

TOWNSHIP COMMITTEE MEETING
February 11, 2013

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, Susan Goetz, Daniel Mulligan, James Taylor, and Mayor Glenn Johnson. Also present were Mr. Bill Tanner, Township Engineer; Denise Marabello, Township Administrator and Director of Finance; and Kathleen Cunningham, Municipal Clerk/Assistant Administrator. Mayor Johnson 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 3, 2012 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 3, 2012.
- (3) Filed on December 3, 2012 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, and
- (4) Sent to those individuals who have requested personal notice.

Regular Township Committee Minutes of January 28, 2013

On motion by Mr. Taylor, seconded by Mr. Cook, and unanimously carried, the Regular Township Committee Minutes of January 28, 2013 were adopted.

Special Township Committee Budget Minutes of January 26, 2013

On motion by Mr. Mulligan, seconded by Ms. Goetz, and unanimously carried, the Special Township Committee Budget Minutes of January 26, 2013 were adopted.

Public Hearing

Community Development Block Grant

Mr. Mark Berkowsky, President of Cranbury Housing Associates, gave a presentation to the Township Committee and the public on the management and funding of the Township's Affordable Housing Plan. Mr. Berkowsky stated the Township is fortunate to be receiving \$22,736.82 of 2013 Community Development Block Grant funds from the County to assist in the development of or rehabilitation of low-to-moderate income housing in the Township of Cranbury. The funds will be used for architectural services to design the Route 130-D project.

Ms. Goetz inquired about the status of affordable housing and asked if there would be value in delaying Planning Board approval. Mr. Berkowsky stated there is a three (3)-year window before construction would have to begin.

Mr. Taylor inquired if last year's funds were used for architectural services, and Mr. Berkowsky confirmed that use. Mr. Taylor stated Senior Housing had no electricity after Super Storm Sandy and asked if there were any plans for a generator to be installed. Mr. Berkowsky stated there were no plans for a generator. Mr. Taylor requested the Township Committee use these funds for a generator instead of for architectural services for Route 130-D. He stated the more immediate need for the funds would be to address senior housing rather than focus on a future project. He asked the funds be appropriated for a generator for the senior complex. Mr. Cook stated he saw nothing imminent in the Route 130-D site and would not want to encourage the

TOWNSHIP COMMITTEE MEETING
February 11, 2013

Public Hearing
Community Development Block Grant
(Continued)

idea that something is imminent. The Township Engineer, Bill Tanner, stated the funds would not be sufficient for a generator for the complex. Mr. Taylor stated he does not want the seniors to have a similar experience again, and stated he heard many complaints from seniors concerning the property management company. Mr. Berkowsky stated there are no property problems and other issues could be addressed separately. Mr. Cook asked if the funds could be banked and be put towards a future use; however, Ms. Marabello stated the funds must be used within the year.

Ms. Mulligan stated he is the liaison to the Cranbury Housing Associates, and stated a meeting will be held on Tuesday, February 12th. Ms. Cunningham, Municipal Clerk, stated there are only specific items the Grant may be used for. The Township Committee decided to table the discussion until the February 25th meeting.

Ms. Cunningham stated the Public Hearing was advertised in the Cranbury Press, posted on the Township's website, posted in the Senior Room, and a copy was sent to Mr. Berkowsky for posting in the senior housing buildings.

The Mayor then opened the meeting to public questions and comment on the Public Hearing. Mr. Richard Kallan, Wynnewood Drive, asked if the generators would be powered by natural gas.

There being no further comments, the Mayor closed the Public Comment portion of the Public Hearing.

Mr. Berkowsky gave a history of the Cranbury Housing Associates (CHA). He reported the CHA was founded in 1968 and was re-organized in 1965 and is a volunteer, not-for-profit corporation. The organization provides a benefit to all Cranbury residents, especially those with low and moderate incomes. CHA has worked in partnership with the Township over the past 25 years to help meet the original and continuing affordable housing obligations.

Mr. Berkowsky referenced the following affordable housing sites:

- Cranbury Greene – 24 units located in five (5) buildings.
- Danser Drive – Two (2) buildings consisting of ten (10) units
- South Main Street – Three (3) buildings consisting of six (6) three (3) bedroom units.
- Bennett Place – 16 rental units.
- Pin Oaks - Seven Units
- Old Cranbury Road - 20 units (received \$300,000 grant from County)
- Regional Contribution Agreement with Perth Amboy – 80 units
- Route 130-D site – 32 units (no access to Ryan Road)

Mr. Berkowsky stated the process of developing affordable housing is difficult because everyone is concerned for their own property values and the impact on their neighborhood. He stated he feels CHA has communicated well with the neighbors of each project they developed and have modified designs to respect and address the neighbors' concerns.

Mr. Berkowsky stated CHA uses three guiding principles when developing a project:

- Integrate affordable housing throughout the community
- Design and construct quality buildings to be compatible with neighbors.
- Provide a high level of maintenance to maintain the quality of the developments.

TOWNSHIP COMMITTEE MEETING
February 11, 2013

Public Hearing
Community Development Block Grant
(Continued)

Mr. Berkowsky explained how CHA works on projects for initial development and on-going management. He reported competitive constructions bids are solicited and CHA applies for various grants and other funding sources. He stated there is no ongoing cost or work by the Township for the rental properties. The CHA financial pro forma is based on non-for-profit status; however, CHA is allowed to have a reserve for property maintenances, which includes annual exterior maintenance, landscape and snow removal and long-term maintenance of exterior elements such as roof replacements.

Mr. Berkowsky reported CHA has applied for and received grants and low interest mortgages from the Federal, State and County governments in excess of \$2 million. He reported CHA has saved the Township several million dollars in developers' fees and profit that would normally be charged by builders other than a volunteer, non-for-profit corporation.

Mr. Berkowsky reported CHA has hired a part-time property manager, Piazza & Associates, who manages affordable housing for Cranbury as well as several other communities. Piazza's role includes initial rent-up, maintaining the applicant lists, assisting in re-rentals, verification of incomes of tenants on an annual basis, collecting rents and maintenance of the properties. In summary, Mr. Berkowsky stated the Township provides the land and establishes the project scope and assists with the initial funding. CHA then designs, builds and operated projects in accordance with Cranbury's Affordable Housing Plan without any additional Township funds being expended. He stated the partnership with the Township has worked well for the past 25 years benefiting the residents and taxpayers of Cranbury, and stated he hoped this successful relationship will continue.

Mr. Berkowsky stated he wanted to provide an idea of the incomes and rents currently used to reflect what "affordable" means in Cranbury. He reported Cranbury is located in Region 3, with the highest median income in New Jersey, and reported "moderate" income is defined as 80% of the median, "low" income is 50% of the median and a new category was recently created called "very low" income as 30% of the median. He stated that while people may think low income is at the poverty line, the income limits in Cranbury are substantial. Mr. Berkowsky stated all CHA rental projects are currently occupied, and there is a waiting list.

Mr. Frank Piazza, Piazza and Associates, is the Property Manager of all public housing in Cranbury. Mr. Piazza reported his firm has been providing services to Cranbury for over 15 years, and most his staff have been there from the start. He stated his staff is efficient and they enjoy working with the residents. Mr. Piazza reported a lot of renovations have been done to the senior housing because of the age of the property, including the replacement of washers, dryers and roofs. Mr. Piazza stated they monitor and administer the sale units, stating there are 30 sale units in total.

Mr. Piazza gave an update on COAH and stated the status of affordable housing is presently being heard by the courts. Mr. Piazza stated the main question being considered is whether or not the growth share is constitutional. He explained the system has changed from Rounds One and Two, where numbers of affordable units were created and distributed to municipalities now to a growth share system which is based on providing a certain percentage of affordable units for every number of units built in a municipality. One system was based on the residential component and the other is based on the commercial component.

Mr. Mulligan asked about the procedure used after Super Storm Sandy. Mr. Piazza reported the Office of Emergency Management, and the police came to check on the residents. Some residents left their homes to stay with relatives, and the police offered assistance to those who remained. Mr. Piazza recommended looking at how the Township assists all seniors in the

TOWNSHIP COMMITTEE MEETING
February 11, 2013

Public Hearing
Community Development Block Grant
(Continued)

Township in the event of an emergency. Mr. Cook stated the priority of the utility companies after the storm was to provide power to hospitals and senior housing. He stated part of the breakdown was the utility companies did not know where the senior housing was located in the Township. Mr. Cook suggested developing a map to show the location of the nursing home and senior housing in the Township. He stated the second problem was some electrical power was restored; however, not all of the buildings got power.

Mr. Mulligan asked about the utilities provides to the units and Mr. Piazza explained what units have gas/electric or only electric. Mr. Taylor asked Mr. Berkowsky if numbers could be put on the back doors of the units on Old Cranbury Road so emergency services could identify the units from the parking lot. Ms. Goetz stated there is a similar problem on Danser Drive.

The Township Committee thanked Mr. Berkowsky and Mr. Piazza for their presentations. The Public Hearing on the Community Development Block Grant ended at 8:15 p.m.

Reports and Communications

--Mayor

Mayor Johnson reported he attended Mayors' Legislative Day in Trenton. He reported he also spoke at the Cub Scouts Blue and Gold Dinner.

Reports and Communications

--Township Committee

Mr. Mulligan reported Ms. Beth Veghte, Chair of the Recreation Commission, will meet with him to discuss various events.

Mr. Cook reported the COAH rumors are that COAH will look very similar to Mount Laurel II. He reported the Bridge and Dam Project will be addressed at the February 25th meeting. He stated the County and Mr. Bill Tanner, Township Engineer, will be present to provide primarily the structure of the Project and secondarily, the concepts and ideas of what the Project will look like. Mr. Cook stated the presentation on February 25th will include input from the Shade Tree and the "Beautification Subcommittee."

Ms. Goetz stated some Green Acres funding is available, and the Parks Commission has some ideas for the funding. Ms. Goetz will meet with them this week.

Mr. Taylor reported the December and year-end numbers for the Police Department. For Traffic, there were 70 summons issued in December (1,877 year-to-date). The top summons locations were Route 130, North Main Street and Old Trenton Road, while the top speeding summons locations were Cranbury Neck Road, Old Trenton Road and Plainsboro Road. Overtime man hours for December were 369.5 (YTD 3,463); shift coverage for the month was 278 hours (YTD 2,430) with the reasons for overtime man hours being shift coverage, special details and school/training. There were 21 crashes in December (YTD 353).

The Detective Bureau had four (4) new criminal investigations; one (1) closed criminal investigations; 16 active criminal investigations, four (4) new administrative investigations; two (2) closed administrative investigations; seven (7) patrol assists and four (4) meetings/training. There were no reports for CERT or OEM. There were no community policing/bicycle patrols due to budgetary constraints. There was a total of ten (10) arrests; one (1) driving while intoxicated arrest; one (1) CDS (drug) arrest; seven (7) warrant arrests; one (1) assault; one (1) burglary; one (1) theft/shoplifting; and two (2) disorderly persons/Township Ordinance complaints.

TOWNSHIP COMMITTEE MEETING
February 11, 2013

Reports and Communications
--Township Committee
(Mr. Taylor cont'd.)

Vehicle Mileage for December was 8,159 miles (YTD 113,738 miles); and expenditures for repairs for the month were \$2,664.61 (YTD \$30,694.44). Major repair expenditures included brakes for Cars #19 and #15.

Reports and Communications
--Subcommittees
There were no reports from Subcommittees.

Agenda Additions/Changes
Ms. Cunningham, Municipal Clerk, stated there were no additions or changes.

Public Comment

The Mayor then opened the meeting to public questions and comment on agenda items.

Ms. Jennifer Coffey, Policy Director of the Stonybrook Millstone Water Shed Association, reported she was present to listen to the sewer discussion. She commented on the Resolution for consideration concerning funding open space farmland and historic preservation. She reported Green Acres is out of funding and stated it is a serious problem in New Jersey to not have the State funding to match local and county resources. She stated land preservation in New Jersey will end as it is currently known. Ms. Coffey stated Stonybrook is one (1) member along with 174 other organizations of Push to Keep it Green Coalition working to secure a long-term sustainable, stable source of funding for open space preservation in New Jersey for the next 20 to 30 years.

Ms. Betty Conover, North Main Street, stated the re-direction of Human Services to the Recreation Commission is working very well. She reported most of the members of the former Human Services Board have stayed on as volunteers.

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

Ordinances
First Reading

Cranbury Township Ordinance # 02-13-06

An Ordinance entitled, Cranbury Township Ordinance # 02-13-06, "AN ORDINANCE SUPPLEMENTING THE CODE OF THE TOWNSHIP OF CRANBURY BY CREATING A NEW SECTION 101, ENTITLED "REFUSE CONTAINERS/DUMPSTERS" was introduced on First Reading and will be heard on Second Reading and have a Public Hearing at the next regular Township Committee Meeting on Monday evening, February 25, 2013 at 7:00 p.m.

Mr. Taylor stated he some questions concerning the meaning of "covering" of the dumpster. He suggested a definition be added to clarify the wording. He stated it does not change the material. Mr. Cook and Ms. Goetz asked why the Ordinance was necessary. Mr. Bill Tanner, Township Engineer, explained the Township received a letter from the Department of Environmental Protection that it is in violation of not having an Ordinance in place concerning the enforcement of rules for refuse containers and dumpsters. Mr. Tanner stated the intent of having the dumpsters covered is to prevent water from accumulating in the dumpster and leaking out to contaminate clean water. Mr. Tanner explained this Ordinance deals specifically

TOWNSHIP COMMITTEE MEETING
February 11, 2013

Cranbury Township Ordinance # 02-13-06
(Continued)

with commercial dumpsters, not recycling containers. He stated the Township should have had the two Ordinances being introduced tonight; however, they slipped under the radar. The State, therefore, sent a violation letter to the Township. Mr. Tanner explained this Ordinance deals specifically with commercial dumpsters, not recycling containers.

Mr. Taylor requested the description of cover be included and questioned the penalty of imprisonment. Mr. Mulligan and Mr. Cook stated they would prefer leaving the Ordinance intact since it came from the State. Ms. Goetz stated the maximum penalty would be 90 days imprisonment. Mr. Taylor stated he thought this Ordinance should be included in the Maintenance Code Ordinance. Ms. Marabello stated nothing will be added to the Maintenance Code because residents expressed their concern at the time the Maintenance Code was discussed that additional restrictions would be added. Mr. Cook stated this Ordinance addresses commercial dumpsters only. Mr. Taylor requested the record reflect the Ordinance does not pertain to residential containers. The Township Committee decided to make changes and to table the Ordinance until the next Township Committee on February 25th.

Cranbury Township Ordinance # 02-13-07

An Ordinance entitled, Cranbury Township Ordinance # 02-13-07, "AN ORDINANCE SUPPLEMENTING THE CODE OF THE TOWNSHIP OF CRANBURY BY CREATING A NEW SECTION 102, ENTITLED "PRIVATE STORM DRAIN INLET RETROFITTING" was introduced on First Reading and will be heard on Second Reading and have a Public Hearing at the next Township Committee Meeting on Monday evening, February 25, 2013 at 7 p.m.

On motion by Mr. Mulligan, seconded by Mr. Taylor, the Ordinance was passed on First Reading by vote:

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

Second Reading – February 25, 2013 at 7:00 p.m.

WHEREAS, the New Jersey Department of Environmental Protection requires the enforcement of the Private-Storm Drain Inlet Retrofitting; and

WHEREAS, it is necessary to establish certain standards governing this enforcement;

NOW, THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Cranbury, in the County of Middlesex, State of New Jersey, that the Code of the Township of Cranbury is supplemented as follows:

SECTION 1. Chapter 102 entitled "Private Storm Drain Inlet Retrofitting" is created as follows:

§102.1 Purpose

An ordinance requiring the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food

TOWNSHIP COMMITTEE MEETING
February 11, 2013

Cranbury Township Ordinance # 02-13-07
(Continued)

wrappers and other litter) to the municipal separate storm sewer system(s) operated by Cranbury Township so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§102.2 Definitions:

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- a. Municipal separate storm sewer system (MS4)– a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by Cranbury Township or other public body, and is designed and used for collecting and conveying stormwater.
- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Storm drain inlet- an opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.
- d. Waters of the State – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

§102.3 Prohibited Conduct:

No person in control of private property (except a residential lot with one single family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

1. Already meets the design standard below to control passage of solid and floatable materials; or
2. Is retrofitted or replaced to meet the standard in Section V below prior to the completion of the project.
3. A permit to perform the work has been issued by the Township Engineer.

§102.4 Design Standard:

Storm drain inlets identified in Section IV above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section V.3 below.

1. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

TOWNSHIP COMMITTEE MEETING
February 11, 2013

Cranbury Township Ordinance # 02-13-07
(Continued)

- a. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or
- b. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.

2. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

3. This standard does not apply:

- a. Where the municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;

- b. Where flows are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

- i. A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or

- ii. A bar screen having a bar spacing of 0.5 inches.

- c. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") spacing between the bars; or

- d. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

TOWNSHIP COMMITTEE MEETING
February 11, 2013

Cranbury Township Ordinance # 02-13-07
(Continued)

§102.5 Enforcement:

This ordinance shall be enforced by the **Police Department, Township Engineer and/or other Municipal Officials** of Cranbury Township.

§102.6 Violations and Penalties:

For any violation of this chapter, the violator shall be subject to such fines and other penalties as are provided for in § 1-15 of this code, entitled "General penalty, continuing violations," except that the minimum fine for any such violation shall be \$100.

SECTION 2. Repealer. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION 3. Severability. If any section, paragraph, subsection, clause or provisions of this Ordinance shall be adjudged to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

SECTION 4. Effective Date. This Ordinance shall take effect immediately upon its passage and publication, as required by law.

Ordinances
Second Reading

Cranbury Township Ordinance # 01-13-02

A motion to enter an Ordinance entitled, # 01-13-02, "CALENDAR YEAR 2013 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)", 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 public hearing was declared closed. On motion by Mr. Mulligan, seconded by Mr. Cook, the Ordinance was adopted by a vote:

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

Nays: (None

TOWNSHIP COMMITTEE MEETING
February 11, 2013

Cranbury Township Ordinance # 01-13-03

A motion to enter an Ordinance entitled, # 01-13-03, "AN ORDINANCE ABOLISHING THE HUMAN SERVICES BOARD AND TRANSFERRING BOARD FUNCTIONS TO THE RECREATION COMMISSION", 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.

Mr. Mulligan and Ms. Goetz reported they received positive feedback about the transfer of functions. The Mayor opened the public hearing on the Ordinance. No one present wished to speak, so the public hearing was declared closed. On motion by Mr. Mulligan, seconded by Ms. Goetz, the Ordinance was adopted by a vote:

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

Nays: (None

Cranbury Township Ordinance # 01-13-04

A motion to enter an Ordinance entitled, # 01-13-04, "ORDINANCE AUTHORIZING THE COMMENCEMENT OF AN ACTION UNDER THE EMINENT DOMAIN ACT OF 1971 AND AUTHORIZING THE ACQUISITION OF TEMPORARY AND PERMANENT EASEMENTS", 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. Mr. Richard Kallan, Wynnewood Drive, asked if the problem is related to money. Mayor Johnson stated the Ordinance is being put in place in case it is needed; however, he stated the Township expects to reach an agreement during negotiations. Mr. Cook reported there were problems negotiating the temporary easements. No one further wished to speak, so the public hearing was declared closed. On motion by Mr. Mulligan, seconded by Mr. Cook, the Ordinance was adopted by a vote:

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

Nays: (None

Cranbury Township Ordinance # 01-13-05

A motion to enter an Ordinance entitled, # 01-13-05, "AN ORDINANCE AUTHORIZING AND ACCEPTING A TEMPORARY ACCESS EASEMENT", 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 public hearing was declared closed. On motion by Mr. Mulligan, seconded by Mr. Cook, the Ordinance was adopted by a vote:

TOWNSHIP COMMITTEE MEETING
February 11, 2013

Cranbury Township Ordinance # 01-13-05
(Continued)

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

Resolution

Cranbury Township Resolution # R 02-13-028

Ms. Goetz asked if this is Resolution was for the funds for affordable housing. The Township Committee decided further consideration must be given to this Resolution and it is being tabled until the next regular Township Committee Meeting on February 25th.

Resolution

On motion by Mr. Taylor, seconded by Mr. Mulligan, the following Resolution was adopted by a vote:

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

Cranbury Township Resolution # R 02-13-029

A RESOLUTION SUPPORTING SUSTAINABLE STATE FUNDING FOR
PRESERVATION AND STEWARDSHIP OF OPEN SPACE, PARKS, FARMLAND
AND HISTORIC SITES IN NEW JERSEY

WHEREAS, New Jersey has a long and successful history of preserving open space, parks, farmland, and historic sites; and

WHEREAS, the Green Acres Program has helped to preserve over 650,000 acres of land and supported more than 1,100 park development projects over the past 50 years; the State Agricultural Development Committee has preserved 200,000 acres of farmland over the past 30 years; and the Historic Trust has preserved 477 historic sites over the past 45 years; and

WHEREAS, all remaining funds for these programs under the Green Acres, Water Supply and Floodplain Protection, Farmland and Historic Preservation Bond Act of 2009 will be fully allocated by the end of 2012; and

WHEREAS, Cranbury Township has been a direct beneficiary of, and partner to, these critical state preservation programs; and

TOWNSHIP COMMITTEE MEETING
February 11, 2013

Cranbury Township Resolution # R 02-13-029
(Continued)

WHEREAS, substantial unmet needs remain for additional land and water protection, park development, and farmland and historic preservation, for the health and welfare of our communities and residents; and

WHEREAS, it is imperative that a long-term, dedicated source of funding be established in order to:

- Sustain open space, farmland, and historic preservation programs beyond the 2009 Bond Act.
- Improve and ensure proper stewardship of parks, preserved lands, and historic sites
- Provide equitable access to quality parks, preserved lands, and historic sites
- Provide equitable access to quality parks and recreation in urban, suburban, and rural areas
- Match and leverage local, county, and private funds for these purposes
- Protect drinking water supplies, water quality, and alleviate costly flood damages
- Preserve fish and wildlife habitat and provide public access for hunting and fishing
- Revitalize cities and towns
- Protect our quality of life and economic prosperity.

NOW, THEREFORE, BE IT RESOLVED on this 11th day of February, 2013, by the Township of Cranbury, in Middlesex County, State of New Jersey, that:

1. Cranbury Township supports establishment of a long-term, dedicated source of State funding for these purposes.
2. A certified copy of this Resolution be sent to Governor Chris Christie, Senator Linda R. Greenstein, Assemblyman Daniel Benson and Assemblyman Wayne DeAngelo and the Middlesex County Board of Freeholders.

TOWNSHIP COMMITTEE MEETING
February 11, 2013

Resolutions
Consent Agenda

Mayor Johnson gave a brief summary of the Resolutions and asked the Township Committee if there were any questions or comments. On a motion by Mr. Mulligan, seconded by Mr. Taylor, the following Consent Agenda Resolutions were adopted by vote:

Ayes: (Cook
(Goetz
(Mulligan
(Taylor
(Johnson

Abstain: (None
Absent: (None

Nays: (None

Cranbury Township Resolution # R 02-13-030

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

Cranbury Township Resolution # R 02-13-031

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for the **2012 Recycling Tonnage Grant** will memorialize the commitment of this municipality to recycling and to indicate the assent of Township Committee of the Township of Cranbury to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed;

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Cranbury hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Linda M. Scott, Recycling Coordinator to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED, that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

TOWNSHIP COMMITTEE MEETING
February 11, 2013

Cranbury Township Resolution # R 02-13-032

WHEREAS, a Tax Sale was held in the Township of Cranbury on November 16, 2012;
and,

WHEREAS, US Bank Cust For Pro Capital I., paid \$14,000 as a premium to obtain Tax Sale Certificate #12-00010 on Block 23 Lot 76 and \$9,900 as a premium to obtain Tax Sale Certificate #12-00010 on Block 23 Lot 77 and,.

WHEREAS, the Tax Sale certificates have been redeemed, the holder is entitled to a refund of the premium paid to obtain said certificate,

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Cranbury, that a refund in the amount of \$23,900.00 be paid to US Bank Cust for Pro Capital I.

Mayor Johnson stated there would be a ten (10) minute break.

Work Session

a). Discussion by Township Engineer on the Sanitary Sewer Service Area

Mr. William Tanner, P.E., Township Engineer, discussed with the members of the Township Committee the recent response by the State Department of Environmental Protection concerning the Township's request to add certain properties to the proposed Sanitary Sewer System in the Township. Mr. Tanner explained there was some properties on Route 130 that the Township asked specifically be included in the Sewer System. He stated the County included those properties; however the DEP rejected some of the requested lots. Mr. Tanner explained the DEP feels there are either endangered species, wetlands or flood plains on those properties.

Mr. Cook asked about the Kerzner South property, stating it is currently on a septic system and is built out to capacity. He asked if a new building constructed by Kerzner could be added to the sewer line, and Mr. Tanner stated it could not be added as the map was currently drawn. Mr. Tanner stated there are constraints on the property and it is not in the sewer service area. He stated, however, the property owner could appeal to the DEP, get a land use permit for possibly changing the line. Mr. Tanner gave a summary of the properties excluded from the sewer service area.

Mayor Johnson opened the meeting to public comment. Mr. Richard Kallan, Wynnewood Drive, asked if the Kerzner Property were to add buildings, could those building be tied into the existing septic tanks. Mr. Tanner stated he did not know the answer to the question, but would look into it. Mr. Tanner stated he believed the back lot of that property would not be buildable because of all the constraints placed on it.

Mr. Cook stated he understands the issue may be capacity. Mr. Tanner stated there is no sewer in that area and it has to be brought into the area. He stated it is his understanding the Township is not bringing sewer into the area; it will have to be done by the individual property owners there. There was additional conversation concerning building sewers and easements.

Ms. Bonnie Larson, Cranbury Neck Road, stated she thought Shadow Oaks was on septic. Mr. Tanner clarified the map depicts where sewers can be built, not where sewers currently exist. Ms. Larson asked if all property owners would need to agree to sewers being built. Mr. Mulligan stated it would be up to the property owners to figure out; the Township is only providing the ability to build.

TOWNSHIP COMMITTEE MEETING
February 11, 2013

Work Session

a). Discussion by Township Engineer on the Sanitary Sewer Service Area (cont'd.)

Mayor Johnson asked if there was any additional public comment on the sewer service area, and no one wished to speak.

Work Session

b). Review of Township Engineer's Report on Nichol's Property Driveway Application

Mr. Tanner explained under Township Ordinance, the Township Committee must approve the construction of a driveway. Mr. Tanner stated there was a curb cut and a driveway was installed. He stated a permit application was submitted by the property owner after the driveway was complete. He stated the County did issue a permit since the driveway is on a County road. Mr. Tanner stated the property owners installed a curb cut, and blacked out two (2) parking spaces on the road. He stated the Township owns an easement over which he built the driveway. Mr. Tanner advised the Township Committee of several options: deny the application requiring the property owner to remove the curb and pavement; approve the application and add a parking spot back. He stated he measured 136 feet from First Constitution Bank to the Nichol's driveway and stated six (6) parking spaces could fit in that space. Mr. Tanner stated he checked with the Police department and stated the parking spaces must be 25 feet away from crosswalks. Mr. Tanner stated the Township Committee can cause this to be mitigated by allowing the applicant to maintain the driveway, blackening out the parking spaces from the driveway up to the bank and restriping new parking spaces. He stated the property owner should not do the work as measurements must be taken and proper paint used. Mr. Tanner suggested Mr. Nichols pay for the work to be done. Ms. Marabello stated Cranbury's Public Works Department does not have the equipment to stripe the road. Mr. Tanner stated the County would have to do the work; however, time would be the issue and that type of work is usually done by a County-hired contractor. Mr. Mulligan asked if a local contractor could be hired by the Township, and Mr. Tanner agreed if the contractor had the proper equipment. Mr. Mulligan stated the yellow paint would have to be removed from the curb as it prevents someone from parking there. Mr. Tanner stated a parking space would not be that close to the driveway anyway

The Township Committee discussed the options. It was recommended having the property owner be responsible to re-stripe the parking spaces, taking away the yellow paint and giving him the space. Concerning access to the easement, Mr. Tanner explained the Township is not responsible for replacement the gravel if the easement must be accessed. The gravel would have to be leveled, not replaced. Mr. Mulligan stated he was in favor of remediating the situation by allowing the driveway to stay in place, and Mr. Cook and Mayor Johnson agreed. Mr. Taylor and Ms. Goetz were in favor of the driveway being moved. Mr. Taylor stated the Township and Business Association always complain about not having enough parking spaces in town. He stated he is concerned about someone not following the process. Ms. Goetz stated the Township should not incur any cost to correct the issue. Mr. Cook stated the residents in that area have to consistently deal with noise and crowds during the summer. Mayor Johnson stated he lives in the neighborhood and residents can park in the area 100% of the time. Mayor Johnson confirmed the Township Committee does not want Mr. Nichols to move the driveway over three (3) feet; however, Mr. Nichols is responsible for re-striping. Ms. Goetz clarified even though the driveway is not being relocated three (3) feet, the Township is not giving up rights to the easement. The Committee agreed.

Mayor Johnson opened the meeting to public comment. Mr. Richard Kallan, Wynnewood Drive, stated allowing the driveway to remain is setting a bad precedent. The Township Committee discussed the disconnect concerning information and approvals received by the resident.

TOWNSHIP COMMITTEE MEETING
February 11, 2013

Work Session

b). Review of Township Engineer's Report on Nichol's Property Driveway Application (cont'd.)

Mayor Johnson asked for a resolution. On a motion by Mr. Cook to approve the construction/curb cut as is, under the following contingencies: 1) the Township retains full access to the easement no matter what the extent of construction, and the Township is not obligated to remediate that construction; 2) Mr. Nichols pays for the painting for the parking spaces; and 3) the driveway cannot be paved.

Ms. Cunningham stated, for the record, that she spoke with Mr. Nichols and advised him the issue would be discussed at tonight's meeting. He stated he planned on attending the meeting.

Mr. Mulligan agreed with Mr. Cook's suggestion. Ms. Cunningham stated a formal resolution could be done at the next Township Committee meeting. Ms. Goetz suggested the Township Committee not approve the driveway as she felt Mr. Nichols knew about the Ordinance and proceeded anyway with the driveway construction. Mr. Taylor agreed with Ms. Goetz, who stated it is important to make a commitment to the business community to retain parking spaces.

Reports from Township Boards and Commissions

There were no reports from Township Boards and Commissions.

Public Comment

The Mayor opened the meeting to public questions and comment. There was no public comment, and the Mayor closed the public portion of the meeting.

Mayor's Notes

Mayor Johnson announced the appointment of Mr. Brian Schilling to fill the Planning Board Class IV vacancy. This four (4)-year term expires December 31, 2016.

Resolution

On motion by Mr. Taylor, seconded by Mr. Mulligan, the following Resolution was adopted by a vote:

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

Nays: (None

Cranbury Township Resolution # R 02-13-033

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:

TOWNSHIP COMMITTEE MEETING
February 11, 2013

Cranbury Township Resolution # R 02-13-033
(Continued)

----- "N.J.S.A. 10:4-12b(7)Contract Negotiations": Discussion of
upcoming contract negotiations in reference to Block 23, Lots 71
and 71.01.

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 Ms. Goetz and unanimously carried, the meeting returned to Open Session at 10:30 p.m.

On a motion by Mr. Mulligan, seconded by Mr. Taylor and unanimously carried, the meeting adjourned at 10:35 p.m.

Kathleen R. Cunningham, RMC
Municipal Clerk

Addendum A

TEMPORARY ACCESS EASEMENT

THIS INDENTURE made this _____ day of _____ 2013

BETWEEN Lawrence Houston and Feather Houston
2 South Main Street
Cranbury, New Jersey 08512
(hereinafter referred to as the "Grantors")

AND Township of Cranbury, a municipal corporation of the
State of New Jersey with a business address of
23-A North Main Street, Cranbury, New Jersey 08512
(hereinafter referred to as the "Grantee")

WITNESSETH:

Lawrence Houston and Feather Houston, Grantors, are the only owners of a premise located at Block 33, Lot 39, as designated on the official tax map of the Township of Cranbury, County of Middlesex, State of New Jersey, commonly known as 2 South Main Street (hereinafter referred to as the "Property"); and

The Grantors for and in consideration of the sum of One Dollar (\$1.00) paid by the Grantee, the Township of Cranbury, wishes to give, a ± 20 foot wide x ± 10 foot deep Temporary Access Easement on the northern corner of the Grantors' Property where it meets the right of way of South Main Street adjacent to Brainerd Lake to allow for equipment and personnel to access the Brainerd Lake dam for repairs, renovations, rehabilitation to be made to the dam and bridge during the joint project between the Township of Cranbury and the County of Middlesex; and

The lands affected by the grant of this Temporary Access Easement are more particularly shown on the map prepared by Van Cleef Engineering attached hereto as Schedule A (hereinafter referred to as the "Easements"); and

Access to the property is permitted and entry may be made immediately upon execution of this Temporary Access Easement by the parties hereto. The Temporary Access Easement shall automatically expire upon the completion of all work to be performed as part of the joint project between the Township of Cranbury and County of Middlesex to repair, renovate and rehabilitate the Brainerd Lake dam and bridge; and

The Township shall remove the two (2) shrubs located in the access area and shall re-grade and restore the area with mulch or topsoil and seed. The decision to use mulch or topsoil and see shall be made by the Grantors.

TOWNSHIP COMMITTEE MEETING
February 11, 2013

During the period of the temporary access easement, should the Grantors incur any liability or claims in connection with any act, omission or condition relating to or occurring on the Grantors' property, unless due to an act or omission of the Township, its employees and agents, the Grantors will hold harmless and indemnify the Township, its officers, employees agents and their successors and assigns from such liability or claims; and

The Township agrees to indemnify and hold harmless the Grantors from and against all claims, actions, demands, and liabilities based on property damage and/or personal injury including wrongful death occasioned by an act or omission of the Township, its agents, employees, invites, servants, successors or assigns in connection with construction within this easement.

In Witness Whereof, the said Grantors and Grantee have hereunto fixed their hands and seals on this _____ day of _____, 2013.

GRANTORS:

Witness:

Lawrence Houston

Print Name and Title

Feather Houston

Print Name and Title

GRANTEE:
TOWNSHIP OF CRANBURY

Attest:

Glenn Johnson, Mayor

Kathleen Cunningham, Clerk

