

TOWNSHIP COMMITTEE REGULAR MEETING
August 10, 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, and Mayor Matthew Scott. Jay Taylor was absent. Also present were Stephen Goodell, Township Attorney; Denise Marabello, Township Administrator/CFO; 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, updated on June 18, 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, updated June 18, 2020.

Sent to those individuals who have requested personal notice.

--Township Committee Regular Meeting Minutes of July 13, 2020

The Township Committee Regular Meeting Minutes of July 13, 2020 were presented on a motion by Mr. Ferrante., seconded by Mrs. Spann. On a roll call vote of the members of the Township Committee;

Ayes: (Ferrante
 (Rogers
 (Spann
 (SCott
 Abstain: (None
 Absent: (Taylor

Nays: (None

the Township Committee Regular Meeting Minutes of July 13, 2020 were adopted.

Reports and Communications

- Mr. Ferrante – Mr. Ferrante attended the July Board of Education meeting and reported on the recent termination of lease between the Library and Cranbury School. There were no Board of Health nor Environmental Commission meetings scheduled to attend within timeframe from last report.
- Dr. Rogers – No Parks Commission nor Shade Tree Commission meetings scheduled to attend within timeframe from last report. She reported the public comment portion for the Bicycle Network Plan had ended, however, the video was still available for viewing. Dr. Rogers commended the local farmers for the current harvest taking place. She encouraged residents to visit local farm stands in support.
- Mrs. Spann – Mrs. Spann reported on her attendance at the recent Planning Board, Historic Preservation Commission and Zoning Committee meetings. The Zoning Committee is awaiting legal opinion on appointment of Zoning Board member to the Zoning Committee.
- Mayor Scott – Mayor Scott discussed the termination of the Library lease with Cranbury School and the temporary plan for opening for curbside. He stated there will be two locations for the Library to

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use, as one will be used for administrative purposes and no public use, while the second location will be a trailer erected for curbside pickup and other public services.

Mayor Scott reported the Economic Development Revitalization Committee meets weekly and recently prepared a survey to be distributed via email blast to subscribers. The Committee will be placed on the September 15th agenda to make a presentation to the Township Committee.

Mayor Scott commented on the recent storm where many residents had utility interruption. He explained that the Township is only able to connect with the service providers, however, their input is limited.

Mayor Scott ended with the report from the Fire Department and EMS: July had 20 Fire calls and 9 Mutual Aid calls. The June 16th fire at Cranbury Pizza is still under investigation with Middlesex County. He added he wants to ensure that the property does not become derelict once the investigation is completed and wants the property monitored.

Department Heads -

- Ms. Marabello requested the Township Committee decide whether to cancel the fireworks previously postponed from the July 3rd celebration to Cranbury Day. Mr. Ferrante asked if the fireworks would be possible without the vendors and also requested clarification on the executive order outlining outdoor gatherings. Mrs. Spann requested the Police Department be contacted for input prior to decision being made. Ms. Marabello will follow up with the Chief of Police for input. All members were in support if the Office of Emergency Management agreed. Mr. Goodell confirmed the order states outdoor gatherings can be no larger than 500 people.

Follow up Items –

- Mayor Scott named Darek Hanh as Chairperson and Lisa Kniernim Vice Chairperson of Economic Development Revitalization Committee.

Boards and Commission – Vacancies:

Ms. Rubin read the following vacancies:

- Board of Recreation Commissioners – (2)
- Municipal Alliance – (1)

Ordinances –

First Reading –

Ms. Rubin read the following ordinance by title only.

Mr. Ferrante 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
(Scott

Abstain: (None

Absent: (Taylor

Nays: (None

Second Reading – August 20, 2020

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TOWNSHIP OF CRANBURY
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY

ORDINANCE NO. 08-20-010

AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, IN MIDDLESEX COUNTY,
NEW JERSEY, EXCLUDING VEHICLES OVER CERTAIN WEIGHTS FROM CERTAIN
STREETS

WHEREAS, the township previously adopted Ordinance 08-17-12 excluding vehicles over 4 tons from Station Road between Main Street and Route US 130 and Main Street between Cranbury Neck Road and Station Road; and

WHEREAS, Middlesex County and the New Jersey Department of Traffic approved these road sections; and

WHEREAS, the New Jersey Department of Transportation has only recently deemed the format of Ordinance 08-17-12 unacceptable;

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

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

Vehicles over Certain Weights Excluded from Certain Streets

Commercial vehicles over the gross vehicle weight (GVW) indicated are hereby excluded from the streets or parts of streets described except for the pick-up and delivery of materials on such streets.

<u>Name of Street</u>	<u>Weight Limit</u>	<u>Location</u>
Station Road (CR 615)	4 Tons	Between Main Street (CR 535) and Route US 130
Main Street (CR 535) Station Road	4 Tons	Between Cranbury Neck Road (CR 615) and (CR 615)

SECTION 2. Repealer Clause. All ordinances or parts of Ordinances in conflict with or inconsistent with the provisions of this Ordinance are hereby repealed.

Ordinances

Second Reading –

Ms. Rubin read the following ordinance by title only.

Mayor Scott opened for comment from the Township Committee members. Mrs. Spann introduced Richard Preiss, Township Planner, to discuss the Planning Board memo recommendations.

Richard Preiss read into record that the changes recommended by the Planning Board have been determined to not be substantial and therefore does not rise to the need of being reintroduced.

Mr. Ferrante made a motion to move the ordinance with the Planning Board recommendation in the removal of the word [Required]. Mrs. Spann seconded the motion.

Mayor Scott opened for public comment. Hearing none, Mayor Scott closed the public comment.

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Mr. Ferrante made a motion to adopt the following ordinance as amended. Mrs. Spann seconded the motion. On a roll call vote, the ordinance was adopted as amended.

Ayes: (Ferrante
(Rogers
(Spann
(Scott

Abstain: (None
Absent: (Taylor

Nays: (None

**CRANBURY TOWNSHIP
ORDINANCE# 07-20-09**

AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, IN MIDDLESEX COUNTY,
NEW JERSEY, AMENDING AND REVISING
CHAPTER 150-43 OF THE LAND DEVELOPMENT CODE

WHEREAS, Chapter 150-43 of the Cranbury Land Development Code, entitled "Parking and Loading areas," addresses the off-street parking that shall be provided in all nonresidential zones in the Township;

WHEREAS, a finite number of parking spaces are available in the Village Commercial (VC) Zone;

WHEREAS, new businesses in the VC Zone often must seek variance relief in order to comply with parking requirements that are otherwise unobtainable in that zoning district;

WHEREAS, the November 7, 2019 Master Plan Reexamination Report recommends amendments to the Township's parking requirements to support and encourage new businesses in the VC Zone by streamlining processes and eliminating obstacles and states that "[t]he continued viability of the downtown as a retail as well as residential/governmental center of the Village, could be enhanced by such changes."

WHEREAS the Cranbury Township Zoning Committee now recommends that rules regarding parking and loading areas in the VC Zone be amended, in the following form.

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

Section 1. Section 150-43(A)(1) of the Code of the Township of Cranbury, entitled "Parking and loading areas," is amended and supplemented as follows (additions are in **bold**; deletions are in [brackets]):

§ 150-43 Parking and loading areas.

A. Off-street parking spaces

- (1) **Except in the Village Commercial Zone**, in all nonresidential zones, at the time any building or structure is erected, enlarged or increase in capacity, there shall be provided off-street parking for automotive, bicycle and other vehicles and off-street loading facilities in accordance with the requirement set forth herein as well as the parking space requirements for the handicapped contained in P.L. 1975, c.221. **In the Village Commercial Zone, no additional off-street parking or loading berths shall be required for any change of use, or for any expanded or new non-residential use, except that the existing on-site parking spaces or loading berths shall be not removed, or converted for any other purpose without site plan approval and/or the grant of variances associated**

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therewith. All required parking and loading facilities shall be paved in accordance with Township standards and shall be bonded prior to the issuance of a certificate of occupancy. The construction, alteration or enlargement of any public or private parking or loading area or of access to such area shall require site plan approval by the Board.

Section 2. Repealer. All ordinances or parts thereof inconsistent herewith are repealed as to such inconsistencies.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Effective date. This ordinance shall take effect upon its passage, publication, filing with the County of Middlesex, and entry of final judgement of compliance and repose.

Resolutions – Consent

Mayor Scott asked the Township Committee if there were any questions or comments on the Consent Agenda items. Dr. Rogers requested that Item “f” be removed from the Consent Agenda and discussed separately. Mayor Scott requested a motion to adopt the existing following Resolutions. On a motion by Mr. Ferrante, seconded by Dr. Rogers the following Consent Resolutions were adopted by the following vote:

Ayes: (Ferrante
(Rogers
(Spann
(Scott

Abstain: (None
Absent: (Taylor

Nays: (None

Cranbury Township Resolution #R 08-20-090

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 08-20-091

RESOLUTION OF THE TOWNSHIP OF CRANBURY, NJ

A RESOLUTION AUTHORIZING THE RELEASE OF EXTRA DUTY ESCROW

WHEREAS, Carroccia Co. has outstanding credits of \$740.00 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 Carroccia Co's extra duty escrow account.

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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) Carroccia Co

Cranbury Township Resolution # R 08-20-092

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 2020 as follows:

- a). Ruderman, Horn & Esmerado, P.C. - 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 \$5,000.00;

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 2020:

- a). Ruderman, Horn & Esmerado, P.C. - 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.

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**TOWNSHIP OF CRANBURY
COUNTY OF MIDDLESEX**

Cranbury Township Resolution #R 08-20-093

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A BID WITH
ASPHALT PAVING SYSTEMS, INC. FOR BRICKYARD ROAD PHASE I
IMPROVEMENT PROJECT

WHEREAS, six (6) bids were received on June 30, 2020 Brickyard Road Phase I Improvement Project and;

WHEREAS, the Township wishes to enter into an agreement with Asphalt Paving Systems Inc., Hammonton, NJ and

WHEREAS, Asphalt Paving Systems, Inc. has offered to provide these services to the Township for cost of \$524,610.00; 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 Asphalt Paving Systems, Inc. for Brickyard Road Phase I Improvement Project for \$524,610.00; 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 08-20-094

RESOLUTION OF THE TOWNSHIP OF CRANBURY, NJ

A RESOLUTION AUTHORIZING THE RELEASE OF EXTRA DUTY ESCROW

WHEREAS, Fischer Contracting. has outstanding credits of \$1542.50 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 Fischer Contracting'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) Fischer Contracting

Resolutions

Dr. Rogers had previously asked that the following resolution #R 08-20-095 be moved from Consent Agenda to be discussed separately. Dr. Rogers discussed during her time as the Chairperson on the Environmental Commission they had discussed wanting to be more involved in the coordinating and broader outreach with educational impact and signage. Mr. Ferrante responded the deer program is a State program, however, does not see a problem with Environmental Commission reviewing it in the future.

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Mayor Scott requested a motion to adopt the existing following Resolutions. On a motion by Mr. Ferrante, seconded by Dr. Rogers the following Resolution was adopted by the following vote:

Ayes: (Ferrante
(Rogers
(Spann
(Scott

Abstain: (None
Absent: (Taylor

Nays: (None

Cranbury Township Resolution R# 08-20-095

A RESOLUTION OPENING THE FISCHER PROPERTY, UPDIKE PROPERTY, FROSZTEGA PROPERTY, REINHARDT FOREST PRESERVE AND HAGERTY PRESERVE FOR DEER HUNTING DURING THE 2020 DEER HUNT SEASON AUTHORIZED BY THE STATE DIVISION OF FISH AND WILDLIFE

WHEREAS, the Township of Cranbury adopted Ordinance 06-19-10, which authorizes the Township Committee to establish deer hunting seasons; and

WHEREAS, hunting on private property is authorized under State law with the permission of landowners, but Cranbury has never authorized a deer hunt on municipal property; and

WHEREAS, the Committee finds that there is a compelling need to establish deer hunting season in 2020, in accordance with the seasons established by the Division of Fish and Wildlife in the Department of Environmental Protection; and

NOW, THEREFORE, BE IT RESOLVED, the governing body for the Township of Cranbury has determined the Fischer Property, Updike Property, Frosztega Property, Reinhardt Forest Preserve and Hagerty Preserve shall be open for deer hunting, pursuant to Ordinance 06-19-10, as follows:

1. The deer hunting season shall be open in accordance with Regulation Set #8 promulgated by the New Jersey Division of Fish and Wildlife in the Department of Environmental Protections, attached to this resolution as though set out fully herein.
2. The application period shall begin August 11, 2020 and all applications must be post-marked and/or stamped 'received' by the Township no later than August 21, 2020.
3. For the 2020 hunting season established by this resolution, a maximum of 15 permits shall be issued - 4 for Fischer, 2 for Frosztega, 2 for Hagerty, 1 for Updike and 6 for Reinhardt. There shall be no application fee for the 2020 hunting season.
4. All hunting shall occur from mounted tree stands, which shall be constructed and removed at the sole cost of the permitted hunter.
5. The properties will be open only for bow seasons – Fall Bow, Permit Bow and Winter Bow. Hunters are required to harvest two antlerless deer before harvesting an antlered buck. There is no limit on antlerless deer. Across all three deer seasons, the maximum buck harvest is three, harvested in accordance with State law. The law allows one buck in each hunting season.

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Mayor Scott requested a motion to adopt the following Resolution. On a motion by Mr. Ferrante, seconded by Dr. Rogers the following Consent Resolutions were adopted by the following vote:

Ayes: (Ferrante
(Rogers
(Spann
(Scott

Abstain: (None
Absent: (Taylor

Nays: (None

Cranbury Township Resolution #R 08-20-096

**RESOLUTION AUTHORIZING USE OF MUNICIPAL PARKING
SPACES FOR TEMPORARY LIBRARY OPERATIONS**

WHEREAS, the Cranbury Public Library (the Library) is a free public library established pursuant to the laws of the State of New Jersey, N.J.S.A. 40:54-1 et seq.; and

WHEREAS, as a result of the coronavirus pandemic, the Library has had to move its operations to a temporary location and provide its services by way of a temporary trailer; and

WHEREAS, the Library would like to utilize a portion of Block 23, Lot 63.02, adjacent to Park Place West, for those temporary operations; and

WHEREAS, the lot is owned by Cranbury Housing Associates and the portion of the lot the library would like to utilize is subject to a parking easement dedicated to Cranbury Township for approximately eight public parking spaces; and

WHEREAS, the Township Committee has determined that the public interest in providing the Library with a temporary location for its operations outweighs the Township's need at this time for the parking spaces.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Cranbury hereby authorizes the Cranbury Public Library to utilize the municipal parking spaces located at Block 23, Lot 63.02, adjacent to Park Place West, for its temporary operations; provided that the Library obtains necessary approvals from the landowner, Cranbury Housing Associates, and provided further that the Library follows any conditions imposed for public safety by the Chief of Police.

BE IT FURTHER RESOLVED that this authorization is temporary, and shall be reviewed again by the Township Committee within one year of the date of adoption of this Resolution.

Public Comment

Mayor Scott opened the meeting to general public comment.

- Richard Kallan – Thanked the Department of Public Works for the work they did on removing fallen tree debris from the recent storm. He requested information on what caused the power outage on Wynnewood after the storm had ended which lasted over an eight-day timeframe. Ms. Marabello stated she was unaware of the cause and should not be related to the Public Works clean up. Mayor Scott to follow up with PSE&G.

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- Lorraine Morris – Ms. Morris advised of her concerns over the noise from idling trucks and her concerns for trucks parking on the vacant property of Chamberlin & Barclay. She added that the level of safety in the area has diminished and is concerned that there are no designated areas for truck drivers to park and legally rest. Ms. Marabello responded that Wayfair has made areas available for drivers, however, they are not always utilized. Mrs. Spann added that this should be referred to the County level for the Middlesex County Master Plan 2040. Dr. Rogers referred Ms. Morris to the Destination 2040 website for more information.
- Kathy Moralda– Ms. Moralda advised that the vacant property (Chamberlin & Barclay) has been marked with graffiti and has witnessed truck drivers using the location as a rest area. She has also witnessed fireworks in the area and stated that many residents in the area are concerned whether the contents of the fertilizer building have been removed. Many are concerned with the possibility of a fire. She thanked the efforts of the Police Departments but requested more police presence to monitor the vacant buildings. She also requested that an official confirm the contents of the fertilizer company have been removed. Ms. Marabello to speak to the Chief of Police regarding Police presence.

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

Action Items:

- Economic Development Advisory Committee Presentation September – Mayor Scott
- PSE&G Wynnewood Outage Follow-up – Mayor Scott
- Chamberlin-Barclay Ownership – Ms. Marabello
- Fireworks Follow-up with Office of Emergency Management – Ms. Marabello

Closed Session

Ms. Rubin read the following resolution by title. Mayor Scott requested a motion to adopt the following resolution. On a motion by Mr. Ferrante, seconded by Mrs. Spann and unanimously carried, the following Resolution was adopted by a vote:

Ayes: (Ferrante
(Rogers
(Spann
(Scott

Absent: (Taylor
Abstain: (None

Nays: (None

Cranbury Township Resolution # R 08-20-097

RESOLUTION TO CLOSE MEETING TO THE PUBLIC

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

The general nature of the subject to be discussed in this session is as follows:

--- N.J.S.A. 10:4-12b(8) matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion, or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that the matter or matters be discussed at a public meeting; or

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

The meeting moved into Closed Session at 8:27 p.m.

Mayor Scott made a motion to close the Closed Session and return to public session. Mrs. Spann seconded the motion. The motion passed unanimously on a voice vote of all members present. The meeting returned to public meeting at 8:53 p.m.

Adjourn

Mayor Scott requested a motion to adjourn. On motion by Mayor Scott, seconded by Mr. Ferrante and unanimously carried, the meeting adjourned at 8:53 p.m.

Debra A. Rubin, RMC
Municipal Clerk