

TOWNSHIP COMMITTEE MEETING
February 26, 2018

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: Dan Mulligan, Matt Scott, Jay Taylor and Mayor Glenn Johnson. Mr. Dave Cook was absent. Also present were Denise Marabello, Township Administrator/Director of Finance; and Kathleen R. Cunningham, Municipal Clerk/Assistant Administrator. Mayor Johnson 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:

Posted on December 4, 2017 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 December 4, 2017.

Filed on December 4, 2017 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.

Sent to those individuals who have requested personal notice.

Resolution

On a motion by Mr. Taylor, seconded by Mr. Mulligan and unanimously carried (with Mr. Cook being absent the following Resolution was adopted by vote:

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

Nays: (None

CRANBURY TOWNSHIP RESOLUTION # R 02-18-056

WHEREAS, Allan Kehrt ("Allan") and his wife Michaela, moved to Cranbury Township in 1979; and

WHEREAS, shortly thereafter Allan agreed to serve as a member of the Cranbury Township Planning Board and served on the Board for 25 years; and

WHEREAS, Allan was chosen by his colleagues to serve as Chairman of the Planning Board in 2011; and

WHEREAS, Allan brought with him his architectural skills; enabling the Township to develop effective design standards; and

WHEREAS, during his tenure made significant contributions to the Township as a member of the Planning Board such as helping to develop a Master Plan for Cranbury Township; and

WHEREAS, through his guidance and recommendations, contributing to the unique status of our community within the State of New Jersey in the preservation of historic resources, the preservation of farmland, the allocation of park space and recreation resources, and the well-managed growth of industrial parks; and

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CRANBURY TOWNSHIP RESOLUTION # R 02-18-056
(Continued)

WHEREAS, Allan gave tirelessly of his time, knowledge, experience, intelligence, integrity and loyalty to the Township of Cranbury; and

WHEREAS, Allan's guidance and decisions made while on the Planning Board will have far-reaching benefits to Cranbury Township and its residents for many years to come;

NOW, THEREFORE BE IT RESOLVED, the Township of Cranbury hereby extends heartfelt wishes to Allan and his wife, Michaela for good health, happiness and prosperity in the future.

Township Committee Budget Minutes of January 27, 2018

On motion by Mr. Taylor, seconded by Mr. Mulligan and unanimously carried (with Mr. Cook being absent), the Township Committee Budget Minutes of January 27, 2018 were adopted.

Township Committee Minutes of February 12, 2018

On motion by Mr. Mulligan, seconded by Mr. Taylor and unanimously carried (with Mr. Cook being absent), the Township Committee Minutes of February 12, 2018 were adopted.

Closed Session Minutes of February 12, 2018 – Part 1

On motion by Mr. Mulligan, seconded by Mr. Taylor and unanimously carried (with Mr. Cook being absent), the Closed Session Minutes of February 12, 2018 – Part 1 were adopted.

Closed Session Minutes of January 22, 2018 – Part 2

On motion by Mr. Taylor, seconded by Mr. Mulligan and unanimously carried (with Mr. Cook being absent), the Closed Session Minutes of February 12, 2018 – Part 2 were adopted.

Reports and Communications

--Mayor Johnson read the following Proclamation designating March 2018 as "Youth Art Month." On a motion by Mr. Scott, seconded by Mr. Taylor, the following Proclamation was adopted by vote:

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

Nays: (None

PROCLAMATION

WHEREAS, art education contributes powerful educational benefits to all elementary, middle, and secondary students including the following:

- . art education develops students' creative problem-solving and critical thinking abilities;
- . art education teaches sensitivity to beauty, order, and other expressive qualities;
- . art education gives students a deeper understanding of multi-cultural values and beliefs;
- . art education reinforces and brings to life what students learn in other subjects; and
- . art education interrelates student learning in art production, art history, art criticism, and aesthetics.

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YOUTH ART MONTH PROCLAMATION
(Continued)

WHEREAS, our national leaders have acknowledged the necessity of including arts experiences in all students' education,

THEREFORE, BE IT RESOLVED that support should be given to art teachers as they attempt to strengthen art education in their schools and communities.

NOW, THEREFORE, it is proclaimed that March be observed as YOUTH ART MONTH. All citizens are urged to take interest in and give full support to quality school art programs for children and youth.

NOW, THEREFORE, I Glenn R. Johnson, Mayor of the Township of Cranbury, County of Middlesex, State of New Jersey do hereby proclaim March 2018 as **YOUTH ART MONTH**.

Mayor Johnson stated Chief Varga was unable to attend the meeting. He read into record the Chief's report for January: 62 traffic summonses issued (18 on Old Trenton; 18 on North Main Street, 16 on Route 130; 14 on Station Road). He reported fifty overtime hours (for shift coverage, snow storm extra coverage, and shift extension for training and meeting time. Mayor Johnson reported there were 32 motor vehicle crashes in January.

Mayor Johnson reported he met with Governor Murphy and other Middlesex County Mayors last week, and each Mayor was given an opportunity to discuss two (2) or three (3) issues of importance to their town. Mayor Johnson reported Cranbury has one (1) section of Route 130 that the Township has asked to be reclassified so the developer can get the curb cuts done to construct the walls for the development. He also reported to the Governor that Cranbury is opposed to the legalization of marijuana, and told the Governor that he hoped when legislation came together that New Jersey would take Colorado's approach and allow each municipality to opt out of the retail sale of recreational marijuana. Mayor Johnson reported the Mayor of Perth Amboy stated she hoped the towns adjacent to towns that choose to retail recreational marijuana should have monies available to them for spillover problems. Mayor Johnson stated he did not see how Cranbury could operate under the 2% arbitration.

Mayor Johnson reported over the last few months Cranbury has had some incidents of vandalism. He reported on Halloween night, the light fixture on the Lake was bent over, and last week two electrical outlets on the part that projects over the spillway were kicked to pieces. He stated vandals steal from all of us, and after discussions with Ms. Marabello and the police, he stated he was offering a personal reward of \$200 for information relating to the vandalism.

Reports and Communications

--Members of Committee

--Mr. Scott

Mr. Scott reported he attended the Fire Department and First Aid Squad dinner and reported it was great seeing the number of volunteers and their dedication.

--Mr. Mulligan

Mr. Mulligan reported he would contribute \$50 to Mayor Johnson's reward money. He stated he and Mr. Taylor attended this year's first Library meeting. He reported Ms. Mulligan and Ms. Venanzi were working very hard on the grant for additional funding from the State and stated a follow-up meeting will be held soon to further assist them.

Mr. Mulligan reported he had just attended the second round of State playoffs for the Princeton High School Hockey Team. He reported they are advancing to the third round and stated there are ten (1) Cranbury students on the team.

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Reports and Communications

--Members of Committee

--Mr. Taylor

Mr. Taylor stated he would contribute \$50 dollars to Mayor Johnson's reward money. Mr. Taylor reported someone from the Township's Attorney's office who specializes in State grants will come to assist. Mr. Taylor reported he also attended the Fire Company and First Aid Squad Dinner and congratulated Mr. Monty Hagerty for his 60 years of service to the Fire Company. Mr. Taylor noted with sadness that Mr. Dee Wahlers passed away, and Mr. Kehrt acknowledged Mr. Wahlers was a spectacular member of the Planning Board. Mr. Taylor stated Mr. and Mrs. Wahlers both did a lot for Cranbury. Mr. Mulligan stated Mr. Wahlers was a huge influence on him when he started on the Township Committee. There will be a gathering for Mr. Wahlers at the Cranbury Inn on Saturday, March 3rd.

Mr. Taylor stated the issue with the barn lease has been resolved, and the lease has been signed by the Historical Society.

Reports and Communications

Departments

Mr. Michael Kervan, Chief of the Cranbury Volunteer Fire Company, reported for the last month, the Fire Company has responded to 25 calls (52 YTD) including a structure fire in East Windsor, a bomb scare at Hightstown High School, and a vehicle fire on the Turnpike. Chief Kervan attended the Princeton High School Career Awareness Day. He reported they have logged 802.2 volunteer hours so far this year. Chief Kervan reported the Fire Company/First Aid Squad Dinner was well attended and the Township was covered by the mutual aid companies. He stated the Fire Company is still looking for members.

Follow-up Items

The McMansion Ordinance will be discussed on March 12, 2018.

Agenda Additions/Changes

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

Public Comment (For Items on the Agenda)

Mayor Johnson asked if there were any comments from the public for items on the Agenda, and hearing none, closed the public comment portion of the meeting.

Work Session

- a). Discussion of a "Statement of Policy" for Appointments to Boards, Committees and/or Commissions for the Township of Cranbury.

The Township Committee discussed creating a "Statement of Policy" for appointments to the various Boards, Committees and/or Commissions for the Township of Cranbury. Mayor Johnson explained there was a situation with a Board recently where Board Members went out to the residents to recruit new members and were told the first one to apply would be appointed to the Board. Mayor Johnson further explained that is not the case as many times there are individuals who can bring a certain skill set and expertise to the position making him/her a better appointment.

He suggested the following wording, stating changes could be made: "Appointments to Cranbury's Boards and Commissions are the responsibility of the Mayor and the Township Committee. We desire to appoint interested and qualified residents to these positions. We recognize that some of our Boards and Commissions benefit from the appointment of residents with specialized knowledge and experience. If a Board or Commission has a vacancy and has in mind a resident they feel will contribute toward their work, they may urge that resident to fill out and submit a citizen leadership form and notify their liaison of the individual's name. We do not guarantee that the applicant

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Work Session

- a). Discussion of a "Statement of Policy" for Appointments to Boards, Committees and/or Commissions for the Township of Cranbury. (cont'd.)
will be appointed but we will consider the recommendation when we make our decision. If a Board or Commission wants to have a predetermined process in place for recommending residents to the Township Committee to fill these vacancies, we suggest they adopt a set of by-laws stating a procedure to be followed."

Mr. Taylor inquired if the Boards have by-laws, and Ms. Marabello explained that Boards that are autonomous (Planning, Zoning, and Board of Health) have by-laws that must be adopted. They can be created by this Board and can be adopted as part of the Code. She further explained the other Boards can have by-laws if they choose to; however, the by-laws are only good if the Board wants to follow them. There is no legal reason to follow the by-laws for these Boards. Mr. Taylor suggested it be a policy to follow instead of creating a new set of by-laws. He also suggested the wording be Township Committee and/or Mayor because some of these appointments are just Mayor's appointments. He stated he is in favor of having policies for anything that is the slightest bit ambiguous. Mr. Mulligan suggested just having a statement at the end saying, "Per existing Code, all vacancies for Boards and Commissions will be filled at the discretion of the Mayor and the Township Committee." The Township Committee agreed on the Policy.

Ordinances

First Reading

An Ordinance entitled, CRANBURY TOWNSHIP ORDINANCE # 02-18-04, "AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, IN MIDDLESEX COUNTY, NEW JERSEY, PROHIBITING RETAIL SALE OF MARIJUANA FOR RECREATIONAL PURPOSES" was introduced for first reading. On motion by Mr. Taylor, seconded by Mr. Mulligan, the Ordinance was passed on first reading by vote:

Ayes:	(Mulligan Scott Taylor Johnson)	Abstain: (None Absent: (Cook
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Nays: (None

Public Hearing: Monday, March 12, 2018 at 7:00 p.m.

WHEREAS, the State of New Jersey has prohibited the manufacture, distribution, and possession of marijuana due to its negative societal consequences and deleterious health effects; and

WHEREAS, the public policy of United States is also to criminalize the manufacture, distribution, and possession of recreational marijuana even if related operations are conducted in accordance with State law; and

WHEREAS, several bills pending in the New Jersey Legislature would reverse the State's long-standing public policy concerning recreational marijuana, with proposed measures ranging in scope from simple decriminalization to the full-scale regulation of the manufacture, distribution, and possession of marijuana for recreational purposes; and

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CRANBURY TOWNSHIP ORDINANCE # 02-18-04
(Continued)

WHEREAS, the Township Committee of the Township of Cranbury believes the retail sale of recreational marijuana, an activity rightfully prohibited under federal law, will have significant deleterious consequences to the quality of life, as well as the health, safety, and welfare of Township residents; and

WHEREAS, it is the prerogative the Township of Cranbury to declare for itself the public policy of the Township prior to any change in the State law, and to enforce that policy in a manner best suited to the Township not inconsistent with State law.

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

SECTION ONE. Chapter 50 (Drugs) of the Township Code is hereby supplemented with a new Article III entitled "Recreational Marijuana":

Article III. Recreational Marijuana

§50-9: Any activity involving the sale of marijuana for recreational purposes, including but not limited to the establishment of any marijuana retail facility, is prohibited in the Township of Cranbury.

§50-10: "Marijuana retail facility" means any place in which marijuana is sold for recreational purposes to members of the public.

§50-11: Nothing herein shall affect a licensed medical marijuana facility operating pursuant to the "New Jersey Compassionate Use Medical Marijuana Act," N.J.S.A. 24:61-1 et seq.

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

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

Ordinance
Second Reading

CRANBURY TOWNSHIP ORDINANCE 02-18-03

A motion to enter an Ordinance entitled, CRANBURY TOWNSHIP ORDINANCE, "AN ORDINANCE AUTHORIZING THE CONVEYANCE OF PROPERTY TO THE NEW JERSEY TURNPIKE AUTHORITY," was presented for second reading and final adoption. The Ordinance was published in the Trenton Times, posted on the Township's website, posted on the Township Bulletin Board and copies were available to the public. Mayor Johnson inquired if the Committee had any questions or comments, and hearing none, he opened the public hearing on the Ordinance. No one present wished to speak, so the hearing was declared closed. On motion by Mr. Mr. Taylor, seconded by Mr. Mulligan, the Ordinance was adopted by a vote:

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CRANBURY TOWNSHIP ORDINANCE 02-18-03
(Continued)

Ayes: (Mulligan
(Scott
(Taylor
(Johnson

Abstain: (None
Absent: (Cook

Nays: (None

Consent Agenda

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

Ayes: (Mulligan
(Scott
(Taylor
(Johnson

Abstain: (None
Absent: (Cook

Nays: (None

Cranbury Township Resolution # R 02-18-057

Resolution Urging the State Legislature to Permanently Extend the 2% Cap
on Police and Fire Arbitration Contract Awards

WHEREAS, local municipalities require specific tools to address the rising cost of municipal government; and

WHEREAS, in July 2010 the Governor and New Jersey State Legislature enacted a permanent 2% cap on municipal and school board tax levies with limited exceptions that did not include police and fire arbitration contract awards; and

WHEREAS, salary costs, to a great extent, drive property tax increases; and

WHEREAS, in December 2010 the Legislature unanimously approved and the Governor enacted a temporary 2% cap on police and fire arbitration contract awards in an effort to control increasing salary costs and provide a solution to assist local governments in keeping property taxes down and cost under control; and

WHEREAS, the December 2010 legislation included an April 1, 2014 sunset on the 2% arbitration cap while the 2% property tax levy remained permanent for municipalities and school boards; and

WHEREAS, in June 2014 the Legislature unanimously approved and the Governor enacted an extension to December 31, 2017 for the 2% arbitration cap, however, the 2% property tax levy cap continues to remain permanent, without an exemption for police and fire arbitration contract awards; and

WHEREAS, the Legislature did not pass legislation extending the December 31, 2017 sunset, therefore, any contract expiring on or after January 1, 2018 will no longer have the protections offered with the 2% interest arbitration cap; and

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Cranbury Township Resolution # R 02-18-057
(Continued)

WHEREAS, municipalities continue efforts to contain costs and provide vital services to residents within the 2% property tax levy while the New Jersey economy remains sluggish and taxpayers faced with a cap on the SALT deduction struggle to keep their homes and pay their taxes; and

WHEREAS, we recognize that this change in arbitration reform needs a longer time to mature in order to see the benefits of the legislation and its actual impact on the cost of local government budgets and the impact on taxpayers; and

WHEREAS, the final report and recommendations of the Police and Fire Public Interest Arbitration Impact Task Force, which was established in the December 2010 legislation, was never released by its December 31, 2017 deadline; and

WHEREAS, the Governor's Appointees to the Police and Fire Public Interest Arbitration Impact Task Force released a report confirming the positive impact the 2% cap has had on providing an efficient and cost-effective procedure to settle labor contracts, and curtailing the rise of property taxes, all without a negative impact on crime rates or the ability of public employers to recruit qualified candidates for police and fire positions; and

WHEREAS, we recognize it is now time for our taxpayers to benefit directly from these cost saving measures as many police and fire contracts will come due for negotiation after the sunset date, and

WHEREAS, if the cap on interest arbitration expires while the 2% levy cap remains in effect, municipalities will be forced to reduce or eliminate municipal services in order to fund interest arbitration awards;

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Township of Cranbury urges the State Legislature to permanently extend the 2% cap on Police and Fire Arbitration Contract Awards; and

BE IT FURTHER RESOLVED, that a copy of this Resolution is forwarded to Assemblyman Daniel Benson and Assemblyman Wayne DeAngelo and Senator Linda R. Greenstein, the Commissioner of the Department of Community Affairs and Lieutenant Governor and the Governor of State of New Jersey and the League of Municipalities.

Cranbury Township Resolution # R 02-18-058

WHEREAS, the Township Committee of the Township of Cranbury authorized a Shared Services Agreement with the Township of South Brunswick for Mobile Data Computer System (MDC) Services by way of a resolution dated November 28, 2017, for a five-year term with automatic successive one (1) year terms; and

WHEREAS, the Cranbury Township Police Department has requested the Agreement be amended to include automatic successive three (3) year terms; and

WHEREAS, it is appropriate to execute an amended agreement between the parties at this time;

NOW, THEREFORE BE IT RESOLVED on this 26th day of February, 2018, by the Township Committee of the Township of Cranbury, County of Middlesex, State of New Jersey, that:

The Mayor and Clerk are hereby authorized to execute an Amended Shared Services Agreement with the Township of South Brunswick for a five (5) year term with automatic successive

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Cranbury Township Resolution # R 02-18-058
(Continued)

three (3) year terms. All other terms and conditions of the Agreement remain unchanged. This agreement is authorized pursuant to N.J.S.A. 40A:65-1, et seq.

Cranbury Township Resolution # R 02-18-059

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 02-18-060

WHEREAS, the Township of Cranbury, a municipal corporation of the County of Middlesex and State of New Jersey, with offices located at 23-A North Main Street, Cranbury, New Jersey 08512, is the owner of the premises designated as Lot 14.03, Block 23, as shown on the Tax Map of the Township of Cranbury, County of Middlesex and State of New Jersey; and

WHEREAS, as a condition of the approval of the site plan and/or subdivision granted by the Land Development Review committee of the Middlesex County Planning board, said approval dated April 12, 2017, and said approval requires the filing of a Restrictive Covenant in the form of the Stormwater Maintenance Agreement which requires the lot owners and/or leased occupants to maintain any detention facilities on the Premises;

NOW, THEREFORE BE IT RESOLVED the Mayor and Clerk are hereby directed to execute said Agreement on behalf of the Township of Cranbury.

Reports from Township Staff and Professionals

--Administrator's Report

Ms. Marabello reported

--Assistant Administrator

Ms. Cunningham stated she had nothing to report.

Public Comment

Mayor Johnson opened the meeting to public comment.

Mr. Richard Kallan, Wynnewood Drive, asked Mayor Johnson what Governor Murphy's response was to Cranbury not being in favor of retail marijuana. Mayor Johnson stated Governor Murphy has been very public about this topic. He stated the Governor is in favor of the legalization of marijuana for social justice reasons. He stated there is a large disparity in the amount of incarceration on blacks who use marijuana versus whites. Mayor Johnson stated the number of blacks and whites who use marijuana is approximately the same so there is no easy way to account for that disparity. For that reason, Governor Murphy would like to see marijuana legalized. He did not comment on the retail sale.

Mr. Ernie Matthews, resident, spoke about the marijuana ordinance and spoke about individuals who do not have the channel of obtaining medical marijuana. He reported people who have chronic pain and the suicide rates for those individuals who do not have marijuana available. Mayor Johnson explained Cranbury's Ordinance would outlaw the retail sale of recreational marijuana. He stated Cranbury has a marijuana growing and dispensing facility in the warehouse district. Medical marijuana is dispensed to individuals with prescriptions. The Committee further discussed the Ordinance and the access to medical marijuana as well as decriminalizing the retail marijuana market. Hearing no additional public comment, Mayor Johnson closed the public portion of the meeting.

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Mayor's Notes

Mayor Johnson stated he had no additional information.

Township Committee Members' Notes

There were no additional Township Committee Members' Notes.

Mayor Johnson requested a motion to adjourn. On motion by Mr. Mulligan, seconded by Mr. Taylor and unanimously carried, the meeting adjourned at 7:40 p.m.

Kathleen R. Cunningham
Municipal Clerk