

TOWNSHIP COMMITTEE REGULAR MEETING
May 26, 2020

The Township Committee Regular Meeting of the Township of Cranbury was held at 7:00 pm. by remote access videoconferencing in response to COVID-19 and the updated Open Public Meeting Act guidelines. Answering present to roll call were Township Committee members: Michael Ferrante, Barbara Rogers, Evelyn Spann, Jay Taylor and Mayor Matthew Scott. Also present were Denise Marabello, Township Administrator/CFO; Steven Goodell, Township Attorney; Scott Miccio, Township Attorney; and Debra Rubin, Municipal Clerk. Mayor Scott called the meeting to order and Ms. Rubin read 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 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 January 10, 2020 and remote access information added on April 24, 2020.

Filed on January 10, 2020 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. Township website was updated with remote access information on April 24, 2020.

Sent to those individuals who have requested personal notice.

--Township Committee Regular Meeting Minutes of May 11, 2020

The Township Committee Regular Meeting Minutes of May 11, 2020 on a motion by Mrs. Spann, seconded by Mr. Taylor. On a roll call vote of the members of the Township Committee;

Ayes:	(Ferrante	
	(Rogers	
	(Spann	
	(Taylor	
	(Scott	
	Absent: (None	
	Abstain: (None	
	Nays: (None	

the Township Committee Regular Meeting Minutes of May 11, 2020 were adopted.

Reports and Communications

- Mr. Ferrante – Thanked Mayor Scott and the members of the Fire Commission, First Aid Squad, Police Department and Department of Public Works employees that participated in the Memorial Day Drive-By Parade within the Township.
Mr. Ferrante reported he remotely attended both the Environmental Commission and Board of Education meetings.
- Dr. Rogers – Reported she attended the Parks Committee meeting remotely and thanked the Department of Public Works for their work in the township parks. She added the next Shade Tree Commission would be held in June.
Dr. Rogers further added that the Memorial Day parade was well received by township residents.
- Mrs. Spann – Reported on attending these various meetings; Planning Board, Historic Preservation Commission, Municipal Alliance and Zoning Committee. The Zoning Committee has two recommendations that they plan to present to the Township Committee once public meetings return to in person forum. The Zoning Committee's next meeting is scheduled for June and will be discussing work needed on the current sign ordinance.

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- Mr. Taylor – Announced the passing of township resident Bonnie Thompson. Mr. Taylor remembered her work with the Historical Society and Lions Club, where she served her community for over 50 years.
Mr. Taylor thanked all that participated in the Memorial Day Parade. He added that the parade route did highlight low hanging branches from trees that restrict fire apparatus. Mayor Scott asked Mr. Taylor to supply a list for the Department of Public Works to address hazards.
Mr. Taylor reported he remotely attended the Board of Recreation Commissioners meeting. Mr. Taylor stated discussion on summer camp and drive in movies.
He added that the current deer ordinance be reviewed regarding the lottery to address active duty and deployed members to insure they can participate in the lottery system for the hunt. Steve Goodell, Township Attorney, to review.
- Mayor Scott – Thanked everyone for helping the Lions Club successfully complete the Drive By Memorial Day Parade. He thanked the Fire Company, First Aid Squad, Police Department, Department of Public Works and the Lions Club.
Mayor Scott added the following;
 - Sidewalks – Bikes not sharing the sidewalks with walkers and not yielding to pedestrians. He spoke to Chief of Police and Chief Varga will forward concerns to the Traffic Bureau.
 - He wants to acknowledge 2020 seniors and provide something for graduation.
 - His speech at the War Memorial for the Memorial Day Parade was placed on a Cranbury Township YouTube channel.
 - Mr. Ferrante asked Ms. Marabello the status of the accessibility of Town Hall and the employees. Ms. Marabello advised that employees have returned on staggered shifts Monday -Friday. Few employees have been in the building daily since the pandemic began, including herself and Municipal Clerk Debra Rubin. Others were directed to work remotely prior to the return on staggered shifts. Town Hall will open to the public once other safety provisions are put into effect. Necessary supplies need to be obtained prior to opening. Town Hall should be prepared for opening to the public in the next few weeks. Mayor Scott questioned when public meetings would be able to resume in Town Hall. Ms. Marabello advised that due to social distancing guidelines the meeting room in Town Hall will only allow approximately 8 members of the public to attend.

Follow up Items – Mr. Ferrante advised the follow up items were addressed earlier in the previous discussions.

Agenda Additions/Changes – None

Boards and Commission – Vacancies:

Ms. Rubin read the following vacancies:

- Board of Recreation Commissioners – (2)
- Municipal Alliance – (2)
- Environmental Commission – Mayor Scott asked about the vacancy for this commission. Ms. Rubin advised that the Commission was in the process of reviewing applications and were to send recommendation to the Mayor shortly.

Work Session –

a). Economic Development Advisory Committee Discussion – Mayor Scott introduced this as a need for a comprehensive plan to market the town with retaining the existing businesses and attracting new businesses. Scott Miccio, Township Attorney, presented a draft ordinance for the members to review based on plans utilized from other towns. He advised that this ordinance would not solely be for use during COVID 19 as it is written to last through December 2022. Mr. Miccio reviewed the contents of the draft ordinance, which included; establishing the committee, membership, terms, powers & duties, expenditures & funds, advisory function, meeting schedule and need for recording secretary amongst members. He presented the contents to the members in order for a decision to be made on moving forward with an ordinance or redrafting as a resolution. Mayor Scott opened the discussion to the committee members. Members of the committee discussed their various reasonings for either ordinance or resolution in the establishment of the

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committee, but ultimately was agreed upon beginning the process with a resolution. Mayor Scott directed Mr. Miccio to prepare a resolution for the next meeting in June. Mr. Ferrante added that names of residents for consideration to appointment need to be compiled and reviewed as quickly as possible by the members.

Resolution –

a). Cranbury Township Resolution #R 05-20-071 – Capital Budget Amendment, Brainerd Lake Dredging –

CRANBURY TOWNSHIP RESOLUTION # R 05-20-071

CAPITAL BUDGET AMENDMENT

Whereas, the local capital budget for the year 2020 was adopted on the 13th day of April, 2020 and,

Whereas, it is desired to amend said adopted capital budget section.

Now, Therefore, Be It Resolved, by the Township Committee of the Township of Cranbury County of Middlesex, that the following amendment (s) to the adopted capital budget section be made:

TO ADD CAPITAL BUDGET (Current Year Action) 2020 <u>PLANNED FUNDING SERVICES FOR CURRENT YEAR 2020</u>							
1	2	3	4	5a	5b	5c	
	5d	5e	6				
	Grants in Aid And Other	Estimated Total Debt	Amounts Reserved In Prior To be Funded Future Years	2020 Budget Appropriation	Capital Improvement Fund	Capital Surplus	
<u>Project Title</u> <u>Funds</u>	<u>Number</u> <u>Auth</u>	<u>Cost</u>	<u>Years</u>	<u>Appropriation</u>	<u>Fund</u>	<u>Surplus</u>	
Supplemental Brainerd Lake Dredging \$650,000	33	\$650,000					
Total 2020 Capital Budget							
\$850,000		\$ 6,765,436	\$2,765,474	\$1,520,200	\$1,629,762.00		

3 YEAR CAPITAL PROGRAM 2020-2022

Anticipated Project Schedule and Funding Requirement

1	2	3	4	Funding Amounts Per	
Budget Year					
	Project	Estimated	Estimated	5a	5b
5c			Completion		
<u>Project</u>	<u>Number</u>	<u>Total Cost</u>	<u>Time</u>	<u>2020</u>	<u>2021</u>
<u>2022</u>					
Supplemental Brainerd Lake Dredging	33	\$650,000	2020	\$650,000	
Total 2020-2022 Capital Programs		\$6,765,436		\$5,245,236	\$931,100
\$589,100					

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**Ordinances –
First Reading –**

Ms. Rubin read the following ordinance by title only.

Mr. Ferrante made a motion to introduce the following ordinance. Mr. Taylor seconded the motion. On a roll call vote, the ordinance passed for introduction.

Ayes: (Ferrante
(Rogers
(Spann
(Taylor
(Scott

Abstain: (None
Absent: (None

Nays: (None

CRANBURY TOWNSHIP ORDINANCE 05-20-07

A CAPITAL ORDINANCE OF THE TOWNSHIP OF CRANBURY AUTHORIZING THE DREDGING OF BRAINERD LAKE BY THE TOWNSHIP OF CRANBURY, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$650,000.00 FROM CAPITAL SURPLUS TO COVER THE COST THEREOF.

BE IT ORDAINED by the Township Committee of the Township of Cranbury as follows:

SECTION 1: There is hereby approved as a capital project within the Township of Cranbury not to exceed the costs noted below:

<u>Project/Purpose</u>	<u>Cost</u>
Dredging of Brainerd Lake	\$650,000.00

SECTION 2: There is hereby appropriated from Capital Surplus in the sum of \$650,000.00 to cover the cost of the capital projects as described in Section 1 hereof.

SECTION 3: This Ordinance shall take effect upon final adoption and publication according to law.

SECTION 4: The capital budget of the Township of Cranbury is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of Local Government Services is on file with the clerk and is available there for public inspection.

Ms. Rubin read the following ordinance by title only.

Dr. Rogers made a motion to introduce the following ordinance. Mrs. Spann seconded the motion. On a roll call vote, the ordinance passed for introduction.

Ayes: (Ferrante
(Rogers
(Spann
(Taylor
(Scott

Abstain: (None
Absent: (None

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Nays: (None)

CRANBURY TOWNSHIP ORDINANCE 05-20-08

ORDINANCE ESTABLISHING A TEMPORARY PROCESS FOR PERMITTING OUTDOOR DINING

WHEREAS, on March 9, 2020, the Governor issued Executive Order 103, declaring a State of Emergency and Public Health Emergency throughout the State of New Jersey as a result of the COVID-19 coronavirus pandemic; and

WHEREAS, on March 16, 2020, the Governor issued Executive Order 104, limiting the scope of service and hours of operation for restaurants and certain retail establishments to balance the need to allow individuals to access food and other essential materials with the need to limit unnecessary person-to-person contact; and

WHEREAS, on March 21, 2020, the Governor issued Executive Order 107, further limiting the scope of service for restaurants as follows:

All restaurants, cafeterias, dining establishments, and food courts, with or without a liquor license, all bars, and all other holders of a liquor license with retail consumption privileges, are permitted to operate their normal business hours, but are limited to offering only food delivery and/or take-out services in accordance with their existing liquor licenses. If alcoholic beverages are to be sold from a restaurant, dining establishment or bar with a liquor license, such sales shall be limited to original containers sold from the principal public barroom. The on-premises consumption of alcohol is prohibited. All retail sales of alcoholic beverages by limited brewery licensees, restricted brewery licensees, plenary and farm winery licensees (and associated salesrooms), craft distillery licensees and cidery and meadery licensees must be in original containers and must be sold through customer pick up and/or delivered by licensees in accordance with their existing licenses.

WHEREAS, Executive Order 107 recognized that the Centers for Disease Control and Prevention ("CDC") has advised that social mitigation strategies for combating COVID-19 require every effort to reduce the rate of community spread of the disease and that COVID-19 spreads most frequently through person-to-person contact when individuals are within six feet or less of one another, and ordered further steps to mitigate community spread of COVID-19; and

WHEREAS, on March 21, 2020, the Governor issued Executive Order 108, invalidating any municipal restriction that in any way will or might conflict with any of the provisions of Executive Order 107; and

WHEREAS, if and when the Governor relaxes the limitation on scope of service and hours of operation for restaurants, those restaurants will likely be required to meet health-related social distancing guidelines; and

WHEREAS, restaurants in Cranbury Township may desire to offer outdoor dining as a way to meet those social distancing guidelines; and

WHEREAS, the Township Committee would like to establish a process for licensing outdoor dining during the State of Emergency and Public Health Emergency that is expeditious and efficient, while continuing to protect the public health, safety and welfare of the community; and

WHEREAS, outdoor dining is currently regulated through Cranbury Township Code Chapter 106, which establishes the requirements for an Outdoor Dining License, and Chapter 150-39, which permits outdoor dining as an accessory use in certain zones, provided the restaurant meets the requirements of the section which include, among other things, site plan approval; and

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WHEREAS, the Municipal Land Use Law prohibits interim zoning ordinances except "in cases where the municipality demonstrates on the basis of a written opinion of a qualified health professional that a clear imminent danger to the health of the inhabitants of the municipality exists, and in no case shall the...interim ordinance exceed a six-month term" (NJSA 40:55D-90b); and

WHEREAS, the Governor's State of Emergency and Public Health Emergency recognize that the spread of COVID-19 presents a clear imminent threat to the health of all residents of the State of New Jersey.

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

Section 1. For the duration of the Governor's State of Emergency and Public Health Emergency, but for no longer than a period of six months from the effective date of this Ordinance, the requirements of Cranbury Township Code Chapter 106, "Outdoor Dining License," are temporarily modified as follows:

Section 106-2 Outdoor Dining License Required: Term: Annual Renewal

E. In the case of an application for a renewal license only, if the outdoor dining use or layout is to be modified, the applicant shall first prepare and submit a new plan to the Township Zoning Officer, who shall ~~determine whether such modification requires amended site plan approval from the applicable land use board~~ distribute the new plan to the Chief of Police and the Municipal Health Officer for their review, and approve the plan provided it protects the public health, safety and welfare of the municipality and otherwise complies with the requirements of Chapter 106.

Section 106-3 Application Process

A. Application for an initial outdoor dining license or a renewal license shall be made to the Township Clerk.

B. The application shall be accompanied by the following:

(1) (Reserved)

(2) ~~In the case of an initial application only, the resolution of approval from the appropriate land use board of the site plan for the outdoor dining use.~~

(3) ~~In the case of a renewal application only, a signed certification from the applicant that all conditions of the site plan approval continue to be met.~~

(4) Insurance certificate as set forth in § 106-6 below.

(5) Proof that the applicant holds a valid occupational license for a business establishment.

C. The Township Clerk shall approve or disapprove the application within 15 calendar days following its submission.

Section 2. For the duration of the Governor's State of Emergency and Public Health Emergency, but for no longer than a period of six months from the effective date of this Ordinance, the requirements of Cranbury Township Code Chapter 150-39, "Outdoor Dining Areas," are suspended.

Section 3. If any portion of this Ordinance is deemed invalid by any court of competent jurisdiction, the remainder shall survive in full force and effect.

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Section 4. This Ordinance shall be effective immediately upon adoption and publication in accordance with law.

Second Reading - None

Resolutions – Consent

Mayor Scott asked the Township Committee if there were any questions or comments on the Consent Agenda. Mayor Scott requested a motion to adopt the following Consent Resolutions. On a motion by Mr. Ferrante, seconded by Dr. Rogers and carried with the following vote for the following Resolutions adopted by a vote:

Ayes: (Ferrante
(Rogers
(Taylor
(Spann
(Scott

Abstain: (None
Absent: (None

Nays: (None

Cranbury Township Resolution #R 04-20-072

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 05-20-073

WHEREAS, Prologis North American Properties Fund I, LLC ("Grantor") is the owner of the premises affected by the easement described herein in the Township of Cranbury ("Grantee");

WHEREAS, the Temporary Construction Easement is located over the area identified on a plan entitled, "Proposed Easement Exhibit, 10' Wide Temporary Construction Easement, Lot 9.02 Block 7, Township of Cranbury, Middlesex County, New Jersey," prepared by Partner Engineering and Science, Inc., dated October 24, 2019

WHEREAS, the Temporary Construction Easement is necessary to facilitate the installation of a traffic signal at the intersection of Half Acre Road and Liberty Way;

WHEREAS, Grantor and Grantee agree to the terms of Deed of Easement (Temporary 10-Foot-Wide Construction) Block 7, Portion of Lot 9.02;

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Cranbury it hereby authorizes the Mayor and Clerk to execute the attached Deed of Easement Agreement with Grantor affecting Block 7, Lot 9.02;

BE IT FURTHER RESOLVED this Agreement will be filed with the Middlesex County Clerk.

Cranbury Township Resolution # R 05-20-074

WHEREAS, the United States of America, the State of New Jersey, the County of Middlesex and Cranbury Township have become victims of the COVID-19 Virus and Pandemic (the "Coronavirus"); and

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WHEREAS, the Coronavirus has caused economic damage and hardships to states, counties and municipalities throughout the United States of America; and

WHEREAS, on March 27, 2020 the Coronavirus Aid Relief and Economic Security Act (the "CARES Act") was signed by President Donald J. Trump; and

WHEREAS, the CARES Act was enacted, among other purposes, in order to combat the economic damage caused to states, counties and municipalities because of the Coronavirus; and

WHEREAS, the County has received CARES Act funds from the United States Treasury (the "Stimulus Funds") to be used to reimburse the County and the municipalities and agencies within the County (the "Municipalities") including Cranbury Township due to economic damage caused to them by the Coronavirus;

WHEREAS, as the recipient of the Stimulus Funds it will be the responsibility of the County to disburse the Stimulus Funds to eligible recipients in accordance with the terms and provisions of the CARES Act and any guidelines or regulations issued by United States Government or any of its agencies and/or departments;

NOW THEREFORE BE IT RESOLVED that the Mayor and Clerk are authorized to execute the County/Municipal Reimbursement Agreement between the County of Middlesex and Cranbury Township.

Cranbury Township Resolution # R 05-20-075

RESOLUTION OF THE TOWNSHIP OF CRANBURY, NJ

A RESOLUTION AUTHORIZING THE RELEASE OF EXTRA DUTY ESCROW

WHEREAS, Schilke Construction has outstanding credits of \$4,205.00 in their Extra Duty escrow account previously posted with the Township.

WHEREAS, the Police Department has no outstanding bills

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranbury that the Township of Cranbury release outstanding credits in Schilke's extra duty escrow account.

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

- (a) Township Director of Finance
- (b) Schilke Construction

Public Comment

Mayor Scott opened the meeting to general public comment.

- Vikal Kapoor – Mr. Kapoor requested attention be brought to the poor conditions of the sidewalks within his development (Silvers Lane). He believes there is a need for a tree and sidewalk program within the township for township funds to be spent for repairs. He implored the Township Committee to address the safety issues. Mr. Miccio, Township Attorney, stated the Shade Tree Commission is already in place to oversee township trees. He stated any further discussion regarding sidewalk repair should be discussed at budget time with a work session to discuss any programs with both the Township Engineer and the Township Administrator.

Hearing no other public comment, Mayor Scott closed the meeting to public comment.

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Action Items:

- Mayor Scott added asked Mr. Miccio to prepare the resolution for the Economic Development Committee Advisory Committee and all Township Committee members should be prepared with names of residents for possible appointment.
- Steve Goodell – Tree Information – Upcoming work session.

Mayor Scott requested a motion to adjourn. On motion by Mr. Ferrante, seconded by Mr. Taylor and unanimously carried, the meeting adjourned at 8:34 p.m.

Debra A. Rubin, RMC
Municipal Clerk