

TOWNSHIP COMMITTEE MEETING
July 28, 2014

The regular meeting of the Township Committee of the Township of Cranbury was held at 7:00 p.m. in the Town Hall Meeting Room. Answering present to the roll call were Township Committee members: David Cook, Glenn Johnson, Jay Taylor and Mayor Susan Goetz. Mr. Daniel Mulligan was absent. Also present were Denise Marabello, Township Administrator/Director of Finance; and Kathleen Cunningham, Municipal Clerk/Assistant Administrator. Mayor Goetz led in the salute to the flag, and Ms. Cunningham gave the following Open Public Meetings Act statement:

In accordance with Section 5 of the Open Public Meetings Act, it is hereby announced and shall be entered into the minutes of this meeting that adequate notice of this meeting has been provided:

- (1) Posted on July 15, 2014 on the Bulletin Board of the Municipal Office at 23-A North Main Street, Cranbury, New Jersey and remains posted at that location.
- (2) Communicated to the Cranbury Press, Home News Tribune and Trenton Times on July 15, 2014.
- (3) Filed on July 15, 2014 at the Cranbury Municipal Office, 23-A North Main Street, Cranbury, New Jersey, posted on the Township's web site and remains on file for public inspection.
- (4) Sent to those individuals who have requested personal notice.

Regular Township Committee Minutes of July 14, 2014

On motion by Mr. Taylor, seconded by Mr. Johnson and unanimously carried (with Mr. Mulligan being absent), the Regular Township Committee Minutes of July 14, 2014 were adopted.

Closed Session Minutes of July 14, 2014

On motion by Mr. Johnson, seconded by Mr. Taylor and unanimously carried (with Mr. Mulligan being absent), the Closed Session Minutes of July 14, 2014 were adopted.

Reports and Communications

--Mayor

Mayor Goetz reported the Township will "Turn the Town Teal" to participate in the national campaign to promote awareness of ovarian cancer. Volunteers tie ribbons through town centers during the month of September, which is National Ovarian Cancer Awareness Month. The Township has participated in this event in the past, and Mayor Goetz recommended it be done again this year

Mayor Goetz reported she and Lieutenant Frank Dillane held a "Breakfast at Teddy's." She stated residents were there for the 2-1/2 hours. Mayor Goetz stated there was discussion about calling 9-1-1 from a cell phone, stating the dispatcher does not know where the call is coming from. She stated it is very important to state your location when calling from a cell phone, and advised teaching children and seniors the importance of providing their location when making emergency calls. She reported the police are looking into a campaign to educate the public about calling 9-1-1 from cell phones.

Mayor Goetz reported the 26th Annual Cranbury Trophy Golf Tournament will be held on August 18th at the Peddie School. She stated the Tournament raises funds for Cranbury's Parks and urged the public to participate.

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Reports and Communications (Continued)

--Mayor

Mayor Goetz reported "Keep Middlesex Moving" (KMM) sent information on ways for the Police to save on fuel while idling, particularly at construction sites. She stated she will give the information to the police for follow up.

Reports and Communications

--Township Committee

Mr. Taylor reported "National Night Out" will be held on August 5th.

Mr. Taylor reported he wanted to make a few comments on the Township's annual audit that was just completed. Mr. Taylor stated he wanted to highlight the auditor's comments that the Township was doing everything to not have a credit risk because of how it invests its dollars. Mr. Taylor asked if the \$686,000 lease on the fire/rescue pumper is expiring this year, and Ms. Marabello stated she believed there is another year or so left on the lease. Ms. Marabello stated that \$686,000 is the total amount and most of that has been paid off. There were additional comments about deferred charges, increased contributions for employee State health benefit plans, and the amounts of vacation and sick time being accrued. Mr. Taylor stated there were four (4) tax appeals, and only one (1) remains unsettled. Mr. Taylor stated it is excellent that the Township only received one (1) audit comment, and the Committee thanked Ms. Marabello for her efforts.

Mr. Taylor stated the Library is having a "read-in" on July 30th for residents to see the location of the new Library.

Mr. Johnson reported he attended a webinar on COAH, attended two (2) COAH Subcommittee meetings and attended two (2) Library Facilities meetings.

Mr. Cook reported the remediation of the Brainerd Lake edge is not an easy fix as the Project will affect the waterway. He reported the permitting of the Project is more complicated than originally thought, however, efforts are continuing with the Engineer's Office to get the Project started. He reported the Brainerd Lake and Dam Project is at day 265 of the 300 days originally projected for completion. He stated there were a number of issues that needed to be addressed and remedied. He reported the spillway is being poured this week, and stated only the railing is still being addressed as there is now a second entity where the railing may be purchased at a lesser cost. He stated they want to actually see a sample of the railing before the approval is made to purchase it. Mayor Goetz asked when the actual roadway surface will begin, and Mr. Cook stated that work should begin in the next three (3) weeks. He stated the work will be done on one (1) side of the road at a time so the roadway will not be closed down completely. Mr. Cook stated the hope is to have the Project completed before school starts.

Mr. Taylor asked that the Building and Grounds Liaison role be reinstituted because there will be a lot of work being done in Town Hall. Mayor Goetz asked for an update on the painting of Town Hall, and Mr. Taylor stated a walk-through for painters will be held on Tuesday. He confirmed the colors will be historical and the stenciling will be preserved to the extent possible. Mr. Taylor stated the Yankee gutters and some slates may need to be addressed next year.

Agenda Additions/Changes

Ms. Cunningham reported there are no changes to the Agenda.

Public Comment – for Agenda Items

Mayor Goetz reported the two (2) main issues on the agenda are COAH and the Riparian Ordinance and stated she will open for public comment after each item as well. She opened the meeting to public questions and comments for items on the Agenda. There being no comments, the Mayor closed the public portion of the meeting.

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Ordinance
Second Reading

CRANBURY TOWNSHIP ORDINANCE # 07-14-07

A motion to enter an Ordinance entitled, # 07-14-07, "AN ORDINANCE AMENDING CHAPTER 122, "RIPARIAN ZONES," OF THE CODE OF THE TOWNSHIP OF CRANBURY, IN THE COUNTY OF MIDDLESEX, NEW JERSEY", was presented for second reading and final adoption. The Ordinance was published in the Cranbury Press, posted on the Township's website, posted on the Township Bulletin Board and copies were available to the public. Mayor Goetz explained this Ordinance expands on the current Ordinance, which did not allow for any variances. She stated applicants could apply to the DEP for variances; however, the current Ordinance did now allow the Township to address a variance. The intent of this Ordinance is to allow for a permitted use if the Department of Environmental Protection issued all the necessary permits, unless the Township felt there was some reason not to give approval. The Mayor opened the public hearing on the Ordinance.

Mr. Paul Mullen, North Main Street, stated he was a member of the Environmental Commission, but was speaking as a resident. He stated the EC did not have time to meet as a Commission to formally discuss this issue, therefore, the opinions he was presenting were his own. He stated he understands the reason for the Ordinance; however, his concern is residents will see this Ordinance as a permanent solution. He stated he is also not sure how this Ordinance compares with the existing clause in the Land Use Ordinance, which states no parking or building within 20 feet of setback. He asked if the DEP gives a variance for a parking lot within the 20 feet of the riparian zone, can the Township say "no" because of the Land Use Ordinance? He stated there are a number of faults with the Ordinance, and the EC has been working very hard to come up with a good solution. He stated he cannot support the Ordinance as written, unless there is an end-date to it. Mayor Goetz stated she did speak to the Township Attorney to see if there was a way to address this, and he advised a one-year "sunset provision" be added to the Ordinance. Mayor Goetz stated the Ordinance can be changed at any time, but this would give the Township time to evaluate if the Ordinance is working. Mr. Mullen stated he believes the EC will stand by their original recommendation of needing a better Riparian Zone Ordinance, and stated even the current Riparian Zone Ordinance has its faults. There was additional discussion about the Ordinance being a short-term fix, and Mr. Mullen suggested the Township try to find a more permanent solution. Mayor Goetz asked Mr. Johnson to get the subcommittee to meet again to re-address the Ordinance.

Ms. Joan McGee, Stonybrook-Millstone Watershed Association, stated she agreed with many of Mr. Mullen's comments. Ms. McGee stated she believes there are several issues with the Ordinance even as an interim measure. She offered the Watershed's expertise in composing a Riparian Zone Ordinance as they have assisted many municipalities in writing their ordinances.

She stated their main concern is in using the standard "for good cause shown", which is very vague and subjective. She stated the Ordinance needs to have specific wording and needs to be objective. Ms. McGee does not believe this Ordinance will help the Township.

Mr. Cook stated the Township Committee needs to function as a governing body to address issues that have arisen as a result of the Riparian Ordinance. Ms. McGee reiterated the Township wants a strong Ordinance to avoid problems and lawsuits in the future.

Mr. Kevin Moore, Esq, of Sills, Cummis & Gross, P.C., stated he represents the company which owns the Valero Station on Route 130. He stated he wanted to clarify the term "for good cause shown" is a legal term which requires substantive reasons, is not vague and provides standards. He stated the DEP ordinances were not intended to go in the Land Use Ordinance. He clarified a variance is relief under legal standards from the terms of a zoning ordinance, while an exception is granted from a subdivision ordinance. Mr. Moore stated his preference would not be a sunset provision because it can be appealed. He urged one (1) year because it takes a long time to go through the process.

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CRANBURY TOWNSHIP ORDINANCE # 07-14-07

Public Hearing (Continued)

Ms. McGee clarified nowhere in the environmental rules is the term “for good cause shown” given as a standard for exceptions. She also wanted to clarify in the model ordinances, there is a section for variances and there is a subsection for exceptions so the categories are distinguished from each other. There was additional discussion and comments about “for good cause shown.”

Ms. Barbara Rogers, Chairperson of the Environmental Commission, stated she was not speaking on behalf of the EC but as a private citizen who is very concerned about the environment. She reported the EC has spoken about the Riparian Ordinance at many of its meetings. She stated she would like put on the record that, as a private citizen, she was very concerned the EC was not contacted to provide a letter of support before any action was taken. She stated the EC planned to discuss this at meeting last week; however, the meeting had to be cancelled due to a lack of quorum.

Mayor Goetz explained the Township Committee had hoped to receive comments from the Environmental Commission before proceeding on the Ordinance. She stated she is reluctant to further delay the Ordinance until the EC meets again. Mayor Goetz stated she is confident that, based on the feedback from the two (2) private citizens, the sentiment of the EC is being conveyed and the Township Committee is not going against the EC’s recommendation.

Mr. Cook stated this Ordinance allows the Township Committee to make changes which were not allowed before and creates a flexibility whether the sunset provision is six (6) months or 12 months. Mr. Cook stated comments can be incorporated; however, it will take time to do so. In the meantime, this would provide the Township Committee an ability to allow some issues to be addressed.

Ms. Rogers stated she would like to see the Ordinance to be as strong as possible

No one further present wished to speak, so the hearing was declared closed. Mayor Goetz asked the Township Committee for comments. Mr. Johnson asked for clarification on the sunset provision, and Mayor Goetz stated the Township Attorney advised the sunset clause could be isolated to this provision. Mr. Johnson stated he was agreeable to proceed to second reading.

Mr. Cook stated he acknowledged the pros and cons and stated he feels the sunset clause would be appropriate and would allow the Ordinance to be functional. He stated wording could be added later.

Based on advice from the Township Attorney, Mayor Goetz stated she would like to vote on amending the Ordinance and have the second reading at the next meeting. Mr. Cook stated he would agree to passing the Ordinance this evening or amending it and having the second reading at the next meeting.

Mr. Johnson stated the language being considered is “this Ordinance shall expire one (1) year from its effective date unless the date of such Ordinance is extended by Ordinance of the governing body. He stated the sunset provision pertains to the entire Ordinance. There was additional discussion on the options provided by the Township Attorney.

Mr. Cook suggested getting more clarity from the Township Attorney. Mr. Taylor asked Ms. Cunningham, Municipal Clerk, if a memo and meeting notes could be attached to the Ordinance reflecting the Township Committee wanted a sunset provision. Ms. Cunningham stated the wording would have to be written into the Ordinance. It was decided Ms. Cunningham could remind the Township Committee in ten (10) months to revisit the Ordinance.

Mayor Goetz clarified that due to concern that putting any type of sunset clause in the Ordinance puts the sunset clause on the entire Ordinance, there is a desire to vote on this Ordinance as it stands with a commitment on the part of this group to revisit the Ordinance.

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CRANBURY TOWNSHIP ORDINANCE # 07-14-07

Public Hearing (Continued)

On motion by Mr. Taylor, seconded by Mr. Cook, the Ordinance was adopted as written by a vote:

Ayes:	(Cook	Abstain:	(None
	(Johnson	Absent:	(Mulligan
	(Taylor		
	(Goetz		

Nays: (None

It was reiterated that the Ordinance will be revisited. Ms. Cunningham will check with the Mayor in ten (10) months. Ms. Cunningham stated this Ordinance will become effective on the date of publication, which is Friday, August 1st.

Resolutions

Consent Agenda

Mayor Goetz asked the Township Committee if there were any questions or comments on the Consent Agenda. A motion was made by Mr. Taylor, seconded by Mr. Johnson and unanimously carried, the following Resolutions were passed by vote:

Ayes:	(Cook	Abstain:	(None
	(Johnson	Absent:	(Mulligan
	(Taylor		
	(Goetz		

Nays: (None

Cranbury Township Resolution # R 07-14-091

NOW, THEREFORE, BE IT RESOLVED, by the Township of Cranbury that all bills and claims as audited and found to be correct be paid.

Reports from Township Boards and Commissions

Mr. Michael Kervan, Chief of the Cranbury Volunteer Fire Company, gave report from June 24th to present: 51 calls (281 YTD), including a multi-alarm fire in Hightstown, a fire at a construction site, and a building fire in Plainsboro. The Fire Company responded to 12 calls out of town and had mutual aid within Cranbury eight (8) times. He stated good progress is being made on the new truck. Chief Kervan requested that the crosswalk signs in the middle of Town be moved. He explained there is not enough room for the fire trucks to maneuver around them, and stated a fire truck was damaged when it ran over a sign while trying to negotiate the corner at Park Place this past weekend. Mayor Goetz asked if it would be better if the signs were on the north side of the intersections, and Chief Kervan stated that would be better. Ms. Marabello recommended Chief Kervan work directly with Sgt. Chiara concerning the placement of the crossing signs. Chief Kervan reported 348-1/2 volunteer hours during this period.

Mr. Taylor reported the Fire Company was at the "Touch-a-Truck" Event, and Chief Kervan stated they also were at the July 5th Fireworks and plan to be at "National Night Out." Mayor Goetz thanked Chief Kervan for his report.

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Reports from Township Staff and Professionals

-- Administrator's Report

Ms. Marabello reported she had nothing to report.

--Assistant Administrator's Report

Ms. Cunningham asked if the Township Committee plans to have a meeting on August 25th. She stated the meeting is currently listed as an "optional meeting" on the calendar. Mr. Taylor reported he is not available. Mr. Cook stated he can be available, if needed. Mayor Goetz asked if a decision to have the August 25th meeting can be made at the August 11th meeting, and Ms. Marabello agreed.

Ms. Cunningham reported a table has been reserved for Cranbury Day. Mayor Goetz clarified that employees are not mandated to sit at the Cranbury Day table. Ms. Cunningham reported three (3) employees have signed up, and the Township Committee stated they will "man" the table as well. Ms. Cunningham reported she requested the Committee's table be in its usual spot across the street from the Bike Shop.

Work Session

a). Discussion of Proposed COAH Regulations

Township COAH Consultant, Ms. Mary Beth Lonergan, Mr. Johnson and Mr. Taylor discussed Cranbury's comments to the COAH regulations. Mr. Johnson reported the subcommittee met twice. He reported the most immediate deadline was to submit comments by August 1st. He reported the next deadline is May 2015 when a new plan must be submitted. Mayor Goetz inquired if the new plan will incorporate the number of units assigned or the number of units Cranbury thinks it will be responsible for. Mr. Johnson stated the plan should include the number of units assigned and hope that number will come down. He stated the Township would know if the number came down well before May. Mr. Taylor reported the Township's comments must be in before August 1st and he believes the numbers will be published in mid-November. Mr. Taylor stated it will be crunch time to between mid-November and May to prepare a plan.

Ms. Lonergan reported the most important focus of the draft comments for the Township Committee's consideration is the Fair Housing Act's clear direction to COAH that municipalities should not be drastically altered in addressing these fair share obligations. Ms. Lonergan stated the comments address this issue in five (5) or six (6) different ways to get COAH to confirm that the Township's obligation over the next ten (10) year period should be limited based on that drastic alteration. Ms. Lonergan stated COAH has already given the Township a reduction of prospective future need to 274 affordable housing units. The Township's view is that number should be the cap for Township's entire ten (10) year period. The second main point of the Township's comments is for COAH to release the specific information and analysis it did on vacant and developable sites. Ms. Lonergan reported it appears (from the air) that Cranbury has many vacant sites; however, many of those sites are commercial sites that already have approvals for construction.

There were questions concerning the "10% set aside," and Ms. Lonergan explained one (1) way for a municipality to address its fair share affordable housing obligation is to require a residential builder to build "inclusionary" housing where a bulk of the units are market rate and a smaller percentage (10% set aside) for affordable units. Cranbury utilized inclusionary zoning to address its earlier fair share obligations.

Ms. Lonergan addressed the 20% cap, stating according to the 2010 census, Cranbury had 1,371 total housing units and 20% of that would be 274 units. Ms. Lonergan stated a 10% cap would be 137 units. She stated the Fair Housing Act does not state a 20% cap. Mr. Cook stated Cranbury is currently not at 10% affordable housing, but is very close. Mr. Taylor clarified these 137 units do not include what the Township already has. Mr. Cook asked if this 10% would be above the 9% affordable units Cranbury already has, and Ms. Lonergan confirmed that. Mr. Cook asked why if

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Work Session

a). Discussion of Proposed COAH Regulations (Continued)

Cranbury was already close to 10%, why is there a requirement for another 10%? Ms. Lonergan stated that COAH is looking into the future and saying that a municipality should have 20% affordable units.

Ms. Lonergan reported the issues and challenges of affordable housing are already before the Supreme Court. She stated housing advocates are saying the housing numbers are low and COAH has not done what the Supreme Court ordered it to do. On the other hand, Cranbury and 30 to 40 other municipalities are being faced with dramatic increases in numbers. She stated South Brunswick is facing an increase of 1,000 units in the next round.

Mr. Taylor stated it is not known what the League of Municipalities' position is on this as only 30 to 40 townships are affected. Mayor Goetz stated it was her understanding the League was not taking a position. Ms. Lonergan stated she has not seen anything formal on their position.

There was additional discussion about affordable housing obligations and its impact on Cranbury as well as other municipalities. Ms. Lonergan state even municipalities with moderate increases will be petitioning COAH. Ms. Lonergan stated over half of the 565 municipalities in the State voluntarily crafted a plan and submitted it to COAH. She stated 70 to 75 municipalities are in the Supreme Court right now, either voluntarily or as a result of a lawsuit. She stated there are also approximately 150 towns that have had an obligation for the last three (3) rounds that have not met any of their obligations.

Mr. Mark Berkowsky, Cranbury Historical Society, stated a letter is being drafted to COAH to address the impact of the increased affordable units to the historic district. He stated the numbers are too great and will have a devastating impact to Cranbury. Mayor Goetz asked if there will also be a letter from the Township, and Mr. Johnson stated the comments will be sent electronically to COAH. Mr. Berkowsky stated Cranbury Housing Associates will also be writing a letter stating the numbers are too high and there is not sufficient "appropriate" land available for housing in the Township. Mr. Berkowsky stated land east of Route 130 is industrial and is not appropriate for housing.

Mayor Goetz stated the comments provided by the Cranbury Historical Society and Cranbury Housing Associates are critical.

Public Comment

The Mayor opened the meeting to public questions and comments on the proposed COAH regulations.

Ms. Beverly Luck, 44 South Main Street, asked about the status of the Route 130-D Site and asked if affordable home would be built. Mr. Cook stated the Township wanted more clarity from COAH before building the site. There being no further comments, the Mayor closed the public comment.

Mayor Goetz stated the Committee had to approve the comments for submittal to COAH, and asked if the comments should be sent on Township letterhead. Ms. Lonergan stated the comments are being filed on behalf of the Cranbury Township Committee for Cranbury Township.

Public Comment

The Mayor opened the meeting to public questions and comments.

Mr. Richard Kallan, Wynnewood Drive, asked about the bid for the planting of 300 trees on various lots in Cranbury. He asked if the trees would be planted on Township property, and Mayor Goetz confirmed the trees cannot be planted on private property. Mr. Kallan stated if Cranbury has a Shade Tree Commission and wants shaded streets, why is the location to plant trees dictated to the Township. Mayor

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Public Comment (Continued)
(Mr. Kallan cont'd)

Goetz replied she does not know why. She stated the Shade Tree Commission has been working with the Turnpike Tree Subcommittee and had tried to have trees planted in various locations to fill in gaps. Mayor Goetz stated the first rounds of trees were planted to form a forest; however, the Township is not permitted to move the trees later to other locations. Ms. Marabello stated the DEP is inspecting to make sure the trees are planted and remain in the locations assigned.

Ms. Betty Conover, North Main Street, asked about the unsightly sediment in the Lake and asked if it will be removed. Mr. Cook stated approval is being sought to remove about 125 cubic yards of sediment from the northeast and southeast sides of the Bridge. Mr. Cook stated it is not sure if the sediment can be removed as part of a general permit or if a special permit must be obtained, but he hopes an answer will be available in the next week or so.

Ms. Conover asked if the mildew and flaking paint will be addressed in the Senior Center. Mr. Taylor stated the basement is not included on the specs for the painting. He stated only the meeting rooms, hallways and first and second floors. Mayor Goetz stated this bid is only covering the first and second floors, and a list of additional maintenance activities to be done. Ms. Conover stated mildew is a major issue and needs to be addressed. Ms. Marabello stated the mildew will have to be looked at. Mr. Cook asked if the mildew is a result of humidity. Ms. Conover stated the room has pockets of mildew, and Ms. Cunningham stated the Ladies Room has mildew on the ceiling. She stated Mr. Greg Farrington, Construction Official, has cleaned the mildew several times with bleach. Mr. Taylor confirmed the Senior Center is on the maintenance list and the issue will be addressed. Ms. Conover thanked the Township Committee.

There being no further comments, the Mayor closed the public portion of the meeting.

Resolution

A motion was made by Mr. Taylor at 9:13 p.m., seconded by Mr. Johnson and unanimously carried (with Mr. Mulligan being absent), the following Resolution was passed by vote:

Ayes: (Cook (Johnson (Taylor (Goetz	Abstain: (None Absent: (Mulligan
Nays: (None	

Cranbury Township Resolution # R 07-14-092

TOWNSHIP OF CRANBURY
COUNTY OF MIDDLESEX

RESOLUTION TO CLOSE MEETING TO THE PUBLIC

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

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

----- "N.J.S.A. 10:4-12b (5) (Land Acquisition): Discussion of possible land acquisition.

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Cranbury Township Resolution # R 07-14-092
(Continued)

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

On a motion by Mr. Taylor, seconded by Mr. Johnson and unanimously carried (with Mr. Mulligan being absent), the meeting adjourned at 9:45 p.m.

Kathleen R. Cunningham, RMC
Municipal Clerk