

TOWNSHIP COMMITTEE MEETING  
January 25, 2016

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: Dave Cook, Susan Goetz, Glenn Johnson, and Mayor Dan Mulligan. Jay Taylor was absent. Also present were Denise Marabello, Township Administrator/Director of Finance, and Kathleen 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 1, 2015 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 1, 2015.
- (3) Filed on December 1, 2015 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 Minutes of January 11, 2016

On motion by Mr. Johnson, seconded by Mr. Cook and unanimously carried (with Mr. Taylor being absent), the Township Committee Minutes of January 11, 2016 were adopted.

Reports and Communication

--Mayor

Mayor Mulligan commended the Public Works Department, Police Department and First Responders on a job well done with the huge snow storm. Mayor Mulligan inquired about the status of one of the DPW trucks that broke down, and Ms. Marabello stated the repairs would be major and costly. Ms. Marabello stated a new truck is already being requested in the capital budget. Ms. Marabello stated the DPW crew basically worked 48 hours through the storm. Mayor Mulligan stated the walkways were cleared through Heritage Park and the sidewalks by the Bridge and Dam. He stated the DPW was very busy clearing snow, storm drains and fire hydrants. Mayor Mulligan thanked Mr. and Mrs. Ron Witt for opening up their parking lot. Unfortunately residents on Main Street did not take advantage of moving their cars off the road and were plowed in. Ms. Marabello stated the DPW was clearing the snow off the bump outs earlier in the day. Ms. Marabello reported there were no power outages in the Township.

Mr. Richard Kallan, Wynnewood Drive, inquired why the Township does not ban parking on Main Street during a snow emergency, and Mayor Mulligan explained the Township does not have an ordinance banning parking. Mr. Kallan suggested it should be considered, and Mayor Mulligan stated banning parking has been discussed in the past; however, the Township does not have enough space to accommodate cars to park off Main Street. He stated if in the future the Township offers parking at the end of Park Place, the issue will have to be discussed again.

Mayor Mulligan reported to the public that the Committee will be going into Closed Session at the end of the meeting to further discuss affordable housing. He stated the Committee has been working very hard, and everything is going well before the Judge. He stated he is hopeful and optimistic with the Township's Affordable Housing Plan; however, he stated he is disappointed that property owners in the Township are trying to take advantage of the Affordable Housing Plan.

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Reports and Communications  
--Members of Committee

--Mr. Cook

Mr. Cook reported the electrical capabilities have been installed on the Brainerd Lake Bridge and Dam Project; however, the transformer for the sluice gate was actually too small or weak (The transformer is 1.5 and should be 3 amp). A formal request has been made to the engineering firm, Najarian, who put together the specs to get a 3 amp transformer, which should be fixed in the next two to three weeks.

Mr. Cook reported a meeting was scheduled with the DEP to discuss the Lake's edge permits; however that meeting was postponed and will be rescheduled.

Mr. Cook reported the spirit of how the Township's Affordable Housing Plan is moving forward is very positive considering what the impact could have been. Mr. Cook stated they are feeling more confident with how the Judge is handling the plan.

--Ms. Goetz

Ms. Goetz reported the President of the Student Body of Cranbury School attends the Environmental Commission meeting as a junior member. She explained the EC is trying to form a School Green Team. She stated the School's project this year is to collect wrappers from energy bars for Terra-Cycle in Trenton that makes products out of the wrappers.

Ms. Goetz reported the "Downtown Beautification" Project is complete with the exception of some items on the punch list. She stated the Subcommittee is waiting for some quotes on possible ways to utilize the remainder of the grant.

Ms. Goetz reported she and Mr. Cook will be attending the Middlesex County Transportation meeting this week if it is not cancelled due to the weather.

--Mr. Johnson

Mr. Johnson shared his experience working with the Historic Preservation Commission on the installation of a stone step in front of his home. He stated the HPC is a great source of knowledge and stated the procedure was very painless. He reported he obtained his approval for the step. Ms. Goetz stated HPC's intent is to be a resource. Mayor Mulligan stated it was good to hear positive feedback.

Mayor Mulligan stated he omitted two items and wanted to include them now. He reported the League of Municipalities is hosting a "Terrorist Attack's Impact on Municipalities" if anyone is interested in attending. He also reported the Township received notification from the County on the Community Development Block Grant. Ms. Cunningham reported the Township will be receiving the same amount of funding from the Grant as last year.

Reports and Communications  
--Subcommittees

There were no Subcommittee reports.

--Department Heads

Mr. Michael Kervan, Chief of the Cranbury Volunteer Fire Company gave report for the end of last year through present. He reported in 2015, the Fire Company responded to 544 calls, which was a record. He stated 3,542.91 volunteer hours were logged. He reported for January 1<sup>st</sup> through 25<sup>th</sup>, the Fire Company responded to 29 incidents and spent 144.53 hours volunteering. Chief Kervan reported they responded to a gas leak at an East Windsor shopping center, as well as a couple of accidents on the Turnpike over Christmas, and an accident on Route 130. Chief Kervan reported the Fire Company responded to two (2) mutual aid calls during the snow storm. There was discussion about the status of recruiting new volunteers and the training necessary for certifications.

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Reports and Communications

--Department Heads

Chief Michael Kervan (cont'd.) Chief Kervan stated he and Mr. Charlie Smith will be attending the Township's Budget Meeting on February 6<sup>th</sup>.

Agenda Additions/Changes

Ms. Cunningham reported the Financial Consultant on Resolution # R 01-16-027 will not be considered as the paperwork has not yet been received by the Township. Also, Cranbury Township Resolution # R 01-16-028 is being deleted as Developer has not yet signed the Developer's Agreement.

Public Comment - For Agenda Items

Mayor Mulligan opened the meeting to public questions and comments for items on the Agenda. There being no comments, he closed the public portion of the meeting.

Ordinance

First Reading

Cranbury Township Ordinance # 01-16-01

An Ordinance entitled, # 01-16-01, AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, IN MIDDLESEX COUNTY, NEW JERSEY, AMENDING CHAPTER 84 ENTITLED "FIRE PREVENTION," was originally introduced for first reading at the last Township Committee Meeting on January 11<sup>th</sup>, however, research needed to be done on a question that was raised. The Ordinance is being introduced this evening by title only. Mayor Mulligan stated there have been no changes to the Ordinance from what was reviewed at the last meeting. On motion by Mr. Johnson, seconded by Mr. Cook, the Ordinance was passed on first reading by vote:

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

Nays: (None

Public Hearing: Monday, February 8, 2016 at 7:00 p.m.

WHEREAS, N.J.A.C. 5:70-2.3 requires a certificate of smoke detector and carbon monoxide alarm compliance be issued prior to the change of occupant; and

WHEREAS, the Township of Cranbury Code Chapter 84 entitled Fire Prevention section 84-19 (C) addresses the provisions for fees charged for smoke detector and carbon monoxide inspection; and

WHEREAS, the applicant needs to be prepared for the inspection at the appointed time; and

WHEREAS, the Fire Official has experienced numerous inspections where the applicant was not prepared and a inspection had to be rescheduled; and

WHEREAS, the Fire Official recommends an additional fee of \$25.00 be charged to the applicant for each re-inspection.

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

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Cranbury Township Ordinance # 01-16-01  
(Continued)

SECTION 1. The recitals contained in the foregoing preamble are incorporated herein as if fully restated.

Section 84-19 (C) of the Code of the Township of Cranbury ("Code"), entitled "Fees," is hereby amended and shall read as follows (additions are underlined; deletions are in [brackets]:

**§ 84-19. Fees.**

- C. Notwithstanding Subsection A of this section, the application fee for a certificate of smoke detector and carbon monoxide alarm compliance (CSDCMAC), as required by N.J.A.C. 5:70-2.3, as said provision may from time to time be amended as follows:

(4) Re-inspection of a CSDCMAC: \$25 per re-inspection.

SECTION 2. Repealer. All ordinances and resolutions, or parts thereof, inconsistent with this Ordinance, are hereby repealed.

SECTION 3. Severability. If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

SECTION 4. Effective Date. This Ordinance shall take effect immediately upon its passage and publication, as required by law.

Resolutions  
Consent Agenda

Mayor Mulligan asked the Township Committee if there were any questions or comments on the Consent Agenda. Hearing none, he requested a motion to adopt the Consent Resolutions. On a motion by Mr. Johnson, seconded by Ms. Goetz, and unanimously carried (with Mr. Taylor being absent), the following Resolutions were passed by vote:

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

Nays: (None

Cranbury Township Resolution # R 01-16-024

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 01-16-025

WHEREAS, it is necessary to make the following appointments,

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Cranbury Township Resolution # R 01-16-025  
(Continued)

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Cranbury that the following individuals are appointed to the positions and terms noted effective January 4, 2016:

**TOWNSHIP COMMITTEE APPOINTMENTS**

NAME	APPOINTMENT	TERM ENDING
Francis McGovern, 1st Alternate	Zoning Board	12/31/16
Ronald Witt, 2 <sup>nd</sup> Alternate	Zoning Board	12/31/16
Robert Diamond, Member	Zoning Board	12/31/19

Cranbury Township Resolution # R-01-16-026

WHEREAS, Herman and Clare Cukier of 6 Perrine Lane installed a second meter to measure outside water usage prior to 2003; and

WHEREAS, meter readings were not collected on this second meter from 2003 through the third quarter of 2015; and

WHEREAS, an average outside water usage was calculated for this period of time; and

WHEREAS, there now exists a credit balance on the customer's sewer account in the amount of \$2963.91; and

WHEREAS, the property owner has requested a refund of the credit balance;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranbury, that the sewer credit be awarded to Herman and Clare Cukier in the amount of \$2963.91.

Cranbury Township Resolution # R 01-16-027

**A RESOLUTION AWARDING PROFESSIONAL SERVICES AGREEMENTS**

WHEREAS, the Township wishes to hire the following firms (collectively "Professionals") to provide professional services to the Township during the calendar year 2016 as follows:

- a). William C. Tanner, P.E. & Van Cleef Engineering Associates
- b). Kevin Van Hise, Esquire and Mason, Griffin & Pierson, P.C.

WHEREAS, the costs for the services to be provided by the Professionals are set forth in their respective proposals submitted to the Township, which are 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 Professionals have 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

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Cranbury Township Resolution # R 01-16-027  
(Continued)

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 these contracts without public bidding on the basis that they are professional services agreements; and

WHEREAS, the Cranbury Township Chief Financial Officer has certified that sufficient funds are available for these purposes and that the value of each Agreement will exceed \$17,500.00;

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 firms to provide professional services to the Township during the calendar year 2016:

- a). William C. Tanner, P.E. & Van Cleef Engineering Associates
- b). Kevin Van Hise, Esquire and Mason, Griffin & Pierson, P.C.

2. The Mayor and Clerk are hereby authorized and directed to enter into Professional Services Agreements 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.* These contracts are being awarded without competitive bidding as Professional Services Agreements under the provisions of the aforementioned law because a service will be rendered or performed by a person or persons by law to practice recognized professions and whose practice is regulated by law.

3. A copy of this Resolution, the pay-to-play forms, and the executed Agreements and insurance certificates 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.

Resolution

Ms. Marabello explained a Temporary Capital Budget for 2016 must be done because the Township has not yet adopted the 2016 Budget. She stated if any capital money is to be spent prior to adopting the Budget, a Resolution must be done to do an Ordinance for capital funding. She stated additional funds are needed for 911 dispatch costs. She stated there was a problem with the Enforsys system, which would have cost over \$100,000 to remedy; however, the Township's IT Consultant, Abdul Hasan, was able to virtualize the system to the Cloud, reducing the cost to \$40,000. Ms. Marabello stated a Bond Ordinance needs to be done to cover the costs. On motion by Mr. Cook, seconded by Ms. Goetz and unanimously carried (with Mr. Taylor being absent, the following Resolution was adopted by vote:

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

Nays: (None

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Cranbury Township Resolution # R-01-16-029

ADOPTING TEMPORARY CAPITAL BUDGET FOR 2016

WHEREAS, the Township of Cranbury desires to constitute the 2016 Temporary Capital Budget of said municipality,

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

SECTION 1. The 2016 Temporary Capital Budget of the Township of Cranbury is hereby constituted by the adoption of the following schedule:

**PROJECTS SCHEDULED FOR 2016**

Method of Financing

<u>Project</u>	<u>Estimated Costs</u>	<u>Capital Improvement Fund</u>	<u>Other Funds</u>	<u>Debt Authorized</u>
911 Dispatch Costs	\$40,000	\$2,000		\$38,000

SECTION 2. The Clerk be and is authorized and directed to file a certified copy of this Resolution with the Division of Local Government Services, Department of Community Affairs, State of New Jersey, within three days after adoption of these projects for the 2016 Temporary Capital Budget, to be included in the 2016 Permanent Capital Budget as adopted.

Ordinance  
First Reading

Cranbury Township Ordinance # 01-16-02

An Ordinance entitled, # 01-16-02, BOND ORDINANCE AUTHORIZING 911 DISPATCH COSTS APPROPRIATING \$40,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$38,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF," was introduced for first reading. On motion by Mr. Johnson, seconded by Ms. Goetz, the Ordinance was passed on first reading by vote:

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

Second Reading: February 8, 2016 at 7:00 p.m.

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Cranbury Township Ordinance # 01-16-02  
(Continued)

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 \$40,000, including the sum of \$2,000 as the down payment required by the Local Bond Law. The down payment is 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 \$38,000 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 improvement hereby authorized and the purpose for financing of which the bonds are to be issued for 911 dispatch costs.

- (b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is stated in Section 2 hereof.
- (c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefore.

**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.

**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 improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose 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.



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Cranbury Township Ordinance # 01-16-02  
(Continued)

(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 7 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 \$38,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$4,000 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 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.

Reports from Township Staff and Professionals

--Administrator's Report

Ms. Marabello reported Town Hall sustained some damage from the snow storm. She explained the snow blew in through the vents of the clock tower, which melted and dripped down the moldings and walls on the second floor. Ms. Marabello stated she would like to eliminate the problem before repainting the walls. She stated she checked into the Township's insurance; however the deductible is \$5,000. She stated the damage is in the main second floor hall and in the DPW/Planning & Zoning Office.

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Reports from Township Staff and Professionals

--Assistant Administrator's Report

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

The Mayor opened the meeting to public questions and comments.

Mr. Richard Kallan, Wynnewood Drive, shared with the Township Committee that he paced the trees in Wynnewood and it looks like the trees are not in the public right-of-way. There being no additional comments, the Mayor closed the public portion of the meeting and requested a Resolution to go into Closed Session.

Resolution

At 7:30 p.m., on motion by Mr. Goetz, seconded by Mr. Johnson and unanimously carried (with Mr. Taylor being absent), the following resolution was adopted to go into Closed Session:

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

Cranbury Township Resolution # R 01-16-029

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.

--- N.J.S.A. 10:4-12b(7)/Contract Negotiations" – Discussion of possible contract negotiations.

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.

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On motion by Mr. Johnson, seconded by Mr. Cook and unanimously carried, the meeting returned to Open Session at 8:25 p.m.

On motion by Mr. Johnson, seconded by Mr. Cook and unanimously carried, the meeting adjourned at 8:26 p.m.

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Kathleen R. Cunningham, RMC  
Municipal Clerk