

**TOWNSHIP OF ROBBINSVILLE COUNCIL**  
**Regular Meeting**  
**November 10, 2016**  
**7:05 p.m. – Court Room**

CALL TO ORDER

The regular meeting of the Township Council of the Township of Robbinsville was called to order on November 10, 2016 at 7:05 p.m. at the Court Facility located in Robbinsville. Mr. Witt, Council President, presided over the meeting.

ROLL CALL

The call of the roll showed the following to be present: Council President Witt, Council Vice President Calcagno and Council Members Ciaccio and Schuberth. Council Member McGowan was absent. Also present were: Mayor Fried, Administrator Tozzi, Communication and Public Information Officer Nalbene, Recreation Director Barker, Police Chief Nitti, Fire Chief Schaffener, Attorney Roselli, Associate Attorney Renaud, Redevelopment Planner Stu Wiser 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.

REPORTS OF COUNCIL MEMBERS

Mr. Calcagno and Ms. Ciaccio had nothing to report.

Mr. Schuberth said that the Planning Board met last night to approve its final site plan for Quick Check. He said it will be located right next to North Star Vets. Mr. Schuberth said it's a beautiful facility with a great layout, which will also provide gas to cars only.

Mr. Schuberth said he also went to a brunch for a new local charity called Donovan Delivers, run by Brian and Melissa DeLay. He said this charity came about when the DeLays miscarried their son at birth and they ran into terrible beauracracy with time off to mourn. He said this charity is to fund time off for people who have dealt with this sort of tragedy that do not work for companies who are accommodating with this issue.

Mr. Schuberth said that the Traumatic Brain Injury Angels is another new charity that is just getting started and will be hosting its first annual gala tomorrow at the Hamilton Hilton on Route 130. He said it will benefit people who are suffering from traumatic brain injury, and he is pleased to see lots of Robbinsville residents helping out.

Mr. Witt asked Mr. Barker about the Christmas Tree and Menorah lighting.

Mr. Barker said both will take place on Tuesday, December 6<sup>th</sup> at the Senior Center. He said there will be arts and crafts for the kids before the lighting, Jen Davis will be there taking holiday photos of families, and donations will go to the Meals on Wheels.

Mr. Witt asked Mayor Fried and Ms. Tozzi if there is anything set up regarding donations for the food pantry with Thanksgiving around the corner. Ms. Tozzi said we always accept donations of turkey and food to help needy families.

Mr. Witt said he would encourage everyone to offer support to help take care of the people who are less fortunate than we are in town.

REPORTS OF BUSINESS ADMINISTRATOR/MAYOR

Ms. Tozzi asked Ms. Seigfried what the dates were for the Council meetings in December.

Ms. Seigfried said that we don't have a second meeting in November because it falls on Thanksgiving, so in order to get bills paid and other things done, we always tend to move up the next meetings. She said there will be meetings on December 1<sup>st</sup> and 15<sup>th</sup> and Reorg will be on January 5<sup>th</sup> in the new Municipal Building. Ms. Seigfried said on January 5<sup>th</sup> there will be a ribbon cutting and ceremony at 6:00 p.m. and then we will start the meeting at 7:00 p.m.

Ms. Tozzi said the other update she had was on the Windsor School and Council probably didn't see it because it was sent to Ms. Seigfried late in the afternoon. Ms. Tozzi said that she received a packet of professional recommendations as to what could be done with the purchase of Windsor School but it was too much information to print out. She said it stated the options of what could be done with Windsor School if purchased for use with and without the public, what renovations we would need to make, and about demolishing it for recreation fields. Ms. Tozzi said it would make more sense to put this on as a discussion item for the next Council meeting after everyone has read it, rather than discuss now.

Mayor Fried said that he was grateful the Open Space question passed. He said he is excited to be in the new Municipal Building. He said hats off to the staff for how hard they worked in getting us moved in. Mayor Fried said regarding the Open Space initiative for Washington Woods, aka Edinburg Village, there was a successful bond offering today. He said the bid came in at .071% less, which is very favorable. He said we should have the money by Wednesday or Thursday next week. He said we will be in court once we have the funds, the title will be turned over to the Township, and we should be able to stop them.

Mr. Witt said he sees that work is still continuing over there.

Mayor Fried said that they are laying drainage pipe and pouring concrete. He said why the work is continuing over there is a true mystery. He said they are obviously going against the agreement that we've made, and we will wait until next week to get in there so we can do everything correctly. He said the good news is that everything is going in the right direction, and we would like the developer to stop, but they are clearly not getting the message.

Mr. Witt said he was glad to see the Open Space Question passed, and it was nice to see public as a whole support that.

#### PUBLIC PARTICIPATION

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

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

#### ORDINANCES – INTRODUCTION

##### Ordinance 2016-37

Mr. Calcagno offered a motion to introduce on first reading and have published according to law, "AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF ROBBINSVILLE, COUNTY OF MERCER, STATE OF NEW JERSEY, AUTHORIZING ACQUISITION OF REAL PROPERTY COMMONLY KNOWN AND DESIGNATED AS A PORTION OF BLOCK 28, LOTS 7, 8, 11-14, 16, 51 AND 53, A/K/A MIRY RUN GOLF COURSE, ROBBINSVILLE TOWNSHIP, NEW JERSEY." The motion was seconded by Ms. Ciaccio. The public hearing will be held on 12/01/16.

Ms. Seigfried said she passed out an amendment to the ordinance. She said she initially put the bond ordinance on the agenda, but we are not ready for it yet. She said we can do it early next year. Ms. Seigfried said she left the language as the ordinance is contingent upon a bond ordinance passing, and she did not put any specific ordinance or account number.

Mayor Fried said that the reason he asked to pull the bond ordinance was because they have not come in for a variance yet, so they really can't do anything at this property at this moment. He said he would like to include the money for the bond ordinance into next year's budget and make sure we do everything right. Mayor Fried said if we can pass this ordinance and put the funding into our budget, we'll come to Council for the bond ordinance so we won't have to do an emergency, which he thinks is the right way financially.

Ms. Seigfried said that she received a phone call from Mark Santarian asking about the procedure. She said she told him the Township was interested, and that he said he was going to contact Elide Post and ask about a variance on that property. S said he may also come to the December 1<sup>st</sup> meeting when that public hearing takes place.

Mr. Schuberth asked if this ordinance is simply intent to buy, and not an obligation to buy.

Ms. Seigfried said you don't have to pursue it just because you are doing this; it's just a procedural thing the law requires us to do.

Mayor Fried said that the property owner has allegedly gotten into a relationship with a private business owner who would like to do a catering facility where the old restaurant was. He said he believes they are going to hand in an application to the Planning Board with in the next few weeks. He said from a Township's perspective, we are not opposed to it. He said it's an interesting idea, it would significantly reduce the size of land we need to buy, and we would need less money. He said we should slow down and see how it develops.

Further discussion occurred.

ROLL CALL:

AYES: Calcagno, Ciaccio, Schuberth, Witt

NAYS: None

There being four (4) ayes and no nays, the motion carried as amended.

#### CONSENT AGENDA

The following resolutions were approved as the consent agenda:

- Resolution 2016-265 Accepting Performance Guarantees – Sharbell, Malvern School, Phase II
- Resolution 2016-266 Refund of Sewer Overpayments
- Resolution 2016-267 Approving Change Order No. 1 – Gordon/Sharon Traffic Signal Project
- Resolution 2016-268 Amending Personnel Manual
- Resolution 2016-269 Authorizing K-9 Agreement
- Resolution 2016-271 State Contract Purchase – Police Vehicles
- Resolution 2016-272 Authorizing On-Line Auction
- Resolution 2016-273 Amending Contract for Affordable Housing Attorney 2015
- Resolution 2016-274 Amending Contract for Affordable Housing Attorney 2016
- Resolution 2016-276 Shared Services Agreement – Hightstown Court
- Resolution 2016-277 Resolution Approving Providing Defense and Indemnification of Township Officials and Employees
- Resolution 2016-278 Resolution Approving Providing Defense and Indemnification of Township Officials and Employees #2
- Resolution 2016-279 Purchase of Ambulance Through Houston Galveston Coop Program

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

ROLL CALL:

AYES: Calcagno, Ciaccio, Schuberth, Witt

NAYS: None

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

#### RESOLUTIONS

Resolution 2016-264 Budget Transfers

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

ROLL CALL:

AYES: Calcagno, Ciaccio, Schuberth, Witt

NAYS: None

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

Resolution 2016-270 State Contract Purchase – Body Worn Cameras for Police Officers

Ms. Seigfried explained a change to the account numbers.

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

ROLL CALL:

AYES: Calcagno, Ciaccio, Schuberth, Witt  
 NAYS: None

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

Resolution 2016-275 Amending Contract for Labor Attorney

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

ROLL CALL:

AYES: Calcagno, Ciaccio, Schuberth, Witt  
 NAYS: None

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

PAYMENT OF BILLS:

Current	5-01, 6-01	\$ 7,929,651.09
Sewer	5-07, 6-07	12,083.99
Sewer Capital	C-08	0.00
Capital	C-04	533,192.91
Grant	G-02	29,439.15
Plan Review	6-20	9,910.93
Inspections	6-21	2,396.20
Performance	6-22	0.00
Maintenance	6-23	0.00
Other Trust	T-12	36,285.90
Revolving Loan	T-14	0.00
Animal Control	T-15	1,803.96
Payroll	T-16	0.00
Recreation Trust	T-18	<u>3,860.80</u>
Total all funds		\$ 8,558,624.93

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

ROLL CALL:

AYES: Calcagno, Ciaccio, Schuberth, Witt  
 NAYS: None

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

DISCUSSION ITEMS

Foxmoor Redevelopment

Mr. Wisner said at the end of September, the governing body declared the Robbinsville portion of the Foxmoor Shopping Center an area in need of redevelopment. He said that on October 14<sup>th</sup> we got a letter from the DCA approving the designation. He said as consultants, we can put together the plan and what that plan may look like. He said we need some direction from the Township in terms of what they need and want the plan to look like. He said we want the shopping center to look vibrant and productive. Mr. Wisner said that we can either go from one extreme and do nothing or to the other extreme and acquire property by eminent domain and tear down the shopping center and advertise it for redevelopers. He believes the answer is somewhere in the middle. He said they can't prepare a proposal for the redevelopment plan until he knows what the

governing body wants to do. Mr. Wisner said he also wasn't sure if there were any conversations with the Mayor, bank, or current ownership group.

Mr. Roselli said they had to postpone the Sheriff's sale because there was an environmental concern regarding a leak with either the existing or previous dry cleaner. He said once the investigation is complete, their attorney would send over a copy of the report.

Ms. Ciaccio asked if we have to wait until the Sheriff's sale to see if someone buys it.

Mr. Roselli said most likely, someone will not buy it and it will go back to the lender.

Mayor Fried said once it comes back to the lender, the lender intends to sell the property.

Mr. Calcagno said one thing is to look at it from the existing footprint; what can be done to make this successful? He said some signage can go and we can improve accessibility. He asked what the permitted uses are. He asked if they should just rehab what's there.

Mr. Calcagno said another thing is to pretend nothing is there, and think what could be done if land was not developed. He asked what we would want there? He asked if it would be better for the buildings to be set back or we would we want buildings up front with parking behind it. Mr. Wisner said we could put a proposal and plan together, but it would just be very expensive.

Mr. Witt asked about doing something like they did on Route 33 at the Texas Roadhouse with a complete renovation of façade and adding a new pad site.

Mr. Calcagno said he would like something inbetween. He said the cost factor to tear down the shopping center and redo it is too high. He said he would like to get businesses to be visible. He said he is just looking across a massive parking lot, and not seeing what's there is not good.

Ms. Ciaccio said we should think outside the box; shopping centers and strip malls aren't what Robbinsville is. She said we should have a mixed use because it's an entrance to Town Center. She explained we should have it as an extension of Town Center with outside cafes, and more. She said we can have store fronts with offices above and make it accessible to walk to the lake.

Mr. Wisner asked if they wanted him to make it as an extension to Town Center. He said that what the Council Vice President wants is market studies and market analysis. He said he recommends having the developers do that on their dime. He said he needs a consensus from everyone on what they want done.

Mr. McGough said that zone's allowable uses are the broadest in the Township. He said if you wanted to look at changing the entire look of it, by putting streets in to make it look like a Town Center, then setbacks and other things may need to be changed.

Mr. Schuberth asked if people give you direction on what they like to see. For example a movie theatre or grocery store.

Mr. Wisner said that is what he was hoping to hear, so he can craft a plan to get us there. He asked if everyone realized that a big portion of the frontage is not in Robbinsville.

Mr. Witt asked if Mr. Wisner has ever been involved in a multi-jurisdictional redevelopment plan.

Mayor Fried said that as we go through this process, we need to reach out to the Mayor of Hamilton to see if she would be willing to let us take over that portion of Hamilton Township.

Mr. Roselli said she could annex that portion.

Mayor Fried asked Mr. Wisner if he could explain how an annex works.

Mr. Wisner said a group of citizens would file a petition to say they live here and want to be part of this town. He said a percent of eligible voters have to vote on it. He said it then goes to the Planning Board for hearings on the impact. He said the Planning Board would make its findings, and then send it over to the Governing Body who then would approve or reject the annexation. He said you have to get permission from the town you want to leave first, then go over and repeat the same process in the town you want to be in. He said it has to be contiguous.

Mayor Fried asked if he needs to get a petition from property owner.

Mr. Roselli replied no, it has to be the residents who vote on it.

Mr. Renaud said if there are no residents, then you have to go to property owner.

Mr. Wiser said it does make sense to reach out to Hamilton to start the process.

Mayor Fried said if we wanted to do pad sites, we would need to ask Hamilton for help.

Mr. Schuberth said there is the physical plan, the desired plan and there's your plan and your proposal. He stated we also have to consider the proper use of the financial tools at our disposal.

Mr. Wiser said that his attendance here was last minute. He said if he had more notice, he would have liked his partners, Econsult, who are really good Economic Development consultants, to come and speak about the different options. He said there is obviously tax abatement options. He said there are opportunities for a PILOT and the town to bond for infrastructure improvements, such as if the town pays for the opening of Route 33 and the parking lot which is in bad shape. He said there are grants under EDA which change almost every day. He said this isn't his expertise, but there are programs out there.

Mr. Schuberth asked how to find out what is most viable. He said just like Mr. Witt, he feels uncomfortable making a recommendation for a specific business. He said that we can certainly get the opinions of the residents; we want the business to be viable. He said it might not be the most popular use, but something that will not be condemned in ten years and that can pay the taxes.

Mr. Witt asked if Mr. Wiser had any sense of what is viable.

Mr. McGough said that the previous owners went to supermarkets, micro supermarkets, every type of retailer you can think of, and none of them want to go there. He said he thinks the problem is the rent and that the landlord had a terrible reputation. Mr. McGough said if you grant them a PILOT, then they could use that PILOT to reduce the rent. He said in the past, we tried to convince the former owners of that and they didn't want to do it.

Mayor Fried said the building is a dinosaur, and it might cost more to renovate than to knock it down.

Mr. Wiser said we can do a leakage analysis, which is an economic analysis which tells us what dollars are leaving Robbinsville and for what uses. He said it gets us to compete with those businesses and to try to keep those dollars here. He said we can do a market analysis as to what is not in the area, such as demographics and national market trends. He said Econsult has done that and done it very well.

Mr. Witt said we talked about the subcommittee on Foxmoor and believes we should have a subcommittee form and meet.

Mr. McGough said you need to do a Redevelopment Plan like you did on Town Center South. He said you need to look at those types of things such as putting in streets, and getting a plan out there; and then let the developers spend their money.

Mr. Wiser said he does believe we should get a subcommittee in place.

Ms. Ciaccio said if we advertise, someone might come in with a plan that will knock our socks off.

Mr. Wiser said the big picture redevelopment is all the more reason to have a conversation with Hamilton.

Mr. Schuberth asked, with a big picture in place, will a developer come in and propose different options from knocking it down to renovating the existing building, like they did for Town Center South?

Mr. Wiser said the plan would be partly a marketing plan which would talk up Robbinsville and the location. He said it would lay out the goals and objectives Council wants to see, what the town is willing to offer, and what things the town is not willing to offer. He said it would need to be properly worded, layout new zoning and layout the process, just like we did for Town Center South, before marketing it.

Ms. Seigfried said Council will need to budget for this in next year's budget

Mr. Wisner said he will come up with a proposal.

Further discussion occurred.

Mayor Fried said he needs to wait for a new owner.

Mr. Witt said it's important that we take some steps, so there is a process of moving forward. He said this is a good way to go.

Training Seminar Request Procedure for Council Staff

Ms. Ciaccio said that the training forms for the Clerk's office should be emailed to the Council President.

Mr. Witt said that the training forms should be emailed to all the Council Members.

After further discussion, it was decided that the training forms from the Clerk's office should be emailed to all five Council Members for approval and if there are at least three Council Members that approve them or if there's no response by a certain date, then they are approved.

SECOND PUBLIC PARTICIPATION SESSION

Ms. Noushin Kanani, 806 Cypress St., asked if Council would ask the public for their opinions on the Foxmoor Redevelopment project.

Mr. Witt said there would be a presentation from a developer.

Mr. McGough said it's an ordinance, so there will be a public participation.

Ms. Kanani said there are some people that she knows who have ideas, and she doesn't know if they are telling the right people that need to know.

Mr. McGough explained that they would first introduce the ordinance, then there would be a public hearing where the public could voice their opinions and any ideas they may have. He explained there would be an RFP for the developers, just like where we are with Town Center South. He said there is a lot of transparency.

Ms. Kanani asked if the future meetings for the Foxmoor Redevelopment Plan will be here.

Mr. McGough answered that as of January 5<sup>th</sup>, all future meetings such as Township Council, Planning Board, EDAC, etc. will all be held at the new municipal building.

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

There being four (4) 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:  
Affordable Housing Litigation and Washington Woods Litigation.
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. Schubert offered a motion to adopt the above resolution and adjourn the meeting. The motion was seconded by Ms. Ciaccio.

ROLL CALL:

AYES: Calcagno, Ciaccio, Schubert, Witt

NAYS: None

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

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:04 p.m.

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Ron Witt, Council President

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Michele Seigfried, Municipal Clerk