

TOWNSHIP COMMITTEE MINUTES
For Regular and Budget Meeting
February 9, 2009

A Budget Meeting of the Township Committee of the Township of Cranbury was held at 6:00 p.m. followed by the regular meeting of the Township Committee of the Township of Cranbury at 7:00 p.m. in the Town Hall Meeting Room. Answering present to the roll call were: Township Committee members: Winthrop Cody, Thomas F. Panconi, Jr., Richard Stannard, David J. Stout and Mayor Pari Stave. Also present were: Trishka Waterbury, Esquire, Attorney, Cathleen Marcelli, Engineer, Christine Smeltzer, Administrator and Kathleen R. Cunningham, Clerk. Mayor Stave 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 February 5, 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 February 5, 2009.
- (3) Was filed on February 5, 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.

**2009 PROPOSED BUDGET
DISCUSSION**

The Township Committee members discussed the proposed 2009 Township Budget. Following are some highlights of that discussion:

Ms. Marabello reported the Township Committee is going to re-visit the Capital Plan as there are some outstanding issues:

Road Inventory – Ms. Smeltzer, Township Administrator, explained the Township's Engineer had proposed putting together an inventory of Township roads. Ms. Smeltzer added this is not the year to have the inventory done however it is helpful when the Public Works Manager is trying to put together a work crew.

Sanitary Sewer Inspection Services – Ms. Marabello stated Joe Williams, the Township's Sewer Consultant, is recommending (the Township Engineer is in agreement), the Township purchase a camera to look at the Township's various sewer pipes as the Township is running into some problems at the Dey Road pump station. Ms. Smeltzer added the requested amount of \$7,000 which appears in the budget is most likely a higher estimate.

Wash Water Reclamation System – Ms. Marabello stated this item in the Budget is needed by the Township to be in compliance for storm water regulations imposed by the State. Ms. Marcelli recommended the \$50,000 which was the lowest of the four (4) options and a one-time solution to hook up to the sewer system and would be used to wash Public Works vehicles. Mr. Cody asked if there are other options and if those options could be looked at. Everyone agreed to research this item further.

Public Works Dump Truck – Ms. Marabello reviewed an earlier report provided by Mr. Thorne, Manager of Public Works, of inventory vehicles. She explained, a 1995 Dump Truck is in very

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**2009 PROPOSED BUDGET
DISCUSSION
(Continued)**

bad condition and he is requesting to replace it for \$55,000. Mr. Stout noted the monies should not be funded until Mr. Thorne provides an accounting of how he is utilizing the six (6) trucks listed in the Public Works inventory.

Brickyard Road – Ms. Marabello reported a complete repair to Brickyard Road, according to Ms. Marcelli, Township Engineer, would be approximately \$200,000. Ms. Smeltzer, Township Administrator, reported Ms. Marcelli had suggested the option of just do asphalt paving on the road as an interim measure until the Turnpike completes their widening project work. Mr. Stout agreed doing the minimum work necessary and suggested reaching out to the County Road Department to seek their opinion and see if they could perhaps help out the Township with any of the work. All members were in favor.

Backup Server – Ms. Marabello reported the Township does not presently have a backup server and explained if the one server should go out, there is no backup. Ms. Kratz, the Township's I.T. person is requesting \$2,400.00. Mr. Cody indicated a backup drive is the only thing needed (hard drive). Two drives could be hooked up to the server. He reported drives are a couple hundred dollars as opposed to the \$2,400.00 and said he would visit the Township to see what exactly is needed.

Police Vehicles – Ms. Marabello reported at the last Budget Meeting the Township had decided to purchase two (2) hybrid SUVs, vehicles and asked the Police Chief to take one of the detective's cars and turn it into a patrol car. Chief Kahler reported there is one (1) vehicle out of service with a bad transmission; to purchase a new transmission will cost approximately \$3,000. He recommended getting the transmission replaced on the vehicle instead as that vehicle (car # 11) has everything fully loaded, i.e. sirens, lights, etc.). Mr. Stout noted the car has 87,000 miles on it and by fixing the transmission it is "buying a year" agreed with Chief Kahler's suggestion. Chief Kahler reported there are a few vehicles that that are only used a few times a week. Chief Kahler indicated car # 2, which he is presently driving, would come off of the line and car # 11 would be used as a spare vehicle only for patrol (if there is a breakdown). Chief Kahler stated the Captain, Lieutenant and two (2) detectives who have overlapping schedules, will need a vehicle to drive. He added, the Police Department would like four (4) vehicle, however, if need be can work with two (2) new vehicles; no less. Chief Kahler indicated he and Lt. Varga would have to sit down and figure out the issue. Ms. Marabello suggested leaving the two S.U.V.s on the Capital Budget Plan, do an ordinance for one (1) at this point and then after the Budget is adopted order the other vehicle. Mr. Stout agreed, as well as the other members of the Township Committee. The Committee members also agreed unanimously to get the transmission replaced for car # 11.

Ms. Marabello reported \$5,000 for the Township Engineer and Township Planner had been added to the Budget for work they will have to provide in conjunction with the Township's compliance to the State Wastewater Management Plan.

Ms. Marabello reported the tax rate increase would be zero for this year. However, the Township will be using \$1.5 million in surplus. The Township has banked surplus from previous years in the amount of \$5-million. Ms. Marabello reported one cent is worth \$ 178,000 in the municipal tax rate.

Mr. Cody asked why the Budget went up. Ms. Marabello explained she had finally received the numbers from the refunding bond ordinance and even though it is a little over \$400,000 in the proposed budget, it may be a little less. Ms. Marabello also indicated she is working on the "detailed line-by-line report" and will have it in time for the introduction of the Budget. The

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**2009 PROPOSED BUDGET
DISCUSSION
(Continued)**

Township Committee unanimously agreed to hold one more meeting to go over line-by-line the proposed Budget again.

Community Development Block Grant for 2009

Mayor Stave opened the Public Hearing for the Community Development Block Grant for 2009 at 7:00 p.m.

Ms. Cunningham, Clerk, stated notice of the Public Hearing had been advertised in The Cranbury Press and Trenton Times on Friday, January 30, 2008, posted on the Township's web site, posted at the Cranbury Public Library and posted in the new Senior Center at Town Hall.

Mayor Stave announced the Township was applying for a \$29,700 Block Grant to be used to assist in the development of or rehabilitation for low-to-moderate income housing in the Township of Cranbury.

Mr. Mark Berkowsky, Cranbury Housing Associates stated the purpose of this grant would be to utilize the funds to assist in the development of the Route 130-site for affordable housing that was submitted to COAH. Mr. Berkowsky stated it is his understanding the monies have to be used for construction and mentioned at the present time there exists an abandoned building at the Route 130-D site that needs to be demolished. Presently it is an "eye soar" and is a potential liability for the Township.

Ms. Smeltzer, Township Administrator, agreed with Mr. Berkowsky on the demolition of the building. She stated she does not know if that demolition will use up all of the funds. Ms. Smeltzer inquired if the Township would need another environmental assessment of the site. Mr. Berkowsky indicated the Township would need a minor environmental re-assessment and those two (2) items will utilize most of the grant monies.

Mr. Berkowsky reported in the past the Township had used the grant monies for architectural and engineering services and now the rules have changed. The monies can only be used for construction purposes.

The Mayor opened the meeting to public questions and comments. There being no comments, the Mayor closed the public comment part of the meeting.

On motion by Mr. Stannard, seconded by Mr. Panconi and unanimously carried, the Public Hearing on the Community Development Block Grant for 2009 was closed:

Ayes:	(Cody	Abstain:	(None
	(Panconi	Absent:	(None
	(Stannard		
	(Stave		
	(Stout		

Nays: (None

Township Committee Minutes for Budget Meeting for January 10, 2009

On motion by Mr. Stannard, seconded by Mr. Stout and unanimously carried (with Mr. Panconi abstaining), the minutes were adopted.

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Township Committee Minutes for Budget Meeting for January 19, 2009

On motion by Mr. Stannard, seconded by Mr. Cody and unanimously carried, the minutes were adopted.

Township Committee Minutes for Budget Meeting for January 31, 2009

On motion by Mr. Cody, seconded by Mr. Stout and unanimously carried (with Messrs. Panconi and Stannard abstaining), the minutes were adopted.

Reports and Communications

---Mayor

Mayor Stave reported she had received an e-mail from Denise Marabello, Finance Director today indicating the Township has now achieved AAA Bond Rating which is the highest bond rating given. Stannard & Poor's indicated to Ms. Marabello they were impressed with Cranbury Township's financial position as there are not many towns with this rating. Ms. Marabello reported the Township is now in the same class as Princeton, West Windsor and Millburn and gives the Township a lot of leverage when going to the bond market (being able to get the best interest rate).

Mayor Stave also reported the Township has now obtained its Certified Local Government Status for the Historic Preservation Commission and they had recently submitted their Annual Report. She requested the HPC be placed on the next or following Township Committee Meeting Agenda to explain what the CLG status means and give a summary of their Annual Report. Mayor Stave requested the Environmental Commission attend a Township Committee Meeting as well to give its Annual Report to the Township Committee.

Mayor Stave reported at the last meeting when the Township Committee discussed the parking space in front of Dr. Alexander's office, the decision was to leave everything as it was except restrict commercial vehicles (trucks and vans) from parking in the space. However, at the Budget meeting the Township Committee discussed given the fact that commercial vehicles usually double park, why incur the expense of creating an ordinance as the final decision leaves things as they are. The Township Committee members agreed.

Mayor Stave reported at the last meeting there had been a request from Joe Stasi requesting the Township's assistance getting a water line to the Holland House (which is he trying to sell) on Station Road. She indicated the discussion will be deferred until the next meeting when the Township Engineer will be in attendance. Ms. Waterbury reported Mr. Stasi is requesting permission to put a water line in across the Township's right-of-way and the attorneys and engineer are researching the issue now. In the interim the Township Committee directed the Township Attorney, Ms. Waterbury, Esquire, reach out to Mr. Stasi's attorney and then give the Township a thorough report whether it is feasible for Mr. Stasi to install a well instead. She added if there is a less expensive way to get this done, the Township would like to explore all options.

Mayor Stave requested the next Township Committee meeting, scheduled for February 23, 2009, be rescheduled until March 2, 2009 as she will be away.

Reports and Communications

--Members of Committee

Mr. Panconi reported he had his monthly meeting with the Fire Company. During the month of January they had responded to 30 calls; four (4) of those calls were during the day and 26 were in the evening. Ten (10) of those calls were false alarms. Both Township Public Works employees responded to the four (4) calls during the day.

Mr. Stout reported last week he had spoken with George Ververides, Director of Planning for Middlesex County and Mirah Becker, Supervising Planner, concerning the Wastewater

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Reports and Communications (Continued)
Mr. Stout (cont'd)

Management Plan that the County needs to file with D.E.P. The County has taken on as the authority for the water quality planning agency. This effects how Cranbury Township manages wastewater. Mr. Stout stated with a due date of April, the Township needs to provide some ordinances (groundwater recharge Riparian Zone protection, steep slope and septic system maintenance) to the County (the ordinances are actually a part of the documents they need to provide to the State). He added, the Township needs to meet with the County and given what the Township needs to get done, suggested forming a subcommittee; Mr. Stout recommended someone from the Planning Board, a member of the Environmental Commission and the Township Engineer should serve on the Committee. Mr. Stannard offered to serve on the subcommittee as he serves on the Planning Board and Dee Wahlers from the Environmental Commission also volunteered to serve. Mr. Stout recommended the Township Planner and Engineer also attend the meetings, however not have both present at the same time. Mr. Stout recommended continuing dialogue with the County.

Agenda Additions/Changes

Ms. Cunningham, Clerk, announced Resolutions #'s R 02-09-018 and R 02-09-019 and R 02-09-022 were being removed from the Agenda.

Ordinance

Second Reading

Cranbury Township Ordinance 01-09-01

A motion to enter an Ordinance entitled, "Cranbury Township Ordinance 01-09-01, A BOND ORDINANCE PROVIDING FOR THE TOWNSHIP'S SHARE OF THE COSTS OF THE EASEMENT PURCHASE TOSCANO FARMLAND PRESERVATION IN AND BY THE TOWNSHIP OF CRANBURY, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$175,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$166,250 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF," 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. Stannard, seconded by Mr. Cody, the Ordinance was adopted by a vote:

Ayes: (Cody	
(Panconi	Abstain: (None
(Stannard	Absent: (None
(Stave	
(Stout	

Nays: (None

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 improvement 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 improvement or purpose described in Section 3, there is hereby appropriated the sum of \$175,000, including the sum of \$8,750 as the down payment required by the Local Bond Law. The down payment is now available by virtue of

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Cranbury Township Ordinance 01-09-01
(Continued)

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 \$166,250 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 improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the Township's share of the cost of the easement purchase of Toscano farmland preservation necessary therefore and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefore.

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 improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose that the Township may lawfully undertake as 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 40 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 of 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

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Cranbury Township Ordinance 01-09-01
(Continued)

gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$166,250, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$17,500 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.

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

Resolutions
Consent Agenda

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

Ayes: (Cody	Abstain: (None
(Panconi	Absent: (None
(Stannard	
(Stave	
(Stout	

Nays: (None

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Cranbury Township Resolution # R 02-09-016

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

Cranbury Township Resolution # R 02-09-017

WHEREAS, Mr. Griffin's second water meter was being read in cubic feet instead of gallons.

WHEREAS, the adjustments made created a credit balance on the customer's sewer account.

WHEREAS, a refund for the credit balance should be issued for the following Cranbury Township Resident:

<u>Block</u>	<u>Lot</u>	<u>Street Address</u>	<u>Resident Name</u>	<u>Refund \$\$</u>
26.01	29.23	1 Silvers Lane	Kenneth Griffin	\$219.25

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranbury, the above Sewer overpayment refunded to Mr. Griffin.

Resolutions

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

Ayes: (Cody	Abstain: (None
(Panconi	Absent: (None
(Stannard	
(Stave	
(Stout	

Nays: (None

Township of Cranbury
County of Middlesex

Cranbury Township Resolution # R 02-09-020

**RESOLUTION ESTABLISHING
MUNICIPAL RECORDS COMMITTEE**

WHEREAS, there is a need to study how records are maintained in the Township to insure compliance with state law; and

WHEREAS, a need to insure that the Township has established guidelines for the effective management of public records; and

WHEREAS, the Township Committee of the Township of Cranbury has determined that it would be in the best interest of the Township to establish a Municipal Records Committee.

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

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Cranbury Township Resolution # R 02-09-020
(Continued)

SECTION I. Establishment

There is hereby established a Municipal Records Committee.

SECTION II. Membership

The Municipal Records Committee shall consist of the Township Clerk and five (7) members designated by the Township Clerk. The Records Committee shall meet at the direction of the Township Clerk.

SECTION III. Purpose and Duties

The Records Committee will perform the following duties:

1. Identify records management problems shared by numerous departments
2. Contribute experience and solutions to record management plans
3. Execute the procedures for disposal of records according to the Division of Archives and Records Management
4. Seek records management funding through grants and support from Township Committee
5. Development of PARIS projects that have governmental-wide scope and/or would benefit the most departments within the municipality.

Resolution

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

Ayes: (Cody (Panconi (Stannard (Stave (Stout	Abstain: (None Absent: (None
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Nays: (None

Cranbury Township Resolution # R 02-09-021

Township of Cranbury
County of Middlesex

**RESOLUTION AUTHORIZING SUPPORT AND COMMITMENT TO PARTICIPATING IN
PUBLIC ARCHIVES & RECORDS INFRASTRUCTURE SUPPORT (PARIS) MUNICIPAL
SHARED SERVICES GRANT APPLICATION**

WHEREAS, the State of New Jersey has launched its pioneering Public Archives and Records Infrastructure Support (PARIS) grant program to meet the strategic records management, preservation, and storage needs of county and municipal governments; and

WHEREAS, a top priority of the PARIS grants program is to achieve efficiencies of cost and operation through shared services and to create a service structure for municipalities that do not have the resources to create one for themselves; and

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Cranbury Township Resolution # R 02-09-021
(Continued)

WHEREAS, in the 2009-10 grant cycle, priority funding will be given to municipal projects to perform imaging and improve electronic access; and

WHEREAS, the Township of Plainsboro desires to collaborate with the Township of Cranbury in the performance of imaging of critical records and improving electronic access; and

WHEREAS, the Township of Plainsboro is acknowledging that their eligible funding of **\$40,000** will be leveraged with the Township of Cranbury; and

WHEREAS, the Township of Plainsboro is acknowledging that the Township of Cranbury would be both the lead agency and the applicant for such a proposal; and

WHEREAS, the Township Committee is appointing the Township Clerk as Project Manager to serve as the primary point of contact for purposes of the Municipal Shared Services Grant; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Cranbury, that they support and commit to cooperation and participation in the PARIS grant for the purposes set forth above, and to execute and deliver all documents required incident thereto.

Reports from Township Staff and Professionals

Police Chief Edward Kahler gave report for the month of January to the Township Committee: He reported there had been a total of 51 summonses issued; 12 for speeding; eight (8) for cell phone violations and two (2) for drunk driving. Expenditures, highest to lowest: Shift coverage, shift extensions and training/Department meeting. Prisoner transports and D.A.R.E. caused an increase in the overtime budget. In addition, Verizon required police assistance for wire repairs after a motor vehicle accident. Chief Kahler reported Verizon has been billed for the police services and explained the Police Department has been billing utility and gas companies for any officer usage. Traffic Bureau: 22 accidents occurred during the month of January. The Traffic Bureau has indicated they are going to participate in the "Chief's Challenge", sponsored by the International Association of Chiefs of Police, National Highway Traffic Safety Administration. This Program rewards police departments for their efforts in enforcing traffic laws and educating motorists and local departments are given equipment for their efforts. He also reported another grant will be available soon; "Obeying the Signs or Paying the Fines", sponsored by the New Jersey Division of Highway Safety. This grant will provide funds for enforcement of traffic laws and will include obeying speeding signs. The Detective Bureau reported they had 14 new investigations; 13 of which were closed (they were either closed administratively or they were solved). Chief Kahler reported there had been no bicycle patrols in January. There were 14 arrests, which included assaults, weapons possession and drug and warrant arrests. He reported he had received a telephone call from the State Police congratulating Cranbury Township's police officers on their assistance with the capture of two individuals who had stolen a vehicle alluding the State Police and came through the Township. One (1) individual was arrested at the scene and Cranbury's police officers assisted in the search. Mayor Stave added in case any residents heard of a "high speed chase through the Township" this was it. She stated what aided the police in apprehending the suspects was accessing their I-Phone through "Google Maps". Chief Kahler stated in addition to the chase over the weekend, a gentleman threatened to shoot himself in the head. The Township police officers were able to talk the man out of doing so (and later discovered he did not have a gun). Chief Kahler commended his officers for doing a great job.

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Updates on Township Projects

Ms. Smeltzer reported the Township put out to bid awhile ago, the irrigation of the soccer fields. It has been recommended the Township analyze whether or not it might be more beneficial to use a well instead of using water from New Jersey American Water Company. The Township Engineer, Ms. Marcelli, is presently in the process of evaluating the issue before the Township awards the bid.

Ms. Smeltzer also reported there had been issues with American Cabinetry. As of January 23, 2009, there were numerous violations under the Township's Fire Code and both Mr. DiStasi and Mr. Seip, Fire Officials are monitoring the situation.

Mayor Stave asked Ms. Smeltzer to convey to the Township Engineer, by the meeting on March 2, 2009, she should be prepared to give a narrative on the progress of the regulation ball field project. Ms. Smeltzer responded she had checked with the Engineer's Office and they are working on it.

Work Session

- a). Discussion of Cranbury Public Library Resolution 2009-1 and Addendum to Same
Mayor Stave opened the discussion. She reported at the last Township Committee meeting the Cranbury Public Library presented a Resolution with an Addendum (passed by The Cranbury Library Board of Trustees) in opposition to a resolution that the New Jersey League of Municipalities passed encouraging the State Legislature to reduce the minimum funding level for municipal public libraries from 1/3 of a mil to 1/6 of a mil of equalized assessed valuation. The Library asked the Township Committee to support Cranbury Public Library's Resolution. Mayor Stave reported many municipalities in the State feel their hands are tied in terms of managing municipal budgets, because of the amount of monies that must be paid to libraries under State law. She added there is a lot of support from many mayors for the League's resolution. Ms. Waterbury, Esquire, Township Attorney, reported as was explained to her when she spoke with officials at the League of Municipalities, this was triggered in response to legislation that has been passed which places caps, not only on the amount that municipalities can increase its budget from year to year but also because there are now levy caps. In addition, municipalities cannot increase the tax rate by more than a certain percentage each year. Mayor Stave stated certain municipalities were faced with having to cut services in order to comply with the statutorily-mandated library funding. They could not raise the taxes in order to raise the revenue to pay for those services and added in the past, Cranbury Township has tried to be able to "capture" some of the unused funds that would otherwise stay with the Library. She added the Township Committee would like to be supportive of its boards. Mayor Stave read aloud a resolution she drafted and explained its purpose is to recommend that library funding not be cut in half across the State, at a time when it has been demonstrated when you have an economic crisis or downturn, people use libraries more than ever. Following is the proposed resolution:

"WHEREAS, access to free public libraries is a right afforded to the citizens of the State of New Jersey; and

WHEREAS, municipal public libraries are by State mandate overseen by boards of trustees who administer library budgets free of pressure from local governing bodies; and

WHEREAS, New Jersey municipal public libraries are presently funded through the State law, N.J.S.A. 40:54-8, requiring tax levies of 1/3 of a mil on every dollar of

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Work Session (Continued)

- a). Discussion of Cranbury Public Library Resolution 2009-1 and Addendum to Same (cont'd)

accessible property within such municipality based on the equalized valuation of such property; and

WHEREAS, the New Jersey League of Municipalities has passed a resolution at its 2008 Annual Conference to seek to reduce the minimal funding level to New Jersey municipal public libraries from 1/3 of a mil to 1/6 of a mil of equalized assessed value and has forwarded that resolution to the Legislature; and

WHEREAS, legislation allowing municipalities to cut libraries' funding by 50% could critically weaken the foundation of libraries services in the State of New Jersey, especially in poorer communities; and

WHEREAS, the League's recommended legislation would come at a time when the financial hardships facing many residents and businesses more than ever require access to resources available in New Jersey's free public libraries; and

WHEREAS, the Township of Cranbury acknowledges that while the League's resolution seeks to assist local governments in confronting unprecedented fiscal challenges, the respective bills, A-1265 and S-429, that were passed last year, immediately provide means for addressing fiscal concerns by permitting municipal library boards of trustees to transfer surplus funds to a municipality for tax relief under certain conditions, leaving the governance over library funds in the hands of Library Boards of Trustees in keeping with the intent of State mandate's governing public libraries;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranbury that it oppose the action of the League in adopting Resolution 2008-03 because:

1. It would seriously endanger state-wide public access to vital information during the present economic crisis and,
2. In principle the legislation runs contrary to the spirit of State law, protecting the independent oversight of municipal library funds; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the League, the State Senator and the Assemblypersons representing the Legislative District in which Cranbury Township is located."

Mayor Stave asked the Township Committee members for their comments: Mr. Stout stated the Township is not opposing the League, rather asking them to re-consider on the basis of the two items (which he agrees with) and he then recommended adding # 3. "A mechanism already exists to allow municipalities to recoup surplus library funds". Mayor Stave stated it would be easier to support the Library if the Township received surplus monies back and use it to help lower the tax rate in Cranbury. Mayor Stave stated the resolution is essentially stating the Library Board would be in charge of its funds while at the same time the Township would like to see some that money returned to the Township. She added the Township is cutting everything from its budget that it can possibly cut. Mr. Stout reported there are no longer grant monies available for senior programs and suggested library monies could help offset some of those expenses. Mr. Stannard asked the actual dollar amounts for the 1/3 vs. 1/6 mil. Mr. Stout responded in 2009 statutorily under a 1/3 mil rate, the Township would be funding

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Work Session (Continued)

a). Discussion of Cranbury Public Library Resolution 2009-1 and Addendum to Same (cont'd)

the Library with a \$616,181.00 and 1/6 would be half of that amount. He then asked when the legislation was adopted. Ms. Waterbury, Township Attorney, responded it was in the 1940s for 1950s. Mr. Stannard asked how much the Library presently has in its surplus. Ms. Marillyn Mullen, Director, Cranbury Public Library, responded presently there is \$ 500,000 which is being kept for refurbishing or a new public library. Ms. Mullen explained there had been a big jump three (3) years ago due to the equalized value rising in the Township. This year the Library is working with the School on a lease agreement and will be using almost all of the Library's budget. Ms. Mullen stated this should offset the School taxes. Ms. Mullen further explained the Library does not want to be stuck, should the School decide in the future that the Library has to move out because they need the space. Mr. Stannard stated there are a few things he finds distressing: one of them is that there are actually three (3) different taxing authorities, the Township Committee, the School and the Library, and he is not sure why a separate budgetary arrangement for the Library is necessary, unless there is the perception that a Township such as Cranbury cannot be trusted and will be frivolling away its Library assets and not support it appropriately. Mr. Stannard stated the Township has a separate entity that has been sitting on approximately one-half million dollars; a waiting perhaps, someday to have a separate building. Mr. Stannard added it appears to him that the Library is an entity unto itself and answers to virtually no one; however, the Township is forced to spend budgetary money. He stated he is philosophically opposed to a separate Library fund, not that he does not appreciate the extraordinary things a Library does. He stated he is opposed to a large sum of money sitting there at a time when people have been struck by higher taxes and are going to feel the effects of some of the cuts that are being made. Mr. Stannard stated he will not support anything other than the Township having control; by reasonably and logically appropriating funds to the Library and further stated he is in support of reducing the Library's funds. Ms. Mullen responded everyone does pay municipal, school and library taxes in this County and stated in a lot of ways it is not fair because some of the Counties who have County libraries funding is outside the municipal cap. The library boards that are able to give back monies were due to new legislation just last year which was signed into law. In 2007 the Cranbury Library received its first large increase. At the time the Library was not paying the School for custodial services or rent and the legislation had not been signed into law yet. Ms. Mullen stated the Township can request, and the Library Board can vote on, giving surplus back to the Township. Ms. Mullen reported the Cranbury Library is funded at the 1/3 of a mil because it cannot exist on less. Mr. Stannard explained there are many things that may have to take priority over the Library and the flexibility the Township would get from 1/6 is a good idea. Mr. Panconi stated he agreed with Mr. Stannard; the Township's hands are tied. Cranbury is a town of less than 5,000 people. He stated he is opposed to having two (2) libraries---residents have access to South Brunswick, Monroe Township's library and in addition, Plainsboro is building a new library. Mr. Panconi reported there are only two (2) libraries in the State of New Jersey that do not have their own building; Merchantville and Cranbury Township. He added, he had requested at one time to see if the Township could do something different as opposed to supporting the Library with 1/3 mil and was told the Township could not. Ms. Mullen responded the only reason the residents have access to the other libraries is because Cranbury's Library is funded fully by the amount mandated by the State of New Jersey. There is a mutual agreement between municipalities who are fully funded by their respective municipalities per the State mandate. Ms. Mullen stated it is a voluntary agreement however, and she would not be surprised if funding was to be cut that the libraries would not be as willing to share their resources with residents from other communities. Mr. Cody stated he enjoys the Library; they do a good job and

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Work Session (Continued)

- a). Discussion of Cranbury Public Library Resolution 2009-1 and Addendum to Same (cont'd)

commended it on the re-configuration recently. He stated he is for flexibility and has looked at the budgets; in 2007 the Library spent \$ 421,000 and 2009's budget is \$638,000. That is a 51% increase in two (2) years. Mr. Cody added he realizes \$58,000 of the 2009 budget is for the rent being charged by School. He added the Township is cutting really hard in its budget and the Library's budget this year is a huge increase. Mr. Cody recommended not supporting the Library's resolution. Mayor Stave stated with all due respect, the statement that the Library answers to no one is incorrect. The Library holds public meetings and the public is invited to come to put pressure on the Library to return surplus funds. She stated she cannot imagine a higher priority than education and giving access to our citizens. She added the Township gives the School whatever it needs to educate our children as best as we can. Mayor Stave stated in a town like Cranbury she cannot fathom not having the best Library. Mr. Panconi stated he feels Cranbury has an excellent Library and he was making the statement earlier that the Township should only have one (1) library and not two (2). Mayor Stave reminded everyone it was only last year the law went into effect allowing libraries to return some of the monies. Ms. Mullen stated they were also asked to cut the hours for the Library and it was only because many people wrote to the School in opposition of cutting hours that it did not happen. Ms. Mullen reported as the School is becoming more crowded they are trying to look at where they can get more space and possibly may ask the Library to leave at any time; the Library will feel more secure once the lease is signed. Mayor Stave reminded everyone the Library will not get a free-standing building without the entire Township Committee voting on it and what is at issue here is a state-wide movement to cutting library aid in half. She added, while that might make sense in an affluent town like Cranbury, the Township may want to make a statement as to how that may affect municipalities state wide. Mayor Stave asked for Public Comment:

Ms. Kirstie Venanzi, President, Library Board, thanked the Township for the opportunity to open this dialogue as there seems to be a lot of misconceptions concerning the Library. Ms. Venanzi also offered to give a presentation about the difference between a School Library and public library. She stated right now the Library has great concern with the possibility of having to leave its space in the future. Ms. Venanzi stressed how the Library tries to have constant communication through the Mayor's Representative with the Township Committee. She reported the amount of money which is being discussed is about 1% of a resident's taxes going to the Library, which is not a lot of money. The School tax is about 55% and the municipal tax about 22%. She stated people in the community need access to computers; not everyone has a computer in his/her home.

Mr. Stout stated it may be 1% of overall taxes, but the actual amount within cap of library funding is 10% and that is why everyone is having pause. Mr. Panconi added in reviewing the budget this year and seeing the very large number is disturbing when the Township is diligently cutting costs everywhere.

Mr. Bill Kanawyer, Brainerd Drive, thanked Mayor Stave for her "pre-amble" and reading the proposed resolution. He stated he was disturbed with Mr. Panconi's statement concerning sending Cranbury's residents over to Plainsboro or Monroe Township, adding he would like to keep Library services here. Mr. Panconi clarified his statement stating that the State wants its residents to share services in every way possible and Cranbury leads the way with having a lot of shared services for other items.

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Work Session (Continued)

- a). Discussion of Cranbury Public Library Resolution 2009-1 and Addendum to Same (cont'd)

Mr. Richard Kallan, Wynnewood Drive, stated he feels the Library performs an exceptional service. However, he was surprised to hear about their huge surplus. Mr. Kallan suggested, since the Township Committee is taking away approximately 1/3 of its surplus to keep the tax rate from rising, the Library should give 1/3 of its surplus back to the Township. He added that would still leave the Library with over \$400,000 in surplus funds.

As no one else wished to speak, Mayor Stave closed Public Comments on this issue.

Mayor Stave stated knowing the resolution will fail for lack of support, she then asked for a motion to adopt the resolution: Mr. Stout indicated he would support the resolution as amended, with the understanding that the Township's sentiments are with what Mr. Kallan stated; the Township needing the ability for the monies to come back to the Township. Mr. Stout made a motion, in the Paragraph beginning with: NOW, THEREFORE, adding item # 3. "Reconsider on the basis that a mechanism be issued for recouping surplus funds for municipal use, Mayor Stave seconded the motion.

Ayes: (Stave Absent: (None
 (Stout Abstain: (None

Nays: (Cody
 (Panconi
 (Stannard

The motion to support the Library's resolution failed, with a vote of 2-Yeas, 3-Nays.

Mayor Stave summarized by stating if nothing else, the discussion started a good dialogue between the Library and the Township. Ms. Venanzi offered to come back again to give a presentation and an explanation of Library programs, etc.

- b). Discussion by Township Committee on possible loss of County funding
Mayor Stave led the discussion by asking Mr. Cody, the Human Services Liaison, if he knew what the issue is. Mr. Cody explained that he had reviewed the proposed legislation and could see no cutting of funding at all. He reported all he was able to ascertain was that to make the Department more efficient, the recommendation is for the Municipal Alliance to be part of Human Services. Ms. Smeltzer requested that the Township might request the Municipal Alliance to attend a Township Committee meeting to further explain the issue.

Mayor's Notes

Mayor Stave stated earlier in meeting she had talked about moving the next Township Committee meeting to March 2nd and not the 23rd of February and will need to work with Mr. Stasi's attorney and him on whether drilling a well is an option. Mr. Stasi indicated he would lose his escrow if a meeting were not held until March 2nd. Mayor Stave stated if the Township has to hold a special meeting as to not put Mr. Stasi in that position they will and in the meantime the Township's Attorney, Ms. Waterbury, will reach out to his attorney.

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Public Comment

The Mayor opened the meeting to public questions and comments. Ms. Smeltzer, Township Administrator, announced that Rickey Varga is beginning his term as Captain and congratulated him on his appointment.

Mr. Dave Mauger, 26 Griggs Road, stated he has read and heard a lot about “wealthy towns, affluent towns, wealthy people, etc.” He stated, as someone who has spent most of his life living in these so-called wealthy, affluent communities and not being wealthy himself, he wishes the phrase could be different as there is certainly a higher percentage of residents in some towns who are wealthy as well as a higher percentage of residents in some towns who are poor or needy and that certainly cannot go unnoticed. Mr. Mauger stated it appears to him (in looking at some of the data that he has seen) about 20% of Cranbury would be income-qualified for affordable housing. Mr. Mauger added, how the Township characterizes our town and other communities and towns can have an impact ultimately on policy. Mr. Mauger stated he hopes that the Township will take that into consideration and look at some alternatives that would make sense.

Mayor Stave asked Ms. Waterbury to update the Township on COAH: Ms. Waterbury reported the Township has funded two (2) separate challenges to the present COAH rules and those briefs have been now filed with the Court. She reported the one (1) challenge is being filed by the League of Municipalities and is presently on the League’s web site with an executive summary. The other is what is referred to as “The 20-Town/Clinton Coalition” which is a much more focused challenge than the League’s case. That case was filed a few days ago and is also available on the League’s web site. Ms. Waterbury stated the attorney who prepared it also submitted a 400+ page appendix that includes photos that demonstrates the data for the vacant land analysis, (relied on by COAH), “to say that it is flawed is a gross understatement”, and the brief makes a few fairly sophisticated arguments. Ms. Waterbury stated fundamentality this case is a broadside attack on the very foundation on which COAH based its rules and she feels very optimistic about it. Ms. Waterbury offered to make copies available of this brief if anyone should so desire.

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

On motion by Mr. Stannard, seconded by Mr. Cody and unanimously carried, the meeting adjourned at 8:35 p.m.

Kathleen R. Cunningham, Clerk