

The Minutes of the **Special Meeting** of the Township Committee of the Township of Cranford, County of Union, State of New Jersey on **December 13, 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 Patrick F. Giblin
Commissioner Thomas H. Hannen, Jr.

ABSENT: None

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 November 28, 2016, and the Official Meeting of November 29, 2016, were approved by the indicated vote of the Township Committee:

Recorded vote:

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

Nay: None

Abstained: None

Absent: None

PAYMENT OF BILLS

Bills List A

On motion of Commissioner Giblin, seconded by Deputy Mayor O’Connor and passed, Bills List A dated December 13, 2016 totaling \$5,225,826.91, 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, Giblin and Hannen

Nay: None

Abstained: None

Absent: None

Bills List B

On motion of Deputy Mayor O’Connor, seconded by Commissioner Mallon and passed, Bills List B dated December 13, 2016 totaling \$2,599.00, 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 and Commissioner Mallon

Nay: Commissioner Hannen

Abstained: Commissioner Giblin

Absent: None

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. 2016-26:

The Township Clerk read by title only Ordinance No. 2016-26 entitled, “AN ORDINANCE AUTHORIZING A FIVE-YEAR EXTENSION OF THE LEASE BETWEEN THE TOWNSHIP OF CRANFORD AND THE CRANFORD CLAY COURTS CLUB, INC.”

Said ordinance having been advertised and posted in accordance with law, Commissioner Hannen opened the public hearing. Hearing no comments, Commissioner Hannen closed the public hearing. On motion of Commissioner Hannen 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, Commissioners Mallon, Giblin and Hannen
 Nay: None
 Abstained: None
 Absent: None

Ordinance No. 2016-27:

The Township Clerk read by title only Ordinance No. 2016-27 entitled, "AN ORDINANCE AMENDING AND SUPPLEMENTING CERTAIN SECTIONS OF THE GENERAL CODE OF THE TOWNSHIP OF CRANFORD COUNTY OF UNION, STATE OF NEW JERSEY CHAPTER 216 "TREE PRESERVATION" 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 **TABLED** by indicated vote of the Township Committee:

Recorded vote:

Aye: Mayor Kalnins, Deputy Mayor O'Connor, Commissioners Mallon, Giblin and Hannen
 Nay: None
 Abstained: None
 Absent: None

ORDINANCES – Introduction

Ordinance No. 2016-28:

The Township Clerk read by title only Ordinance No. 2016-28 entitled, "BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF REAL PROPERTY FOR AFFORDABLE HOUSING, OPEN SPACE, FLOODPLAIN PROTECTION AND OTHER MUNICIPAL PURPOSES IN, BY AND FOR THE TOWNSHIP OF CRANFORD, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$18,500,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS

Said ordinance was approved on first reading on motion of Commissioner Hannen, 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: Commissioner Giblin
 Abstained: None
 Absent: None

Final Reading and Public Hearing for Ordinance No. 2016-28 to be held December 28, 2016.

RESOLUTIONS – By Consent Agenda

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

Resolution No. 2016:374:

WHEREAS, Sergeant Steven Toy, employee within the Cranford Police Department, 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 Sergeant Steven Toy is approved for a FMLA/NJFLA/NJPFLA leave of absence, using accumulated time as available as employee so elects;

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

Resolution No. 2016-375:

WHEREAS, Grant Receivable balance exists in the records of the Township of Cranford; and

WHEREAS, the balance is as follows:

Municipal Alliance (2015-2016 year)	<u>2,927.54</u>
TOTAL GRANT RECEIVABLES TO CANCEL	\$2,927.54

WHEREAS, Grant Appropriation Reserve balance exists in the records of the Township of Cranford; and

WHEREAS, the balance is as follows:

Municipal Alliance (2015-2016 year)	<u>2,927.54</u>
TOTAL GRANT APPROPRIATIONS TO CANCEL	\$2,927.54

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranford, in the County of Union and State of New Jersey, that the Chief Financial Officer be and the same is hereby authorized to cancel the balances from the records of the Township.

Resolution No. 2016-376:

WHEREAS, N.J.S.A. 40A: 4-58 provides for appropriation transfers during the last two (2) months of the year, when it has been determined it is necessary to expand for any of the purposes specified in the budget an amount in excess of the sum appropriated therefore and where it has been further determined that there is an excess in any appropriation over and above the amount deemed to be necessary to fulfill the purpose of such appropriation, the Governing Body may, by Resolution setting forth the facts, adopted by not less than two-thirds vote of the full membership thereof, transfer the amount of such excess to those appropriations deemed to be insufficient.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranford, in the County of Union and State of New Jersey, that the Chief Financial Officer be and the same is hereby authorized to make transfers among the 2016 budget appropriations in accordance with the following schedule of transfers.

Account	From	To
Salary Adjustment Account	\$48,300.00	
Employee Health Insurance Waiver		\$8,300.00
Administrative Other Expenses		\$20,000.00
Finance Other Expenses		\$20,000.00
	<u>\$48,300.00</u>	<u>\$48,300.00</u>

Resolution No. 2016-377:

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CRANFORD, IN THE COUNTY OF UNION, NEW JERSEY, DESIGNATING \$5,625,000 OF NOTES CONSISTING OF \$4,266,000 GENERAL BOND ANTICIPATION NOTES AND \$1,359,000 SWIM POOL UTILITY BOND ANTICIPATION NOTES, BOTH ISSUES DATED DECEMBER 8, 2016 AND PAYABLE JUNE 30, 2017, AS "QUALIFIED TAX-EXEMPT OBLIGATIONS" PURSUANT TO SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED

WHEREAS, the Township of Cranford, in the County of Union, New Jersey (the "Township") intends to issue \$5,625,000 of Notes consisting of \$4,266,000 General Bond Anticipation Notes and \$1,359,000 Swim Pool Utility Bond Anticipation Notes, both issues dated December 8, 2016 and payable June 30, 2017 (collectively, the "Notes"); and

WHEREAS, the Township desires to designate the Notes as "qualified tax-exempt obligations" pursuant to Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code");

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranford, in the County of Union, New Jersey, as follows:

SECTION 1. The Notes are hereby designated as "qualified tax-exempt obligations" for the purpose of Section 265(b)(3) of the Code.

SECTION 2. It is hereby determined and stated that (1) said Notes are not "private activity bonds" as defined in the Code and (2) the Township and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2016.

SECTION 3. It is further determined and stated that the Township has, as of the date hereof, issued the following tax-exempt obligations (other than the Notes) during the calendar year 2016, viz:

<u>Amount</u>	<u>Dated – Due</u>
\$9,700,000 BAN	1/29/16 – 1/27/17
490,490 BAN	5/19/16 – 5/19/17
9,000,000 BAN	5/20/16 – 5/19/17
3,200,000 BAN	6/30/16 – 6/30/17
80,000 BAN	9/9/16 – 9/8/17

SECTION 4. The Township will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b)(3) of the Code; however, said Township does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

SECTION 5. The issuing officers of the Township be and they hereby are authorized to deliver a certified copy of this resolution to the original purchaser of the Notes and to further provide such original purchaser with a certificate of obligations issued during the calendar year 2016 dated as of the date of delivery of the Notes.

SECTION 6. This resolution shall take effect immediately upon its adoption.

Resolution No. 2016-378:

WHEREAS, the Township of Cranford requires an expert to provide survey and preliminary engineering design services in connection with the Reconstruction of the Lincoln Park Basketball Courts; and

WHEREAS, the Township of Cranford advertised a Request for Proposals (RFP) for engineering services

through a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, the Township of Cranford deemed that the background, experience and qualifications of the respondent herein satisfy the criteria set forth in the RFP; and

WHEREAS, the Chief Financial Officer has 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 Committee of the Township of Cranford, New Jersey, as follows:

1. **Maser Consulting, 400 Valley Road, Suite 304, Mount Arlington, New Jersey 07856** be and hereby are awarded a contract to perform engineering services in connection with the aforementioned project at a fee not to exceed \$ 15,250.00; and
2. The Mayor and Municipal Clerk are hereby authorized and directed to execute a contract with Maser Consulting; and
3. This contract is awarded pursuant to the “fair and open” process (N.J.S.A. 19:44A-20.5 et seq.).

Resolution No. 2016-379:

WHEREAS, the Township of Cranford requires an expert to provide engineering services in connection with the Northeast Quadrant Stormwater Management Plan – Phase 2B; and

WHEREAS, the Township of Cranford advertised a Request for Proposals (RFP) for engineering services through a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, the Township of Cranford deemed that the background, experience and qualifications of the respondent herein satisfy the criteria set forth in the RFP; and

WHEREAS, the Chief Financial Officer has 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 Committee of the Township of Cranford, New Jersey, as follows:

1. **Maser Consulting, 400 Valley Road, Suite 304, Mount Arlington, New Jersey 07856** be and hereby are awarded a contract to perform engineering services in connection with the aforementioned project at a fee not to exceed \$189,600.00; and
2. The Mayor and Municipal Clerk are hereby authorized and directed to execute a contract with Maser Consulting; and
3. This contract is awarded pursuant to the “fair and open” process (N.J.S.A. 19:44A-20.5 et seq.).

Resolution No. 2016-380:

WHEREAS, the Township of Cranford requires an expert to provide redevelopment legal services; and

WHEREAS, the Chief Financial Officer has 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 Committee of the Township of Cranford, New Jersey, as follows:

1. **Wanda Monahan, Esq. of Sedita, Campisano and Campisano, LLC, Wayne Plaza I, 145 Route 46 West, Suite 102, Wayne, New Jersey 07470**, be and hereby is awarded a contract to perform redevelopment legal services at a fee not to exceed \$10,000; and
2. The Mayor and Municipal Clerk are hereby authorized and directed to execute a contract with Wanda Monahan, Esq.

Resolution No. 2016-381:

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 numbers 80967 & 81377 have been awarded to ESI Equipment, Inc, 119 Keystone Drive, Montgomeryville, PA 18936-9638; and

WHEREAS, the Township Committee of the Township of Cranford hereby authorizes the purchase of goods and/or services from ESI Equipment, Inc as outlined under the aforementioned NJ State Contracts that in the aggregate will exceed \$40,000.00 for the calendar year 2016; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranford that ESI Equipment, Inc is an approved vendor who has been awarded by and has an existing contract with the State of New Jersey.

Resolution No. 2016-382:

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 numbers 81342, 83904, 81341 have been awarded to Gold Type Business Machines, 351 Paterson Avenue, East Rutherford, NJ 07073; and

WHEREAS, the Township Committee of the Township of Cranford hereby authorizes the purchase of goods and/or services from Gold Type Business Machines as outlined under the aforementioned NJ State Contracts that in the aggregate will exceed \$40,000.00 for the calendar year 2016; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranford that Gold Type Business Machines is an approved vendor who has been awarded by and has an existing contract with the State of New Jersey.

Resolution No. 2016-383:

WHEREAS, the Township of Cranford has a need to provide regular fire apparatus maintenance and repair services annually; and

WHEREAS, the Cranford Fire Department solicited quotes from two vendors and obtained pricing from one respondent: Fire and Safety Services, with an address located at 200 Ryan Street, South Plainfield, NJ 07080; and

WHEREAS, as result of the estimate provided by Fire and Safety Services, the Cranford Fire Department requested a blanket purchase order for annual services to be issued; and

WHEREAS, fire apparatus was delivered to authorities at the New Jersey Department of Transportation (NJDOT) for inspection where it was deemed non-road worthy by NJDOT. Repairs needed to be made which were outside of the standard blanket purchase order that had been requested by the Cranford Fire Department; and

WHEREAS, as service vendor of record, Fire and Safety Services provided the NJDOT mandated repairs pursuant to the provisions of N.J.S.A. 19:44A-20.26 and 40A:11-5(i); and

WHEREAS, the Cranford Fire Department has confirmed that the value of the services provided in the aggregate, will exceed the bid threshold for this vendor, and therefore shall be awarded only by resolution of the governing body; and

WHEREAS, Fire and Safety Services has completed and submitted a Business Entity Disclosure Certification which certifies that Fire and Safety Services has not made any reportable contributions to a political or candidate committee in the Township of Cranford in the previous one year, and that the contract will prohibit the Fire and Safety Services from making any reportable contributions through the term of the contract, and

NOW THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Cranford authorizes the purchase of apparatus repair from Fire and Safety Services, with an address located at 200 Ryan Street, South Plainfield, NJ 07080 as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and be placed on file with this resolution.

Resolution No. 2016-384:

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 number 81396 has been awarded to National Terminal, 175 Orange Street, Newark, NJ 07103; and

WHEREAS, the Township Committee of the Township of Cranford hereby authorizes the purchase of goods and/or services from National Terminal as outlined under the aforementioned NJ State Contract that in the aggregate will exceed \$40,000.00 for the calendar year 2016; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranford that National Terminal is an approved vendor who has been awarded by and has an existing contract with the State of New Jersey.

Resolution No. 2016-385:

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 number 85193 has been awarded to Traffic Safety Services, 601 Hadley Road, South Plainfield, NJ 07080; and

WHEREAS, the Township Committee of the Township of Cranford hereby authorizes the purchase of goods and/or services from Traffic Safety Services as outlined under the aforementioned NJ State Contracts that in the aggregate will exceed \$40,000.00 for the calendar year 2016; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranford that Traffic Safety Services is an approved vendor who has been awarded by and has an existing contract with the State of New Jersey.

Resolution No. 2016-386:

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 numbers 88269, 42108, 85856, 89249 and 85439 have been awarded to Trius, 5049 Industrial Rd., Farmingdale, NJ 07727; and

WHEREAS, the Township Committee of the Township of Cranford hereby authorizes the purchase of goods and/or services from Trius as outlined under the aforementioned NJ State Contracts that in the aggregate will exceed \$40,000.00 for the calendar year 2016; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranford that Trius is an approved vendor who has been awarded by and has an existing contract with the State of New Jersey.

Resolution No. 2016-387:

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 numbers 88839 and 80975 have been awarded to W.B. Mason, 535 Secaucus Road, Secaucus, NJ 07094; and

WHEREAS, the Township Committee of the Township of Cranford hereby authorizes the purchase of goods and/or services from W.B. Mason as outlined under the aforementioned NJ State Contracts that in the aggregate will exceed \$40,000.00 for the calendar year 2016; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranford that W.B. Mason is an approved vendor who has been awarded by and has an existing contract with the State of New Jersey.

Resolution No. 2016-388:

BE IT RESOLVED by the Township Committee of the Township of Cranford on the 13th day of December 2016 that the following checks will be refunded by the Tax Collector to the lien holder according to statutory requirements:

Redemption of Certificate# 13-00034

Block 473 Lot 11
US Bank as Custodian Actlien Holding
50 South 16th St. Suite 1950
Philadelphia, Pa. 19102

Refund: \$95,023.99

(6-01-55-000-010-029)

Premium: \$25,000.00

(T-15-00-000-106-000)

Redemption of Certificate #16-00008

Block 243 Lot 8
US Bank as Custodian BV002 Trst/Crdtrs
50 South 16th St. Suite. 2050
Philadelphia, Pa. 19102-2513

Refund: \$ 25,035.63

(6-01-55-000-010-029)

Premium: \$ 73,100.00

(T-15-00-000-106-000)

Redemption of Certificate #16-00014

Block 402 Lot 11.01
Ber-Line Realty, LLC
1350 E. 13th Street
Brooklyn, NY 11230

Refund: \$ 369.33

(6-01-55-000-010-029)

Premium: \$ 400.00

(T-15-00-000-106-000)

BE IT FURTHER RESOLVED that the Tax Collector be and hereby is authorized to refund overpayments for the reasons noted below:

State Appeal Judgment:

Block 191 Lot 9
Verizon New Jersey, Inc.
Kevin H. Giordano, Asst. Gen. Counsel
One Verizon Way
Basking Ridge, NJ 07920

Refund for 2015: \$9,016.50

(6-01-55-000-010-028)

Refund for 2016: \$9,250.50

(6-01-55-000-010-025)

Resolution No. 2016-389:

RESOLUTION TO TRANSFER A TAX SALE CERTIFICATE PREMIUM FROM THE TRUST ACCOUNT TO THE CURRENT ACCOUNT

WHEREAS, pursuant to N.J.S.A. 54:5-33, a premium paid by a purchaser of a Tax Sale Certificate is escheated by the Municipality if a foreclosure has taken place instead of being redeemed; and

WHEREAS, the Tax Collector’s office has identified a Tax Sale Certificate that has been foreclosed, for which a premium had been paid; and

NOW THEREFORE BE IT RESOLVED by Mayor and Committee of the Township of Cranford, County of Union and State of New Jersey on this 13th day of December, 2016, that the following premium shall be transferred from the Trust Account and placed into the Current Account:

<u>CERT#</u>	<u>DATE PURCHASED</u>	<u>PREMIUM</u>	<u>LIENHOLDER</u>	<u>BLOCK/LOT</u>
2011-40	11/22/11	\$22,000.00	US Bank Custodian For SASS MUNI VI	483/18

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Tax Collector and Chief Financial Officer of the Township of Cranford.

Resolution No. 2016-390:

BE IT RESOLVED, by the Township Committee of the Township of Cranford on this 13th day of December 2016, that the carryover of 2016 vacation days for various Township employees be, and hereby are, authorized; and
BE IT FURTHER RESOLVED, that all 2016 vacation days must be used prior to March 31, 2017; and
BE IT FURTHER RESOLVED that the Township Administrator be and hereby is authorized to approve the extension of unused 2016 vacation days beyond the March 31 deadline for those employees unable to exhaust this leave due to extraordinary circumstances.

Resolution No. 2016-390A:

BE IT RESOLVED by the Township Committee of the Township of Cranford, at a meeting held December 13, 2016 that Roy Hoff be, and hereby is, appointed as a Probationary Laborer/Driver within the Department of Public Works, effective December 27, 2016.

Resolution No. 2016-390B:

BE IT RESOLVED by the Township Committee of the Township of Cranford, at a meeting held December 13, 2016 that Rui Coutinho be, and hereby is, appointed as a Probationary Laborer/Driver within the Department of Public Works, effective December 28, 2016.

Resolution No. 2016-390C:

STATEWIDE INSURANCE FUND RESOLUTION TO JOIN (RENEW) THE FUND

WHEREAS, a number of local units have joined together to form the Statewide Insurance Fund (“FUND”), a joint insurance fund, as permitted by N.J.S.A. 40A:10-36, *et seq.*; and
WHEREAS, the Township of Cranford (“LOCAL UNIT”) has complied with relevant law with regard to the acquisition of insurance; and
WHEREAS, the statutes and regulations governing the creation and operation of joint insurance funds contain elaborate restrictions and safeguards concerning the safe and efficient administration of such funds; and
WHEREAS, the LOCAL UNIT has determined that membership in the FUND is in the best interest of the LOCAL UNIT.
WHEREAS, the LOCAL UNIT agrees to be a member of the FUND for a period of three (3) years, effective from **January 1, 2017** terminating on **January 1, 2020** at 12:01 a.m. standard time; and
WHEREAS, the LOCAL UNIT has never defaulted on claims, if self-insured, and has not been canceled for non-payment of insurance premiums for two (2) years prior to the date of this Resolution.
NOW, THEREFORE, BE IT RESOLVED that the LOCAL UNIT does hereby agree to join the Statewide Insurance Fund; and
BE IT FURTHER RESOLVED that to the extent required by law, the Local Unit shall provide notice of the Indemnity and Trust Agreement to the Office of the State Comptroller; and
BE IT FURTHER RESOLVED that the LOCAL UNIT will be afforded the following coverage(s) as marked “Yes”:

	<u>YES</u>	<u>NO</u>
Workers’ Compensation & Employer’s Liability	X	
Liability, Property, Crime-Faithful Performance and Fidelity,		
Inland Marine, Boiler and Machinery, Comprehensive General,		
Liability, Auto Liability, Auto Physical Damages, Pollution Liability		
and Professional Liability		

BE IT FURTHER RESOLVED that Terence M. Wall is hereby appointed as the LOCAL UNIT’s Fund Commissioner and is authorized to execute the application for membership and the accompanying certification on behalf of the LOCAL UNIT; and
BE IT FURTHER RESOLVED that the LOCAL UNIT’s Fund Commissioner is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying the membership in the FUND as required by the FUND’s Bylaws and to deliver same to the Administrator of the FUND with the express reservation that said documents shall become effective only upon the LOCAL UNIT’s admissions to the FUND following approval of the FUND by the New Jersey Department of Banking and Insurance.

Resolution No. 2016-390D:**A RESOLUTION AUTHORIZING A SHARED SERVICES CONTRACT WITH THE BOROUGH OF MADISON FOR HEALTH SERVICES**

BE IT RESOLVED by the Township Committee of the Township of Cranford that the Mayor and Township Clerk are hereby authorized to enter into a shared services agreement for public health services with the Borough of Madison.

Resolution No. 2016-390E:

BE IT RESOLVED that the Township Committee of the Township of Cranford be and hereby approves the submission of an application to participate in the Local Government Energy Audit in connection the New Jersey Clean Energy Program.

Recorded vote:

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

Nay: None

Abstained: None

Absent: None

On motion of Commissioner Mallon, seconded by Commissioner Giblin and passed, the following resolution was adopted by **roll call vote**:

Resolution No. 2016--391:

WHEREAS, New York SMSA Limited Partnership d/b/a Verizon Wireless ("Verizon Wireless") is a provider of commercial mobile service subject to regulation by the Federal Communications Commission; and

WHEREAS, Verizon Wireless has entered into agreements with parties that have the lawful right to maintain poles in the public right of way pursuant to which Verizon Wireless may use such poles erected within the public right of way in the Township of Cranford; and

WHEREAS, New Jersey law permits such use provided that there is the consent of the relevant municipality;

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

1. The Mayor and Township Clerk are authorized to execute a Rights-Of-Way Use Agreement with Verizon Wireless governing the terms and conditions of the facilities to be installed substantially in the form attached hereto and subject to approval by the Township Attorney.
2. The installation, operation and maintenance by Verizon Wireless of small network nodes shall be in accordance with plans provided to the Township for approval and with the terms set forth in the Rights-of-way Agreement.
3. The installation, operation and maintenance of Verizon Wireless' small network nodes shall not interfere with the safety or convenience of persons or vehicles travelling on public streets, highways or rights-of-way within the Township.

Recorded vote:

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

Nay: None

Abstained: Mayor Kalnins

Absent: None

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

Resolution No. 2016--392:

WHEREAS, an emergency has arisen with respect to **Down Payment on Improvement** and, no adequate provision was made in the 2016 budget for the aforesaid purpose, and NJS 40A:4-46 provides for the creation on an emergency appropriation for the purpose mentioned above, and

WHEREAS, the total amount of the emergency appropriations created, including the appropriation to be created by this resolution is \$848,073.00 and three (3) percent of the total operating appropriations in the budget for 2016 is \$968,752.83 and

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three (3) percent of the total operating appropriations (including utility operation appropriations) in the budget for 2016,

NOW, THEREFORE, BE IT RESOLVED, (by not less than 2/3 of all governing body members affirmatively concurring) that in accordance with

NJS 40A:4-48:

1. An emergency appropriation is hereby made for **Down Payment on Improvement** in the amount of \$848,073.00.

Capital Improvement	
Reserve Fund	\$ 36,927.00
Emergency Down Payment	<u>\$848,073.00</u>
Needed	\$885,000.00

2. That said emergency appropriation shall be provided for in full in the 2017 budget, and is requested to be excluded from CAPS, pursuant to NJS 40A:4-53.3c(1)
3. That two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services

Recorded vote:

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

Nay: Commissioner Giblin

Abstained: None

Absent: None

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

Resolution No. 2016--393:

RESOLUTION REQUESTING THE PLANNING BOARD TO EVALUATE CERTAIN PROPERTIES KNOWN AS Block 291, Lot 15.01 and Block 292, Lot 2 TO DETERMINE IF THEY SHOULD BE DESIGNATED AS AN AREA IN NEED OF REDEVELOPMENT OR AN AREA IN NEED OF REHABILITATION

WHEREAS, pursuant to N.J.S.A. 40A:12A-4(a), a municipal governing body has the power to cause a preliminary investigation to be made by the Planning Board pursuant to N.J.S.A. 40A:12A-5; and,

WHEREAS, the Township Committee of the Township of Cranford desires to have a preliminary investigation made on certain lands and premises within the Township of Cranford ("Township") known as 215 and 235 Birchwood Avenue, and designated as Block 291, Lot 15.01 and Block 292, Lot 2 on the Township Tax Map to see if the area hereinafter set forth is in need of redevelopment and/or rehabilitation; and,

WHEREAS, the Township intends to use all those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Cranford, in the County of Union, New Jersey does hereby, pursuant to N.J.S.A. 40A:12A-4, request and authorize the Planning Board of the Township of Cranford to undertake a preliminary investigation as to whether the properties identified as the Block 291, Lot 15.01 and Block 292, Lot 2 on the Township of Cranford Tax Map be classified as an area in need of redevelopment or an area of rehabilitation; and,

BE IT FURTHER RESOLVED that the Planning Board of the Township of Cranford shall conduct the aforesaid investigation in accordance with the requirements of N.J.S.A. 40A:12A-6; and,

BE IT FURTHER RESOLVED that the redevelopment area determination, if such a determination is made, shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain; and,

BE IT FURTHER RESOLVED that in making its preliminary investigation, the Planning Board shall make its recommendations based upon a finding that the conditions as set forth in N.J.S.A. 40A:12A-5 are found to be present.

Recorded vote:

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

Nay: Commissioner Giblin

Abstained: None

Absent: None

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

Resolution No. 2016--394:

RESOLUTION AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PURCHASE AND SALE AGREEMENT WITH THE S. HEKEMIAN GROUP FOR THE ACQUISITION OF CERTAIN PROPERTIES KNOWN AS BLOCK 291, LOT 15.01 and BLOCK 292, LOT 2, a/k/a 215 and 235 BIRCHWOOD AVENUE FOR PURPOSES OF REDEVELOPMENT AND OF A CONTINGENT CONTRACT FOR THE BUY-BACK OF THE PROPERTIES

WHEREAS, the Township of Cranford intends to acquire the certain properties known as Block 291, Lot 15.01 and Block 292, Lot 2 a/k/a 215 and 235 Birchwood Avenue in the Township of Cranford, Union County, New Jersey (the "Property"), including the land, and all of Seller's rights relating thereto, all transferable consents, authorizations, variances or waivers, licenses, permits and approvals from any governmental or quasi-governmental agency, department, board, commission, bureau or any other entity or instrumentality in respect of the Property and Improvements; and to the extent transferable, all of Seller's right, title and interest in and to all intangible personal property related to the Property, including, without limitation, the plans and specifications and other architectural engineering drawings for the Land and Improvements, to the extent that such property is in Seller's possession or control, for purposes of reducing the density for a multi-family residential redevelopment project for a Purchase Price of Eighteen Million Dollars (\$18,000,000);

WHEREAS, the Township of Cranford expects resolutions to be simultaneously adopted with the adoption of this Resolution:

- Referring the Property to the Township of Cranford Planning Board seeking the Planning Board's authorization for the Investigation Study of the Property to determine whether the Property may be designated as an area in need of redevelopment or as an area in need of rehabilitation pursuant to the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq.,
- Authorization of a contract for services to be provided by Maser Consulting to (1) upon the Planning Board's authorization to undertake the Investigation Study, to conduct the Investigation Study; (2) conduct pre-acquisition environmental due diligence through the preparation of a Preliminary Assessment and Site Investigation ("PA/SI") of the Property to satisfy the All Appropriate Inquiry ("AAI") requirements of defenses to liability under the New Jersey Spill Compensation and Control Act, N.J.S.A. 58:10-23.11g(d)(1) – (4), ("Spill Act"); (3) prepare an application for grants from the Hazardous Discharge Site Remediation Fund (hereinafter "HDSRF"), jointly administered by the New Jersey Department of Environmental Protection (hereinafter "NJDEP") and the New Jersey Economic Development Authority (hereinafter "NJEDA") established by N.J.S.A. 58:10B-4-8.1 and 58:10B-25.2-25.3 for all eligible costs incurred in the performance of the aforementioned work;

WHEREAS, the Township of Cranford expects a Bond Ordinance to be simultaneously introduced with the adoption of this Resolution in the amount of Eighteen Million Five Hundred Thousand Dollars (\$18,500,000) to pay the costs to be incurred in the acquisition of the Property;

WHEREAS, the Seller has agreed to simultaneously execute a Contingent Contract with the Township of Cranford to buy back the Property, at the sole option of the Township of Cranford, either for a purchase price of (A) \$11,250,000 based on a 225 unit plan with conventional taxes; or (B) \$14,175,000 based on a 225 unit plan with a 25 year Payment in Lieu of Taxes (PILOT), calculated as 10% of revenues;

WHEREAS, the Township of Cranford expects, after closing on the Property, engage in a public Response for Proposal ("RFP") process to solicit proposals from qualified and responsible bidders to purchase the Property for a multi-family residential project consisting of no more than 225 units and surface parking;

WHEREAS, the Contingent Contract with the Seller will expire upon the earlier of (A) the Township of Cranford's selection of a developer at the conclusion of the RFP process; or (B) eighteen (18) months from the time of closing conveying the Property to the Township;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranford, New Jersey, as follows:

1. The Township of Cranford is committed to the redevelopment of the Property for the purpose of reducing the approved density of a multifamily residential project and finds that a realistic opportunity exists for the redevelopment of Property within a three-year period after the completion of the remediation of this site either through the planned redevelopment project or through alternate redevelopment;
2. The Township of Cranford is authorized to engage in the negotiation and execution of a Purchase and Sale Agreement for the Property from the Seller and a Contingent Contract in substantially the terms set forth herein; and
3. The Township of Cranford is authorized to engage in a public RFP Process to solicit proposals from qualified and responsible bidders to purchase the Property for a multi-family residential project consisting of no more than 225 units and surface parking.

Recorded vote:

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

Nay: Commissioner Giblin

Abstained: None

Absent: None

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

Resolution No. 2016--395:

SUPPORTING BROWNFIELD REMEDIATION AND REDEVELOPMENT AT BLOCK 291, LOT 15.01 AND BLOCK 292, LOT 2 CRANFORD, UNION COUNTY, NEW JERSEY

WHEREAS, the Township of Cranford requires an expert to prepare an Investigation Study for Designation as an Area in Need of Redevelopment pursuant to the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., with the power of eminent domain and Plan for Redevelopment of Block 291, Lot 15.01 and Block 292, Lot 2 (hereinafter the "Property"); and

WHEREAS, the Township of Cranford expects a resolution referring the Property to the Township of Cranford Planning Board seeking the Planning Board's authorization for the Investigation Study of the Property will be adopted simultaneous with the adoption of this Resolution; and

WHEREAS, the Township of Cranford intends to acquire the Property through voluntary conveyance or other means provided by law for the purpose of redevelopment; and

WHEREAS, the Township of Cranford has determined that there has been, or it suspects that there has been, a discharge of hazardous substances or a hazardous waste on the Property; and

WHEREAS, the Township of Cranford requires an expert to prepare a Preliminary Assessment and Site Investigation ("PA/SI") of the Property to satisfy the All Appropriate Inquiry ("AAI") requirements of defenses

to liability under the New Jersey Spill Compensation and Control Act, N.J.S.A. 58:10-23.11g(d)(1) – (4), (“Spill Act”); and

WHEREAS, the Township of Cranford believes there is a realistic opportunity for redevelopment of the Property within three years of any remediation of the Property that may be required; and

WHEREAS, the Township of Cranford advertised a Request for Proposals (RFP) for engineering services through a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, the Township of Cranford deemed that the background, experience and qualifications of Maser Consulting, P.A. herein satisfy the criteria set forth in the RFP; and

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

WHEREAS, N.J.S.A. 58:10B-4-8.1 and 58:10B-25.2-25.3 establish the Hazardous Discharge Site Remediation Fund (hereinafter "HDSRF"), jointly administered by the New Jersey Department of Environmental Protection (hereinafter "NJDEP") and the New Jersey Economic Development Authority (hereinafter "NJEDA"); and

WHEREAS, HDSRF is a source of grant and loan funding for the investigation and remediation of Brownfield properties in New Jersey, which the Township may deem necessary to submit an application for such funding to recover investigation and remediation costs for the aforementioned properties; and

WHEREAS, the Township of Cranford intends to apply to the HDSRF for funding for the investigation and cleanup of the Property in order to determine the extent of any hazardous substance or hazardous waste; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranford, New Jersey, as follows:

1. The Township of Cranford is committed to the redevelopment of the Property for the purpose of reducing the approved density of a multifamily residential project and finds that a realistic opportunity exists for the redevelopment of Property within a three-year period after the completion of the remediation of this site either through the planned redevelopment project or through alternate redevelopment; and
2. Maser Consulting, P.A., 400 Valley Road, Suite 304, Mount Arlington, New Jersey 07856 be and hereby is awarded a contract to perform engineering services for the Property, including preparation of an Investigation Study for Designation as an Area in Need of Redevelopment and a Preliminary Assessment, Site Investigation and Remedial Investigation in fulfillment of the AAI requirements of the Spill Act, in connection with the aforementioned project at a fee not to exceed \$ 15,250.00; and
3. Maser Consulting, P.A., is permitted to prepare for execution any document necessary in connection with a HDSRF application for eligible costs associated with the aforementioned use to be submitted on behalf of the Township of Cranford; and
4. The Mayor and Municipal Clerk are hereby authorized and directed to execute a contract with Maser Consulting for preparation of any documentation necessary to submit a HDSRF application; and
5. The Law Offices of Wanda Chin Monahan, LLC, is authorized to submit the completed HDSRF application to the NJDEP; and
6. This contract is awarded pursuant to the “fair and open” process (N.J.S.A. 19:44A-20.5 et seq.).

Recorded vote:

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

Nay: Commissioner Giblin

Abstained: None

Absent: None

PUBLIC COMMENTS

Mayor Kalnins opened the public comments portion of the meeting and asked if there were any questions or comments.

John Pritchard, 42-44 West Holly Street, discussed street lighting in Cranford and feels it needs upgrading.

Mr. Pritchard also discussed a fire that took place in Oakfield, New York and discussed the need for preventing this type of tragedy from occurring in Cranford.

Mr. Pritchard spoke in support of military personnel and members of the community that were lost fighting in Vietnam. Sang a song in support of the military. Urged the Township Committee to request that legislators reactivate Muhlenberg Hospital and other hospitals in the area due to their proximity to Ground Zero.

Rita LaBrutto, 104 Arlington Road, asked when Arlington Road is scheduled for paving. Also requested clarification as to the purchase of the Birchwood property and asked if the units would be market rate or age restricted.

Mayor Kalnins stated that the units would be market rate.

Ms. LaBrutto discussed the impact this would have on the schools and the Township’s affordable housing obligation and made suggestions concerning the Township’s negotiations for the project. Spoke in support of the

number of units being reduced from 360 to 225, but feels it would be more beneficial to the Township if the units were age restricted.

Commissioner Mallon referred to Ms. LaBrutto's question regarding street paving and stated that he would follow up with the Township Engineer and the Department of Public Works as to when Arlington Road is scheduled for paving.

Ms. LaBrutto asked if there would be a public presentation regarding plans for the Birchwood property prior to the Special Meeting on December 28, 2016.

Mayor Kalnins explained that a press release would be published within the next couple of days and it would also be published on the Township's website.

Township Attorney Dabulas explained that the contract related to the acquisition has not been completely negotiated and is not final, and is therefore confidential at this point.

Commissioner Hannen feels Ms. LaBrutto has raised some concerns that the Township should consider during final negotiations.

Ms. LaBrutto expressed concern with the impact to the school system because she feels the development will attract families and not commuters. Feels a new school will have to be built to accommodate new students.

Hearing no further comments, Mayor Kalnins closed the public comment portion of the meeting.

PROFESSIONAL COMMENTS-None

COMMISSIONER REPORTS/COMMENTS

Commissioner Thomas H. Hannen, Jr.

- Referred to Ms. LaBrutto's comments concerning the Birchwood Avenue property and thanked her for reminding the Township Committee of certain issues. Commended previous Township Committees for their efforts with respect to this issue. Also thanked each member of the current Township Committee for their efforts and commended the legal staff and Township Administrator Wall for their efforts concerning the purchase of the Birchwood Avenue property.

Commissioner Patrick Giblin

- Discussed upcoming Cranford Public Library events;
- Announced that a Special Township Committee Meeting would be held on December 28, 2016 and wished everyone Happy Holidays;
- Discussed the Township Committee's 2017 meeting schedule and mentioned that there would be a budget workshop meeting on Saturday, February 4, 2017 at 8:00 AM. Encouraged residents to attend;
- Discussed "Operation Santa", and explained that this is a joint effort between the Cranford Fire Department, Police Department and the Cranford Jaycees.

Commissioner John V. Mallon

- Discussed the Birchwood property and various impact studies that were conducted regarding the school system. Explained that through the purchase of the property, the Township was able to reduce the number of units significantly. Also feels the Township has a good exit strategy in place once it purchases the property. Reiterated Commissioner Hannen's comments and thanked the current Township Committee for its efforts regarding the project;
- Wished everyone Happy Holidays.

Deputy Mayor Mary O'Connor

- Thanked Township Administrator Wall, Township Clerk Rowley, the Township's legal staff, the Board of Education and the Township Committee for their efforts regarding the Birchwood property. Assured residents that the Township would continue to work extremely hard to make this transaction work for the community;
- Discussed several house fires that took place in Cranford and informed residents that the cooperation between public safety departments and personnel was an important factor in the successful response to these incidents;
- Discussed Fire Department safety tips to remember during the holiday season and directed residents to the Fire Department's Facebook page for additional information;
- Mentioned that judging for the Holiday Decorating Contest would take place on December 20, 2016. Provided contact information for those interested in participating;
- Wished everyone a Merry Christmas and Happy Holidays.

Mayor Andis Kalnins

- Discussed the Birchwood Avenue property and stated that he is hopeful that the Township is taking a step in the right direction. Feels the density has been reduced significantly, which will reduce the overall impact to the school system. Explained that the Township must also satisfy the requirements of the court. Announced that a public meeting would be held on December 28, 2016 to finalize the bond ordinance, which will allow the Township to move forward with the purchase of the property;
- Thanked the Chamber of Commerce for hosting various events it held during the holiday season and announced additional events that would be held later this month;
- Wished everyone Happy Holidays.

On motion of Commissioner Hannen, seconded by Deputy Mayor O'Connor and passed, the Township Committee adjourned at 9:00 PM.

Respectfully submitted,

Tara Rowley, RMC
Township Clerk

Date: December 13, 2016