Boyne said we are approving the existing agreement.

Ms. McGowan said we are approving them as the redeveloper to allow the rest of this to go forward.

Mr. Witt asked if this locks us into the financial term and conditions.

Mr. Boyne said it locks us into supporting the bypass if DOT requires it to be built for access to the property. He said previously, Robbinsville was not paying for the bypass and now we are.

Further discussion occurred.

Ms. McGowan offered the above resolution and moved its adoption. There was no second. The motion failed.

Mr. Boyne moved to table the resolution to the next meeting. The motion was seconded by Ms. McGowan.

ROLL CALL:

AYES: Boyne, Calcagno, Ciaccio, McGowan, Witt

NAYS: None

There being five (5) ayes and no nays, the resolution was tabled until the next meeting.

Resolution 2015-130 Extending Conditional Designation of MSB NYC as Redeveloper for a Portion of Town Center South

Mr. Boyne made a motion to extend the time by which the developer is required to execute a redevelopment agreement until April 30, 2015. The motion was seconded by Mr. Witt.

ROLL CALL:

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

There being five (5) ayes and no nays, the time was extended.

Resolution 2015-129 Emergency Temporary

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

ROLL CALL:

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

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

PAYMENT OF BILLS:

Current	4-01, 5-01	\$3,490,840.85
Sewer	4-07, 5-07	\$16,292.23
Capital	C-04	\$245,821.88
Grant	G-02	\$2,014.10
Plan Review	R-20	\$10,986.31
Other Trust	T-12	\$16,941.05
Animal Control	T-15	\$469.74
Recreation Trust	T-18	<u>\$4,028.15</u>
Total all funds		\$3,787,394.31

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

ROLL CALL:

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

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

DISCUSSION ITEMS

Ms. Ciaccio said the Political Sign Ordinance discussion will be moved until the next meeting.

SECOND PUBLIC PARTICIPATION SESSION

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

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 7:53 p.m.

Ron Witt, Council President

Michele Seigfried, Municipal Clerk