

TOWNSHIP COMMITTEE MEETING  
March 14, 2011

The regular meeting of the Township Committee of the Township of Cranbury was held at 7:00 p.m. in the Cranbury School Large Group Room, 23 North Main Street, Cranbury. Answering present to the roll call were Township Committee members: David Cook, Glenn Johnson, Daniel Mulligan, Jay Taylor, and Mayor Win Cody. Also present were Michael Herbert, Esq., Township Attorney; Ronald Ghrist, Financial Consultant; Steve Benner, Tax Assessor; Denise Marabello, Township Administrator/Director of Finance; Kathleen R. Cunningham, Clerk/Assistant Administrator, and Jean Golisano, Deputy Clerk. Mayor Cody 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 2, 2010 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 2, 2010.
- (3) Was filed on December 2, 2010 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.

#### Minutes

##### Regular Township Committee Minutes of February 28, 2011

On motion by Mr. Johnson, seconded by Mr. Cook and unanimously carried, the Regular Township Committee Minutes of February 28, 2011 were adopted.

##### Closed Session Committee Minutes of February 28, 2011

On motion by Mr. Mulligan, seconded by Mr. Cook and unanimously carried, the Closed Session Township Committee Minutes of February 28, 2011 were adopted.

#### Reports and Communications

##### -- Mayor

Mayor Cody reported the DRC is seeing an increase in activity, and has reviewed several applications including a hotel/day care center on South River Road, solar panels on a warehouse, and a convenience store on Cranbury Circle.

##### -- Township Committee

Mr. Cook reported the County will be making repairs to the Brainerd Lake Dam in June or July. Mr. Cook stated there are three pricing components to the dam repairs. Information on the major retrofit of the dam will be distributed to residents once it is available.

Mr. Johnson reported the Environmental Commission will be sponsoring a workshop on how to build a rain barrel on April 9<sup>th</sup> from 1 to 3 p.m. Additional details will be available on the website.

Mr. Taylor reported he met with the Police Department and gave the following report: 150 summonses and 22 speeding tickets were issued, mostly on Route 130, Main Street Plainsboro Road and Old Trenton Road. Overtime expenditures were necessary for shift coverage, school/training, DARE, and investigations. Mr. Taylor reported there were 17

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Reports and Communications (Continued)

-- Township Committee

(Mr. Taylor continued)

accidents in town, and the "2011 Slow Down Campaign" will begin in the Spring. The Detective Bureau conducted 12 investigations this month, and seven (7) were closed. Mr. Taylor stated the Fifth Grade DARE program runs January through March. For the Office of Emergency Management, Mr. Taylor reported Sergeant Ryan Dworzanski was appointed Deputy OEM Coordinator, and application was made to FEMA for public assistance relief for the December snow event. Primary incidents for the month include eight (8) arrests, five (5) DWIs, one (1) burglary, two (2) theft/shoplifting, three (3) warrants, and two (2) CDS arrests. Mr. Taylor reported for February vehicle mileage was 9,941 and vehicle maintenance expenditures were \$2,411.28. Mr. Taylor reported Chief Varga sent a memo outlining a new police department intern program, which will be coordinated through the Detective Bureau. Interns will work with officers and assist with daily tasks and projects.

For the Construction Department, Mr. Taylor reported 15 building permits were issued at a cost of \$2,800. There were 18 electrical permits (\$1,100), 15 plumbing permits (\$600) and four (4) fire permits (\$183). Ten (10) residential and five (5) non-residential permits were issued. Mr. Taylor stated permits and fees are still low and will need to be monitored.

Mr. Mulligan reported the Technology Subcommittee met with Ms. Josette Kratz to assess the technology needs of the Township offices. He will have more to report at the next meeting.

Agenda Additions/Changes

Ms. Cunningham, Clerk, announced there are no changes to the agenda.

Ordinance

Second Reading

CRANBURY TOWNSHIP ORDINANCE # 02-11-05

A motion to enter an Ordinance entitled, # 02-11-05, "AN ORDINANCE AMENDING AND REVISING CHAPTER 150-56 OF THE CODE OF THE TOWNSHIP OF CRANBURY, MIDDLESEX COUNTY, N.J. ENTITLED " LANDSCAPING" , was presented for second reading and final adoption. The Ordinance was published in the Cranbury Press, posted on the Township Bulletin Board and copies were available to the public. The Mayor opened the public hearing on the Ordinance. Mr. Kallan, Wynnewood Drive, inquired if the Ordinance would apply to private residents. Ms. Cunningham, Clerk, clarified the Ordinance applies to developers. Ms. Bonnie Larson, Cranbury Neck Road, stated the Ordinance can be used by residents as a reference tool to select sustainable, disease-resistant trees. Ms. Larson stated if the Township plants a tree on a resident's property, information about caring for the tree will be placed on a door hanger. With no further comments, Mayor Cody closed the public hearing. On motion by Mr. Taylor, seconded by Mr. Mulligan, the Ordinance was adopted by a vote:

Ayes: (Cook  
(Johnson  
(Mulligan  
(Taylor  
(Cody

Abstain: (None  
Absent: (None

Nays: (None

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Resolutions  
Consent Agenda

On a motion by Mr. Cook, seconded by Mr. Taylor, the following Consent Agenda Resolutions were adopted by vote:

Ayes: (Cook  
(Johnson  
(Mulligan  
(Taylor  
(Cody

Abstain: (None  
Absent: (None

Nays: (None

Cranbury Township Resolution # 02-11-045

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 03-11-046

TOWNSHIP OF CRANBURY  
MIDDLESEX COUNTY, NEW JERSEY

A RESOLUTION AWARDING PROFESSIONAL SERVICES AGREEMENT

WHEREAS, the Township Committee appointed John J. Maley, CPA as its Auditor at its January 3, 2011 Township Committee meeting; and

WHEREAS, the Township has a need to acquire the foregoing services without a "fair and open process" as defined by P.L. 2004, c. 19, the "Local Unit Pay-to-Play Law"; and

WHEREAS, the Professional has completed and filed with the Township Campaign Contributions Affidavits as required by N.J.S.A. 19:44A-20.2 *et seq.* certifying that said professional has not made any prohibited contributions to a candidate committee or municipal committee representing the elected officials of the Township of Cranbury, along with Certifications Regarding Political Contributions as required by N.J.S.A. 19:44A-20.26; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 *et seq.* authorizes the award of this contract without public bidding on the basis that it is a professional services agreement; and

WHEREAS, the Cranbury Township Chief Financial Officer has certified that sufficient funds are available for these purposes;

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

1. The Township of Cranbury hereby appoints the following individual and firm to provide professional services to the Township during the calendar year 2011:
  - a). John J. Maley, CPA – Township Auditor (1-year term).
2. The Mayor and Clerk are hereby authorized and directed to enter into a Professional Services Agreement with the aforementioned professional pursuant to the provisions of the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-

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Cranbury Township Resolution # R 03-11-046  
(Continued)

- 1 *et seq.* This contract is being awarded without competitive bidding as a Professional Services Agreement under the provisions of the aforementioned law because a service will be rendered or performed by a person authorized by law to practice a recognized professional and whose practice is regulated by law.
3. A copy of this Resolution, the pay-to-play forms, and the executed Agreement, shall be placed on file in the Office of the Township Clerk.
  4. A brief notice of this action shall be published in a newspaper of general circulation in the Township of Cranbury within ten (10) days of its passage.

Reports from Township Staff and Professionals

Administrator's Report

Ms. Denise Marabello reported a check for \$766,703 was received from the Turnpike for trees to be planted. Ms. Marabello stated the Township will prepare a bid to get the trees planted. The goal is to plant the trees in the spring, otherwise planting will be done in the fall.

Reports from Boards and Committees

There were no reports from Boards and Committees.

Work Session

- a). Presentation by Mr. Jon Goldstein, Cranbury Lions Club  
Mr. Jon Goldstein, Cranbury Lions Club presented to the Township Committee a fundraising idea regarding holding "Duck Races" on Brainerd Lake on either Memorial Day or Cranbury Day. Mr. Goldstein stated, if there were no objections from the Township Committee, the Lions Club would secure the appropriate licensing from the State. He stated the Lions Club would do the Duck Race after the 50/50 drawing following the Memorial Day service in Memorial Park. The crowds could then move from the Fire House across the street to Brainerd Lake for the races. Mr. Goldstein described the location of the race and the fencing they would use to keep people back from the race. The Lions Club would sell the ducks and prizes would be awarded. Mr. Goldstein stated all ducks would be collected and the property restored after the race. He stated he was in contact with the Recreation Board and with Mr. Jerry Thorne, Public Works Manager. Mr. Cook inquired if any police would be needed for the event, and Mr. Goldstein said the event would run at most for one-half hour. Mr. Cook stated it is a good fundraising event, and Ms. Marabello stated the children in town would love it. Mr. Kallan asked how children would be kept off private property, and Mr. Goldstein responded he would speak with Mr. Thorne about putting up additional fencing. Mr. Mulligan suggested a Lions Club member could be positioned to keep children off private property. Mr. Tom Ingegneri, South Main Street, stated he preferred the event be held on Cranbury Day so Memorial Day could be kept as a day to honor the soldiers. Mr. Taylor suggested July 5<sup>th</sup> as a possible date. Mayor Cody asked Mr. Goldstein what date the Lions would prefer, and Mr. Goldstein responded any day with a crowd would work. The Township Committee had no objections to the fundraising event, and Mr. Goldstein stated he will take Mr. Ingegneri's comment back to the Lions Club. He thanked the Township Committee and Township Staff for their assistance and cooperation.
- b). Presentation by Township Committee on Budget Preview for 2011  
The Township Committee presented a preview of the proposed 2011 Budget which was introduced on February 28, 2011. The Public Hearing on the

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Work Session (Continued)

- b). Presentation by Township Committee on Budget Preview for 2011 (continued)  
proposed 2011 Budget will take place at the March 28, 2011 at the Township Committee Meeting at 7:00 p.m. in the Large Group Room, Cranbury School.

Mayor Cody stated the Work Session is a follow-up to the last Township Committee meeting when the budget was introduced. He stated he wanted to address the confusion on some of the numbers presented. Mayor Cody stated he did not want to raise taxes unless needed. He stated previous Township Committees have controlled spending and the surplus is growing. Mr. Cody stated Cranbury Township has a healthy 46% surplus. Ms. Marabello did a survey and few towns were at Cranbury's level, and most other municipalities were at 20% or below. Residents are now paying significantly higher sewer rates so more revenue is now collected. Mayor Cody stated looking at rising taxes and a large surplus, he doesn't see the need to increase the taxes. He gave a PowerPoint presentation (attached as Addendum A) showing various budget options. Mayor Cody stated he liked Option 3, but if the Township Committee didn't agree to one of his proposed options, the alternative would be to go back to the budget line by line to cut another \$300,000. Mayor Cody stated he preferred going with Option C, which would keep taxes flat and the surplus healthy. He requested feedback from the Township Committee. Mr. Cook thanked Mayor Cody for his presentation and stated the budget process was long. Mr. Cook reminded the audience the official public hearing would be held on March 28<sup>th</sup>. He stated his concern about depleting the surplus faster than it could be replenished. After discussion with Mayor Cody, Mr. Cook stressed the Township needed a certain level of surplus to maintain the Township's AAA bond rating. Additional funding will be needed for the Township to make major repairs to the Brainerd Lake Dam, and also have \$1 million set aside for possible tax appeals. To be fiscally responsible, Mr. Cook stated the burn rate of the surplus is unsustainable and an increase of \$0.02 is necessary to keep the Township level. Mr. Cook stated he doesn't believe Mayor Cody's options address the burn rate of the surplus. Mr. Taylor stated the surplus shown was artificial to an extent. Of the \$4.9 million, \$2 million has to remain for the AAA bond rating and \$1 million for tax appeals, leaving \$1.9 million. Under Mr. Cody's scenario, that balance would be used to offset a tax increase.

Mr. Charlie Valente, Washington Drive, inquired at what amount would the bond rating change. To maintain the bond rating, 20% of \$10 million, or \$2 million is needed. Ms. Marabello stated the Township does not have to pay down debt this year, but in three (3) years the Township will need to pay down principal or float a bond. She stated, however, it is always prudent to pay down debt. Ms. Marabello stated the Township Engineer estimates the repairs to the Brainerd Lake will be \$1.6 million to \$2.5 million, which will have to be paid within the next 12 months. Mr. Taylor reported the current 1-1/2% interest rate is a variable rate and will reset in September. The introduced budget shows applying whatever State aid the Township receives toward the repayment of debt. Mr. Taylor stated the state aid is not guaranteed and thus it is dangerous to the Township to offset the tax rate, and debt will not be repaid early if it does not come in. Ms. Marabello explained of the \$4.9 million surplus, \$2 million cannot be touched, and \$1 million is set aside for tax appeals. Mayor Cody asked how much funding was used for tax appeals over the past several years. Mr. Steve Benner, Tax Assessor explained it is the Township's goal to have money set aside in case it is needed. The Township doesn't want to be like other towns, and cautiously sets aside an appropriate amount of funding. So far, Mr. Benner explained, the Township has been lucky in settling tax appeals and has not had to pay settlements, but cannot make decisions based on the past.

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Work Session (Continued)

b). Presentation by Township Committee on Budget Preview for 2011 (continued)

Ms. Marabello stated the Township Committee could amend the budget to not pay down debt and could earmark the aid for the Brainerd Lake Bridge repair.

Mr. Taylor stated the \$2 million in capital funds could not be used to reduce the tax rate. Mayor Cody asked Ms. Marabello about the \$2 million in the capital fund. Ms. Marabello explained the \$2 million is for previously-approved Ordinances, with affordable housing and sewer improvements taking a large portion of those funds.

Mayor Cody asked the Township Committee if they were comfortable with the current budget as introduced or were they willing to go through the budget again line by line. He stated he is willing to not pay debt to not raise taxes, and if the Township does not receive State aid, the Township can look again at the numbers. Mayor Cody stated he is not concerned about the surplus. Mr. Taylor asked when aid is received, and Ms. Marabello stated in the summer, and the Township has not received any written notice as to the aid amount. Mr. Taylor stated there will be major capital projects over the next few years increasing our debt costs. Mr. Cook stated the surplus will get smaller and smaller, and in the next two (2) to three (3) years will break the \$2 million level. Mr. Cook stated the Township will need to see significant cutting whether or not taxes are raised.

Mr. Mulligan stated it is not fiscally responsible to deplete surplus. He stated it would be a bonus if State aid is received, and the aid could be used to pay down debt. Mr. Johnson stated he is concerned about the surplus depleting too quickly. He stated a number of budget assumptions were reviewed, and the surplus was greatly reduced within three (3) to four (4) years. Mr. Johnson stated Cranbury is in an enviable position compared to other towns. He stated the Township has substantial spending coming up and does need to consider the future surplus. With no further comments from the Township Committee, Mayor Cody stated he was going to open the Work Session to public comment. Mr. Taylor requested comments be restricted to three (3) minutes each. Mayor Cody stated he would limit comments to five (5) minutes each.

Mr. Charlie Valente, Washington Drive, asked how the Township budget doubled in five (5) years. Ms. Marabello explained some debt was paid down, and the budget would be more accurate if that debt and grants are taken out. Mr. Richard Kallan, Wynnewood Drive, stated at the last meeting, it was requested the Township Committee come back to this meeting with one (1) set of numbers and a list of items that could be cut from the budget. Mr. Kallan stated the Township Committee did not meet the requirements of those two (2) requests as the Township Committee was not agreeing with Mayor Cody's numbers and did not have a list of cuts. Mr. Alan Danser, Petty Road, stated the important number to consider is the amount to be expended. Mr. Mike Dulin, Wynnewood Drive thanked the Township Committee for their hard work on the budget, and echoed Mr. Danser. He further stated this is not the time to pay down debt or draw on the surplus. Mr. Dulin stated a \$0.02 increase will not impact residents too much. Ms. Connie Bauder, Petty Road, stated a law was signed in 2010 requiring libraries to provide calculations of what they spend, and if there is excess funding, it should be turned back to the municipality. Mr. Bauder inquired why the Library had \$700,000 in their capital fund, and stated the Township Committee and residents should determine how the excess Library funds are utilized. Mr. Mauger, Griggs Road, stated Library Board meetings are open to the public. He further stated he was attending a budget meeting at the end of the process, but understood the increase would only be about \$100/year. Mr.

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Work Session (Continued)

b). Presentation by Township Committee on Budget Preview for 2011 (continued)

Mauger stated he understood there is a lot for the Township Committee to consider in preparing the budget and trusted a solution would be found.

Mr. Paul Aprigliano, Hardley Drive, asked why an increase was necessary and suggested not increasing the taxes for one year. He stated his taxes increased 30% a few years ago when the Township was revalued. Ms. Connie Bauder,

Petty Road asked the Township to consider the impact raising taxes will have on real estate in the Township. Ms. Bauder stated houses over \$1 million are becoming more difficult to sell because taxes are so high. Mr. Benner, Tax Assessor, explained the rate base declined and taxes did not increase at the same level. He stated the tax rate is simply a multiplier. Mr. Aprigliano stated it would be a good gesture to the residents to have no tax increase in these economic times and suggested the Township Committee consider how to be more austere. Ms. Phyllisanne Stehn, Hardley Drive, asked if the surplus is for a rainy day. She stated there are people in Cranbury who are having trouble losing jobs and paying for children in college. Mr. Mulligan stated the tax rate has not increased in three (3) years (2008, 2009, 2010), and also explained the amount \$0.01 brings in has decreased. Mr. Charlie Valente, Washington Drive, commented government is constantly growing, and while municipal taxes remained flat, County, State, Federal and school taxes have increased. Mr. Mulligan stated there are many items in the budget the Township Committee has no control over, and stated they tried as a Committee to look at saving costs. Mr. Ingegneri stated the Township Committee has the funds to handle what is needed for this year, and would support a tax increase if the Township did not have the funds. He further stated, compared to other towns, he does not understand a \$0.02 increase and has not seen anything to be worried about this year.

Mr. Alan Danser, Petty Road, addressed the increase resulting from the revaluation, and explained the values went down on commercial and up on residential. Mr. Richard Kallan, Wynnewood Drive, stated Social Security has not gone up in three (3) years, but everything else has increased, and retirees are on a fixed income. Mr. Steve Benner, Tax Assessor, explained the revaluation changes the overall amount of values of properties. Some taxes will decrease and some taxes will increase. Mr. Charlie Valente, Washington Drive, inquired about construction fees. Ms. Marabello stated about ten (10) years ago there were large assessments because of the growing number of warehouses being constructed. Mr. Mulligan asked Mr. Benner if new ratables were expected. Mr. Benner replied "from shovel in the ground" it could be two years before the Township sees any revenue. The Township has plans and proposals, but nothing is definite yet. Ms. Phyllisanne Stehn asked what would happen if the dam broke and there was no surplus available. Mayor Cody explained the Township could do an emergency appropriation, and Mr. Taylor commented such an action would impact the bond rating. Mr. Cook stated the dam will be financed in 2011, but it is not in the 2011 budget. Mr. L. Mawn, Handley Court, stated the 1-1/2% interest rate being charged is almost free money. With no additional comments, the public portion of the Work Session was closed.

Public Comment

Mayor Cody then opened the meeting to public comment and questions. Mr. Dave Mauger, Griggs Road, stated there is a lack of meeting space for service organizations in Cranbury. He

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Public Comment (Continued)

listed the Large Group Room, the Gambino Room, and the Boy Scout Room as possible meeting places in Town. Mr. Mauger stated since there is no specific point of contact to reserve rooms, meeting space is probably underutilized. He stated reserving meeting space can be confusing for residents. Mr. Mauger urged the Township Committee to improve communications for the community by having an inventory of available meeting space and corresponding contact information. Mr. Lawrence asked a follow-up question concerning using the tax break and not paying down debt. Ms. Marabello stated the Township will not get State until the summer, and will need to make budget decisions before the Township knows the amount of the aid. Hearing no further comments, Mayor Cody closed the public comment portion of the meeting.

On motion by Mr. Cook seconded by Mr. Taylor and unanimously carried, the meeting adjourned at 9:30 p.m.

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Jean Golisano, Deputy Clerk