

TOWNSHIP COMMITTEE MEETING
August 12, 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, Daniel Mulligan, Jay Taylor and Mayor Glenn Johnson. Ms. Susan Goetz was absent. Also present were Denise Marabello, Township Administrator/Director of Finance; Jean Golisano, Deputy Clerk; and Jeffrey Graydon, Zoning Officer. Mayor Johnson led in the salute to the flag, and Ms. Golisano 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.
- (4) Sent to those individuals who have requested personal notice.

Regular Township Committee Minutes of July 8, 2013

On motion by Mr. Taylor, seconded by Mr. Cook, and unanimously carried, the Regular Township Committee Minutes of July 8, 2013 were adopted.

Regular Township Committee Minutes of July 22, 2013

On motion by Mr. Mulligan, seconded by Mr. Cook, and unanimously carried, the Regular Township Committee Minutes of July 22, 2013 were adopted.

Closed Session Minutes of July 22, 2013

On motion by Mr. Mulligan, seconded by Mr. Cook, and unanimously carried, the Closed Session Minutes of July 22, 2013 were adopted.

Reports and Communications

--Mayor

Mayor Johnson reported he attended a personnel subcommittee meeting, met with the fire squad officers, and attended National Night Out in Village Park and reported he, Mr. Taylor and Mr. Mulligan were all "dunked" in the dunk tank. Mayor Johnson reported he met with a representative from Governor Christie's office and also attended a Planning Board meeting.

Mayor Johnson asked the Township Committee about the Committee's participation in Cranbury Day. Mr. Cook stated he would cover the last shift to "man" the table. The Committee decided to be available to answer residents' questions and not to hand out materials this year. Mr. Mulligan suggested having the picture of the Dam Project at the table. Mr. Cook stated there are some pages of the Dam plans that would be of interest to the public.

--Township Committee

Mr. Taylor reported previously there had been conversation about ways for the Fire Department to increase recruitment. Mr. Taylor stated the Fire Department is working on some suggestions based on what other municipalities are doing to help recruit, and should have a

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Reports and Communications

--Township Committee

Mr. Taylor (cont'd.)

proposal ready for the Township Committee in September. Mr. Taylor suggested the proposal be submitted well in advance of budget time so it can be discussed at budget time.

Mr. Mulligan reported the fountain at Heritage Park was not working and is now repaired. He stated a bench in Judy's Meadow in Heritage Park is sinking and asked Ms. Marabello if Public Works can stabilize the bench with pavers.

Mr. Cook reported he spoke recently with Mr. Bill Tanner, Township Engineer, to revisit the erosion in Village Park. Mr. Cook stated the problem has not been forgotten and the remediation will be addressed with DEP. Also concerning the Bridge and Dam Project, Mr. Cook reported there are approximately 20 contractors on record interested in going to bid on the Dam and Bridge Project. Mr. Cook stated having so many contractors is not always good, as there are some contractors that can and others that cannot handle the project. He stated some of the lowest bidders may also provide the poorest quality.

Mr. Cook reported he attended Mr. Bob Dillon's 70th birthday party and stated Mr. Dillon is happy with the Township Committee even if he doesn't always get what he wants, he is happy that we are trying.

Mr. Taylor stated he had nothing additional to report.

Agenda Additions/Changes

Ms. Golisano reported the addition of Cranbury Township Resolution # R 08-13-098, A Resolution Requesting the Authorization from the New Jersey Department of Transportation to Combine the 2012 and 2013 Local Aid Grants for the Historic Main Street Beautification Project. Ms. Golisano stated the Township Engineer, Bill Tanner, requested the Resolution be added, and Mayor Johnson explained the purpose of the Resolution is to allow the entire project be bid out at one time, instead of in two (2) pieces.

Ms. Golisano announced Work Session Item (b) was being moved up in the Agenda to allow Mr. Jeff Graydon, Township Zoning Officer time to address the issue since he had a time constraint. Mayor Johnson stated the Work Session items would be addressed after the introduction of the Ordinances.

Ordinances

First Reading

Cranbury Township Ordinance # 08-13-21

An Ordinance entitled, Cranbury Township Ordinance # 08-13-21 "A BOND ORDINANCE AUTHORIZING THE BEAUTIFICATION OF THE HISTORIC DISTRICT PHASE II NON GRANT COSTS APPROPRIATING \$25,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$23,750 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF" 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, September 9, 2013 at 7:00 p.m.

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

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Cranbury Township Ordinance # 08-13-21
(Continued)

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

Second Reading: September 9, 2013, 7:00 p.m.

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 \$25,000 including the sum of \$1,250 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 \$23,750 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 be issued for the non-grant costs associated with the beautification of downtown project phase II.
- (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.

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Cranbury Township Ordinance # 08-13-21
(Continued)

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.

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 10 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 \$23,750 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$2,500 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.

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Cranbury Township Ordinance # 08-13-21
(Continued)

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.

Cranbury Township Ordinance # 08-13-22

An Ordinance entitled, Cranbury Township Ordinance # 08-13-22 "AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, COUNTY OF MIDDLESEX, IN THE STATE OF NEW JERSEY, SETTING STANDARDS AND FEES FOR THE LICENSING OF TOWING OPERATORS IN THE TOWNSHIP OF CRANBURY." 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, September 9, 2013 at 7:00 p.m.

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

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

Second Reading: September 9, 2013, 7:00 p.m.

CRANBURY TOWNSHIP ORDINANCE # 08-13-22

AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, COUNTY OF MIDDLESEX,
STATE OF NEW JERSEY SETTING STANDARDS AND FEES FOR THE LICENSING OF
TOWING OPERATORS IN THE TOWNSHIP OF CRANBURY

WHEREAS, New Jersey Statute 40:48-2.49 allows municipalities to regulate operators engaged in removal of motor vehicles; and

WHEREAS, regulation of towing operators in Cranbury Township promotes the public health, safety, and welfare by providing that operators will promptly and appropriately respond to requests for towing services, charge reasonable rates, and be available for emergency response; and

WHEREAS, state law requires any such ordinance to provide towing regulations that are non-discriminatory and non-exclusionary.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Cranbury that the Code of the Township of Cranbury be and hereby is amended as set forth below.

SECTION 1. There shall be a new Chapter added to the Code of the Township of Cranbury, which new Chapter shall be known as, "Chapter 140, Towing."

SECTION 2. Chapter 140, Towing, shall include the following provisions:

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CRANBURY TOWNSHIP ORDINANCE # 08-13-22
(Continued)

Chapter 140. TOWING

§ 140-1. Purpose.

The purpose of this article is to provide a uniform set of procedures for administering the issuance, renewal and revocation of all licenses and permits issued under this article in the interest of fair and equitable treatment of the motoring public and towing operators; to establish standards for the operation of towing businesses by licensees; and to set the rates for services performed by licensees.

§ 140-2. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ABSORBENT MATERIAL - means material such as sand or 'speedy dry' used to collect liquids such as radiator fluid, oil, gasoline or diesel fuel spills.

AUTOMOBILE - means a private passenger automobile, station wagon, pick-up truck, motorcycle, moped, ATV, or a snowmobile.

BASIC TOWING SERVICE - refers to the removal and transportation of an automobile from a highway, street or other public or private road, or a parking area, or from a storage facility, and other services normally incident thereto, but does not include recovery of an automobile from a position beyond the right-of-way or berm, or from being impaled upon any other object within the right-of-way or berm.

CLEAN-UP - means removal and/or disposal of any debris left on the roadway or property as a result of a motor vehicle accident or recovery.

COMMERCIAL MOTOR VEHICLE means any other vehicle with a GVW greater than 9,500 pounds which is not classified as an automobile.

CONVENTIONAL WRECKER -means a vehicle used to tow or remove other vehicles via a hydraulic beam or winch beam, capable of handling passenger cars and small trucks, such as pickup and small-panel trucks, up to 1½ tons load capacity.

CRUISING - means driving an unengaged wrecker to and fro on a public street in a manner primarily calculated to solicit business.

FIFTH WHEEL - means a device towed behind a heavy wrecker containing dual wheels with a hinged pivot hitch used to replace a tractor connection to a towed trailer. The wheels of the "fifth wheel" shall have a tire size of not less than 10.00 by 20 inches.

FLATBED WRECKER - means a vehicle used to tow or lift and carry other vehicles via a tilt-body flatbed or wheel lift, capable of handling all types of passenger cars and small trucks, such as pickup or small-panel trucks, up to 1½ tons load capacity.

HEAVY WRECKER - means a wrecker of either of the types set forth in the definitions of "standard wrecker" or "specialized wrecker," designed to be capable of towing heavy vehicles having a load capacity over 1½ tons.

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HIGHWAY - means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

LOAD CAPACITY - means the load capacity rating which is equal to one-third of the total weight of the vehicle to be towed.

OPERATOR - means a person or other legal entity engaged in the business of providing wrecker services and storage services for vehicles towed.

POLICE TOW - means the transportation of a vehicle at the request of the police department via wheel-lift or flatbed carrier.

PRIMARY WRECKER - operator means a township-licensed wrecker operator who responds to the scene of a police tow.

TOW OPERATOR'S LICENSE - means a license issued to a tow operator allowing the tow operator to be placed on the police tow list.

TOW VEHICLE - means a vehicle, such as a flatbed wrecker or conventional wrecker that is equipped with a boom, winches, slings, tilt beds, wheel lifts, or under-reach equipment specially designed by its manufacturer for the removal and transport of private passenger automobiles and small trucks up to 1½ tons load capacity.

TOWING BUSINESS - means a business, located in the township, with a building and or an enclosed area in which motorcars can be sheltered or stored, and which owns or operates any three or more tow vehicles as defined in this section. At a minimum, each business must have at least two flatbed wreckers and one conventional wrecker in order to be maintained on the towing list. It is optional for said businesses to have gasoline available for disabled vehicles.

TOWING LIST - means a list of the licensed towing businesses, maintained by the Cranbury Township Police Department and used for the purpose of calling the appropriate towing service for all police needs and for removing vehicles from accidents where police services are needed or required.

WINCHING - means an operation by which a vehicle is moved onto a roadway from a position off the roadway or other operation in which substantial work is required to prepare a vehicle for normal towing (i.e., lifting, dragging, up righting a vehicle etc.).

WRECKER PERMIT - means a permit authorizing the use of a specific tow vehicle.

§ 140-3. Removal of motor vehicles.

Whenever a police officer orders the removal of automobiles from private or public property, the officer shall utilize the rotation lists established in ordinance unless emergent need to skip the list is warranted. In the instance the next tower in line is skipped, the skipped tower will then be placed at the top of the list.

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§ 140-4. Towing contractors.

A. Towing contractors shall submit no later than March 31 each year, a detailed certification certifying that the towing contractor meets the requirements of this chapter. Said certification shall be submitted to the Chief of Police or his designee for his review and approval. Failure to submit the certification or failure to continue to abide by the requirements of this chapter shall subject the official tower to removal from the towing list.

B. The Township Committee may establish annually, by resolution, a list of automobile towing contractors and a list of truck towing contractors to be utilized by the Cranbury Township Police Department on a rotating basis in compliance with this Ordinance. An operator may, if qualified, be on both lists. Such lists shall be utilized by members of the Cranbury Township Police Department on a non-exclusionary and nondiscriminatory basis.

§ 140-5. Availability/Standards.

A. All towing service operators on the list shall comply with the following:

- (1) Road service must be available 24 hours a day, seven days a week. Towing services must respond to all service requests made. Service requests missed by the operator shall be reviewed by the Chief of Police or his designee and may be construed as a violation of this chapter.
- (2) Towing services must respond within 20 minutes of receipt of the original phone call request by the Police Department.
- (3) Vehicle release must be available from the hours of 8:00 a.m. until 5:00 p.m., Monday through Friday and 09:00 a.m. until 2:00 p.m. on Saturday. During all other hours and legal holidays, vehicles may be released at the discretion of the tow contractor. Refer to miscellaneous service fees.

§ 140-6. Minimum standards for wreckers.

The following shall serve as a guide for minimum standards as they apply to tow vehicles and heavy wreckers:

A. Standards for a tow vehicle, up to one-half-ton capacity, shall be as follows:

- (1) Dual rear wheels or equivalent.
- (2) A power-takeoff-controlled winch with a minimum cable thickness of three-eighths inch.
- (3) A three-eighths-inch safety chain.
- (4) A gross vehicle weight of not less than 10,000 pounds.
- (5) Origination from a garage equipped with a portable car dolly and steering lock bar.
- (6) Three-hundred-sixty-degree rotating amber beacon light mounted over the cab.

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- (7) Four double-faced rear flashing amber lights mounted high at maximum state requirements.
- (8) All lights shall be of such candlepower in intensity as to be visible from one-quarter mile away or must be equal to the candlepower of the lights on township police vehicles.
- (9) Garages must maintain light permits for all wrecker emergency lighting.

B. Standards for heavy wreckers are as follows:

- (1) Rated by the manufacturer to be capable of towing a vehicle of at least 80,000 pounds GVWR. The heavy duty towing operator will be responsible to show proof of the vehicle's towing capacity during inspection.
- (2) A power-takeoff-controlled winch with a minimum cable thickness of five-eighths inch.
- (3) A one-half-inch safety chain.
- (4) A gross vehicle weight of not less than 32,000 pounds.
- (5) A 360-degree rotating amber beacon light mounted on the cab.
- (6) Four double-faced rear flashing amber lights mounted high at maximum state requirements.
- (7) All lights shall be of such candlepower in intensity as to be visible from one-quarter mile away and must be equal to the candlepower of the lights on township police vehicles.
- (8) Air brakes.
- (9) Connecting air lines for connection with the air compressor and air brake lines of towed vehicles.
- (10) A brake caging tool.
- (11) Detachable amber flashing lights if needed for rear of towed vehicles.

C. All wreckers shall be equipped with the following:

- (1) One large street broom and shovel.
- (2) Safety flares for night work.
- (3) Absorbent material such as sand or 'speedy dry' which is suitable to collect liquids such as radiator fluid, oil, gasoline or diesel fuel spills.
- (4) Fire extinguisher (A, B, C type).

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- (5) Jumper cables.
- (6) Pry bar, hammer or similar tool.
- (7) Tire-changing equipment.

D. No towing business on the township tow list shall operate a flatbed or conventional wrecker that is more than 20 years old for township-sanctioned towing services. No towing business on the township tow list shall operate a heavy-duty wrecker that is more than 30 years old for township-sanctioned towing services. All towing businesses on the township tow list will have a grace period of one year from inception of this Ordinance to comply with this requirement.

§ 140-7. Inspection of equipment/requirements.

All equipment must be maintained in good working order and be available for periodic inspection by a member of the Cranbury Township Police Department. These inspections will be conducted, at a minimum, on a yearly basis.

§ 140-8. Driver Requirements.

A. The operator shall employ a sufficient number of employees to comply with the minimum operator requirements.

B. No person shall be employed by the operator for this service unless he has obtained a record check and has been approved by the Chief of Police or his designee. A conviction of a criminal offense or suspension of a driver's license within the past year shall be a cause for disqualification as a driver.

C. All drivers of the operator shall be over the age of 18 years and must have a valid New Jersey State driver's license.

D. The operator shall, at the time of his application, submit to the township names, addresses and driver license numbers of all proposed drivers and employees who will be rendering services on behalf of the operator. In order to keep information current, the contractor shall be required to submit any and all changes of drivers to the Chief of Police or his designee immediately upon the change.

E. The service, equipment and personnel are subject to periodic inspections and approval by the township.

F. Complaints of any kind, relative to service, overcharging, theft of parts, damage to towed or stored vehicles, discourteous treatment and the like shall be referred to the Chief of Police or his designee for investigation. Such complaints may be cause for imposition of the penalties enumerated under this ordinance.

§ 140-9. Insurance/indemnity.

A. All tow operators shall comply with the following:

- (1) No tow operator's license or wrecker permit shall be issued pursuant to this article until the applicant has deposited with the Township Clerk a copy of the towing

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business owner's liability policy covering the operation of the towing business, the storage of the motor vehicles, the wreckers and the loss or damage to motor vehicles or personal property and any personal injury arising out of the towing business. These policies shall provide coverage in the minimum amount of \$250,000.00 for any one person injured or killed, \$500,000.00 for injury or death of more than one person arising out of the same incident and \$75,000.00 for property damage.

- (2) Each wrecker shall comply with the insurance requirements of N.J.S.A. Title 39.
- (3) Each policy of insurance required under this article must contain an endorsement by the carrier providing 90 days' notice to the township of any change of coverage or cancellation of the policy. Such notice shall be given in writing to both the insured and the chief of police.
- (4) All insurance policies required under this article must remain in full force and effect throughout the license period. If any licensee, for whatever reason, ceases to have the insurance coverage required by this article, the Chief of Police shall immediately cause that licensee to be removed from the towing list.
- (5) Each operator shall indemnify and save the Township of Cranbury harmless from all damages and claims for damages which may be made by any person for bodily injury or property damages as a result of the operator's performing pursuant to this chapter.

§ 140-10. Wrecker inspection.

The Chief of Police is hereby authorized to establish reasonable rules and regulations for the inspection of the fitness and safety of the wreckers and their associated equipment. The Chief of Police or his designee shall have the right at any time to inspect any wrecker for compliance with the safety requirements of this article, the regulations established under this article and the laws of this state or the United States. If, as a result of any such inspection, it is determined that the wrecker is not in compliance with any law or regulation, the owner shall be given a period of five days to correct such violation or noncompliance, during which time the wrecker shall not be dispatched on the towing list. If the violation or noncompliance is not corrected within such five-day period, the permit for that wrecker shall be suspended.

§ 140-11. Towing rates, storage charges and service fees.

A. Charges for the towing, storage and service of disabled or impounded vehicles shall not exceed the following rates: Fees for towing and storage of private or commercial passenger vehicles, damaged in an accident, recovered after being stolen or impounded by police, are set in accordance with the Vehicle Towing and Storage Act, N.J.S.A. 40:48-2.49.

- (1) The following is the fee schedule for towing and road side services:
 - (a) Any time of day or day of week \$125.00 per hour/per vehicle.
 - (b) A clean up fee of \$55.00/vehicle will apply for clean up at the collision scene.
 - (c) A fee for absorbent material for fluids on the roadways. \$20.00/bag

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- (d) Roadside assists such as jump starting a dead battery, lock outs (etc.) will be charged a fee not to exceed \$50.00 if no tow is required. No flat tires will be fixed on the roadway; the vehicle will have to be towed to the premises as described under section 1 (a) above, plus local repair fees.
 - (e) Tow operators may charge \$50.00 per quarter hour for winching fees.
 - (f) Gas Services shall not be included in this service. Pending roadway condition and safety concerns a tow company has no obligation to perform such a service, but rather tow the vehicle to a safe location at the above scheduled towing fee.
- (2) The following is the fee schedule for storage services. These fees shall commence at drop of the vehicle, on the day of the date of the tow.
- (a) Fee for storage: \$30.00 per day.
 - (b) Miscellaneous services:
 - (1) Release of vehicle other than normal hours a flat rate of \$30.00
 - (2) Yard Service Fee (a one-time fee to cover the cost of handling the vehicle while in the tow yard): \$25.00
 - (3) Administration Fee (a one-time fee for time spent with customers, insurance companies, police, making copies of files, faxing of sending e-mails by staff): \$25.00
 - (4) Storage of motorcycles, mopeds, ATVs and snowmobiles: \$30.00 per day.
 - (5) Vehicle preparation before a vehicle can be towed, such as when vehicles are locked, stuck in gear, or have large parts such as doors, bumpers, exhaust systems or molding hanging from them, where the labor extends past on-quarter hour, shall entitle the tow operator to charge a fee of \$50.00 per quarter hour.
 - (6) Labor at Yard (The garage reserves the right to charge a one time, one hour labor shop fee for any assistance needed by the Insurance Adjuster, Salvage Company or Owner of Vehicle or any labor involving the vehicle after the vehicle has been brought to the tow facility): \$89.00
- (3) An unusual or unforeseen circumstance which requires a special charge or additional billing outside the scope of the schedule must be documented by the towing service and provided to the Chief of Police within 48 hours of the event.

B. Fees for towing and storage of private passenger vehicles, other than those damaged in an accident or recovered after being stolen, shall be the same as those set forth in Subsection A if the official tower is called to the scene by the Police Department of the Township of Cranbury in accordance with this chapter. Any other towing services to private passenger vehicles not

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involved in accidents or recovered after being stolen when requested privately by individuals shall be at the rates as agreed to between the individual and the tow.

C. The following is the fee schedule for heavy-duty towing services:

- (1) Conventional tow (or recovery) 9,500 pounds to 18,000 pounds.

Flat rate to towing service base or destination within Cranbury Township and/or required recovery time: \$175.00 per hour, per truck.
- (2) Conventional tow (or recovery) 18,001 pounds to 80,000 pounds.

Flat rate to towing service base or destination within Cranbury Township and/or required recovery time: \$475.00 per hour, per truck.
- (3) Specialized Equipment.

Forty-eight-foot hydraulic tilt trailer service, heavy-duty under reach, box trailer or flatbed trailer or flatbed trailer with driver: \$225.00 per hour portal to portal.
- (4) Winching and recovery rates: \$450.00 per hour portal to portal.
- (5) Tow operators may charge \$50.00 per quarter hour for winching fees.
- (6) Extra services for the tow to include the following shall be charged at \$50.00 per quarter hour and are as follows:
- (7) Removal of chrome bumper
- (8) Connect air line
- (9) Removal of an axle
- (10) Removal of the drive shaft
- (11) Removal of the air scoop
- (12) Removal of the exhaust pipes
- (13) Cage brake chambers
- (14) Clean up
- (15) Any other service needed to perform the tow
- (16) Extra personnel to assist with removing the recovered vehicle and freight:

\$80.00 per hour, per person.

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- (17) Storage rates (each twenty-four (24) hours or fraction thereof).
- (18) Tractor or Straight Truck: \$75.00
- (19) Trailer: \$75.00
- (20) Bus: \$150.00
- (21) Every tow operator shall provide the owner or operator of the motor vehicle being serviced with a business card and a written receipt of all the charges collected, with an explanation of each such charge.

§ 140-12. Rotating call list/conduct.

A. The Chief of Police is hereby authorized to establish a rotating system for calling towing services within the Township of Cranbury. The rotating system shall equitably distribute the calls to the listed towing businesses. If the Chief of Police shall propose to add any business, he shall give each licensed towing business within the township at least 30 days' notice of such action.

B. The police will summon a wrecker of the appropriate class, either tow vehicle or heavy, on a rotating list within the township.

C. If it becomes apparent that a licensed towing service cannot handle a job exigent in nature, or if a separate law enforcement authority directs, the officer in charge may at his discretion forego the towing list and summon a towing service with proper equipment. If fees cannot be agreed upon or negotiated at the scene, the towing service may be directed, by police, to perform the required services with reasonable fees to be paid by the owner in accordance with this ordinance.

D. The Chief of Police or designee may institute additional reasonable rules, regulations, requirements or standards if deemed necessary and under emergency or exigent circumstances may suspend rotation.

§ 140-13. Conduct and requirements of businesses.

The following shall apply to the conduct and requirements of towing businesses pursuant to this article:

- (1) No wrecker of any kind shall engage in cruising.
- (2) All valid wreckers shall provide 24-hour-per-day, seven-day-per-week service.
- (3) No person shall solicit or attempt to divert prospective customers of another garage to any other garage or towing service other than in accordance with the rotating provisions of this article.
- (4) No person shall solicit, demand or receive from any person any commission or fee other than the appropriate fee under this article for the transportation or storage of any vehicle.

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- (5) Any towing business called must confirm that it is responding within five minutes of the call or its turn will be forfeited on the rotational list.
- (6) Any towing business which does not answer its phone within ten rings, or which is unable to respond for any reason, shall forfeit its turn on the rotation list.
- (7) A towing business on the township tow list that confirms a response to a service call, but never arrives at the call more than one time in a calendar month, shall be subject to the penalties set forth in this article.
- (8) Towing businesses shall be open or available for a customer's pickup daily, other than legal holidays, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, and between the hours of 9:00 a.m. and 2:00 P.M. Saturday.
- (9) Response time to the scene of a tow must be within 20 minutes of the time of confirmation of the assignment or else the towing business forfeits its turn.
- (10) A towing business must have space available within the boundaries of Cranbury Township for properly accommodating and protecting all vehicles towed. Towed vehicles will not be stored or allowed to remain on or along any property which is not zoned for such storage or on public property.
- (11) Police-impounded vehicles shall be stored at the business premises of the towing operator within the boundaries of the township and shall not be released without a properly signed release form. Vehicles may, in certain circumstances, be towed to headquarters for investigative purposes upon the request of a police officer.
- (12) Every operator shall keep a log with required details, as determined by the Chief of Police or designee, of any vehicle towed. All towing-related documents and receipts shall be available to the police for inspection.
- (13) Towing operators shall be responsible for the actions of all employees, subcontractors, agents and/or assigns.
- (14) Towing operators will comply with instructions given by the officer in charge at the incident scene.
- (15) All accumulated released vehicle documents shall be delivered by each licensed towing business to the police station commander upon request and should be kept on a month to month basis.
- (16) No tow vehicle operator shall respond to the scene of an accident or any scene requiring a police tow except upon notification by police headquarters.
- (17) All tow vehicle operators shall be required to clean up debris on the highway or at the scene of an accident and apply sand or absorbent material to normal radiator fluid, oil, gasoline, or diesel fuel spills in accordance with state law.

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- (18) No person owning or operating a tow vehicle or other automobile, while waiting for employment, shall stand at any public street or intersection or on any public or private property, other than his own, without first obtaining the consent of a police officer or the owner of the property.
- (19) No person shall pay any gratuity, tip or emolument to any third person not involved in the accident or to any police officer for any information as to the location of any accident or for soliciting the employment of the licensee's services, nor give any gratuities, fees or other compensation or gifts to any members of the police department.
- (20) The towing company making application to tow for the township shall submit a list of its employees who will be operating the defined wreckers providing service. In addition, the towing contractor will be required to submit photocopies of the driver's licenses of those employees who will be operating tow vehicles providing service. Those driver's licenses will be checked periodically by the Chief of Police or his designee to ensure valid status.
- (21) The towing company shall conspicuously post the towing/storage rates at its business in a location visible to all customers.
- (22) All towing businesses which are on the township tow list must accept all forms of payment from motorists with the exception of personal checks.
- (23) Once a wrecker is requested from the township tow list, the service call shall belong to that wrecker regardless of any other towing business that may show up at the service call location, unless exigent circumstances exist as may be determined by conditions at the scene.
- (24) Disposition of vehicles towed pursuant to this article shall be in compliance with state law.

§ 140-14. Operator dealings with public/rights.

A. In all of his dealing with the public in connection with the contract, the operator is expected always to act in a professional manner and at all times to be courteous and respectful toward members of the public, as well as representatives of the Township of Cranbury. While members of the public, especially those whose cars may have been towed or impounded, may at times resort to strong language, threats and unbecoming behavior toward the operator, the operator is expected to exercise restraint and not to respond in kind and thereby reflect unfavorably on the Township of Cranbury and/or the Cranbury Township Police Department.

B. Repeated reports of discourteous behavior by the operator, which can be substantiated and documented, may be considered by the township as sufficient cause for termination of the contract.

§ 140-15. Effect on rights of motor vehicle owner.

A. Nothing in this article shall abrogate or in any way diminish the rights of the vehicle owner or operator to make his own selection of tow vehicle, except where police presence is needed,

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where it presents a real or immediate hazard to safety or would in any way interfere with a police investigation.

B. Applicable sections of this article may in certain circumstances be superseded by state statute and the New Jersey Administrative Code, including but not limited to the New Jersey Turnpike Fee Schedule adopted in N.J.A.C. 19:9-3.1 et seq.

C. The owner of any vehicle towed shall have the right to remove property belonging to him or her not pertaining to the vehicle itself, unless a "police hold" is marked on the towing form.

§ 140-16. Release of impounded vehicles / penalties / enforcement.

No impounded vehicle is to be released without proper authorization from the Cranbury Township Police Department whether verbal or written. Vehicle release must be available as set forth in this ordinance. The operator may dispose of abandoned vehicles in accordance with the provisions of N.J.S.A. 39:10A-8 et seq. Titles shall be processed in accordance with New Jersey laws and regulations.

§ 140-17. Violations and penalties.

A. The Chief of Police or his designee shall have the power to suspend a towing business license if it is satisfied by clear and convincing evidence that there has been a violation of this article or violations of the rules promulgated by the State of New Jersey.

B. Penalties for violations shall be as follows:

- (1) First offense: suspension of the towing license not to exceed 30 days and/or a fine not to exceed \$500.00.
- (2) Second offense: suspension of the towing license not to exceed 90 days and/or a fine not to exceed \$1,000.00.
- (3) Third offense: suspension from the wrecker list for a period not to exceed one year and/or a fine not to exceed \$2,500.00.

C. Any suspension will be a suspension of police towing privileges only. The towing business will remain licensed during the suspension period and will be bound by the rules and regulations governing licensed towing business.

D. A towing operator's license may be revoked and the tow business removed from the rotational list by resolution of the township council, or by action of the township manager if designated as hearing officer by the township council, if its performance is determined to be unreliable or inadequate after a hearing pursuant to the proper procedures.

E. A towing business terminated from the tow list shall be considered unlicensed and must reapply for a license at the conclusion of the termination period. The terminated towing business will be responsible for towing rates, storage charges and service fees as set forth in this section for police-towed vehicles remaining on the lot during the termination period.

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F. If a towing business is suspended or terminated from the rotational list, the remaining towing businesses in the township will be notified of the suspension and to ascertain if they can cover the vacancy.

§ 140-18. Enforcement.

The Cranbury Township Police Department is designated to enforce the provisions of this chapter in accordance with due process law. In carrying out the provisions of this chapter, the Chief of Police or his designee is hereby authorized to adopt additional reasonable regulations which are not inconsistent with this chapter. Notwithstanding, any other tow service not licensed or authorized to tow, repair or service a disabled vehicle within Cranbury Township and which was not solicited by the operator of said vehicle, will be subject to fines consistent with local ordinances. Charges shall include but not be limited to failing to secure a solicitor's permit, with regards to cruising, and any other violations set forth in this and other township ordinances.

§ 140-19. Public access to fee schedules.

The township clerk shall make available all fee schedules and regulations applicable to towing for public inspection during normal business hours.

§ 140-20. Towing from private property.

Unattended vehicles cannot be towed from private parking lots, unless:

A. There is a sign posted at vehicular entrances to the property stating:

- (1) The purpose for which parking is authorized;
 - (2) The times when parking is permitted;
 - (3) That unauthorized parking is prohibited and unauthorized vehicles will be towed at the owner's expense;
 - (4) The name of and the contact information for the towing company and the address of the storage facility, which must be secure and located within a reasonable distance of the property, to which the vehicle will be towed;
 - (5) The charges for the towing and storage and the times during which the vehicle may be redeemed; and
 - (6) Contact information for the Division of Consumer Affairs (1-800-242-5864 prompt #4).
- (a) The property owner and the tow company have a contract for the towing and the property owner has authorized the towing company to remove the particular vehicle.
 - (c) The requirements do not apply to a single-family home or an owner-occupied multi-unit structure, and the signage requirements are different for a residential community with clearly marked assigned spaces for residents.

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- (d) The Predatory Towing Prevention Act and this section further prohibit towing companies from the following:
- (1) Failing to release a vehicle hooked or lifted, but not actually removed from private property, upon request of the vehicle's owner;
 - (2) Paying for information about vehicles parked without authorization;
 - (3) Refusing to accept an insurance company's check or a debit card, charge card, credit card or personal check for towing or storage services; if the towing company ordinarily accepts such payment at its place of business.

SECTION 3. Repealer. All ordinances and resolutions, or parts thereof, inconsistent with this Ordinance, are hereby repealed.

SECTION 4. Severability. If any section, paragraph, subsection, clause or provision 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 5. Effective Date. This Ordinance shall take effect immediately upon its passage and publication, as required by law.

Cranbury Township Ordinance # 08-13-23

An Ordinance entitled, Cranbury Township Ordinance # 08-13-23, "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 REVISING VARIOUS APPLICATION AND ESCROW FEES" 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, September 9, 2013 at 7:00 p.m.

On motion by Mr. Mulligan, seconded by Mr. Cook, the Ordinance was passed on first reading by vote:

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

Second Reading: September 9, 2013, 7:00 p.m.

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Cranbury Township Ordinance # 08-13-23
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BE IT ORDAINED by the Township Committee of the Township of Cranbury, Middlesex County, New Jersey, as follows:

1. Sections 76-2 through 76-7 revised. Sections 76-2, 76-3, 76-4, 76-5, 76-6, and 76-7 of Article I, "Miscellaneous Fees" in Chapter 76, "Development Fees," of the Code of the Township of Cranbury ("Code") are hereby amended as follows (additions are underlined; deletions are in [brackets]):

§ 76-2. Fees required upon submission of application for development.

The application fees as set forth in §§ 76-3 through [76-7] 76-6 hereof shall be applied to cover direct administrative expenses and other incidental expenses connected with processing and checking all of the materials of the application. Application fees are nonrefundable.

§ 76-3. Subdivision fees.

The application fee for a subdivision shall be as follows:

- A. Minor subdivision plat: [\$200] \$300.
- B. Major subdivision.
 - (1) Preliminary plat: [\$200] \$500.00 plus \$25.00 per lot.
 - (2) Final plat: [\$200] \$500.00 plus \$20.00 per lot.
- C. Resubmittal fees for an application for preliminary or final subdivision approval where the applicant has submitted an incomplete [or amended] application requiring further review by Township staff and experts shall be as follows: [50% of the original application fee, plus \$25 escrow for each lot created.]

(1) Single-family or two-family residential: \$100.00

(2) All others: \$200.00

§ 76-4. Site plan fees.

The application fees for submission of a site plan for approval shall be as follows:

- [A. Site plan not involving any building area: \$50.00.]
- [B] A. Minor site plan: \$200.00.
- [C] B. Major site plan.
 - (1) Preliminary approval: [\$200.00.]

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Multi-Family Residential: \$750.00, plus \$75.00 per unit

Nonresidential: \$750.00, plus \$25.00 per 1,000 square feet of gross floor area for the first 50,000 square feet and \$10.00 per 1,000 square feet of gross floor area for any additional square footage beyond 50,000 square feet.

- (2) Final approval: [~~\$200~~] \$500.00.
- (3) Resubmittal [fees for an application for preliminary or final site plan approval for a nonresidential development] where the applicant has submitted an incomplete [or amended] application requiring further review by Township staff and experts [shall be as follows: 50% of the original application fee, plus \$0.02 per square foot of gross floor area as escrow. For a residential application that is resubmitted: 50% of original application fee; plus \$15 per dwelling unit as escrow]: \$200.00.

§ 76-5. Variance and exceptions fees.

Any application for a variance pursuant to N.J.S.A. 40:55D-70 or exception pursuant to N.J.S.A. 40:55D-51 shall require the following application fees in addition to [the] such application fee as may be required for site plan or subdivision approval [that may be required]:

- A. Use or other variance pursuant to N.J.S.A. 40:55-70d: [involving single-family residential dwelling: [\$100]
 - (1) Single-family or two-family residential: \$200.00 for first variance, plus \$25.00 for each additional variance.
 - (2) All other development: \$500.00 for first variance plus \$100.00 for each additional variance.
- [B. Use variance involving other than a single-family residential dwelling: \$200.]
- [C] B. [Any nonresidential development involving a variance other than a use variance: \$200.] Bulk or other variance pursuant to N.J.S.A. 40:55D-70c:
 - (1) Single-family or two-family residential: \$100.00 for first variance plus \$25.00 for each additional variance.
 - (2) All other development: \$250.00 for first variance, plus \$150.00 for each additional variance.
- [D]C. [Variance other than a use variance involving single family residential dwelling without site plan or subdivision: \$75.00.] Exceptions pursuant to N.J.S.A. 40:55D-51:

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(1) Single-family or two-family residential: \$50.00 per exception

(2) All others: \$150.00 for first exception, plus \$100.00 for each additional exception.

[E] D. Appeals pursuant to N.J.S.A. 40:55D-70a or requests for [I]interpretation of [Z]zoning [O]ordinance pursuant to N.J.S.A. 40:55D-70b:

(1) Single-family or two-family residential: [\$50] \$100.00.

(2) All others: [\$200] \$250.00.

§ 76-6. Other Application and Special [Conditional use] fees.

A. Applications for a conditional use: \$200.00.

B. Publication of Notice: \$100.00

C. Special Meeting Fee (if meeting requested by applicant): \$500.00 per special meeting

D. Informal Concept Plan/Sketch Plan Review

(1) Single-family or two-family residential: \$0 for first review; \$150.00 per review thereafter

(2) All other development:

Site plan: \$250.00

Subdivision: \$300.00

All applications involving more than 1,000,000 square feet of gross floor area or parcels exceeding 10 acres: \$500.00.

E. General Development Plans pursuant to N.J.S.A. 40:55D-45 and Planned Developments

(1) Preliminary approval: \$500.00

(2) Final approval: \$500.00.

F. Resubmittal of amended application during pendency of an application

(1) Single-family or two-family residential: \$100.00

(2) Multi-family residential: \$300.00

(3) All other applications: \$1,000.00

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G. Soil Movement applications

- (1) Single-family or two-family residential: \$100.00
- (2) All other development: \$500.00.

H. Extension of Approvals

- (1) Single-family and two-family residential: \$100.00
- (2) All other development: \$300.00.

§ 76-7. [Review fees] Escrow Deposits.

In addition to the application fees set forth in sections 76-3 through 76-6 above, each applicant shall be required to submit with the application a review fee escrow deposit in accordance with the following schedule:

- A. Minor subdivision plat: [~~\$500~~] \$1,500.00.
- B. Major subdivision [preliminary] plat: [\$1,000 plus \$200 per lot.]
 - (1) Preliminary approval: \$3,000.00, plus \$200.00 per lot
 - (2) Final approval: \$1,000.00, plus \$100.00 per lot
- [C. Major subdivision final plat: \$250 plus \$50per lot.]
- [D. Resubmittal of an application for preliminary or final subdivision approval where the applicant has submitted an incomplete application as deemed by the Planning Board: \$25 for each lot created.]
- [E. Site plan not involving any building area: \$0.02 per square foot of impervious coverage.]
- [F] C. Minor site plan: [~~\$200~~] \$2,000.00.
- [G] D. Major [nonresidential] site plan: [\$2,500 plus \$25per dwelling unit.]
 - (1) Residential
 - Preliminary: \$2,000.00, plus \$100.00 per dwelling unit
 - Final: \$1,000.00, plus \$50.00 per dwelling unit
 - (2) Nonresidential
 - Preliminary: \$3,000.00 plus \$50.00 per 1,000 square feet of gross floor area

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Final: \$1,000.00 plus \$150.00 per 1,000 square feet of gross floor area

- [H. Major residential site plan final approval: \$0.02 per square foot of gross floor area.]
- [I. Resubmittal of an application for preliminary or final major site plan approval where the applicant has submitted an incomplete application as deemed by the Planning Board: \$0.02 per square foot of gross floor area.]
- [J. Preliminary major residential site plan: \$2,500.00 plus \$25.00 per dwelling unit.]
- [K. Final major residential site plan: \$1,000.]
- [L. Resubmittal of an application for preliminary or final major residential site plan approval where the applicant has submitted an incomplete application as deemed by the Planning Board: \$15 per dwelling unit.]
- [M]E. Use or other variance pursuant to N.J.S.A. 40:55D-70d [involving any use other than a single-family or two-family residential dwelling: \$1,000 for the first "d" variance plus \$200 for each additional "d" variance requested.]
 - (1) Single-family or two-family residential: \$1,000.00 for the first variance plus \$200.00 for each additional variance.
 - (2) All other development: \$3,000.00 for the first variance plus \$300.00 for each additional variance.
- F. Bulk or other variance pursuant to N.J.S.A. 40:55D-70c:
 - (1) Single-family or two-family residential: \$100.00 for the first variance plus \$50.00 for each additional variance.
 - (2) All other development: \$2,000.00 for the first variance plus \$200.00 for each additional variance.
- [N]G. Conditional use permit [involving single-family or two-family residential dwelling: \$250]: \$500.
- [O. Conditional use involving a nonresidential use of any kind: \$500.]
- H. Requests for exceptions pursuant to N.J.S.A. 40:55D-51:
 - (1) Single-family and two-family residential: \$200.00 for the first exception plus \$25.00 for each additional exception.
 - (2) All other development: \$1,000.00 for the first exception plus \$100.00 for additional exception.

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- [P] Extension of [a preliminary or final] approvals: [\$500.]
- (1) Single-family or two-family residential: \$100.00
 - (2) All others: \$1,000.00
- [Q] [Concept approval] Informal concept plan/sketch plat review: [25% of applicable review fee.]
- (1) Single-family and two-family residential: \$0 for first review; \$300.00 per review thereafter.
 - (2) All other applications: \$1,500.00, plus \$3,000.00 for applications involving more than 10 acres or 1,000,000 square feet of gross floor area of development.
- K. General development plans pursuant to N.J.S.A. 40:55D-45 and planned developments:
- (1) Preliminary approval: \$2,000.00 plus \$20.00 per acre
 - (2) Final approval: \$2,000.00 plus \$20.00 per acre
- L. Appeals pursuant to N.J.S.A. 40:55D-70a or requests for interpretation of zoning ordinance pursuant to N.J.S.A. 40:55D-70b:
- (1) Single-family and two-family residential: \$300.00
 - (2) All others: \$2,000.00
- M. Resubmittal of amended application during pendency of application:
- (1) Single-family and two-family residential: \$200.00
 - (2) Multi-family residential: \$500.00
 - (3) Nonresidential: \$2,500.00
- N. Soil movement pursuant to section 150-62:
- (1) Single-family and two-family residential: \$0
 - (2) All others: \$2,000.00

2. Repealer. All ordinances and resolutions or parts thereof inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

3. Severability. If any section or subsection of this ordinance is adjudged invalid by a court of competent jurisdiction, such adjudication shall apply only to the specific section(s) or subsection(s) so adjudged and the remainder of the ordinance shall be deemed valid.

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4. Effective date. This ordinance will take effect upon its passage and publication, as required by law.

Work Session

Due to time constraints for the Zoning Officer, Mayor Johnson stated Work Session b). was being moved up in the Agenda.

b). Discussion by the Township Committee Concerning Sheds

Mayor Johnson stated the Township Committee would discuss the Township Ordinances that govern sheds. Mr. Jeff Graydon, Cranbury Township Zoning Officer, reported he compared Cranbury's Shed Ordinance with surrounding Townships' ordinances and stated Cranbury's Code is the simplest of all Codes. Mr. Graydon stated other Townships have Codes that are extremely restrictive. He stated most Towns have wording concerning minimum setback requirements and some Towns have wording that state the shed size is dictated by the size of the property. Mr. Graydon stated Cranbury's Shed Ordinance is very simple and generally works well. He read Cranbury's Shed Ordinance and explained the setbacks and the size of the sheds allowed. Mr. Graydon stated sheds shall not exceed a maximum floor area of 200 square feet.

Mr. Graydon explained the current issue is how many sheds are permitted on a property because the Ordinance uses the word "sheds" in the Ordinance. He stated he contacted Mr. Harvey Moskowitz, who was instrumental in writing Cranbury's Code, who stated the wording meant one (1) shed, maybe two (2) sheds if the total aggregate is less than 200 square feet. Mr. Graydon stated he spoke with the Township Planner, Richard Preiss, who agreed. In addition, he spoke with the Zoning Officers of Princeton, Montgomery, Hamilton and West Windsor who concurred that the word "sheds" in the Code refers to sheds on multiple properties, not on one (1) property. Mr. Graydon stated in his opinion, the wording could also mean multiple sheds on one (1) property as long as the aggregate was 200 square feet. He stated it is common to see two (2) sheds on a property; with the first shed having a 10 foot rear and 10 foot side setback from the property line and the second shed becomes an accessory building with a 20 foot side and 40 foot rear setback. Mr. Graydon stated typically the second shed on most properties is some type of cabana by the pool.

Mr. Graydon stated he would not suggest changing the Code because it is expensive to do so. He stated if the Township is making changes to other Codes, it would be fine to "tweak" the wording in the Shed Ordinance for better clarity; however to change this Code separately would be expensive.

He stated the Code has worked well for over 35 years, and stated a problem only occurred because a resident placed a second shed on a property without applying for zoning or construction permits. He stated if the permit process is correctly followed, there is usually not a problem. If setbacks are a problem, residents can apply to the Zoning Board of Adjustment for a variance.

After further discussion with Mr. Graydon concerning the interpretation of the number of sheds allowed and the limits of the 200 square foot aggregate, the Township Committee decided not to change the wording of the Shed Code at the current time. The Township

TOWNSHIP COMMITTEE MEETING
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Work Session (Continued)

b). Discussion by the Township Committee Concerning Sheds

Committee thanked Mr. Graydon, acknowledging the Code is very fair and does not overregulate.

Mr. Richard Kallan, Wynnewood Drive, inquired about the square footage of sheds with a second floor. Mr. Graydon clarified sheds are limited to one floor only and the square footage applies to floor area of the structure.

Mayor Johnson announced before proceeding with the Agenda, Work Session Item a). would be addressed.

a). Discussion by the Township Committee of the Proposed Cranbury Historical and Preservation Society Sign Near Memorial Park.

Mr. Don Davidson of the Cranbury Historical and Preservation Society (CHPS) presented, for the Township Committee's approval, the proposed sign, "Remembrances of the Lake Area" to be erected in or near Memorial Park. Mr. Davidson explained the effort and time it took to come up with the final version of the sign. He stated CHPS and the Parks Commission wanted the sign to be eye-catching from the street so people would be attracted to the sign. Mr. Davidson stated CHPS wanted George Washington to be the center of the sign. He explained the layout and the various photos used on the sign and stated the facts were checked by Historian John Chambers. Since the sign describes the Lake Area, CHPS and Parks agreed it would be more appropriate for the sign to have a blue rippling water background.

Mr. Davidson stated both CHPS and the Parks Commission were very happy with the sign and hoped the Township Committee agreed with them.

Mr. Taylor asked why George Washington was the focal point, and not a lake photo. Mr. Davidson stated CHPS wanted the public to know how important historically George Washington was to the area. He stated CHPS does not have enough money to erect another sign specifically about George Washington. Mr. Cook stated he liked that George Washington was included thus keeping the number of signs to a minimum. Mayor Johnson stated the sign was beautiful and acknowledged the amount of work that was put into making it. The Township Committee thanked Mr. Davidson for his presentation and hard work.

Mr. Mulligan made a motion to accept the sign as presented with the location of its placement to be determined at a later date. The motion was seconded by Mr. Taylor and unanimously carried by vote:

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

Mr. Taylor reported Ms. Audrey Smith of the CHPS stated the old PNC building has an old grandfather clock. He stated CHPS does not believe the clock will fit in the Museum and thought the clock could be put in Town Hall. There was some discussion on where the clock could be placed and if the chimes could be turned off if it was put in the Meeting Room. Mr. Taylor thought the Historical Society would arrange for the cost of the move.

TOWNSHIP COMMITTEE MEETING
August 12, 2013

Public Comment (For Items on the Agenda)

Mayor Johnson opened the floor to Public Comment for items on the Agenda.

Mr. Richard Kallan, Wynnewood Drive, asked for an explanation on Resolution # R 08-13-091, "A RESOLUTION DISQUALIFYING ANDY MATT, INC. BASED ON PRIOR NEGATIVE EXPERIENCE." Ms. Marabello explained the Township was not satisfied with the tree work previously performed by Andy Matt, and stated this Resolution was necessary to disqualify Andy Matt from bidding on future tree projects for five (5) years.

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

Consent Agenda
Resolutions

Mayor Johnson asked the Committee members if they wished to address any Consent Resolutions separately. There being no questions or comments, the Mayor asked for a motion to approve the Consent Agenda Resolutions. On motion by Mr. Mulligan, seconded by Mr. Taylor, the Consent Agenda Resolutions were passed by vote:

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

Nays (None

Cranbury Township Resolution # R 08-13-088

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 08-13-091
Date of Adoption: August 12, 2013

RESOLUTION OF THE TOWNSHIP OF CRANBURY, NJ

A RESOLUTION DISQUALIFYING ANDY MATT, INC.
BASED ON PRIOR NEGATIVE EXPERIENCE

WHEREAS, in 2011 Andy Matt, Inc., bid on and was awarded a contract for the Provision and Installation of 2556 Trees at the Hagerty Property located at Block 20, Lot 14; Cranbury Township, Middlesex County; and

WHEREAS, the bid specifications required a 100% survival rate of all trees at the end of two years and further required that the contractor replace any dead trees; and

WHEREAS, on May 10, 2013; May 13, 2013 and May 15, 2013 the Township's Landscape Architect, Kevin Kester, inspected the Haggerty property for mortality of the trees; and

WHEREAS, Mr. Kester's inspection revealed that of the 2556 trees planted, 1195 of the trees had died, representing a 47% mortality; and

TOWNSHIP COMMITTEE MEETING
August 12, 2013

Cranbury Township Resolution # R 08-13-091
(Continued)

WHEREAS, it appears that many of the trees may have been dug in the fall rather than in the summer, contrary to the contract requirements, which may have increased the mortality rate; and

WHEREAS, despite repeated requests for watering during the summer following the plantings, the trees were only watered 2 or 3 times, contrary to the contract requirements, which further exacerbated the mortality rate; and

WHEREAS, in accordance with the contract terms, on several occasions, both by telephone and in writing, the Township requested that Andy Matt, Inc. replace all of the trees which had been lost; and

WHEREAS, no response was received from Andy Matt, Inc.; and

WHEREAS the Township contacted Selective Insurance Company, the bond company to obtain payment under the bond, or performance in accordance with the contract specifications; and

WHEREAS, pursuant to N.J.S.A. 40A:11-4, a governing body may, by resolution, disqualify a low bidder if the governing body finds that it had *prior negative experience* with the bidder; and

WHEREAS on August 1, 2013, Andy Matt, Inc. was notified in writing that the Township of Cranbury was considering disqualification pursuant to N.J.S.A. 40A:11-4 for prior negative experience, specifically N.J.S.A. 40A:11-4(b)(3) which permits a governing body to disqualify a bidder if "the bidder defaulted on a contract, thereby requiring the local unit to look to the bidder's surety for completion of the contract or tender of the costs of completion"; and

WHEREAS, Andy Matt, Inc. was advised that a hearing could be requested;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Cranbury, that Andy Matt, Inc. is hereby disqualified based upon prior negative experience, specifically N.J.S.A. 40A:11-4(b)(3) because "the bidder defaulted on a contract, thereby requiring the local unit to look to the bidder's surety for completion of the contract or tender of the costs of completion".

BE IT FURTHER RESOLVED that Andy Matt, Inc. shall be disqualified from bidding for a period of 5 years.

Cranbury Township Resolution # R 08-13-092

The Resolution for Grant Agreement between the Township of Cranbury and the State of New Jersey (Department of Environmental Protection) for the "No Net Loss Reforestation Project – Phase III" is attached as Addendum A.

Cranbury Township Resolution # R 08-13-093

WHEREAS, the Tax Collector, Ross E. Maszczak has certified that the following taxpayers overpaid their taxes; and

WHEREAS, the Tax Collector is requesting that the overpaid taxes be refunded,

TOWNSHIP COMMITTEE MEETING
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Cranbury Township Resolution # R 08-13-093
(Continued)

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Cranbury that the following overpayment be refunded:

<u>Taxpayer</u>	<u>Refund</u>
OWNER: Elliot, Glenn 409 Timber Lane Newtown Square, PA 10973	\$1,945.41
OWNER: Elliot, Glen	
LOCATION: 35 Evans Dr.	
BLOCK: 34 LOT: 22 QUALIFIER: N/A	
Total	\$1,945.41

CRANBURY TOWNSHIP # R 08-13-094

RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE
IN THE MUNICIPAL BUDGET OF THE TOWNSHIP OF CRANBURY
PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948)

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

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

Section 1

NOW, THEREFORE, BE IT RESOLVED that the Township Committee hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2013 in the sum of \$90,000.00 which item is now available as a revenue from the State of New Jersey pursuant to the provision of statute, and

Section 2

BE IT FURTHER RESOLVED that a like sum of \$90,000.00 is hereby appropriated under the caption "No Net Loss Reforestation Phase III".

Section 3

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

- (a) Director of the Division of Local Government Services
- (b) Township Auditor
- (c) Township Chief Financial Officer

TOWNSHIP COMMITTEE MEETING
August 12, 2013

Cranbury Township Resolution # R 08-13-095

A RESOLUTION AUTHORIZING THE RELEASE OF EXTRA DUTY ESCROW

WHEREAS, Riggs & Distler have outstanding credits of \$3,600.00 in their Extra Duty escrow account previously posted with the Township.

WHEREAS, the Police Department has no outstanding bills

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranbury that the Township of Cranbury release outstanding credits in Riggs & Distler's extra duty escrow account.

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 Director of Finance
- (b) Riggs & Distler

Cranbury Township Resolution # R 08-13-096

GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2011 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations, and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

TOWNSHIP COMMITTEE MEETING
August 12, 2013

Cranbury Township Resolution # R 08-13-096
(Continued)

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Township Committee of the Township of Cranbury, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Cranbury Township Resolution # R 08-13-098

A RESOLUTION REQUESTING THE AUTHORIZATION FROM
THE NEW JERSEY DEPARTMENT OF TRANSPORTATION TO COMBINE
THE 2012 AND 2013 LOCAL AID GRANTS

WHEREAS, the Township of Cranbury has received two grants from the New Jersey Department of Transportation Local Aid for the Historic Main Street Beautification Project; and

WHEREAS, the grants were received in 2012 and 2013; and

WHEREAS, the Township has prepared and completed plans and specifications which would allow the bidding of both the 2012 and 2013 Grants in the fall of this year; and

WHEREAS, the combining of these two Grants will not cause any delay in the awarding of the 2012 Grant, which by contract must be bid this year.

WHEREAS, the combining of the grants will provide a more efficient use of the grant money, and

NOW THEREFORE BE IT RESOLVED that the Township of Cranbury is requesting the approval of the New Jersey Department of Transportation Local Aid to bid and award both phases of the grant this fall.

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 reported the Public Works Department placed traffic cones last week in areas where tree trimming was scheduled. She stated for future pruning or tree removal, Public Works will put cones out to prevent cars from parking near the work area.

Ms. Marabello asked the Township Committee if there would be a second meeting held in August. She explained the August 26th meeting was listed on the yearly schedule as a "tentative" meeting, and asked if it was necessary to hold a meeting. The Township Committee decided not to hold the August 26th meeting.

TOWNSHIP COMMITTEE MEETING
August 12, 2013

Reports from Township Staff and Professionals

--Administrator's Report (Continued)

Mayor Johnson reported his neighbor's tree was removed and the tree company left a big pile of sawdust where the stump was ground down. He asked Ms. Marabello if the tree company or Public Works were planning to remove the sawdust piles, otherwise, the sawdust would just blow around. Ms. Marabello stated she would check with Public Works.

Public Comment

The Mayor opened the meeting to public questions and comment.

Mr. Dee Wahlers, Hagerty Lane, asked for a status on the number of complaints resulting from the Property Maintenance Ordinance and asked how the Ordinance is being enforced. He asked if the Township is keeping records. Mayor Johnson stated one (1) complaint was filed and explained the process that after a complaint is filed by a resident, a violation is issued and the corrective action noted. Ms. Marabello clarified complaints must be in writing and cannot be anonymous. Mr. Wahlers commented a lot of Township money was spent on the Ordinance to only have one (1) complaint.

Mr. Richard Kallan, Wynnewood Drive, asked why complaints have to be in writing by a private citizen. He stated if a violation exists and is noticed by a Township employee, the complaint should be written up.

Mr. Kallan commented on the new School/Town Hall paving project and reported the second stop line for buses was not painted on School House Lane. That line is painted further back than the street stop sign to allow buses to make the turn into School House Lane during the school year. Ms. Marabello stated the paving project was a School project, and she would follow up concerning the stop line with Ms. Joyce Picciareello, Business Administrator.

Mr. Kallan reported the corn growing on the corner of Ancil Davison and Cranbury Neck Roads is very high, which makes it very dangerous for cars to pull out into the intersection. He inquired who farms that piece of property and asked if anything could be done to make the intersection safer.

Mr. Kallan stated he was in Town Hall over the weekend to work on the clock and noticed the interior of the building was very cold. He asked why the air conditioning was not set back when the building is empty. Ms. Marabello explained the air conditioning/heating system has always been a problem since the building was renovated. She stated the contractor is constantly here trying to regulate the temperature. She said the heat and air conditioning is inconsistent from room to room, and stated the room the meeting was in now was hot even though the air conditioning was set to cold and all the blowers were on. She stated everything was being done to maintain the temperature in the building, aside from retrofitting the system, which would be very expensive. Mr. Cook stated that expense is not a priority.

Mr. Kallan stated the tree field on Old Cranbury Road was an eyesore and asked if it would be mowed soon. Ms. Marabello stated the field is scheduled to get cut once a year because the field is supposed to grow to be a "forest." She stated the field was mowed in the spring. Mr. Kallan said the area is a mess and recommended the grasses be cut by Public Works after the fall leaf cleanup and before snow removal. Ms. Marabello stated the scheduling would need to be determined by Mr. Jerry Thorne, Public Works Manager and stated Public Works is currently down to six (6) DPW employees.

TOWNSHIP COMMITTEE MEETING
August 12, 2013

Public Comment (Continued)

Ms. Audrey Smith, Cranbury Preservation and Historical Society, brought in a picture of the grandfather clock to show the Township Committee. She stated she is in the process of trying to locate a qualified mover to move the clock.

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

Mayor's Notes

Mayor Johnson reported there were no Mayor's notes.

Resolution

At 8:36 p.m. Mayor Johnson requested a motion to go into Closed Session. On a motion by Mr. Taylor, seconded by Mr. Cook and unanimously carried, the following Resolution was adopted by vote:

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

Cranbury Township Resolution # R 08-13-097

TOWNSHIP OF CRANBURY
COUNTY OF MIDDLESEX

RESOLUTION TO CLOSE MEETING TO THE PUBLIC

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

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

----- "N.J.S.A. 10:4-12b (7) Contract Negotiations" and
"N.J.S.A. 10:4-12b (5) (Land Acquisition): Discussion of possible
Land Acquisition.

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. Cook, seconded by Mr. Mulligan, and unanimously carried, the meeting returned to Open Session at 9:25 p.m.

TOWNSHIP COMMITTEE MEETING
August 12, 2013

On a motion by Mr. Cook, seconded by Mr. Mulligan and unanimously carried, the meeting adjourned at 9:26 p.m.

Kathleen R. Cunningham, RMC
Municipal Clerk