

TOWNSHIP COMMITTEE MEETING
May 29, 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: Mike Ferrante, Dan Mulligan, Jay Taylor and Mayor Glenn Johnson. Matt Scott was absent. Also present were Dan Davidow, Esq., Township Attorney; 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.

Deputy Jay Taylor asked for a moment of silence in memory of longtime Cranbury resident, Betty Wagner.

--Township Committee Minutes of May 14, 2018

The Township Committee Minutes of May 14, 2018 were tabled to the June 11th meeting for further review.

--Reports and Communications

--Mayor

Mayor Johnson attended Walt Caldwell's memorial service. Mr. Caldwell was on the school board for 18 years and was very active in the Lions Club for many years. Mayor Johnson also attended visitation for the father in law of Assemblyman Wayne DeAngelo who passed away last week.

Mayor Johnson thanked the Lions Club for another successful Memorial Day parade.

--Reports and Communications

--Members of Committee

--Mr. Ferrante

Mr. Ferrante reported that he attended the Board of Education's second awards night on May 22 where Mr. Mike Simonelli was awarded Teacher of the Year.

--Mr. Mulligan

Mr. Mulligan added that Betty Wagner was an important part of the Township of Cranbury. She made preserving the history of Cranbury a very important part of her legacy. He will continue to remember her for this.

Mr. Mulligan added that it was a fantastic parade and discussed how the parade was a great example of how the residents of Cranbury come together as a community.

--Mr. Taylor

Mr. Taylor read a few remarks he had previously prepared regarding various discussions that had taken place at previous township committee meetings.

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Mr. Taylor also reported on a wonderful day for the Lions Club parade and thanked Mrs. Johnson for all her hard work in the success of the parade.

Presentation – Assemblyman Dan Benson presented a Senate and General Assembly Joint Legislative Resolution to Kathleen R. Cunningham, Municipal Clerk, in recognition of her many years working in local government. He stated that Ms. Cunningham began her career in 1975 serving in the Senate President's Office for 16 years until 1992 when she began working for the Secretary of State. She took a short hiatus, working in the private sector, before accepting the position of Deputy Clerk for the Township of Cranbury, and due to her diligence and significant contributions, was appointed as Municipal Clerk in 2001. This resolution is to recognize how she clearly exemplified good and responsible citizenship and, in so doing, has proven herself to be a woman of remarkable character and exceptional determination. Ms. Cunningham thanked Assembly Benson for his kind remarks and for his presentation upon her retirement from the Township of Cranbury effective June 1, 2018.

Mayor Johnson followed with reading Cranbury Resolution #R 05-18-093 –

WHEREAS, Kathleen R. Cunningham began her extensive career in the public sector in 1975; and

WHEREAS, Kathleen served as executive assistant to six (6) state Senate presidents during the beginning of her career; and

WHEREAS, Kathleen worked for the Secretary of State for two years; and

WHEREAS, Kathleen began her employment with the Township of Cranbury in November of 1997; and

WHEREAS, Kathleen has served the Township of Cranbury and the many residents for over 20 years; and

WHEREAS, Kathleen has served as the Deputy Township Clerk prior to her appointment of Township Clerk; and

WHEREAS, Kathleen has also served in the capacity of Registrar of Vital Statistics; and

WHEREAS, Kathleen has served the Township Committee faithfully at each Township Committee meeting throughout her career; and

WHEREAS, she has now decided it is time to retire;

NOW, THEREFORE BE IT RESOLVED that the Township Committee of the Township of Cranbury hereby thanks Kathleen R. Cunningham "Kathy" for a "job well done" and conveys its gratitude and appreciation to her for all her years of service to the residents of Cranbury Township;

On motion by Mr. Taylor, seconded by Mr. Mulligan, the resolution passed by vote:

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

Nays: (None

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All members of the Township Committee thanked Ms. Cunningham for her many years of service and dedication to the Township of Cranbury. Ms. Cunningham wished to thank the members for their recognition and also wished to recognize that the Township Clerks from Middlesex County Clerks Association, respectively from Helmetta and East Brunswick, were in the audience in support of her retirement and her last formal Township Committee meeting. She stated "it has been a pleasure working with all the members...and it has been an honor and a privilege to serve".

--Subcommittees

There were no reports from Subcommittees.

--Departments

Michael Kervan – Cranbury Township Volunteer Fire Chief presented the members with the monthly report of service calls within the Township. He also added his congratulations to Ms. Cunningham on her retirement. Other items reported on was the department presence at the Strawberry Festival and Cranbury Hightstown Parade. He also reminded the audience members that the Fire Department is always in need of volunteers.

Follow-up Items

Mayor Johnson appointed Dan Mulligan to the Planning Board filling the vacancy provided by the resignation from Dave Cook's resignation earlier this year, term to expire December 31, 2018. Mayor Johnson also appointed Debra Rubin as the Mayor's Representative to the Community Development Block Grant Commission for a term to expire December 31, 2018.

Agenda Additions/Changes – Ms. Cunningham advised of the removal of "Item 11- Work Session – Discussion on the Consolidation of Boards and Commissions".

--Public Comment (For Items on the Agenda) – None

Ordinance

First Reading

Cranbury Township Ordinance # 05-18-11

An Ordinance entitled, CRANBURY TOWNSHIP ORDINANCE #05-18-11, AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, AMENDING THE TOWNSHIP CODE AT ARTICLE XII, CHAPTER 85 REGARDING PERFORMANCE, MAINTENANCE AND RELATED GUARANTEES was introduced for first reading. On a motion by Mr. Taylor, seconded by Mr. Mulligan, the Ordinance was passed on first read by vote:

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

Nays: (None

Public Hearing: Monday, June 11, 2018 at 7:00 p.m.

WHEREAS, the State Legislature has recently amended provisions of the Municipal Land Use Law at N.J.S.A. 40:55D-53 governing performance, maintenance and related bonds; and

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WHEREAS, the Township Committee desires to amend and update its existing Code provisions to be in accord with State statute and serve the best interests of the Township and its residents.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Cranbury that the Township Code be and hereby is amended as follows:

Section 1. Article VIII, Chapter 150 of the Township Code of the Township of Cranbury shall be supplemented to include the following provisions:

§ 150-100.1. Required Guarantees; surety.

For the purpose of assuring the installation and maintenance of bondable land development improvements, as a condition of all final site plan, subdivision, and zoning permit approvals, the Board or Zoning Officer shall require, as appropriate, and the Township Committee shall accept, in accordance with the standards adopted hereinafter:

- A. The furnishing of a performance guarantee in favor of the Township in an amount not to exceed 120% of the cost of improvements required by an approval or developer's agreement, ordinance, or regulation to be dedicated to a public entity, and that have not yet been installed. The performance guarantee shall also include, within an approved phase or section of a development, privately-owned perimeter buffer landscaping, as required by local ordinance or imposed as a condition of approval.
- B. The cost of the performance guarantee shall be determined by the Township Engineer according to the method of calculation set forth in N.J.S.A. 40:55D-53.4. At the developer's option, a separate performance guarantee may be posted for the privately-owned perimeter buffer landscaping. The Township Engineer shall prepare an itemized cost estimate of the improvements covered by the performance guarantee, which itemized cost estimate shall be appended to each performance guarantee posted by the obligor.
- C. The furnishing of a maintenance guarantee in favor of the Township in an amount not to exceed 15% of the cost of the improvement, which cost shall be determined by the Township Engineer according to the method of calculation set forth in N.J.S.A. 40:55D-53.4 for any and all bondable items as permitted therein.
- D. The furnishing of a Temporary Certificate of Occupancy Guarantee in the amount of 120 percent of the cost of installing the remaining improvements which are not covered by a performance guarantee and are required to be completed before the issuance of a permanent certificate of occupancy. The scope and amount of such a guarantee will be determined by the Township Engineer.

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- E. The furnishing of a Safety and Stabilization Guarantee to return the property to a safe and stable condition or to otherwise implement measures to protect the public from access to an unsafe or unstable condition. The amount of such a guarantee shall be \$5,000 where the overall bonded improvements are \$100,000 or less. Where the overall bonded improvements are \$100,000 or more, then the Township Engineer shall calculate the bond amount in accord with the following: \$5,000 for the first \$100,000 of bonded improvement costs, plus 2.5 percent of bonded improvement costs in excess of \$100,000 up to \$1 million, plus 1 percent of bonded improvement costs in excess of \$1 million.

§ 150-100.2. Other governmental agencies.

In the event that other governmental agencies or public utilities will automatically own the utilities to be installed or the improvements are covered by a performance or maintenance guarantee to another governmental agency, no performance or maintenance guarantee, as the case may be, shall be required by the Township for such utilities or improvements.

§ 150-100.3. Failure to perform; municipal completion.

If the required improvements are not completed or corrected in accordance with the performance guarantee, the obligor and surety, if any, shall be liable thereon to the Township for the reasonable cost of the improvements not completed or corrected, and the Township may either prior to or after the receipt of the proceeds thereof complete such improvements. Such completion or correction of improvements shall be subject to the public bidding requirements of the Local Public Contracts Law, *N.J.S.A. 40A:11-1*, et seq.

§ 150-100.4. Conformance with municipal standards.

All improvements shall be in accordance with the design standards of the Township Code or as authorized by a design exception granted by the reviewing board and shall be subject to inspection and approval by the Municipal Engineer. The Municipal Engineer shall be notified 24 hours prior to the start of the various phases of the work, and if discontinued, shall again be notified when the work will be continued.

§ 150-100.5. Release or reduction of performance guarantee.

- A. Upon substantial completion of all required improvements, the obligor may request of the governing body, in writing, by certified mail addressed in care of the Township Clerk, that the Township Engineer prepare, in accordance with the itemized cost estimate prepared by the Township Engineer and appended to the performance guarantee pursuant to this Chapter, a list of all uncompleted or unsatisfactorily completed improvements. If such a request is made, the

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obligor shall send a copy of the request to the Township Engineer. The request shall indicate which improvements have been completed and which improvements remain uncompleted in the judgment of the obligor. Thereupon the Township Engineer shall inspect all improvements covered by the obligor's request and shall file a detailed list and report, in writing, with the Township Council, and shall simultaneously send a copy thereof to the obligor not later than 45 days after receipt of the obligor's request.

- B. The list prepared by the Township Engineer shall state, in detail with respect to each improvement determined to be incomplete or unsatisfactory, the nature and extent of the incompleteness of each incomplete improvement or the nature and extent of, and remedy for, the unsatisfactory state of each completed improvement determined to be unsatisfactory. The report prepared by the Township Engineer shall identify each improvement determined to be complete and satisfactory together with a recommendation as to the amount of reduction to be made in the performance guarantee relating to the completed and satisfactory improvement, in accordance with the itemized cost estimate prepared by the Municipal Engineer and appended to the performance guarantee pursuant to this Chapter.
- C. The Township Committee, by resolution, shall either accept the improvements determined to be complete and satisfactory by the Township Engineer, or reject any or all of these improvements upon the establishment in the resolution of cause for rejection, and shall approve and authorize the amount of reduction or release to be made in the performance guarantee relating to the improvements accepted, in accordance with the itemized cost estimate prepared by the Township Engineer and appended to the performance guarantee pursuant to this Chapter. This resolution shall be adopted not later than 45 days after receipt of the list and report prepared by the Township Engineer. Upon adoption of the resolution by the Township Committee, the obligor shall be released from all liability pursuant to its performance guarantee, with respect to those accepted improvements, except for that portion sufficient to secure completion or correction of the improvements not yet accepted; provided that 30% of the amount of the performance guarantee posted may be retained to ensure completion and acceptability of all improvements. If any portion of the required improvements is rejected, the Township shall require the obligor to complete or correct such improvements, and, upon completion or correction, the same procedure of notification, as set forth in this section, shall be followed.

§ 150-100.6. Release or reduction of performance guarantee.

The obligor shall reimburse the Township for all reasonable inspection fees paid to the Township Engineer for the foregoing inspection of improvements; provided that the municipality may require of the developer a deposit for the inspection fees in an amount not to exceed, except for extraordinary circumstances, the greater of \$270 or 5% of the cost of improvements, which cost shall be determined pursuant to N.J.S.A. 40:55D-53.4.

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§ 150-100.7. Phasing in sections.

In the event that final approval is by stages or sections of development pursuant to Subsection a of Section 29 of P.L. 1975, c. 291 (N.J.S.A. 40:55D-38), the provisions of this section shall be applied by stage or section.

§ 150-100.8. Dedication and acceptance.

To the extent that any of the improvements have been dedicated to the Township on the subdivision plat, site plan and/or zoning permit, the municipality shall be deemed, upon the release of any performance guarantee required hereunder, to accept dedication for public use any improvements made thereunder, provided that such improvements have been inspected and have received final approval by the Township Engineer.

Section 3. Repealer, Severability, and Effective Date.

Repealer. Any and all sections of the Township Code inconsistent with the terms of this Ordinance, including §150-91 and §150-93 of the Township Code, are hereby repealed to the extent of any such inconsistencies.

Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares it's intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the ordinance.

Effective Date. This Ordinance shall take effect upon proper passage and approval in accordance with the law.

Second Reading

Cranbury Township Ordinance # 05-18-09

A motion to enter an Ordinance entitled, CRANBURY TOWNSHIP ORDINANCE #05-18-09 – 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 Trenton Times, posted on the Township's website, posted on the Township Bulletin Board and copies were available to the public. On motion by Mr. Taylor, seconded by Mr. Mulligan, the ordinance was adopted by a vote:

Ayes:	(Ferrante	Abstain: (None
	(Mulligan	Absent: (Scott
	(Taylor	
	(Johnson	
Nays:	(None	

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Cranbury Township Ordinance #05-18-10

A motion to enter an Ordinance entitled, CRANBURY TOWNSHIP ORDINANCE #05-18-10 – AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, IN MIDDLESEX COUNTY, NEW JERSEY AMENDING TOWNSHIP CODE, CHAPTER 5, “POLICE DEPARTMENT”. 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. On motion by Mr. Mulligan, seconded by Mr. Taylor, the ordinance was adopted by a vote: (Mr. Scott entered the meeting – 7:29 p.m.)

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

Nays: (None

Consent Agenda

Mayor Johnson asked the Township Committee if there were any questions or comments on the Consent agenda. On a motion by Mr. Taylor seconded by Mr. Mulligan and unanimously carried, the following Resolutions adopted by vote:

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

Nays: (None

Cranbury Township Resolution #R 05-18-088

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 05-18-089

NOW, THEREFORE, BE IT RESOLVED, by the Township of Cranbury appointing Debra Rubin as the Joint Insurance Fund Commissioner for Cranbury Township Through December 31, 2018.

Cranbury Township Resolution #R 05-18-090

NOW, THEREFORE, BE IT RESOLVED, by the Township of Cranbury appointing Debra Rubin as the Public Agency Compliance Officer Public Contracts Through December 31, 2018.

Cranbury Township Resolution #R 05-18-091

NOW, THEREFORE, BE IT RESOLVED, by the Township of Cranbury awarding a Professional Services Contract to Paulus, Sokolowski and Sartor, LLC for the Historic Preservation Commission grant, Phase II

Cranbury Township Resolution #R 05-18-092

NOW, THEREFORE, BE IT RESOLVED, by the Township of Cranbury refunding a construction permit fee to ADT in the amount of \$85.60.

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--Reports from Township Staff and Professionals

--Administrator's Report

Ms. Marabello discussed the procedure for board application process with chairperson and governing body. Respective chairpersons will have one month to make recommendation to governing body. If no recommendation has been made within that timeframe, the governing shall automatically make an appointment. In addition family members will not be able to serve on the same board or commission.

--Assistant Administrator

None

--Public Comment

Mayor Johnson opened the meeting to public comment.

Sally O'Grady – Cranbury Resident – Parks Liaison – Stated that the Township Committee Parks liaison has not attended any recent Parks Commission meetings. Mr. Mulligan advised that the meetings that are during the day, such as 9:15 a.m. are difficult to attend due to work schedule. She shared that Parks Commission member, Adam Kniernim, provided website information on bike paths with Mr. Ferrante for review. Ms. O' Grady discussed "Bulk Waste Day" and the suggestion of implementing of a "Swap Pile" for residents. She further discussed the noise ordinance and asked if it could be modified to start at 8:00 a.m. not 7:00 a.m. for landscapers and machinery, such as, leaf blowers.

Mayor Johnson closed the meeting to public comment.

--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. Ferrante and unanimously carried, the meeting adjourned at 7:45 p.m.

Debra A. Rubin
Municipal Clerk