

TOWNSHIP COMMITTEE MEETING
January 9, 2017

The Township Committee Meeting 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: Susan Goetz, Glenn Johnson, Dan Mulligan, Jay Taylor and Mayor Dave Cook. Also present were Thomas Decker, PE, Township Engineer; Bill Tanner, PE, Township Engineer; Glenn Gerken, PE, Township Conflict Engineer; Denise Marabello, Township Administrator/Director of Finance; and Kathleen R. Cunningham, Municipal Clerk/Assistant Administrator. Mayor Mulligan 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 5, 2016 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 5, 2016.
- (3) Filed on December 5, 2016 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.
- (4) Sent to those individuals who have requested personal notice.

Township Committee Re-Organization Meeting Minutes of January 3, 2017

On motion by Mr. Taylor, seconded by Ms. Goetz and unanimously carried, the Township Committee Re-Organization Meeting Minutes of January 3, 2017 were adopted.

Reports and Communications

--Mayor

Mayor Cook reported the Township Committee collectively has worked over the past several years on milestone projects, including "Downtown Beautification," Brainerd Lake Dam and Bridge and affordable housing. He stated he sees the focus for 2017 being on controlling development on Route 130 and working with the amount of trucks and traffic resulting from the construction of warehouses. He stated it will take more than Cranbury Township to come up with a solution for the traffic, stating Liberty Bridge Way will be a component of that solution.

Reports and Communications

--Members of Committee

--Mr. Johnson

Mr. Johnson reported he attended the Re-organization Meeting of the Planning Board and also the Development Review Committee meeting. Mr. Johnson stated A & M Industrial is currently an applicant before the Planning Board and reported in 2014 he attended their ribbon cutting ceremony when they moved their warehouse to Cranbury from Rahway. He reported A & M is now moving their corporate headquarters to Cranbury.

--Ms. Goetz

Ms. Goetz stated she had nothing to report.

--Mr. Mulligan

Ms. Mulligan stated he agreed with Mayor Cook's opening remarks and stated he had nothing further to report.

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Reports and Communications

--Members of Committee (cont'd.)

--Mr. Taylor

Mr. Taylor thanked Ms. Josette Kratz and Ms. Kathleen Cunningham for meeting with him and Jaded Faith Mods, the company that services Cranbury School's sound system, concerning the sound equipment for Town Hall. Mr. Taylor stated the sound equipment is now working and does not need to be replaced. Mr. Taylor stated Jaded Faith Mods will do further work on the sound system and will replace some of the microphones. Mr. Taylor also stated a television screen will be installed in the Meeting Room so presentations can be displayed during Planning and Zoning Board Meetings. He reported the system will be modernized to be wi-fi capable and the work should be covered by funds already in the budget.

Mr. Taylor reported there are a number of dead trees along the walkway in Heritage Park and suggested having Shade Tree and Parks look at the trees. Mr. Taylor stated the removal of the trees be addressed at budget discussions.

Mr. Taylor reported the Cranbury Historical and Preservation Society has requested a Township Committee liaison, and stated he would be happy to be liaison since he is on the Board. Mayor Cook agreed to Mr. Taylor being the liaison.

--Subcommittees

There were no reports from Subcommittees.

--Department Heads

There were no reports from Department Heads.

Follow-up Items

There were no follow-up items for this evening.

Agenda Additions/Changes

Ms. Cunningham reported there were no additions or changes to the Agenda.

Public Comment (For Items on the Agenda)

Mayor Cook opened the meeting to public comment for items on the Agenda. Hearing no comments or questions, Mayor Cook closed the public comment portion of the meeting.

Resolutions

Consent Agenda

Mayor Cook asked the Township Committee if there were any questions or comments on the Consent Agenda. Hearing no questions or comments, Mayor Cook requested a motion to adopt Consent Resolutions. On a motion by Mr. Taylor, seconded by Mr. Johnson and unanimously carried, the following Resolutions were adopted by vote:

Ayes: (Goetz
(Johnson
(Mulligan
(Taylor
(Cook

Abstain: (None
Absent: (None

Nays: (None

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Cranbury Township Resolution # R 01-17-017

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 # R 01-17-018

WHEREAS, the governing body of the Township of Cranbury (herein known as "Grantee") desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$24,999.00 to fund the following project:

Historic District Survey Update Phase II; and

THEREFORE, the governing body resolves that Denise Marabello or the successor to the title of Township Administrator is authorized:

- a). to make application for such a grant,
- b). if awarded, to execute a grant agreement with the State for a grant in an amount not less than \$9,000.00 and not more than \$ 24,999.00 and,
- c) to execute any amendments thereto and
- d). any amendments thereto which do not increase the Grantee's obligations.

The Grantee agrees to comply with all applicable federal, State and municipal laws, rules and regulations in its performance pursuant to the Agreement.

Introduced and passed on January 9, 2017 by Cranbury Township Committee:

| | |
|----------|--|
| Ayes: | Goetz, Johnson, Mulligan, Taylor, and Cook |
| Nays: | None |
| Absent: | None |
| Abstain: | None |

Work Session

- a). Discussion of Township Committee Liaisons and Subcommittees
The Township Committee discussed the liaison and subcommittee appoints for 2017.

2017 LIAISONS:

| | |
|-------------------------------------|--------------|
| Scouts | Mr. Mulligan |
| Board of Education | Mr. Johnson |
| Business & Professional Association | Mr. Taylor |
| DRC | Mr. Johnson |
| Municipal Alliance | Mr. Taylor |
| Recreation | Mr. Mulligan |

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2017 LIAISONS (cont'd.)

| | |
|--------------------------------|---------------------------|
| Planning | Mayor Cook Mr. Johnson |
| Zoning | Mr. Johnson |
| CHA | Mr. Mulligan |
| League of Municipalities | Mayor Cook |
| Board of Health | Mr. Johnson |
| HPC | Ms. Goetz |
| Police | Mayor Cook |
| Office of Emergency Management | Mayor Cook |
| Buildings and Grounds | Mr. Taylor |
| Environmental Commission | Ms. Goetz |
| Shade Tree | Ms. Goetz |
| Fire Company | Mayor Cook |
| First Aid | Mayor Cook |
| Parks | Mr. Mulligan |
| Public Works | Mr. Taylor |
| Engineering | Ms. Goetz |
| Construction | Ms. Goetz |
| Library | Mr. Mulligan |
| Historical Society | Mr. Taylor |

SUBCOMMITTEES:

| | |
|------------------------|----------------------------|
| Master Plan/Ordinances | Mr. Johnson |
| Personnel | Mayor Cook Mr. Mulligan |
| Sewer | Mr. Taylor Mr. Mulligan |
| COAH | Mr. Mulligan Mayor Cook |
| Technology | Mr. Mulligan |
| Traffic/Liberty Way | Ms. Goetz Mayor Cook |

- b). Discussion with Professionals on Various Issues with the Cranbury Brickyard Project.
The Township Committee discussed various issues that have arisen with the Cranbury Brickyard Project. Mayor Cook gave a brief history of the Brickyard Project and the collateral issues from the traffic which are affecting the residents located near the Project. Mayor Cook requested Mr. Bill Tanner, Township Engineer address the speeding issues on Hightstown-Cranbury Station Road. Mr. Tanner stated the speed limits were looked at two (2) years ago when the Township's speed limits were being set. Mr. Tanner explained there are three (3) statutory speed limits and explained the restrictions for each speed. Mr. Tanner further explained how speed limits are set by using a Speed Study. He stated for Hightstown-Cranbury Station Road, three (3) studies were done: one above the New Jersey Turnpike Bridge, one below the Bridge, and another on the other side of Brickyard Road. Mayor Cook inquired if there was signage or anything the Committee could do to address the speed problems. Mr. Tanner stated he and Chief Varga agreed an advance notice sign could be installed before the stop sign. There was discussion about other signage. Ms. Marabello stated DPW will be installing engine braking signs on the roadway.

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b). Discussion with Professionals on Various Issues with the Cranbury Brickyard Project.
(cont'd.)

Mr. Tanner stated the speed limits need to be followed and the issue can be revisited post construction. Mr. Bob Dillon, Hightstown-Cranbury Station Road, stated 2.7 million square feet of warehouse space is being constructed on roadways that have no deceleration lanes, no acceleration lanes and no left turn lanes. Mr. Dillon distributed photographs of trucks being backed up and cars traveling on the wrong side of the road. Mayor Cook stated the police will have to have a greater presence for enforcement. Ms. Marabello stated the Police cannot be there 24/7, and it is important for them to be called whenever there are violations, be it traffic or starting construction early.

Mayor Cook stated they could revisit what was discussed the Planning Board meetings concerning the site plans, roadways and traffic. Mr. Dillon suggested consideration be given to the amount of trucks making right and left turns. Mr. Tanner stated the issue can be revisited after the construction is complete and stated the trucks are causing everything to slow down.

Mr. Glenn Gerken, Township Conflict Engineer, stated RC Andersen, LLC, the general contractor for the Cranbury Brickyard project, has addressed with all of its subcontractors several traffic issues that were brought to his attention by the Cranbury Police Department.

Mr. Dillon suggested having a solution other than Township roads for warehouse traffic, and Mayor Cook agreed, stating he and Ms. Goetz will be attending the Middlesex County Transportation Meetings that will deal with traffic along the Route 130 corridor.

c). Discussion with Township Engineer, Thomas Decker, P.E. on NJDOT Grant Application Submissions for 2017.

The Township Committee discussed 2017 grant applications to be submitted to NJDOT. Mayor Cook clarified for the public the grant applications are for DOT roadwork. Mr. Decker reported the State announced it is accepting applications for 2017 fiscal year. Mr. Decker stated in the past the Township had the "Downtown Beautification" grants and also for 2016 a \$200,000 grant for the first section of John White Road. He explained back in July, Governor Christie put the grants on hold, which was later lifted in October. He stated the funds are now available for John White Road. Mr. Decker recommended applying for a 2017 grant for John White Road to complete the project. He stated the Township keep Brickyard Road on the radar for 2018. Mayor Cook stated the rationale to wait on Brickyard Road is due to issues of construction vehicles. Mr. Decker agreed, stating the construction vehicles would tear up the roadway. The grant application is due to the State by February 3rd, and the Township Committee directed Mr. Decker to go forward with the application for John White Road.

Ms. Goetz stated the Township is very pleased with the "Downtown Beautification" project, and reported the Library is getting closer to building at the end of Park Place West. She stated the sidewalk on the north side of Park Place West have been bricked, and asked if the south side can be bricked. Mr. Decker stated the Township is allowed two (2) applications. Ms. Marabello stated the Township has applied for two projects in the past; however, we only receive one (1) grant. Mr. Tanner stated the project is not large enough for a grant. He stated most of the work is landscaping. Ms. Marabello stated the funds would also have to be spent within 18 months.

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Reports from Township Staff and Professionals

--Administrator's Report

Ms. Marabello reported some of Cranbury's checks were copied and one (1) was cashed. The Bank is aware of the problem and so far the Township has not lost anything. Ms. Marabello stated the bank has an alert on the accounts. Since it has only involved two (2) checks, the bank feels it is not worth changing all the accounts, and will continue to monitor activity on the accounts.

--Assistant Administrator

Ms. Cunningham stated she had nothing to report.

Reports from Township Boards and Commissions

There were no reports from Township Boards and Commissions.

Public Comment

Mayor Cook opened the meeting to public comment.

Mr. Bob Dillon, Hightstown-Cranbury Station Road had further questions/concerns about speed limits. Mr. Dillon inquired about the permits and performance bonds for the Project. Mr. Gerken stated he does not get involved with permits; however, there have been approximately five (5) performance bonds. Ms. Marabello stated performance bonds are applied for as the Project progresses. Mr. Dillon inquired when Mr. Gerken started on the Project. Mr. Gerken stated he has a full-time inspector at the site now. Mr. Dillon stated there was more activity and a lot more fill put on site than the Planning Board was aware of.

Mr. Dillon stated he is concerned that problems with construction/traffic are not discussed at the Planning Board meetings. Mayor Cook suggested Mr. Dillon meet with Mr. Gerken separately to discuss specific issues. Mr. Dillon stated he did not want to take up more time; however, he wanted to know who is monitoring the construction site. There was additional discussion about the times of construction and the traffic. Mr. Dillon read a letter concerning traffic issues, speed limits and construction problems to the Township Committee and supplied pictures of dump trucks lined up on the wrong side of the Hightstown-Cranbury Station Road. Mr. Dillon stated the Township has a dangerous traffic condition on this road. Mayor Cook stated site plan information from the Planning Board be revisited. Mr. Mulligan stated the problem is some information has not been memorialized. Mr. Taylor stated there are recordings of the meetings.

Hearing no additional comments, Mayor Cook closed the public portion of the meeting.

Mayor's Notes

Mayor Cook appointed Ms. Linda Scott as the Township's Representative to the Middlesex County Solid Waste Advisory Council for a one-year term.

Mayor Cook appointed Mr. Richard Burke as a Second Alternate for the Library Board of Trustees with a term expiring 12/31/18.

Proclamation

Ms. Cunningham read a Proclamation proclaiming January 22 to 28, 2017 as "Cranbury Township School Choice Week." Mr. Johnson asked that the Proclamation be tabled to the next meeting stated some of the content should be checked with the School. After some discussion, the Township Committee directed Ms. Cunningham to discuss the Proclamation's appropriateness concerning Cranbury School. The Township Committee to table the Proclamation until further information is obtained.

Township Committee Members' Notes

There were no additional Township Committee Members' Notes.

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Resolution

At 8:28 p.m. Mayor Cook requested a motion for the Committee to go into Closed Session. On a motion by Mr. Mulligan, seconded by Ms. Goetz and unanimously carried, the following Resolution was adopted by vote:

| | | |
|-------|---|---------------------------------|
| Ayes: | (Goetz (Johnson (Mulligan (Taylor (Cook | Abstain: (None Absent: (None |
| Nays: | (None | |

Cranbury Township Resolution # R 01-17-019

RESOLUTION TO CLOSE MEETING TO THE PUBLIC

BE IT RESOLVED, by the Township Committee of the Township of Cranbury, Middlesex County, New Jersey as follows:

The general nature of the subject to be discussed in this session is as follows:

--- "N.J.S.A. 10:4-12b (7)/Pending or anticipated litigation and matters falling within the attorney-client privilege."

It is unknown at this time precisely when the matters discussed in this session will be disclosed to the public. Matters involving contract negotiations or the acquisition of land will be disclosed upon conclusion of the negotiations or upon approval of the acquisition. Matters involving personnel will be disclosed when the need for confidentiality no longer exists. Matters concerning litigation will be announced upon the conclusion of trial or settlement of that litigation or when the need for confidentiality no longer exists.

On motion by Mr. Johnson, seconded by Ms. Goetz and unanimously carried, the meeting returned to Open Session at 8:50 p.m.

Resolution

Mayor Cook requested a motion to adopt the following Resolution. On motion by Mr. Johnson, seconded by Ms. Goetz and unanimously carried, the following Resolution was adopted by vote:

| | | |
|-------|---|---------------------------------|
| Ayes: | (Goetz (Johnson (Mulligan (Taylor (Cook | Abstain: (None Absent: (None |
| Nays: | (None | |

TOWNSHIP COMMITTEE MEETING
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CRANBURY TOWNSHIP RESOLUTION # R 01-17-20

RESOLUTION AUTHORIZING THE MAYOR AND CLERK TO EXECUTE AN AMENDMENT
TO THE DEVELOPER'S AGREEMENT FOR HIGH POINT DEVELOPERS

WHEREAS, High Point Development, LLC ("High Point") received land use approvals from the Cranbury Township Planning Board ("Board") on December 15, 2015 for a two-phase residential and mixed use development (the "Project") for property known as the High Point Redevelopment Area (Block 19, Lots 2 through 4 and Block 20.16, Lots 7 through 10 and 20 on the Cranbury Township Tax Map); and

WHEREAS, the Project contains an inclusionary development component providing for seven affordable housing family rental units that will be constructed over the retail space developed during Phase II of the Project; and

WHEREAS, at the time of its application to the Board, High Point requested a waiver of the Council on Affordable Housing's ("COAH") phasing requirements set forth at N.J.A.C. 5:93-5.6(d); and

WHEREAS, the waiver was prompted by the unique design of the Project that would have compelled the construction of the entirety of the seven affordable rental units, five market-rate rental units, and a significant portion of the retail space, all of which are to be contained in one building, by the time twenty-five percent of the market-rate townhouses were constructed; and

WHEREAS, because the required phasing would have rendered the Project infeasible considering the size, scope and design of the Project, by Resolution #R 04-16-076, adopted April 11, 2016, the Township granted High Point's request for a waiver from COAH's phasing requirements; and

WHEREAS, the Township and Fleet Cranbury, LLC, assignee of High Point Development, LLC ("Developer"), entered into a Developer's Agreement, dated July 25, 2016, incorporating the phasing waiver and providing that "Developer shall complete the construction of and obtain certificates of occupancy for all seven (7) affordable family rental units before it shall be permitted to obtain a certificate of occupancy for the forty-fourth (44th) market rate townhouse unit in Phase I"; and

WHEREAS, Developer has proceeded with the Project and is currently preparing the site for the start of construction of Phase I of the Project; and

WHEREAS, Developer has also identified an experienced retail partner to develop the retail component of the Project and is working to obtain its Project financing; and

WHEREAS, the anticipated timing is such that Developer may not be able to complete the retail center and rental units located above in time to proceed with construction of Phase I, thereby resulting in a situation that could force Developer to stop sales beyond the 44th townhouse unit which imperils the Project financing; and

WHEREAS, to facilitate Developer's ability to secure the necessary financing and construct the Project, Developer has requested a minor modification of the phasing schedule to provide that if the retail building containing the affordable housing units is under construction with a building permit having been issued and physical work on the structure underway, then Developer will be able to proceed with construction and obtaining certificates of occupancy beyond the forty-fourth market rate townhouse unit, or if the retail building containing the affordable housing units is not under construction, then Developer will not be able to obtain the certificate of occupancy for the forty-ninth market rate townhomes; and

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CRANBURY TOWNSHIP RESOLUTION # R 01-17-20
(Continued)

WHEREAS, the Township is satisfied that the requested modification of the previously granted phasing waiver is reasonable and appropriate in light of the circumstances, the nature of the Project, and that sufficient controls and incentives continue to exist to ensure the construction of the Project in general, and the affordable housing units in particular.

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

1. The Mayor and Township Clerk are hereby authorized and directed to enter into an Amendment to the Developers Agreement by and between the Township of Cranbury and Fleet Cranbury, LLC, providing for an amendment to Section 13.B of the Agreement, to provide that: if development of the retail building containing the affordable family rental units is under construction, with building permits having been issued and construction underway, including footings, foundation and framing, then Developer may proceed with and obtain certificates of occupancy for the market rate townhouse units; or if development of the retail building containing the affordable family rental units is not yet under construction, then Developer shall be required to complete the construction of and obtain certificates of occupancy for all seven (7) affordable family rental units before it shall be permitted to obtain a certificate of occupancy for the forty-ninth (49th) market rate townhouse unit in Phase I, the terms and form of which Amendment shall be reviewed and approved by Township counsel in consultation with the Mayor and Township Administrator.
2. The Mayor, Township Administrator, Clerk, Attorneys, Planners, and other appropriate officers, employees and professionals, are hereby authorized and directed to prepare and execute any and all documents and undertake any and all acts necessary to effectuate the above-referenced settlement.
3. This Resolution shall take effect immediately.

Mayor Cook requested a motion to adjourn. On motion by Ms. Goetz, seconded by Mr. Johnson and unanimously carried, the meeting adjourned at 8:52 p.m.

Kathleen R. Cunningham
Municipal Clerk