

Cranbury Township Committee Meeting
March 22, 2010

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 Winthrop Cody, David Cook, Richard Stannard, James Taylor and Mayor David Stout. Also present were: Christine Smeltzer, Administrator and Jean Golisano, Deputy Clerk. Mayor Stout led in the salute to the flag, and Ms. Golisano gave the following Open Public Meetings Act statement:

In accordance with Section 5 of the Open Public Meetings Act, it is hereby announced and shall be entered into the minutes of this meeting that adequate notice of this meeting has been provided:

- (1) Posted on December 3, 2009 on the Bulletin Board of the Municipal Office at 23-A North Main Street, Cranbury, New Jersey and remains posted at that location.
- (2) Communicated to the Cranbury Press, Home News Tribune and Trenton Times on December 3, 2009.
- (3) Was filed on December 3, 2009 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 Committee Minutes of February 22, 2010

On motion by Mr. Cody, seconded by Mr. Cook and unanimously carried, the Regular Committee Minutes of February 22, 2010 were adopted.

Closed Session Minutes of February 22, 2010

Ms. Golisano, Deputy Clerk, announced once adopted, the Closed Session Minutes cannot be made public due to the confidential nature and until such time the issue is resolved.

On motion by Mr. Stannard, seconded by Mr. Cody and unanimously carried, the Closed Session Minutes of February 22, 2010 were adopted.

Reports and Communications

--Mayor

Mayor Stout reported that the Township Attorney would not be present at the meeting. After reviewing the agenda, Trishka Waterbury, Township Attorney, stated there were no items on the agenda that would require her attendance at the meeting. Mayor Stout and Ms. Smeltzer, Township Administrator agreed, thus saving the Township approximately \$400 in attorney's fees.

Mayor Stout also reported that a letter had been received from Mr. and Mrs. Sam Parker, which commended the Police and Public Works Departments on their prompt and professional actions during the storm the previous weekend. Mayor Stout commended both Departments on a job well done.

--Subcommittees

Mr. Taylor reported that the Department of Public Works' overtime resulting from the weekend storm of March 13th & 14th was \$3,850. Mr. Taylor further stated the Township may be reimbursed for that amount since the State declared a State of Emergency.

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Subcommittees (Continued)

Mr. Cook advised he had information concerning curbside trash pick up after reviewing numbers brought to him by Mr. Bill Tanner, Township Engineer. Based on pickups for 1,156 residents in Cranbury, there would be a significant savings with costs at approximately \$200 per year per home compared to the multiples of that currently being paid by residents. If the Township Committee is interested in further pursuing this, companies like Republic, Waste Management and Central Jersey could give a presentation to see what they would propose to Cranbury for contractual services. Mayor Stout asked if an RFP would be necessary, and Ms. Smeltzer, Township Administrator replied that we would first meet with the companies and then would probably do a bid. Mr. Cody inquired if this charge would be paid directly by the residents or would it come from taxes. Mr. Cook replied that the charge would be added to residents' taxes with the assumption that the savings would be significant. Mr. Taylor inquired if Midco would also be a candidate, and Mr. Cook replied that Midco was part of Republic.

Mr. Cook reported the Library is interested in sponsoring programs for the Township, which would save the Township approximately \$7,650.

Mr. Cody reported the Township's approval from COAH will be scheduled for its mid-April meeting, although the Township is not on the agenda yet. Because of the uncertainty of COAH at his time, the Township still needs to proceed as if no changes may come. The S-1 meeting addressing the radical changes for COAH was scheduled for today, however, it has been postponed until May.

For the Human Services Board, Mr. Cody reported that the attorney confirmed with Ms. Marabelllo, Finance Director, that the Board could collect a fee for the Senior Center's luncheons as long as a profit was not made. Also, donations specified for Human Services could be made to the Township, which could assist in offsetting the Center's costs.

Mr. Cody reported that the School Board would have a Budget Meeting at the School on Friday evening, March 26th at 7 p.m. to address the budget cuts made by the State

Agenda Additions/Changes

Ms. Golisano, Deputy Clerk, announced there was an addition to the Agenda, Resolution # R 03-10-041. Mayor Stout asked Mr. Taylor to read and present the resolution to Teddy and Kathy Nikitiades.

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

Ayes:	(Cody (Cook (Stannard (Taylor (Stout	Abstain: (None Absent: (None
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Nays: (None

TOWNSHIP OF CRANBURY
COUNTY OF MIDDLESEX

Cranbury Township Resolution # R 03-10-041

WHEREAS, Teddy and Kathy Nikitiades opened "Teddy's Restaurant" in 1973; and

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Cranbury Township Resolution # R 03-10-041 (Continued)

WHEREAS, throughout the years Teddy and Kathy have donated to and supported the Cranbury Lions Club, Cranbury Fire Company, Cranbury First Aid Squad, Presbyterian Church,

Methodist Church, Cranbury School as well as several local youth athletic organizations and numerous organizations in the surrounding areas to include Plainsboro, Hightstown, East Windsor, Jamesburg and the Elks; and

WHEREAS, Teddy and Kathy have donated to these organizations in the form of money or food and beverage; providing 200 pounds of potato salad, cole slaw and macaroni salad to The Cranbury Lions Club as well as chicken for the First Presbyterian Church's fund raising dinner for a yearly mission to Guatemala; and

WHEREAS, on Thanksgivings Teddy and Kathy would prepare meals for elderly widowed customers that were without family at no charge so they would have a nice Thanksgiving dinner; and

WHEREAS, Teddy and Kathy have throughout their many years of serving many residents as well as non-residents with a lot of good food; and

WHEREAS, their acts of kindness and compassion through the years will always be appreciated by those who know them;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Cranbury that Teddy and Kathy Nikitiades are given a heartfelt thanks of gratitude and appreciation for all they have done for Cranbury; and

BE IT FURTHER RESOLVED, that a duly authenticated copy of this resolution be presented to Teddy and Kathy Nikitiades.

Mr. and Mrs. Nikitiades received a standing ovation from the Township Committee and all attending the meeting. Mr. Nikitiades thanked the Committee, stating most of his life was spent in Cranbury and he considered Cranbury his second home.

Agenda Additions/Changes: Ms. Golisano, Deputy Clerk added that the word "revised" was added to the descriptions for Resolutions # R 03-10-044 and # R 03-10-045 to reflect that the deferred compensation plans were not new, but revised. Acceptance of revised plans was required by the State.

Public Hearing on the 2010 Municipal Budget

Ms. Denise Marabello, Director of Finance, presented the 2010 Municipal Budget. A copy of the PowerPoint presentation is attached as Addendum A. Ms. Marabello explained each slide, and after the presentation was complete, asked if there were any questions.

Mayor Stout announced that the Township Committee spent a considerable amount of time reducing operating expenses, but those efforts can only go so far. Together with a \$91 million loss in assessed value and lesser anticipated revenues coming in, and the difficult economy, the Township will be in a difficult position in the years ahead. Mayor Stout stated that one comment that was clearly heard from last year's sewer increases was to give residents forewarning of anticipated increases. Mayor Stout pointed out that it's important to remember that while each year is unique, and hopefully the economy will turn around, this should be considered a forewarning that the Township is in a difficult situation.

Mayor Stout opened up the Public Hearing for the Municipal Budget.

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Public Hearing on the 2010 Municipal Budget (Continued)

Mr. Art Hasselbach of Route 130 asked Ms. Marabello about School revenues decreasing \$141,000, and stated he received a letter stating the school was losing over \$600,000. Ms. Marabello explained that the Municipality lost \$141,000 in Municipal State Aid, and the School lost almost \$700,000 in School State Aid. Mayor Stout explained that the letter concerning school aid was from the Board of Education, not the Township Committee. Information concerning the School Budget will be addressed at the School Board Meeting on Friday evening, March 26th in the Large Group Room.

Mayor Stout stated that not only did the Township see a reduction in the Municipal Aid, it also saw a reduction in tax relief and a loss of over \$100,000 in energy receipts.

Mr. Richard Kallan, 10 Wynnewood Drive, commented on the Township Committee's position that the tax rate was holding steady, but in reality the rate had gone up. The tax rate stayed the same because sewer expenses were reduced as sewer users are now paying as they go. In effect, the tax rate wasn't held steady because with the sewer expense being eliminated, the residents should have received a tax reduction. Mr. Kallan explained what was adding to the municipal expenses during the previous years was money that was covering the shortfall on the sewer expenses. Now because the sewer rates have been increased greatly, that shortfall is no longer there, which should have reduced the taxes. Mayor Stout responded that the Township Committee did cut the operating budget by \$500,000 in part because of the cut in sewer expenses. Mr. Kallan asked why the tax rate did not come down accordingly. Mayor Stout and Ms. Marabello responded the Township would have needed to use more surplus funds.

Mr. Kallan questioned the 2% merit increase for Township employees by comparing how the private sector is losing positions, taking salary reductions and losing other benefits. In addition, he stated State workers received a 10% salary reduction and that the "gravy train" for the Township must end. He commented the Township must be run like private enterprise for the benefit of the residents, and questioned why any employee would be receiving an increase in this economy. Mr. Kallan questioned how the Township Committee could have the audacity to offer an increase to employees and stated that working for the Township is not an entitlement, but rather a privilege. He stated that Township salaries are as good, and benefits are better, than the private sector.

Mr. Taylor addressed Mr. Kallan stating that several compensation surveys (William Mercer and Hewitt to name two) were referenced, and the salary increases for 85% of companies on average were giving 2% to 3% merit increases. The Township is using a 2% pool (approximately \$14,000 total) for merit increases for a few employees only, and not every employee will receive an increase. Mr. Kallan asked for a justification why any employee should receive an increase. Mr. Taylor further explained, dealing with employment law, if the Township did not give raises to any employees for a couple of years and ended up in an arbitration scenario, the arbitrator could claim the Township was not performing good governance. If one, two or three employees receive merit raises, then an arbitrator cannot say that the Township balanced the budget at the expense of the employees and is practicing good governance. Mayor Stout added, since Mr. Kallan referred to private industry, the Township is moving more toward performance-based merit increases. These increases are based on job performance, met expectations or exceeded expectations. Mr. Kallan asked for confirmation the Township would not necessarily be giving out the total \$14,000. Mayor Stout confirmed that and also stated that last year was the first time Township employees received a 1.5% salary increase which was applied toward their medical benefits. He also explained in previous years the signups for medical plans always occurred in the Fall, not during the budget season. The Township will now do an evaluation in the fall to get a better alignment of where money can be saved.

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Public Hearing on the 2010 Municipal Budget (Continued)

The Township Committee Members recognized Mr. Kallan's comments and acknowledged the State is overwhelmed with pension issues. The State is looking at pension issues and the Township Committee can address that issue. Mr. Stannard pointed out the Township Committee took a 10% salary decrease, after three years of not getting a raise.

Mr. Taylor pointed out insuring employees' medical benefits privately would be far more costly than insuring through the State plan. The Township's pool of employees is far too small, and a 26% medical premium increase each year could be realized in a private plan.

Mayor Stout expressed the Township Committee's appreciation to Mr. Kallan for his comments on the budget.

Mayor Stout asked if there were any further comments for the Public Hearing. Hearing no additional comments, the Mayor closed the Public Hearing on the 2010 Municipal Budget.

Resolutions

On a motion by Mr. Stannard, seconded by Mr. Cody, the following resolution was adopted by vote:

Ayes:	(Cody (Cook (Stannard (Taylor (Stout	Abstain: (None
		Absent: (None
Nays:	(None	

**CRANBURY TOWNSHIP RESOLUTION R-02-10-034-A
2010 MUNICIPAL BUDGET**

Revenue and Appropriation Summaries

Summary of Revenues	Anticipated	
	2010	2009
1. Surplus	\$1,146,000.00	\$1,580,350.00
2. Total Miscellaneous Revenues	\$3,148,055.05	\$3,120,326.50
3. Receipts from Delinquent Taxes	\$128,691.00	\$151,600.00
4. a) Local Tax for Municipal Purposes	\$6,365,360.00	\$6,707,954.80
b) Addition to Local District School Tax		
Tot Amt to be Raised by		
Taxes for Municipal Budget	\$6,365,360.00	\$6,707,954.80
Total General Revenues	\$10,788,106.05	\$11,560,231.30

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**CRANBURY TOWNSHIP RESOLUTION R-02-10-034-A
2010 MUNICIPAL BUDGET (Continued)**

<u>Summary of Appropriations</u>	<u>2010 Budget</u>	<u>2009 Budget</u>
1. Operating Expenses: S&W	\$3,209,201.13	\$3,197,983.00
Other Expenses	\$5,048,125.29	\$5,660,968.60
2. Deferred Charges & Other Appropriations	\$646,976.00	\$621,118.00
3. Capital Improvements	\$40,000.00	\$50,000.00
4. Debt Service (include for School Purposes)	\$1,694,377.83	\$1,814,161.70
5. Reserve for Uncollected Taxes	\$149,425.80	\$216,000.00
Total General Appropriations	\$10,788,106.05	\$11,560,231.30
Total Number of Employees	73	74

Balance of Outstanding Debt

Interest	\$ 394,800.82
Principal	\$ 1,299,577.01
Outstanding Balance (12/31/09)	\$22,072,419.00

Mayor Stout announced since the Township received a 23% reduction in State Aid, it would necessary to adopt a Resolution to amend the 2010 Municipal Budget. On a motion by Mr. Taylor, seconded by Mr. Stannard, the following resolution was adopted by vote:

Cranbury Township Resolution # R 03-10-042

**TOWNSHIP OF CRANBURY
MIDDLESEX COUNTY, NEW JERSEY
RESOLUTION TO AMEND THE LOCAL MUNICIPAL 2010 BUDGET**

WHEREAS, the local municipal budget for the year 2010 was approved on the 22nd of March, and

WHEREAS, the public hearing on said budget has been held as advertised, and

WHEREAS, it is desired to further amend said budget, now

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Cranbury, County of Middlesex, that the following amendments to the approved budget of 2010 be made:

Recorded Vote	Ayes (Cody) (Cook) (Stannard) (Stout) (Taylor)	Nays (None) () () () ()	Abstained (None) () () (None) ()
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Cranbury Township Resolution # R 03-10-042 (Continued)

	From	To
GENERAL REVENUES:		
1. Surplus Anticipated	\$1,146,000.00	\$1,146,000.00
3. Miscellaneous Revenues – Section B:		
Garden State Trust	\$ 1,612.76	\$ 1,612.76
Consolidated Municipal Property Tax Relief	\$ 25,275.00	\$ 11,527.00
Energy Receipts Tax	\$558,743.00	\$455,493.00
Supplemental Energy Receipts Tax	<u>\$ 24,375.00</u>	<u>\$ 0.00</u>
Total Section B	\$610,005.76	\$468,632.76
3. Miscellaneous Revenues – Section G:		
Capital Fund Balance	<u>\$300,000.00</u>	<u>\$441,373.00</u>
Total Section G	\$584,740.00	\$726,113.00
Total Miscellaneous Revenues	\$3,148,055.05	\$3,148,055.05
4. Receipts from Delinquent Taxes	\$128,691.00	\$128,691.00
5. Subtotal General Revenues	\$4,422,746.05	\$4,422,746.05
6. Amount to be Raised by Taxes		
a) Local Tax for Municipal Purposes	\$ 6,365,360.00	\$ 6,365,360.00
7. TOTAL GENERAL REVENUES	\$10,788,106.05	\$10,788,106.05
GENERAL APPROPRIATIONS:		
Group Insurance Plan	<u>\$ 639,600.00</u>	<u>\$ 583,440.00</u>
(A) Operations within “CAPS”	\$6,146,632.13	\$6,090,472.13
Public Employees Retirement System	\$ 125,342.00	\$ 121,907.00
Police & Firemen’s Retirement System	<u>\$ 261,182.00</u>	<u>\$ 246,542.00</u>
(E) Deferred Charges and Statutory Expenditures within “CAPS”	<u>\$ 646,976.00</u>	<u>\$ 628,901.00</u>
H(1) Total Operations within “CAPS”	\$6,793,608.13	\$6,719,373.13
(A) Operations – Excluded from “CAPS”		
Other Operations:		
Public Employees Retirement System	\$0.00	\$3,435.00
Police & Firemen’s Retirement System	\$0.00	\$14,640.00
Group Insurance Plan	<u>\$0.00</u>	<u>\$56,160.00</u>
	\$728,100.00	\$802,335.00

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Cranbury Township Resolution # R 03-10-042 (Continued)

Total Operations Excluded from “CAPS”	\$2,110,694.29	\$2,184,929.29
(C) Capital Improvements	\$40,000.00	\$40,000.00
(D) Municipal Debt Service	\$1,694,377.83	\$1,694,377.83
(M) Reserve for Uncollected Taxes	\$149,425.80	\$149,425.80
8. TOTAL GENERAL APPROPRIATIONS	\$10,788,106.05	\$10,788,106.05

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services for his certification of the Local Municipal budget so amended.

Resolutions
Consent Agenda

Consent Agenda Discussion

Mayor Stout presented the following Resolutions # R 03-10-043 through # R 03-10-047 and asked the Township Committee if there were any items they wanted treated separately.

Mr. Taylor requested that # R 03-10-043 – Payment of Bills be addressed separately. Mayor Stout asked Ms. Smeltzer, Township Administrator or Ms. Marabello, Finance Director to explain Resolutions # R 03-10-044 and # R 03-10-045. Ms. Marabello explained that due to some legislative changes, including the maximum amount of contributions into the deferred compensation plan, employees must be notified. To do this, the Township has to prepare a revised agreement by adopting a resolution. Ms. Marabello stated there are no costs associated with the revised plans. Ms. Smeltzer stated due to changes made by the Federal Government, the language had to be inserted into the Plans.

Mayor Stout reported Resolution # R 03-10-046 is for the Shared Services Agreement with Middlesex County for public health services. Ms. Marabello confirmed that the funds for public health services are budgeted.

Mayor Stout reported Resolution # R 03-10-047, is being adopted due to the Township's selling land to the Turnpike for expansion. The land now becomes exempt and the Township will be losing \$20,000 in tax revenue. Mr. Taylor added the Township is losing the funds from construction permits since the State will be overseeing the construction.

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

Ayes:	(Cody (Cook (Stannard (Taylor (Stout	Abstain: (None Absent: (None
Nays:	(None	

Cranbury Township Committee Meeting
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Cranbury Township Resolution # R 03-10-044

WHEREAS, the Township of Cranbury (hereinafter referred to as the "Employer") by resolution previously adopted a Deferred Compensation Plan (hereinafter referred to as the "Plan") for the purpose of making available to eligible employees the accrual of tax benefits under a Section 457 Deferred Compensation Plan; and

WHEREAS, the Economic Growth and Tax Relief Reconciliation Act of 2001, the 2005 final regulations issued under the Uniformed Services Employment and Reemployment Rights Act of 1994, the Pension Protection Act of 2006, final Treasury Regulation §1.457-4, the Heroes Earnings Assistance and Relief Tax Act of 2008 , and the Worker, Retiree and Employer Recovery Act of 2008 amended sections of the Internal Revenue Code (the "Code") and the rules and/or regulations issued thereunder affecting Section 457 Deferred Compensation Plans (cumulatively referred to as the "Acts and Regulations");

WHEREAS, the Employer desires its Plan to conform with the changes in the Code and Treasury regulations brought about by the Acts and Regulations;

WHEREAS, the Employer desires to adopt a restated Plan that conforms with the changes in the Code and Treasury regulations resulting from the Acts and Regulations;

WHEREAS, such revised Plan shall supersede the previously adopted Plan;

NOW, THEREFORE BE IT RESOLVED that the governing body of Cranbury Township hereby adopts a revised deferred compensation plan provided by Great-West Life & Insurance Company that has been assigned the plan identifier 74-PD-GWL-120208 by the Division of Local Government Services.

BE IT FURTHER RESOLVED that Great-West Life Insurance Company has agreed to continue to be the provider of the Deferred Compensation Program for employees and elected officials; and

BE IT FURTHER RESOLVED that the Great-West Life & Insurance Company will continue to provide, for the benefit of the participants the Multi-Fund Variable Annuity contract; and

BE IT FURTHER RESOLVED that there has been no collusion, or evidence or appearance of collusion, between any local official and a representative of Great-West Life & Insurance Company in the selection of a provider pursuant to N.J.A.C. 5:37 - 5.7.

BE IT FURTHER RESOLVED that the Finance Director or Business Administrator is authorized to execute an Administrative Services Agreement with Great-West life & Insurance Company and such other agreements as are necessary to implement the Deferred Compensation Program. It is implicitly understood that there is to be no cost or contribution by the Employer to the program; and

BE IT FURTHER RESOLVED that the Finance Director or Business Administrator is authorized to serve as the "Administrator" of the plan, represent the **Employer**, and execute individual deferred compensation agreements with each said employee; and

BE IT FURTHER RESOLVED by the Employer that the Clerk forward a certified true copy of this resolution to the Finance Director or Business Administrator; and

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded to the Director of the Division of Local Government Services at P.O. Box 803; Trenton, NJ 08625-0803.

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Cranbury Township Resolution # R 03-10-045

WHEREAS, the Township of Cranbury (hereinafter referred to as the "Employer") by resolution previously adopted a Deferred Compensation Plan (hereinafter referred to as the "Plan") for the purpose of making available to eligible employees the accrual of tax benefits under a Section 457 Deferred Compensation Plan; and

WHEREAS, the Economic Growth and Tax Relief Reconciliation Act of 2001, the 2005 final regulations issued under the Uniformed Services Employment and Reemployment Rights Act of 1994, the Pension Protection Act of 2006, final Treasury Regulation §1.457-4, the Heroes Earnings Assistance and Relief Tax Act of 2008 , and the Worker, Retiree and Employer Recovery Act of 2008 amended sections of the Internal Revenue Code (the "Code") and the rules and/or regulations issued thereunder affecting Section 457 Deferred Compensation Plans (cumulatively referred to as the "Acts and Regulations");

WHEREAS, the Employer desires its Plan to conform with the changes in the Code and Treasury regulations brought about by the Acts and Regulations;

WHEREAS, the Employer desires to adopt a restated Plan that conforms with the changes in the Code and Treasury regulations resulting from the Acts and Regulations;

WHEREAS, such revised Plan shall supersede the previously adopted Plan;

NOW, THEREFORE BE IT RESOLVED that the Employer hereby adopts a revised Plan 76-PD-Lincoln-120709.

BE IT FURTHER RESOLVED that The Lincoln National Life Insurance Company and Lincoln Financial Group, its agent, have agreed to continue to be the provider of the Deferred Compensation Program for employees and elected officials; and

BE IT FURTHER RESOLVED that the Lincoln National Life Insurance Company and Lincoln Financial Group its agent, will continue to provide, for the benefit of the participants the Multi-Fund Variable Annuity contract; and

BE IT FURTHER RESOLVED that there has been no collusion, or evidence or appearance of collusion, between any local official and a representative of Lincoln National Life Insurance Company and Lincoln Financial Group, its agent, in the selection of a provider pursuant to N.J.A.C. 5:37 - 5.7.

BE IT FURTHER RESOLVED that the Finance Director or Business Administrator is authorized to execute an Administrative Services Agreement with the Lincoln National Life Insurance Company and Lincoln Financial Group, its agent, (12-SA-Lincoln-072595) and such other agreements as are necessary to implement the Deferred Compensation Program. It is implicitly understood that there is to be no cost or contribution by the Employer to the program; and

BE IT FURTHER RESOLVED that the Finance Director or Business Administrator is authorized to serve as the "Administrator" of the plan, represent the **Employer**, and execute individual deferred compensation agreements with each said employee; and

BE IT FURTHER RESOLVED by the Employer that the Clerk forward a certified true copy of this resolution to the Finance Director or Business Administrator; and

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded to the Director of the Division of Local Government Services at P.O. Box 803; Trenton, NJ 08625-0803.

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TOWNSHIP OF CRANBURY
COUNTY OF MIDDLESEX

Cranbury Township Resolution # R 03-10-046

A RESOLUTION OF THE TOWNSHIP OF CRANBURY
AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN
THE TOWNSHIP OF CRANBURY AND THE COUNTY OF MIDDLESEX

WHEREAS, Middlesex County has created the Middlesex County Department of Public Health pursuant to N.J.S.A. 26:3A2-1 et seq., to provide an array of public health services: and

WHEREAS, the Township of Cranbury is desirous of contracting with Middlesex County for furnishing by the County to the Municipality health services of a technical and professional nature; and

WHEREAS, Middlesex County has submitted a proposed agreement to provide all public health services for the Township of Cranbury for two (2) years commencing on January 1, 2010, and terminating on December 31, 2011.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranbury that the Mayor and Clerk be authorized to execute a Shared Services Agreement between the Township of Cranbury and the County of Middlesex for public health services.

Cranbury Township Resolution # R 03-10-047

Resolution Directing the Tax Collector to
Cancel First Half Billing for Block 2, Lot 5

WHEREAS, Block 2 Lot 5, owner of record is New Jersey Turnpike Authority, property location as 269 Prospect Plains Rd and,

WHEREAS, the tax duplicate for 2010 list this parcel as exempt with a 15F classification. Taxes for first half of 2010 taxes in the amount of \$9875.28 should be canceled of record and,

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Cranbury to direct the Tax Collector to cancel the first half billing of \$9875.28 on Block 2 Lot 5 because parcel is exempt for 2010.

Payment of Bills Discussion

Mayor Stout addressed R # 03-10-043 – Payment of Bills, asking the Township Committee to address their concerns. Mr. Taylor inquired about the Mason Griffin & Pierson Invoice, specifically the charges for the Township Attorney speaking with residents. Mr. Taylor asked if the residents called the Attorney directly or did it come through the Township. Ms. Smeltzer stated that usually the calls came through her, but she would have to research. Mr. Taylor stated the issues were zoning and variance related and asked why the Zoning Attorney was not involved instead. Mr. Taylor reported the invoices involved the Attorney speaking with two residents, one concerning Prospect Street and the other concerning Buy-Rite Liquors. In particular, Mr. Taylor reported a 5.5 hour charge for \$770 on the Prospect Street invoice. Mr. Taylor requested the bills be held for clarification.

Mr. Taylor asked about the Van Cleef Invoice No. 42050 concerning escrow authorization for the Cranbury Inn and stated he understands the property owner wanted to meet with the Township Administrator and Bill Tanner, the Township Engineer, to have some questions answered. Mr.

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R # 03-10-043 – Payment of Bills continued)

Cook stated he also had some concerns with this invoice. A decision was made to hold the Invoice until the pending questions are answered. Mr. Taylor questioned the hours Mr. Tanner spent at The Four Seasons of Cranbury Development investigating a sink-hole issue. Mr. Tanner spent 5 hours for the sink-hole inspection and 6 hours to inspect a storm system repair with costs of \$355 and \$461.50, respectively. Mr. Cook explained Mr. Tanner needed to interpret what had to be done at the site and was wrapping up transition items coming from Hatch Mott MacDonald. Ms. Marabello confirmed that K. Hovnanian, the Developer, no longer has escrow and there is no Performance Bond. Ms. Marabello explained the Township is charging the amounts to the escrow and will send a letter to K. Hovnanian stating they owe the Township these amounts. Technically, Ms. Marabello further explained, the Township has no recourse since there is no Performance Bond account to take it from since all the funds have been released. It was decided it would cost the Township more money to have the Township Attorney try to collect the funds.

Ms. Marabello confirmed the Van Cleef Invoice can be paid, and stated the Mason Griffin & Pierson Invoice would be held until questions were answered.

Mr. Cody reported he researched the Griggs Tract Project and reported most of the charges on the November bill were for inspections at 9.75 hours/day. By the Township's calculations, the Township has used more than the ceiling for inspections. Mayor Stout stated that we needed to release some funds to pay the invoice. Ms. Marabello stated the Township did not use all the funds from the grant and can get some back. On September 14, 2009, the Township Committee authorized the project at less than \$200,000. The Grant & Resolution capped at 15%. Mayor Stout stated the Township needs to release the delta. Mr. Cook asked if we have an aggregate amount of what is owned to Hatch Mott MacDonald. Ms. Marabello stated prior to this meeting, the Township owes Hatch Mott MacDonald \$27,000. Mr. Cody stated the majority of the bill was for inspection services.

Ms. Marabello inquired about Hatch Mott MacDonald's general bill which was being held and reported Ms. Marcelli, former Township Engineer, deleted from the bill charges for speaking with the Princeton Packet. The Township Committee unanimously agreed to pay the general bill.

Mayor Stout asked if there were any additional questions. Mayor Stout stated a motion was needed for payment of bills that excludes the Mason Griffin & Pierson's bill and an adjustment to the \$27,000 Hatch Mott MacDonald bill so we are only paying the net difference between the contract ceiling and what had previously been billed.

Resolution

On motion offered by Mr. Taylor, seconded by Mr. Cody, the following resolution was adopted by vote (deleting the Mason Griffin & Pierson Invoice, and with an adjustment to the Hatch Mott MacDonald Invoice):

Ayes: (Cody (Cook (Stannard (Taylor (Stout	Abstain: (None Absent: (None
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Cranbury Township Resolution # R 03-10-043

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 Committee Meeting
March 22, 2010

Administrator's Report

Ms. Smeltzer, Township Administrator, reported that the Township received \$500 for attendance of Township Officials at the Joint Insurance Funds Seminar. The JIF offers various seminars and the Township can get \$250/official for attending.

Ms. Smeltzer also reported that the Middlesex County Improvement Authority has sent out the 5-year recycling contract, which is 19% less than the current contract. The contract starts in April.

Concerning the Pipeline Project, Ms. Smeltzer reported that there had been a meeting with the Colonial Pipeline representatives and suggested to the Township Committee that we use the Large Group Room for our next meeting. There may be some noise issues associated with the project, which may impact some residents. It would be helpful to get the word out to residents so they know what to expect in their area. Mayor Stout explained that this is the existing Colonial Pipeline, which runs in the right-a-way parallel to the Turnpike. Because of the Turnpike expansion, some changes will need to be made to the pipeline and the lines will have to be cleared. The impacted area will not be in downtown Cranbury, but on the other side of Route 130, which may impact residents from other towns. The Township has asked Colonial Pipeline Company representatives to attend the next meeting to give a public presentation to detail the work and timeframe. Ms. Smeltzer stated the information will be posted on the website.

Reports from Township Boards and Commissions

Mr. Tom Weidner, Chairman of the Park Planning Commission thanked the Township Committee for their support, and also extended his thanks to Jerry Thorne and his staff for maintaining the Township's beautiful parks.

Mr. Weidner reported the Commission has established guidelines for giving trees or benches as memorials. The Commission wants plaques as small as possible to avoid having the parks resemble cemeteries. If a contributor wants information other than dates of birth and death and time spent in Cranbury logged as part of a memorial, the Historical Society has offered to keep a record at the History Center.

Mr. Weidner referred to his December 18, 2009 memo to the Township concerning the Commission's "laundry" list of short and long term projects. Mr. Weidner reported that Unami Woods has a very nice ridge line. Concerning the West Property, the Commission will revisit the property in the next two months to evaluate what has been done and what needs to be done. It was suggested that the West Property be mapped so runners and walkers can be aware of the tracks and distances.

Mr. Weidner also reported about a little-known parcel of 46 acres in Shadow Oaks that is accessible by four easements. The Commission would like the Township to have some type of designation to identify where these easements are. They are not looking for signs, but some type of designation on the street to identify the easements. This would help prevent residents from walking on private property. These 46 acres are not as easy to walk around as is the West Property because of brambles and high grasses.

Mr. Weidner reported another goal of the Commission is to have a walking path along the Cranbury Brook from Cranbury to the center of Plainsboro. There are three (3) parcels of land on the north and eight (8) parcels south of the brook that would need the consent of the landowners before the walking path could become a reality.

The Commission was contacted by the Civil War History Association and meetings were held with them concerning a monument honoring Civil War soldiers. The monument is in the cemetery behind the First Presbyterian Church of Cranbury. The Association would like to clean the

Cranbury Township Committee Meeting
March 22, 2010

Reports from Township Boards and Commissions (Continued)

Mr. Weidner (cont'd.)

monument and re-point the stone. The monument would be 10-15 feet off the sidewalk. The Township would be responsible for the access from the street to the monument. The question was raised whether the monument would require HPC or Zoning Board approval, or only Township Committee approval. Mayor Stout stated Township Committee should be sufficient, but the Historical Society should be contacted as a courtesy. Mayor Stout stated the walkway may not be able to be constructed of stone because it may not be ADA compliant. Any new improvements need to be made to ADA standards. It is the 150th anniversary of the start of the Reports from Township Boards and Commissions (Mr. Weidner continued)

Civil War and the Association would like an event to commemorate the event as a special day, but non on Memorial Day. Cranbury was selected because it is a historic town. Mr. Weidner believes Cranbury was part of the 14th Regiment. Mr. Weidner closed his presentation by again thanking the Township Committee and the Public Works Department for their support.

Work Session

a). Discussion of Shared Services Survey from Middlesex County

Mayor Stout reported that Middlesex County is conducting a Shared Services Survey. Ms. Smeltzer, Township Administrator, reported that since the last survey conducted in 2007, the Senior Center is new, and dispatching services may be changed. It was suggested that possibly sharing costs to transport special education students could be a substantial savings. Mayor Stout recommended that this be revisited. He suggested the Committee take time to look at the 2007 survey and see if there is additional potential for sharing services.

b). Discussion of Cranbury Township's Possible Participation in the Preservation of the "Kurek Farm"

Mayor Stout then addressed the Kurek Farm for possible farmland preservation. The farm consists of 64 acres, 14 of which are flood hazard. The property is zoned as Light Industrial and is outside of the 208 sewer service area. The farm does appear on the County's Farmland Preservation Grant Application in 2010 funding round, which is why the application is made.

Mr. Cody questioned if there is another farm near the Kurek Farm that is preserved farmland, and it was confirmed that it is Gordon Stults' property. The Township's share for the Kurek Farm would be \$750,000 for approximately 160 acres. The farm is outside the sewer area. Mr. Hasselbach pointed out the sewer lines are being extended to Frog Hollow Day Camp. It may be possible that sewer hookup may be provided by another municipality that is closer.

Mr. Cook inquired if the farm is being saved as is, would the sale be contingent on whether the Township has funds. The Township's share is typically 20% of the deal, and it is not sure whether the deal will fall through if the Township does not participate.

Mr. Brian Schilling stated that the municipal share of the farm is \$750,000. The state will fund 69% of the farm, with the balance of approximately 30% being split between the state and the municipality. The property has been deemed comprehensive farmland by the County, but it doesn't necessarily mean it is a municipal priority. Mr. Schilling further stated that land values are currently down, but will hopefully rebound, making the property more expensive in the future.

Cranbury Township Committee Meeting
March 22, 2010

Work Session (Continued)

b). Discussion of Cranbury Township's Possible Participation in the Preservation of the "Kurek Farm"

Mr. Taylor confirmed that the property is 160 acres, with 14 acres in flood zone, and also has high tension wires running across the property making the developable land even less. In order to allow residential construction, the Township would need to approve the zoning change, and only then could approximately 20 homes be built.

Mr. Richard Kallan of Wynnewood Drive favored procurement of development rights as it afforded a vista. He also stated the purchase of the property was like an insurance policy in that it would restrict growth for the school. Mr. Stannard stated the number of children associated with development cannot be assumed, citing the Updike property has far less than the anticipated two children per home.

Mr. Stannard stated the Township will have to pick and choose farmland it wants to preserve. Mr. Cook inquired if the deal is contingent on the Township's 20%, and asked about the timeframe for 2010. Mayor Stout commented if the funding is available to commit, would the

Work Session timeframe be short term like in 2010. Mr. Stannard stated the Township could save money passing on this parcel, and perhaps other parcels in the Township might be more desirable. Mr. Kallan inquired if there is a list of other properties. Mr. Cody pointed out that the opportunity is available now and perhaps should be considered. Mayor Stout stated that the voters have spoken and the appropriation is funded.

Mr. Schilling suggested that perhaps a non-profit environmental group would want to be involved if it is in their interest to protect the property.

Mayor Stout stated to Ms. Smeltzer that the number one question to determine is the timing. Mayor Stout asked Ms. Marabello what the preservation means over time for taxes.

Mrs. Connie Bauder, Petty Road, stated she was in favor of preserving the land. She stated every opportunity to preserve farmland should be taken since we may not know when other parcels may become available.

Updates on Township Projects

There were no reports.

Public Comment

The Mayor opened the meeting to public questions and comment. Mrs. Connie Bauder, Petty Road, asked the Township if another revaluation was being considered since the revaluation occurred when the market was at the highest. It was explained that the Township needs to wait a number of years to do a revaluation because of the expense. Cranbury Township's Tax Assessor follows a State compliance plan and conducts adjustments on 30% of the Township each year. Ms. Marabello stated that Mr. Benner, the Tax Assessor has already completed 60% of the Township since the revaluation. There being no further comments, the Mayor closed the public part of the meeting.

Resolution

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

Ayes: (Cody
(Cook

Abstain: (None

Cranbury Township Committee Meeting March 22, 2010

Nays: (None

Cranbury Township Resolution # R 03-10-048

**TOWNSHIP OF CRANBURY
COUNTY OF MIDDLESEX**

RESOLUTION TO CLOSE MEETING TO THE PUBLIC

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

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

---N.J.S.A. 10:4-12b (8) – (Personnel/Employment matters): Discussion of qualifications of candidate for Township position.

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.

March 22, 2010

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

Ayes: (Cody
(Cook
(Stannard
(Taylor
(Stout
Abstain: (None
Absent: (None

Nays: (None)

Adiourn

On a motion by Mr. Stannard, seconded by Mr. Cody and unanimously carried, the meeting adjourned at 9:50 p.m.

Jean-Marie Golisano, Deputy Clerk