

The Minutes of the **Official Meeting** of the Township Committee of the Township of Cranford, County of Union, State of New Jersey on **August 16, 2016** at 8:00 p.m. in Council Chambers.

THIS MEETING IS IN COMPLIANCE WITH THE "OPEN PUBLIC MEETINGS ACT" AS ADEQUATE NOTICE OF THIS MEETING HAS BEEN PROVIDED BY MAILING THE ANNUAL SCHEDULE OF MEETINGS TO THE WESTFIELD LEADER, THE UNION COUNTY LOCAL SOURCE, THE STAR LEDGER, AND TAP INTO CRANFORD, BY POSTING SUCH ANNUAL MEETING SCHEDULE ON A BULLETIN BOARD IN THE TOWN HALL RESERVED FOR SUCH ANNOUNCEMENTS AND THE FILING OF SAID NOTICE WITH THE TOWNSHIP CLERK OF CRANFORD. FORMAL ACTION MAY BE TAKEN AT THIS MEETING.

PRESENT: Mayor Andis Kalnins
Deputy Mayor O'Connor
Commissioner John Mallon
Commissioner Thomas H. Hannen, Jr.

ABSENT: Commissioner Patrick F. Giblin

Township Attorney Diane Dabulas was absent. Daniel McCarthy, Esq. attended in Township Attorney Dabulas' absence.

INVOCATION AND FLAG SALUTE

The invocation was led by Deputy Mayor O'Connor, followed by the flag salute.

MINUTE APPROVAL

On motion of Commissioner Hannen, seconded by Commissioner Mallon and passed, the minutes of the Workshop Meeting of July 11, 2016, and the Conference and Official Meetings of July 12, 2016 were approved by the indicated vote of the Township Committee:

Recorded vote:

Aye: Mayor Kalnins, Deputy Mayor O'Connor, Commissioners Mallon and Hannen

Nay: None

Abstained: None

Absent: Commissioner Giblin

PAYMENT OF BILLS

On motion of Commissioner Mallon, seconded by Deputy Mayor O'Connor and passed, Bills List A dated August 16, 2016 totaling \$12,876,521.24, was approved for payment by the indicated vote of the Township Committee and is on file in the Office of the Township Clerk:

Recorded vote:

Aye: Mayor Kalnins, Deputy Mayor O'Connor, Commissioners Mallon and Hannen

Nay: None

Abstained: None

Absent: Commissioner Giblin

On motion of Commissioner Mallon, seconded by Deputy Mayor O'Connor and passed, Bills List B dated August 16 2016 totaling \$2,135.30, was approved for payment by the indicated vote of the Township Committee and is on file in the Office of the Township Clerk:

Recorded vote:

Aye: Mayor Kalnins, Deputy Mayor O'Connor, Commissioners Mallon and Hannen

Nay: None

Abstained: None

Absent: Commissioner Giblin

MAYORAL ANNOUNCEMENTS

Historic Preservation Advisory Board

Appointment of Victor Bary as a Class C Member of the Historic Preservation Advisory Board, effective August 25, 2016, to fill an unexpired term ending December 31, 2017

INFORMAL MEETING

Mayor Kalnins opened the informal meeting portion of the meeting and asked if there were any questions or comments. Hearing no comments, Mayor Kalnins closed the informal meeting portion of the meeting.

ORDINANCES – Final Reading and Public Hearing

Ordinance No. 2016-16:

The Township Clerk read by title only Ordinance No. 2016-16 entitled, "AN ORDINANCE TO REVISE THE LAND DEVELOPMENT CODE CHAPTER 136 REGARDING DESIGN STANDARDS FOR SIGNS CONTAINED IN SECTIONS 136-23(H) OF THE CODE OF THE TOWNSHIP OF CRANFORD"

Said ordinance having been advertised and posted in accordance with law, Commissioner Mallon opened the public hearing. Hearing no comments, Commissioner Mallon closed the public hearing. On motion of Commissioner Mallon seconded by Deputy Mayor O'Connor and passed, said ordinance was adopted by indicated vote of the Township Committee:

Recorded vote:

Aye: Mayor Kalnins, Deputy Mayor O'Connor and Commissioner Mallon

Nay: Commissioner Hannen

Abstained: None

Absent: Commissioner Giblin

Ordinance No. 2016-19:

The Township Clerk read by title only Ordinance No. 2016-19 entitled, "AN ORDINANCE REVISING CHAPTER 42 REGARDING POLICE OF THE CODE OF THE TOWNSHIP OF CRANFORD"

Said ordinance having been advertised and posted in accordance with law, Deputy Mayor O'Connor opened the public hearing. Hearing no comments, Deputy Mayor O'Connor closed the public hearing. On motion of Deputy Mayor O'Connor seconded by Commissioner Mallon and passed, said ordinance was adopted by indicated vote of the Township Committee:

Recorded vote:

Aye: Mayor Kalnins, Deputy Mayor O'Connor and Commissioner Mallon

Nay: Commissioner Hannen

Abstained: None

Absent: Commissioner Giblin

Ordinance No. 2016-20:

The Township Clerk read by title only Ordinance No. 2016-20 entitled, "AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF CRANFORD TO VACATE A PORTION OF THE CURB AND SIDEWALK ABUTTING SOUTH UNION AVENUE ROAD CLOSING AND EASTMAN STREET IN THE TOWNSHIP OF CRANFORD"

Said ordinance having been advertised and posted in accordance with law, Commissioner Mallon opened the public hearing. Hearing no comments, Commissioner Mallon closed the public hearing. On motion of Commissioner Mallon seconded by Deputy Mayor O'Connor and passed, said ordinance was adopted by indicated vote of the Township Committee:

Recorded vote:

Aye: Mayor Kalnins, Deputy Mayor O'Connor, Commissioners Mallon and Hannen

Nay: None

Abstained: None

Absent: Commissioner Giblin

Ordinance No. 2016-21:

The Township Clerk read by title only Ordinance No. 2016-21 entitled, "AN ORDINANCE TO AMEND CHAPTER 136 LAND DEVELOPMENT, ARTICLE V ZONING, SECTION 136-31D "SUPPLEMENTAL ZONE DISTRICT REGULATIONS - YARD REGULATIONS" OF THE CODE OF THE TOWNSHIP OF CRANFORD"

Said ordinance having been advertised and posted in accordance with law, Commissioner Mallon opened the public hearing. Hearing no comments, Commissioner Mallon closed the public hearing. On motion of Commissioner Mallon seconded by Deputy Mayor O'Connor and passed, said ordinance was **AMENDED** by indicated vote of the Township Committee:

Recorded vote:

Aye: Mayor Kalnins, Deputy Mayor O'Connor, Commissioners Mallon and Hannen

Nay: None

Abstained: None

Absent: Commissioner Giblin

On motion of Commissioner Mallon seconded by Deputy Mayor O'Connor and passed, said ordinance was **ADOPTED AS AMENDED** by indicated vote of the Township Committee:

Recorded vote:

Aye: Mayor Kalnins, Deputy Mayor O'Connor, Commissioners Mallon and Hannen

Nay: None

Abstained: None

Absent: Commissioner Giblin

Ordinance No. 2016-22:

The Township Clerk read by title only Ordinance No. 2016-22 entitled, "AN ORDINANCE TO AMEND CHAPTER 124 "HOURS OF OPERATION" OF THE CODE OF THE TOWNSHIP OF CRANFORD"

Said ordinance having been advertised and posted in accordance with law, Commissioner Mallon opened the public hearing.

Jason Tuvel, attorney representing Seven-Eleven Inc., informed the Township Committee of a pending application before the Zoning Board of Adjustment for a Seven-Eleven convenience store. Discussed the benefits of twenty-four (24) hour businesses. Also discussed the legal standards concerning hours of operation and explained that business operations are a constitutional property right and evidence/data is required in order to restrict hours of operation. Discussed an Open Public Records Act (OPRA) request that was submitted for notes, data, etc. related to Ordinance No. 2016-21, and stated that it is his understanding that no such records exist. Requested that the Township Committee postpone the adoption of Ordinance No. 2016-22 and allow businesses to open and operate under the Township's current ordinance, with the proper measures in place, and if problems occur, the ordinance could be revisited at the appropriate time, with the appropriate data collected.

Peter McArthur, Azrack & Associates, 627 Newark Pompton Turnpike, Pompton Plains, spoke on behalf of Quick Chek, Corp., and informed the Township Committee that Quick Chek is currently a land use applicant in Cranford. Feels Ordinance 2016-22 is unconstitutional "on its face", and as it applies specifically to his client and the property. Stated that there are witnesses present to provide testimony concerning Quick Chek's application.

Township Attorney McCarthy explained that this is a public hearing for an ordinance, not a trial or a hearing before a land use board. Anyone is permitted to speak on the ordinance, but testimony is not taken.

Mr. McArthur stated that he has been permitted to present testimony in other municipalities and asked that his opposition to Mr. McCarthy's opinion be noted for the record.

Tung-to Lam, Bohler Engineering, stated that he has reviewed the ordinance and the proposed requirements for convenience stores and gasoline service stations located within 200 feet of a residential area. Does not feel noise would be a factor because noise from the existing roadway far exceeds noise that would be created by the business' operation. Also stated that the applicant has complied with state regulations if there are safety concerns with the gas station.

Township Attorney McCarthy Mr. Lam's comments are more appropriate for a land use board and requested that his comments be related to the nature of the ordinance pending before the Township Committee.

Peter McArthur, Azrack & Associates, 627 Newark Pompton Turnpike, Pompton Plains, reiterated his prior comment, stating that the ordinance is unconstitutional as applied to the application and the property.

Matthew Seckler, Senior Project Manager, Stonefield Engineering Design, 75 Orient Way, Rutherford, New Jersey, discussed a traffic study that was conducted in connection with the Quick Chek application. Explained that this type of use basically "lives" off of the traffic on the roadways around it because it is not a destination use, such as a movie theater or a restaurant. Also feels there would be little impact to traffic during the overnight hours and no pedestrian traffic would be generated. As such, feels there would be very little impact to the residences within 200 feet of the site. Overall, feels the operation during the overnight hours would have little impact to traffic and noise from vehicles.

John McDonough, Professional Planner, stated that he testified on behalf of the Quick Chek application at the Zoning Board of Adjustment meeting a few weeks back. Discussed the criteria Planner's use when establishing an ordinance. Feels the Quick Chek application is a good application because it is repurposing a blighted, underutilized building along the corridor, which is in line with the Township's Master Plan and the land use ordinance adopted in 2014.

Mr. McCarthy explained that the Township Committee is not considering Quick Chek's land use application, and is prohibited from doing so. Further explained that the ordinance being considered by the Township Committee is not a land use ordinance.

Mr. McDonough feels that Ordinance 2016-22 is a "de facto" land use ordinance because it impacts use and distances, which are two of the core reasons why land is regulated in New Jersey. Feels a twenty-four (24) hour business provides a public benefit. Discussed statistics for commuting times and stated that commuting has increased during the hours between 12:00 AM and 6:00 AM. Also discussed overnight and shift workers, such as first responders and hospital workers, who depend upon twenty-four (24) hour businesses. Feels the Township Committee should carefully consider this ordinance.

Peter McArthur, Azrack & Associates, 627 Newark Pompton Turnpike, Pompton Plains, discussed the provision of Ordinance 2016-22 as it relates to the location of a gasoline service station and convenience store within 200 feet of a residence and case law related to that provision.

Mayor Kalnins provided clarification and explained to Mr. McArthur that the ordinance does not restrict gas stations and convenience stores from being located within 200 feet of a residence, it restricts the hours of operation if they are located within 200 feet of a residence.

Mr. McArthur stated that he respectfully disagrees with Mayor Kalnins' comment. Discussed the "essence" of the conditional use concept and feels the Quick Chek application is being "arbitrarily and automatically excluded from eligibility of the conditional use standard section of the ordinance". Discussed testimony he provided to the Zoning Board of Adjustment concerning this application. Also stated that he believes Ordinance 2016-22 violates the Time of Application Rule, explaining that that the ordinance changes the application from a conditional use variance to a use variance during the pendency of the proceeding, which is illegal pursuant to land use law. Feels, if adopted, Ordinance 2016-22 would discriminate against Quick Chek in favor of a competitor. Also referred to reports submitted by the Cranford Fire Department and Cranford Police Department concerning Quick Chek's application which indicate that there would be no issue with overnight hours. Respectfully requested that the Township Committee refrain from adopting Ordinance 2016-22.

Marla Sattler, 812 Springfield Avenue, stated that she has been a resident of Cranford for twenty (20) years, and has no need to utilize a twenty-four (24) hour business. Stated that she is opposed to a Seven-Eleven or twenty-four (24) hour business in her neighborhood. Stated that if this was a question on the ballot, she would vote against it.

Wendie Walsh, 24 Lincoln Avenue, referenced comments by previous speakers as to Ordinance 2016-22 being unconstitutional. Feels residents also have constitutional rights. Stated that she lives three doors from the proposed location of the Seven-Eleven, and disagrees with statements that this business would have no impact to noise. Explained that if this ordinance is not adopted, future and existing businesses would want twenty-four (24) hour operations. Requested clarification as to who monitors the security measures outlined in the ordinance. Also asked if individuals working from home were included in the statistics provided by a previous speaker. Stated that she is opposed, for the record, to twenty-four (24) hour businesses.

Jason Tuvel, attorney representing Seven-Eleven Inc., stated that the ordinance is unclear as to enforcement of existing stores and applications that have already been filed. Stated that Seven-Eleven reserves its rights as to invoking the Time of Application rule.

Commissioner Hannen referred to Mr. Tuvel's previous statement concerning the benefits of twenty-four (24) hour businesses and asked Mr. Tuvel if he could provide information concerning the proximity of Seven-Eleven stores in other communities that border Cranford.

Mr. Tuvel stated that he would have to obtain that data from Seven-Eleven, Inc.

Commissioner Hannen discussed Seven-Eleven stores in neighboring towns, stating that he is uncertain as to their proximity to Cranford's border, and that he is interested in this information. Feels those stores in close proximity to Cranford currently provide the benefits described by Mr. Tuvel.

Mr. Tuvel explained that regardless of the proximity of other Seven-Eleven stores to Cranford, the Township Committee does not have the right to adopt an ordinance restricting the hours of a business without obtaining data that demonstrates there is a problem or a public need to restrict hours of operation. Feels the issue should be revisited if problems are created from twenty-four (24) hour businesses. This would also allow the Township to collect the proper data.

Marla Sattler, 812 Springfield Avenue, referred to Mr. Tuvel's previous comment and feels it would be a mistake to allow something to move forward and address the problems that are created after the fact.

Mayor Kalnins provided clarification of the ordinance and explained that the Township currently allows twenty-four (24) hour businesses. The ordinance being proposed would restrict the hours of operation between the hours of 12:00 AM and 5:00 AM if those businesses are located within 200 feet of a residence.

Peter McArthur, Azrack & Associates, 627 Newark Pompton Turnpike, Pompton Plains, provided the Township Committee with an exhibit demonstrating the proximity of the proposed Quick Chek to residential and commercial sites.

Commissioner Hannen asked if Mr. McArthur is aware of the location of Quick Chek stores and other convenience stores in proximity to Cranford.

Mr. McArthur stated that he is not aware of those stores in proximity to Cranford.

Wendie Walsh, 24 Lincoln Avenue, discussed the proximity of convenience stores in other municipalities to Cranford and stated that they are less than one mile from Cranford.

Mayor Kalnins explained that this ordinance does not pertain to any specific location or application that might be before another board. It also does not ban the use of convenience stores or gas stations, it pertains to hours of operation and only in certain areas that are considered to be characteristic of residential neighborhoods. Lastly, the state law defers planning use to the municipality, and the Township enacts land use ordinances which are within the overall character of the municipality.

Mr. McCarthy also explained that Ordinance 2016-22 is not a land use ordinance, otherwise it would have been referred to the Planning Board. It is an ordinance that is enacted under the Township's general police powers.

Hearing no further comments, Commissioner Mallon closed the public hearing.

On motion of Commissioner Mallon seconded by Deputy Mayor O'Connor and passed, said ordinance was adopted by indicated vote of the Township Committee:

Recorded vote:

Aye: Mayor Kalnins, Deputy Mayor O'Connor, Commissioners Mallon and Hannen

Nay: None

Abstained: None

Absent: Commissioner Giblin

ORDINANCES – Introduction

Ordinance No. 2016-23:

The Township Clerk read by title only Ordinance No. 2016-23 entitled, "AN ORDINANCE AMENDING AND SUPPLEMENTING CERTAIN SECTIONS OF THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF CRANFORD COUNTY OF UNION, STATE OF NEW JERSEY CHAPTER 136 "LAND DEVELOPMENT"'"

Said ordinance was approved on first reading on motion of Commissioner Mallon, seconded by Deputy Mayor O'Connor, and passed by the indicated vote of the Township Committee:

Recorded vote:

Aye: Mayor Kalnins, Deputy Mayor O'Connor, Commissioners Mallon and Hannen

Nay: None

Abstained: None

Absent: Commissioner Giblin

Final Reading and Public Hearing for Ordinance No. 2016-23 to be held September 27, 2016.

RESOLUTIONS – By Consent Agenda

On motion of Commissioner Mallon, seconded by Commissioner Hannen and passed, the following resolutions were adopted by consent agenda:

Resolution No. 2016:264:

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION – N.J.S.A. 40A: 4-87

WHEREAS, N.J.S.A. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an appropriation for the equal amount;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Cranford in the County of Union, New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2016 in the sum of \$7,456.02 which is now available as a revenue from Statewide Insurance Fund for the Safety Grant Program, pursuant to the provision of the statute; and

BE IT FURTHER RESOLVED that the like sum of \$7,456.02 is hereby appropriated under the caption "Safety Grant Program"; and

BE IT FURTHER RESOLVED that the above is a result of a grant of \$7,456.02 from Statewide Insurance Fund.

Resolution No. 2016-265:

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION – N.J.S.A. 40A: 4-87

WHEREAS, N.J.S.A. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an appropriation for the equal amount;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Cranford in the County of Union, New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2016 in the sum of \$150,000.00 which is now available as a revenue from Union County for Union County Memorial Field, pursuant to the provision of the statute; and

BE IT FURTHER RESOLVED that the like sum of \$150,000.00 is hereby appropriated under the caption "Union County Memorial Field"; and

BE IT FURTHER RESOLVED that the above is a result of a grant of \$150,000.00 from Union County.

Resolution No. 2016-266:**RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION – N.J.S.A. 40A: 4-87**

WHEREAS, N.J.S.A. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an appropriation for the equal amount;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Cranford in the County of Union, New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2016 in the sum of \$5,000.00 which is now available as a revenue from The State of New Jersey Drive Sober or Get Pulled Over Statewide Labor Day Crackdown, pursuant to the provision of the statute; and

BE IT FURTHER RESOLVED that the like sum of \$5,000.00 is hereby appropriated under the caption “Drive Sober or Get Pulled Over”; and

BE IT FURTHER RESOLVED that the above is a result of a grant of \$5,000.00 from The State of New Jersey.

Resolution No. 2016-267:

WHEREAS, Angelo Pellino, employee within the Department of Public Works, is qualified for a leave of absence pursuant to the Federal Family Medical Leave Act (FMLA), New Jersey Family Leave Act (NJFLA) and the New Jersey Paid Family Leave Act (NJPFLA).

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Cranford that Angelo Pellino is approved for a FMLA/NJFLA/NJPFLA leave of absence beginning August 24, 2016 and ending November 2, 2016, using accumulated time as available as employee so elects;

BE IT FURTHER RESOLVED that Angelo Pellino shall comply with all provisions of law during the FMLA/NJFLA/NJPFLA leave of absence, including providing all required medical proofs.

Resolution No. 2016-268:**RESOLUTION AWARDING CONSTRUCTION CONTRACT FOR THE 2016 CRANFORD ROAD PROGRAM FUNDED BY UNION COUNTY INFRASTRUCTURE TRUST GRANT AND THE UNION COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT AND A BOND ORDINANCE PROVIDED BY THE TOWNSHIP OF CRANFORD, UNION COUNTY, NEW JERSEY**

WHEREAS, Wednesday, August 10, 2016 at 10:00 am, bids were opened in the presence of the Carl P. O’Brien, PE, Township Engineer and the Township Clerk, Tara Rowley; and

WHEREAS, there were ten (10) bids received with the low bidder of the Base Bid plus Alternate Bid ‘B’ plus Alternate Bid ‘C’ for the projects being Mark Paving Co., 77 Cutters Dock Road, Woodbridge, NJ 07095, with a total price of \$1,640,148.69; and

WHEREAS, Maser Consulting P.A. and other appropriate Township Officials have reviewed the bids and recommend award of contract for this project to Mark Paving Co.; and

WHEREAS, the Chief Financial Officer reviewed the available funding for the improvements and has certified that sufficient funds are available within the current and/or previously adopted budget for said purpose by way of **Bond Ordinance O-16-12**; and

WHEREAS, this Project is partially funded by Union County Infrastructure Trust Grant, partially funded by the Union County Community Development Block Grant and the remainder by way of a capital improvements bond ordinance stated herein as provided by Township of Cranford; and

WHEREAS, this project is in the best interest of the health, safety and welfare of the general public in the Township of Cranford.

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of Cranford, Union County, New Jersey that the above referenced construction project is awarded to Mark Paving Co., 77 Cutters Dock Road, Woodbridge, NJ 07095, with a total bid price of **\$1,640,148.69 for the Base Bid, Alternate Bid ‘B’, and Alternate Bid ‘C’**; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

Resolution No. 2016-269:

WHEREAS, on August 13, 2013, the Township of Cranford authorized an award of contract with Aquatic Services, Inc. for the winterizing and start up of the Centennial Avenue Outdoor Pools and Orange Avenue Outdoor Pool for the 2013-2014 season; and

WHEREAS, the Township of Cranford has exercised the initial two (2) year contract term and based on the bid specifications there is an option of two (2) additional one (1) year extensions of the term of the contract pursuant to N.J.S.A. 40A: 11-15; and

WHEREAS, approval of an additional one year extension of said contract would be for a fourth year (2016-2017); and

WHEREAS, pursuant to this statute any price change included as part of an extension shall be based upon the price of the original contract as cumulatively adjusted pursuant to any previous adjustment or extension and shall not exceed the change in the index rate for the twelve (12) months preceding the most recent quarterly calculation available at the time the contract is renewed; and

WHEREAS, the Township finds that the work Aquatic Services, Inc. has performed has been done in an effective and efficient manner; and

WHEREAS, Charles E. Meade, Jr., President of Aquatic Service, Inc. wishes to extend the contract for one (1) additional year; and

WHEREAS, the Chief Financial Officer and Director of Finance have certified as to the availability of funds which is on file in the Office of the Township Clerk;

NOW, THEREFORE, BE IT RESOLVED by the Township of Committee of the Township of Cranford:

1. That the aforementioned contract between the Township of Cranford and Aquatic Services, Inc. be, and hereby is, extended to include the 2016-2017 season; and
2. That the sum to be paid to the Contractor for the 2016-2017 season is \$55,039.07, an increase of \$273.83 or .5% which is the index rate for the 1st quarter of 2016 (January, February, March) calculated from the latest quarterly information available; and
3. That the terms and conditions of the contract remain substantially the same; and
4. That the Mayor and Township Clerk be, and hereby are, authorized to sign a contract renewing it for one (1) year for with Aquatic Services, Inc. for the winterizing and start up of the Centennial Avenue Outdoor Pools and Orange Avenue Outdoor Pool.

Resolution No. 2016-270:

WHEREAS, on or about October 17, 2012 the Township of Cranford entered into a contract with Giordano Company, for Garbage Removal Service for Municipal Buildings and Grounds; and

WHEREAS, the Township of Cranford has exercised the initial three (3) year contract term and based on the bid specifications there is an option of two (2) additional one (1) year extensions of the term of the contract pursuant to N.J.S.A. 40A: 11-15; and

WHEREAS, approval of an additional one year extension of said contract would be for a fifth year (2017); and

WHEREAS, pursuant to this statute any price change included as part of an extension shall be based upon the price of the original contract as cumulatively adjusted pursuant to any previous adjustment or extension and shall not exceed the change in the index rate for the 12 months preceding the most recent quarterly calculation available at the time the contract is renewed; and

WHEREAS, the Township finds that the work Giordano Company has performed has been done in an effective and efficient manner; and

WHEREAS, the Giordano Company., wishes to extend the contract for one (1) additional year; and

WHEREAS, the Director of Finance and the Chief Financial Officer have certified as to the availability of funds which is on file in the Office of the Township Clerk; and

NOW, THEREFORE, BE IT RESOLVED by the Township of Committee of the Township of Cranford that:

1. The aforementioned contract between the Township of Cranford and Giordano Company be, and hereby is, extended to include the year 2017; and
2. The sum to be paid to the Contractor for the year 2017 is \$43,000 same as the previous year 2016; and
3. The terms and conditions of the contract remain substantially the same; and
4. The Mayor and Township Clerk be, and hereby are, authorized to sign a contract renewing it for one (1) year for with **Giordano Company, 142-156 Frelinghuysen Avenue, Newark, New Jersey, 07114**, for Garbage Removal Service for Municipal Buildings and Grounds.

Resolution No. 2016-271:

WHEREAS, the Chief Financial Officer has certified to the availability of funds which is on file in the Office of the Township Clerk.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Cranford that Jesco be and hereby is awarded a contract for the purchase of new John Deere 544K loader with a contract price of \$171,970.56 under the MRESC state approved CO-OP 15/16-08.

Resolution No. 2016-272:

WHEREAS, the Chief Financial Officer has certified to the availability of funds which is on file in the Office of the Township Clerk.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Cranford that Jesco be and hereby is awarded a contract for the purchase of new John Deere 310SL HL backhoe loader with front coupler with a contract price of \$104,456.84 under the MRESC state approved CO-OP 15/16-08.

Resolution No. 2016-273:

WHEREAS, the Chief Financial Officer has certified to the availability of funds which is on file in the Office of the Township Clerk.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Cranford that Bucks County International be and hereby is awarded a contract for the purchase of new dump truck chassis with a contract price of \$73,955.00 under state contract # T-2787.

Resolution No. 2016-274:

WHEREAS, the Township Committee of the Township of Cranford authorized a lease with the option to purchase cardiovascular fitness equipment for the Cranford Fitness Center located at the Centennial Avenue Pool Complex through Resolution 2011-238; and,

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, N.J. S. A. 40A:11-12; and,

WHEREAS, Marlin Leasing Corp., 300 Fellowship Road, Mount Laurel, NJ 08054 (formerly Fitness Lifestyles, Inc., 614 Cookman Avenue, Asbury Park, NJ 07712) was awarded a leasing contract for cardiovascular fitness equipment for the Centennial Avenue Pool Complex; and,

WHEREAS, the lease with an option to purchase cardiovascular fitness equipment had been authorized for \$1,909.59 per month for 60 months with a \$1.00 buyout for a total cost of \$114,576.40; and

WHEREAS, the Chief Financial Officer has certified that all funds for this contract have been expended, and Marlin Leasing Corp. (formerly Fitness Lifestyles, Inc.) has provided documentation to show the account has been paid in full.

NOW THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Cranford, at a meeting held August 16, 2016, does hereby approve the final purchase of cardiovascular fitness equipment for the Cranford Fitness Center at a total expended cost of \$114,575.40 with a \$1.00 buyout for a total cost under state contract #66830 of \$114,576.40.

Resolution No. 2016-275:

BE IT RESOLVED, by the Township Committee of the Township of Cranford, that the Township Clerk be, and hereby is, authorized to advertise for bids for the following:

1. Provision of **2017 POLICE VEHICLES** for the Cranford Police Department and Cranford Police Cooperative Pricing System ID# 47-CPCPS;
2. Renovations to the Centennial Avenue pool and fitness center;
3. Year 2016 leaf material trucking & hauling;
4. Provision of milling attachment for Department of Public Works; and
5. Provision of LED lights for Downtown Cranford.

Resolution No. 2016-276:

BE IT RESOLVED by the Township Committee of the Township of Cranford at a meeting held August 16, 2016, that the following alcoholic beverage licenses be, and hereby are, renewed for the term 2016-2017:

RETAIL CONSUMPTION LICENSES

2003-33-006-004 Cranford Hotel, Inc.
T/A Cranford Hotel, Inc.
1 South Union Avenue

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the NJ Division of Alcoholic Beverage Control.

Resolution No. 2016-277:

BE IT RESOLVED that the Township Committee of the Township of Cranford hereby authorizes the closure of Thomas Street from Cummings Street to Lincoln Avenue on Saturday, September 17, 2016 from 12:00 PM to 10:00 PM for the Centennial Village Music Fest.

Resolution No. 2016-278:

BE IT RESOLVED by the Township Committee of the Township of Cranford on the 16th day of August 2016 that the following checks will be refunded by the Tax Collector to the lien holder according to statutory requirements:

Redemption of Certificate #15-00005

Block 183 Lot 8
US Bank as Custodian for BV001 Trst & Crdt
50 South 16 St. Suite 2050
Philadelphia, PA. 19102-2513

Refund: \$134,962.59
(6-01-55-000-010-029)
Premium: \$178,100.00
(T-15-00-000-106-000)

Redemption of Certificate #15-00010

Block 266 Lot 1.03/C0207
DTW Associates, LLC
1355 Martine Ave.
Plainfield, N.J. 07060

Refund: \$419.41
(6-01-55-000-010-029)
Premium: \$300.00
(T-15-00-000-106-000)

Redemption of Certificate #15-00023

Block 407 Lot 4
US Bank as Custodian for Phoenix
50 South 16th St. Suite 2050
Philadelphia, Pa. 19102

Refund: \$14,278.53
(6-01-55-000-010-029)
Premium: \$23,000.00
(T-15-00-000-106-000)

Resolution No. 2016-279:

BE IT RESOLVED by the Township Committee of the Township of Cranford on the 16th day of August 2016 that the Tax Collector has been authorized to refund 2016 tax payments for reason noted:

DUPLICATE TAX PAYMENT

Block 511 Lot 1
WP Cranford, LLC
100 Passaic Ave. Ste#240
Fairfield, NJ 07004

Refund: \$223,582.98
(6-01-55-000-010-025)

Block 503 Lot 19
Christopher Lyon & Margaret Renahan
311 High St.
Cranford, NJ 07016

Refund: \$2,160.95
(6-01-55-000-010-025)

Resolution No. 2016-280:

BE IT RESOLVED by the Township Committee of the Township of Cranford on the 16th day of August, 2016 that the Tax Collector has been authorized to refund overpayment for reason noted:

State Appeal Judgment:

Block 476 Lot 2.01
East Coast Cranford Crossing, LLC
Todd Richman % Morgan Properties
160 Clubhouse Road
King of Prussia, PA. 19406

Refund for 2015: \$ 107,903.46
6-01-55-000-010-028)

Block 474 Lot 4.03
East Coast Cranford Crossing, LLC
Todd Richman % Morgan Properties
160 Clubhouse Road
King of Prussia, PA. 19406

Refund for 2015: \$ 178,881.35
(6-01-55-000-010-028)

Block 510 Lot 14
Mc Carter & English, LLP
100 Mulberry St.
Four Gateway Center
Newark, NJ 07102

Refund for 2015: \$20,303.50
(6-01-55-000-010-028)

Block 198 Lot 5
Philip M. Krevsky Esq.
P.O. Box 99
123 North Union Ave.
Cranford, NJ 07016

Refund for 2013: \$1,341.27
(6-01-55-000-010-028)

Block 534 Lot 1
Michael Vespasiano/Attorney Trust
331 Main Street
Chatham, NJ 07928

Refund for 2011: \$41,788.22
(6-01-55-000-010-028)

Resolution No. 2016-281:

BE IT RESOLVED by the Township Committee of the Township of Cranford on the 16th day of August 2016 that the Tax Collector has been authorized to refund overpayments due to the fact that the tax and sewer accounts no longer exist:

TAX OVERPAYMENT

Block 517 Lot 6
Somma PGCAN, LLC
101 Hampton Street
Cranford, NJ 07016

Refund: \$1,879.53
(6-01-55-000-010-025)

Block 517 Lot 7
Somma PGCAN, LLC
101 Hampton Street
Cranford, NJ 07016

Refund: \$11,053.81
(6-01-55-000-010-025)

SEWER OVERPAYMENT

Block 517 Lot 7 Account # 6568-0
 Account # 6568-1
 Account # 6568-2

Somma PGCAN, LLC
101 Hampton Street
Cranford, NJ 07016

Refund: \$ 70.00
Refund: \$158.24
Refund: \$ 75.25
(6-01-55-000-010-026)

Resolution No. 2016-282:

BE IT RESOLVED by the Township Committee of the Township of Cranford at a meeting held August 16, 2016 that Patricia Cullen be and hereby is designated as Scribe for the Cranford Planning Board and Cranford Board of Adjustment effective July 1, 2016; and

BE IT FURTHER RESOLVED that the Township Committee be and hereby authorizes an annual stipend in the amount \$5,000 per board in connection with said designation.

Resolution No. 2016-283:

WHEREAS disputes and differences have arisen between Dean Russumano with respect to the Township of Cranford's reimbursement to premiums for his Group Health Insurance Policy with the State Health Benefits Plan ("SHBP") pursuant to the Union Agreement; and

WHEREAS the parties have agreed to amicably resolve, settle and compromise all disputes and differences they have or may have arising out of facts or occurrences existing as of this date, known or unknown, regarding the Township of Cranford's reimbursement of 80% of premiums for Dean Russumano's and his wife's Group Health Insurance Policy with the SHBP pursuant to the Union Agreement.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Cranford hereby authorizes the Mayor and Township Clerk to execute a Settlement Agreement with Mr. Russumanno governing the terms and conditions of the agreement between the parties substantially in the form attached hereto and subject to approval by the Township Attorney.

Resolution No. 2016-284:

BE IT RESOLVED that the Township Committee of the Township of Cranford be and hereby accepts, with regrets, the resignation of Carolyn Youngs as a Class C member of the Historic Preservation Advisory Board effective August 25, 2016.

Resolution No. 2016-285:

BE IT RESOLVED that the Township Committee of the Township of Cranford be and hereby accepts, with regrets, the resignation of Shirley Gazsi as an Associate member of the Historic Preservation Advisory Board effective August 25, 2016.

Resolution No. 2016-286:

RESOLUTION AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT WITH THE COUNTY OF UNION AND THE TOWNSHIP OF CRANFORD TO REPLACE AND REPAIR THE TRAFFIC SIGNAL AT THE INTERSECTION OF RARITAN ROAD/ DEWITT TERRACE/ MOEN AVENUE

WHEREAS, The County of Union, the Township of Cranford and the City of Linden wish to upgrade the traffic signal at the intersection of Raritan Road /DeWitt Terrace/ Moen Avenue by sharing in the cost to replace and repair the traffic signal; and

WHEREAS, The County of Union, the Township of Cranford and the City of Linden intend to enter into a Shared Services Agreement pursuant to N.J.S.A 40A:65-4 as described herein; and

WHEREAS, the main purpose of this Shared Service Agreement is upgrade the aforementioned traffic signal, with an approximate cost of \$12,689, of which the County of Union will contribute the sum of \$5,000 and both the City of Linden and the Township of Cranford will contribute the sum of \$3,844.50.

WHEREAS, the Township Committee of the Township of Cranford find it to be in the best interest of the Township and its residents to enter into this Shared Services Agreement with the County of Union and the City of Linden for the upgrade of the aforementioned traffic signal.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Cranford, in the County of Union, and the State of New Jersey that the Shared Services Agreement with the County of Union and the City of Linden for the upgrade of the aforementioned traffic signal be and hereby is approved.

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized to execute all documents to effectuate the purposes herein above expressed; and

BE IT FURTHER RESOLVED that this Resolution shall take effect pursuant to applicable law.

Resolution No. 2016-287:

RESOLUTION ENCOURAGING GOVERNOR CHRISTOPHER CHRISTIE AND THE STATE OF NEW JERSEY TO FUND THE TRANSPORTATION TRUST FUND

WHEREAS, On June 30, 2016, in response to the Senate failure to reauthorize the Transportation Trust Fund ("TTF"), Governor Christopher Christie issued an Executive Order requiring plans for an orderly shutdown of TTF projects to be prepared by 11:59 p.m. on Saturday, July 2, 2016, and ordering ongoing TTF work to cease according to those plans; and

WHEREAS, TTF projects in the Township of Cranford include the repaving and milling of the Lincoln Avenue East, Section 4 and the Final Section, and the rehabilitation of the Cranford Train Station, including North Avenue platform improvements; and

WHEREAS, the Lincoln Avenue East Section 4 project is completed but for final inspections which, due to the shutdown of TTF, cannot be completed, preventing the reimbursement of the grant monies to the Township of Cranford; and

WHEREAS, the Lincoln Avenue East, Final Section project is slated to be designed in the fall of 2016 and constructed in the Spring of 2017, and due to the shutdown of the TTF is in jeopardy of completion; and

WHEREAS, due to the shutdown of the TTF, the Train Station project will be unable to be designed and constructed resulting in an inconvenience to the residents of the Township of Cranford and other citizens of the State of New Jersey who utilize the Train Station in the Township; and

WHEREAS, the shutdown of the TTF detrimentally effects the Township of Cranford's ability to provide a safe and effective Train Station for its citizens, to provide safe travel on the roadways of the Township and detrimentally effects the finances of the Township of Cranford.

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Township of Cranford, County of Union, New Jersey that it hereby encourages the Governor of the State of New Jersey, the Senate and the General Assembly, to fund the Transportation Trust Fund; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to New Jersey Governor Christopher Christie, Senate President Stephen Sweeney, Assembly Speaker Vincent Prieto, State Senator Thomas H. Kean, Jr., Assemblyman Jon M. Bramnick and Assemblywoman Nancy F. Munoz, Union County Municipal Clerks and to the New Jersey League of Municipalities.

Resolution No. 2016-288:

WHEREAS, Local Public Contract Law 40A:11-6.1; "Award of Contracts" requires that every contract awarded by the contracting agent for the provision or performance of any goods or services, the cost of which in the aggregate exceeds the bid threshold, shall be awarded only by resolution of the governing body;

WHEREAS, The Township of Cranford is authorized by law to purchase goods or services from approved vendors who have been awarded by and have existing contracts with the State of New Jersey; and

WHEREAS, NJ State Contract # T1466 has been awarded to Tele-Measurements, 145 Main Avenue, Clifton, NJ 07014; and

WHEREAS, the Township of Cranford ("Township") desires to authorize the purchase of goods and services from Tele-Measurements as described attached from NJ State Contract # T1466 for a total cost of \$62,956.20; and

WHEREAS, the Chief Financial Officer has certified that the funds are available;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranford, that Tele-Measurements be and hereby is awarded a contract for the purchase of a New (17) Microphone Audio system with Crestron Control System for Council Chambers.

Recorded vote:

Aye: Mayor Kalnins, Deputy Mayor O'Connor, Commissioners Mallon and Hannen

Nay: None

Abstained: None

Absent: Commissioner Giblin

RESOLUTION – By Roll Call Vote

On motion of Deputy Mayor O'Connor, seconded by Commissioner Mallon and passed, the following resolution was adopted by **roll call vote**:

Resolution No. 2016--289:

BE IT RESOLVED by the Township Committee of the Township of Cranford, at a meeting held August 16, 2016, that the Call Department of the Cranford Fire Department consist of the following members:

Lt. Ronald Marotta

Lt. Brian T. Koshney

F/F Christopher Barry

F/F Brad Bisset

F/F Karolyn Buckridee

F/F Edward Conte

F/F Jason Cruz

F/F Mackenzie Dow

F/F Nicolas Downey

F/F Joseph Faraone

F/F Brent Gregory

F/F Charles Hallax

F/F Cody Hahn

F/F Michael C. Kniazuk

F/F Matthew Kiamie

F/F Raynier Lora

F/F Robert Petrick

F/F Thomas Polito

F/F Frank Rivera

F/F Phillip Schroeder

F/F Tyler Wade

F/F Michael Walko

Recorded vote:

Aye: Mayor Kalnins, Deputy Mayor O'Connor and Commissioner Mallon

Nay: None

Abstained: Commissioner Hannen

Absent: Commissioner Giblin

On motion of Deputy Mayor O'Connor, seconded by Commissioner Mallon and passed, the following resolution was adopted by **roll call vote**:

Resolution No. 2016--290:

RESOLUTION SUPPORTING THE FAIRNESS FORMULA EQUAL SCHOOL FUNDING AND PROPERTY TAX RELIEF

WHEREAS, the Constitution of the State of New Jersey provides for the maintenance and support of a thorough and efficient system of free public schools for the instruction of all the children in the state between the ages of five and eighteen years; and

WHEREAS, New Jersey schools are funded through a combination of state, federal and local dollars; and

WHEREAS, state aid is currently allocated to school districts using a weighted formula rather than equal school funding; and

WHEREAS, Governor Christie has stated, "A funding formula that puts a higher value on one child over another is morally wrong and it has been economically destructive... Every child has potential. Every child has goals. No child's dreams are less worthy than any other child's. No child deserves less funding from the state's taxpayers."

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Committee of the Township of Cranford, County of Union, State of New Jersey hereby support the Governor's initiative to amend the Constitution of the State of New Jersey to require that State funding to school districts, other than special education funding, be on an equal per pupil basis; and

BE IT FURTHER RESOLVED that copies of this Resolution be forwarded to New Jersey Governor Christopher Christie, Senate President Stephen Sweeney, Assembly Speaker Vincent Prieto, Senator Thomas H. Kean, Jr., Assemblyman Jon M. Bramnick, Assemblywoman Nancy Munoz, Union County Municipal Clerks and the New Jersey League of Municipalities.

Recorded vote:

Aye: Mayor Kalnins, Deputy Mayor O'Connor and Commissioners Mallon and Hannen

Nay: None

Abstained: None

Absent: Commissioner Giblin

PUBLIC COMMENTS

Mayor Kalnins opened the public comments portion of the meeting and asked if there were any questions or comments. Hearing no comments, Mayor Kalnins closed the public comment portion of the meeting.

PROFESSIONAL COMMENTS - None

COMMISSIONER REPORTS/COMMENTS

Commissioner Thomas H. Hannen, Jr.

- Discussed the adoption of Resolution No. 2016 which encourages the Governor and the State of New Jersey to fund the Transportation Trust fund. Explained that the Township's consulting engineer advised the Township that funds Cranford already expended for improvements to Lincoln Avenue would not be reimbursed by the State at this time, due to the hold the Governor has placed on all projects. Feels this is not fair to taxpayers and stated that he is hopeful the Governor will reconsider the hold on reimbursement of these projects.

Commissioner John Mallon

- Provided an update of various engineering projects, including the 2016 Paving Program and Orange Avenue Improvements, and thanked the Township Committee, Township Administrator, Chief Financial Officer and the Township Engineer for their efforts.

Deputy Mayor Mary O'Connor

- Announced that the Cranford Fire Department was asked to participate in the Urban Water Rescue Team, which consists of Union County municipalities prone to flooding. As per the Urban Water Rescue Team leader, the Cranford Fire Department was the best group to work with and its positive attitude and eagerness to learn placed them above other municipalities. As a result of its participation, Union County provided the Fire Department with four (4) new water rescue suits, and a new boat might be purchased for the department. Commended Cranford firefighters for their efforts;
- Thanked everyone who supported National Night Out. Feels the event was a success and commended Detective Reider for efforts in coordinating the event;

- Announced that Towns Hall meetings would be held in the fall to inform the public of progress being made concerning capital improvements. The first meeting is scheduled for September 15, 2016 and the pedestrian safety project will be the topic;
- Mentioned that the Pepperidge Tree project would begin this fall and would involve harvesting old saplings from the site. Additional information will be available on the Township's website in early September;
- Discussed a meeting scheduled with the Department of Environmental Protection regarding the Orchard Brook Project. If the meeting is successful, then the last remaining major local flood mitigation project would be moving forward. Thanked Township Engineer O'Brien for his efforts in moving these projects in a positive direction;
- Referred to Commissioner Hannen's comments regarding the Transportation Trust Fund and stated that she agrees with those comments. Encouraged everyone to contact State legislators to request the reimbursement of funds that have already been spent, and to allow other badly needed projects to move forward;
- Wished everyone a Happy Labor Day.

Mayor Andis Kalnins

- Thanked Carolyn Youngs for her many years of service to Cranford and the Historic Preservation Advisory Board. Feels she will be missed;
- Thanked Shirley Gaszi for her service to the Historic Preservation Advisory Board;
- Discussed the resolution supporting the Equal School Funding Plan. Feels there has been an antiquated system in place that has been unsuccessful and the Equal School Funding Plan is proposed to address that;
- Discussed the resolution regarding the shutdown of the Transportation Trust Fund and explained that it has delayed new projects such as the paving of Lincoln Avenue, and repairs to the train station. The Township is requesting that the State correct this problem;
- Extended best wishes to students going back to school and encouraged drivers to be mindful of children and to drive safely.

On motion of Deputy Mayor O'Connor, seconded by Commissioner Mallon and passed, the Township Committee adjourned at 9:20 PM.

Respectfully submitted,

Date: August 16, 2016

Tara Rowley, RMC
Township Clerk