

TOWNSHIP COMMITTEE REGULAR MEETING
April 12, 2021

The Township Committee Regular Meeting of the Township of Cranbury was held at 7:00 pm. by remote access videoconferencing in response to COVID-19 and the updated Open Public Meeting Act guidelines. Answering present to roll call were Township Committee members: Barbara Rogers, Matthew Scott, Evelyn Spann and Mayor Michael Ferrante. Mr. Taylor was absent at time of roll call (entered 7:33 p.m.). Also present were Denise Marabello, Township Administrator/CFO; Steve Goodell, Township Attorney; Ephram Levin, Township Attorney; and Debra Rubin, Municipal Clerk. Mayor Ferrante led in the salute to the flag, and Ms. Rubin read 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:

Posted on the Bulletin Board of the Municipal Office at 23-A North Main Street, Cranbury, New Jersey and remains posted at that location.

Communicated to the Cranbury Press, Home News Tribune and Trenton Times on January 8, 2021 and remote access information added on April 24, 2020, updated on June 18, 2020.

Filed on January 8, 2021 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. Township website was updated with remote access information on April 24, 2020, and updated June 18, 2020.

Sent to those individuals who have requested personal notice.

Ms. Rubin read the following additional statement:

Cranbury Township

Statement on Public Comment during Remote Meeting

The public may electronically submit questions or comments to twpclerk@cranbury-nj.com or in written letter form via mail to Cranbury Township Town Hall no later than 4:00 p.m. the day of the scheduled Committee Meeting. Name, address and phone or email must be included. Timely submitted questions or public comment shall be read aloud and addressed during the public meeting. Duplicate written comments may be summarized and noted for the record in a consistent manner.

To eliminate background noise so that all meeting participants may hear, please mute your microphone and remain in listening mode only. The Clerk will place all remote attendees on this platform on mute as well and will manage the order of the remote participant's comments. During public comment period(s), the Clerk will make an announcement that any remote participant seeking to comment must signify their intent by using the "raise hand" feature on Zoom. The Clerk will then unmute each participant individually when it is their designated time to speak. If you do not have a question or comment, please keep your microphone muted. Please unmute yourself only at the direction of the Clerk. All remote users must state their name and address at the beginning of his/her public comment.

Should a member of the public using the Zoom platform become disruptive, that individual will be kept on mute and receive a warning that continued disruption may result in their being prevented from speaking or removed from the meeting entirely. If time permits, the disruptive individual shall be allowed to speak after all other members of the public have been given the opportunity to speak.

The Township Committee will facilitate a dialogue with all commenters to the extent permitted by Zoom technology.

Approval of Minutes: Mayor Ferrante asked if any members of the Township Committee would like to address changes or amendments to the following minutes. Hearing none, Mayor Ferrante asked for a motion to adopt the following minutes as presented:

--Township Committee Regular Meeting Minutes of March 22, 2021

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On a motion by Mrs. Spann, seconded by Mr. Scott, along with the following roll call vote of the members of the Township Committee;

Ayes: (Rogers
(Scott
(Spann
(Ferrante

Abstain: (None
Absent: (Taylor

Nays: (None

the Township Committee Regular Meeting Minutes of March 22, 2021 were adopted.

**Public Hearing – Proposed Bidder Prequalification Regulations for the
Brainerd Lake Dredging Project**

Ephram Levin, Township Attorney, read from prepared script for the public (attached). Mayor Ferrante opened the hearing for public comment. No public comment ensued. Mayor Ferrante closed the public comment.

Ms. Rubin advised that Cranbury Township Resolution #R 04-21-070 would need to be added to the agenda at this time. Ephram Levin read the following resolution in its entirety:

Cranbury Township Resolution #R 04-21-070

**RESOLUTION OF THE TOWNSHIP OF CRANBURY ADOPTING BIDDER PREQUALIFICATION
REGULATIONS IN CONNECTION WITH THE BRAINERD LAKE DREDGING PROJECT**

WHEREAS, the Township of Cranbury (the “Township”) seeks to issue specifications for the 2021 Brainerd Lake Dredging Project (the “Project”) ; and,

WHEREAS, N.J.S.A. 40A:11-25 of the Local Public Contracts Law permits LPCL contracting units to establish reasonable prequalification regulations that are pertinent to and reasonably related to the class or category of goods or services to be provided or performed subject to Director approval; and

WHEREAS, the Director of the Division of Local Government Services must approve all prequalification regulations enacted by contracting units subject to the Local Public Contracts Law; and

WHEREAS, proposed bidder prequalification regulations for the Project were drafted; and

WHEREAS, adequate notice of a public hearing on said regulations was published in accordance with the statute; and

WHEREAS, a public hearing was held on April 12, 2021; and

WHEREAS, the Township Committee has considered the proposed bidder prequalification regulations, as well as the proceedings and testimony as presented at the hearing, and wishes to adopt the bidder prequalification regulations for the Project;

NOW, THEREFORE, BE IT RESOLVED THAT, incorporating all of the preceding paragraphs as if fully set forth herein, the Township Committee of the Township of Cranbury hereby adopts the proposed bidder prequalification regulations for the 2021 Brainerd Lake Dredging Project and resolves to

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submit an application to the Director of the Division of Local Government Services in connection therewith; and

BE IT FURTHER RESOLVED THAT, unless disapproved by the Director of the Division of Local Government Services the prequalification regulations will take effect for the 2021 Brainerd Lake Dredging Project within thirty (30) days of DLGS receiving the Township's application in accordance with N.J.S.A. 40A:11-25.

On a motion by Mrs. Spann, seconded by Dr. Rogers, along with the following roll call vote of the members of the Township Committee the resolution passed.

Ayes: (Rogers
(Scott
(Spann
(Ferrante

Abstain: (None
Absent: (Taylor

Nays: (None

**Reports and Communications
Members of Committee**

- Dr. Rogers – Dr. Rogers reported on her attendance at the Board of Health, Shade Tree and Sustainability Subcommittee meetings. She will meet with the County of Middlesex in regards to the Bicycle Network Plan to clarify funding and the process for completion of projects. She also reported on Zoning Committee discussions for work on an upcoming Electric Vehicle ordinance and the NJ Main Street Grant Program with EDAC.
- Mr. Scott – Mr. Scott reported on two new businesses opening and one reopening of a re-established business. He attended the Planning Board meeting.
- Mrs. Spann – Mrs. Spann reported on her attendance at the Planning Board and Zoning Committee meetings. She added the Historic Preservation Commission was scheduled to give their 2021 Goals and 2020 Year End Report at tonight's committee meeting. She will continue to work on the traffic issues previously discussed regarding traffic light timing and traffic flow.
- Mr. Taylor (entered 7:33 p.m.) – Mr. Taylor attended the Board of Recreation Commissioners meeting.

Mayor

- Mayor Ferrante – Mayor Ferrante reminded the public that the Cannabis Law discussion was not scheduled on the meeting agenda and the status was still evolving. He announced the anticipated timeline for scheduling of the Work Session and drafting of the final ordinance. He explained the length of time taken does not mean there is an interest in participating, it is the expectation of due diligence to use the time provided before adopting ordinance to opt out.
- Mayor Ferrante began to give the Fire Department's monthly report. Sam Distasio, Fire Chief, was present to report 32 total calls for March and 77 year-to-date. Chief Distasio added that the Fire Department is always looking for members and stressed the need for volunteers.
- Mayor Ferrante reported on received correspondence. He gave recognition to a Facebook group that had assisted hundreds of people with scheduling their COVID-19 vaccines. He also reported on a home bound program for home vaccinations.
- Mayor Ferrante announced that Cranbury had been awarded Tree City USA due to the dedication of the Shade Tree Commission.
- He reported the newly passed, Cannabis Law, Parental Notification section had been updated with a Bill correcting the notification process between police and parents.
- Mayor Ferrante shared the resolution recognizing the four (4) centenarians was on the agenda and would be presented to each at the Elms. He reported that Skeet Pantry was awarded a grant.

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- The Library contract was awarded. He reported on COVID-19 vaccination information percentages and upcoming Cranbury events.

Department Head - None

Boards/Commissions – Historic Preservation Commission – Steve Golisano, Chairperson, presented the 2020 year-end report along with the 2021 Goals. Mr. Golisano ended his presentation by thanking the Township Committee for their ongoing support. The Township Committee commended the members for their hard work and dedication. Mr. Golisano added that an update on the Danser Property house will be provided soon, including photos.

Follow up Items –

- Mayor Ferrante reviewed previous items and added sidewalk snow removal will be discussed further at a future meeting.

Agenda Additions/Changes –Cranbury Township Resolution #R 04-21-070 was added after public hearing above. No other changes.

Boards and Commission – Vacancies – None

Ordinances –

First Reading – None

Second Reading

– Ms. Rubin read the following ordinance by title only.

Mayor Ferrante opened for public comment on the ordinance only. Hearing no public comment, Mayor Ferrante closed public comment for the ordinance.

Hearing no additional discussion from the Township Committee members, Mayor Ferrante requested a motion to adopt Ordinance No. 03-21-03. Mrs. Spann made a motion to adopt Ordinance #03-21-03. Dr. Rogers seconded the motion. On a roll call vote, the ordinance was adopted.

Ayes: (Rogers
(Scott
(Spann
(Taylor
(Ferrante

Abstain: (None

Absent: (None
Nays: (None

CRANBURY TOWNSHIP ORDINANCE 03-21-03

AN ORDINANCE OF THE TOWNSHIP OF CRANBURY AMENDING “AN ORDINANCE FIXING THE SALARIES, WAGES AND BENEFITS FOR VARIOUS OFFICIALS AND EMPLOYEES OF THE

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TOWNSHIP OF CRANBURY PROVIDING FOR THE MANNER OF PAYMENT THEREOF, AND
RATIFYING SALARIES AND PAYMENTS TO EMPLOYEES AND OFFICIALS PREVIOUSLY PAID

SECTION 1. The following salaries, wages and fees shall be paid to the various Township Officials and employees of the Township of Cranbury as hereinafter specified, effective, March 28, 2021 unless otherwise noted:

TITLE	ANNUAL SALARY RANGE		Minimum Hourly Rate	Maximum Hourly Rate
	Minimum Salary	Maximum Salary		
Mayor - Part Time	\$5,000	\$10,000		
Township Committee - Part Time	\$4,000	\$8,000		
Township Administrator/Director of Finance/ Chief Financial Officer/Treasurer – Full Time (effective 1/1/21)	\$125,000	\$200,000		
Township Clerk/Registrar - Full Time	\$60,000	\$100,000		
Deputy Clerk/Deputy Registrar/Board Secretary - Full Time	\$50,000	\$70,000		
Tax Assessor - Part Time	\$25,000	\$65,000		
Tax Collector - Part Time	\$10,000	\$18,000		
Chief of Police – Full Time (effective 1/1/21)	\$90,000	\$155,000		
Sewer Collector - Part Time	\$10,000	\$15,000		
Payroll Clerk – Part Time	\$8,000	\$12,000		
Construction Official/Building Inspector - Full Time	\$60,000	\$105,000		
Building Sub-Code/Building/Sr. Fire Inspector/Fire Subcode Official - Full Time	\$50,000	\$102,000		
Fire Subcode Official - Part Time	\$6,000	\$7,000		
Plumbing Subcode Official - Part Time	\$10,000	\$20,000		
Electrical Subcode Official - Part Time			\$15.00	\$38.00
Zoning Officer/Director of Fields - Part Time	\$15,000	\$35,000		
Fire Official - Part Time	\$15,000	\$35,000		
Director of Recreation - Part Time	\$8,000	\$20,000		
Summer Recreation Art Director – Seasonal	\$3,000	\$6,000		
Summer Program Director – Seasonal	\$6,000	\$12,000		
Summer Program Employees – Seasonal			\$5.00	\$20.00
Assistant Fire Official – Part Time			\$15.00	\$24.00
Deputy Treasurer/Recreation Assistant – FT			\$16.00	\$35.00
Qualified Purchasing Agent/Accounts Payable Clerk/Finance Assistant/Tax Clerk – FT			\$20.00	\$38.00
Tax Assessing Clerk			\$20.00	\$30.00
Planning Admin. Officer/InfoSystems Coord - FT			\$21.00	\$38.00

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Administrative Assistant to the Chief of Police - Full Time	\$18.00	\$30.00
School Crossing Guards - Part Time	\$11.00	\$24.00
Sr. Technical Assistant/Alt Deputy Registrar/Municipal Alliance Secretary - FT	\$15.00	\$35.00
Director of Public Works Mgr/Small Animal Control Officer/Property Standards Enforcement Officer/Recycling Coordinator - FT	\$110,000	\$130,000
Office Assistant/HPC Secretary - FT	\$20.00	\$25.00
Heavy Equipment Operator/Sr Foreman - Full Time	\$20.00	\$45.00
Public Works Mechanic - Full Time	\$15.00	\$35.00
Public Works Employee/Sewer Assistant - Full Time	\$15.00	\$35.00
Public Works Employee – Full Time	\$15.00	\$35.00
Part Time Help	\$18.00	\$50.00
Board Secretary - Part Time	\$15.00	\$25.00
Emergency Incentive First Aid or Fire Responders	\$1.00	\$1.00

PAID HOLIDAYS for 2021

All non-bargaining unit full-time employees and certain part-time employees, shall be entitled to eleven (12) paid holidays annually as follows:

1. New Year's Day 2021-January 1
2. Martin Luther King Day
3. President's Day
4. Memorial Day
5. Independence Day-July 5
6. Labor Day
7. Veteran's Day
8. Thanksgiving Day
9. Friday after Thanksgiving Day
10. Christmas-December 24
11. New Year's Day 2022–December 31
12. Floating Holiday

HEALTH BENEFITS

Full-time employees are eligible to enroll in the Township's health benefit programs. For purposes of determining eligibility, a full-time employee is defined as one who works a minimum of thirty-five hours a week.

Effective January 1, 2012 all employees who are enrolled in the health benefits program shall be required to premium share.

POLICE DEPARTMENT

The School Crossing guards shall receive a clothing allowance of \$275.00 per year. These expenses

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will be reimbursed by voucher and approved by the Chief of Police.

SECTION II.

If any section, paragraph, sentence, clause or phrase in the Ordinance is for any reason held or determined to be unconstitutional or invalid, the same shall not affect the remainder of this Ordinance.

SECTION III.

All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed.

SECTION IV.

This ordinance shall take effect upon its passage and publication according to law.

– Ms. Rubin read the following ordinance by title only.

Mrs. Spann made a motion to introduce the following ordinance. Dr. Rogers seconded the motion. On a roll call vote, the ordinance passed for introduction.

Ayes: (Rogers
(Scott
(Spann
(Taylor
(Ferrante

Abstain: (None

Absent: (None
Nays: (None

CRANBURY TOWNSHIP
ORDINANCE # 03-21-04

AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, IN MIDDLESEX COUNTY, NEW JERSEY,
AMENDING CHAPTER 150-29.3 OF THE TOWNSHIP CODE

– Ms. Rubin read the following ordinance by title only.

Mr. Scott made a motion to introduce the following ordinance. Dr. Rogers seconded the motion. On a roll call vote, the ordinance passed for introduction.

Ayes: (Rogers
(Scott
(Spann
(Taylor
(Ferrante

Abstain: (None

Absent: (None
Nays: (None

Cranbury Township Ordinance #03-21-05

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BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE TOWNSHIP OF CRANBURY, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$1,458,707.00 THEREFORE, FUNDING \$70,000 FROM CAPITAL SURPLUS, REAPPROPRIATING \$300,000.00 OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN VARIOUS CAPITAL ORDINANCES, AND AUTHORIZING THE ISSUANCE OF \$1,088,707.00 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

Ms. Rubin read the following ordinance by title only.

Mayor Ferrante opened for public comment on the ordinance only. Hearing no public comment, Mayor Ferrante closed public comment for the ordinance.

Hearing no additional discussion from the Township Committee members, Mayor Ferrante requested a motion to adopt Ordinance No. 03-21-04. Mrs. Spann made a motion to adopt Ordinance #03-21-04. Mr. Taylor seconded the motion. On a roll call vote, the ordinance was adopted.

Ayes: (Rogers
(Scott
(Spann
(Taylor
(Ferrante

Abstain: (None

Absent: (None
Nays: (None

CRANBURY TOWNSHIP
ORDINANCE # 03-21-04

AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, IN MIDDLESEX COUNTY, NEW JERSEY,
AMENDING CHAPTER 150-29.3 OF THE TOWNSHIP CODE

WHEREAS, on December 16, 2010, Cranbury Township adopted a Master Plan which recommended, among other things, that the Township implement a Scenic Corridor Overlay Zone;

WHEREAS, the November 7, 2019 Master Plan Reexamination Report reiterated this proposal;

WHEREAS, on December 14, 2020, the Township Committee adopted Ordinance # 11-20-11 (codified at Section 150-29.3 of the Township Code), which added the Scenic Corridor Overlay Zone to the Township Land Use Code;

WHEREAS, since the passage of the Ordinance, members of the community have provided valuable feedback on the standards that govern the Scenic Corridor Overlay Zone, specifically with regard to how single-family residential uses are addressed;

WHEREAS, the Township Committee has determined that certain amendments to the Scenic Corridor Overlay Zone standards are required;

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

Section 1. Section 150-29.3 of the Cranbury Township Code is amended as follows [deletions are struck through and additions are in bold]:

§ 150-29.3 Scenic Corridor Overlay Zone

A. Boundaries

The boundaries of the SCO – Scenic Corridor Overlay Zone shall be all land within the underlying A-100 Agricultural Preservation District and R-LI Residential Light Impact District within four hundred (400) feet of the front property-line of the right-of-way of the following roads in Cranbury Township:

- Dey Road
- Plainsboro Road
- Cranbury Neck Road
- John White/George Davison Road
- Ancil Davison Road

B. Exceptions

All construction uses and activities which are conducted or protected under the “right-to-farm” provisions of the Township Code at Chapter 81-1 et. seq shall be exempt from the requirements of the SCO Zone **as are single family residential uses, unless they are part of a subdivision application.** However, ~~all properties~~ **property owners** exempt under Right to Farm within the SCO Zone **and single-family residential uses which are exempt from adherence to these requirements as noted above** are encouraged to adhere to the spirit and intent of this ordinance for the overall benefit of the Township.

C. Purposes

- (1) To assure maximum preservation and enhancement of the scenic corridor’s outstanding and unique scenic features and resources.
- (2) To preserve the scenic corridor roadways so as to foster a more rural scenic driving experience.
- (3) To assure that the design and placement of buildings and other improvements preserve, complement and/or enhance views of lands visible from the scenic corridor roadways.
- (4) To reduce disturbance of the existing topography and vegetation within the corridor and reduce the visual intrusion caused by excessive lighting.
- (5) To provide a review process of all disturbance or construction of improvements including buildings, parking, driveways, and all other man-made structures to assure their conformance with the purposes and development standards set forth herein.
- (6) To ensure that the standards herein in no way interfere, inhibit or otherwise obstruct activities which are protected under “right-to-farm” provisions of Township Code at Chapter 81-1 et seq.

D. Application and Conflicts

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All construction or development ~~that occurs or is proposed or intended to occur~~ within the SCO – Scenic Corridor Overlay district **that requires site plan approval or subdivision approval** shall adhere to the provisions of the underlying zone and in addition ~~to the~~ requirements of the SCO district as set forth herein. Where the provisions of the SCO district conflict with those of the underlying zone, the requirements of the SCO district shall apply.

E. Corridor Roadway Improvements

- (1) The regulations that are set forth in subsection F below, both acknowledge and recognize that improvements that are proposed or undertaken within the right-of way of some of the scenic corridor roadways, are under the jurisdiction of Middlesex County. However, it is the intent of the Township to encourage the County to the extent possible, not to require, endorse or otherwise encourage any improvements which undermine the purposes set forth in subsection C above, unless absolutely necessary for the health and safety of the public.
- (2) Such improvements would include the following:
 - (a) Widening the paved cartway of the roadway, including the provision of turn lanes or acceleration or deceleration lanes.
 - (b) The provision of curbs along the roadway edge.
 - (c) The provision of sidewalks, street lighting fixtures or shade trees.
 - (d) Requiring or/undertaking the realignment of any portion on the roadway.
 - (e) Increasing the posted speed limit along the roadway.
 - (f) Unnecessarily requiring or undertaking the removal of mature trees and vegetation within the right-of-way.
 - (g) The following improvements within the right-of-way are not discouraged: roadway striping for bike lanes, the addition of bike lanes or the widening of the paved cartway to add separate bike lanes and the addition of appropriate signage related thereto.

F. Scenic Corridor Overlay Standards

All developments that require site plan approval (which excludes single family residential uses and agricultural activities protected under the right-to-farm act) shall adhere to the following standards in addition to those of the underlying district. All applications for subdivision approval, including those which involve single family residential uses, shall also adhere to these requirements.

- (1) Building Materials, Colors and Styles
Buildings located within the corridor shall use building materials, color and styles that are **muted, in earth tones or which are** aesthetically compatible with the agricultural setting or that are consistent with existing historical styles in Cranbury. ~~For residential buildings, adherence to the architectural styles articulated in Cranbury's historic district are encouraged if a farmstead style is not utilized. Farm-related structures shall be compatible with the farmstead style to the extent possible. All other buildings should~~ include windows and suitable textural treatments and pitched roofs to avoid the

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appearance of a flat "box" on the landscape. Buildings shall be oriented so as to avoid exposing rear facades to the roadway.

(2) Siting of Buildings

Within 400 feet of the roadway, buildings which do not adhere to the standards for building materials, colors, and styles set forth in § 150-29.3 F(1) above, should be sited in a manner which minimizes their visibility, or to the extent impractical, shall screen all elements that are incompatible with the rural and agricultural character of the corridor, by means of landscaping.

(3) Parking

The provision of outdoor parking areas for more than four (4) vehicles that are directly visible from the roadway is discouraged. To the extent possible, outdoor parking areas should be located behind buildings, walls, fences, hedges or other natural screening to prevent a direct view from the roadway. To the extent that views of such parking areas are unavoidable, landscaping shall be used around the perimeter of parking area to screen such views from the roadway and within the parking lots to break up the sea of asphalt.

(4) Outdoor Lighting

The height, location, and intensity of any outdoor lighting provided within the scenic corridor shall be reduced to that which is necessary for security and safety purposes. Lighting fixtures which produce glare or which otherwise interferes with the visibility of the night sky shall be avoided. The design of all light fixtures shall be compatible with rural and agricultural character of the scenic corridor.

(5) Tree and Woodland Conservation

The removal or destruction of existing trees and vegetation which contribute to the scenic corridors rural and agricultural character, such as hedgerows, stands of mature trees or meadows that are a part of an agricultural viewshed, shall be avoided to the extent practical.

(6) Landscaping and Grading

Significant changes to the existing topography shall be avoided to the extent practical and landscaping should be utilized to soften and buffer views of structures, buildings and driveways, parking areas that are necessary, but which are not compatible with the rural and agricultural character of the corridor. Existing native vegetation shall be retained in place wherever possible. Where native plants must be removed, the transplantation of salvaged plants is encouraged as well as replacement by native landscaping. Such landscaping shall include species and locations which maintain the corridor's natural vegetative or agricultural appearance.

(7) Billboards, Telecommunication Towers and Utilities

Billboards and telecommunication towers shall be prohibited within the scenic corridor. The placement of above-ground utility structures (such as electrical substations, water pumping facilities, etc.) within the scenic corridor shall be avoided to the maximum extent possible. Aside from electrical and telephone wires serving agricultural uses and single-family homes, all utilities shall be located underground within the corridor.

(8) Signs, Walls and Fences

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For those signs, walls and fences which are subject to review for site plan approval, their The location, height, size, lighting and design of any signage within the corridor shall be reduced to the smallest necessary to serve their intended function and shall utilize materials, colors and designs which are consistent with the rural and agricultural character of the scenic corridor. Chain link fencing is discouraged within the scenic corridor. Fences and walls should be of a location, height and design that maintain the corridor's agricultural and rural character.

Section 2. Repealer. All ordinances or parts thereof inconsistent herewith are repealed as to such inconsistencies.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Effective date. This ordinance shall take effect upon its passage, publication, filing with the County of Middlesex, and entry of final judgement of compliance and repose.

Ms. Rubin read the following ordinance by title only.

Mayor Ferrante opened for public comment on the ordinance only. Hearing no public comment, Mayor Ferrante closed public comment for the ordinance.

Hearing no additional discussion from the Township Committee members, Mayor Ferrante requested a motion to adopt Ordinance No. #03-21-05. Mr. Scott made a motion to adopt Ordinance #03-21-05. Dr. Rogers seconded the motion. On a roll call vote, the ordinance was adopted.

Ayes: (Rogers
(Scott
(Spann
(Taylor
(Ferrante

Abstain: (None

Absent: (None

Nays: (None

Cranbury Township Ordinance #03-21-05

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL
IMPROVEMENTS OF THE TOWNSHIP OF CRANBURY, IN THE
COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING
\$1,458,707.00 THEREFORE, FUNDING \$70,000 FROM CAPITAL
SURPLUS, REAPPROPRIATING \$300,000.00 OBLIGATIONS NOT

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NEEDED FOR THEIR ORIGINAL PURPOSES IN VARIOUS CAPITAL
ORDINANCES, AND AUTHORIZING THE ISSUANCE OF
\$1,088,707.00 BONDS OR NOTES OF THE TOWNSHIP TO
FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CRANBURY, IN
THE COUNTY OF MIDDLESEX, NEW JERSEY (not less than two-thirds of all members thereof
affirmatively concurring) AS FOLLOWS:

Section 1. The several improvements described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Township of Cranbury, in the County of Middlesex, New Jersey (the "Township") as a general improvement. For the several improvements or purposes described in Section 3, there is hereby appropriated the sum of \$1,458,707.00, including the sum of \$72,935.00 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,088,707.00 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefore, the estimated maximum amount of the bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Cost</u>	<u>Appropriation And Estimated of Bonds or Notes</u>	<u>Estimated Maximum Amount Period of Usefulness</u>
a) Replacement of pistols	\$6,100	\$6,100	15 years
b) Police Traffic Safety	\$5,500	\$5,500	5 years
c) Police Vehicle & Equipment	\$96,800	\$96,800	5 years
d) Police Buildings & Grounds	\$32,500	\$32,500	5 years

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e) Computers & Equipment-TH	\$15,625	\$15,625	5 years
f) Parks Improvements	\$11,500	\$11,500	5 years
g) Engineering Costs Ancil Davison Road	\$4,000	\$4,000	40 years
h) Middlesex County Radio System	\$198,000	\$198,000	10 years
i) Police Body Cameras	\$65,000	\$65,000	5 years
j) Building Repairs-Misc	\$100,000	\$0	5 years
k) Building Repairs-Diesel Tank	\$100,000	\$0	5 years
l) Engineering Costs – Old Cranbury Road	\$12,000	\$12,000	40 years
m) Bike Network Plan	\$60,000	\$0	40 years
n) Sewer Improvements	\$616,682	\$616,682	20 years
o) Replace Pickup and Plow	\$70,000	\$0	5 years
p) Engineering Costs – Brickyard Road Phase II	\$25,000	\$25,000	40 years
q) Replace Lawnmower	\$40,000	\$0	5 years

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

TOWNSHIP COMMITTEE REGULAR MEETING
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Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense. They are all improvements or purposes that the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,088,707.00 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$25,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 8. The chief financial officer of the Township is hereby authorized to prepare and to

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update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 9. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 10. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Resolutions – Consent

Mayor Ferrante asked the Township Committee if there were any questions or comments on the Consent Agenda items. Dr. Rogers requested pulling item e from Consent to be voted on separately. Mayor Ferrante requested a motion to adopt the following Consent Resolutions items a-d and f-h. On a motion by Mrs. Spann, seconded by Dr. Rogers the following Consent Resolutions were adopted by the following vote:

Ayes: (Rogers
(Scott
(Spann
(Taylor
(Ferrante

Abstain: (None
Absent: (None

Nays: (None

CRANBURY TOWNSHIP RESOLUTION #R 04-21-059

WHEREAS, the Elms of Cranbury includes a number of older Americans who enrich our community through their diverse life experiences; and

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WHEREAS, the Township of Cranbury is committed to strengthening our community by connecting with and supporting older adults, their families and caregivers by acknowledging the many valuable contributions to society that our older adults have made to the betterment of our community; and

WHEREAS, the Elms of Cranbury is home to four new centenarians; and

WHEREAS, the Township of Cranbury recognizes with respect and admiration the contributions of all of its citizens, but especially those who are embarking on a second century of life;

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Cranbury, that we recognize the following centenarians:

MS. GRACE CASTELLANO, born January 24, 1921 in Olyphant Pennsylvania, married John Castellano, and raised daughter Grace and sons Domenick and Gary. Ms. Castellano worked as a phone operator during World War II and then worked at Sunshine Biscuits in Sayreville until she retired; she has lived at the Elms for the past two years. She taught her family that grace itself can get you through some of the most challenging times, including her successful battle with COVID-19 last year.

MS. EILEEN HARDING, born February 16, 1921 in St. Albans Vermont, worked for the federal government in Washington D.C. for several years, married John Harding and raised son John and daughter Dorothy. Ms. Harding was a Sunday School and Vacation Bible School teacher for many years and has lived at the Elms for almost eight years.

MS. CHRISTINE FRESOLONE was born on March 21, 1921 and has been a "Jersey girl" her whole life. She dedicated her life to taking care of her mother, sister, and many nieces and nephews, and she spent 40 years as a hairdresser in Bamberger's Department Store in Newark. She is in her eighth year at the Elms. Her favorite phrase is "let's get it done," which she said when faced with a challenge in cooking, sewing, gardening or giving everyone in the family haircuts.

MS. MILLIE BANAS was born March 27, 1921 in Europe, coming to the U.S. in her teens to find a better life for herself. She married Joseph Banas and raised a son and a daughter in Aberdeen, while Joseph worked as an architect in Manhattan and she was a homemaker; she's lived at the Elms for over two years. Ms. Banas travelled extensively around the world and credits a positive attitude for her longevity.

BE IT FURTHER RESOLVED that we urge every resident to join in the celebration of our community friends and neighbors who are marking 100 years of living, contributing and enriching our lives and community.

Cranbury Township Resolution # R 04-21-060

A Resolution of the Township of Cranbury entering into a Contract of Employment between the Township of Cranbury and the Chief of Police and Approving the Terms Therein.

WHEREAS, an agreement between the Township of Cranbury and the Chief of Police is hereby approved. The terms contained in said Contract are hereby adopted for the Chief of Police, Michael Owens, effective April 1, 2021; and

WHEREAS, a duly authenticated copy of this Resolution shall be provided to Chief Owens.

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Cranbury Township Resolution # R 04-21-061

WHEREAS, Cranbury Township has applied for \$29,680.00 from the Community Development Block Grant (CDBG) earmarked to be used for its new affordable housing; and

WHEREAS, Cranbury Township supports the need to provide affordable housing for group homes for individual with developmental disabilities;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Cranbury it hereby requests the \$29,680.00 in grant monies be used to defray some of the costs related to assist in the development of or rehabilitation of low-to-moderate income housing in the Township of Cranbury.

CRANBURY TOWNSHIP RESOLUTION # R 04-21-062

**RESOLUTION FOR PERSON-TO-PERSON TRANSFER
FROM JK MART TO 2340 SPIRITS, LLC**

WHEREAS, an application has been filed by 2340 Spirits, LLC for a Person-to-Person Transfer of Plenary Retail Consumption License w/Broad Package Privilege License Number 1202-32-001-010 heretofore issued to JK Mart, Inc for a license located at 2678 Route 130 and Half Acre Road, Cranbury NJ 08512; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business; and

NOW, THEREFORE BE IT RESOLVED that the Township Committee of the Township of Cranbury, County of Middlesex, does hereby approve the person-to-person transfer of the aforesaid inactive Plenary Retail Consumption License w/Broad Package Privilege to 2340 Spirits, LLC and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to 2340 Spirits effective April 12, 2021."

CRANBURY TOWNSHIP RESOLUTION # R 04-21-064

Resolution Supporting the Proposed NJDOT Route 130 Cranbury Circle Project

WHEREAS, the New Jersey Department of Transportation (Department) has proposed the Route 130 Cranbury Circle Project; and

WHEREAS, the Department expressed the purpose of the project is to improve the safety and operation at the existing Cranbury Circle, encompassing all project-title-referenced roadways, located at the confluence of Route 130, North Main Street (CR 539), South Main Street (CR 539) and Brick Yard Road and has discussed project overview and estimated schedule with the township officials; and

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NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranbury, in the County of Middlesex, that this resolution be in support of the proposed NJDOT Route 130 Cranbury Circle Project.

Cranbury Township Resolution # R 04-21-065

A RESOLUTION AWARDING A PROFESSIONAL SERVICES AGREEMENT

WHEREAS, the Township wishes to hire the following firm ("Professional") to provide professional services to the Township during the calendar year 2021 as follows:

- a). CGP&H, LLC – Affordable Housing Services

WHEREAS, the costs for the services to be provided by the Professional is set forth in their respective proposal submitted to the Township, which is incorporated herein as if fully restated; and

WHEREAS, the Township has a need to acquire the foregoing services without a "Fair and Open Process" as defined by P.L. 2004, c. 19, the "Local Unit Pay-to-Play Law"; and

WHEREAS, the Professional has completed and filed with the Township Campaign Contributions Affidavits as required by N.J.S.A. 19:44A-20.2 *et seq.* certifying that they have not made any prohibited contributions to a candidate's committee or municipal committee representing the elected officials of the Township of Cranbury, along with Certifications Regarding Political Contributions as required by N.J.S.A. 19:44A-20.26; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 *et. seq.* authorizes the award of this contract without public bidding on the basis that this is a professional services agreement; and

WHEREAS, the Cranbury Township Chief Financial Officer has certified that sufficient funds are available for this purpose and that the value of said Agreement will exceed \$5,000.00;

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

1. The Township of Cranbury hereby approves the following firm to provide professional services to the Township during the calendar year 2021:

- a). CGP&H, LLC – Affordable Housing Services

2. The Mayor and Clerk are hereby authorized and directed to enter into a Professional Services Agreement with the aforementioned Professionals pursuant to the provisions of the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1 *et seq.* This contract is being awarded without competitive bidding as a Professional Services Agreement under the provisions of the aforementioned law because a service will be rendered or performed by a person or persons by law to practice a recognized profession and whose practice is regulated by law.

3. A copy of this Resolution, the pay-to-play forms, and the executed Agreement and insurance certificate shall be placed on file in the Office of the Township Clerk.

4. A brief notice of this action shall be published in a newspaper of general circulation in the Township of Cranbury within ten (10) days of its passage.

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CRANBURY TOWNSHIP # R 4-21-066

**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 2021 in the sum of \$86,539.23 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 \$86,539.23 is hereby appropriated under the caption "Recycling Tonnage Grant 2021".

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 Chief Financial Officer

Mayor Ferrante requested a motion to adopt the following Resolution item e. On a motion by Mrs. Spann, seconded by Mayor Ferrante. Scott the following Resolution was adopted by the following vote:

Ayes: (Scott
(Spann
(Taylor
(Ferrante

Abstain: (None
Absent: (None

Nays: (Rogers

CRANBURY TOWNSHIP RESOLUTION #R 04-21-063

**RESOLUTION AUTHORIZING THE EXECUTION OF A
DEVELOPER'S AGREEMENT BETWEEN THE TOWNSHIP OF
CRANBURY AND PENSKE TRUCK LEASING COMPANY, L.P.**

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WHEREAS, the Cranbury Township Planning Board (Planning Board) granted Penske Truck Leasing Company, L.P. preliminary and final major site plan approval on April 4, 2019, with variances, conditions and exceptions; and

WHEREAS, the Planning Board's approval was memorialized on August 1, 2019, by Resolution # PB 306-19 ("Planning Board Approval"); and

WHEREAS, Penske Truck Leasing Company, L.P. plans to consolidate the three lots on the subject property and plans to develop the subject property with a truck leasing rental and maintenance facility, as well as used truck sales, to consist of a one-story office building, a maintenance garage and storage, and associated stormwater management, parking, lighting, landscaping, and other improvements.

WHEREAS, the Planning Board Approval requires, among other things, that "[t]he applicant shall enter into a developer's agreement with the Township in such form as shall be acceptable to the Township Attorney, which agreement shall memorialize the conditions set forth herein, including but not limited to the applicant's affordable housing obligations, the applicant's fair share of any off-site contributions or sewer contributions, and connections fees (which contribution and connection fees shall be calculated based on sanitary sewer flows provided by the applicant)"; and

WHEREAS, it is in the best interest of the Township to execute a Developer's Agreement (attached hereto as Exhibit 1) with Penske Truck Leasing Company, L.P. to ensure that construction of the truck leasing rental and maintenance facility is in conformance with the Planning Board Approval and Township requirements.

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Cranbury authorizes the Township Clerk and the Township Mayor to execute the Developer's Agreement, attached hereto as Exhibit 1.

Public Comment

Mayor Ferrante opened the meeting to general public comment.

- Ms. Rubin, Township Clerk, reported she received seventeen (17) emails from Cranbury residents, all focusing on opting out of the licensing under the Cannabis Law.
- Penny Ftikas – Ms. Ftikas read a prepared comment regarding the Cannabis Law. She referred to the topic as heated and disagreed with any discussions amongst residents that the decision to opt in or out is determined along party lines. She stated she was confident the committee was planning to ultimately opt out.
- Joann Charwin – Ms. Charwin read a prepared comment regarding the negative impact of the Cannabis Law and how the township should be focusing on the effects it will have

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on the children in town. Ms. Charwin added the Municipal Alliance has concerns over the legalization of marijuana and the effects on adolescent brains. They do not support any licensing under the law and requested the township to opt out.

- Lisa Ann Smith – Ms. Smith shared that parents are alarmed that the township has not already made the decision and adopted an ordinance to opt out. She added retail shops would have a negative impact on the township and clarified her belief that a vote in the previous November election for decriminalizing marijuana use was not an agreement to have retail shops in town selling cannabis. She discussed the negative impact on parking in the Village parking and how approving licensing would change the landscape of the quaint town families came to raise their children in.
- Mike Golisano – Mr. Golisano stated there is no advantage to being involved in the participation of early licensing. He stated the township should currently take action to opt out now in order to continue researching the topic and come to a thoughtful solution on the implications the licenses will have on the township. He added each class of licensing should be reviewed and voted upon separately in order to have a thorough dialogue on each. He reiterated that the township take action to opt out now to allow discussions to continue.
- John Zefuti – Mr. Zefuti stated he is in support of the earlier comments regarding opting out. He thanked Mr. Taylor for his recent “Letter to the Editor” and added that he is confident the township will opt out of all licensing categories under the Cannabis Law. He suggested the Chief of Police be invited to future meetings on the topic.
- Melissa Marshner – Mrs. Marschner began with her support on the township opt out of all licensing under the Cannabis Law. She raised her concerns regarding finances being difficult to track for revenue reports due to business transactions being primarily cash transactions. She stated there is no case law or regulations in place for reference. Mrs. Marschner stressed that the township should make the decision to opt out now and not make Cranbury a testing area.
- Jennifer Suttmeier – Ms. Suttmeier added her agreement with the previous speakers requesting the township to opt out on all license categories. She shared that she also owns property in Colorado and sees no benefit to marijuana being legal.
- Kathie Moraldo – Ms. Moraldo she is concerned that any legalization in town will increase truck traffic on many local roads, and in surrounding towns, which may attribute to a rise in respiratory infections to residents who live along the roadways. She requested the township make the decision to opt out of licensing under the Cannabis Law.
- Katherine Lara – Ms. Lara added the township committee has heard resident's relentlessness to opt out. She requested a financial discussion be held on the each of the licenses. Though she agrees and does not believe retail licensing should be an option, she stated she wanted assurance that the other licenses would be thoroughly discussed and the financial gain they may have for the township.
- Joseph Buonavolonta – Mr. Buonavolonta thanked the Township Committee for amending the scenic corridor ordinance.
- Brendan Hansen – Mr. Hansen stated the committee should keep all options on the table.
- Penny Ftikas – Ms. Ftikas Continued with her prepared comments that she began earlier. She suggested the township opt out for now so additional meetings and decisions can be made. She added that the residents need to be united, not divided.

Hearing no other public comment, Mayor Ferrante closed the meeting to public comment.

Action Items: None

Closed Session:

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Ms. Rubin announced to the public that the meeting would be going into Closed Session. She explained to the public they will be placed in the Zoom Waiting Room platform if they chose to wait for meeting to resume after Closed Session.

Mayor Ferrante requested a motion to adopt the resolution to move into Closed Session. On a motion by Mr. Taylor, seconded by Mr. Scott and unanimously carried, the following Resolution was adopted by a vote:

Ayes: (Rogers
(Spann
(Scott
(Taylor
(Ferrante

Abstain: (None
Absent: (None

Nays: (None

Cranbury Township Resolution # R 04-21-067

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) Any pending or anticipated litigation or contract negotiation other than in subsection b. (4) herein in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.

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.

The Closed Session ended at 9:53 p.m.

Mayor Ferrante requested a motion to adopt the following Non-Consent Resolutions. On a motion by Dr. Rogers, seconded by Mr. Taylor and unanimously carried, the following Resolutions was adopted by a vote:

Ayes: (Rogers
(Spann
(Scott
(Taylor
(Ferrante

Abstain: (None

TOWNSHIP COMMITTEE REGULAR MEETING
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Absent: (None

Nays: (None

Cranbury Township Resolution # R 04-21-068

**RESOLUTION OF THE TOWNSHIP OF CRANBURY AUTHORIZING SETTLEMENT AGREEMENT
AND MUTUAL RELEASE BETWEEN TOWNSHIP OF CRANBURY AND TRICON ENTERPRISES,
INC. IN CONNECTION WITH THE BRAINERD LAKE DREDGING PROJECT**

WHEREAS, the Township of Cranbury (the "Township") solicited bids for the Brainerd Lake Dredging Project (the "Project"); and,

WHEREAS, by way of Resolution #R07-20-089 dated July 13, 2020, the Township Committee awarded a Contract to Tricon Enterprises, Inc. ("Tricon") as the lowest responsible bidder for the Project; and

WHEREAS, the Township Committee terminated the Contract with Tricon on October 26, 2020 by way of Resolution #R10-20-123; and

WHEREAS, Tricon submitted two Applications for Payment in connection with the Project seeking a total of \$1,012,150.00; and

WHEREAS, the Township disapproved the Applications for Payment; and

WHEREAS, in an attempt to avoid the uncertainty, costs, and delay associated with litigating the disputed invoices, and consistent with the requirements of N.J.S.A. 40A:11-50 the Parties agreed to participate in a Mediation before the Honorable Judge L. Anthony Gibson; and

WHEREAS, the Parties participated in said Mediation on March 23, 2021; and

WHEREAS, as a result of the Mediation, the Parties have agreed to fully and finally resolve any and all claims of either of the Parties against each other arising out of, or otherwise connected to, the Project, whether asserted or not, in accordance with the terms of the Settlement Agreement and Mutual Release, the terms of which are incorporated as if set forth in full herein;

NOW, THEREFORE, BE IT RESOLVED THAT, incorporating all of the preceding paragraphs as if fully set forth herein, the Township Committee of the Township of Cranbury is authorized to settle the Lawsuit in accordance with the terms as set forth in the Settlement Agreement and Mutual Release, and the Mayor is authorized to execute said Settlement Agreement and Mutual Release on behalf of the Township Committee; and

BE IT FURTHER RESOLVED THAT, the Township Committee of the Township of Cranbury is authorized to issue a check in the amount of ONE HUNDRED TEN THOUSAND DOLLARS (\$110,000) to Tricon.

Cranbury Township Resolution #R 04-21-069

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

Adjourn

Mayor Ferrante requested a motion to adjourn. On motion by Mr. Scott, seconded by Mr. Taylor and unanimously carried, the meeting adjourned at 9:54 p.m.

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Debra A. Rubin, RMC
Municipal Clerk