

TOWNSHIP COMMITTEE MEETING  
MAY 10, 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: David Cook, James Taylor and Mayor David Stout. Mr. Cody was absent and Mr. Stannard arrived at 7:05 p.m. Also present were: Trishka Waterbury, Esquire, Attorney; Christine Smeltzer, Administrator and Kathleen R. Cunningham, Clerk. Mayor Stout 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 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 Township Committee Minutes of April 26, 2010

On motion by Mr. Cook, seconded by Mr. Stannard and unanimously carried (with Mr. Taylor abstaining and Mr. Cody being absent), the Regular Township Committee Minutes of April 26, 2010 were adopted.

***Ms. Cunningham, Clerk, announced the following minutes will not be released to the public until such time as the subject issues are resolved:***

Closed Session Committee Minutes of April 26, 2010

On motion by Mr. Stannard, seconded by Mr. Cook and unanimously carried (with Mr. Taylor abstaining and Mr. Cody being absent), the Closed Session Minutes of April 26, 2010 were adopted.

Reports and Communications

--Mayor

Mayor Stout reported he had attended the New Jersey Conference of Mayors Annual Conference in Atlantic City at the end of April. He reported there were a number of sessions about Shared Services, Police Arbitration and Governor Christie spoke. The Governor spoke about "Proposition 2.5" which is similar to Massachusetts. A referendum would have to go on the ballot this November to amend the State's Constitution to put a "hard cap" on property taxes at 2.5%. Mayor Stout also reported the New Jersey State League of Municipalities has already raised its concerns. The Governor also spoke about collective bargaining reform; looking to get a 2.5% cap on salaries and benefits increases and have the Executive branch select arbitrators and have the tax impact as part of the decisions. Civil Service Reform is also on the Governor's Agenda as well as employee benefit reform. Lt. Governor Guadagno is also working on unfunded mandate reform. The Governor also intends to put a cap on unused sick leave payouts at \$15,000 for state and municipal employees. Mayor Stout reported he had also attended a session given by Senator Lesniak and former Senator Marcia Karrow, now head of the Housing Task Force. There is no real movement on S-1 because of the reform packages and the

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Reports and Communications (Continued)

--Mayor (cont'd)

proposed Budget. In addition, the Governor's cabinet members were also present and introduced themselves. Mr. Cook asked if anyone has heard S-1 will be scheduled this month for a floor vote. Ms. Loneragan, the Township's COAH Consultant reported she had heard Senator Lesniak and Assemblyman Jerry Green (Chairman of the Assembly Housing Task Force) hosted a seminar for the New Jersey Housing Professionals. Senator Lesniak indicated he would like to have S-1 voted on this month however, Assemblyman Green indicated he is not rushing. Ms. Marcia Karrow, when asked if the Governor intends to do anything on the issue, indicated she does not know. Ms. Loneragan reported she heard most likely it will be after the budget is approved.

--Members of Committee

Mr. Taylor reported on Buildings and Grounds the Public Works bathroom renovation was completed this week and distributed before and after pictures to the Township Committee members. The Police Building walkway repair is scheduled to start on June 3<sup>rd</sup>. Mr. Taylor also reported estimates for the concrete slab on the dugouts for the ball field are expected to arrive shortly. Mr. Taylor stated he walked the ball field with Mr. Graydon, Fields Director and the sod is taking well. Mr. Taylor reported he has had a number of inquiries about when the impatiens are being planted for Memorial Day. Mr. Thorne, Public Works Director, has indicated this weekend they will be planted and the bushes that were dead in Memorial Park have all been removed. The Public Works Department chipped brush and branches continuously throughout the entire Township for ten (10) days in April; the two (2) crews chipped 77 truckloads, which equaled 4 tons of branches. Usually it only takes three (3) days and 18 truckloads. The huge increase was due to the heavy winds and storms. There were no Public Works vehicles that needed repairing. Mr. Taylor reported he had met with the Fire Company and Mr. Charlie Smith is aware about the residents' concerns with the number of times the fire signal goes off. Mr. Taylor and Mr. Smith today went over some of the signals that are available. Mr. Smith demonstrated for the Township Committee members the new siren that will be used for rescue. The Township Committee members unanimously agreed the tone is much better, and Mr. Taylor added it will be less in duration; instead of 22 times it will only go off ten (10) times. The Fire Company had 20 calls during the month of April, 14 were during the evening hours and six (6) were during the day. There had been one (1) extraction on the Turnpike. Public Works employees responded 100%. There was one (1) fine issued for April for a false alarm from one of the warehouse contractors. There was one (1) call where the contractor called ahead; the alarm went off and one (1) of the employees called in the alarm (there was no fine issued). Mr. Taylor also reported the Fire Company is asking the Township to return the title to the water tanker to the Fire Company as they are purchasing a new water tanker with their funds and hope to sell the old water tanker. Mr. Taylor reported their were 51 First Aid Squad calls for April.

Ms. Audrey Smith, Historical Society, presented the new Cranbury flag to the Township. It will hang in the Township Meeting Room.

Mr. Stannard reported he had attended the Planning Board meeting on May 8<sup>th</sup>. The main topic of discussion was the Viridian site (former Unexcelled site). Mr. Stannard reported this site was the location of an explosion in 1954. A company by the name of Unexcelled made ammunition at the site. Viridian has purchased the land and they are in the process of digging up the entire old ordinance that has been in the ground and scattered all over the location. Mr. Stannard stated a lot of this testimony came from Viridian's attorney, Richard Goldman. Mr. Goldman indicated Viridian would like to construct three (3) warehouses on the site totaling a little more than 2.8 million square feet. Mr. Goldman indicated this meeting would be one (1) of four (4) to determine if the Township Committee will grant approval for the development of the site. A planner and

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Reports and Communications (Continued)

---Mr. Stannard (cont'd)

financial person testified for the applicant. Once the cleanup is done to the satisfaction of the D.E.P. specs, Viridian plans to cap the area where the warehouses, truck lanes and parking will exist. One (1) warehouse will be approximately 1.2 square feet, another will be 800,000 square feet and another at 600,000 square feet. The application provides two (2) possibilities for hooking up to water; one (1) being hooking up to the Township's sewer (Mr. Stannard reminded everyone the Township passed a resolution prohibiting them from doing so) and the other would be chemical solutions to toilet use. If the latter is the case, the only water that will pass through the site will be approximately 2,000 gallons per day which is the maximum allowed for non-sewer. Mr. Stannard reported the applicant has until July 1, 2010 to get approval from the Township as that is the window of opportunity for the applicant to not have to donate 2.5% of the developer's fee (amounts to \$5 million). Mr. Stannard asked Ms. Loneragan, COAH Consultant for clarification on the applicant's statement that if the applicant does not have to pay the \$5 million, the Township would not have to build the approximate 188 affordable housing units which the COAH rules would require; the exception being if the Township was required to do so the State would step in and pay the \$5-million fee. Ms. Loneragan responded if the Planning Board grants approval by July 1<sup>st</sup>, that is the first step of a two-step process which is to have Planning Board approval by July 1, 2010 and have a building permit by December 31, 2012. Ms. Loneragan added, because they are planning to construct three (3) buildings, it would not be feasible to have all three (3) building permits by December 31, 2012 deeming them non-exempt from paying the \$5-million total fee. Ms. Loneragan stated completely separate from this issue is their "Growth Share Obligation". This methodology which COAH has now and if it continues on from what we know now, the Township is not exempt from its Growth Share Obligation from what the development would generate. Ms. Loneragan stated she disagrees with what testimony was given concerning this issue and added if the present methodology continues, the Township should apply for a waiver on the warehousing formula for its Growth Share Obligation. Mayor Stout suggested, and the Township Committee unanimously agreed, to have Ms. Loneragan review all of the testimony that had been given at the Planning Board meeting and then give the Township her counsel on the issue. Mr. Stannard also recommended having Mr. Benner, Tax Assessor review the financial implications of the proposed development as far as the tax element (surplus) is concerned. Mr. Stannard stated this application will not require any waivers and the applicant will need approval from the State Department of Environmental Protection. Mr. Stannard explained when they find munitions they sandbag around it and blow them up. He stated there have been four (4) studies done on the economic input of the project. Mr. Stannard stated before July 1<sup>st</sup>, there should be three (3) possibly four (4) meetings scheduled and asked everyone to try to attend the meetings. Mr. Stannard reported a lot of neighbors had shown up to voice their opposition to the project. Mr. Stannard indicated there are approximately 50 acres that will be "capped" (cemented over) out of the 250+ acres of the property and once the project is completed it will be surrounded by fencing to keep individuals out. Mr. Stannard reported the next meeting will be on the environmental impact of the project and will be held next week at 7:30 p.m.; the date to be determined. Mr. Taylor commented both the Fire Company and First Aid Squad had both commented they would not have any issues with the warehouses being located at the site; but that this is not a statement in favor or opposition. Mr. Stannard also reported traffic issues will be discussed at a future meeting.

Mr. Cook reported there will be a meeting with the Township Engineer and D.E.P. on the 18<sup>th</sup> to discuss and determine how important the Liberty Way Bridge is to the County.

Mr. Cook also reported on the garbage pick-up issue, indicating the Township is currently in the process of scheduling a meeting with Waste Management either at the end of this week or next week.

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Reports and Communications (Continued)

---Mr. Cook (cont'd)

Mr. Cook reported the Library has had a number of meetings with State Assemblywoman Linda Greenstein regarding Assembly Bill A-2555 which is a severe bill to reduce significantly the libraries' budgets.

Ordinances

First Reading

Cranbury Township Resolution # R 05-10-06

An Ordinance entitled, "Cranbury Township Resolution # R 05-10-06, AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, COUNTY OF MIDDLESEX AND STATE OF NEW JERSEY AMENDING CHAPTER 44, "AFFORDABLE HOUSING" OF THE CODE OF THE TOWNSHIP OF CRANBURY TO ADDRESS THE REQUIREMENTS OF THE COUNCIL ON AFFORDABLE HOUSING'S THIRD ROUND RULES, was introduced for first reading. On motion by Mr. Taylor, seconded by Mr. Cook, the Ordinance was passed on first reading by vote:

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

Nays: (None

Public Hearing: May 24, 2010

Mr. Cook reported he had called the Township Attorney, Trishka Waterbury, Esquire about the ordinance and she indicated this ordinance is a "boiler plate" ordinance. Ms. Lonergan added, the ordinance is mandated by statute or regulation and "has been on the books for two (2) years and also a requirement by COAH for the Township to receive its final certification from COAH. In addition the Township at its next meeting on May 24, 2010 will be required to adopt a resolution, known as "The Affirmative Marking Plan" as well:

**TOWNSHIP OF CRANBURY  
COUNTY OF MIDDLESEX**

**AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, COUNTY OF MIDDLESEX AND STATE OF NEW JERSEY AMENDING CHAPTER 44 "AFFORDABLE HOUSING" OF THE CODE OF THE TOWNSHIP OF CRANBURY TO ADDRESS THE REQUIREMENTS OF THE COUNCIL ON AFFORDABLE HOUSING'S THIRD ROUND RULES**

**WHEREAS**, the New Jersey Council on Affordable Housing ("COAH") has promulgated rules, set forth at N.J.A.C. 5:96 and 5:97, concerning the substantive and procedural requirements for obtaining third round substantive certification of the Township's Housing Element and Fair Share Plan; and

**WHEREAS**, on April 21, 2010, COAH granted the Township's petition for third round substantive certification; and

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**WHEREAS**, as part of its review and grant of the Township's petition for substantive certification, COAH requires that the Township's affordable housing ordinances be updated and brought into compliance with its current rules.

**NOW THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Cranbury, County of Middlesex and State of New Jersey, that the "Code of the Township of Cranbury" ("Code") is hereby amended as follows:

**Section 1.** Chapter 44, entitled "Affordable Housing," Deleted and Replaced. Chapter 44 "Affordable Housing" of the Code is hereby deleted in its entirety and replaced with a new Chapter 44 "Affordable Housing," which shall read as follows:

**Chapter 44  
AFFORDABLE HOUSING**

**ARTICLE I  
General Program Purposes, Procedures**

**§ 44-1. Affordable Housing Obligation.**

- A. This section of the Township Code sets forth regulations regarding the low and moderate income housing units in the Township consistent with the provisions known as the "Substantive Rules of the New Jersey Council on Affordable Housing for the period beginning June 2, 2008 with amendments through October 20, 2008", N.J.A.C. 5:97 et seq., the Uniform Housing Affordability Controls ("UHAC"), N.J.A.C. 5:80-26.1 et seq., and the Township's constitutional obligation to provide a fair share of affordable housing for low and moderate income households. In addition, this section applies requirements for very low income housing as established in P.L. 2008, c.46 (the "Roberts Bill").
- B. This Ordinance is intended to assure that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy these units. This Ordinance shall apply except where inconsistent with applicable law.
- C. The Cranbury Township Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Plan has also been endorsed by the Township Committee of the Township of Cranbury. The Fair Share Plan describes the ways the Township shall address its fair share for low- and moderate-income housing as determined by the Council on Affordable Housing (COAH) and documented in the Housing Element.
- D. This Ordinance implements and incorporates the Fair Share Plan and addresses the requirements of N.J.A.C. 5:97, as may be amended and supplemented.

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E. The Township shall file monitoring reports with COAH in accordance with N.J.A.C. 5:96, tracking the status of the implementation of the Housing Element and Fair Share Plan. Any plan evaluation report of the Housing Element and Fair Share Plan and monitoring prepared by COAH in accordance with N.J.A.C. 5:96 shall be available to the public at the Cranbury Township Municipal Building, 23-A North Main Street,

Cranbury, New Jersey, or from COAH at 101 South Broad Street, Trenton, New Jersey.

**§ 44-2. Definitions.** As used herein the following terms shall have the following meanings:

“Accessory apartment” means a self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters and a private entrance, which is created within an existing home, or through the conversion of an existing accessory structure on the same site, or by an addition to an existing home or accessory building, or by the construction of a new accessory structure on the same site.

“Act” means the Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.).

“Adaptable” means constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

“Administrative agent” means the entity responsible for the administration of affordable units in accordance with this ordinance, N.J.A.C. 5:96, N.J.A.C. 5:97 and N.J.A.C. 5:80-26.1 et seq.

“Affirmative marketing” means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

“Affordability average” means the average percentage of median income at which restricted units in an affordable housing development are affordable to low- and moderate-income households.

“Affordable” means, a sales price or rent within the means of a low- or moderate-income household as defined in N.J.A.C. 5:97-9; in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

“Affordable development” means a housing development all or a portion of which consists of restricted units.

“Affordable housing development” means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100% affordable development.

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“Affordable housing program(s)” means any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality’s fair share obligation.

“Affordable unit” means a housing unit proposed or created pursuant to the Act, credited pursuant to N.J.A.C. 5:97-4, and/or funded through an affordable housing trust fund.

“Agency” means the New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1, et seq.).

“Age-restricted unit” means a housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development where the unit is situated are 62 years or older; or 2) at least 80% of the units are occupied by one person that is 55 years or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as “housing for older persons” as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

“Assisted living residence” means a facility licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

“Certified household” means a household that has been certified by an Administrative Agent as a low-income household or moderate-income household.

“COAH” means the Council on Affordable Housing, which is in, but not of, the Department of Community Affairs of the State of New Jersey, that was established under the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.).

“DCA” means the State of New Jersey Department of Community Affairs.

“Deficient housing unit” means a housing unit with health and safety code violations that require the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

“Developer” means any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land proposed to be included in a proposed development including the holder of an option to contract or purchase, or other person having an enforceable proprietary interest in such land.

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any

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building or other structure, or land or extension of use of land, for which permission may be required pursuant to N.J.S.A. 40:55D-1 et seq.

"Fair Share Plan" means the plan that describes the mechanisms, strategies and the funding sources, if any, by which the Township proposes to address its affordable housing obligation as established in the Housing Element, including the draft ordinances necessary to implement that plan, and addresses the requirements of N.J.A.C. 5:97-3.

"Housing Element" means the portion of the Township's Master Plan, required by the Municipal Land Use Law ("MLUL"), N.J.S.A. 40:55D-28b(3) and the Act, that includes the information required by N.J.A.C. 5:97-2.3 and establishes the Township's fair share obligation.

"Inclusionary development" means a development containing both affordable units and market rate units. This term includes, but is not necessarily limited to: new construction, the conversion of a non-residential structure to residential and the creation of new affordable units through the reconstruction of a vacant residential structure.

"Low-income household" means a household with a total gross annual household income equal to 50% or less of the median household income.

"Low-income unit" means a restricted unit that is affordable to a low-income household.

"Major system" means the primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement or load bearing structural systems.

"Market-rate units" means housing not restricted to low- and moderate-income households that may sell or rent at any price.

"Median income" means the median income by household size for the applicable county, as adopted annually by COAH.

"Moderate-income household" means a household with a total gross annual household income in excess of 50% but less than 80% of the median household income.

"Moderate-income unit" means a restricted unit that is affordable to a moderate-income household.

"Non-exempt sale" means any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor's deed to a class A beneficiary and the transfer of ownership by court order.



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“Random selection process” means a process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

“Regional asset limit” means the maximum housing value in each housing region affordable to a four-person household with an income at 80% of the regional median as defined by COAH’s adopted Regional Income Limits published annually by COAH.

“Rehabilitation” means the repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

“Rent” means the gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

“Restricted unit” means a dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as may be amended and supplemented, but does not include a market-rate unit financed under UHROP or MONI.

“UHAC” means the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.1 et seq.

“Very low-income household” means a household with a total gross annual household income equal to 30% or less of the median household income.

“Very low-income unit” means a restricted unit that is affordable to a very low-income household.

“Weatherization” means building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for rehabilitation.

**§ 44-3. New Construction.** The following requirements shall apply to all new or planned developments that contain low- and moderate- income housing units.

- A. Phasing. Final site plan or subdivision approval shall be contingent upon the affordable housing development meeting the following phasing schedule for low and moderate income units whether developed in a single phase development, or in a multi-phase development:

Maximum Percentage of Market-Rate Units Completed	Minimum Percentage of Low- and Moderate- Income Units Completed
25	0
25+1	10

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50	50
75	75
90	100

- B. Design. In inclusionary developments, to the extent possible, low- and moderate- income units shall be integrated with the market units.
- C. Payments-in-lieu and off-site construction. The standards for the collection of payments-in-lieu of constructing affordable units or standards for constructing affordable units off-site, shall be in accordance with *N.J.A.C. 5:97-6.4*.
- D. Utilities. Affordable units shall utilize the same type of heating source as market units within the affordable development.
- E. Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:
  - 1. The fair share obligation shall be divided equally between low- and moderate- income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low income unit.
  - 2. In each affordable development, at least 50% of the restricted units within each bedroom distribution shall be low-income units.
  - 3. Within rental developments, of the total number of affordable rental units, at least 13% shall be affordable to very low income households.
  - 4. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
    - (a) The combined number of efficiency and one-bedroom units shall be no greater than 20% of the total low- and moderate-income units;
    - (b) At least 30% of all low- and moderate-income units shall be two bedroom units;
    - (c) At least 20% of all low- and moderate-income units shall be three bedroom units; and
    - (d) The remaining units may be allocated among two and three bedroom units at the discretion of the developer.
  - 5. Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. The standard may be met by

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having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

F. Accessibility Requirements:

1. The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14.
2. All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:
  - (a) An adaptable toilet and bathing facility on the first floor;
  - (b) An adaptable kitchen on the first floor;
  - (c) An interior accessible route of travel on the first floor;
  - (d) An interior accessible route of travel shall not be required between stories within an individual unit;
  - (e) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
  - (f) An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14, or evidence that the Township has collected funds from the developer sufficient to make 10% of the adaptable entrances in the development accessible:
    - (1) Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
    - (2) To this end, the builder of restricted units shall deposit funds within the Township of Cranbury's affordable housing trust fund sufficient to install accessible entrances in 10% of the affordable units that have been constructed with adaptable entrances.
    - (3) The funds deposited under paragraph (2) herein, shall be used by the Township for the sole purpose of making the adaptable entrance of any affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.

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(4) The developer of the restricted units shall submit a design plan and cost estimate for the conversion from adaptable to accessible entrances to the Construction Official of the Township of Cranbury.

(5) Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14, and that the cost estimate of such conversion is reasonable, payment shall be made to the Township of Cranbury's affordable housing trust fund in care of the Municipal Treasurer who shall ensure that the funds are deposited into the affordable housing trust fund and appropriately earmarked.

(6) Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is site impracticable to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14.

G. Maximum Rents and Sales Prices.

1. In establishing rents and sales prices of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC and in COAH, utilizing the regional income limits established by COAH.
2. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60% of median income, and the average rent for restricted low- and moderate-income units shall be affordable to households earning no more than 52% of median income.
3. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units.
  - (a) At least 13% of all low- and moderate-income rental units shall be affordable to households earning no more than 30% of median income.
4. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70% of median income, and each affordable development must achieve an affordability average of 55% for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-

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income ownership units must be available for at least two different prices for each bedroom type.

5. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units other than assisted living facilities, the following standards shall be met:
  - (a) A studio or efficiency unit shall be affordable to a one-person household;
  - (b) A one-bedroom unit shall be affordable to a one and one-half person household;
  - (c) A two-bedroom unit shall be affordable to a three-person household;
  - (d) A three-bedroom unit shall be affordable to a four and one-half person household; and
  - (e) A four-bedroom unit shall be affordable to a six-person household.
6. In determining the initial rents for compliance with the affordability average requirements for restricted units in assisted living facilities, the following standards shall be met:
  - (a) A studio or efficiency unit shall be affordable to a one-person household;
  - (b) A one-bedroom unit shall be affordable to a one and one-half person household; and
  - (c) A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
7. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95% of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28% of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
8. The initial rent for a restricted rental unit shall be calculated so as not to exceed 30% of the eligible monthly income of the appropriate household size as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability

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average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.

9. The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.
10. The rent of low- and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed 9% in any one year. Rents for units constructed pursuant to low- income housing tax credit regulations shall be indexed pursuant to the regulations governing low- income housing tax credits.
11. Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.

**§ 44-4. Condominium and Homeowners Association Fees.**

For any affordable housing unit that is part of a condominium association and/or homeowners association, the Master Deed shall reflect that the association fee assessed for each affordable housing unit shall be established at 100% of the market rate fee.

**§ 44-5. Reserved.**

**§ 44-6. Reserved.**

**§ 44-7. Reserved.**

**§ 44-8. Reserved.**

**§ 44-9. Reserved.**

ARTICLE II  
**Affordable Unit Controls and Requirements**

**§ 44-10. Purpose.**

The requirements of this section apply to all developments that contain affordable housing units, including any currently unanticipated future developments that will provide low- and moderate- income housing units.

**§ 44-11. Affirmative Marketing.**

- A. The Township shall adopt by resolution an Affirmative Marketing Plan, subject to approval of COAH, compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.

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- B. The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups,
- C. regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The affirmative marketing plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward COAH Housing Region 3 and covers the period of deed restriction.
- C. The affirmative marketing plan shall provide a regional preference for all households that live and/or work in COAH Housing Region 3, comprised of Hunterdon, Middlesex and Somerset Counties.
- D. The Administrative Agent designated by the Township shall assure the affirmative marketing of all affordable units is consistent with the Affirmative Marketing Plan for the municipality.
- E. In implementing the affirmative marketing plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- F. The affirmative marketing process for available affordable units shall begin at least four months prior to the expected date of occupancy.
- G. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner, unless otherwise determined or agreed to by the Township of Cranbury.

**§ 44-12. Occupancy Standards.**

- A. In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to:
  - 1. Provide an occupant for each bedroom;
  - 2. Provide children of different sex with separate bedrooms; and
  - 3. Prevent more than two persons from occupying a single bedroom.
- B. Additional provisions related to occupancy standards (if any) shall be provided in the municipal Operating Manual.

**§ 44-13. Selection of Occupants of Affordable Housing Units.**

- A. The administrative agent shall use a random selection process to select occupants of low- and moderate- income housing.

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- B. A waiting list of all eligible candidates will be maintained in accordance with the provisions of N.J.A.C. 5:80-26 *et seq.*

**§ 44-14. Control Periods for Restricted Ownership Units and Enforcement Mechanisms.**

- A. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, and each restricted ownership unit shall remain subject to the controls on affordability for a period of at least 30 years.
- B. Rehabilitated owner-occupied single family housing units that are improved to code standards shall be subject to affordability controls for a period of 10 years.
- C. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
- D. The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
- E. A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all code standards upon the first transfer of title that follows the expiration of the applicable minimum control period provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

**§ 44-15. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices.**

Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:

- A. The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.
- B. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
- C. The method used to determine the condominium association fee amounts and special assessments shall be indistinguishable between the low- and moderate-income unit owners and the market unit owners.
- D. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.



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**§ 44-16. Buyer Income Eligibility.**

- A. Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50% of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80% of median income.
- D. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or
- E. homeowner association fees, as applicable) does not exceed 33% of the household's certified monthly income.

**§ 44-17. Limitations on indebtedness secured by ownership unit; subordination.**

- A. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the administrative agent shall determine in writing that the proposed indebtedness complies with the provisions of this section.
- B. With the exception of original purchase money mortgages, during a control period neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95% of the maximum allowable resale price of that unit, as such price is determined by the administrative agent in accordance with N.J.A.C.5:80-26.6(b).

**§ 44-18. Control Periods for Restricted Rental Units.**

- A. Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, and each restricted rental unit shall remain subject to the controls on affordability for a period of at least 30 years.
- B. Rehabilitated renter-occupied housing units that are improved to code standards shall be subject to affordability controls for a period of 10 years.
- C. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Middlesex. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.
- D. A restricted rental unit shall remain subject to the affordability controls of this Ordinance, despite the occurrence of any of the following events:
  - 1. Sublease or assignment of the lease of the unit;

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2. Sale or other voluntary transfer of the ownership of the unit; or
3. The entry and enforcement of any judgment of foreclosure.

**§ 44-19. Price Restrictions for Rental Units; Leases.**

- A. A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.
- B. No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
- C. Application fees (including the charge for any credit check) shall not exceed 5% of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.

**§ 44-20. Tenant Income Eligibility.**

- A. Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:
  1. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30% of median income.
  2. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50% of median income.
  3. Moderate-income rental units shall be reserved for households with a gross household income less than 80% of median income.
- B. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35% (40% for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
  1. The household currently pays more than 35% (40% for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;

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2. The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
  3. The household is currently in substandard or overcrowded living conditions;
  4. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
  5. The household documents proposed third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.
- C. The applicant shall file documentation sufficient to establish the existence of the circumstances in (b)1 through 5 above with the Administrative Agent, who shall counsel the household on budgeting.

**§ 44-21. Conversions.**

Each housing unit created through the conversion of a non-residential structure shall be considered a new housing unit and shall be subject to the affordability controls for a new housing unit.

**§ 44-22. Reserved.**

**§ 44-23. Reserved.**

**§ 44-24. Reserved.**

ARTICLE III  
**Administration**

**§ 44-25. Municipal Housing Liaison.**

- A. The position of Municipal Housing Liaison for the Township of Cranbury is hereby established. The Municipal Housing Liaison shall be appointed by duly adopted resolution of the Township Committee and be subject to the approval of COAH.
- B. The Municipal Housing Liaison must be either a full-time or part-time employee of the Township of Cranbury.
- C. The Municipal Housing Liaison must meet COAH's requirements for qualifications, including initial and periodic training.
- D. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Township of Cranbury, including the following responsibilities which may not be contracted out to the Administrative Agent:

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1. Serving as the municipality's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
2. The implementation of the Affirmative Marketing Plan and affordability controls.
3. When applicable, supervising any contracting Administrative Agent.
4. Monitoring the status of all restricted units in the Township of Cranbury's Fair Share Plan;
5. Compiling, verifying and submitting annual reports as required by COAH;
6. Coordinating meetings with affordable housing providers and Administrative Agents, as applicable; and
7. Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by COAH.

**§ 44-26. Administrative Agent.**

- A. The Township shall designate by resolution of the Township Committee, subject to the approval of COAH, one or more Administrative Agents to administer newly constructed affordable units in accordance with N.J.A.C. 5:96, N.J.A.C. 5:97 and UHAC.
- B. An Operating Manual shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body and subject to approval of COAH. The Operating Manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the Administrative Agent(s).
- C. The Administrative Agent shall perform the duties and responsibilities of an administrative agent as are set forth in UHAC and which are described in full detail in the Operating Manual, including those set forth in N.J.A.C. 5:80-26.14, 16 and 18 thereof, which includes:
  1. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH;
  2. Affirmative Marketing;
  3. Household Certification;
  4. Affordability Controls;
  5. Records retention;

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6. Resale and re-rental;
7. Processing requests from unit owners; and
8. Enforcement, although the ultimate responsibility for retaining controls on the units rests with the municipality.
9. The Administrative Agent shall, as delegated by the Township Committee, have the authority to take all actions necessary and appropriate to carry out its responsibilities, hereunder.

**§ 44-27. Enforcement of Affordable Housing Regulations.**

- A. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an Owner, Developer or Tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
- B. After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the municipality may take the following action against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
  1. The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the Owner, Developer or

Tenant is found by the court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the court:

- (a) A fine of not more than \$500.00 or imprisonment for a period not to exceed 90 days, or both. Each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense;
- (b) In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Township of Cranbury Affordable Housing Trust Fund of the gross amount of rent illegally collected;
- (c) In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing

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affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the court.

2. The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- and moderate-income unit.
- C. Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating Owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.
- D. The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating Owner shall be personally responsible for and to the extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the Owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the Owner shall make a claim with the municipality for such. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the Owner or forfeited to the municipality.
- E. Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.

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- F. If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the First Purchase Money Mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.
- G. Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.
- H. The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.

**§ 44-28. Appeals.** Appeals from all decisions of an Administrative Agent designated pursuant to this Ordinance shall be filed in writing with the Executive Director of COAH.

**Section 2. Repealer.** All ordinances or Code provisions or parts thereof inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

**Section 3. Severability.** Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any Court of competent jurisdiction that any such portion of this Ordinance is un-Constitutional, void or ineffective for any cause or reason, shall not affect any other portion of this Ordinance.

**Section 4. Effective Date.** This ordinance shall take effect upon its passage and publication, as required by law.

Ordinance  
First Reading

Cranbury Township Ordinance # 05-10-07

An Ordinance entitled, "Cranbury Township Ordinance 05-10-0, AN ORDINANCE RE-APPROPRIATING \$2,500 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN VARIOUS CAPITAL ORDINANCES IN AND BY THE TOWNSHIP OF CRANBURY, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, was introduced for first reading. On motion by Mr. Taylor, seconded by Mr. Cook, the Ordinance was passed on first reading by vote:





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BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CRANBURY, IN THE COUNTY OF MIDDLESEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The several improvements described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Township of Cranbury, in the County of Middlesex, New Jersey (the "Township") as a general improvement. For the several improvements or purposes described in Section 3, there is hereby appropriated the sum of \$146,755, including the sum of \$7,337 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$139,418 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefore, the estimated maximum amount of the bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation And Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
a) Replacement of pistols	\$3,600	\$3,420	15 yrs.
b) 3 Stalker radar units	\$8,430	\$8,009	5 yrs.
c) 2 Mobile radios and 2 Portable radios	\$7,800	\$7,410	5 yrs.
d) 2 Digital mobile video recorders	\$12,500	\$11,875	5 yrs.
e) 6 AEDs, Pads and training units	\$17,500	\$16,625	5 yrs.
f) Traffic signs and stands	\$1,350	\$1,282	5 yrs.
g) Safety equipment to clean catch basins	\$10,000	\$9,500	15 yrs.
h) Zurfluh driveway relocation	\$46,000	\$43,700	10 yrs.
i) Plainsboro Rd guiderail and plowable reflectors	\$7,375	\$7,007	5 yrs.
j) Fire Official Laptop and Preplan Software	\$6,500	\$6,175	5 yrs.

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k) Phase II Griggs Rd Design	\$2,500	\$2,375	20 yrs.
l) Police Station Sidewalk and Steps	\$16,000	\$15,200	10 yrs.
m) Replacement of Computer Equipment	\$7,200	\$6,840	5 yrs.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

- (a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense. They are all improvements or purposes that the Township may lawfully undertake a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.
- (b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, is 8.5 years.
- (c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office in the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond law is increased by authorization of the bonds and notes provided in this bond ordinance by \$139,418, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

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- (d) An aggregate amount not exceeding \$14,476 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 8. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 9. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 10. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Ordinance  
Second Reading

Cranbury Township Ordinance # 04-10-05

A motion to enter an Ordinance entitled, "Cranbury Township Ordinance # 04-10-05, AN ORDINANCE OF THE TOWNSHIP OF CRANBURY IN MIDDLESEX COUNTY, NEW JERSEY ACCEPTING THE DEDICATION BY CRANBURY HOUSING ASSOCIATES OF THE "PIN OAK" PROPERTY SITUATED ON OLD CRANBURY ROAD AND DESIGNATED ON THE CRANBURY TOWNSHIP TAX MAPS AS BLOCK 20, LOTS 11 AND 112.01, AND A PORTION OF LOT 13.01", 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. Taylor, seconded by Mr. Stannard, the Ordinance was adopted by a vote:

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

Nays: (None

TOWNSHIP COMMITTEE MEETING  
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Resolutions

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

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

Nays: (None

Cranbury Township Resolution # R 05-10-066

A RESOLUTION APPROVING CHANGE ORDER TO TOWNSHIP'S CONTRACT WITH  
PRECISE CONSTRUCTION, INC.

WHEREAS, a construction contract was awarded to Precise Construction, Inc. ("Contractor") for \$ 297,000.00 by Resolution # R 11-07-184 on November 26, 2007; and

WHEREAS, the Director of Fields has recommended a change order for the additional fencing, which would increase the contract amount by \$ 12,985.00; and

WHEREAS, the Director of Finance has certified said funds are available;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranbury that:

1. Change Order for additional fencing is hereby approved.
2. This Resolution, when counter-signed by Precise Construction, Inc. shall serve as an amendment to the original Contract for the purpose of increasing the Contract amount by \$12,985.00 and confirming that the new Contract amount, including all change orders is \$ 309,985.00.

Resolution

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

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

Nays: (None

Cranbury Township Resolution # R 05-10-067

RESOLUTION ACCEPTING AND CLOSING OUT THE TOWNSHIP'S CONTRACT WITH  
PRECISE CONSTRUCTION, INC. FOR REGULATION BASEBALL FIELD IMPROVEMENTS

WHEREAS, a construction contract was awarded to Precise Construction, Inc. ("Contractor") for \$ 297,000.00 by Resolution # R 11-07-184 on November 26, 2007; and

WHEREAS, a change order has been previously authorized in the amount of \$12,985.00 resulting in a total final construction cost of \$309,985.00; and

WHEREAS, Precise Construction, Inc. has complied with the following:

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Cranbury Township Resolution # R 05-10-067  
(Continued)

- Executed the required Contractor's Release and Affidavit
- Certified that prevailing wages were paid throughout the project, as required in the specifications.
- Certified that all subcontractors, suppliers, and any other individual or entity that furnished work for the project on behalf of the Contractor has been fully paid and that there are no outstanding claims or liens pending or impending from any of them.
- Completed all punch list items satisfactorily; and

WHEREAS, the Director of Fields and the Township Administrator have recommended that the Township Committee accept the project as complete and release the Contractor's performance bond; and

WHEREAS, the Director of Fields and the Township Administrator have determined that, by reason of certain changes to a portion of work, it is not necessary for the Contractor to provide a maintenance bond; and

WHEREAS, the Director of Finance has certified that retainage on the project in the amount of \$6199.70 remains available;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranbury that:

1. The Regulation Baseball Field Project is hereby accepted.
2. The Township Clerk is directed to return the Contractor's performance bond.
3. The Director of Finance is directed to release to Precise Construction, Inc. its retainage balance in the amount of \$6199.70.

Resolutions  
Consent

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

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

Nays: (None

Cranbury Township Resolution # R 05-10-068

NOW, THEREFORE, BE IT RESOLVED, by the Township of Cranbury that all bills and claims as audited and found to be correct be paid.

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CRANBURY TOWNSHIP RESOLUTION # R 05-10-069

WHEREAS, it is recommended that the following balances in the Trust General Ledger be cancelled. These balances have been in the Township Audit for several years and should be returned to the Current account.

NOW THEREFORE BE IT RESOLVED that these balances be cancelled:

Reserve for Monuments	\$6,600
Reserve for Monuments	\$3,000
Reserve for Winter Bonds	\$1,000
Reserve for Winter Bonds	\$1,000
Reserve for Winter Bonds	\$2,000
Reserve for Winter Bonds	\$1,000
Reserve for Winter Bonds	\$1,000
Reserve for Winter Bonds	\$6,000

Cranbury Township Resolution # R 05-10-070

COUNTY OF MIDDLESEX  
TOWNSHIP OF CRANBURY

WHEREAS, there is a need for a procedure and protocol for emergency response action and the recovery of costs incurred by the County of Middlesex and the Township of Cranbury in an emergency haz/mat response action; and

WHEREAS, the County Department of Health has notified municipalities that County services for the collection of local costs incurred from an emergency haz/mat response action are available free of charge, upon the execution of an Inter-local service agreement between Middlesex County and Cranbury Township; and

WHEREAS, the emergency response organizations in Cranbury: the Cranbury Township Police Department, Cranbury First Aid Squad and Cranbury Fire Company have recommended that the Township enter into an Inter-local Agreement with Middlesex County for the collection of costs incurred from emergency haz/mat response actions;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Cranbury that the Inter-local Agreement between Middlesex County and the Township of Cranbury for the County collection of Cranbury Township's costs incurred from emergency haz/mat response actions be approved; and

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to execute said Inter-local Agreement between Middlesex County and the Township.

Cranbury Township Resolution # R 05-10-071

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

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

TOWNSHIP COMMITTEE MEETING  
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Cranbury Township Resolution # R 05-10-071  
(Continued)

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

Section 1

NOW, THEREFORE, BE IT RESOLVED that the Township Committee hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2010 in the sum of \$8,441.05 which item is now available as a revenue from State of New Jersey pursuant to the provision of statute, and

Section 2

BE IT FURTHER RESOLVED that a like sum of \$8,441.05 is hereby appropriated under the caption Clean Communities.

Section 3

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

- (a) Director of the Division of Local Government Services
- (b) Township Auditor
- (c) Director of Finance

Reports from Township Boards and Commissions

Public Comment

The Mayor opened the meeting to public questions and comment. Chairman Dale Smith, Zoning Board of Adjustment, reported Board member, Adrienne Kemp, has resigned. Mr. Smith stated he sent the Clerk, Ms. Cunningham, a letter today recommending the appointment of Marilee Meacock to fill the term of James Gerberich who will fill Adrienne Kemp's term. Marilee Meacock will become the 2<sup>nd</sup> Alternate, Mr. Hasselbach, 2<sup>nd</sup> Alternate will move up to become the 1<sup>st</sup> Alternate. A motion was made by Mr. Cook, seconded by Mr. Stannard to accept the appointments recommended by Chairman Dale Smith:

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

Nays: (None

Mr. Smith also requested the Zoning Board Attorney be allowed to contact Ms. Lonergan, COAH Consultant, regarding the Buy-Rite application (Avn Holding) that is before the Zoning Board to determine the project's potential impact on COAH regulations.

Mr. Smith also suggested the number of times the First Aid Squad siren goes off should be adjusted. He stated he had counted 22 times the other day.

Mr. Richard Kallan, 10 Wynnewood Drive, requested the Township contact the State D.O.T. at the Cranbury Circle due to the high grass and a problem with being able to see oncoming northbound traffic.

TOWNSHIP COMMITTEE MEETING  
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Public Comment (Continued)

Mr. Mark Berkowsky, Cranbury Historical Society, reported on the Parsonage Barn. The Society received approval from the Planning Board. On the site details, the County is asking for A.D.A. warning surfaces be installed. The County indicated they had made an error when Sharbell Developers came in for approval and also asked that the driveway be curb cut and seeded. The frustration is that they want a Performance Guarantee for this construction as well as a cost estimate. Mr. Berkowsky had the attorney call to try to explain the project is a town-related project and the County still mandated the items. Mr. Berkowsky asked the Township Engineer get involved to reach out to the County. Mr. Berkowsky reported the project is going out to bid this week. There being no further comments, the Mayor closed the public part of the meeting.

Mayor's Notes

Mayor Stout reported Ms. Joan Weidner, School Board Member's term has ended. Ms. Weidner was on the Planning Board as the School Board Member and he has received a letter asking Kevin Fox be on the Board. Mr. Fox's term will expire in 2011 when his term expires on the School Board.

Resolution

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

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

Nays: (None

Cranbury Township Resolution # R 05-10-072

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 (5) (Land Acquisition): Discussion of possible open space acquisition".

It is unknown at this time precisely when the matters discussed in this session will be disclosed to the public. Matters involving contract negotiations or the acquisition of land will be disclosed upon conclusion of the negotiations or upon approval of the acquisition. Matters involving personnel will be disclosed when the need for confidentiality no longer exists. Matters concerning litigation will be announced upon the conclusion of trial or settlement of that litigation or when the need for confidentiality no longer exists.

Date: May 10, 2010

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



TOWNSHIP COMMITTEE MEETING  
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Ayes: (Cook  
(Stannard  
(Taylor  
(Stout

Abstain: (None  
Absent: (Cody

Nays: (None

Mr. Cook stated there seems to be somewhat of a “disconnect” with the new County Agricultural Board staff person, “Missy” and the status of the “Kurek property”. Ms. Smeltzer, Township Administrator, explained Missy is new and in addition was out on vacation. Mr. Cook reported there seems to be no appraisal as of yet with the Kurek property. Ms. Smeltzer explained there will be appraisals on the property as the County is required to have them done. Mr. Cook reported there are rumors circulating the price is \$740,000 and he does not know where the figure came from. Ms. Smeltzer stated she needs to send the County a letter stating the Township is still interested in participating and having discussions about the property and will do so this week.

Ms. Cunningham, Clerk, reported recently a new law was enacted mandating all municipalities have to lower their copying fees by July 1, 2010. In addition, Ms. Cunningham reported Cranbury Township is charging very low fees for certified copies of vital records—death certificates, marriage certificates, etc. She recommended the fee be raised from \$6.00 to \$10.00 per copy and Ms. Kratz, Planning Board Administrative Assistant, has requested the cost of a copy of the Township’s Master Plan be raised from \$35.00 to \$40.00. Now, the cost does not even cover the cost of printing the Master Plan. The Township Committee directed Ms. Cunningham to draft an ordinance for the fee changes.

On motion by Mr. Stannard, seconded by Mr. Taylor and unanimously carried, the meeting adjourned at 8:24 p.m.

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Kathleen R. Cunningham, Clerk