

TOWNSHIP COMMITTEE MEETING
December 12, 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, Jay Taylor, and Mayor Dan Mulligan. Also present were Richard Preiss, PP, Township Planner; Kevin Van Hise, Esq., COAH Attorney; Denise Marabello, Township Administrator/Director of Finance; and Kathleen R. Cunningham, Municipal Clerk/Assistant Administrator. Mayor Mulligan led in the salute to the flag, and Ms. Cunningham gave the following Open Public Meetings Act statement:

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

- (1) Posted on December 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 November 28, 2016

On motion by Mr. Cook, seconded by Mr. Taylor and unanimously carried, the Township Committee Minutes of November 28, 2016 were adopted.

Reports and Communications

--Members of Committee

--Mr. Taylor

Mr. Taylor thanked the Cranbury Historical Society, stating there were approximately 180 people who attended the Wassail Event. Mr. Taylor reported work is being done on the sewer line at the History Center, and it has been determined the line can be "snaked" and will not have to be replaced. He thanked Mr. Don Herr and Herr's Plumbing for not charging the Township for the second camera scope. Mr. Taylor stated there is a four-foot square slate on the property, and he requested having Public Works lift the slate to determine what is underneath. He reported the basement windows do not close and the frames are rotting. He requested Public Works purchase plastic domes to cover the windows for the winter. For budget discussions, Mr. Taylor stated some quotes are needed for work on various Township buildings.

--Mr. Cook

Mr. Cook reported the garland is now hung on the railings at Brainerd Lake and stated it looks great. He thanked Ms. Goetz and Mr. Taylor for their efforts.

Mr. Cook reported the Library attended the School Board Meeting, and the Board of Education agreed to move the parking lot 20 feet north. He reported the BOE also agreed to the subterranean basin versus the rain garden as a savings, which will cover the cost of the second site plan. Mr. Cook reported on the contingencies for the bidding process. He stated there is a 5% contingency on the actual build and they are looking into completion bonds in the event they run into fiscal issues based on the bid. He stated the Township Committee should be able to do the Memorandum of Understanding at the December 19th meeting. Mr. Taylor stated he is concerned with Change Orders. Mr. Cook explained Change Orders are discretionary, and if necessary, the Library will have to come up with the additional funding. He stated the amount the Township is committing to is firm. There was discussion about contingency amounts and the

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Reports and Communications

--Members of Committee

(Mr. Cook cont'd.)

bidding process. Mr. Cook stated the hope is to go to bid in January. He stated there are contingencies built into every phase of the project. He stated once the site plan is finalized, the project will go out to bid and the price comes back, the 5% contingency is added. Mayor Mulligan clarified there is not a hard cost number yet; however, once that number is determined, the Library will need to have the funding before proceeding with construction. Mayor Mulligan stated the Memo of Understanding should contain the wording that the Library must have the funds collected to cover the bid plus the 5% contingency. Mayor Mulligan asked Ms. Marabello to confirm that a 5% contingency is sufficient. There was additional discussion concerning contingencies and change orders. Mayor Mulligan stated the Committee will seek guidance from the professionals concerning the amount of contingency, and the issue will be addressed at the December 19th meeting.

--Ms. Goetz

Ms. Goetz thanked all the volunteers who helped with the holiday decorations, including Mr. Dave Szabo, Ms. Lee Nissen, and Mr. Keith Shaw. Ms. Goetz stated the garland looks beautiful and the lights will be on timers, which have been ordered. She stated some garland and lights will also be hung at Town Hall. Ms. Goetz also thanked the Fire Company for its assistance with the holiday decorating.

--Mr. Johnson

Mr. Johnson reported he attended the Board of Health Meeting and stated the BOH is proceeding with an Ordinance that would prohibit smoking in the Township parks.

Mr. Johnson reported he followed up with the Board of Elections concerning redistricting in the Township. He stated there were difficulties in District 2 on Election Day due to the size of the District. Mr. Johnson explained to the BOE that an additional district was not needed; however, residents could be moved to equalize the size of the existing districts. He further explained the new districts were already drawn up that he could show to the BOE. Mr. Johnson reported he received a call the following day from the BOE, which stated there is a Federal law that prevents the BOE from redistricting within a certain time period of a census. He stated there is a mid-point census (5-year point) and based on those census numbers, the redistricting could be done. Mr. Johnson does not believe the redistricting will be done before the next election.

Reports and Communications

--Mayor Mulligan

Mayor Mulligan thanked all involved with the holiday decorating and suggested thinking what could be added next year. He stated he received feedback to add decorations in the Business District.

Mayor Mulligan appointed Ms. Donna Eisenhower to the Recreation Board of Commissioners with a term expiration date of December 31, 2020. The Township Committee agreed with the appointment.

Mayor Mulligan stated the Township is working on changing the truck route on Station Road. He stated residents can request corrections or updates on routes on GPS.gov for the different map providers. Mr. Cook stated trucks should be routed to Route 130 instead of being routed through the business district. Ms. Goetz clarified that at present Station Road is the truck route and that needs to be corrected. Ms. Marabello stated she will be meeting with Chief Varga and Mr. Bill Tanner, Township Engineer to discuss the issue.

Mayor Mulligan stated budget discussions will be in January.

--Subcommittees

There were no reports from Subcommittees.

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--Department Heads

Mr. Michael Kervan, Chief of the Cranbury Fire Company gave his report since the last meeting: 28 calls (YTD 487), including a fork lift fire in a warehouse, assisting Hightstown Police Department in apprehending two (2) suspects, a vehicle fire, and a gas leak at the Hagerty construction site. Chief Kervan reported this weekend Santa will be delivering gifts. He stated the Fire Company needs volunteers. He reported for the month there were 168.89 volunteer man hours (YTD 2,418.94 hours).

Mayor Mulligan inquired about the headcount at the Fire Company, and Chief Kervan reported there are three (3) new recruits and the numbers are going in a positive direction.

Mayor Mulligan reported Mr. Sandy Kerzner made a donation in the Township's name to the Diabetes Foundation.

Follow-up Items

There were no follow-up items.

Agenda Additions/Changes

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

Public Comment (For Items on the Agenda)

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

Ordinance

Second Reading

Cranbury Township Ordinance 11-16-23

A motion to enter an Ordinance entitled, #11-16-23, "AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, IN MIDDLESEX COUNTY, NEW JERSEY, AMENDING TOWNSHIP CODE, CHAPTER 82 FEES," was presented for second reading and final adoption. The Ordinance was published in the Cranbury Press, posted on the Township's website, posted on the Township Bulletin Board and copies were available to the public. The Mayor opened the public hearing on the Ordinance. No one present wished to speak, so the hearing was declared closed. On a motion by Ms. Goetz, seconded by Mr. Taylor, the Ordinance was adopted by a vote:

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

Nays: (None

WHEREAS, Chapter 82-1 of the Code of the Township of Cranbury ("Code") addresses government records; and

WHEREAS, Section C Fee schedule of this chapter sets forth the fees for copies of governmental records including the Police Department; and

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Cranbury Township Ordinance 11-16-23
(Continued)

WHEREAS, it is necessary to establish the fees that may be charged for discovery requests in matters pending in the Municipal Court that is consistent with the provisions of the New Jersey Open Public Records Act , N.J.S.A. 47:1A-1 et seq.; and

WHEREAS, the Township Police Department would like to add discovery fees to subsection (3) Police Department records;

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

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

Section 82-1 of the Code of the Township of Cranbury ("Code"), entitled "Governmental records", is hereby amended and shall read as follows (additions are underlined; deletions are in [brackets]):

§ 82-1 Government Records

C. Fee schedule. The fees for copies of governmental records shall be:

(3) Police department records

(a) Videotape: \$1

(b) Audiotape: \$1

(c) Discovery fees

(1) \$.05 per page (letter size)

(2) \$.07 per page (legal size)

(3) \$.85 per DVD/CD

(4) \$.20 photographs (all sizes) per page

(5) [~~\$5.90~~] \$6.45 discovery postage (standard USPS shipping envelope)

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. Mr. Taylor inquired about the physical address of Resolution # R 12-16-174, and requested the addresses be included along with the block and lot information on future agendas. Hearing no further questions or comments, Mayor Mulligan requested a motion to adopt Consent Resolutions. On a motion by

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Resolutions
Consent Agenda (cont'd.)

Mr. Johnson, seconded by Ms. Goetz and unanimously carried, the following Resolutions were adopted by vote:

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

Nays: (None

Cranbury Township Resolution # R 12-16-172

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 12-16-173

A Resolution of the Township of Cranbury, Middlesex County, State of New Jersey, supporting Senate Bill S981, sponsored by Senator Bob Smith, District 17, (Middlesex and Somerset), Senator Christopher "Kip" Bateman, District 16 (Hunterdon, Mercer, Middlesex and Somerset), and Assembly Bill A2375, sponsored by Assemblyman John F. McKeon, District 27, (Essex and Morris County), Amending the New Jersey "Electronic Waste Management Act".

WHEREAS, counties and municipalities are burdened with the expense and environmental impact of the existing New Jersey "Electronic Waste Management Act"; and

WHEREAS, manufacturers of Covered Electronic Devices (CED) are not meeting their legal obligation to provide a free and convenient collection opportunity in each county; and

WHEREAS, CED manufacturers are not fully supporting successful government programs by covering the full cost to collect and dispose of CEDs generated by consumers in accordance with the New Jersey "Electronic Waste Management Act"; and

WHEREAS, the lack of support by CED manufacturers, has resulted in negative economic impacts to local government budgets and the elimination of longstanding successful collection programs; and

WHEREAS, existing manufacturer supported private collection opportunities are insufficient and incapable of handling the overwhelming volume of material should government collection processes cease to operate; and

WHEREAS, the elimination of government collection programs has serious potential to cause an increase in illegal dumping activities and the release of environmentally harmful materials contained in CEDs, due to the lack of drop off opportunities provided by CED manufacturers; now, therefore,

BE IT RESOLVED, that the Township of Cranbury, Middlesex County, on this 12th day of December, 2016, calls upon the members of the Senate, General Assembly and specifically the Governor of New Jersey, to support Senate Bill **S981** and Assembly Bill **A2375** that would enable the continuation of government sponsored collection programs, free of charge to consumers and taxpayers, therefore, fulfilling the intent of the original law.

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Cranbury Township Resolution # R 12-16-174

RESOLUTION AUTHORIZING THE EXECUTION OF A DEVELOPER'S AGREEMENT WITH
"CRANBURY PROPERTY MANAGEMENT LLC" FOR THE PROPOSED DEVELOPMENT LOCATED AT
BLOCK 6.01, LOT 9 IN THE TOWNSHIP OF CRANBURY, STATE OF NEW JERSEY

BE IT RESOLVED, by the Township Committee of the Township of Cranbury, County of Middlesex, State of New Jersey, that the Township is authorized to enter into a Developer's Agreement with "Cranbury Property Management, LLC" regarding its proposed development located at Block 6.01, Lot 9 (Cranbury Township Tax Map) in the Township of Cranbury, County of Middlesex, State of New Jersey; and

BE IT FURTHER RESOLVED that the Mayor and Clerk are authorized and directed to execute the Developer's Agreement once all conditions precedent to execution are satisfied.

Reports from Township Staff and Professionals

--Administrator's Report

Ms. Marabello stated she had nothing to report.

--Assistant Administrator

Ms. Cunningham stated she had nothing to report.

Reports from Township Boards and Commissions

There were no reports from Township Boards and Commissions.

Public Comment

Mayor Mulligan opened the meeting to public comment.

Mr. Robert Dillon, Hightstown-Cranbury Station Road, addressed the Township Committee concerning the Cranbury Brickyard (CBY) construction near his home. Mr. Dillon distributed a memo and photos of the area near his home depicting the difficulties they are experiencing due the construction. Mr. Dillon stated CBY is the only construction area without deceleration lanes, left turn lanes and shoulders on the roadway. All other warehouse construction sites have these to alleviate traffic hazards. Mr. Dillon stated there is no circulation plan for traffic for the 2.7 million square feet of warehouse being constructed. He stated every vehicle going to the site uses Brickyard Road, not Cranbury Station Road. Mr. Dillon reported the number of trucks passing his home to the site during the months of September through December and stated the trucks start as early as 4:00 a.m. and continue at times through 7:00 p.m. He stated some of the trucks use Jake Brakes to stop at the intersection, which is not permitted by ordinance in Cranbury Township.

Mr. Dillon further described the site and lack of screening, the lighting and the neon signage which all affect his home. He reported the amount of construction dust/dirt affecting his home has increased tremendously. He stated he feels the Township has more consideration for the warehouses on Route 130 and Cranbury Station Road and feels his area is discriminated against. He stated he pays taxes to the Township and feels consideration is not given to him and his neighbors. Mr. Dillon stated the same principles were not applied to the CBY site that were applied to any other site in the Township.

Mr. Dillon requested the Township Committee consider lessening the impact of previous decisions made by the Planning Board, Engineer and Traffic Engineer. Mr. Cook inquired if the Dillon's had brought this information to the Planning Board, and Mrs. Barbara Dillon stated they had been before the Planning Board. She stated the bottom line is that Cranbury Brickyard Road cannot sustain this amount of traffic. Mr. Cook stated much of this traffic is construction traffic, which will eventually end.

There was discussion about the traffic flow and lack of traffic circulation plan. There was also discussion about landscaping, and Mrs. Dillon stated there is no room for landscaping. Mrs. Dillon stated the warehouses are much higher than they should be. Mayor Mulligan inquired if the Engineer is on site during

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Public Comment
(cont'd.)

the construction, and Ms. Marabello stated Mr. Glenn Gerken, PE, has been on site. Mayor Mulligan stated Mr. Dillon's information will be forwarded to Mr. Gerken to review. He stated there are items the Township Committee can address, such as the speed limit. He stated the Township addressed speed limits on all Township Roads recently. Ms. Marabello stated there are laws regulating at what speed limits can be set. Ms. Marabello stated she, Chief Varga and the Township Engineer, Bill Tanner, went to Cranbury Brickyard to look at the road. She stated the road can be 50 mph; however, at the Township's discretion, the speed was made 40 mph. She stated the speed limit for Cranbury Brickyard Road would never be 25 mph. Mr. Taylor stated Cranbury Brickyard is not a County road, and the Township has the authority to set a speed limit of 50, 35 or 25 mph and suggested pushing the 25 mph further out on the road. Ms. Marabello stated Chief Varga and Mr. Tanner have to be consulted concerning the speed. Mayor Mulligan stated Mr. Gerken will be contacted concerning the site.

Mrs. Dillon inquired what action can be taken against trucks riding on the wrong side of the road. Mayor Mulligan encouraged the Dillon's to call the police whenever they see anything illegal occurring. He stated the Police and the Township Committee cannot do anything if they don't know about it. There was discussion about the Township's Ordinance for construction hours, and Mr. Richard Preiss, Township Planner, stated the hours were the same for Residential and Commercial/Industrial Zones. Mayor Mulligan stated if the trucks are out at 4:00 a.m., the Dillon's must call the Police. He inquired the direction the trucks go when leaving the construction site, and Mr. Dillon stated "always right." Mr. Preiss stated he did not remember the details of the traffic study, but stated a very comprehensive review was done by the Traffic Consultant. He further stated the construction is being monitored by Mr. Gerken, and stated the construction is being done according to the site plans. He stated the landscaping, screening and signage were evaluated and approved and all should be done in accordance with the plans. Mr. Preiss stated the landscaping that is utilized in Cranbury now is not to hide the buildings but to hide the truck loading and parking. He stated that is why the Planning Board goes through a huge amount of detail to make sure the buildings are attractive so they can be seen. The Township wants businesses to be successful.

Mrs. Dillon inquired what the Township will do if the road is not able to handle the traffic that will be generated from the warehouse. Mr. Preiss stated the only thing that can be done when approving a site is to project the traffic. He stated Cranbury, unlike many municipalities, requires a post-construction traffic study to monitor the traffic, which is done after the buildings are at a certain percentage of completion. Mrs. Dillon stated it is very dangerous on the roadway when trucks are riding over the double yellow line. Mr. Preiss stated this is now construction traffic; however, Mrs. Dillon stated the trucks will still be large and the road cannot handle it. Mayor Mulligan stated the area around the Dillon's home will be very different than it was the last 45 years, and there is not much that can be done about that, except enforcing the laws that are in effect. He stated the Dillon's need to call the Police, and if the Police are not getting the job done, the Township Committee needs to be notified. He stated the Dillon's information will be passed on to Mr. Gerken to validate that the checklist on the plans is being followed. Mayor Mulligan suggested having him come to the next Township Committee meeting, or if not available then to come in January, to address the Dillon's concerns. Ms. Marabello stated the speed limits would have to be discussed at a subcommittee level before being addressed at a Township Committee meeting. Mayor Mulligan stated the issue would be put on the Agenda as a Work Session item. Mr. Dillon stated he will be coming regularly to meetings now.

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

Mayor's Notes

There were no Mayor's notes this evening

Township Committee Members' Notes

There were no additional Township Committee Members' Notes.

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Resolution

At 8:25 p.m. Mayor Mulligan requested a motion for the Committee to go into Closed Session. On a motion by Mr. Taylor, seconded by Ms. Goetz and unanimously carried, the following Resolution was adopted by vote:

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

Abstain: (None
Absent: (None

Nays: (None

Cranbury Township Resolution # R 12-16-175

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

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

On motion by Mr. Taylor, seconded by Mr. Cook and unanimously carried, the meeting returned to Open Session at 10:04 p.m.

Mayor Mulligan requested a motion to adjourn. On motion by Mr. Johnson, seconded by Mr. Taylor, and unanimously carried, the meeting adjourned at 10:05 p.m.

Kathleen R. Cunningham
Municipal Clerk