

TOWNSHIP COMMITTEE MEETING  
December 12, 2011

The regular meeting of the Township Committee of the Township of Cranbury was held at 7:00 p.m. in the Town Hall Meeting Room. Answering present to the roll call were Township Committee members: David Cook, Glenn Johnson, Daniel Mulligan, Jay Taylor and Mayor Winthrop Cody. Also present were Susan Goetz, Township Committeewoman Elect; Steven Goodell, Esq., Township Attorney; Denise Marabello, Township Administrator/Director of Finance; and Kathleen R. Cunningham, Municipal Clerk/Assistant Administrator. Mayor Cody led in the salute to the flag, and Ms. Cunningham gave the following Open Public Meetings Act statement:

In accordance with Section 5 of the Open Public Meetings Act, it is hereby announced and shall be entered into the minutes of this meeting that adequate notice of this meeting has been provided:

- (1) Posted on December 2, 2010 on the Bulletin Board of the Municipal Office at 23-A North Main Street, Cranbury, New Jersey and remains posted at that location.
- (2) Communicated to the Cranbury Press, Home News Tribune and Trenton Times on December 2, 2010.
- (3) Was filed on December 2, 2010 at the Cranbury Municipal Office, 23-A North Main Street, Cranbury, New Jersey, posted on the Township's web site and remains on file for public inspection, and
- (4) Sent to those individuals who have requested personal notice.

Regular Township Committee Minutes of November 14, 2011

On motion by Mr. Cook, seconded by Mr. Taylor, with Mayor Cody abstaining due to absence, the Regular Township Committee Minutes of November 14, 2011 were adopted.

Regular Township Committee Minutes of November 28, 2011

On motion by Mr. Cook, seconded by Mr. Taylor, and unanimously carried, the Regular Township Committee Minutes of November 28, 2011 were adopted.

#### Reports and Communications

-- Mayor

Mayor Cody reported he was contacted by a resident stating he was disputing a \$3.00 interest charge on a sewer bill he never received. Mayor Cody stated legally the Township cannot do anything about this; however, he questioned if a one-time reprieve could be done for a resident who regularly pays their bill. Mr. Steven Goodell, Esq., Township Attorney, stated a regular process must be followed and exceptions should not be made. Mr. Goodell stated the only burden on the Township is to mail the bills in accordance with standard practices.

-- Members of Committee

Mr. Mulligan reported on the grant application for Township sidewalks. He stated he attended a meeting last week with Mr. Bill Tanner, Township Engineer; Ms. Joyce Picciarelli, School Business Administrator; Mr. Bill Schraudenbach, Cranbury School Board; and Lieutenant Frank Dillane, Cranbury Police Department, to gather the information for the grant application. Mr. Mulligan stated the primary focus for the application will be the sidewalks on Old Trenton Road, with a secondary focus on Plainsboro Road sidewalks.

Mr. Mulligan acknowledged and thanked the Business and Professional Association for the holiday decorations on Main Street.

Mr. Glenn Johnson reported several months ago he stated at a Township Committee Meeting the Princeton Ballet would be working on the façade of their building. He stated they came to the

TOWNSHIP COMMITTEE MEETING  
December 12, 2011

-- Members of Committee Continued  
(Mr. Johnson cont'd.)

last HPC Meeting with more construction specifics, received guidance from HPC, and progress is being made.

Mr. Taylor acknowledged the Cranbury Women's Club and Girl Scouts for their work on the Santa's Village at the Fire House, and stated it was a wonderful evening.

Mr. Taylor reported the Cranbury Police Department did receive the Aggressive Driving Grant, which will pay officers overtime to do speed patrols. He stated a number of tickets have been issued on Old Trenton Road, and stated he hopes the State of New Jersey will continue to fund those grants. Mr. Taylor reported he did not have a police report this evening because Chief Rickey Varga's father passed away, and stated his thoughts and prayers go out to Chief Varga and his family.

--Subcommittees

Mr. Taylor reported he is waiting for Mr. Jason Stuart to get back to him concerning the Signage Subcommittee.

Agenda Additions/Changes

Ms. Kathleen R. Cunningham, Clerk, reported there are two additions to the Agenda this evening. Resolution # R 12-11-143 was read by Mr. Taylor, as follows:

Resolutions

On a motion offered by Mr. Taylor, seconded by Mr. Cook, the following Resolution was adopted by vote:

Ayes: (Cook	Abstain: (Cody
(Johnson	Absent: (None
(Mulligan	
(Taylor	

Nays: (None

Cranbury Township Resolution # R 12-11-143

WHEREAS, Winthrop Cody ("Win") was elected to the Cranbury Township Committee in 2009 for a three-year term; and

WHEREAS, Win was elected by his colleagues to serve as Cranbury Township's Mayor for 2011; and

WHEREAS, Win has also served on the Planning Board, Personnel Subcommittee and Development Review Committee giving many hours of his time; and

WHEREAS, Win was instrumental as a member of the Planning Board, for initiating monumental changes to the Master Plan and Land Use Ordinance; and

WHEREAS, Win has shown continuous concern for Cranbury's Downtown Area, including Main Street, the Business District and pedestrian safety; and

WHEREAS, Win has rendered particularly important and helpful service in satisfying Cranbury's affordable housing obligations; and

TOWNSHIP COMMITTEE MEETING  
December 12, 2011

Cranbury Township Resolution # R 12-11-143  
(Continued)

WHEREAS, Win and his wife, Linda, have been instrumental in making "The Helene Cody 5-K" an important event on Cranbury Day;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranbury, that the Township does hereby express its heartfelt appreciation and gratitude to Win Cody for his invaluable services and contributions to the Township of Cranbury; and

BE IT FURTHER RESOLVED that Win Cody be presented with a certified copy of this Resolution with best wishes for the future.

Mayor Cody thanked the Township Committee and stated the following:

"I have enjoyed my 3 years on the Township Committee and year as mayor. I think serving on township committee is a great way to give back to the community. The township committee is not typical politics but people trying to help. I wish I could have served longer but my business travel made it impossible to continue into another term, but I am happy to leave the committee in good hands.

A lot was accomplished in the 3 years I had served. I think we have made great progress to help keep our finances under control in difficult times. While not making drastic changes to cut service, we have done a good job managing and controlling our expenses.

We started to make changes to encourage businesses to come into Cranbury that fit our community. The Master Plan we just passed along with the boards and professionals we have appointed are making Cranbury a good place to do business. I am very encouraged to see many new businesses opening up this year either on Main Street or the commercial district on the other side of Rt. 130. This increase in business will help Cranbury vibrancy while also adding ratables to help control everyone's tax burden.

We have also done a great job in preservation including the preserving the Reinhardt farm, adding a new tree reserve and protecting our stream corridors (the ordinance was recognized by the Millstone Watershed Association in their annual event and newsletter).

Cranbury, which has always done well supporting affordable housing, has, along with many other communities, stood up against the COAH threat, and have succeeded in getting Trenton's attention to make it more reasonable. (But it is not done yet so I am sure the new committee will be keeping their eye on that).

One other item that Cranbury needs to be diligent about in the future is consolidation. This is a growing trend in Trenton. While some consolidations make sense, like Princeton, Cranbury can and should continue as an independent town. We have done what is necessary to help and protect Cranbury but have not gone overboard in building and large and expensive government bureaucracy while sharing services where appropriate. Cranbury is a great example of how a government can run well.

Cranbury continues to be a welcoming and active community that I have been very proud to help in a small way. I think community service is important for residents to give back to the community and am very encouraged by the passion shared by residents who volunteer for committees or community organizations that help the town. I am personally grateful for the outpouring of support for the Helene Cody Foundation and the 5K race. While I will no longer on the committee, I will continue to help where I can and take inspiration from my family all whom do a great job of community service."

TOWNSHIP COMMITTEE MEETING  
December 12, 2011

Ms. Cunningham reported Resolution # R 12-11-158, " A Resolution providing for the Insertion of a Special Item of Revenue in the Municipal Budget of the Township of Cranbury Pursuant to N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) is also being added to this evening's Agenda.

On motion offered by Mr. Taylor, seconded by Mr. Mulligan, the following Resolution was adopted by vote:

Ayes: (Cook  
(Johnson  
(Mulligan  
(Taylor  
(Cody

Abstain: (None  
Absent: (None

Nays: (None

CRANBURY TOWNSHIP RESOLUTION # R 12-11-158

RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF  
REVENUE IN THE MUNICIPAL BUDGET OF THE TOWNSHIP OF CRANBURY  
PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948)

WHEREAS, N.J.S.A. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount,

Section 1

NOW, THEREFORE, BE IT RESOLVED that the Township Committee hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2011 in the sum of \$10,000.00 which item is now available as a revenue from the State of New Jersey pursuant to the provision of statute, and

Section 2

BE IT FURTHER RESOLVED that a like sum of \$10,000.00 is hereby appropriated under the caption Aggressive Driving.

Section 3

BE IT FURTHER RESOLVED that a copy of the Resolution, certified by the Township Clerk to be a true copy forwarded to each of the following:

- (a) Director of the Division of Local Government Services
- (b) Township Auditor
- (c) Township Chief Financial Officer

On a motion offered by Mr. Taylor, seconded by Mr. Mulligan, the following Resolution was adopted by vote:

Ayes: (Cook  
(Johnson  
(Mulligan  
(Taylor  
(Cody

Abstain: (None  
Absent: (None

Nays: (None

TOWNSHIP COMMITTEE MEETING  
December 12, 2011

Cranbury Township R 12-11-159

A RESOLUTION AUTHORIZING THE APPROVAL TO SUBMIT  
A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT  
WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION  
FOR BRICKYARD ROAD RESURFACING

NOW, THEREFORE, BE IT RESOLVED that the Committee of the Township of Cranbury formally approved the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized to submit an electronic grant application identified as MA-2012-Cranbury Township-00618 to the New Jersey Department of Transportation on behalf of the Township of Cranbury.

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Cranbury and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

On a motion offered by Mr. Mulligan, seconded by Mr. Taylor, the following Resolution was adopted by vote:

Ayes: (Cook  
(Johnson  
(Mulligan  
(Taylor  
(Cody

Abstain: (None  
Absent: (None

Nays: (None

Cranbury Township # R 12-11-160

A RESOLUTION AUTHORIZING THE APPROVAL TO SUBMIT  
A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT  
WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION  
FOR QUALITY OF LIFE STREET BEAUTIFICATION

NOW, THEREFORE, BE IT RESOLVED that the Committee of the Township of Cranbury formally approved the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized to submit an electronic grant application identified as MA-2012-Cranbury Township-00615 to the New Jersey Department of Transportation on behalf of the Township of Cranbury.

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Cranbury and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Resolutions

Consent Agenda

Mayor Cody read the Consent Agenda Resolutions and asked the Township Committee members if any items should be addressed separately. Mr. Mulligan asked the reason for tax refund payments, and Ms. Marabello, Township Administrator explained the refund payments are a result of year-end cleanup. Mr. Taylor stated Resolution # R 12-11-146 will provide, through

TOWNSHIP COMMITTEE MEETING  
December 12, 2011

Consent Agenda (Continued)

a shared services agreement with Middlesex County, funding for Tasers and training for the Police Department. Mr. Taylor clarified Resolution # R 12-11-149, a refund for a permit fee, was a result of previous discussions by the Township Committee to waive construction permit fees as a result of Hurricane Irene. On a motion offered by Mr. Taylor, seconded by Mr. Cook, the following Consent Agenda Resolutions were adopted by vote:

Ayes: (Cook  
(Johnson  
(Mulligan  
(Taylor  
(Cody

Abstain: (None  
Absent: (None

Nays: (None

Cranbury Township Resolution # R 12-11-144

NOW, THEREFORE, BE IT RESOLVED, by the Township of Cranbury that all bills and claims as audited and found to be correct be paid.

Cranbury Township Resolution #12-11-145

A RESOLUTION AUTHORIZING THE RELEASE OF ESCROW

WHEREAS, Volkswagen Group has deposited planning escrow with Cranbury Township

WHEREAS, Volkswagen Group has requested the release of the balance of said escrow in the amount of \$589.54

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Cranbury authorizes the release of the above escrow deposit.

BE IT FURTHER RESOLVED that a copy of this Resolution, certified by the Township Clerk to be a true copy and forwarded to each of the following:

- (a) Township Attorney
- (b) Township Director of Finance
- (c) Jouhet, Sandra

Cranbury Township Resolution # R 12-11-146

WHEREAS, the Middlesex County Prosecutor maintains a Prosecutor's County Law Enforcement Trust Account (PCLETA) to be used, inter alia, to support and upgrade local law enforcement agency capabilities; and

WHEREAS, the Attorney General of the State of New Jersey has authorized the use of conducted energy devices ("devices") under certain guidelines, as set forth in her letter dated October 14, 2011, which is attached hereto and made part hereof; and

WHEREAS, the Township of Cranbury wishes to participate in this Program;

NOW, THEREFORE BE IT RESOLVED that the Mayor and Clerk are hereby authorized to execute a Shared Services Agreement for the "PCLETA – Taser Program; and

BE IT FURTHER RESOLVED a duly authenticated copy of this Resolution be sent to Middlesex County.

TOWNSHIP COMMITTEE MEETING  
December 12, 2011

Cranbury Township Resolution # R 12-11-147

WHEREAS, 4<sup>th</sup> Quarter 2011 property taxes for the property listed below, were overpaid due to an overpayment CoreLogic Tax Service and the title company, and

WHEREAS, the homeowner is due a refund;

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Cranbury that the following overpayment be refunded:

Block	Lot	Name	Amount
18.07	12	Frank & Lois Ransegnola	\$3,540.99

Cranbury Township Resolution # R 12-11-148

WHEREAS, 4<sup>th</sup> Quarter 2011 property taxes for the property listed below, were overpaid due to an overpayment TD Bank and the title company, and

WHEREAS, the homeowner is due a refund.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Cranbury that the following overpayment be refunded:

Block	Lot	Name	Amount
18.03	26	Lawrence Mawn	\$3,852.24

CRANBURY TOWNSHIP RESOLUTION # R 12-11-149

WHEREAS, the Township Committee waived permit fees due to Hurricane Irene.

WHEREAS, Herr's Plumbing paid a permit fee to remove a basement oil tank due to flooding;

WHEREAS, a refund should be issued for the following:

<u>Company Name</u>	<u>Location</u>	<u>Permit #</u>	<u>Refund</u>
Herr's Plumbing	2 South Main St	11-347	\$50.00

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranbury, the above Construction permit fee be refunded.

Cranbury Township # R 12-11-150

A RESOLUTION AUTHORIZING THE RELEASE OF A  
PERFORMANCE GUARANTEE FOR PROLOGIS TEMPORARY PARKING

WHEREAS, by letter dated November 30, 2011, Prologis has requested the release of their performance guarantee previously posted with the Township in accordance with Planning Board approval and

WHEREAS, the Township Engineer has, in a letter dated November 23, 2011 (attached hereto as "Exhibit A") recommended that the following performance guarantee be released:

TOWNSHIP COMMITTEE MEETING  
December 12, 2011

Cranbury Township # R 12-11-150  
(Continued)

Performance Bond                   \$ 401,760.00  
Cash                                   \$ 44,640.00

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranbury as follows:

- It has reviewed, agrees with and hereby accepts all recommendations of the Township Engineer as set forth in "Exhibit A".
2. It hereby authorizes the release of performance guarantees set forth in the Township Engineer's letter referenced above.
  3. The Township hereby accepts the public improvements, if any so designated pursuant to the Planning Board's approval.

BE IT FURTHER RESOLVED that a copy of this Resolution, certified by the Township Clerk to be a true copy and forwarded to each of the following:

- (a) Township Engineer
- (b) Township Chief Financial Officer
- (c) Andrew Kolb

Cranbury Township Resolution # R 12-11-151

A RESOLUTION AUTHORIZING YEAR 2011 BUDGET TRANSFERS.

WHEREAS, there are 2011 Budget Accounts which require more funding due to circumstances not known at the beginning of the year; and

WHEREAS, there will be excess balances in budget accounts in which the expenditures will be less than projected at the beginning of the year, and

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Cranbury, that the following year 2011 Budget Transfers be authorized and made on the records and accounts of the Township:

	<u>Budget Account</u>	<u>From</u>	<u>To</u>
1-01-31-455-315	Sewer – OE	\$15,000.00	
1-01-26-306-720	Recycling – OE		\$ 5,000.00
1-01-25-240-012	Police – S&W		\$10,000.00

BE IT FURTHER RESOLVED that a copy of this Resolution, certified by the Township Clerk to be a true copy forwarded to each of the following:

- (a) Township Auditor
- (b) Township Chief Financial Officer

Cranbury Township Resolution # R 12-11-152

WHEREAS, 2<sup>nd</sup> Quarter 2011 property taxes for the property listed below, were overpaid due to an overpayment BAC Tax Service and the title company, and

WHEREAS, the homeowner is due a refund.

TOWNSHIP COMMITTEE MEETING  
December 12, 2011

Cranbury Township Resolution # R 12-11-152  
(Continued)

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Cranbury that the following overpayment be refunded:

Block	Lot	Name	Amount
20.03	1	James & Lisa Beach	\$2,787.81

Cranbury Township Resolution # R 12-11-153

RESOLUTION TO TRANSFER OVERPAYMENT  
FROM 2011 TO 2012

WHEREAS, Tax Overpayments were made on the properties shown below for the Tax Year 2011; and

WHEREAS, a resolution is needed to transfer the overpaid amounts to 2012;

Block	Lot	Owner	Amount
20.06	28	Charles & Mary Valente	\$3,074.93

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranbury, County of Middlesex, State of New Jersey that the Tax Collector be authorized to transfer the overpayment as specified above.

Cranbury Township Resolution # R 12-11-154

RESOLUTION TO REFUND TAXES DUE TO VETERAN EXEMPTION

WHEREAS, the homeowner listed was declared to be a Disabled Veteran; and,

WHEREAS, the homeowner is totally exempt from paying property taxes according to N.J.S.A. 54:4-3.30; and

WHEREAS, the homeowner paid a portion of taxes for 2011

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranbury, County of Middlesex, State of New Jersey that the Tax Collector be authorized to refund taxes to the following.

Block	Lot	Owner	Amount
39	8	Robert Virgadamo	\$4,514.21

Cranbury Township Resolution # R 12-11-155

WHEREAS, 2011 property taxes for the property listed below, were overpaid due to a reduction in the Assessed Value from \$6100 to \$1000 resulting in an overbill for the year 2011; and

WHEREAS, this reduction was made because the billboard on this property was not producing income; and

TOWNSHIP COMMITTEE MEETING  
December 12, 2011

Cranbury Township Resolution # R 12-11-155  
(Continued)

WHEREAS, the property owner is due a refund.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Cranbury that the following overpayment be refunded:

Block	Lot	Name	Amount
10	10 B01	Cranbury Brickyard, LLC	\$32.55

Cranbury Township Resolution # R 12-11-156

RESOLUTION AUTHORIZING REFUND OF REDEMPTION  
MONIES TO OUTSIDE LIENHOLDER

WHEREAS, at the Municipal tax sale held on October 11, 2011, a lien was sold on Block 18 Lot 44.08 C2206 known as 201 Bergen Drive for 2010 delinquent sewer charges; and

WHEREAS, this lien, known as Tax Sale Certificate#11-00001 was sold to US Bank Cust for Pro Capital I; and

WHEREAS, Wells Fargo Real Estate Tax Service has effected redemption of Certificate#11-00001 in the amount of \$438.56 on December 19, 2011; and

WHEREAS, a premium of \$200 was received by US Bank, Cust for Pro Capital I at the time of the tax sale, which will also have to be returned to them; and

WHEREAS, the total amount due to ProCapital I is \$638.56.

NOW, THEREFORE, BE IT RESOLVED, that the Tax Collector be authorized to issue a check in the amount of \$438.56 from the Lien Redemption Account, and an additional check authorized in the amount of \$200.00 from the Current Fund Account, both payable to US Bank, Cust for Pro Capital I, US Bank TLGS, 50 South 16<sup>th</sup> Street, Suite 1960, Philadelphia, PA 19102

Cranbury Township Resolution # R 12-11-157

WHEREAS, N.J.S.A. 54:4-3.30A allows for the exemption of taxation from real and personal property for any citizen and resident of the State of New Jersey who has a total or 100% permanent disability as defined by this statute; and,

WHEREAS, the property listed below is owned by a 100% disabled Veteran:

Block	Lot	Owner	Amount
39	8	Robert Virgadamo	\$ 9,280.92

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Cranbury, County of Middlesex, State of New Jersey, that the Tax Collector be authorized to cancel 2011 taxes as specified above.

Reports from Township Staff and Professionals

--Administrator

Ms. Marabello stated she has nothing to report this evening.

TOWNSHIP COMMITTEE MEETING  
December 12, 2011

Reports from Township Staff and Professionals (Continued)

--Municipal Clerk/Assistant Administrator

Ms. Cunningham stated she had nothing to report this evening.

--Reports from Township Boards and Commissions

Ms. Cathy Frohbeiter, Chairperson of the Human Services Board gave a year-end report to the Township Committee. She reported there were 17 luncheons with programs this year; one (1) program was cancelled last January as a result of a snow storm. She stated Human Services tries to alternate informative programs with entertaining programs, and stated with the exception of one (1) program, all programs were free. Ms. Frohbeiter stated the attendance was low in July and August because of vacations so the decision was made not to hold programs in the future during those months. She reported Mah Jong is held twice a week; seated exercise every Thursday morning with eight (8) or nine (9) attendees each week. Ms. Frohbeiter reported there is a Medicare counselor who is available once a month and reported, if a resident needs help, she has a referral list for Middlesex County Social Services. She reported residents come to the Senior Center to use the computer and watch television, and stated the room is available whenever Township Offices are open. Ms. Frohbeiter stated she will keep a tally of luncheon attendees next year to provide a more accurate number to the Township Committee. She reported attendance is up during the Spring, Fall and Winter seasons, and stated the limit is 30 people for lunch, which is the maximum for the room. Ms. Frohbeiter stated the Board stayed within its budget this past year, and stated if there was a part-time Human Services Director, the Township would be eligible to receive grants.

Ms. Goetz asked if there is a list of next year's programs, and Ms. Frohbeiter stated Princeton Hospital will be doing a program to detail all of the services the Hospital will be offering. She reported on several of the pending programs scheduled for next year. Mayor Cody thanked Ms. Frohbeiter for a wonderful job. Mr. Mulligan thanked Ms. Frohbeiter for volunteering, and also thanked volunteers on all Boards and Commissions for their services to Cranbury Township.

Work Session

- a). Discussion with Rabbi Eliezer Zakikovsk in reference to his request to place a Menorah within Cranbury Township.

Rabbi Eliezer Zakikovsk stated during the Hanukkah season he tries to "spread the light" by putting up Menorahs and stated he thought it would be nice for Cranbury Township to have a Menorah. Rabbi Zakikovsk offered to bring the Menorah, put it up, and take it down as a contribution to the Township. Mayor Cody asked if the Menorah would be lit, and Rabbi Zakikovsk stated the Menorah has light bulbs. Mr. Cook asked how long the Menorah stays up, and Rabbi Zakikovsk stated the timing is flexible depending on the year. He stated he has volunteers the next three (3) days who could put up the Menorah, or can put it up according to the Township's schedule. Mr. Cook asked if the Rabbi's volunteers would maintain the Menorah. Rabbi Zakikovsk stated they would take care of everything, including assembly, securing and taking down. Mr. Cook asked about the size, and Rabbi Zakikovsk stated the Menorah is about six (6) feet tall. Mr. Cook asked about location, and Rabbi Zakikovsk stated he thought a location near the Christmas tree since electricity would be available. He stated there is a holiday display there already rather than preparing a separate location.

Mr. Taylor asked Rabbi Zakikovsk if he viewed the location and asked if there is enough space for the Menorah, and the Rabbi stated the location is workable. Rabbi Zakikovsk stated the Menorah is very thin and would not block the tree if it was placed in front of it. Mayor Cody suggested placing the Menorah to the side of the Christmas tree. Mr. Mulligan asked for clarification on the size, and the Rabbi stated the Menorah is six (6) feet tall by four (4) feet wide, and placement would be best on grass rather than concrete. Mr. Cook asked Rabbi Zakikovsk if a Cranbury resident asked for a Menorah, and Rabbi Zakikovsk stated a number of Cranbury residents are closely affiliated with his synagogue.

TOWNSHIP COMMITTEE MEETING  
December 12, 2011

Work Session

- a). Discussion with Rabbi Eliezer Zakikovsk in reference to his request to place a Menorah within Cranbury Township (continued)

Mr. Cook asked about the style of the Menorah, and the Rabbi had a picture to show the Township Committee. The Township Committee asked about the lighting of the Menorah, and Rabbi Zakikovsk explained the symbolism of the Menorah. Mr. Steven Goodell, Esq., Township Attorney, explained the display of the Menorah is a First Amendment issue with two sections under consideration: the establishment clause which states the government cannot get excessively entangled with religion, and the free exercise clause, which means people have the right to clearly express their religious beliefs. He stated the Supreme Court addressed this issue in the 1980's. Mr. Goodell explained the Township can have a government-sponsored display; however, it cannot endorse or favor one religion over another. The display should be set up so a reasonable person viewing the display would not believe it was a government endorsement of a particular religion. Mr. Goodell stated Townships can keep a display simple or can bring in traditions from many different groups. He stated the idea is if the Township wants a government display, it should be balanced.

Mr. Goodell further explained about the free exercise clause, which states people have the right to express themselves. He stated religious expression is a form of free speech, which cannot be restricted in a public forum; however, it can be limited as long as the limitation is content neutral, without discrimination against one person or one group, and within reasonable time, place and manner restrictions. Mr. Goodell suggested there may be other more appropriate locations in the Township other than Memorial Park for holiday displays. Mr. Cook explained the Christmas tree was originally placed in the gazebo in Village Park; however, it was being vandalized. Mr. Cook stated perhaps Memorial Park is not the best location to have holiday displays, and should be reserved as a memorial for fallen soldiers. He stated the Township Committee may have to decide to also move the Christmas tree to another location. He asked Rabbi Zakikovsk if he had a preference to location. Mr. Cook stated the Township Committee's decision would concern not only the Menorah but Memorial Park as well. Rabbi Zakikovsk stated the location should be a public place that is visible to the community.

Mayor Cody opened the meeting to public questions and comment.

Ms. Linda Bowker, Bunker Hill, thanked Rabbi Zakikovsk for attending the meeting, and stated she believed the Menorah should be placed by the Christmas tree at Memorial Park. She stated the Township cannot have one religious symbol and not another.

Mr. Jerry Yochelson, South Main Street, thanked the Rabbi for offering the Menorah, and stated he hoped the Township would agree to have the Menorah in the Township. Mr. Yochelson stated he understood the concern about Memorial Park and suggested Heritage Park as an alternative location. He stated there is room at Heritage Park and the displays could be seen from Main Street and Old Trenton Road. He offered his services to light the Menorah.

Mr. Taylor asked if there was electricity in Heritage Park, and Ms. Marabello stated she will check with Mr. Jerry Thorne, Public Works Manager. Mr. Taylor stated it would be laborious to move the tree this year from Memorial Park, and the Menorah should be placed there this year; however, next year the displays could be in Heritage Park. The area is very visible and the police drive by frequently.

Mr. Dave Mauger, Griggs Road, thanked Rabbi Zakikovsk for the generous offer of the Menorah, and stated the Township celebration is about the great American holiday season which includes everyone. Mr. Mauger stated to reject the offer would be a signal of endorsing one religion over another. He stated Cranbury does have Jewish residents, and a growing number of non-Christian faithful people, and accepting the Menorah would be a

TOWNSHIP COMMITTEE MEETING  
December 12, 2011

Work Session

- a). Discussion with Rabbi Eliezer Zakikovsk in reference to his request to place a Menorah within Cranbury Township. (continued)

sign that other cultures are welcome in Cranbury. He stated that is the message the Township should have in the spirit of the Holiday Season. Mr. Mauger stated he respects the argument about the sanctity of the Memorial and suggested finding a place where all holiday displays could be together.

Ms. Betty Wagner, North Main Street, stated she respectfully requests the Township Committee first establish a policy regarding the presence of religious symbols on Township properties. Ms. Wagner suggested before a decision be made on the Menorah, the Township Committee look at future decisions which may need to be made concerning religious displays.

Mr. Jonathan Bowker, Bunker Hill, thanked the Rabbi for offering the Menorah to the Township. Mr. Bowker stated he is a combat veteran from Iraq, and stated he is from one of the few Jewish families in the Township. Mr. Bowker stated he was one (1) of six (6) Jews in a group of 2,000 soldiers in Iraq; however, even in a Muslim country, there was a Star of David. Mr. Bowker stated there is room at Memorial Park for the Menorah and there is electricity. He stated the tree in Memorial Park cannot be called a "Holiday tree" because the tree and decorations are for Christmas. Mr. Bowker stated he fought for his country for the freedom of speech and the Menorah has as much of a right to be displayed as the Christmas tree. Ms. Goetz asked if he found it insulting the Township uses Memorial Park for the Holiday display. Mr. Bowker stated he did find it insulting because Memorial Park is for the War Memorial and up until recently there was not even a POW/MIA flag being displayed. He stated there are still many soldiers missing, and stated Memorial Park should be for the War Memorial. Since the tree is already up this year, Mr. Bowker stated there should be no reason the Menorah could not be displayed as well. Ms. Goetz stated she is not a veteran; however, she liked the idea of the Christmas tree and Menorah being displayed near the War Memorial because it brings foot traffic and reminds us of those whose lives have been lost. Mr. Bowker stated he served his country because he answered the call, and stated he had friends who died in Iraq. He stated the War Memorial should be the primary focus at Memorial Park without a tree placed in front of it and requested the Menorah be displayed this year in Memorial Park near the Christmas tree and another location be considered in the future.

Mr. Cook stated the question to be considered is the best location for Holiday displays, and he stated his personal feeling is the display should not be in front of the Monument at Memorial Park. However, Mr. Cook stated he is not opposed to the idea of the Menorah; however, he would like to hear input from the public concerning a location.

Mr. Mulligan thanked Mr. Bowker for his service. He stated he felt the Menorah could be displayed at Memorial Park this year with the tree and a better location could be found for future displays.

Ms. Ellen Yochelson, South Main Street, stated apart from being a symbol of the Jewish religion, the Menorah is a simple of religious freedom. She stated it ties into the right of a minority to express their religious beliefs and stated United States citizens are lucky to have that freedom. She stated it does not mean one religion above others but rather one religion along with others. Ms. Yochelson stated the Holiday display should be where people walk and where it could be seen at night.

Ms. Kathleen Argiriou, Stockton Drive, requested the Township Committee think seriously about making a decision, stating the Township Committee should come up with a plan concerning Holiday displays to avoid future repercussions. She suggested seeking counsel

TOWNSHIP COMMITTEE MEETING  
December 12, 2011

Work Session

- a). Discussion with Rabbi Eliezer Zakikovsk in reference to his request to place a Menorah within Cranbury Township. (continued)

or looking to see what other Townships have done, and asked that a decision not be made too quickly.

Mr. Daniel Black, Parkview Road, stated he attended Cranbury School since first grade and is now a senior at Princeton High School. Mr. Black stated there were few Jewish children in Cranbury School; however, the School did take the time and effort in the curriculum to teach about various holidays. He stated the Menorah should be displayed.

Mr. Richard Kallan, Wynnewood Drive, stated a Christmas tree is a Christmas decoration. Mr. Kallan stated a Menorah is a nine (9) candle candelabra. He stated he noticed Christmas wreaths on the Parsonage Barn on Cranbury Neck Road, and asked why wreaths are hanging on Township public property. Mr. Kallan thanked the Rabbi for the offer of the Menorah, and stated he does not think the tree should be moved this year, although he doesn't believe the tree belongs in Memorial Park. He suggested not moving the tree this year, and placing the Menorah in the same area.

Mr. Kallan asked who owns the property to the left of the old Police Station. Mr. Taylor stated part of it is Township-owned property and the remainder is resident owned. Mr. Kallan stated the display of a Menorah is not a new issue, and Ms. Marabello confirmed Rabbi Zakikovsk came last year after Hanukkah to request a Menorah be displayed in the Township. Mr. Kallan stated the appropriate action is to grant the Rabbi the permission to install the Menorah adjacent to the Christmas tree, and then next year determine a location agreeable to everyone.

Mr. Jack Frohbeiter, Cranbury Neck Road, stated he would like to offer a slightly different perspective on the appropriateness of Holiday displays at Memorial Park. Mr. Frohbeiter stated the military in this country has protected our freedom of speech and religion, and stated he thinks it is appropriate to have Holiday displays in Memorial Park.

Ms. Patty Rogers, Washington Drive, agreed the Menorah should be displayed near the Christmas tree in Memorial Park because her father and relatives fought for religious freedoms. Ms. Rogers voice her concern on the construction of some Menorahs (PVC pipe or steel) and stated she hoped the construction of this Menorah would be reflective of historic Cranbury. She stated the tree is a holiday tree and is not a religious symbol. She stated the lights on the tree are blue for the Jewish people, and red and green for Christmas. She stated the Menorah is clearly a religious symbol, and if the Menorah is displayed, she would like to see a crèche displayed as well.

Mr. Mark Berkowsky, North Main Street, suggested the Township Committee have the Menorah placed near the tree this year and then take time next year to determine where holiday symbols should be placed. Mr. Berkowsky stated the tree is a Christmas tree and not a Holiday tree.

Mr. Jim Taylor, Washington Drive, stated the tree is a Christmas tree, and stated the decision to display the Menorah should not be difficult

There being no further public comments, Mayor Cody opened the discussion among the members of the Township Committee. Mr. Cook stated Memorial Park was the default location for the Christmas tree because it was being vandalized in its former location in the gazebo in Village Park. Mr. Cook stated since the tree has been moved to Memorial Park in the last ten (10) to 15 years, there has been more of a community event centered in Memorial Park, which includes events at the Fire House and Santa Claus riding in the fire

TOWNSHIP COMMITTEE MEETING  
December 12, 2011

Work Session

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truck. Mr. Cook stated he thought Memorial Park is appropriate, and adding the Menorah next to the Christmas tree is appropriate.

Mayor Cody stated the consensus seems to be placing the Menorah near the Christmas tree in Memorial Park this year, and then consider the location for next year. Mr. Taylor stated he is in support of the Menorah in the Township, and stated he feels Memorial Park is not the right location for Holiday displays or for singing and celebrating. He stated for this year the Menorah belongs next to the Christmas tree, and he stated he would like to see another location for the future.

Mr. Steven Goodell, Esq., Township Attorney, stated the issue of Holiday displays is unclear, and the Supreme Court wrestles with it. Mr. Goodell stated the comments presented are all arguments which have been heard by the Supreme Court, and he stated the discussion this evening was good and rational.

Mr. Johnson stated the Township has in the past accommodated different religions. He stated the Christmas tree is part of the secular Christmas and does not have religious significance; however it does signify the Christmas season. Mr. Johnson stated he supported the Menorah be displayed as a symbol of the Jewish holiday.

Mr. Mulligan stated he respects and acknowledges everyone's rights to celebrate their religion. He stated he found many of the comments interesting and never thought the use of Memorial Park for holiday displays might be insulting to some residents.

Rabbi Zakikovsk excused himself from the meeting stating he was late to teach for a class. He thanked the Township Committee for their time addressing his request.

Mr. Mulligan continued, stating his concerns this evening were of a legal nature. He stated those questions have been answered, and now his concern is to consider the sensitivity of displays in Memorial Park and to look for a future location.

Mayor Cody stated it sounds as if the Township Committee is in agreement and asked Mr. Goodell if a motion is necessary. Mr. Goodell stated a motion could be made permitting Rabbi Zakikovsk to display a Menorah in Memorial Park, to take the Menorah down at the end of the season, and to consider next year a location for holiday displays. Mr. Goodell asked if a plaque was needed for the Menorah, and since there is no plaque for the tree, the Township Committee decided a plaque is not necessary. On a motion by Mr. Johnson, seconded by Mr. Taylor, the motion was passed by a vote:

Ayes: (Cook	Abstain: (None
(Johnson	Absent: (None
(Mulligan	
(Taylor	
(Cody	

Nays: (None

Public Comment

The Mayor opened the meeting to public questions and comment, and hearing none, closed the public part of the meeting.

TOWNSHIP COMMITTEE MEETING  
December 12, 2011

--Mayor's Notes

Mayor Cody stated he has appreciated serving the community and thanked the public for attending this evening's meeting. Mayor Cody, wishing the Township Committee good luck next year, asked for a motion to adjourn.

On a motion by Mr. Taylor, seconded by Mr. Cook, and unanimously carried, the meeting adjourned at 8:45 p.m.

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Kathleen R. Cunningham, RMC  
Municipal Clerk