

TOWNSHIP COMMITTEE REGULAR MEETING
March 22, 2021

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: Barbara Rogers, Matthew Scott, Evelyn Spann, Jay Taylor and Mayor Michael Ferrante. Also present were Denise Marabello, Township Administrator/CFO; Chief Michael Owens, Chief of Police; Scott Miccio, Township Attorney; and Debra Rubin, Municipal Clerk. Mayor Ferrante led in the salute to the flag, 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 8, 2020 and remote access information added on April 24, 2020, updated on June 18, 2020.

Filed on January 8, 2021 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, and updated June 18, 2020.

Sent to those individuals who have requested personal notice.

Ms. Rubin read the following additional statement:

Cranbury Township

Statement on Public Comment during Remote Meeting

The public may electronically submit questions or comments to twpclerk@cranbury-nj.com or in written letter form via mail to Cranbury Township Town Hall no later than 4:00 p.m. the day of the scheduled Committee Meeting. Name, address and phone or email must be included. Timely submitted questions or public comment shall be read aloud and addressed during the public meeting. Duplicate written comments may be summarized and noted for the record in a consistent manner.

To eliminate background noise so that all meeting participants may hear, please mute your microphone and remain in listening mode only. The Clerk will place all remote attendees on this platform on mute as well and will manage the order of the remote participant's comments. During public comment period(s), the Clerk will make an announcement that any remote participant seeking to comment must signify their intent by using the "raise hand" feature on Zoom. The Clerk will then unmute each participant individually when it is their designated time to speak. If you do not have a question or comment, please keep your microphone muted. Please unmute yourself only at the direction of the Clerk. All remote users must state their name and address at the beginning of his/her public comment.

Should a member of the public using the Zoom platform become disruptive, that individual will be kept on mute and receive a warning that continued disruption may result in their being prevented from speaking or removed from the meeting entirely. If time permits, the disruptive individual shall be allowed to speak after all other members of the public have been given the opportunity to speak.

The Township Committee will facilitate a dialogue with all commenters to the extent permitted by Zoom technology.

Public Hearing on Proposed 2021 Budget – Cranbury Township Resolution #R 02-21-048 -2021

Ms. Marabello presented the proposed 2021 budget which was previously introduced in February under Resolution R # 02-21-048– 2021 Municipal Budget. Ms. Marabello opened to the public for any questions on the 2021 Proposed budget. Seeing no questions from the public, Mr. Scott made a motion to adopt the proposed 2021 budget as presented and Mrs. Spann seconded. Ms. Rubin proceeded to roll call vote.

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After a roll call vote of all members present, the budget passed unanimously.

Approval of Minutes: Mayor Ferrante asked if any members of the Township Committee would like to address changes or amendments to the following minutes. Hearing none, Mayor Ferrante asked for a motion to adopt the following minutes as presented:

--Township Committee Regular Meeting Minutes of March 8, 2021

-- Township Committee Closed Session Meeting Minutes of March 8, 2021

On a motion by Mr. Taylor, seconded by Mrs. Spann, along with the following roll call vote of the members of the Township Committee;

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

Abstain: (None
Absent: (None

Nays: (None

the Township Committee Regular Meeting Minutes of March 8, 2021 and Township Committee Closed Session Meeting Minutes of March 8, 2021 were adopted.

**Reports and Communications
Members of Committee**

- Dr. Rogers – Dr. Rogers attended the Board of Health and Municipal Alliance meetings. She also reported on a meeting she attended regarding the Bicycle Network Plan and discussions on how to identify funding for the project.
- Mr. Scott – Mr. Scott met with the Economic Development Advisory Committee (EDAC) to discuss upcoming presentation before the Township Committee.
- Mrs. Spann – Mrs. Spann reported on the Zoning Committee and their work on several ordinances. She also attended the Historic Preservation Commission meeting. Mrs. Spann reported she will work with County and State officials regarding the timing of traffic signals in an effort to respond to concerns of residents on Wynnewood and Station Road and their speeding complaints. Mrs. Spann added The Elms has four residents celebrating their 100-year-old birthdays.
- Mr. Taylor – Mr. Taylor attended the Parks Commission and Recreation Commission meetings.

Mayor

- Mayor Ferrante – Mayor Ferrante announced he received a thank you from the Weeblos. He also announced a resolution would be prepared honoring the four (4) centenarians from the Elms to be on the next township committee meeting agenda. Mayor Ferrante reported the Helene Cody Foundation 5k race attendance will depend on COVID restrictions. He announced the Lions Club decided to have the Memorial Day Parade via remote access. He was asked to share a speech and he plans to encourage them to have an “in person” parade. Mayor Ferrante reported on the Library bidding process being finalized with groundbreaking scheduled for April 27th. He further announced Cranbury Township has the 2nd highest rate of vaccinated residents in the County. Mayor Ferrante ended with the topic of snow removal to be addressed and revisions to current regulations will continually be discussed in the upcoming year.

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Department Head

- Chief Owens gave his monthly report and reported the 1st quarterly report has been added to the township website. The new officers have finished their field training with the department and are now dispatched on patrol.
- Denise Marabello asked Mayor Ferrante for more information regarding the Memorial Day parade. Phyllis Johnson, Lions Club was present and answered that there would be no in person parade and would follow the same protocols as last year.

Follow up Items –

- Economic Development Advisory Council – Possibly schedule for agenda of April 12th
- Historic Preservation Commission - Possibly schedule for agenda of April 12th

Agenda Additions/Changes – None

Boards and Commission – Vacancies – None

Ordinances –

First Reading –

– Ms. Rubin read the following ordinance by title only.

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

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

Abstain: (None

Absent: (None
Nays: (None

CRANBURY TOWNSHIP ORDINANCE 03-21-03
AN ORDINANCE OF THE TOWNSHIP
OF CRANBURY AMENDING “AN ORDINANCE FIXING THE SALARIES, WAGES AND
BENEFITS FOR VARIOUS OFFICIALS AND EMPLOYEES OF THE TOWNSHIP OF
CRANBURY PROVIDING FOR THE MANNER OF PAYMENT THEREOF, AND RATIFYING
SALARIES AND PAYMENTS TO EMPLOYEES AND OFFICIALS PREVIOUSLY PAID

– Ms. Rubin read the following ordinance by title only.

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

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

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Abstain: (None

Absent: (None
Nays: (None

CRANBURY TOWNSHIP
ORDINANCE # 03-21-04

AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, IN MIDDLESEX COUNTY, NEW JERSEY,
AMENDING CHAPTER 150-29.3 OF THE TOWNSHIP CODE

– Ms. Rubin read the following ordinance by title only.

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

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

Abstain: (None

Absent: (None
Nays: (None

Cranbury Township Ordinance #03-21-05

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE TOWNSHIP OF CRANBURY, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$1,458,707.00 THEREFORE, FUNDING \$70,000 FROM CAPITAL SURPLUS, REAPPROPRIATING \$300,000.00 OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN VARIOUS CAPITAL ORDINANCES, AND AUTHORIZING THE ISSUANCE OF \$1,088,707.00 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

Second Reading – None

Resolutions – Consent

Mayor Ferrante asked the Township Committee if there were any questions or comments on the Consent Agenda items. Hearing none, Mayor Ferrante requested a motion to adopt the following Consent Resolutions. On a motion by Mrs. Spann, seconded by Dr. Rogers the following Consent Resolutions were adopted by the following vote:

Ayes: (Rogers
(Scott
(Spann
(Taylor

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(Ferrante

Abstain: (None

Absent: (None

Nays: (None

Cranbury Township Resolution #R 03-21-057

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 NO. 03-21-058

**RESOLUTION AUTHORIZING THE EXECUTION OF AGREEMENT
WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION TO
PERFORM WORK ALONG ROUTE 130**

WHEREAS, the New Jersey Department of Transportation (the "State") is preparing to do construction (the "Project") along Route 130 between Westfield Road in East Windsor and Main Street in Cranbury;

WHEREAS, the Project may require the construction of new, and/or the protection, relocation and/or adjustment of facilities of the existing sewer system which is owned and operated by "Cranbury Township-Sewer" (the "Utility");

WHEREAS, the State will, at its sole cost and expense, contract for and cause to be constructed, all items indicated in the State's contract plans and specifications for the Project, related to and existing proposed facilities owned and operated by the Utility;

WHEREAS, the State has requested that the Township enter into the attached Agreement (Exhibit A) to authorize the State to perform the required work for the Project;

WHEREAS, the State has requested that the Township pass a resolution to authorize execution of the attached Agreement;

WHEREAS, it is not anticipated that the Township of Cranbury will have to perform any work on the Project, with the exception of certain engineering costs, but if it does, the State will reimburse the Township for its actual costs for design, review, approval and inspection, for the protection, relocation or adjustment of its existing facilities necessary to accomplish the Project;

WHEREAS, the Utility's engineering costs incurred for the Project are eligible for reimbursement and are estimated to be \$2,000.00.

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WHEREAS, the State has requested that the Utility also execute a “Buy America Certificate of Compliance” (attached hereto as Exhibit B) to verify that the Utility will comply with the Federal Buy America requirements if it is required to purchase any materials for the Project;

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Cranbury authorizes the Township Mayor to execute the Agreement with the State, on behalf of the Utility, attached hereto as Exhibit A, and the “Buy America Certificate of Compliance,” attached hereto as Exhibit B.

Work Session

Cannabis NJ Legalization Law - Scott Miccio, Township Attorney, discussed the five (5) key considerations for municipal cannabis strategy when determining their choice of “opting-out” entirely and/or developing an ordinance to “opt-in” to one or more of the six (6) classes of licenses. He advised all municipalities must pass an ordinance that can prohibit or permit any of the licenses, however, it cannot prohibit delivery to a customer located within the township. He reported the township has 180 days from February 22, 2021 (August 21st deadline) to adopt an ordinance to “opt-out” or the consideration will automatically be as “opting in”. If the township does not “opt out” by the deadline they must wait five (5) years to adopt ordinance to “opt out”. Mr. Miccio also reminded the members that the previous resolution passed against recreational marijuana is now null and void. Legislation is continuing to evolve and an amendment has already been introduced to change an officer’s ability to interact with parents on first offense with a minor. The members provided various questions prior to the meeting for Mr. Miccio to address and others were discussed for him to further research and return for another Work Session to be scheduled in May. Those questions were prepared in real time with totality of the members and the Mayor will provide the list in its entirety to Mr. Miccio for follow-up.

Dr. Rogers provided negative impacts to the community provided by Joann Charwin, Municipal Alliance. Dr. Rogers deferred to Mrs. Charwin to discuss same information later in the meeting.

Mrs. Spann expressed her desire to want to hear from the Chairperson of the Municipal Alliance and did not want her subjected to the 3-minute public comment rule. Mayor Ferrante reminded Mrs. Spann that Mrs. Charwin did not provide information to be reviewed to the Township Committee members in order to be included as part of the Work Session presentation. Mayor Ferrante agreed to provide Mrs. Charwin with five minutes to summarize the Municipal Alliance concerns during the Work Session and not under Public Comment. Mrs. Spann agreed with Mayor Ferrante and said a motion. Dr. Rogers began to question the motion and it was restated. Mrs. Spann then asked for a second to her motion, which Mr. Taylor seconded the motion. Dr. Rogers questioned the motion again and Ms. Rubin restated the motion was for the Chairperson, Joann Charwin, to speak outside of public comment and during the work session and was to be given 5 minutes, as was suggested by the Mayor and agreed upon by Mrs. Spann. Once the motion was repeated, Ms. Rubin requested a roll call vote on the motion.

Ayes: (Rogers
 (Spann
 (Taylor

Abstain: (None
Absent: (None

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Nays: (Scott
(Ferrante

Ms. Marabello asked for clarification on the motion in order for everyone to confirm they understood what was voted upon. She asked if everyone was clear that it was voted to give five (5) minutes to Mrs. Charwin since she was not on the agenda. All members stated verbally they agreed with the motion. Mrs. Charwin said she was under the impression that she would have five-ten minutes, which will now cause her report to be shortened. She then began sharing points from Municipal Alliance against opting in. She reiterated that Cranbury Township already previously voted on no recreational marijuana ordinance in Cranbury. She stated concerns about businesses being grandfathered in after opting in, retail sales being allowed in drug free school zones and less notifications to parents with regards to minors and police contact. She read statistics about drug addiction and concerns for the youth and early intervention. There is no centralized reporting system for local police departments to share information in regards to minors and first offenses. She also stated neighboring states do not allow recreational marijuana and has concerns with people crossing state lines to purchase and use along with the added security that will be needed for the participating towns. Mr. Miccio explained pending legislation regarding parental notification is being corrected from current legislation in order for police to be able to alert parents on first offense.

Mr. Taylor asked for the list of issues to be prepared for Mr. Miccio to research. Mayor Ferrante kept the list in real time with input from all members.

- Omar Mobin-Uddin - Thanked the committee for being transparent and giving residents time for the input. Both the up and downsides need to be addressed before making a decision. An upside is the potential that licenses can bring in revenue. He asked if there was information on how much revenue the licenses would bring in for the township.
- Kevin Lowery – Thanked the Township Committee for having public input. He added that information researched years ago with regards to medicinal marijuana seems to have carried over for the current conversation. He stated that his research in the past as Municipal Alliance Chair, regarding smoking in public, was that unless smoking cigarettes was completely banned from a public area a person cannot be singled out as a medicinal marijuana user.
- John Zefutie – Thanked counsel for the presentation. He suggested that it is really quite simple, does Cranbury plan to make recreational marijuana legal? He certainly hopes not and the following consideration should be reviewed; it will change the character of Main Street having storefront with drug paraphernalia, the township will be putting kids in grave risk.
- Melissa Marshner – Stated she is strongly in favor of an ordinance that prohibits all six (6) licenses. She asked that the committee adopt the most prohibitive and strict ordinance under the law. She ended that she was unhappy that Mrs. Charwin was not permitted to speak at her leisure.
- David Marshner – He added on to previous speaker (spouse) that dispensaries raise crime and gave statistics found from State of Colorado. He is concerned that the township cannot opt out for five years if any licenses are permitted. He believes more studies need to be done before any decision, other than opting out, can be made. He stated he shared the concerns of his wife regarding Mrs. Charwin.
- Karen Callahan – Drug Free Zones were initially established as safe havens and now State of New Jersey made marijuana not a CDS. How does federal law consider cannabis, do they consider it as controlled dangerous substance? These substances cannot be within 1,000 feet of school zone or school property, which would include school buses. There are many bus stops through commercial zones and wants the township to take that into consideration before making any decision. She also added she would like to hear more from the Municipal Alliance.
- Steven Padhi - Cranbury community does not need a deeper drug culture. He believes it is wishful thinking that passing opting in will create tax revenues and generate economic development. He believes it will create more drug and health hazards. He believes retail sales

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will not fit into the community and can lead to other types of permissible establishments to enter, e.g., strip clubs, casinos, etc., though legal, are not a fit for Cranbury.

- Brendan Hanson – He stated there is no disputing that cannabis is a dangerous drug. The Township Committee needs to understand the various studies on the drug and the impact. The National Association of Realtors is not peer reviewed nor their reports regarding property values. He stated recreational drugs are already allowed in Cranbury by allowing a liquor store. He also believes it is already easy for children to obtain illegal marijuana. Mr. Hanson also pointed out that the County Clerk provided information that Cranbury residents voted 59.8% in favor of legalizing marijuana in the General Election public question of 2020.
- Dave Mauger – Thanked the township committee for the discussion and inviting comments from public. He stated his concern for a commitment and that the township should be cautious especially on the retail side regarding opting in. He recommended letting other towns lead the way and learn from them before we make decision on allowing any retail licensing. With proper research, that some of the other licenses may be acceptable for Cranbury, such as agricultural or transportation.
- Eman El-Badawi – The township has a young population and there is a need to protect them.
- Joe Buonovolanta – Disappointed in Mayor Ferrante and Mr. Scott for not letting Mrs. Charwin speak longer than 5 minutes. She has a lot of research and should be able to share it without a time restraint.
- Josh Kohut – What is timeline for decision making for Township Committee so public can remain involved?
- Katherine Jani – Thanked the committee for the opportunity for comments and believes it is imperative that public stay aware of the committee's thoughts and hopes there is future time where more information will be shared. She added she agreed that Mrs. Charwin's reports should be heard and not stopped at five minutes or placed during public comment.

Mr. Miccio stated another Work Session will be scheduled for further discussion followed by a draft of an ordinance for first and second reading.

Public Comment

Mayor Ferrante opened the meeting to general public comment.

- Mrs. Marschner – Asked if decision on cannabis goes to public referendum or how ordinance is adopted.
- Brendan Hanson- Recommended to Township Committee to be more transparent with public on what happened between Mrs. Charwin and Mayor regarding speaking time at tonight's meeting.
- Kellie Lavery – Suggested posting Mrs. Charwin's report to the Municipal Alliance website before next Work Session.
- Omar Mobin-Uddin – Parking at Heritage Park is limited and some park on Main Street, however, others who use the Park are parking on the grass which is not allowed. Can parking mirror parking on other side? Can it be looked into where grass is turned over into blacktop? Jay Taylor said adding more asphalt may take away from original vision which is why yellow paint lines was suggested.
- Sally O'Grady – Parks Commission – The Park Commission came up with 3 or 4 ideas regarding parking, but will try yellow stripe before paving to get off grass. Requested police presence to aid in keeping park users from parking on the grass.
- Joe Buonovolanta – Stated how upset he is that Mrs. Charwin was not allowed to speak longer.

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

Action Items:

- Station Road – Evelyn Spann will report back
- Parking – Heritage Park – DPW yellow stripe
- Snow Removal Ordinance – M. Ferrante
- Cannabis – M. Ferrante to forward questions gathered to Mr. Miccio

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Mayor Ferrante closed the meeting to public comment.

Matt Scott wanted to address what happened with Mrs. Charwin and the process of reviewing presentations. Mrs. Spann and Mr. Taylor disagreed. Mr. Scott added citing studies and data needs to be reviewed for validity.

Adjourn

Mayor Ferrante requested a motion to adjourn. On motion by Mr. Taylor, seconded by Dr. Rogers and unanimously carried, the meeting adjourned at 9:56 p.m.

Debra A. Rubin, RMC
Municipal Clerk