

TOWNSHIP COMMITTEE REGULAR MEETING
June 13, 2022

The Township Committee Regular Meeting of the Township of Cranbury commenced at 7:00 p.m. 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: Eman El-Badawi, Michael Ferrante, Michael Scott, Evelyn Spann, and Mayor Barbara Rogers. Also present were Denise Marabello, Township Administrator/CFO, Thomas Decker, Township Engineer and Debra Rubin, Municipal Clerk. Mayor Rogers 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 5, 2022.

Filed on January 5, 2022 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 previously 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 twpcclerk@cranbury-nj.com or in written letter form via mail to Cranbury Township Town Hall no later than 3:00 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 Rogers asked if any members of the Township Committee would like to address changes or amendments to the following minutes. Hearing none, Mayor Rogers asked for a motion to adopt the following minutes:

- Township Committee Regular Meeting Minutes May 23, 2022;
- Township Committee Closed Session Meeting Minutes May 23, 2022;

TOWNSHIP COMMITTEE REGULAR MEETING
June 13, 2022

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

Ayes: (El-Badawi
(Scott
(Spann
(Rogers

Abstain: (Ferrante
Absent: (None

Nays: (None

the Township Committee Regular and Closed Session Meeting Minutes of May 23, 2022 were adopted.

**Reports and Communications
Members of Committee**

- Mrs. El-Badawi – Mrs. El-Badawi reported on her attendance at the Shade Tree Commission, Parks Commission and EDAC meetings. She provided an update to the Shade Tree Commission’s “Do Not Plant List” and the Parks Commission water bottle filling stations and bike racks projects. Mrs. El-Badawi added that the Parks Commission plans to complete a bench audit. Mrs. Spann inquired about park use permits for fields and Ms. Marabello replied that there is a resolution adopted for field fees to cover maintenance of Township fields.
- Mr. Ferrante – Mr. Ferrante reported on his attendance at the Planning Board and Library Trustee meetings. He provided a Board of Education update in their search for a new Superintendent/Principal. Mr. Ferrante also reported the grand opening of the new Cranbury Public Library will be in September as the project is on track.
- Mr. Scott – Mr. Scott attended the Traffic Subcommittee meeting but was unable to attend the Historic Preservation Commission meeting. He connected with the HPC Chair, Sue Ryan, who requested HPC be consulted with respect to any updates the Township may consider per the Energy Audit. Mr. Scott also commended Noel Kinney and the parents of Cranbury Township for volunteering and planning a successful 8th Grade Dance.
- Mrs. Spann – Mrs. Spann reported on her attendance at the Planning Board, Zoning Board and Traffic Subcommittee meetings. Mrs. Spann reported about Station Road with respect to assistance from the County related to traffic cycle times and signage. She also reported that New Jersey Department of Transportation is going to hold an upcoming public meeting with respect to changes to the Route 130 traffic circle.

Mayor

Mayor Rogers – The following items were covered under the Mayor’s Updates and Upcoming Events;

Reports & Communications:

- **Memorial Day Parade:** Mayor Rogers thanked the Lion’s Club for a successful in-person Memorial Day Parade.
- **Keep Middlesex Moving Annual Meeting:** Mayor Rogers attended this speaking event in which climate change and the impact on infrastructure was discussed.
- **Cranbury School:** Mayor Rogers participated in a student organized event for gun violence; opportunity to advocate at a young age and personify Cranbury School’s mission to “develop confidence to lead by example in a diverse & changing world”. She also congratulated the Cranbury School Class of 2022.
- **Cranbury Pride Picnic:** Took place in Village Park and allowed the public to celebrate our diverse and inclusive community
- **Annual Strawberry Festival hosted by the First Presbyterian Church:** Huge success where fun was had by all who attended.

TOWNSHIP COMMITTEE REGULAR MEETING
June 13, 2022

Reminders:

- **Slowdown in our town!** Emphasis from the Police Department
- **June 15:** Senior Outreach Program at the Senior Center between 10am – 12 pm with Representatives of the 14th Legislative District
- **July 4:** Time Capsule Opening (45 Years) to take place on the front steps of Town Hall at 11am
- **July 5:** Fireworks & Food Trucks at Village Park beginning at dusk
- **July 14:** Country Night and Line Dancing at Village Park from 4pm – 8pm organized by the Recreation Commission

Summer:

- Cranbury Recreation Camp; Cranbury Arts Council: Art & Stem Camps

325 Anniversary Evens:

- **Arts in the Park**
- **September:** Library & CHPS events; check websites
- **Tour de Cranbury:** Fall biking event – Troop 52 Eagle Scout Project
- **Send Cranbury iconic photos to** mferrante@cranbury-nj.com

Department Heads – None

Agenda Additions/Changes – None

Boards and Commissions – Mayoral Appointments/Vacancies: Mayor Rogers announced three (3) vacancies on Municipal Alliance. Ms. Rubin clarified that the vacancies on Municipal Alliance are not limited to clergy/school faculty, etc., but rather those positions are suggested in the Township General Code.

Ordinances –

First Reading – Ms. Rubin read the following ordinance by title only:

a). Cranbury Township Ordinance No. 06-22-07 – “An Ordinance By The Township Committee Amending The Township Of Cranbury Code Of Ordinances To Repeal Chapter 87 Flood Damage Prevention; To Adopt A New Chapter 87 Flood Damage Protection; To Adopt Flood Hazard Maps; To Designate A Floodplain Administrator; And Providing For Severability And An Effective Date”.

Mr. Ferrante made a motion to introduce the following ordinance. Mrs. Spann seconded the motion. On a roll call vote, the ordinance passed for introduction. Second reading will be held on July 11, 2022.

Ayes: (El-Badawi
(Ferrante
(Scott
(Spann
(Rogers

Abstain: (None
Absent: (None

Nays: (None

Second Reading – None

Resolutions – Consent

TOWNSHIP COMMITTEE REGULAR MEETING
June 13, 2022

Mayor Rogers asked the Township Committee if there were any questions or comments on the Consent Agenda items. Hearing none, the mayor asked for a motion to adopt the Consent Agenda items. On a motion by Mrs. Spann, seconded by Mr. Ferrante the following Consent Agenda Resolution(s) were adopted unanimously by the following vote:

Ayes: (El-Badawi
(Ferrante
(Scott
(Spann
(Rogers

Abstain: (None
Absent: (None

Nays: (None

CRANBURY TOWNSHIP RESOLUTION #R 06-22-081

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 06-22-082

A RESOLUTION REAPPOINTING DAVID LEVY AS TAX ASSESSOR

WHEREAS, on July 1, 2018, the Township Committee of the Township of Cranbury appointed David Levy as Cranbury Township Tax Assessor; and

WHEREAS, David Levy's four-year term will expire on June 30, 2022; and

WHEREAS, the Township wishes to reappoint David Levy to the position of Cranbury Township Tax Assessor pursuant to the provision of N.J.S.A. 40A:9-146 and 40A:9-146.3; and

WHEREAS; N.J.S.A. 40A:9-150 provides that a Tax Assessor who is reappointed to their position, having served for at least four consecutive years, shall continue in that position indefinitely during good behavior and efficiency, essentially granting tenure of office to that individual upon said reappointment; and

WHEREAS, the Township Committee is desirous of reappointing David Levy as the Township's Tax Assessor, thereby granting him tenure in office in that position pursuant to N.J.S.A. 40A:9-150.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranbury that David Levy is hereby reappointed as Tax Assessor of the Township of Cranbury to be effective July 1, 2022 thus being eligible for tenure.

Cranbury Township Resolution # R 06-22-083

Resolution Authorizing Electronic Tax Sale

WHEREAS, N.J.A.C. 5:33-1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Local Government Service; and

WHEREAS, the Director of the Division of Local Government Services has promulgated rules and regulations for an electronic tax, and

TOWNSHIP COMMITTEE REGULAR MEETING
June 13, 2022

WHEREAS, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process, and

WHEREAS, Cranbury Township wishes to hold an electronic tax sale; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Committee of Cranbury Township, County of Middlesex, State of New Jersey, that the Tax Collector is authorized to hold an electronic tax sale pursuant to N.J.A.C 5:33.1

Cranbury Township Resolution # R 06-22-084

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A BID WITH
TOP LINE CONSTRUCTION FOR CRANBURY GREENE LOCAL ROAD IMPROVEMENT PROJECT

WHEREAS, the Township of Cranbury solicited bids for Cranbury Greene Local Road Improvement Project and;

WHEREAS, six (6) bids were received and opened on June 2, 2022: and

WHEREAS, the low responsible bid was received from Top Line Construction, Somerville, NJ has offered to provide these services to the Township for cost of \$706,953.06; and

WHEREAS, the Township wishes to enter into an agreement with Top Line Construction to provide these services; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A: 11-4.1 et seq., authorizes the award for purposes for which a competitive bid may be used by local units; and

WHEREAS, the Chief Financial Officer has certified that there will be sufficient funds for this contract;

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

1. The Mayor and Clerk are hereby authorized and directed to execute an agreement with Top Line Construction for Cranbury Greene Local Road Improvement Project \$706,953.06; and
2. A copy of the Agreement shall be available for public inspection in the Township Clerk's Office during regular business hours.

Cranbury Township Resolution # R 06-22-085

Resolution Opposing A-1294/S-2103 and Urging That Such Legislation Not Advance Further

WHEREAS, local officials, because of their peculiar knowledge of local conditions, are in the best position to determine land use and zoning regulations; and

WHEREAS, this peculiar knowledge is used to develop a Municipal Master Plan, which is adopted with the goal of promoting the health, safety, and welfare of the public, and only after careful and thoughtful consideration by local officials for its compatibility and consistency with other state, county and regional plans, such as the State Development and Redevelopment Plan, the Coastal Area Facility Review Act, the Highlands Water Protection and Planning Act, the Pinelands Protection Act, the County Solid Waste Management Plan and Water Quality Management Plan; and

WHEREAS, the Municipal Master Plan guides the determination to designate land use and zoning districts, which help effectuate the careful development plans and goals outlined within the Master Plan; and

TOWNSHIP COMMITTEE REGULAR MEETING
June 13, 2022

WHEREAS, the Municipal Land Use Law lays out a comprehensive system allowing for and detailing the process in which applicants for development may seek to deviate from these careful and deliberate land use and zoning regulations through the municipal planning board's review of a variance; and

WHEREAS, consideration of a land use variance is done by local officials, taking into account the variety of circumstances including the proposed deviation's impacts on the goals of the Master Plan; and

WHEREAS, the Local Redevelopment and Housing Law provides municipalities with substantial tools to support the redevelopment of blighted sites, including the creation of site specific redevelopment plans and numerous financial incentives; and

WHEREAS, legislation, A-1294/S-2103, has been introduced that would preempt local control over land use and zoning regulations, allowing certain qualifying office park and retail center properties to be permitted, as of right, to redevelop as a mixed-use development, not requiring a use variance; and

WHEREAS, A-1294/S-2103 requires a planning board approve an application for development to convert and eligible property to a mixed-used development unless the application causes "substantial detriment to the public good" and "substantially impair[s] the intent and purposes of the zone plan and zoning ordinance", a vague standard that may be difficult if not impossible to overcome; and

WHEREAS, A-1294/S-2103 may interfere with municipalities implementing alternative visions for the redevelopment of office park and retail center properties, including as industrial sites, parkland, or sites for needed infrastructure; and

WHEREAS, A-1294/S-2103 would interfere with existing and potential Redevelopment Plans that were specifically developed to address office park and retail center properties; and

WHEREAS, A-1294/S-2103 does not take into account conditions such as flooding and future climate risk that may impact the suitability of a site for mixed-use development; and

WHEREAS, this top-down approach, eliminating local land use planning regulations undermines the recognized benefits of municipal land use regulation, without providing the appropriate review for deviation as outlined within the Municipal Land Use Law.

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Township of Cranbury in the County of Middlesex opposes this legislation, and urges our representatives to not advance further A-1294/S-2103; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to Assemblyman DeAngelo, Assemblyman Benson, Senator Greenstein, Senate President Scutari, Assembly Speaker Coughlin, Governor Murphy, and the League of Municipalities.

Cranbury Township Resolution # R 06-22-086

Resolution Urging the Swift Passage of S-330 which restores Energy Tax Receipts

WHEREAS, taxes on gas and electric utilities were originally collected by the host municipalities to be used for local purposes and to compensate the public for the use of their rights of way; and

WHEREAS, when the State made itself the collection agent for these taxes, it promised to dedicate the proceeds to municipal property tax relief; since, just as municipalities collect property taxes for the benefit of school districts, counties, and other entities, the State is supposed to collect Energy Taxes for the benefit of municipal governments; and

WHEREAS, for years, though, State budget makers have diverted funding from Energy Taxes to fund State programs; and instead of being spent on local programs and services and used to offset property taxes, the money has been spent as successive Legislatures and Administrations have seen fit; and

TOWNSHIP COMMITTEE REGULAR MEETING
June 13, 2022

WHEREAS, the diversion of dedicated energy tax receipts to the State's General Fund further jeopardizes this critical property tax relief funding in future years; and

WHEREAS, by reducing Consolidated Municipal Property Tax Relief Act (CMPTRA), which is also comprised of revenues that should be returned to municipalities, State Budget makers have been able to continue collecting Energy Taxes, while keeping additional revenue that should have been returned to provide property tax relief; and

WHEREAS, the cumulative impact of years of underfunding has left many municipalities with serious needs and burdensome property taxes; and

WHEREAS, local elected officials are in the best position to decide the best use of these resources, which were always intended to fund local programs and services; and

WHEREAS, Senator Singleton and Senate President Scutari have introduced legislation (S-330) that will restore, over a five-year period, Energy Tax Receipts to municipalities;

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Township of Cranbury in the county of Middlesex urges the Legislature to swiftly pass this legislation and Governor Murphy sign the legislation prior to passage of the FY2023 State budget; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to Assemblyman DeAngelo, Assemblyman Benson, Senator Greenstein, Senate President Scutari, Assembly Speaker Coughlin, Governor Murphy, and the League of Municipalities.

Work Session – Discussion of Road Project Application to the NJDOT Grant with Township Engineer: Mr. Decker was present to discuss his assessment and recommendations on the Road Project Grant Application to the New Jersey Department of Transportation. Mr. Decker and Department of Public Works Director, Jerry Thorne, have concluded that a priority road for the upcoming DOT application would be the balance of Brickyard Road (eastern portion). Areas of the road are distressed and require maintenance. The Township Committee discussed other road options. The Township Committee agreed to request a six-month extension to research the easements and other costs associated with the Brickyard Road freight grant. The Township also agreed for Mr. Decker to pursue the NJDOT Grant for the balance of Brickyard Road (eastern portion).

Public Comment

Mayor Rogers opened the meeting to public comment. No comments were received in writing prior to the meeting deadline.

Mayor Rogers opened public comment to those in attendance:

- Connie Bauder – Mrs. Bauder brought to the attention of the Township Committee the Annual Amazon Report in which Cranbury Township is an Amazon Host Community. She asked the Township Committee to research the report so that the Township may benefit from the funds.
- Victor Abiad – Mr. Abiad had several questions regarding the Toll Brothers construction on Petty Road. He is in receipt of the noise monitoring report and requests noise testing be conducted on the northern side of Petty Road as the report reflects only the south-eastern portion. He asked what the noise regulations that are applicable to the project. Mr. Abiad also inquired what the process would be to get answers to his questions. He commented that he is glad to see government work on the local level.

Mayor Rogers closed the public comment portion at 8:32 p.m.

TOWNSHIP COMMITTEE REGULAR MEETING
June 13, 2022

Mr. Ferrante responded to Mrs. Bauder that the founding she referenced is only applicable to Washington State's Puget Sound region, Arlington, Virginia region and Nashville, Tennessee. It is not applicable to any location that has a warehouse.

Ms. Marabello replied to Mr. Abiad that she spoke with the Township Engineer regarding his previously submitted questions. The noise level report was taken in the appropriate places and are within the appropriate noise levels which are found on the Township website. It was measured at the residential property line and the Township is satisfied with the results.

Action Items:

- Tax Insert for August – TC Members to provide updates by June 22nd
- Brickyard Road – Request freight grant time extension to see if feasible and if not, the grant will be cancelled

Adjourn

Mayor Rogers requested a motion to adjourn. On motion by Mr. Ferrante, seconded by Mr. Scott and unanimously carried, the meeting adjourned at 8:37 p.m.

Debra A. Rubin, RMC
Municipal Clerk