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, Glenn Johnson, Matt Scott and Mayor James Taylor. Dan Mulligan was absent. Also present were Denise Marabello, Township Administrator/CFO; Kevin VanHise, COAH Township Attorney; Marci Robison, Township Engineer Representative; and Debra Rubin, Municipal Clerk. Mayor Taylor led in the salute to the flag, and Ms. Rubin 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 20, 2018 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 20, 2018.

Filed on December 20, 2018 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.

--Township Committee Regular Meeting Minutes of February 11, 2019

The Township Committee Regular Meeting Minutes of February 11, 2019 on a motion by Mr. Johnson, seconded by Mr. Ferrante. On a roll call vote of the members of the Township Committee;

Ayes: (Ferrante

(Johnson (Scott

(Taylor Abstain:

Absent: (Mulligan

Nays: (None

the Township Committee Regular Meeting Minutes of February 11, 2019 were adopted.

Agenda Additions/Changes -

Ms. Rubin reported that Closed Session Resolution R # 02-19-057 was being removed and the Closed Session was cancelled.

Also, Resolution R # 02-19-058 – Resolution Authorizing the Mayor and Clerk to Execute the First Amendment to Agreement between Township and Protinick/Toll Bros. was being moved to the Consent Agenda.

- --Reports and Communications
- --Members of Committee
- --Mr. Scott

Mr. Scott advised that he attended the Traffic Subcommittee late and therefore referred to Mr. Ferrante to report on the status of that meeting.

--Mr. Ferrante

Mr. Ferrante reported that he recently attended the Traffic Subcommittee meeting in which the public had been invited to attend. Ms. Marabello and Mr. Ferrante met with the public for approximately

the first hour of the meeting. The subcommittee continued after the public was dismissed, however, that information is not ready for release at this time. The next subcommittee will not include a public portion; however, the public will be made aware when they will be invited to return.

Mr. Ferrante discussed the cable survey results generated from the use of Survey Monkey and hoped this information would help to provide data to the cable company. Approximately 165 total surveys were received.

--Mr. Johnson

Mr. Johnson reported that he attended a school board meeting and recognized that Susan Genko was awarded "Administrator of the Year" by the Gifted and Talented Association. He noted she is also on the search committee for Princeton High School Principal in Princeton. He announced the winners of the middle school spelling bee and on the presentation shown regarding the PARCC test results. Mr. Johnson also participated in Read Across America by reading to Ms. Sergeant's 1st grade class. The book was titled "Pumpkin Smasher" and was based in Cranbury Township.

--Mayor

-- Mayor Taylor

Mayor Taylor advised the he participated in Read Across America by reading to class the poem "Too Many Kids in the Tub" in which the 4-year-old students appeared to enjoy the poem very much.

He held a "Coffee with the Mayor" on the previous Saturday where he received positive feedback regarding the mailed budget letter to residents. He asked Ms. Marabello to report on the total amount of residents currently on the email distribution list. She and Mr. Ferrante reported there are over 600 people currently enrolled in the email service. The Mayor also reported feedback requesting "New Resident" packets to be prepared and distributed. Mr. Ferrante will pioneer and research something for upcoming Library event regarding 48 homes bought/sold recently in Cranbury.

Mayor Taylor attended the Volunteer Fire & First Aid Squad banquets. He reported the squad had over 900 calls in 2018 and was under the State response time.

Mayor Taylor discussed freight grants and asked for an endorsement letter from Amazon towards applying for the grant.

He did a recent an interview with the Trenton Times to discuss the recent tax decrease for Cranbury residents.

Mayor Taylor took a moment to address the recent accusations made by a community organizer from New Brunswick against Cranbury Township regarding allegations of violating the federal minimum wage law for seasonal recreational employees during a previous committee meeting. (Full statement attached.) The Township completed another review of the law after the allegations and confirmed that the Township had not violated any federal or state laws.

--Subcommittees

There were no reports from Subcommittees.

--Departments Heads -

Michael Kervan – Chief – Cranbury Township Volunteer Fire Department gave his February report. He reported there were 25 calls responded to and 49 year to date. No major emergencies to report on. The annual banquet was covered by mutual aid which was in place to cover any calls. He added that there were no calls during that time. Mr. Kervan also provided the First Aid Squad February report. They had responded to 46 calls within the month. He added the response time continues to stay under the state average.

--Historic Preservation Commission - 2018 Year End Report - Susan Ryan and Stephen Banks provided the committee packets for their review. They scheduled 22 meetings with a total of 5 being cancelled. Phase II of the CLG grant was completed. In their 2019 Goals they are continuing with their stringent rules and wanted to partner with the Master Plan Subcommittee in their upcoming meetings.

--Follow-up Items

Ms. Marabello reminded members of the change in the "Volunteer Policy" for boards and commissions members. It was previously discussed that the intent was to have all boards and commissions follow a township residents only membership unless it is otherwise stated in the Township Code Book. This change will have a more uniform approach for all boards and commissions to follow.

-- Boards and Commissions - Vacancies

Ms. Rubin read the vacancies for the following boards and commissions:

- Clock Winding Committee -(1) Member Municipal Alliance (1) 2nd Alternate Environmental Commission (1) 2nd Alternate
- Parks Commission (3) Member, 1st Alternate and 2nd Alternate

--Resolutions

Cranbury Township Resolution # R 02-19-049 **2019 MUNICIPAL BUDGET**

of the Township of Cranbury, County of Middlesex for the fiscal year 2019.

Revenue and Appropriation Summaries

	Anticipated	
Summary of Revenues	2019	2018
1. Surplus	\$ 1,798,000.00	\$ 950,000.00
2. Total Miscellaneous Revenues	\$ 3,272,921.62	\$ 3,012,191.88
3. Receipts from Delinquent Taxes	\$ 197,091.33	\$ 251,615.23
4. a) Local Tax for Municipal Purposes	\$ 6,136,987.15	\$ 7,147,937.66
b) Addition to Local District School Tax		
c) Minimum Library Tax	\$ 551,307.26	\$ 537,968.00
Tot Amt to be Raised by Taxes for Mun Budget	\$ 6,688,294.41	\$ 7,685,905.66
Total General Revenues	\$11,956,307.36	\$11,899.712.77
Summary of Appropriations	2019 Budget	Final 2018 Budget
1. Operating Expenses: S&W	\$ 3,470,519.75	\$ 3,348,988.26
Other Expenses	\$ 5,271,959.25	\$ 5,336,042.14
2. Deferred Charges & Other Appropriations	\$ 973,483.60	\$ 884,913.00
3. Capital Improvements	\$ 105,000.00	\$ 141,080.00
4. Debt Service (include for School Purposes)	\$ 1,942,012.94	\$ 2,251,324.79
5. Reserve for Uncollected Taxes	\$ 193,331.82	\$ 251,840.53
(Contd.)		

(Conta.)

Total General Appropriations \$11,956,307.36 \$12,214,188.72 Total Number of Employees 73 73

Balance of Outstanding Debt

Interest Payments in 2019 \$478,392.94 Principal Payments in 2019 \$1,834,720.00

Outstanding Balance (12/31/18) \$19,285,160.00

Notice is hereby given that the budget and tax resolution was approved by the Township Committee of the Township of Cranbury, County of Middlesex on February 25, 2019.

A hearing on the budget and tax resolution will be held in the Committee Meeting Room, Town Hall, 23A North Main St, on April 8, 2019 at 7:00 o'clock PM at which time and place objections to the Budget and Tax Resolution for the year 2019 may be presented by taxpayers or other interested persons.

Copies of the budget are available in the office of the Township Clerk at the Municipal Building, 23A North Main St Cranbury, NJ, (609) 395-0900 ext*234 during the hours of 8:00 AM to 4:00 PM, Monday through Friday.

On a motion by Mr. Johnson, seconded by Mr. Scott and unanimously carried, the above Resolution adopted by vote:

Ayes: (Ferrante

(Johnson

(Scott Abstain: (None (Taylor Absent: (Mulligan

Nays: (None

Resolutions Consent Agenda

Mayor Taylor asked the Township Committee if there were any questions or comments on the existing Consent Agenda. Mr. Ferrante asked that the resolution that was moved to the Consent Agenda earlier in the meeting be voted on separately so that there may be further discussion on it. Therefore, only items a-g are marked for approved in the vote listed below. Hearing no further questions or comments, Mayor Taylor requested a motion to adopt the existing Consent Resolutions. On a motion by Mr. Ferrante, seconded by Mr. Johnson and unanimously carried, the following Resolutions adopted by vote:

Ayes: (Ferrante

(Johnson

(Scott Abstain: (None (Taylor Absent: (Mulligan

Nays: (None

Cranbury Township Resolution #R 02-19-050

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 -02-19-051

Authorizing Purchase of Goods and Services with Sourcewell For Vehicle/Equipment, Maintenance Service & Materials

WHEREAS, it is advisable to utilize Sourcewell, formerly NJPA to procure goods and services at a low price. These services will include, but not be limited to:

Vehicles/Equipment
Maintenance Service & Materials

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Cranbury, That the Township departments are authorized to purchase goods and services using the entity mentioned above when it appears that these means provide for the least expenses.

BE IT FURTHER RESOLVED that this policy shall continue, for the entirety of 2019.

Cranbury Township Resolution # R -02-19-052

A RESOLUTION AWARDING A PROFESSIONAL SERVICES AGREEMENT

WHEREAS, the Township wishes to hire the following firm ("Professional") to provide professional services to the Township during the calendar year 2019 as follows:

a). Ruderman & Roth, LLC - Labor Counsel Services

WHEREAS, the costs for the services to be provided by the Professional is set forth in their respective proposal submitted to the Township, which is 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 Professional has 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 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 this contract without public bidding on the basis that this is a professional services agreement; and

WHEREAS, the Cranbury Township Chief Financial Officer has certified that sufficient funds are available for this purpose and that the value of said Agreement will not exceed \$3,000.00;

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 firm to provide professional services to the Township during the calendar year 2018:
 - a). Ruderman & Roth, LLC Labor Counsel Services
- 2. The Mayor and Clerk are hereby authorized and directed to enter into a Professional Services Agreement 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.* This contract is being awarded without competitive bidding as a Professional Services Agreement under the provisions of the aforementioned law because a service will be rendered or performed by a person or persons by law to practice a recognized profession and whose practice is regulated by law.

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

Cranbury Township Resolution R #02-19-053

RESOLUTION AUTHORIZING ACCEPTANCE OF AN ADDITIONAL AMOUNT OF \$43,868.56 FROM THE MIDDLESEX COUNTY URBAN COUNTY'S COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM

WHEREAS, the Township of Cranbury is a participating municipality in the Urban County designation formed with 19 municipalities within Middlesex County for the purpose of receiving federal funding from the U.S. Department of Housing and Urban Development (HUD) under the Community Development Block Grant (CDBG) program; and

WHEREAS, the Township of Cranbury has made application to the Middlesex County Division of Housing, Community Development, and Social Services for reallocated Community Development Block Grant (CDBG) funds; and

WHEREAS, Middlesex County has awarded the Township of Cranbury \$43,868.56 in reallocated CDBG funds for its affordable housing project based on adherence to the timely expenditure and vouchering to Middlesex County of these funds as indicated on their submitted application.

NOW, THEREFORE, BE IT RESOVLED THAT the Township of Cranbury accept the additional \$43,868.56 in reallocated CDBG funds from Middlesex County for its affordable housing project and direct appropriate municipal staff to take necessary measures to complete the project and submit vouchers and required project documentation to Middlesex County based its submitted application; and

BE IT FURTHER RESOLVED THAT a copy of this resolution be sent to the Middlesex County Division of Housing, Community Development, and Social Services.

Cranbury Township Resolution # R 02-19-054

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A BID WITH T.R. WENIGER, INC – CRANBURY PUMP STATION IMPROVEMENTS

WHEREAS, four (4) bids were received on February 14, 2019 for the Improvements to the Pump Station on Old Cranbury Road (a.k.a. Four Seasons Pump station) and:

WHEREAS, the Township wishes to enter into an agreement with T.R. Weniger, Inc., Piscataway, NJ and;

WHEREAS, T.R. Weniger, Inc. has offered to provide these services to the Township for cost of \$230,000.00; and

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

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

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

- 1. The Mayor and Clerk are hereby authorized and directed to execute an agreement with T.R. Weniger, Inc. for the Cranbury Pump Station Improvements for \$230,000.00; and
- 2. A copy of the Agreement shall be available for public inspection in the Township Clerk's Office during regular business hours.

Cranbury Township Resolution # R 02-19-055

RESOLUTION RESCINDING CRANBURY TOWNSHIP RESOLUTION #R 02-19-046 – AUTHORIZING REDUCTION OF PERFORMANCE GUARANTEE FOR CRANBURY BRICKYARD – VERTICAL BUILDING 2

WHEREAS, on February 11th, 2019, the Township Committee of the Township of Cranbury adopted resolution #R 02-19-046 which authorized the reduction of performance guarantee for Cranbury Brickyard – Vertical Building 3;

WHEREAS, there were errors in the amounts stated in the "Cash Deposit" and "Performance Bond" categories;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranbury, that previously adopted resolution #R 02-19-046 has been rescinded.

Cranbury Township Resolution # R 02-19-056

A RESOLUTION AUTHORIZING THE REDUCTION OF A PERFORMANCE GUARANTEE FOR CRANBURY BRICKYARD – VERTICAL BUILDING 3

WHEREAS, by an email dated January 19, 2019, Cranbury Brickyard has requested the reduction of their performance guarantee previously posted with the Township in accordance with Planning Board approval and

WHEREAS, the Township Engineer has, in a letter dated January 29, 2019 (attached hereto as "Exhibit A") recommended that the performance guarantee be reduced and the amount that shall be **released** is as follows:

Cash Deposit \$ 156,819.00 Performance Bond \$ 1,411,370.00

WHEREAS, the amount that shall be **retained** until all bonded items are complete as follows:

Cash Deposit \$ 67,208.00 Performance Bond \$ 604,873.00

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

- 1. It has reviewed, agrees with and hereby accepts all recommendations of the Township Engineer as set forth in "Exhibit A".
- 2. It hereby authorizes the reduction of performance guarantees set forth in the Township Engineer's letter referenced above.
- 3. The Township hereby accepts the public improvements, if any so designated pursuant to the Planning Board's approval.

BE IT FURTHER RESOLVED that a copy of this Resolution, certified by the Township Clerk to be a true copy and forwarded to each of the following:

- (a) Township Engineer-Glenn Gerken
- (b) Township Chief Financial Officer
- (c) Cranbury Brickyard LLC

Resolution – Cranbury Township Resolution - R # 02-19-058: The following Resolution was discussed further regarding the agreement that had been given to the members late for review. Members had been assured the township professionals had reviewed and all were in order for adoption.

Cranbury Township Resolution #R 02-19-058

RESOLUTION AUTHORIZING FIRST AMENDMENT TO MOUNT LAUREL SETTLEMENT AGREEMENT WITH MICHAEL & ANNA PROTINICK AND TOLL BROS, INC.

WHEREAS, pursuant to the Supreme Court's decision entitled <u>In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97</u>, 221 N.J. 1 (2015) ("<u>Mount Laurel IV</u>"), the Township of Cranbury ("Township") instituted a declaratory judgment action in the Superior Court of New Jersey, entitled *In the Matter of the Application of the Township of Cranbury in Middlesex County*, Docket No. MID-L-3960-15, seeking a judgment finding that the Township has met its <u>Mount Laurel</u> affordable housing obligations and obtaining a judgment of immunity and repose pursuant to N.J.S.A. 52:27D-313; and

WHEREAS, Michael and Anna Protinick (the "Protinicks") are the record owner of certain real property located at Dey Road and Petty Road within the Township, known and designated as Lot 1 in Block 25 on the Cranbury Township Tax Map (the "Protinick Property"); and

WHEREAS, Toll Bros, Inc. ("Toll") is the contract purchaser of the Protinick Property; and

WHEREAS, the Protinicks and Toll were granted leave to intervene in the Township's declaratory judgment action, and during the pendency of the proceedings, the parties engaged in mediation and good faith negotiations to resolve the claims raised by the Protinicks and Toll, and on August 10, 2016, the parties entered into a Settlement Agreement resolving such claims; and

WHEREAS, the Settlement Agreement was approved by the Court; and

WHEREAS, the Settlement Agreement provided for the development of the Protinick Property by Toll with a development of up to 174 age restricted active adult homes on individual lots and providing for a payment of a contribution in lieu of constructing affordable housing units on site to the Township in order to subsidize the creation of up to forty-four affordable housing units within the Township as provided for in the Township's Housing Element and Fair Share Plan; and

WHEREAS, Toll requested and the Settlement Agreement provided that Toll would obtain sewer service for the development from the SUEZ Water – Princeton Meadow MUA ("PMMUA") system; and

WHEREAS, since entering into the Settlement Agreement, subsequent investigation by Toll has revealed that the PMMUA sewer system may not be available for use by Toll or that such approvals would cause a significant delay in the project, and therefore, Toll has evaluated alternative routes to convey its sewer effluent from the Property for treatment other than via an extension of and connection to the PMMUA system; and

WHEREAS, the parties have agreed on an alternative route for construction of a sewer line down Petty Road and Plainsboro Road that will convey sewer effluent from the Protinick Property to a connection to the sanitary sewerage system of the Township; and

WHEREAS, due to the disruption of Petty Road that will result from the construction of the new sewer line, Toll has agreed to undertake the reconstruction and improvement of Petty Road; and

WHEREAS, the parties now seek to enter into a First Amendment to the Settlement Agreement setting forth the amendments agreed to by and between them to effectuate these changes.

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

- 1. The Mayor and Township Clerk are hereby authorized and directed to sign on behalf of the Township the above referenced First Amendment to the August 10, 2016 Settlement Agreement, a copy of which is on file in the Township Clerk's Office, or such other substantially similar agreement, the terms and form of which shall have been reviewed and approved by Township counsel in consultation with the Township Administrator.
- 2. The Mayor, Township Administrator, Township Clerk, Township's counsel and other appropriate officers, employees and professionals, are hereby authorized and directed to prepare and execute any and all other documents and undertake any and all acts necessary to effectuate the above-referenced amendment to the Settlement Agreement.
- 3. This Resolution shall take effect immediately.

On a motion by Mr. Johnson, seconded by Mr. Ferrante the following Resolution was adopted by vote:

Ayes: (Ferrante

(Johnson

(Scott Abstain: (None (Taylor Absent: (Mulligan

Navs: (None

Work Session -

- **a.) 87 Old Trenton Road** –Audrey Smith (via telephone), Steven Golisano, Bobbie Marlow, and Karen Kelley, of the Cranbury Historical Preservation Society, were present to address questions and concerns from the committee at a previous meeting. Items discussed were as follows:
 - 1. The Historic Preservation Commission is prepared to support the project and also apply for grants to aid in the financing. They will also seek volunteers in the fundraising efforts.
 - 2. They have consulted with the NJDEP regarding environmental issues.
 - **3.** Coordinating with Tom Decker regarding a consulting firm in preparing a topography and footprint of the site, and any other concerns Mr. Decker had presented.
 - **4.** Lighting There will not be utilities in the building. Researched small solar based with battery backup for security purposes. The brightness and motion sensory capability will be discussed with the Police Department. They are to work with Lt. DeChiara on these matters.
 - **5.** Prevailing Wage They will adhere to any existing laws. The movers will do as much as they can on site.
 - **6.** Road Closure Old Trenton Road Mr. Golisano reported the mover will coordinate with the County and Police Department where there will not be a total closure and may only be a lane closure for approximately 30 minutes. The police department extra duty is to be paid by the moving company.

Ms. Marabello stated a draft agreement between the Township and the Historical Society will be prepared.

The Township Committee approved the project to move forward and therefore a resolution will be placed on an upcoming agenda once the agreement is prepared.

b.) Plainsboro Drainage – Marci Robison was present from Van Cleef Engineering to further discuss the two options previously discussed at a committee meeting. She remarked that Option A did not provide the best option and their opinion was they were not positive it could handle the runoff. Option B was recommended to the Committee and would be the least expensive option to implement. Among the four committee members present, all agreed that Option B as presented was the better option and agreed to implement as such.

Public Comment -

Mayor Taylor opened the meeting to public comment.

Connie Bauder – She began by thanking the Committee for selecting Option B in the previous discussion. She further addressed that the water is loaded with soil coming from the farm fields which is very dirty, full of leaves and the residue of soil is from the farm fields. She asked that the township insure there is a clean up in the low areas.

Betty Conover – She thanked the members of the committee who use the microphones. It helps her to hear the comments during the meeting. She further thanked Mr. Ferrante for his presentation on "Demystifying Local Government" at the committee meeting of February 11th.

Connie Bauder – She asked if the plan is including widening of Petty Road. She was advised it is what the original width is. She advised she believes that is a mistake. Trucks cannot pass each other and the road will break off and create a rut along the edge of the road. She believes there is an opportunity now to widen the road. The worse cracks are where the garbage trucks and chipper trucks stop. Mayor Taylor advised that the Township Engineer assures the road will be wide enough and a survey had been completed. Ms. Robison added that at this time they are working from concept plans for the area. Mayor Taylor said the Resident Communication Subcommittee will relay information to the residents for further discussions.

Lisa Beach – Thanked Mayor Taylor for recognizing the Historical Society in his article in the February 22nd Cranbury Press and further thanked him for his generosity in donating his February mayoral salary to the Historical Society.

Mayor Taylor closed the meeting to public comment.

Mayor Taylor requested a motion to adjourn. On motion by Mr. Johnson, seconded by Mr. Scott and unanimously carried, the meeting adjourned at 8:15 p.m.

Debra A. Rubin, RMC Municipal Clerk