

TOWNSHIP COMMITTEE MEETING
December 8, 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. Dan 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 December 4, 2013 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 December 4, 2013.
- (3) Filed on December 4, 2013 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.

Resolution

On motion by Mr. Taylor, seconded by Mr. Cook and unanimously carried (with Mr. Mulligan being absent), the following Resolution was passed by vote:

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

Nays: (None

Cranbury Township Resolution # R 12-14-137

WHEREAS, Jane Holland ("Jane") was appointed to the Cranbury Municipal Alliance in 2002; and

WHEREAS, Jane was then appointed Chair of the Municipal Alliance Committee in 2003; and

WHEREAS, Jane has served the Municipal Alliance these past 13 years with great compassion and dedication; and

WHEREAS, Jane has always shown great compassion and concern for the Cranbury community, especially the students, and continually worked to bring awareness of the risks of alcohol and drug abuse to the community through education and programs in order to reduce substance abuse; and

WHEREAS; Jane has started many programs for students such as "Bingo Night", "Movie Night", "Jamfest", and the Princeton High School Orientation Picnic which are provided as alternative activities for students as well as to educate students; and

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Cranbury Township Resolution # R 12-14-137
(Continued)

WHEREAS, Jane has coordinated with school administrators and guidance counselors to plan programs as needed in the schools such as the Cranbury School Chat Groups, Red Ribbon Week, student assemblies, and grade level programs to address current concerns; and

WHEREAS, Jane has organized the annual "Cranbury Drug Free Fair" for many years; and

WHEREAS, Jane planned programs for parents to bring awareness to parents of the influences and risks our children are exposed to and the information they need to understand, identify and reduce that risk; and

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Cranbury hereby thanks Jane Holland for devoting countless volunteer hours for the benefit of our community and conveys its gratitude and appreciation for her dedication throughout the years and making a difference in the lives of Cranbury's students!

Resolution

On motion by Mr. Taylor, seconded by Mr. Johnson and unanimously carried (with Mr. Mulligan being absent), the following Resolution was passed by vote:

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

Nays: (None

Cranbury Township Resolution # R 12-14-138

WHEREAS, Thomas Patterson ("Tom") has resigned his position as a member of the Cranbury Township Zoning Board of Adjustment as of December 31, 2014; and

WHEREAS, Tom began his service with the Zoning Board in March, 2008, serving with dedication and distinction for seven (7) years; and

WHEREAS, as a member of the Zoning Board Tom personified the highest ideals of public service and dedication; and

WHEREAS, Tom gave a lot of his insight and enthusiasm to the Zoning Board; and

WHEREAS, his service has helped to preserve the unique character of Cranbury Township's "vista";

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee hereby expresses its appreciation and thanks to Thomas Patterson for his service to Cranbury Township and many contributions to the Board;

BE IT FURTHER RESOLVED, a duly authenticated copy of this Resolution be presented to Thomas Patterson with best wishes for many years of good health and happiness.

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Resolution

On motion by Mr. Taylor, seconded by Mr. Cook 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 12-14-139

WHEREAS, John Jackson ("Bud") has resigned his position as a member of the Cranbury Township Board of Health as of December 31, 2014; and

WHEREAS, Bud was appointed to the Cranbury Township Board of Health, serving 32 years as a member and later elected as the Chairperson; and

WHEREAS, Bud, as a professional plumber, lent his wisdom and knowledge throughout the many years he served on the Board to solve many problems; and

WHEREAS, Bud's attendance at the Rabies Clinics held by the Township was stellar, hardly ever missing one during his tenure; and

WHEREAS, the Board of Health discussed and dealt with many controversial issues during Bud's membership; major problems with the septic systems at Shadow Oaks, the septic failure at "The Cranbury Grill", Lyme Disease, cat licensing (rabies vaccination), dog licensing (rabies vaccination) and dog licensing canvassing; and

WHEREAS, Bud's calm presence and leadership at many of the meetings is a tribute to him; and

WHEREAS, his dedication to the Board of Health speaks volumes; Cranbury residents were served well during the many years he was on the Board;

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Cranbury hereby thanks John (Bud) Jackson for devoting countless volunteer hours for the benefit of our community and conveys its gratitude and appreciation for his dedication throughout the years and making a difference in the lives of everyone in Cranbury now and in the future.

Regular Township Committee Minutes of November 24, 2014

On motion by Mr. Taylor, seconded by Mr. Cook and unanimously carried (with Mr. Mulligan being absent and Mr. Johnson abstaining due to absence), the Regular Township Committee Minutes of November 24, 2014 were adopted.

Mr. Taylor left at 7:27 p.m.

Release of Various Closed Session Minutes

On motion by Mr. Cook, seconded by Mr. Johnson and unanimously carried (with Mr. Mulligan and Mr. Taylor being absent), the release of various closed session minutes was adopted.

TOWNSHIP COMMITTEE MEETING
December 8, 2014

Reports and Communications
--Mayor Goetz

Mayor Goetz reported the holiday wreaths downtown look lovely, and the Township has the Cranbury Historical and Preservation Society to thank for financing the wreaths. Mayor Goetz thanked Ms. Lee Nissan and Ms. Bobbie Marlowe for working with the vendor to design the wreaths, and also Mr. Jerry Thorne, Public Works Manager and the DPW for installing the wreaths. Mayor Goetz reported the Christmas tree was lit on Friday evening, December 5th, and a good time was had by all. The Menorah will be lit at 4 p.m. on December 17th and Mayor Goetz invited the public to attend.

Mayor Goetz reported Kerzner Associates made a donation in the Township's name to the Diabetes Foundation as a holiday thank you.

Reports and Communications
--Township Committee

Mr. Johnson

Mr. Johnson reported he attended a ribbon cutting ceremony at A&M Industrial, a family-owned business which provides a wide range of industrial products. He reported A&M moved their warehouse from Rahway to Cranbury, and are looking to possibly move their headquarters here from Newark next year. He also attended subcommittee meeting of the Zoning Board and Planning Board.

Mr. Cook

Mr. Cook reported the Township is getting closer to getting a final cost for the Village Park remediation. He reported the DEP is looking for a fairly significant survey of Village Park. He reported the Bridge and Dam Project is still status quo concerning the railing and lighting. He reported the temporary fencing blew over for the second time and additional sand bags were placed to better secure the fencing. It is anticipated the lighting and railing should be complete sometime in January.

Mayor Goetz stated the Township had significant rain over the weekend, and the water rose very high. She asked Mr. Cook if the Dam operated as it was supposed to, and Mr. Cook stated while the water came up high, the roadways and surrounding yards were not breached.

Reports and Communications
-- Subcommittees

There were no reports from Subcommittees.

Agenda Additions/Changes

Ms. Cunningham reported there were no Agenda additions or changes.

Public Comment – for Agenda Items

The Mayor 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.

TOWNSHIP COMMITTEE MEETING
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Ordinances
Second Reading

CRANBURY TOWNSHIP ORDINANCE # 11-14-10

A motion to enter an Ordinance entitled, # 11-14-10, "AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, MIDDLESEX COUNTY, NEW JERSEY, AMENDING CHAPTER 76, "DEVELOPMENT FEES," OF THE CODE OF THE TOWNSHIP OF CRANBURY BY CORRECTING A TYPOGRAPHICAL ERROR IN SECTION § 76-7 PERTAINING TO REVIEW FEES," 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. Ms. Cunningham explained the Ordinance should have listed the price under major site plan as \$50/1,000 square feet; however, the amount was listed as \$150/1,000 square. This Ordinance will correct that typographical error. The Mayor opened the public hearing on the Ordinance.

Mr. Art Hasselbach, Route 130, asked if this correction would necessitate the Township having to reimburse any applicants. Ms. Marabello explained the Township knew the correct amount to charge applicants; however, the amount in the Ordinance was incorrect. No one further wished to speak, so the hearing was declared closed. On motion by Mr. Johnson, seconded by Mr. Cook, the Ordinance was adopted by a vote:

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

Cranbury Township Ordinance # 11-14-11

A motion to enter an Ordinance entitled, # 11-14-11, "BOND ORDINANCE SUPPLEMENTING ORDINANCE 05-11-12 BRAINERD LAKE DAM APPROPRIATING \$88,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$83,600 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF," 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. The Mayor opened the public hearing on the Ordinance. No one present wished to speak, so the hearing was declared closed. On motion by Mr. Cook, seconded by Mr. Johnson, the Ordinance was adopted by a vote:

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

TOWNSHIP COMMITTEE MEETING
December 8, 2014

Cranbury Township Ordinance # 11-14-11
(Continued)

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CRANBURY, IN THE COUNTY OF MIDDLESEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The several improvements described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Township of Cranbury, in the County of Middlesex, New Jersey (the "Township") as a general improvement. For the several improvements or purposes described in Section 3, there is hereby appropriated the sum of \$88,000, including the sum of \$4,400 as the down payment required by the Local Bond Law. The down payment is available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$83,600 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3.

- (a) The improvement hereby authorized and the purpose for financing of which the bonds are to obtain an easement at 1 North Main Street for the purpose of completing the Brainerd Lake Dam project.
- (b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is stated in Section 2 hereof.
- (c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefore.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

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Cranbury Township Ordinance # 11-14-11
(Continued)

Section 6. The following additional matters are hereby determined, declared, recited and stated:

- (a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose that the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.
- (b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, is 40 years.
- (c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$83,600 and the obligations authorized herein will be within all debt limitations prescribed by that Law.
- (d) An aggregate amount not exceeding \$8,800 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 8. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 9. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 10. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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Cranbury Township Ordinance # 11-14-12

A motion to enter an Ordinance entitled, # 11-14-12, "AN ORDINANCE SUPPLEMENTING THE CODE OF THE TOWNSHIP OF CRANBURY, IN MIDDLESEX COUNTY, NEW JERSEY BY CREATING A NEW SECTION 17 ENTITLED PERFORMANCE INCENTIVE FOR VOLUNTEER FIRE AND FIRST AID MEMBERS," 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 stated the Township is very grateful for the Fire Company and First Aid Squad volunteer members. She stated the Township makes contributions annually to both as well as contributions to LOSAP (Length of Service Award Program) to recognize their efforts. She stated the organizations approached the Township Committee with a proposal of an incentive program as a way to attract new members. Mayor Goetz stated \$10,000 for an incentive program was set aside in the budget to be split between the Fire Company and First Aid Squad. This Ordinance is a result of conversations with the Fire Company, the First Aid Squad and the Township Attorney on the best way to award volunteers. The program recognizes and awards incentives to members who actually respond to calls. At the suggestion of the Township Attorney, no one member will be awarded more than \$500. The Fire Company and First Aid Squad will actually determine how the funds will be awarded. The Mayor opened the public hearing on the Ordinance.

Mr. Cheryl Buonovolonto, Cranbury Neck Road, stated the reason the Fire Company and First Aid Squad came to the Township Committee was because they were not able to recruit new volunteers. She stated she believes, after reading the Ordinance, the program is geared for current members. She stated if the goal is to recruit new volunteers, the program should not be rewarding current volunteers. Mayor Goetz responded that this was discussed at length, and it was decided what the organizations needed was something to encourage response. Mayor Goetz stated when new young volunteers join, there is a lot of investment in their training, and this program would encourage them to respond and use their training. Mayor Goetz explained LOSAP rewards members later, while this program is more immediate and it will encourage more people to volunteer. Mr. Cook explained this program is not set in stone, and it can be revisited in the future if circumstances change.

Mr. Richard Kallan, Wynnewood Drive, stated he felt sometimes incentive programs cause problems and people volunteer because it is something they love to do. He stated he does not think this Ordinance satisfies the original intention and will not encourage additional members to volunteer. Mr. Kallan stated he would like to see this issue revisited next December to see if the program was successful in what it was designed to do. Mayor Goetz suggested that perhaps the incentives should be awarded after six (6) months instead of a yearly payout.

Mr. Cook stated it is getting harder to find new members as committed as the current members. He stated the Township is grateful for the current volunteers, and without them, the Township would be forced to have a paid service.

Ms. Cheryl Buonovolonto, Cranbury Neck Road, stated the Fire Company should have "duty service" like the First Aid Squad has. She stated she does not know the specific details, but stated Squad members are "on call" for specific times. She stated if the Fire Company implemented "duty service," there would always be members available.

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Cranbury Township Ordinance # 11-14-12
(Continued)

Public Hearing (cont'd.)

Ms. Linda Bowker, Bunker Hill, stated she agreed with both Mr. Kallan and Ms. Buonovolonto, and inquired if the Chief, Assistant Chief or officers would also be eligible for the awards. She stated they respond to most calls. She asked if the incentive would be for all members. Mayor Goetz responded the Ordinance does not stipulate how the funds would be distributed, and stated the distribution would be determined by each organization according to their by-laws. Ms. Bowker stated if the Chief/Captain or officers respond all the time and get a good portion of the funds, she is not sure the program will serve as an incentive for other members. Mayor Goetz stated that will have to be reviewed and evaluated.

Mr. Art Hasselbach, Route 130, stated there were similar recruitment problems years ago; however, now there is increased training and re-training, which takes a lot of time from a member's family life. He stated it is difficult to get volunteers, and it is important to try something to recruit and retain members. The alternative to hire is very expensive.

Mr. Johnson stated the Fire Company did research on incentive programs by contacting other fire departments. He stated the Township has done what it can to ensure the residents are covered during the daytime. No one further wished to speak, so the hearing was declared closed. On motion by Mr. Johnson, seconded by Mr. Cook, the Ordinance was adopted by a vote:

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

Resolutions
Consent Agenda

Mayor Goetz asked the Township Committee if there were any questions or comments on the Consent Agenda and stated she would like to separately address Resolution # R 12-14-135 concerning the Andy Matt settlement agreement. A motion was made by Mr. Cook, seconded by Mr. Johnson and unanimously carried (with Mr. Mulligan and Mr. Taylor being absent), the following Resolutions were passed by vote:

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

Cranbury Township Resolution # R 12-14-132

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

TOWNSHIP COMMITTEE MEETING
December 8, 2014

Cranbury Township Resolution # 12-14-133

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH
IT NETWORK SOLUTIONS FOR IT SUPPORT SERVICES
AND CAPITAL PROJECTS

WHEREAS, the Township of Cranbury requires the services of a consultant for IT support services and capital projects; and

WHEREAS, IT Network Solutions was the successful bidder on February 7, 2013; and

WHEREAS, pursuant to N.J.S.A. 40A:11-15 the bid was for a period of up to one (1) year with a one (1) - year extension; and

WHEREAS, IT Network Solutions has offered to provide these services to the Township for 2015 at a cost of \$82,654.00; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A; 11-4.1 et seq., authorizes the award for purposes for which competitive contracting may be used by local units; and

WHEREAS, the Chief Financial Officer has certified that there will be sufficient funds for this contract; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Cranbury, in the County of Middlesex, as follows:

1. The Mayor and Clerk are hereby authorized and directed to execute an agreement with IT Network Solutions for IT support services and capital projects for \$82,654.00; and
2. A copy of the Agreement shall be available for public inspection in the Township Clerk's Office during regular business hours.
3. A notice of this Contract shall be advertised within 10 days of the award of said contract

Cranbury Township Resolution # R 12-14-134

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT
WITH CITY CONNECTIONS, LLC. FOR WEB SITE SERVICE FOR CALENDAR YEAR 2014

WHEREAS, the Township of Cranbury requires the services of a consultant to host and maintain its website; and

WHEREAS, the Township entered into contracts with City Connections, LLC to provide said services in previous years; and

WHEREAS, the Township wishes to enter into an agreement with City Connections, LLC to provide these services from January 1, 2015 to December 31, 2015; and

WHEREAS, City Connections, LLC has offered to provide these services to the Township for cost of \$ 8929.00; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A; 11-1 et seq., authorizes the award of a services contract without competitive bids when the cost of the contract does not exceed the applicable bid threshold; and

TOWNSHIP COMMITTEE MEETING
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Cranbury Township Resolution # R 12-14-134
(Continued)

WHEREAS, the Chief Financial Officer has certified that there will be sufficient funds for this contract; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Cranbury, in the County of Middlesex, as follows:

1. The Mayor and Clerk are hereby authorized and directed to execute an agreement with City Connections, LLC to host and maintain Cranbury Township's website for \$ 8,929.00; and
2. A copy of the Agreement shall be available for public inspection in the Township Clerk's Office during regular business hours.
3. A notice of this Contract shall be advertised within 10 days of the award of said contract

Cranbury Township Resolution # R 12-14-136

A RESOLUTION AUTHORIZING YEAR 2014 BUDGET TRANSFERS

WHEREAS, there are 2014 Budget Accounts which require more funding due to circumstances not known at the beginning of the year; and

WHEREAS, there will be excess balances in budget accounts in which the expenditures will be less than projected at the beginning of the year,
And

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Cranbury, that the following year 2014 Budget Transfers be authorized and made on the records and accounts of the Township:

	<u>Budget Account</u>	<u>From</u>	<u>To</u>
4-01-27-340-012	Animal Control-S&W	\$2,100.00	
4-01-31-445-310	Water – OE		\$2,100.00

BE IT FURTHER RESOLVED that a copy of this Resolution, certified by the Township Clerk to be a true copy forwarded to each of the following:

- (a) Township Auditor
- (b) Township Chief Financial Officer

Resolution

Mayor Goetz reported she wanted to address Resolution # R 12-14-135 separately so the public could be informed. She stated this Resolution deals with the trees planted on Old Cranbury Road, which were obtained from the Turnpike Widening Project. The contract stated the trees planted had to survive for two (2) years, or had to be replaced by the contractor. The Township was having trouble having the dead trees replaced.

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Resolution # R 12-14-135
(Continued)

Ms. Marabello explained Andy Matt was awarded a contract to plant 2,500 trees, and the contract stated they had to guarantee 100% survivability. She reported there were approximately 1,100 trees that were not viable after the two (2) years. She stated Andy Matt had an arborist come out and disputed the number and condition of the trees. Ms. Marabello stated these trees were planted with grant monies from the Turnpike Widening Project, and the DEP had the final say on the number of trees they will accept. She stated the DEP wants 503 more trees to be planted in order to sign off on the grant, so the Township went back to Andy Matt, and after mediation, Andy Matt offered 150 trees. Ms. Marabello declined the offer, and said the Township would see them in court. The mediator was pushing for the Township to accept the 150 trees. After further discussion, it was agreed Andy Matt would plant 400 trees, hopefully by year-end. The Township will be responsible for planting the remaining 103 trees.

Mr. Richard Kallan, Wynnewood Drive, inquired who determined there were 1,100 trees that needed to be replaced. Ms. Marabello stated the Township's landscape architect determined the 1,100 number. Ms. Marabello stated the DEP said some of the 1,100 are partially alive and would accept those to see if they survive. Ms. Marabello stated the Township would never get the 1,100 trees. Mr. Kallan asked if the contractor had insurance, and Ms. Marabello stated the Township went to the bond company and was we needed to mediate it as they would not release the funds. She stated the Township will need to replace the remaining 103 trees because the DEP requires them to be planted.

Mr. Art Hasselbach, Route 130, asked why so many trees had to be planted. He stated they were planted too closely together and will eventually shade each other out. He inquired why other areas of the Township were not selected. Mayor Goetz explained to the public that the Township received the trees as a result of the Turnpike Widening Project. She explained these trees were part of the Phase I planting. Mayor Goetz reported Phases II and III were planted by a different contractor and the Township is pleased as all trees have lived.

On motion by Mr. Cook, seconded by Mr. Johnson and unanimously carried (with Mr. Mulligan and Mr. Taylor being absent), the following Resolution was passed by vote:

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

Cranbury Township Resolution # R 12-14-135

Date of Adoption: December 8, 2014

RESOLUTION APPROVING A SETTLEMENT AGREEMENT

WHEREAS, the Township of Cranbury, on or about February 10, 2014, filed a civil action in the Superior Court of New Jersey, Middlesex County – Law Division, entitled *Township of Cranbury v. Andy Matt, Inc., Selective Insurance Company of America*, Docket No. MID-L-734-14; and

WHEREAS, the parties have engaged in settlement discussions pursuant to which an amicable resolution has been reached; and

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Cranbury Township Resolution # R 12-14-135
(Continued)

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Cranbury on this 8th day of December, 2014, that the Township Committee hereby approves the settlement agreement in the form attached hereto; and

BE IT FURTHER RESOLVED, that Mayor and Clerk are authorized to sign the settlement agreement on behalf of the Township of Cranbury.

Work Session

a). Discussion of Potential Changes to the Riparian Corridor Ordinance

Mr. Johnson explained this discussion is the result of comments received from the Environmental Commission to improve the Ordinance currently on the books. He stated a couple of years ago the State passed a law that all municipalities had to have a Riparian Ordinance, and a sample Ordinance was sent that municipalities could adopt. Mr. Johnson stated it was very confusing at the time of adoption. Mr. Johnson stated the Environmental Commission has since put a lot of work into the Ordinance and the Zoning Board subcommittee has discussed the Ordinance at three (3) meetings. He stated there is now a draft that needs to be discussed as the Zoning subcommittee is looking for direction on several items. Mr. Johnson stated this is a Work Session item, and the Ordinance will not be introduced until next year. Mr. Johnson stated Mr. Paul Mullen of the Environmental Commission will discuss the draft

Mr. Paul Mullen stated he was representing the Zoning Board subcommittee and stated back in 2011 he felt the EC presented to the Township Committee a cohesive ordinance, and it was not until 2014 that the EC realized that what they presented was not adopted. He stated the Ordinance did not have the ability to issue variances. He stated there was an exemption granted to the current Ordinance, and while the EC understood why it was done, the EC strongly objected to it because the Township was in violation for adopting an Ordinance that was weaker than the DEP's model Ordinance.

Mr. Mullen stated the significant items of change include the Ordinance being from Chapter 122 to Chapter 150. Mayor Goetz clarified that the change takes the Ordinance out of the Township Committee's responsibility and it becomes part of Land Use. Mr. Mullen stated the exemption will be eliminated and the 200 foot center line of the stream will also be eliminated to save confusion. He stated the new Ordinance provides a uniform 150-foot buffer from the bank.

Mr. Cook stated he felt the Township had the minimums in place when the Ordinance was adopted and any modifications would have been above and beyond the State minimums. Mr. Cook stated this Ordinance affects his property, and while he understands the spirit of it, he would like to have some recourse or a grandfather component to the Ordinance. Mr. Mullen stated what is in place for Cranbury is essentially a 150-foot buffer because the DEP considers all of Cranbury Township to be built upon "acid producing soil." He stated there is reference in the Township's Ordinance to a 150-foot buffer from acid producing soil. Mayor Goetz clarified that there is a provision for variances, and Mr. Mullen agreed. The DEP would have to grant a variance, and then the Zoning Board could (or could not) grant a variance. Mr. Johnson stated in years he has served on the Zoning Board, a homeowner has not been denied a variance. Mr. Johnson described various properties in Cranbury and explained how the Ordinance applies to those properties.

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a). Discussion of Potential Changes to the Riparian Corridor Ordinance (cont'd.)

There was additional discussion about the buffer zone and the ability to modify or renovate homes. Mr. Mullen stated what can be done now will still be allowed. Mr. Cook asked if a variance would still be part of the mechanics, and Mr. Mulligan stated that is still being reviewed.

There was additional discussion about variances. Mayor Goetz asked why the Township needed the revised Ordinance. Mr. Mullen explained the Township wants the 150-foot buffer and does not want legal challenges in the future.

Mr. Cook stated it would be helpful to know what residents may do in light of the "permit by rule." He stated he would be less reluctant with the 150-foot buffer across the board if he knew what is allowed by "permit by rule". Mr. Mullen stated it is important to clarify what is allowed, which would mean variances would not be necessary from the DEP or the Township. Mr. Mullen stated he would prepare a list and distribute it.

Mr. Mullen stated if the Township had the exact same language as the DEP, and someone wanted to do some work inside a Riparian Zone and they received a DEP permit, it would not matter what the Township said because the applicant would have submitted their justification to the DEP. If the Township then denied the variance, the Township would end up in court. As an Environmental Commission effort, Mr. Mullen stated the Township's language being identical to the DEP's language would be a great loss. He stated a 150-foot buffer is not large.

Mr. Mullen stated the model Ordinance prepared by the DEP has pared down to the absolute minimum requirements because it must be applicable to the entire State. The State wants municipalities to look at their specific situations and tailor it to their properties.

Mr. Cook stated having the "permit by rule" capabilities available would be helpful to residents so they know what they could do. Mr. Mullen stated there are about 45 capabilities and he will prepare the list.

Mayor Goetz asked the public if there were any questions.

Mr. Fran McGovern, Washington Drive, stated procedurally the Ordinance is not being addressed as before and stated he did not agree with Mrs. Joan McGee of the Stony Brook-Millstone Watershed Association when it was first discussed. He stated at first the changes were described as administrative changes, however, he feels the changes are substantive changes. He stated most people are not aware of the Ordinance now and were certainly now aware of it in 2011. He stated information should be disseminated, as it was in 2011, from the Township Administrator notifying residents of the Ordinance. Mayor Goetz stated this is a work session item right now, however, she did agree if the Ordinance is introduced, information would have to be shared. Mr. McGovern stated information should be shared earlier rather than later, and a real map should be included so residents have a clear understanding of the changes. Mr. McGovern stated he feels the DEP has struck a balance with this Ordinance.

Mr. Hasselbach, Route 130, stated this issue was addressed when the Master Plan was reviewed. He stated many residents are not aware of the regulations. He stated properties will be devalued if residents are not able to build on their property as they desire because of regulations. Mr. Hasselbach stated he is paying taxes on land that has a 50-foot buffer, and will now have 150-foot buffer, making the land less usable. He

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Work Session

a). Discussion of Potential Changes to the Riparian Corridor Ordinance (cont'd.)

asked that information be disseminated. Mr. Hasselbach is in favor of environmental concerns; however, it also has to be looked at how it impacts residents financially. He stated impacted residents should be notified so they can come to the meeting to voice their opinions.

Mr. Mullen assured Mr. Hasselbach what is being proposed is no different than what exists right now. Mr. Mullen stated that if a resident currently has a piece of property on a stream now, the DEP will not allow building on it. Mr. Mullen stated now, a resident would have to apply to the DEP for the permit and then also come to Cranbury for a permit. Mr. Mullen explained if we leave the Ordinance as it is, and our language is exactly the same at the DEP's, if a resident gets approval from the DEP and Cranbury wants to deny it, the Township will have no legal ramifications. Mr. Mullen stated the proposed changes would not hurt residents. He stated language is being moved to make it uniform and easier to understand and also protecting the Township from legal action in the future. Mayor Goetz clarified that most routine work that residents wanted to do would most likely be approved.

There was additional discussion about not having recourse if the new Ordinance was not adopted and whether the Ordinance is actually necessary.

Mayor Goetz stated the Work Session discussion was great; however, she suggested having another discussion. Mr. Johnson addressed the issue of moving the Ordinance into Land Use Law. He stated there is a member of the Township Committee who strongly believes the Township Committee should retain the authority to grant the variance, not the Zoning Board. Mr. Johnson stated at some point before First Reading, in addition to understanding what the "permit by rule" process allows, it must also be decided where this Ordinance should be in the Code Book.

Mayor Goetz thanked Mr. Mullen for all of his research and work on the Ordinance and asked for another work session to further discuss the issue. She suggested before the next work session, a map showing the significance of the change be available, and also a list of the "permit by rule" capabilities.

Reports from Township Boards and Commissions

There were no reports from Township Boards and Commissions.

Reports from Township Staff and Professionals

-- Administrator's Report

Ms. Marabello stated she had nothing to report.

--Assistant Administrator's Report

Ms. Cunningham reported Mr. Cook made a video on Open Space in Cranbury. The link to the video can be found on the Township's home webpage.

Public Comment

The Mayor opened the meeting to public questions and comments.

Ms. Bonnie Larson, Cranbury Neck Road, inquired if the funds are in the budget for the the 103 trees the Township will now have to purchase for the Hagerty Property as a result of the Andy Matt Settlement.

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Public Comment (cont'd.)

Ms. Marabello explained for Phase 1, the Township was awarded \$300/tree up front, and it did not cost that to plant the trees so there is money left. Ms. Marabello stated those 100+ trees will not be planted until the spring, and the Township will have to go out to bid for a contractor. Ms. Larson asked if the same types of trees will be planted, and Ms. Marabello stated the landscape architect said some trees were not hardy and other varieties will be planted.

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

Mayor's Notes

Mayor Goetz announced the last "Coffee with the Mayor and Police Chief" will be on December 20th from 7:00 a.m. to 9:00 a.m.

Mayor Goetz requested a motion to adjourn. On a motion by Mr. Johnson seconded by Mr. Cook and unanimously carried, the meeting adjourned at 9:40 p.m.

Kathleen R. Cunningham, RMC
Municipal Clerk