

TOWNSHIP COMMITTEE MEETING  
September 26, 2011

The regular meeting of the Township Committee of the Township of Cranbury was held at 7:00 p.m. in the Town Hall Meeting Room. Answering present to the roll call were Township Committee members: David Cook, Glenn Johnson, Daniel Mulligan, Jay Taylor, and Mayor Win Cody. Also present were Rachel Doobrajh, Esq., Township Attorney; William Tanner, P.E., Township Engineer; Denise Marabello, Township Administrator/Director of Finance; and Kathleen R. Cunningham, Clerk/Assistant Administrator. 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.

Regular Township Committee Minutes of September 12, 2011

On motion by Mr. Cook, seconded by Mr. Mulligan and unanimously carried, the Regular Township Committee Minutes of September 12, 2011 were adopted.

Closed Session Minutes of September 12, 2011

On motion by Mr. Mulligan, seconded by Mr. Johnson and unanimously carried, the Closed Session Minutes of September 12, 2011 were adopted.

Reports and Communications

-- Mayor

Mayor Cody reported the trash RFPs have been opened, and Mr. Cook and his committee will determine a recommendation to be presented as a Work Session item at the next Township Committee meeting on October 10<sup>th</sup>. Mayor Cody reported another public informational meeting will be held at 6 p.m. before the next Township Committee meeting.

Mayor Cody reported the Master Plan Ordinances are complete and will be introduced at the October 24<sup>th</sup> Township Committee meeting, and the Public Hearing will be on November 14<sup>th</sup>.

As a result of the discussion at the last Township Committee Meeting concerning the fallen tree, damaged by Hurricane Irene, Mayor Cody stated the Township does not have a consistent policy about removing trees. The Shade Tree Commission will be asked to give recommendations about policies for street trees to the Township Committee at a Work Session at the October 24<sup>th</sup> Meeting.

-- Members of Committee

Mr. Cook reported Mr. Bill Tanner, Township Engineer, will discuss the dam repairs and flooding issues as a result of the Hurricane.

Mr. Cook reported three (3) bid responses for municipal trash collection were received. The three (3) haulers were Republic (Midco), Central Jersey, and Waste Management More

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Reports and Communications (Continued)

-- Members of Committee

(Mr. Cook continued)

information regarding specifics will be released; however, Mr. Cook stated there is a significant cost savings. Mr. Cook reported there will be two (2) full public meetings, as well as additional information will be placed on the website and in the newspaper.

Mr. Mulligan reported additional work has been completed on the Township website redesign. Township Committee members received a link to view the mock website. Mr. Mulligan stated the background image of the main page will be changed, and individual pages will be added for Committee members to add their own information. A subsequent meeting will be held with the webmaster to have the changes implemented. Mr. Mulligan reported the Web-Redesign Subcommittee will reach out to Township Boards and Committees to update their sites. Mr. Mulligan stated the kickoff of the new website will be in October, and he will update the Township Committee once the date is determined.

Mr. Mulligan reported he, as liaison, has addressed his Boards about next year's budget. He stated the Municipal Alliance is proactively looking at making cuts for next year's budget. While he doesn't currently have a number, he commends the Municipal Alliance for their efforts. Mr. Mulligan stated he will continue to work with his other Boards.

Mr. Johnson reported a resident made a complaint concerning the façade of the Ballet School. Mr. Johnson stated he spoke with Mr. Greg Farrington, Construction Official, and while there is some sagging in the façade, it is not dangerous or ready to fall. Mr. Johnson stated the wood on the front of the building was removed so the architect could view what was underneath. Mr. Johnson stated he is not sure how the building will look at completion. Ms. Marabello confirmed the building is structurally sound and there is no fear of it coming down. Mr. Mulligan stated the sidewalk in front of the Ballet School is crumbling and dangerous. He asked if the sidewalk could be repaired and if sidewalk repair is a zoning issue. Ms. Marabello stated the Township Engineer will look at sidewalks in the Village, and stated grants for Township improvements have been applied for, which could include repairing of sidewalks.

Mr. Taylor reported he spoke with Chief Varga last week, and he stated CERT volunteers have been assigned as crossing guards on North and South Main Street on Halloween.

Mr. Taylor reported he attended the Parks Planning meeting, and they are in the process of conducting the Township parks' inventory. Mr. Taylor stated he received from Mr. Bill Tanner, Township Engineer, a map showing the placement of trees to be planted. Mr. Taylor stated he is waiting for an overlay for how trees will be spaced, and Mr. Tanner stated it will be sent. Mr. Tanner stated the contractor is supposed to be out tomorrow morning; however, it is uncertain if the ground is too wet for planting.

Agenda Additions/Changes

Ms. Kathleen Cunningham, Clerk, reported there are no changes or additions to the agenda.

Ordinance

Second Reading

Cranbury Township Ordinance # 09-11-17

A motion to enter an Ordinance entitled, "Cranbury Township Ordinance # 09-11-17, "AN ORDINANCE DESIGNATING RIPARIAN ZONES OF CRANBURY TOWNSHIP AND SUPPLEMENTING THE CRANBURY TOWNSHIP ORDINANCE WITH A NEW CHAPTER 122," 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. Mayor Cody stated this version was recommended to the Township Committee by the Planning

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Cranbury Township Ordinance # 09-11-17  
(Continued)

Board. Mr. Cook stated this Ordinance addresses the issues the Township wanted at the Municipal level, while incorporating what the State wanted. Mayor Cody stated this Ordinance is something the Township has to do. The Mayor opened the public hearing on the Ordinance. Ms. Joan McGee of the Stony Brook Millstone Watershed Association thanked the Township Committee for persevering through this process and for improving on the State's model riparian ordinance. Ms. McGee stated this Ordinance is a great improvement on the State ordinance. She also thanked the professionals for their work on the Ordinance. The Mayor asked for a motion to adopt the Ordinance. On motion by Mr. Johnson, seconded by Mr. Cook, the Ordinance was passed on second reading by vote:

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

Nays: (Taylor

Resolutions

Consent Agenda

Mayor Cody read the Consent Agenda Resolutions and asked if the Township Committee wanted to address any of the Resolutions separately. Ms. Marabello explained the QPA Ordinance. On a motion by Mr. Johnson, seconded by Mr. Mulligan, the following Consent Agenda Resolutions were adopted by vote:

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

Nays: (None

Cranbury Township Resolution # 09-11-115

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 09-11-116

WHEREAS, the Department of Community Affairs, Division of Local Government Services ("DLGS") has adopted a temporary rule that permits contracting units with individuals who are qualified to sit for the QPA examination to increase their bid threshold to \$26,000 (the bid threshold for contracting units without a QPA prior to January 1, 2011); and

WHEREAS, the new rule, N.J.A.C. 5:34-5.4 sets forth criteria that an individual must meet to sit for the QPA examination. The criteria are:

1. Be a citizen of the United States, is of good moral character, and is a high school graduate or equivalent;
2. Successfully completed Principles of Public Purchasing I, II, III, and one of the Municipal Finance Administration course, all as provided by the Rutgers Center for

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Cranbury Township Resolution # R 09-11-116  
(Continued)

Government Services; or have been performing the duties of a purchasing agent (as defined at N.J.A.C. 5:34-1.2) for at least three (3) consecutive years;

3. Possess two (2) years of college education and two (2) years of full-time governmental experience performing duties relative to public procurement. Additional years of experience may be substituted for the college education on a year-for-year basis; and

WHEREAS, Erin Lysy has fulfilled all of the above requirements and has agreed to apply for either the first or second QPA certification exam and participate in such exam; and

WHEREAS, the Township Committee of the Township of Cranbury endorses said resolution and understands once an Affidavit and resolution is filed with the Division of Local Government Services this bid threshold will then take effect;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Cranbury that Erin Lysy is hereby designated Cranbury Township's Qualified Purchasing Agent ("QPA");

Reports from Township Staff and Professionals

-- Township Administrator

Ms. Marabello reported the Township paid down \$467,000 of a note leaving a balance of \$781,000 at a 2% interest rate.

-- Municipal Clerk/Assistant Administrator

Ms. Kathleen Cunningham, Clerk, brought to the public's attention all raffles held in the Township of Cranbury need to be licensed. It is a requirement of state law and the municipal ordinances. She stated the process is simple, and the required forms may be obtained at the Clerk's Office. Ms. Cunningham reported holding a raffle without a license violates the law, and any questions about the process may be directed to the Clerk's Office.

Reports from Township Boards and Commissions

The Park Planning Commission had requested to discuss with the Township Committee scheduling Barn Park. Since the Commission was not present, Mr. Taylor stated he could explain the issue. He stated the Historical Society leases the Barn so the Historical Society wanted to control the access. Mr. Taylor stated if anyone wants to reserve Barn Park, an application would be filed Ms. Dawn Maisano, Recreation Department, at Town Hall. To use the Barn, Ms. Maisano would contact Ms. Audrey Smith of the Historical Society for the keys to the barn, and coordinate with Ms. Smith for the usage of the property. Ms. Cunningham stated she will advise Ms. Maisano of the new scheduling procedure.

Work Session

- a). Discussion by the Township Committee on the recent storm damage at 1 North Main Street due to Hurricane Irene.

Mayor Cody stated the Township Committee is discussing the damage to the sidewalk at 1 North Main Street due to Hurricane Irene. Mayor Cody reported Mr. Bill Tanner, Township Engineer is present to address the issue. Mr. Tanner reported he was at the site several times, including just before this meeting. He stated he had three (3) contractors come to look at the damage and give some repair options and cost estimates. Mr. Tanner reported he spoke with Mr. Steve Goodell, Township Attorney, earlier in the day and it is Mr. Goodell's opinion since the damage is not the fault of the resident, the Township is responsible for the sidewalk repairs. Mr. Tanner explained the three (3) repair options. He

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Work Session

- a). Discussion by the Township Committee on the recent storm damage at 1 North Main Street due to Hurricane Irene.

(Mr. Tanner continued)

explained when the Dam is repaired next year, this area will need to be done again as part of the Dam repair project. Mr. Tanner distributed the estimates to the Township Committee to review. Mr. Tanner reported the homeowner will need to address the repairs between the sidewalk and the driveway. He stated the driveway must also be filled in, and the cost estimates do not include the driveway, and according to Mr. Goodell, that is the homeowners' responsibility. Mr. Tanner stated he is familiar with two (2) of the three (3) contractors and would be comfortable with them doing the work. Mr. Tanner stated the slate would be replaced, and if there are pieces missing, the homeowner has additional pieces of slate. Mr. Tanner explained this type of project would normally be done in concrete; however, since concrete is expensive and the work will be done again, asphalt will be used instead of concrete. Mr. Tanner stated the replacement of the apron will be part of the Dam project next year, and the Township will be sharing the cost with the County. Mr. Tanner reported the goal of the repairs is to prevent undermining of the sidewalk and driveway. He stated it will not prevent erosion on the property.

Mayor Cody asked for comments from the Township Committee. Mr. Cook stated the area should be stabilized to keep the road and bridge structurally safe, with the understanding the area would be addressed again when the Dam repairs begin. Mr. Mulligan asked if the Township can do the work independent of the work the homeowners will do. Mr. Tanner stated if the homeowner works concurrently with the Township, some of the work would be done a little differently. Mr. Tanner stated the work does not have to be done at the same time. Mr. Tanner stated all three (3) contractors are willing to do the job, and it should not take long to complete.

Mr. Johnson asked if there are any restrictions on the fill that will be brought in for the project. Mr. Tanner stated the fill must be clean and state where it came from. Mr. Tanner stated Mr. Greg Farrington, Construction Official, suggested the fill be obtained from the Turnpike Widening Project because the fill is already in the Township. Mr. Tanner stated all three (3) contractors have their own sources of fill; however, they would need to certify it is clean.

Mr. Taylor stated he is sympathetic with the homeowner and stated the Township is looking at approximately \$9,500 and \$18,000 for this project. He asked why the Township has to fill the driveway and apron area if the homeowner has to repair it anyway to use their driveway. Mr. Tanner stated it is the Township's responsibility to repair the sidewalk, and in order to make the repairs, the hole needs to be filled and secured. Mr. Taylor asked for clarification on the Ordinance wording concerning normal wear and tear and raised his concern with setting a precedent. Ms. Rachel Doobrajh, Township Attorney, explained the definition of wear and tear and additional discussion was held concerning the Township's responsibility to make repairs. Ms. Doobrajh stated the cause of the damage is the result of a one-time event (Hurricane Irene), and is not the fault of the homeowner.

Mayor Cody asked for public comment. Ms. Suzanne Palocz, the homeowner of 1 North Main Street, stated she had not previously heard about the heavy machinery, and stated her concern about damage to her historic home from any vibration. Mr. Tanner stated he is not sure what machinery will be used to repair the dam; however, he stated the three (3) contractors are aware there are historic homes in the area. Ms. Palocz suggested additional time be spent investigating the methods of repairs so her home is not damaged. Mr. Tanner stated the State of New Jersey is very pro-active in maintaining bridges in the State. Mr. Tanner stated the County is doing the Dam repair project, and two (2) structural

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Work Session

- a). Discussion by the Township Committee on the recent storm damage at 1 North Main Street due to Hurricane Irene. (continued)  
engineers are already involved with the project. Ms. Marabello stated the sidewalk and apron will be removed when the Dam project is being done.

Mr. Art Hasselbach, Route 130, reported in 1976 there was a similar sinkhole in the middle of Main Street. Mr. Hasselbach stated there are still problems today because the work was not done correctly then. He said if vinyl is used instead of metal, there will not be much vibration.

Mr. Mulligan stated part of the Township Committee's job is to do what is right for all the taxpayers of Cranbury. He stated he believed there is more information to be gathered on this. Mr. Mulligan stated it may be a negotiating issue with the homeowners, and therefore cannot be discussed in an open meeting.

Mr. Johnson asked about the procedure for going into Closed Session, and Ms. Doobrajh stated the Township Committee could go into Closed Session now to discuss a contract issue and then return to Public Comment in Open Session. Mr. Cook confirmed the \$9,500 option would repair the sidewalk and stabilize the bridge and roadway. Mr. Tanner agreed, stating the repairs would carry the Township over to the Dam repair project next year. Mr. Cook stated he felt the issue should be addressed this evening as it is a safety issue. Mayor Cody stated the hole is dangerous. Mr. Mulligan stated the issue could be addressed, however, he stated the possibility of a greater savings for taxpayers.

A motion was made by Mr. Johnson, seconded by Mr. Cook to go into Closed Session, The motion was unanimously passed by vote:

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

Nays: (None

A motion was made by Mr. Mulligan, seconded by Mr. Cook to return to Open Session. Ms. Doobrajh stated the consensus of the Township Committee to have a motion to go forward with Option 1, and she, as Township Attorney, will contact the homeowner to discuss the repairs needed and to obtain the necessary paperwork and approvals in order to do the work.

A motion was made by Mr. Mulligan, seconded by Mr. Johnson to proceed with the repairs as stated by Ms. Doobrajh, and the motion was passed by vote:

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

Nays: (Taylor

Public Comment

The Mayor opened the meeting to public questions and comment.

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Public Comment

Mr. Brian Deverin, Cranbury Neck Road, stated he had two issues to address with the Township Committee. First, Mr. Deverin stated he saw in the Cranbury Press a rendering of the proposed free-standing Cranbury Public Library. Mr. Deverin thought the modern-looking building design would not be approved in the historic district; however, he has since learned public buildings are exempt from the Historic Preservation Commission guidelines. Mr. Deverin stated he thought it is contradictory for the Township to have the advantage of HPC's guidelines to preserve the Township and then not have it apply to buildings. Mr. Deverin asked the Township Committee to consider putting a resolution in place to give HPC more authority with guidelines if a building falls within the historic district. Mayor Cody stated HPC does review and may offer guidelines; however, the HPC does not have the authority on buildings. Mr. Deverin stated public buildings should be subjected to the same HPC opinion and authorization applied to homeowners. He urged the Township Committee to preserve the integrity of the historic district. Mr. Mulligan stated he has received similar comments from residents concerning the proposed concept. Mr. Mulligan stated the location of the proposed Library may be outside of the historic district, in which case the Township Committee would not have jurisdiction. Mr. Deverin stated his comments are directed toward construction in the village, not only the Library.

Mr. Deverin stated his concerns on the manner, consequences and cost analysis of the proposed municipal trash collection. Mr. Deverin stated every registered voter will have the opportunity to vote on the trash question, yet the question does not apply to every registered voter, such as residents in the Four Seasons and the affordable housing units. Mr. Deverin stated he understands the referendum is to obtain the residents' sentiment and is not binding for the Township to provide the service. Mr. Deverin stated it is unfair for the residents affected by the service to have residents not affected voting on the referendum. He stated it is also unfair for the Township to provide curbside bulk pickup to the Township except Four Seasons and affordable housing units. He stated his concern about bulk trash being left at the curb and the draw of scavengers coming to town to pick through garbage. He also voiced his concerns about traffic and the length of time trash trucks will be stopping to pick up bulk trash.

Mr. Deverin stated three (3) bids were received from the 18 picked up. He stated the Township should thoroughly examine the bids. He reviewed the contents of the bids and stated he is suspect of the numbers. Mr. Deverin stated he believes municipal trash pickup is the wrong thing to do. Mayor Cody stated Mr. Deverin brings up good points for the Township Committee to consider, and the costs will be carefully reviewed. Mr. Deverin stated Waste Management did not break out the costs of the bulk pickup, as required by the bid specs. Mr. Cook stated the process being followed is one of full disclosure. The bids were just opened last Thursday and will be carefully reviewed. Mr. Cook stated since starting to look at municipal trash collection, the trash companies have become more competitive in their pricing. Mr. Cook stated the information will be presented twice in October in open discussions. Mr. Cook stated there will be a \$50,000 savings by the Township not having to do bulk pickup at the DPW yard. Mr. Deverin stated he would rather keep things the way they are than saving a little money.

Mayor Cody stated nothing has been decided yet. Mr. Deverin stated the election is coming up soon. Mr. Mulligan stated he previously lived in Hamilton and forgot how bad the neighborhood looked before trash pickup. He stated "junk trucks" did drive through town to pick through garbage. Mr. Mulligan stated Mr. Deverin's concerns are valid.

Mr. Richard Kallan, Wynnewood Drive, stated at a previous meeting he raised the same question as Mr. Deverin concerning a 21<sup>st</sup> century building in the middle of historic Cranbury and not worry about how it looks. When the firehouse was built, there was a lot of concern how the building would look. Mr. Johnson stated the Library Foundation is embarking on a five (5)-year fundraising campaign for a new Library. Mayor Cody stated the Township Committee has not given any approvals for the construction. Mr. Johnson stated the Foundation cannot ask for donations without showing a concept. Mr. Johnson stated the square footage of the Library is

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Public Comment

(continued)

probably accurate; however, the outside may be changed. Mr. Kallan stated if residents do not like the concept, they will be less likely to donate. Mayor Cody stated the Library is undertaking this effort on an independent basis. He further stated there have been no approvals from the Planning Board or the Township. Mayor Cody stated at some point in the future when the funding is raised, the project will need to come before all the necessary Boards for approval. Mr. Mulligan stated he has received many comments about the design of the building, and while he supports the fundraising effort, he would like to see a different design on the outside.

Mr. Kallan echoed Mr. Deverin's concern about residents voting on an issue that does not impact them. Ms. Cunningham, Clerk, stated, per law, as the Municipal Clerk, she is Chief Administrative Officer of Elections, and reported voters cannot be denied their right to vote on an issue. Ms. Cunningham stated the referendum on the ballot is a non-binding referendum, which does not make it mandatory for the Township of Cranbury to provide trash pickup to residents. The referendum is to ascertain the sentiments of the residents so the Township Committee can get a better sense of how the residents feel about this issue. Mr. Cook used the school elections as an example where residents no longer involved in the school have the right to vote on the school budget. Mr. Cook clarified this referendum is not related to taxes. Mayor Cody stated the Township Committee will review the information and present it in an open forum. Mr. Mulligan stated the Township is limited to a 60-day timetable stated in the bid so by November 22<sup>nd</sup> a decision must be made.

On a separate issue, Mr. Kallan stated there should be a crosswalk on Main Street between Old Trenton Road and Station Road. Ms. Doobrajh, Township Attorney, stated Main Street is a County road. If residents feel there should be a crosswalk, Ms. Doobrajh stated the residents need to approach the County. There was additional discussion on where crosswalks should be.

Mr. Art Hasselbach, Route 130, agreed the municipal trash information should be carefully examined. He stated Bricktown had a problem with scavengers and the municipality passed a law that trash by the curb is the property of the municipality. If someone is caught taking trash from the curb, they are charged with a misdemeanor.

Mr. Hasselbach stated HPC guidelines in the Township should not be difficult or costly. He cited several costly examples of construction at the Cranbury Fire House. Mr. Hasselbach stated in addition to something looking nice, the practicality of a project must be assessed.

There being no further public comments, the Mayor closed the public part of the meeting and asked for a motion to go into Closed Session.

Resolution

On a motion by Mr. Cook, seconded by Mr. Johnson, the following Resolution was adopted by vote:

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

Abstain: (None  
Absent: (None

Nays: (None



TOWNSHIP COMMITTEE MEETING  
September 26, 2011

TOWNSHIP OF CRANBURY  
COUNTY OF MIDDLESEX

Cranbury Township Resolution # R 09-11-117

RESOLUTION TO CLOSE MEETING TO THE PUBLIC

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

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

“N.J.S.A. 10:4-12b (7)/Contract Negotiations”: Update on upcoming  
911 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 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: September 26, 2011

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

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

On motion by Mr. Taylor, seconded by Mr. Johnson and unanimously carried, the meeting adjourned at 9:00 p.m.

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Jean Golisano, Deputy Clerk