

**ABERDEEN TOWNSHIP COUNCIL REGULAR MEETING
TUESDAY, JULY 15, 2014**

A Regular Meeting of the Township Council of the Township of Aberdeen in the County of Monmouth and State of New Jersey was held on Tuesday, July 15, 2014 at 7:35 p.m. in the Municipal Building at One Aberdeen Square and was called to order by Mayor Fred Tagliarini, who presided at the meeting.

Mayor Fred Tagliarini said that this meeting is being held in compliance with the Open Public Meetings Act, and that notice of same has been posted on the bulletin board in the Municipal Building and was published in the appropriate newspapers.

ROLL CALL Present: Harvey Brenner
 Gregory Cannon
 Concetta Kelley
 Joseph Martucci
 Robert Swindle
 Margaret Montone
 Fred Tagliarini

Absent: None

Also Present: Holly Reycraft, Township Manager
 Daniel McCarthy, Township Attorney

A Moment of Silence was offered by Mayor Tagliarini, followed by the Pledge of Allegiance.

REPORTS

There were no reports.

HEARING OF THE CITIZENS - Agenda Items only

Mayor Tagliarini asked anyone wishing to be heard on agenda items to come forward and state their name and address. There being no one wishing to be heard Mayor Tagliarini declared the Hearing of the Citizens closed.

MINUTES

Councilwoman Kelley made a motion to adopt the Workshop, Regular & Executive Meeting Minutes of June 5, 2014 and June 17, 2014. Seconded by Councilman Brenner.

ROLL CALL VOTE:

Ayes: Councilmember Brenner, Cannon, Kelley, Martucci, Swindle, Deputy Mayor Montone and Mayor Tagliarini

Nays: None

Abstain: None

CONTINUED BUSINESS

ORDINANCE NO. 8-2014 – PUBLIC HEARING

Mayor Tagliarini stated Ordinance No. 8-2014 introduced and passed on first reading by title on June 5, 2014 and published according to law, is now being taken up for further consideration and public hearing. Affidavit of Publication of this ordinance in the Asbury Park Press of June 10, 2014 will be submitted and it is noted that a copy of the ordinance has been posted on the bulletin board in the municipal building and that copies were available to the general public upon request.

The Clerk read Ordinance No. 8-2014 by title, “AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF ABERDEEN APPROVING THE REDEVELOPMENT PLAN FOR THE FRENEAU REDEVELOPMENT AREA PURSUANT TO THE NEW JERSEY LOCAL REDEVELOPMENT AND HOUSING LAW (N.J.S.A. 40A:12A-1, ET SEQ.)”

Mayor Tagliarini opened the meeting to the public for remarks or comments for or against the final adoption of this ordinance. There being no one present wishing to be heard, Mayor Tagliarini closed the public hearing on Ordinance No. 8-2014.

Councilman Cannon made a motion that Ordinance No. 8-2014 be finally passed and adopted that that notice of its passage and adoption be published by summary in the July 24, 2014 issue of the Asbury Park Press as required by the Local Bond Law.

Seconded by Councilman Brenner

ROLL CALL VOTE:

Ayes: Councilmember Brenner, Cannon, Kelley, Martucci, Swindle, Deputy Mayor Montone and Mayor Tagliarini

Nays: None

Abstain: None

NEW BUSINESS

ORDINANCE NO. 9-2014 – INTRODUCTION

Deputy Mayor Montone made a motion to introduce Ordinance No. 9-2014 on first reading by title and to order the same to be published by summary in the July 24, 2014 issue of the Asbury Park Press, together with notice of its introduction and passage on first reading by title, and that it will be further considered for final passage after a public hearing at a meeting of the Township Council to be held on August 5, 2014 at 7:00 p.m. in the Municipal Building of the Township of Aberdeen at One Aberdeen Square.

Seconded by Councilman Martucci

The Clerk read Ordinance No. 9-2014 – AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCE OF THE TOWNSHIP OF ABERDEEN SECTION 2, ADMINISTRATION AND SECTION 25, LAND DEVELOPMENT CODE

ROLL CALL VOTE:

Ayes: Councilmember Brenner, Cannon, Kelley, Martucci, Swindle, Deputy Mayor

Montone and Mayor Tagliarini
Nays: None
Abstain: None

CONSENT AGENDA

Councilman Cannon made a motion to add Resolution No. 2014-84, Resolution Authorizing the Execution of a Memorandum of Understanding between the Township of Aberdeen and RPM Development, LLC, to the Consent Agenda.

Seconded by Councilman Brenner

ROLL CALL VOTE:

Ayes: Councilmember Brenner, Cannon, Kelley, Martucci, Swindle, Deputy Mayor

Montone and Mayor Tagliarini

Nays: None

Abstain: None

WHEREAS, the Township of Aberdeen (“Township”) holds ownership of Block 39, Lot 1, in the Township, more commonly known as 100 Church Street, Aberdeen, New Jersey (the “Property”) which is located in an area designated as in need of Redevelopment; and

WHEREAS, the Township wishes to redevelop that Property with RPM Development, LLC (“RPM”); and

WHEREAS, RPM has made a Proposal to the Township and has identified potentially available resources to remediate and redevelop the Property; and

WHEREAS, RPM has requested that the Township enter into a Memorandum of Understanding (“MOU”) with it to memorialize the intentions of the Parties; and

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Aberdeen, that the Mayor, Fred Tagliarini, be and hereby is authorized to execute a Memorandum of Understanding with RPM, said MOU being subject to final review by the Township Attorney and Engineer.

Councilman Cannon made a motion to approve the Consent Agenda; all items listed under 8B. Seconded by Councilman Swindle.

ROLL CALL VOTE:

Ayes: Councilmember Brenner, Cannon, Kelley, Martucci, Swindle, Deputy Mayor

Montone and Mayor Tagliarini

Nays: None

Abstain: None

Consent Agenda

1. RESOLUTION NO. 2014-76 – BE IT RESOLVED by the Township Council that it hereby designates Yellowbrook Property Co., LLC as Redeveloper of the Route 34 Redevelopment Area.
2. RESOLUTION NO. 2014-77 – BE IT RESOLVED by the Township Council that it hereby designates Aberdeen/Wilson Associates, LLC as Redeveloper of the Freneau Redevelopment Area.
3. RESOLUTION NO. 2014-78 – BE IT RESOLVED by the Township Council that it hereby approves the Redeveloper Agreement with Aberdeen/Wilson Associates LLC to redevelop property known as Freneau Redevelopment Area.
4. RESOLUTION NO. 2014-79 – BE IT RESOLVED by the Township Council that it hereby awards a contract for Department of Public Works Electrical Maintenance.
5. RESOLUTION NO. 2014-80 – BE IT RESOLVED by the Township Council that it hereby appoints Holly Reycraft as Public Agency Compliance Officer.
6. RESOLUTION NO. 2014-81 – BE IT RESOLVED by the Township Council that it hereby grants permission to the Keyport Fire Department to use property at Matawan/Cliffwood Point as a launch site for fireworks.
7. RESOLUTION NO. 2014-82 – BE IT RESOLVED by the Township Council that it hereby awards a contract for Department of Public Works Routine and Emergency Repair.
8. RESOLUTION NO. 2014-83 – BE IT RESOLVED by the Township Council that it hereby approves the transfer for Plenary Retail Consumption License from Gallo’s Wine and Beer, LLC to TCC Holdings LLC.
9. EXECUTIVE SESSION RESOLUTION – BE IT RESOLVED that the general public shall be excluded from discussion held during executive session – Redevelopment – Train Station and South River Metals; Contractual – C&M Builders and Land Acquisition; Litigation – Tax Appeals; Personnel.
10. RA:1048 – Raffle License for HAM Parents & Volunteers Org, Aberdeen, NJ
11. RA:1049 – Raffle License for HAM Parents & Volunteers Org, Aberdeen, NJ
12. RESOLUTION NO. 2014-84 – BE IT RESOLVED by the Township Council that it authorizes the Mayor to execute a Memorandum of Understanding with RPM.

HEARING OF THE CITIZENS/CORRESPONDENCE AND PETITIONS

Mayor Tagliarini asked any member of the public wishing to be heard to come forward and to state their name and address.

Matthew Clemente
C&M Realty County Road

Mr. Clemente stated he is present to petition water connection fees for COAH units on County Road. Last fall I entered into an agreement with the town to build COAH units as a phasing plan they were to be built according to phases for sale and COAH units. I paid all my fees, permits, applications and the permits were issued. I started to build the units, in June I applied for the second building and was told there was a discrepancy in the payment of fees which the Township has a checklist and is not to issue permits without all fees being paid. I went to Maxine and she has a list; one connection water and sewer. I paid, there was an agreement made with Bob Brady, I thought that was the agreement that we had. Apparently he thought otherwise. In May of this year he issued the permit for the second building knowing that the first building was also issued. I have COAH residents to move in as of July 15th when I asked for COs they decided not to give them because of the discrepancy of what was paid and not paid. I thought it was all worked out. I am here today to see if there can be a remedy that the town could give 50% waivers on COAH units. Which is still \$56,000 out of my pocket. I have one water meter going to the COAH units which is a 13 unit building and they knew that one meter was put in when I built the road. I would have put in individual meters to charge renters water fees which I cannot do now.

Councilman Cannon asked if he charges association fees.

Mr. Clemente stated he does, he keeps the association fees low in the beginning so the residents that are purchasing don't go crazy.

Councilman Cannon asked what fees are we talking about.

Mr. Clemente stated the Township has a water connection fee that you pay per unit. Originally the development he built on Route 34, he put one master meter in. It was approved and the town let me do it. Building County Road, one meter was put in and Bob Brady said you can't do that. He said we cannot collect from an Association.

Councilman Cannon stated the difference is we own the water system on County Road.

Mr. Clemente stated I built the road, passed the COAH units, we met again, I was told they would let my 3 COAH units go for one connection fee. That is the way I understood it, that is the way I paid it, that is the way it was accepted.

Councilman Cannon stated we have an ordinance, whatever the ordinance says it what you have to pay.

Mr. Clemente stated I would not have went into the agreement 1 ½ years ago which costs me 78 X \$3600 of fees. I would have fought then and not even built development until that was agreed upon. Between Tim Gillen, Maxine and Bob Brady made this agreement.

Councilman Cannon stated they do not have the power to make that agreement.

Mr. Clemente stated other town has developers pay 50% of connection fees for COAH units.

Mike Bruno, Mr. Clemente's attorney, stated Mr. Clemente understood as an agreement between the Township and him for the affordable units, all connection fees for sewer and one connection fee per building for water for the affordable buildings. He did that on Route 34 and he thought he could do it on County Road. Recently he learned that was an error, connection fees are required per unit, and an additional \$100,000 are due for the affordable units. He has residents that are about to move in and we are trying to work out a resolution to this misunderstanding and there is an availability of adopting an ordinance that would allow a 50% reduction in the connection fees of the affordable units. I presented to Mr. McCarthy as a compromise. For the affordable units only.

Councilman Cannon stated if we pass that ordinance it would apply to all the COAH units that will be built in the town. It might be a \$50,000 problem to him but it could be a \$1 million problem to us under our COAH plan. It puts us in a difficult spot.

Mr. Bruno stated this project is unique, it did not get the benefit of a pilot, subsidies from the State, such as Sandy money or Tax Credit, this developer constructed the affordable without the benefit as others. We are wrestling with a way to resolve a misunderstanding that occurred. As of now, our client posted the connection fees of the one building in question in our trust account as a good faith measure.

Mr. McCarthy stated we are not allowed to discriminate between property owners.

Mr. Bruno stated maybe posted the fees over a period of time.

Councilman Cannon stated it puts us in a very difficult spot. We will discuss this with our attorney and get back to you. Mr. Clemente has been an excellent neighbor, he built very nice projects and we haven't had any complaints. It is unfortunate there was a misunderstanding.

Mr. Bruno thanked the Council.

Mayor Tagliarini stated it should be noted his generosity to the fallen soldier memorial. We thank you again for that.

There being no one else wishing to be heard Mayor Tagliarini declared the Hearing of the Citizens closed.

ADJOURNMENT

Councilman Brenner made a motion to adjourn, seconded by Councilman Cannon and unanimously concurred by Council.

Fred Tagliarini, Mayor

Karen Ventura, Municipal Clerk