

TOWNSHIP COMMITTEE MEETING
May 23, 2011

The regular meeting of the Township Committee of the Township of Cranbury was held at 7:00 p.m. in the in the Town Hall Meeting Room. 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 Denise Marabello, Township Administrator/Director of Finance; Rachel Doobrajh, Esq., Township Attorney; 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.

Resolution

On motion offered by Mr. Taylor seconded by Mr. Cook, the following resolution was adopted by vote:

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

Cranbury Township Resolution # R 05-11-073

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 (8) /Personnel": C.F.O. Compensation;

--- "N.J.S.A. 10:4-12b (7)/Contract Negotiations": Update on upcoming F.O.P. # 68 Contract Negotiations.

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

TOWNSHIP COMMITTEE MEETING
May 23, 2011

Cranbury Township Resolution # R 05-11-073
(Continued)

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.

DATE: May 23, 2011

On motion by Mr. Taylor, seconded by Mr. Mulligan, and unanimously carried, the meeting returned to Open Session:

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

Abstain: (None
Absent: (None

Nays: (None

Regular Township Committee Minutes of May 9, 2011

On motion by Mr. Mulligan, seconded by Mr. Cook and unanimously carried, the Regular Township Committee Minutes of May 9, 2011 were adopted.

Freeholder James Polos

Mayor Cody announced Freeholder James Polos had a family emergency and would not be at this evening's meeting to discuss the Sustainable Economic Growth Improvement grant recently awarded to Cranbury by Middlesex County.

Reports and Communications

-- Mayor

Mayor Cody reported the first draft of the Master Plan is available for the Township Committee to review and stated he hopes to have something for the Township Committee to vote on in a month. He reported the first phase of the Master Plan deals with the commercial zones in the Township. Mayor Cody also reported the Sewer Subcommittee met and stated there are some issues: the fair share fees will need to be reviewed again, but it does not look like there will be anything to collect because the data from the New Jersey American Water Company is unreliable. He reported a sewer revaluation was done to look at new sewer connection fees, and stated there looks like there will be an increase.

Mayor Cody reported the Planning Board discussed Comsleep at its last two (2) meetings. The Comsleep application for a combination hotel/daycare center will come before the Planning Board again at its next meeting on June 16th. Issues concerning the configuration of parking and traffic around the daycare center will be addressed at the June 16th meeting.

Mayor Cody reported Mr. Charles Gallagher, Hightstown-Cranbury Station Road, was present at the last Township Committee meeting concerning problems he and his neighbors were experiencing as a result of the Turnpike-widening project. Mayor Cody reported a letter was sent by Mr. Michael Herbert, Esq., Township Attorney, to Senator Linda Greenstein and Assemblymen Wayne DeAngelo and Dan Benson asking for assistance to obtain barriers or protection from the Turnpike widening. A copy of the letter has been sent to Mr. Gallagher, and Mr. Mulligan urged the Township Committee to offer assistance.

Mayor Cody reported Governor Chris Christie announced this week was Department of Public Works Week to recognize Department of Public Works employees. Mayor Cody acknowledged

TOWNSHIP COMMITTEE MEETING
May 23, 2011

Reports and Communications

-- Mayor

the great work done by the Department of Public Works in Cranbury Township. Mayor Cody also reported Governor Christie introduced New Jersey HomeKeeper, a new program to provide assistance in the form of second mortgages to New Jersey residents affected by unemployment, underemployment, or threat of foreclosure. The New Jersey HomeKeeper is intended to help stabilize neighborhoods, preserve the municipality's tax base and restore impacted communities.

Mayor Cody asked for a moment of silence to recognize the long-time Cranbury resident, Joacum Christianson, a 53-year volunteer on the Cranbury Fire Department who passed away on May 11th.

Reports and Communications

--Township Committee

Mr. Cook reported the final pricing for the repairs of the Brainerd Lake Dam Project is not yet available, and stated the question was brought up concerning lighting on the bridge. Mr. Cook stated the sidewalks will be replaced during the repairs and stated lighting could be placed on the bridge during the project. Mr. Cook stated discussion with Business Association members in town was to add some type of lighting like period lighting. The Historical Society could be involved to interpret the type of lighting, perhaps lighting which would look like old gas lamps which may be appropriate for the bridge.

Mr. Cook echoed Mayor Cody's comments on fair share payment on sewer, and stated Mr. Bill Tanner, Township Engineer, is assessing the data on the water useage for entities that may have not paid their fair share. Mr. Cook stated he hopes some monies may be found, but it is not looking good at present.

Mr. Mulligan stated the Municipal Alliance Drug Free Fair was very successful this past weekend, and he complimented Ms. Kristen Hamilton and Mrs. Jane Holland for the wonderful job. He stated the new later start time of the Drug Free Fair allowed more people to attend, and stated he heard a lot of positive feedback about the Fair. Mr. Mulligan reported at the Recreation Commission Board Meeting discussion was held concerning consolidation of boards. Mr. Mulligan stated he was surprised how much work the Recreation Board has, including summer camp, summer basketball league, and parking lot/driveway work at Millstone Park. After much discussion, Mr. Mulligan reported it was decided it does not make sense at the current time to combine the Recreation Commission and Park Planning Commission.

Mr. Mulligan stated he went to visit Mr. Charles Gallagher, Hightstown-Cranbury Station Road, concerning the Turnpike. He stated he looked at other homes as well and reported it is frightening how close the Turnpike is to the homes. Mr. Mulligan stated he hopes there is something the Township can do to help the residents. He stated all the trees have been removed and the Turnpike actually took part of Mr. Gallagher's garage. Mr. Mulligan urged the other Township Committee members to go over to view the situation, and stated the Township must do whatever it can to assist the residents.

Mr. Mulligan reported he spoke with residents on North Main Street who were concerned about litter on the road near the bridge. He stated he understood the road is a County road and asked how much the Township gets involved in keeping the road clean. Ms. Marabello stated Public Works will clean up the area. Mr. Mulligan reported he also received complaints concerning the farmland on North Main Street not being farmed and looking sloppy. Mr. Cook stated the planting may be later this year. Mr. Mulligan stated he wanted to thank Mr. Jerry Thorne for the new Village Park sign, which looks great and should avoid the problem of people missing the park entrance.

TOWNSHIP COMMITTEE MEETING
May 23, 2011

Reports and Communications

--Township Committee (Mr. Mulligan continued)

Mr. Mulligan reported he attended the Business Association Meeting last week. The Association is prepping for the Memorial Day Parade and Cranbury Day, and how to better utilize parking for events. Mr. Mulligan stated there were many complaints on lack of parking last year and the Business Association hopes to better manage parking this year. The suggestion was made to have parking for vendors by the soccer fields and have additional parking in Village Park.

Mr. Taylor reported a new sign was erected at Millstone Park. For Buildings and Grounds, Mr. Taylor reported he would like to see the Township install a railing at the front of Town Hall. There have been a couple of instances of people falling or having difficulty managing the steps. Mayor Cody stated the Historic Preservation Commission should be contacted as Town Hall is a historic building. Mr. Taylor stated HPC was involved before and did not want a railing. Ms. Kathleen Cunningham, Clerk and Joint Insurance Commissioner, reported a recent accident with a census worker who fell on the steps and was brought to the hospital. Mr. Taylor stated he is bringing the issue to the Township Committee because the issue needs to be addressed. Mayor Cody stated the railing is not on the Agenda and needs to be first addressed with HPC. Mr. Taylor stated he was bringing up the issue as his responsibility for Buildings and Grounds. Mayor Cody stated it makes sense to install a railing, but wants to be sensitive to HPC. Mr. Cook stated the railing is a good idea, and HPC can interpret what would be best for the building. Mr. Mulligan asked what the pricing would be and stated he hoped the price would remain the same with HPC's interpretation. Mr. Taylor asked Mr. Johnson to bring up the issue at the next HPC meeting.

Mr. Taylor reported Sergeant Greg Pfremer of the Cranbury Police Department is present at the meeting. Mr. Taylor stated he and the Police Department decided it would be good to have a representative from the Police Department present at each meeting to bring issues back to the Chief for a quicker resolution. Mr. Taylor reported there were 58 speeding tickets issued in April and stated the "Cranbury Crawl" is being re-instituted and speeders in the Township will get ticketed. Mr. Taylor stated "Slow Down in Our Town" signs have been put up on Main Street. Tickets will also be issued to drivers who do not stop for pedestrians in the crosswalks. Mr. Taylor reported the 35 m.p.h. speed limit is permanent on Old Trenton, and is not a temporary measure during construction on the roadway. He reported the "Click It or Ticket" seatbelt campaign will be conducted by the Police Department again this year, and although funding was not received for the Program this year from the State, the Police will still participate and record the statistics to the State. Mr. Taylor reported the top summons locations were Route 130; Main Street, Old Trenton Road and Plainsboro Road. There were 146 overtime man hours for shift coverage, investigations and schools/training. Mr. Taylor reported overtime was impacted by a number of serious investigations and an officer still out on disability. There were 18 crashes last month. Traffic enforcement has been increased in Township neighborhoods, and residential speeding summonses were up over 500% in April. Bike patrols will be resumed dependent on shift availability. There are seven (7) new investigations and five (5) closed investigations in the Detective Bureau. The college interns in the Intern Program have had their department orientation and have begun the alarm registration project, but because of heavy case load in the Bureau, the registration has been slow. The interns are unpaid and are assisting the Police Department with administrative work. The CERT Team is operating and is looking for new members. Residents interested in joining the CERT Team should contact Chief Rickey Varga or Lt. Frank Dillane. The CERT Team will be working the Memorial Day Parade, the June 11th Civil War Memorial Dedication, the July Fireworks, Cranbury Day and Halloween. Mr. Taylor commented this is a great Program which saves the Police Department overtime hours and allows officers to focus on key issues.

Mr. Taylor reported the application to FEMA for assistance relating to the December 2010 blizzard is completed and submitted. The Township should hear back from FEMA within four (4) to six (6) months.

TOWNSHIP COMMITTEE MEETING
May 23, 2011

Reports and Communications

-- Township Committee (Mr. Taylor continued)

Mr. Taylor reported the Juvenile Court contacted the Cranbury Police Department to provide community service hours for a non-violent juvenile offender. The juvenile worked at the Police Department washing cars and helping out at the Police Department. Mr. Taylor reported it was a success and the Court has asked if the program could be expanded, and Chief Varga is investigating the insurance issues. Mr. Taylor stated this is not a Township Committee issue, versus a policing issue, but stated it is a worthwhile program for inner-city juveniles to experience a different culture and perhaps work with Public Works or the Construction Department. The juveniles are court approved and the Police Department would be running the program.

Mr. Taylor reported there were ten (10) arrests last month, four (4) DWIs, six (6) warrants, one (1) CDS, and 43 unfounded burglar alarms. Car #16 required repairs for rear axle seal and pinion leak, brakes (pads & rotors), tune-up and tires in the amount of \$2,687.80.

Lastly, Mr. Taylor reported he and Mr. Mulligan attended a Town Hall Meeting with Governor Chris Christie and stated a lot of what the Governor covered was in the newspapers. However, Mr. Taylor stated he thought it was interesting the Governor mentioned half of the money coming back to the income tax increase will be going to fund the Pension Program, and the other half will come off property tax bills as property tax refunds for residents.

Mr. Mulligan stated he is glad the focus is back on speeding again. He stated speed control is not only important on Main Street, but on all residential streets. As a reminder during school events, Mr. Taylor stated illegally-parked cars will be ticketed.

Mr. Johnson stated just before the Township Committee meeting he attended a meeting to discuss an RFP for a new Planning and Zoning Engineer. Mr. Johnson stated there is interest from 11 engineering firms, which the subcommittee pared down to four (4) firms, which the committee will ask to interview. He stated he anticipates the subcommittee will interview two (2) firms over two (2) nights, and the process should be complete later in June. Mr. Taylor stated he is disappointed the Municipal Engineer did not submit a bid. Mr. Mulligan stated there was a greater response for this RFP than the Municipal Engineer RFP, and asked if something was done differently. Mr. Cook stated he thought it was luck of the draw and stated the emphasis was more focused this time. Mr. Taylor stated he believes there is a tendency to see more potential work as a Planning/Zoning Engineer versus a Municipal Engineer. Mayor Cody stated in this economy more people also need work.

Reports and Communications

-- Subcommittees

There were no reports from Subcommittees.

Agenda Additions/Changes

Ms. Kathleen Cunningham, Municipal Clerk/Assistant Administrator, stated there are no changes to the agenda.

Ordinances

First Reading

Cranbury Township Ordinance 05-11-12

A CAPITAL ORDINANCE OF THE TOWNSHIP OF CRANBURY AUTHORIZING
VARIOUS CAPITAL IMPROVEMENTS BY THE TOWNSHIP OF CRANBURY, IN THE
COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$1,356,120 FROM
CRANBURY TOWNSHIP'S CAPITAL SURPLUS, CAPITAL IMPROVEMENT FUND
AND THE REAPPROPRIATION OF EXISTING CAPITAL ORDINANCES TO
COVER THE COST THEREOF.

TOWNSHIP COMMITTEE MEETING
May 23, 2011

Cranbury Township Ordinance #05-11-12
(Continued)

An Ordinance entitled, Cranbury Township Ordinance # 05-11-12, "A CAPITAL ORDINANCE OF THE TOWNSHIP OF CRANBURY AUTHORIZING VARIOUS CAPITAL IMPROVEMENTS BY THE TOWNSHIP OF CRANBURY, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$1,356,120 FROM CRANBURY TOWNSHIP'S CAPITAL SURPLUS, CAPITAL IMPROVEMENT FUND AND THE REAPPROPRIATION OF EXISTING CAPITAL ORDINANCES TO COVER THE COST THEREOF," was introduced on first reading. Mayor Cody stated this Ordinance is different from the Ordinance previously introduced in that the Township is covering capital expenses this year using surplus funds only and not incurring any debt. There were no questions or comments from the Township Committee. On motion by Mr. Taylor, seconded by Mr. Cook, the Ordinance was passed on first reading by vote:

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

Abstain: (None
Absent: (None

Nays: (None

Second Reading: June 13, 2011

BE IT ORDAINED by the Township Committee of the Township of Cranbury as follows:

SECTION 1: There is hereby approved capital projects within the Township of Cranbury not to exceed the costs noted below:

	<u>Appropriation and Estimated Cost</u>	<u>Capital Improvement Fund</u>	<u>Reappropriate from Existing Ordinances</u>	<u>Capital Surplus</u>	<u>Period of Usefulness</u>
a) Misc Computer Costs	\$20,000	\$1,000	03-08-08 \$19,000		5 years
b) Reinhardt Easement	\$275,000	\$17,772	09-09-18 \$61 09-09-17 \$6,971	\$250,196	20 years
c) Replacement of Pistols	\$3,600	\$180	03-08-08 \$2,617 04-09-07 \$803		15 years
d) 2 Digital mobile video recorders	\$12,000	\$600	03-08-08 \$11,400		5 years
e) Police Mobile Radios	\$4,000	\$200	04-03-03 \$825 04-09-07 \$278 08-05-21 \$2,697		5 years

TOWNSHIP COMMITTEE MEETING
May 23, 2011

Cranbury Township Ordinance # 05-11-12
(Continued)

f) Dump Truck w/Plow	\$55,400	\$2,770	04-03-07 \$37,976 03-08-08 \$14,654	5 years
g) Brainerd Lake Dam	\$948,120	\$60,000	04-03-07 \$5,086 04-06-08 \$11,340 03-07-05 \$755,216 07-08-17 \$5,040 11-06-25 \$111,438	20 years
h) Misc Drainage Issues	\$34,000	\$1,700	04-05-09 \$25,000 04-10-04 \$6,312 04-09-07 \$988	10 years
i) Firehouse Gutters	\$4,000	\$200	08-05-21 \$294 04-10-04 \$3,506	5 years

SECTION 2: There is hereby appropriated from the Cranbury Township's Capital Surplus Fund the sum of \$250,196, \$84,422 from the Capital Improvement Fund and \$1,021,502 from existing capital ordinances to cover the cost of the capital projects as described in Section 1 hereof.

SECTION 3: This Ordinance shall take effect upon final adoption and publication according to law.

SECTION 4: The capital budget of the Township of Cranbury is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of Local Government Services is on file with the clerk and is available there for public inspection.

Cranbury Township Ordinance # 05-11-13

AN ORDINANCE DESIGNATING RIPARIAN ZONES AND PROVIDING FOR LAND USE
REGULATIONS TO PROTECT STREAMS, LAKES AND
OTHER SURFACE WATER BODIES OF CRANBURY TOWNSHIP

TOWNSHIP COMMITTEE MEETING
May 23, 2011

Cranbury Township Ordinance # 05-11-13
(Continued)

Ms. Cunningham, Municipal Clerk, announced she was advised today by the Township Attorney's office this Ordinance will need to be referred to the Township's Planning Board for review. The next Planning Board Meeting is scheduled for June 16th, and the next Township Committee Meeting is scheduled for June 13th. Therefore, this Ordinance will be heard on Second Reading and Public Hearing on Monday, June 27th at 7:00 p.m.

An Ordinance entitled, Cranbury Township Ordinance # 05-11-13, "AN ORDINANCE DESIGNATING RIPARIAN ZONES AND PROVIDING FOR LAND USE REGULATIONS TO PROTECT STREAMS, LAKES AND OTHER SURFACE WATER BODIES OF CRANBURY TOWNSHIP," was introduced on first reading. Mayor Cody clarified this Ordinance is similar to the Ordinance previously discussed at the May 9th Township Committee Meeting, with the exception of having additional clarifying language and cross-referencing wording. Mr. Cook reported correspondence was received from Ms. Jennifer Coffey of the Millstone-Stony Brook Watershed who applauded the Township including additional language to the DEP Ordinance. Mr. Cook stated Ms. Coffey is encouraging the Township to still enforce the existing, stricter regulations concerning the 200 foot boundary from the center of the streams. Mr. Cook confirmed the Cranbury Township Ordinance is the first level of defense, and the Township's Ordinance is more stringent than what the County has. On a 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

Second Reading: June 27, 2011

***Cranbury Township Development Ordinance Chapter 150 with a new Section 150-29.2
Chapter 150 "Land Development" of the Code of the Township of Cranbury shall be
supplemented to add a new Section 150-29.2 as follows:***

§ 29.2

I. PURPOSE AND AUTHORITY

The purpose of this Ordinance is to designate riparian zones, and to provide for land use regulations therein in order to protect the streams, lakes, and other surface water bodies of

Cranbury Township and to comply with N.J.A.C. 7:15-5.25(g)3, which requires municipalities to adopt an ordinance that prevents new disturbance for projects or activities in riparian zones as described herein. Compliance with the riparian zone requirements of this Ordinance does not constitute compliance with the riparian zone or buffer requirements imposed under any other Federal, State or local statute, regulation or ordinance. Property owners remain subject to compliance with all other municipal ordinances, inclusive of stream and flood way requirements.

II. DEFINITIONS

The definitions of the words and/or terms utilized in this Article shall be as defined or described in the Water Quality Management Planning rules, N.J.A.C. 7:15, the Stormwater Management Rules, N.J.A.C. 7:8, and/or Flood Hazard Area Control Act Rules, N.J.A.C. 7:13, as they exist as of the effective date of this Ordinance and as they may be amended over time.

TOWNSHIP COMMITTEE MEETING
May 23, 2011

Cranbury Township Ordinance # 05-11-13
(Continued)

III. ESTABLISHMENT AND PROTECTION OF RIPARIAN ZONES

- A. Except as provided in Sections IV. and V. below, riparian zones adjacent to all surface water bodies shall be protected from avoidable disturbance and shall be delineated as follows:
 - 1. The riparian zone shall be 300 feet wide along both sides of any Category One water (C1 water), and all upstream tributaries situated within the same HUC 14 watershed.
 - 2. The riparian zone shall be 150 feet wide along both sides of the following waters not designated as C1 waters:
 - a. Any trout production water and all upstream waters (including tributaries);
 - b. Any trout maintenance water and all upstream waters (including tributaries) within one linear mile as measured along the length of the regulated water;
 - c. Any segment of a water flowing through an area that contains documented habitat for a threatened or endangered species of plant or animal, which is critically dependent on the surface water body for survival, and all upstream waters (including tributaries) within one linear mile as measured along the length of the regulated water; and
 - d. Any segment of a water flowing through an area that contains acid producing soils.
 - 3. For all other surface water bodies, a riparian zone of 50 feet wide shall be maintained along both sides of the water.
- B. If a discernible bank is not present along a surface water body, the portion of the riparian zone outside the surface water body is measured landward as follows:
 - 1. Along a linear fluvial or tidal water, such as a stream, the riparian zone is measured landward of the feature's centerline;
 - 2. Along a non-linear fluvial water, such as a lake or pond, the riparian zone is measured landward of the normal water surface limit;
 - 3. Along a non-linear tidal water, such as a bay or inlet, the riparian zone is measured landward of the mean high water line; and
 - 4. Along an amorphously-shaped feature such as a wetland complex, through which water flows but which lacks a discernible channel, the riparian zone is measured landward of the feature's centerline
- C. The applicant or designated representative shall be responsible for the initial determination of the presence of a riparian zone on a site, and for identifying the area of the riparian zone on any plan submitted to the Township of Cranbury in conjunction with an application for a construction permit, subdivision, land development, or other improvement that requires plan submissions or permits. This initial determination shall be subject to review and approval by the Township Engineer, governing body, or its appointed representative, and, where required by State regulation, the New Jersey Department of Environmental Protection.

TOWNSHIP COMMITTEE MEETING
May 23, 2011

Cranbury Township Ordinance # 05-11-13
(Continued)

IV. VARIANCES

To the extent allowed by the Stormwater Management Rules (N.J.A.C. 7:8) and the Flood Hazard Area Control Act Rules (N.J.A.C. 7:13, new disturbances for projects or activities in the riparian zone established by this Ordinance may only be allowed through the approval of a variance to this section of the Township Ordinance. A variance may be granted only if the disturbance is proposed to be located on a pre-existing lot (existing as of the effective date of this ordinance) when there is insufficient room outside the riparian zone for the proposed use otherwise permitted by the underlying zoning; there is no other reasonable or prudent alternative to placement in the riparian zone, including obtaining variances from setback or other requirements that would allow conformance with the riparian zone requirements; and upon proof by virtue of submission of appropriate maps, drawings, reports and testimony, that the disturbance is:

- A. Necessary to protect public health, safety or welfare;
- B. To provide an environmental benefit;
- C. To prevent extraordinary hardship on the property owner peculiar to the property; or
- D. To prevent extraordinary hardship, provided the hardship was not created by the property owner, by not allowing a minimum economically viable use of the property based upon reasonable investment

V. EXCEPTIONS

To the extent allowed under the Stormwater Management Rules (N.J.A.C. 7:8) and the Flood Hazard Area Control Act Rules (N.J.A.C. 7:13 and subject to review and approval by the New Jersey Department of Environmental Protection to the extent required by

those rules, the following disturbances for projects or activities in the riparian zone established by this Ordinance are allowed:

- A. Redevelopment within the limits of existing impervious surfaces;
- B. Linear development with no feasible alternative route;
- C. Disturbance that is in accordance with a stream corridor restoration or stream bank stabilization plan or project approved by the New Jersey Department of Environmental Protection;
- D. Disturbance necessary to provide for public pedestrian access or water dependent recreation that meets the requirements of the Freshwater Wetlands Protection Act rules, N.J.A.C. 7:7A, the Flood Hazard Area Control Act rules, N.J.A.C. 7:13, or the Coastal Zone Management rules, N.J.A.C. 7:7E; or
- E. Disturbance with no feasible alternative required for the remediation of hazardous substances performed with New Jersey Department of Environmental Protection or Federal oversight pursuant to the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11a et seq. or the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. §§9601 et seq.

VI. APPEALS, CONFLICTS, AND SEVERABILITY

- A. Any party aggrieved by the location of the riparian zone boundary determination under this Ordinance may appeal to the Township Engineer under the provisions of this Ordinance. The party contesting the location of the riparian zone boundary shall have the burden of proof in case of any such appeal.

TOWNSHIP COMMITTEE MEETING
May 23, 2011

Cranbury Township Ordinance # 05-11-13
(Continued)

- B. Any party aggrieved by any determination or decision of the Township Engineer under this Ordinance may appeal to the Zoning Board of the Township of Cranbury pursuant to N.J.S.A. 40:55-D-72. The party contesting the determination or decision shall have the burden of proof in case of any such appeal.
- C. Conflicts: All other ordinances, parts of ordinances or other local requirements that are inconsistent or in conflict with this ordinance are hereby superseded to the extent of any inconsistency or conflict, and the provisions of this Ordinance shall apply.
- D. Severability:
 - 1. Interpretation: This Ordinance shall be so construed as not to conflict with any provision of New Jersey or Federal law.
 - 2. Notwithstanding that any provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, all remaining provisions of the Ordinance shall continue to be of full force and effect.
 - 3. The provisions of this Ordinance shall be cumulative with, and not in substitution for, all other applicable zoning, planning and land use regulations.

VII. ENFORCEMENT

A prompt investigation shall be made by the Township Engineer of any person or entity believed to be in violation hereof. If, upon inspection, a condition which is in violation of this Ordinance is discovered, the remedies found in Article IX Sections 150-103 Violations and 150-104 Penalties of the Township Code shall be used by the Township to rectify the violations and bring site into compliance with this ordinance.

VIII. EFFECTIVE DATE

This Ordinance shall take effect upon final adoption and publication in accordance with the law on June 16, 2011 the date it is filed with the County Planning Board after adoption.

Ordinance
Second Reading

CRANBURY TOWNSHIP ORDINANCE # 05-11-11

APPROVING A MODIFIED SANITARY SEWER FORCE MAIN
AND ACCESS EASEMENT

A motion to enter an Ordinance entitled, "Cranbury Township Ordinance # 05-11-11, AN ORDINANCE MODIFYING A CURRENT SANITARY SEWER FORCE MAIN AND ACCESS EASEMENT FOR BLOCK 7, LOTS 8.01 AND 8.02", 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. No one present wished to speak, so the hearing was declared closed. On motion by Mr. Cook, seconded by Mr. Taylor, the Ordinance was adopted by a vote:

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

TOWNSHIP COMMITTEE MEETING
May 23, 2011

Resolution

Mayor Cody stated the League of Municipalities has requested towns to adopt a resolution addressing ending State diversion of municipal revenues and demanding compliance with State Laws ("Energy Tax Receipts Property Tax Relief"). On a motion by Mr. Mulligan, seconded by Mr. Cook, the following resolution was adopted by vote:

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

Nays: (None

Cranbury Township Resolution # R 05-11-066

**RESOLUTION TO END STATE DIVERSION OF MUNICIPAL
REVENUES AND DEMAND COMPLIANCE WITH STATE LAWS**

WHEREAS, there are two main formula-driven general municipal property tax relief programs currently on the books in our Garden State; and

WHEREAS, though often referred to as "State Aid" programs, these are actually revenue replacement programs, intended to replace property tax relief funding that was, formerly, generated through taxes assessed and collected locally; and

WHEREAS, the first is the Energy Tax Receipts Property Tax Relief program - the direct descendant of the Public Utility Gross Receipts and Franchise Tax, which was a tax on regulated public utilities originally assessed and collected at the municipal level; and

WHEREAS, in the early 1980s, at the request and for the convenience of the tax paying utilities, the State became the collection agent for this assessment, and the law that effected this change promised that the proceeds would be distributed back to the municipalities, which provide services to utility facilities and from whence come utility profits; and

WHEREAS, the State of New Jersey never honored that commitment, immediately and annually diverting large and growing portions of the proceeds to its own general fund; and

WHEREAS, modernization and deregulation led to a major reform of utility taxes in the mid-nineties, which validated and, supposedly, capped the State's annual portion of the tax proceeds; and

WHEREAS, that law also included a 'poison pill,' which required the State to annually increase the municipal distribution of Energy Tax proceeds and to cap its skim; and it, further, provided that failure to honor that pledge would result in the forfeiture of the State's authority to collect the tax; and

WHEREAS, around the same time, for its own convenience, the State decided to 'consolidate' a number of previously discrete municipal property tax relief programs; and

WHEREAS, while some may see 'no rhyme or reason' to the distribution of Consolidated Municipal Property Tax Receipts Aid (CMPTRA), each of its component parts was distributed

TOWNSHIP COMMITTEE MEETING
May 23, 2011

Cranbury Township Resolution # R 05-11-066
(Continued)

according to state established formulas, and many of those parts were, like Energy Taxes, the lineal descendants of taxes that had once been assessed and collected at the municipal level; and

WHEREAS, among its many components, CMPTRA includes the Financial Business Tax, the Business Personal Property Tax Replacement, the Railroad Class II Property Tax, the Insurance Franchise Tax, the Corporation Business Tax on Banking Corporations and State PILOT payments, that had been under-funded for many years, prior to being folded into CMPTRA; and

WHEREAS, these are, or were, all municipal revenue replacement programs - not, properly speaking, State aid, in that they were not meant to make things better for municipal property taxpayers; they were only intended to keep things from getting worse; and

WHEREAS, in the late-nineties, a law was passed that required both the Energy Tax and CMPTRA distributions to be annually increased by the rate of inflation; and

WHEREAS, that law posed a special problem for future State budget makers, but, as those budget makers viewed the matter, the problem was not how to comply with the requirement; the problem was how to avoid compliance without invoking the Energy Tax 'poison pill,' and

WHEREAS, State policy makers found a way to increase Energy Tax distributions by the rate of inflation for five straight years without providing municipalities with one new dollar in property tax relief, which was done by annually reducing the CPMTRA distribution by the same amount that it increased the Energy Tax distribution; and

WHEREAS, thereafter, the State strayed even farther from original legislative intent, when, in 2008 (SFY 2009), CMPTRA was reduced by about \$62 million more than the Energy Tax was increased, and in 2009 (SFY 2010), the net loss equaled about \$32 million; and

WHEREAS, the State's Fiscal Year 2011 budget, in which the total distribution of CMPTRA and ETR was reduced by approximately 17 percent, or \$272 million from \$1.565 billion to \$1.293 billion, honoring neither the letter nor the spirit of applicable State laws.

NOW, THEREFORE, BE IT RESOLVED, by the New Jersey State League of Municipalities, in conference assembled, that we demand an immediate end to the State's reliance on the municipal property tax relief revenues to balance its budget and address other priorities; and

BE IT FURTHER RESOLVED, that we call on the Governor to introduce and the Legislature to adopt an FY 2012 State Budget that provides for the full statutory distribution of Energy Tax and CMPTRA revenue replacement funding, and to continue to honor the letter and spirit of the applicable State statutes, in all years, thereafter; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the members of the New Jersey General Assembly, the New Jersey State Senate, the Lieutenant Governor and the Governor of State of New Jersey.

TOWNSHIP COMMITTEE MEETING
May 23, 2011

Resolutions
Consent Agenda

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

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

Nays: (None

Cranbury Township Resolution # 05-11-067

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 05-11-068

TOWNSHIP OF CRANBURY
MIDDLESEX COUNTY, NEW JERSEY

A RESOLUTION AWARDING PROFESSIONAL SERVICES AGREEMENTS

WHEREAS, the Township wishes to hire the following firm to provide professional services to the Township from May 24, 2011 to May 23, 2012 as follows:

- a). Hoagland, Longo, Moran, Dunst & Doukas, LLP - For Tax Appeal Legal Services (warehouses)
- b). Harry Haushalter, Esquire – For Tax Appeal Legal Services (hotels, warehouses, office buildings and other Class 4 parcels)

WHEREAS, the costs for the services to be provided by the Professionals are set forth in their respective proposals submitted to the Township, which are incorporated herein as if fully restated; 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 Professionals have completed and filed with the Township Campaign Contributions Affidavits as required by N.J.S.A. 19:44A-20.2 *et seq.* certifying that they have not made any prohibited contributions to a candidate’s 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 these contracts without public bidding on the basis that they are professional services agreements; and

WHEREAS, the Cranbury Township Chief Financial Officer has certified that sufficient funds are available for these purposes and that the value of each Agreement will exceed \$17,500.00;

TOWNSHIP COMMITTEE MEETING
May 23, 2011

Cranbury Township Resolution 05-11-068
(Continued)

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 approves the following firms to provide professional services to the Township from May 24, 2011 to May 23, 2012:

- a). Hoagland, Longo, Moran, Dunst & Doukas, LLP – For Tax Appeal Legal Services (warehouses)
- b). Harry Haushalter, Esquire – For Tax Appeal Legal Services (hotels, warehouses, office buildings and other Class 4 parcels)

2. The Mayor and Clerk are hereby authorized and directed to enter into Professional Services Agreements with the aforementioned professionals pursuant to the provisions of the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1 *et seq.* These contracts are being awarded without competitive bidding as Professional Services Agreements under the provisions

of the aforementioned law because a service will be rendered or performed by a person or persons by law to practice recognized professions and whose practice is regulated by law.

3. A copy of this Resolution, the pay-to-play forms, and the executed Agreement and insurance certificates 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.

CRANBURY TOWNSHIP RESOLUTION # R 05-11-069

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Cranbury that the following salaries, wages and fees shall be paid to the various Township officials and employees of the Township of Cranbury effective January 1, 2011 unless otherwise noted:

<u>POSITION</u>	<u>SALARY OR HOURLY RATE</u>	
Mayor	\$	6,692.90
Township Committee	\$	5,354.65
Township Administrator - Smeltzer Vacation	\$	1,080.03
Township Administrator	\$	21,000.00
Director of Finance/Chief Financial Officer/Treasurer	\$	102,000.00
Township Clerk/Registrar	\$	80,556.63
Assistant Administrator	\$	2,000.00
Tax Assessor	\$	53,447.26
Tax Collector - Hourly		\$30.60 per hour
Chief of Police	\$	128,468.90
Chief of Police - Kahler Vacation	\$	13,234.08
Zoning Officer/Director of Fields	\$	9,409.92
Clock Winder*	\$	100.00

TOWNSHIP COMMITTEE MEETING
May 23, 2011

CRANBURY TOWNSHIP RESOLUTION # R 05-11-069

(Continued)	\$	80,658.76
Building Sub-Code/Building/Fire Inspector	\$	77,088.38
Building Inspector	\$	33,563.47
Plumbing Inspector	\$	31,368.99
Electrical Inspector/Asst Fire Inspector	\$	41,517.40
Fire Sub-code Official	\$	6,451.90
Fire Official	\$	24,071.19
Director of Recreation	\$	12,845.28
Summer Recreation Art Director**		PER MEMO
Summer Programs Employees**		PER MEMO
Summer Program Director		PER MEMO
Assistant Fire Official		\$18.00 per hour
Purchasing Agent/Accounts Payable Clerk/Finance Assistant		\$22.44 per hour
Assessing Clerk		\$23.00 per hour
Assessing Clerk (effective May 16, 2011)		\$25.00 per hour
Technical Assistant/Alternate Deputy Registrar		\$23.97 per hour
Deputy Clerk/Deputy Registrar		\$24.38 per hour
Planning Admin Officer/Info Systems Coordinator		\$28.20 per hour
Public Works Admin Asst/Recycling Coordinator		\$24.23 per hour
Police Administrative Assistant		\$23.31 per hour
School Crossing Guards**		PER MEMO
Certified Public Works Manager/Small Animal Control Officer		\$31.86 per hour
Heavy Equipment Operator/Foreman		\$25.65 per hour
Sewer Superintendent	\$	7,581.60
Public Works Employees		\$21.51 per hour
Public Work Employee		\$21.74 per hour
Public Work Employee		\$21.67 per hour
Public Work Employee		\$21.85 per hour
Public Work Employee**		PER MEMO
Part-Time Help/Board Secretary *		\$21.33 per hour
Board Secretary*		\$20.91 per hour
Board Secretary*		\$18.00 per hour
Emergency Services Incentive-First Aid Responder		\$1.00 per hour
Emergency Services Incentive-Fire Responder		\$1.00 per hour

* Set by memo of the Administrator

** Set by memo of the Department head with approval of the Administrator

TOWNSHIP COMMITTEE MEETING
May 23, 2011

Cranbury Township Resolution # 05-11-070

RESOLUTION TO CANCEL TAXES

WHEREAS, Taxes that were due were incorrectly reported on Block 23, Lot 147.01, for the 1st Quarter of 2011, and

WHEREAS, this error caused interest to being charged resulting in an open balance of \$193.57

NOW THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Cranbury, County of Middlesex, State of New Jersey, authorizes the Tax Collector to cancel the amount of \$193.57 for the Tax Year 2011.

Cranbury Township Resolution # R 05-11-071

RESOLUTION OF ASSIGNMENT
OF TAX SALE CERTIFICATE # 157

WHEREAS, the Township of Cranbury is the holder of Tax Sale Certificate No. 157, acquired under and by virtue of N.J.S.A. 54:5-34; and,

WHEREAS, it is deemed financially beneficial; to and in the best interests of the municipality to sell such tax sale certificate for the full amount of the liens accrued to said certificate; and

WHEREAS, the Tax Collector has fulfilled the requirements whereby notice of potential assignment has been mailed to the owner at the address as appearing in the tax duplicate; and

WHEREAS, notice of assignment has been posted in three public places within the Township of Cranbury.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Cranbury, County of Middlesex, State of New Jersey hereby authorizes the Mayor and Municipal Clerk to execute the necessary assignment document to effect assignment of Tax Sale Certificate No. 157, in the amount of \$5,246.97 and shown on the schedule annexed hereto to Peter Sockler, 8 Ancil Davison Road, Cranbury, NJ 08512 for the consideration therein set forth, all as provided for and permitted under N.J.S.A. 54:5-113.

Cranbury Township Resolution # 05-11-072

RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT WITH
MIDDLESEX COUNTY AGREEMENT FOR THE ACCEPTANCE OF
THERMO FISHER SCIENTIFIC RADEYE PERSONAL
RADIOLOGICAL DETECTORS

WHEREAS, the Middlesex County Prosecutor has received funds from the Office of Homeland Security and Preparedness (OHS&P) for the purpose of purchasing and distributing Thermo Fisher Scientific RadEye Personal Radiological Detectors (PRDs), which provides law enforcement personnel the capability to detect radiological sources; and

WHEREAS, Middlesex County wishes to purchase said PRDs and distribute them to municipalities which do not currently possess them; and

WHEREAS, Cranbury Township has agreed to accept said PRDs from Middlesex County according to the terms and conditions set forth in the agreement;

TOWNSHIP COMMITTEE MEETING
May 23, 2011

Cranbury Township Resolution # 05-11-072
(Continued)

NOW THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Cranbury, Middlesex County, New Jersey, does hereby authorize the shared services agreement with Middlesex County for the acceptance of PRDs; and

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to sign such agreement as well as any other related documents in connection therewith.

Reports from Township Staff and Professionals

-- Township Administrator

Ms. Denise Marabello reported the Township will be placing an ad for Princeton High School for the 2011/2012 school year for students who need to obtain civic government credits. The students will learn how government runs by working in the office. Ms. Marabello stated the students would type, file, and do various work, and there would be no cost to the Township. The ad will be posted now for the incoming September semester.

Mr. Taylor asked if thank you letters can be sent to volunteers. He reported Andrew Zysk finished the walkway around the Civil War Memorial and asked if a letter could be sent to him. It was explained the Township sends letters of appreciation on Township letterhead to Eagle Scouts for their Eagle Scout books. Mayor Cody stated Township congratulation letters are sent at the completion of the Eagle Scout project. Ms. Cunningham explained the Mayor is usually invited to the Eagle Scout ceremony and a Township letter or resolution is presented at that time.

-- Municipal Clerk

Ms. Kathleen Cunningham, Municipal Clerk, reported a package was left in the Township drop box by an anonymous resident. The package contained a letter and a sash, and in the letter the resident requested the sash be presented to the Mayor at this evening's meeting. The resident hoped the Cranbury Township Mayor could wear the sash in the Memorial Day Parade as a way of starting a new tradition. The resident suggested the sash be passed from Mayor to Mayor.

Ms Cunningham stated the Township Committee always has a table at Cranbury Day. The purpose of the table is to have Township Committee members available for the residents. Mr. Cunningham inquired if the Township Committee wishes to have a table and if they would be available that day. Each member agreed to sit for a one-hour shift. Mr. Mulligan suggested the table be manned from 11:00 a.m. to 4:00 p.m. Ms. Cunningham will contact the Cranbury Professional and Business Association to reserve a table for the Township Committee. She stated the same materials have been handed out over the past three (3) to four (4) years and suggested some new information be available as handouts to residents. Some suggested new materials include information on the trash referendum, bus schedules, and information on the Reinhardt property.

Reports from Township Board and Commissions

--Ms. Beth Veghte, Recreation Commission

Ms. Beth Veghte, Chairperson of the Cranbury Recreation Commission, suggested information from the various Township Boards could be placed on the Township table. Ms. Veghte stated the Recreation Commission is interested in providing to the Township Committee some information for an updated recreation fee schedule. The current fee schedule does not include field usage fees for camps, tournaments or practices. Ms. Veghte stated Ms. Dawn Maisano, Recreation Commission Secretary, will prepare a new fee schedule for the Township Committee to review. Ms. Veghte stated the Recreation Commission hoped the fees could be in place before summer camp starts. Ms. Marabello stated the Recreation Commission has a resolution in place for its fees and stated Ms. Maisano will make amendments to that resolution for the new fees. Ms. Marabello explained to the Township Committee she requested Ms. Veghte come this evening to

TOWNSHIP COMMITTEE MEETING
May 23, 2011

Reports from Township Board and Commissions

--Ms. Beth Veghte, Recreation Commission (continued)

speak about the new fees before the item appeared on the next Agenda. Ms. Veghte explained the updated fee schedule will cover the Township when questions arise concerning useage of the fields.

Mr. Taylor inquired if there was recreation information available for residents, and also asked if there was any type of "Welcome to Cranbury" information for new residents. Ms. Cunningham stated she and Ms. Betty Wagner, the former Township Historian, completed a packet years ago, but the information is outdated. Mayor Cody suggested links be placed on the new website when it is redesigned. The Township Committee agreed the website would be the best place for information for new residents.

Ms. Veghte reported she has received many compliments on the new baseball field. She stated there may be some teams who would be interested in renting the field once the school year is finished.

Work Session

a). Discussion by the Township Committee to consider a Township snow removal ordinance.

Mr. Taylor reported a number of residents and businesses have raised concerns about the Township sidewalks not being shoveled this past winter. There was a significant amount of snowfall last winter, and snow built up in the intersections and sidewalks causing residents to walk in the street. Cranbury Township does not have a snow removal ordinance. Mr. Taylor stated a number of towns surrounding Cranbury do have ordinances, and he distributed some ordinances for the Township Committee to review. He stated other towns have varying levels of enforcement. Mr. Taylor described the most lenient and practical ordinance allows clearing the snow within 24 hours after the first daybreak after the snow be similar to the Cranbury Township Brush Ordinance, which issues a couple of warnings before fining the resident.

Mr. Taylor reported businesses on Main Street have asked that Main Street be designated a snow route. He stated this past winter cars were plowed in and parking spaces were taken by snow. In order to designate a snow route, Mr. Taylor reported the Township Committee would need to take a vote and then have the Township Engineer talk to the County Engineer to start proceedings. Mr. Cook asked if Cranbury Township Public Works would act as a secondary means of clearing the street. Mr. Taylor stated cars parked on the street during a snow storm would be ticketed, and if not removed, could then be legally towed. Mr. Taylor reported a number of residents on Main Street stated they would prefer a designated snow route because they could remove their cars from the street, and once the streets are plowed, can move the cars back because the parking spaces would be clear. If not removed from the street, the cars become plowed in and additional parking spaces are lost because the plows cannot clear the area. Mr. Taylor stated by designating the street as a snow route, parking spaces are left open. He stated the police are vigilant and will ticket illegally-parked cars.

Mr. Mulligan asked for a definition of Main Street, and Mr. Taylor stated Main Street would be from Route 130 North to Route 130.South. Mr. Mulligan asked where residents would park cars if Main Street was designated a snow route. He stated the Township would need to be come up with alternate parking option if a snow removal ordinance was put in place. Mr. Cook inquired if the residential sidewalk component and the designated snow route would be two phases. Mr. Taylor stated there are two different issues and since so many residents have asked, the issues need to be addressed by the Township Committee.

TOWNSHIP COMMITTEE MEETING
May 23, 2011

Work Session

Discussion by the Township Committee to consider a Township snow removal ordinance.
(continued)

Ms. Rachel Doobrajh, Esq., Township Attorney, stated she represents Plainsboro Township, which requires all residential and commercial property owners to shovel the sidewalks adjacent to their properties. Mr. Cook asked if there would be two warnings before a resident would be ticketed. Mr. Taylor stated a resident would need to be given a chance to clear the snow, similar to the Brush Ordinance. Mayor Cody stated the plowed snow on many corners was an issue and asked if a resident would be personally responsible for removing that snow. Ms. Doobrajh stated if a resident lives on a corner and the sidewalk continues around the corner, the resident would be responsible for clearing the area if a plow comes by again.

Mr. Mulligan stated he brought up the issue of liability before and stated liability is open to interpretation. He stated in New Jersey the law states there is no liability if you do not shovel the sidewalk. However, if a sidewalk is shoveled, the resident must maintain a clear walkway. Mr. Mulligan stated safety is definitely an issue. Ms. Doobrajh stated Cranbury Township is the only town she knows that does not have a snow removal ordinance. She stated the position the other towns takes is regardless of whether or not there is an ordinance, residents should be clearing the sidewalks. If sidewalks are not cleared and someone gets hurt, the resident will probably get sued anyway as they have a responsibility to maintain their property. Mr. Doobrajh stated a sidewalk is a public right-of-way which needs to be maintained in a passable way. Mr. Cook asked if the level of liability exposure is the same whether a resident shovels or not.

Mayor Cody asked if the ordinance would apply to all roads in the Township or only the main roads. Mr. Taylor stated it was his personal view that the ordinance would have to be "all or nothing." He stated children in Shadow Oaks have to walk to bus stops, and the sidewalks should be clear. It is a safety issue. Mayor Cody stated he is one of the few in Shadow Oaks who does shovel. Mr. Taylor stated he and Mr. Johnson live on Main Street and the ordinance would affect them. Mr. Mulligan stated for the record he does not have a sidewalk and stated he doesn't have a strong feeling one way or another. He stated the enforceability of the ordinance concerns him. He asked if the focus would be on Main Street because of children walking to school and residents walking in Town, and asked if the Ordinance would be enforced as heavily on the outskirts of Town. Mr. Cook stated the enforceability would depend on the amount of snow, and the enforceability on repeat offenders. Mr. Mulligan asked if the Police Department can handle the workload. Mr. Taylor reported the Police Department in the past has requested this ordinance. He stated the Public Works Department in other towns handles the enforcement. Mr. Taylor reported Mr. Jerry Thorne, Public Works Manager, stated he has some capacity to handle the enforcement.

Mr. Cook stated he is concerned with the corners in the center of Town being plowed in and suggested Public Works keep those clear. Ms. Marabello, Township Administrator, stated Cranbury Public Works Department did remove snow from those corners. Mr. Mulligan stated he felt the Ordinance should apply to everyone since spot enforcement could be a problem. Mayor Cody asked if the corners in Town are Township owned as Main Street is a county road and most side streets are Township owned. Mayor Cody stated the ordinance would specify the resident/business on the corner is responsible for snow removal. Ms. Doobrajh confirmed the adjacent business or resident would be responsible for clearing the snow. Ms. Marabello inquired if the business/resident would be responsible for the sidewalk or clearing to the street, and stated the problem would not be resolved unless the snow piles are removed to the street. Mr. Taylor stated Public Works does clear the crosswalks corner to corner, and the residents would need to clear to the street. Mr. Mulligan asked if Public Works can handle the additional workload.

TOWNSHIP COMMITTEE MEETING
May 23, 2011

Work Session

Discussion by the Township Committee to consider a Township snow removal ordinance.

(Mr. Taylor continued)

Ms. Doobrajh stated sidewalks must be passable. Mayor Cody stated this winter was bad, and asked if there was an issue in previous years. Mr. Mulligan stated the snow removal ordinance has been debated by previous Township Committees. Mr. Mulligan stated it is difficult to create a snow removal ordinance, and Mayor Cody agreed it is a complex issue.

Mr. Taylor stated he is sure the Municipal Judge in Plainsboro will not want to deal with a large number of tickets for sidewalks; however, Ms. Marabello stated an appeal process must be offered so the Court would be involved. Mayor Cody asked where the fines would go if tickets were issued and was told Plainsboro would keep the fines. Mayor Cody stated he was more concerned with keeping the sidewalks clear rather than fines. Ms. Doobrajh stated some townships will clear sidewalks if the resident or business has not done so within a certain time period and will charge the resident. Ms. Doobrajh confirmed the unpaid fines would be a lien against the resident's property. Ms. Marabello stated a contractor would need to be hired because Public Works could not handle the volume of work. Mr. Mulligan asked what would happen if residents were away. Ms. Doobrajh stated the appeal process would handle those situations. Mr. Mulligan cited the December snowstorm in particular where many residents were away. He asked if the Township would have to assume the costs of clearing the sidewalks if the Judge waived the fines. Mr. Mulligan stated these are all issues which must be considered.

Ms. Doobrajh stated at first residents will not be used to the ordinance to clear sidewalks, but as time goes on, residents will automatically shovel. Mr. Taylor agreed stating residents are not used to having an ordinance and have been accustomed to not shoveling. Mayor Cody stated the issue would not be decided this evening and suggested the public may have comments.

The Mayor opened the meeting to public questions and comment on the snow ordinance:

Ms. Bonnie Larson, Cranbury Neck Road, stated she was forced to get a sidewalk because the Township put a 200 foot sidewalk in front of her property. The sidewalk is adjacent to the road, and there is no place to put snow. If she shovels, and the County plows again, the snow would be thrown back on the sidewalk. She stated she has a service to plow her driveway at a cost of \$150 and it would probably cost another \$100 to clear the sidewalk. If the County plows again, but it would be very costly to keep the sidewalk clear. She stated she is on a contractor's list and cannot guarantee the property would be cleared within 24 hours. Ms. Larson stated it would be very expensive to have her service keep the sidewalk clear on Cranbury Neck Road.

Ms. Mary Speer, South Main Street, stated she is in favor of the snow ordinance. She is a walker and children walk past her house everyday to go to school. She stated it is dangerous for people of any age to walk when the sidewalks are not cleared. Ms. Speer stated when they are away, they always make sure someone clears their sidewalk. It is a security issue because people assume the resident is not home. She stated clearing the sidewalks is a safety issue for the town, a matter of citizenship and a security issue for the homeowner.

Mr. Richard Kallan, Wynnewood Drive, a Cranbury resident for 42 years, stated he has been coming to Township Committee meetings for 35 years and has heard all the arguments for a snow ordinance. He stated Wynnewood Drive residents do not shovel sidewalks because they walk in the road and stated he has not shoveled in 35 years. Mr.

TOWNSHIP COMMITTEE MEETING
May 23, 2011

Work Session

Discussion by the Township Committee to consider a Township snow removal ordinance.
(Mr. Taylor continued)

Kallan stated he uses a snow blower and has no problem until he gets to the snow which was moved by the plows. Mr. Kallan stated if he clears his sidewalk, the snow plow would just push it back on the sidewalks.

Mr. Kallan raised several other issues for the Township Committee to consider. He asked about the houses on the north side of Old Trenton Road. There are sidewalks on the back of the homes, and Mr. Kallan asked if those residents would be responsible to clear those sidewalks. Ms. Marabello stated Public Works will have to clear those sidewalks. Mr. Taylor stated the Four Seasons development contracts a landscaper for snow removal. Ms. Marabello stated Public Works clears the parks. Mr. Kallan stated the Township Committee must be careful when considering the snow ordinance because it will cause more problems than it will solve. He agreed safety and security are important; however all sides must be considered. He stated the Township Committee cannot take an "all or nothing" approach because there are remote sidewalks in town, and those residents should not be penalized because sidewalks on Main Street and Plainsboro Road are not cleared. Mr. Kallan stated other Township Committees discussed a snow removal ordinance, but an ordinance could not get adopted because previous Committees did not want to deal with all of the exceptions.

Ms. Beverly Luck, South Main Street, stated she sent a letter to the Township Committee in support of the snow ordinance. She stated if other towns can have snow ordinances, she doesn't see why Cranbury cannot have one. Ms. Luck stated obviously from a safety point, the sidewalks need to be cleared. She urged the Township Committee to make the Township safer. Mr. Taylor asked Ms. Doobraj if a child were to be hurt walking in the street because the Township does not have a snow ordinance, would there be more liability? Ms. Doobraj stated she doesn't believe the Township would have more liability not having a snow removal ordinance. There is no statutory requirement in the State to have an ordinance.

Ms. Beth Veghte, Bunker Hill, stated she does not have a sidewalk. She stated the biggest issue this past winter was the corners. In most cases the sidewalks were clear, but the cutaways to the street were blocked by piles of snow forcing people to go around and walk in the streets. She stated it is important to make sure the corners are cleared so residents can cross the streets safely.

Mr. Gene Speer, South Main Street, stated clearing sidewalks is part of being a good citizen in town, and residents will shovel if they know they are supposed to. Residents will obey the law if it is on the books. Mr. Speer stated the issue was not just the corners, but a lot of sidewalks were not cleared. There being no further public comments, the Mayor closed the public part of the meeting.

Mayor Cody stated to go forward with the ordinance, a proposed draft should be prepared, the public notified and a public hearing held. Mayor Cody stated the alternative is the ordinance would be impractical and not move forward. He asked the other Township Committee members their opinion on moving forward or stopping the ordinance.

Mr. Mulligan stated the public is very split on the ordinance. He stated the Township Committee should continue to discuss the ordinance, and he would like to hear from more residents. He stated he currently has no opinion on the issue, and would like to listen to as many residents as possible.

TOWNSHIP COMMITTEE MEETING
May 23, 2011

Work Session

Discussion by the Township Committee to consider a Township snow removal ordinance.
(Mr. Cook continued)

Mr. Cook stated there are good and bad aspects of having a snow ordinance. He stated in some cases, residents outside of town will not be able to maintain clear sidewalks if the County plows the snow back. Mr. Cook feels the ordinance will always get back to interpretation of significant snow and circumstances surrounding the removal of snow. He stated he felt the main issue is downtown Main Street, and perhaps Public Works could manage clearing the corners. Mr. Cook does not agree a "one size fits all" ordinance will work.

Mr. Taylor stated he believes it is worthwhile to continue the discussion and doesn't believe enforcement will not be an issue. He stated he believes an ordinance should be on the books for the safety of all.

Mr. Johnson stated depending on how the ordinance is created, he will most certainly be in favor of it. He stated snow removal is doable and sidewalks must be passable. Mr. Johnson stated he keeps the crosswalk and fire hydrant clear in front of his house. He stated he understands this past winter was difficult, but sidewalks must be passable. Mr. Johnson stated Plainsboro Road is also a problem.

Mayor Cody stated Main Street and other main roads where children walk to school are a problem. He stated the corners are a problem; however, he stated he felt bad for any resident who would have to clear huge piles of snow from the plow. Mayor Cody stated a public hearing will be scheduled and the issue will be discussed again at the June 27th meeting.

Mr. Taylor asked if the snow route would be addressed and suggested putting stone down off the right of the West Property driveway to allow cars to park off Main Street. Public Works could plow that area first so cars could park there. Mr. Mulligan reported the Environmental Commission suggested a parking area across from the soccer fields to provide more parking for the West Property. If a parking area was created there, it could also be utilized for emergency parking during snow storms. Mr. Mulligan stated the Township should provide parking if a snow route is created. Mayor Cody agreed parking would need to be resolved before a snow route was established and stated he would like to hear from Main Street residents first.

Mr. Johnson stated Main Street residents could not utilize Scott Avenue or Maplewood Avenue as alternatives because the streets are too narrow. The PNC Bank parking lot used to handle some of the parking overflow, however, that is no longer available. Mr. Johnson stated it would be good for cars to be off Main Street so the street could be cleared. Mr. Taylor states the Fire Company had concerns because the roadway was becoming narrower with the snow piles. Mr. Cook stated there is municipal parking behind Teddy's, and Public Works could clear that area first so cars could move off Main Street. Mayor Cody stated the issue would be further discussed.

Public Comment

The Mayor opened the meeting to public questions and comment:

Jennifer Coffey, Millstone-Stony Brook Watershed, stated she sent a letter to the Township Committee regarding the Riparian Ordinance. Ms. Coffey stated Cranbury Township already has strong wording which provides 200 feet of protection from development within the stream corridor. She urged the Township Committee to maintain that wording in Cranbury Township's ordinance to protect the land from clearing and protect water quality. She stated the Watershed's attorneys are comparing the wording of the Township and State ordinances and stated their goal is to not

TOWNSHIP COMMITTEE MEETING
May 23, 2011

Public Comment
(Ms. Coffey continued)

have conflicting language. Ms. Coffey read some of the language in the proposed ordinance and stated her concern that the protection Cranbury already has on its books will be null and void when this ordinance is adopted. She urged the Township to maintain the 200 foot wording to minimum State requirements. Mr. Cook confirmed the State ordinance supersedes no matter what Cranbury Township; however, the Township can add more restrictions. Mr. Cook stated if an applicant wishes to sue, the State ordinance would supersede. Ms. Coffey stated this ordinance is minimal, which is what the State is requiring. She stated municipalities have the right to be more protective than the State. Mayor Cody asked Ms. Coffey if her concern was about the cross referencing of the ordinances, and she agreed the cross referencing could be problematic. Ms. Coffey asked the Township Committee to keep a 200 foot minimum for all streams. She explained right now the language is in Cranbury's landscaping ordinance, which pertains only to erecting structures. She stated if the 200 foot buffer is in the ordinance, it will protect the land from clearing. She explained the landscaping ordinance provides some protection; however, the Watershed would like to see limitations on the clearing within the 200 foot buffer. Mayor Cody stated a public hearing will be held on this ordinance on June 27th. Mr. Mulligan stated the Township Committee was assured by Ms. Valerie Kimson, Esq., Planning Board Attorney and the Township Attorney last meeting the cross references will cover the Township and the State requirements are minimal and the local ordinances are more stringent. Ms. Coffey stated again the conflict clause in the ordinance is causing her great concern. Mayor Cody stated the Township Committee will look into the wording.

Ms. Kristen Hamilton, Danser Drive, stated she was Board Secretary for six (6) Township Boards. She submitted her resignation in March because she obtained a full-time job; however, she stayed on in her position to cover all of her April meetings and the Drug Free Fair. She reported she received high marks on all of her evaluations, and stated she learned this morning she would not be receiving her retroactive raise. She stated she would not be receiving her retroactive raise because she was leaving the Township. Ms. Hamilton stated she did not understand what that had to do with all the work she did between January and the present, and was very disappointed she was being treated with such disrespect. Ms. Hamilton stated it was not the amount of money because it is minimal, but rather it is the principle. The Township Committee thanked her for her comments.

Ms. Bonnie Larson, Cranbury Neck Road, stated she was glad to hear Mr. Mulligan speak about the situation over by the Turnpike widening. She reported after the last meeting she drove over to see the area. She stated she is appalled how close the Turnpike is to the residents' homes. She asked the Township Committee to do whatever they can to assist those residents. Mayor Cody stated a letter has been sent, and Mr. Mulligan stated he hoped the East Windsor Patch or other local papers would report on it. Mr. Cook reported Senator Linda Greenstein has become involved.

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

Mayor's Notes

Mayor Cody reminded the public the Civil War dedication will be on Friday and Saturday, June 10th 11th. Mr. Taylor reported there will be tents, a campfire, and re-enactors in Civil War attire on Friday evening for residents and children to enjoy. He stated on Saturday there will be a Civil War Band starting at 10:30 a.m., and the dedication ceremony will begin at 11:00 a.m.

TOWNSHIP COMMITTEE MEETING
May 23, 2011

On motion by Mr. Cook, seconded by Mr. Mulligan and unanimously carried, the meeting adjourned at 10:00 p.m.

Jean Golisano, Deputy Clerk