

TOWNSHIP COMMITTEE MEETINGS
March 2, 2009

The regular meeting of the Township Committee of the Township of Cranbury was held at 7:00 p.m. in the Town Hall Meeting Room. Answering present to the roll call were: Township Committee members: Winthrop Cody, 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 11, 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 11, 2009.
- (3) Was filed on February 11, 2009 at the Cranbury Municipal Office, 23-A North Main Street, Cranbury, New Jersey, posted on the Township's web site and; remains on file for public inspection, and
- (4) Sent to those individuals who have requested personal notice.

Regular Committee Minutes of January 26, 2009

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

Regular Committee Minutes of February 9, 2009

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

Reports and Communications

--Mayor

Mayor Stave reported at the last meeting she had indicated she had been to the Library Board of Trustees to request they give the Township some of the surplus money they have and very shortly thereafter they voted unanimously to give back to the Township (subject to State approval), \$18,000. She added, while it is "never enough", it certainly a very positive gesture on their part. Mayor Stave reported the formula they came up with has a lot to do with what they could give in terms of all of the known parameters, etc. She added it is her understanding they gave what funds they could and what they have will be used to help pay for a lot of the cultural programming that goes on the Township to help ease the Township's burden for those programs.

--Members of Committee

Mr. Panconi reported he had his monthly meeting with the Fire Company for the month of February. They had 29 calls: ten (10) of the calls were during the day, 19 were in the evening. 12 of the 29 calls were false alarms and five (5) of the false alarms came from one company. Mr. Panconi requested the Fire Official, Mr. Seip, take a look at the issue as the Township has in place fines for violations in regard to false alarms. Mr. Panconi also reported the two (2) Public Works employees had responded to all of the daytime calls.

Mr. Stout commended the Public Works Department on the fine job they had performed on plowing and sanding of the roads last evening.

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Reports and Communications (Continued)

Members of Committee (cont'd)

Mr. Stout (cont'd)

Mr. Stout also thanked Ms. Marabello for providing a series of spreadsheets to the Township Committee members for various accounts in reference to the Township's Budget.

Mr. Stout reported he had attended the Environmental Commission's meeting last Monday, and the Commission is looking to prepare an improved map of the Cranbury Brook Preserve that will include a lot that was behind the old Barclay South Property. This lot had been excised when the property was sold. In addition, they want to add the pieces the Township deed restricted last year to create a larger preserve. At the meeting the Commission also discussed the Wastewater Management Plan. Mr. Stout reported that following the meeting he spoke with the County's D.E.P. Coordinator in charge of the Wastewater Management Plan on the County level, and he indicated he expects the County will be seeking an extension to the April 1st deadline as most counties are doing. Mr. Stout also asked him about the ordinances the Township will need to prepare; one of them being the Riparian Zone Ordinance which is something the Township had considered about two (2) years ago. The main reason the municipalities are being required to have this ordinance is to make sure that Planning and Zoning Boards integrate that rule into their decision making.

Mr. Stannard asked Mr. Panconi if the Township had a violator with five (5) false alarms in one month. Mr. Panconi confirmed there was. Mr. Stannard raised his concern and asked if anyone in the Township can bill the company for violations. Ms. Smeltzer responded the Fire Official has the authority to bill the company, and he asked that the Fire Official do so.

Mr. Cody reported, to avoid the appearance of a Conflict of Interest, that he is going on record to let everyone know that he will be soliciting businesses for sponsorship in the Township for the Helene Cody 5K Run (to be held every year in honor of his daughter) on Cranbury Day. He will be soliciting as a father and not as a Township Committee member.

--Subcommittees

Mayor Stave reported she and Mr. Cody had attended this evening, along with Ms. Waterbury, Township Attorney, Ms. Smeltzer, Township Administrator, Ms. Mary Beth Lonergan, COAH Consultant; Mr. Richard Preiss, Township Planner; Mr. Thomas Harvey, Planning Board member (and former Chairman) a "prep meeting" on the COAH subcommittee to bring Mr. Cody up to speed on some of the items discussed confidentially. Mayor Stave reported the COAH subcommittee is ready to meet again within the next few weeks to look at some of the issues, litigation, objections and potential sites.

Agenda Additions/Changes

Ms. Cunningham, Clerk, announced Cranbury Township Resolution # R 03-09-033 was being removed from the Consent Agenda.

Ordinances

First Reading

Cranbury Township Ordinance # 03-09-02

An Ordinance entitled, "Cranbury Township Ordinance # 03-09-02, CALENDAR YEAR 2009 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)", was introduced for first reading. Mr. Stout explained this is something the Township does routinely; it does not mean more money is being spent. It basically banks 1% (\$70,000.00) should the Township need those additional revenues in the 2010-2011 budget and gives the Township the ability to go above the 2.5% cap. It is

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Cranbury Township Ordinance # 03-09-02
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important because in recent years the Township has had to move certain pension obligations into its cap and expect next year to have to do the same for both PERS and PFRS and want to be able to have that flexibility. On motion by Mr. Stannard, seconded by Mr. Stout, the Ordinance was passed on first reading by vote:

Ayes: (Cody
(Panconi
(Stannard
(Stave
(Stout

Abstain: (None
Absent: (None

Nays: (None

Public Hearing: March 30, 2009

**CALENDAR YEAR 2009
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the governing body of the Township of Cranbury in the County of Middlesex finds it advisable and necessary to increase its CY 2009 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the governing body hereby determines that a 1 % increase in the budget for said year, amounting to \$69,825.35 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the governing body hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the governing body of the Township of Cranbury, in the County of Middlesex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2009 budget year, the final appropriations of the Township of Cranbury shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 1 %, amounting to \$69,825.35, and that the CY 2009 municipal budget for the Township of Cranbury be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

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BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Ordinance

First Reading

Cranbury Township Ordinance 03-09-03

An Ordinance entitled, "CRANBURY TOWNSHIP ORDINANCE 03-09-03 – AN ORDINANCE OF THE TOWNSHIP OF CRANBURY IN MIDDLESEX COUNTY, NEW JERSEY, CREATING THE POSITION OF MUNICIPAL HOUSING LIAISON AND ADMINISTRATIVE AGENT FOR THE PURPOSE OF ADMINISTERING THE CRANBURY TOWNSHIP AFFORDABLE HOUSING PROGRAM PURSUANT TO THE NEW JERSEY FAIR HOUSING ACT", was introduced for first reading. On motion by Mr. Stout, seconded by Mr. Stannard, the Ordinance was passed on first reading by vote:

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

Nays: (None

Public Hearing: March 30, 2009

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") be amended as follows:

1. New Chapter 44, entitled "Affordable Housing", Added. There is hereby added to Part II of the Code new Chapter 44, Affordable Housing, to read as follows:

Chapter 44
AFFORDABLE HOUSING

ARTICLE I
Municipal Housing Liaison and Administrative Agent

§ 44-1. Purpose.

The purpose of this article is to create the administrative mechanisms needed for the execution of the Township of Cranbury's responsibility to assist in the provision of affordable housing pursuant to the Fair Housing Act of 1985.

§ 44-2. Definitions.

As used herein, the following terms shall have the following definitions:

MUNICIPAL HOUSING LIAISON – The employee charged by the Township Committee with the responsibility for oversight and administration of the affordable housing program for the Township of Cranbury.

ADMINISTRATIVE AGENT – The entity responsible for administering the affordability controls of some or all units in the affordable housing program for the Township of Cranbury to ensure that the restricted units under administration are affirmatively

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Cranbury Township Ordinance # 03-09-03
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marketed and sold or rented, as applicable, only to low- and moderate- income households.

§ 44-3. Establishment of Municipal Housing Liaison Position and Compensation; Powers and Duties.

- A. Establishment of position of Municipal Housing Liaison. There is hereby established the position of Municipal Housing Liaison for the Township of Cranbury.
- B. Subject to the approval of the Council on Affordable Housing (COAH), the Municipal Housing Liaison shall be appointed by the Township Committee and may be a full or part time municipal employee.
- C. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Township, including the following responsibilities which may not be contracted out:
 - (1) Serving as the Township's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agent(s), and interested households;
 - (2) Monitoring the status of all restricted units in the Township's Fair Share Plan;
 - (3) Compiling, verifying, and submitting annual reports as required by COAH;
 - (4) Coordinating meetings with affordable housing providers and Administrative Agent(s), as applicable; and
 - (5) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH.
- D. Subject to approval by COAH, the Township will contract with or authorize a consultant, authority, government or any agency charged by the Township Committee, which entity shall have the responsibility of administering the affordable housing program of the Township. If the Township contracts with another entity to administer all or any part of the affordable housing program, including the affordability controls and Affirmative Marketing Plan, the Municipal Housing Liaison shall supervise the contracting Administrative Agent(s).
- E. Compensation. Compensation shall be fixed by the Township Committee at the time of the appointment of the Municipal Housing Liaison.
- F. Administrative powers and duties assigned to the Administrative Agent.
 - (1) Affirmative Marketing.

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Cranbury Township Ordinance # 03-09-03
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- (a) Conducting an outreach process to ensure affirmative marketing of affordable housing units in accordance with the Affirmative Marketing Plan of the Township of Cranbury and the provisions of N.J.A.C. 5:80-26.15; and
 - (b) Providing counseling or contracting to provide counseling services to low and moderate income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- (2) Household Certification
 - (a) Soliciting, scheduling, conducting and following up on interviews with interested households;
 - (b) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
 - (c) Providing written notification to each applicant as to the determination of eligibility or non-eligibility;
 - (d) Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et. seq.;
 - (e) Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and
 - (f) Employing the random selection process as provided in the Township's Affirmative Marketing Plan when referring households for certification to affordable units.
- (3) Affordability Controls
 - (a) Furnishing to attorneys or closing agents' forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
 - (b) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
 - (c) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the appropriate county's register of deeds or county clerk's office after the termination of the affordability controls for each restricted unit;
 - (d) Communicating with lenders regarding foreclosures; and

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- (e) Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.
- (4) Resale and rental
 - (a) Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or rental; and
 - (b) Instituting and maintaining an effective means of communicating information to low- and moderate-income households regarding the availability of restricted units for resale or re-rental.
- (5) Processing request from unit owners
 - (a) Reviewing and approving or denying requests from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership;
 - (b) Reviewing and approving or denying requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the cost of central air conditioning systems; and
 - (c) Processing requests and making determinations on requests by owners of restricted units for hardship waivers.
- (6) Enforcement.
 - (a) Securing annually lists of all affordable housing units for which tax bills are mailed to absentee owners and notifying all such owners that they must either move back to their unit or sell it;
 - (b) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
 - (c) The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent can be made;
 - (d) Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;

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Cranbury Township Ordinance # 03-09-03
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- (e) Establishing a program for diverting unlawful rent payments to the municipality's affordable housing trust fund or other appropriate municipal fund approved by the DCA;
 - (f) Establishing a rent-to-equity program;
 - (g) Creating and publishing a written operating manual, as approved by COAH, setting forth procedures for administering such affordability controls; and
 - (h) Providing annual reports to COAH as required.
- (7) The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.

2. 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.

3. Inconsistent Ordinances Repealed. All ordinances or parts of ordinances that are inconsistent with the provisions of this Ordinance are hereby Repealed, but only to the extent of such inconsistencies.

4. Effective Date. This ordinance shall take effect upon passage and publication, as provided for by law.

Ordinance
First Reading

Cranbury Township Ordinance 03-09-04

An Ordinance entitled, "Cranbury Township Ordinance # 03-09-04, AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, CONCERNING AFFORDABLE HOUSING DEVELOPMENT FEES", was introduced for first reading. On motion by Mr. Stannard, seconded by Mr. Cody, the Ordinance was passed on first reading by vote:

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

Nays: (None

Public Hearing: March 30, 2009

TOWNSHIP OF CRANBURY
MIDDLESEX COUNTY, NEW JERSEY

TOWNSHIP COMMITTEE MEETINGS
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Cranbury Township Ordinance # 03-09-04
(Continued)

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

Section 1. Chapter 76, Article II, "Affordable Housing Development Fees," Repealed and Replaced. The Code of the Township of Cranbury ("Code") is hereby amended by repealing and replacing in its entirety existing Article II in Chapter 76, "Affordable Housing Development Fees," with new Article II in Chapter 76, "Affordable Housing Development Fees," which shall read as follows:

ARTICLE II

Affordable Housing Development Fees

§ 76-22. Purpose

- A. In Holmdel Builder's Association V. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules.
- B. Pursuant to P.L. 2008, c. 46, section 8 (N.J.S.A. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have a COAH-approved spending plan may retain fees collected from non-residential development.
- C. This Article establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance with P.L. 2008, c. 46, Sections 8 and 32-38. Fees collected pursuant to this Article shall be used for the sole purpose of providing low- and moderate-income housing. The provisions of this Article shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:97-8.

§76-23. Basic requirements.

- A. This Article shall not be effective until approved by COAH pursuant to N.J.A.C. 5:96-5.1.
- B. The Township shall not spend development fees until COAH has approved a plan for spending such fees in conformance with N.J.A.C. 5:97-8.10 and N.J.A.C. 5:96-5.3.

§76-24. Definitions

As used herein, the following terms shall have the following meanings:

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 percent affordable development.

COAH OR COUNCIL means the New Jersey Council on Affordable Housing established under the Act, which has primary jurisdiction for the administration of housing obligations in accordance with sound regional, planning considerations in the State.

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Cranbury Township Ordinance # 03-09-04
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DEVELOPMENT FEE means money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:97-8.3.

DEVELOPER means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

EQUALIZED ASSESSED VALUE means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 of P.L. 1973, c. 123 (N.J.S.A. 54:1-35a through N.J.S.A. 54:1-35c).

GREEN BUILDING STRATEGIES means those strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

§76-25. Residential Development fees

A. Imposed fees

- (1) Within all zoning districts, residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of one and a half (1.5) percent of the equalized assessed value for residential development provided no increased density is permitted.
- (2) When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d" variance) has been permitted, developers shall be required to pay a development fee of one and one-half percent (1.5%) of the equalized assessed value of the initial "by right" number of units and six percent (6%) of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees shall equal one and a half percent of the equalized assessed value on the first two units; and six percent (6%) of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

B. Eligible exactions, ineligible exactions and exemptions for residential development.

- (1) Affordable housing developments, developments where the developer is providing for the construction of affordable housing units elsewhere in the municipality, and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.
- (2) Developments that received preliminary or final site plan approval prior to the adoption of the Township's first development fee ordinance shall be exempt from

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- (3) development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.
- (4) Unless otherwise specifically exempted herein, development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.
- (5) Developers of residential structures demolished and replaced as a result of a natural disaster shall be exempt from paying a development fee.
- (6) Any change to a more intense use, replacement or expansion of a structure that does not result in an increase in the equalized assessed value of the structure of twenty thousand dollars (\$20,000.00) or more shall be exempt from paying a development fee.

§76-26. Non-residential Development fees

A. Imposed fees

- (1) Pursuant to the provisions of P.L. 2008, c. 46, within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to two and one-half percent (2.5%) of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
- (2) Non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to two and one-half percent (2.5%) of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
- (3) Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and a half percent (2.5%) shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvement and the equalized assessed value of the newly improved structure, i.e. land
- (4) and improvement, at the time the certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.

B. Eligible exactions, ineligible exactions and exemptions for non-residential development.

- (1) The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to the two and a half percent (2.5%) development fee, unless otherwise exempted below.

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- (2) The 2.5% fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
- (3) Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to P.L. 2008, c. 46, as specified in the Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" Form. Any exemption claimed by a developer shall be substantiated by that developer.
- (4) A developer of a non-residential development exempted from the non-residential development fee pursuant to P.L. 2008, c. 46 shall be subject to it at such time the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.
- (5) If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the Township as a lien against the real property of the owner.

§76-27. Collection procedures

- A. Upon the granting of a preliminary, final or other applicable approval, for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.
- B. For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" to be completed as per the instructions provided. The developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided in the Form N-RDF. The Township Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- C. The construction official responsible for the issuance of a building permit shall notify the Township Tax Assessor of the issuance of the first building permit for a development that is subject to a development fee.
- D. Within 90 days of receipt of that notice, the Township Tax Assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- E. The construction official responsible for the issuance of a final certificate of occupancy shall notify the Township Tax Assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- F. Within 10 business days of a request for the scheduling of a final inspection, the Township Tax Assessor shall confirm or modify the previously estimated equalized

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assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.

- G. Should the Township fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in subsection b. of section 37 of P.L. 2008, c. 46 (N.J.S.A. 40:55D-8.6).
- H. Payment of development fees.
 - (1) For residential development, fifty percent (50%) of the estimated development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.
 - (2) For non-residential development, and in accordance with Form N-RDF, as said form may from time to time be amended, the developer shall pay one hundred percent (100%) of the calculated non-residential development fee amount prior to the issuance of a certificate of occupancy for such development.
- I. Appeal of development fees
 - (1) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest bearing escrow account by the Township. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
 - (2) A developer may challenge non-residential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest bearing escrow account by the Township. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

§76-28. Affordable Housing Trust Fund

- A. The Township shall create and/or continue to maintain a separate, interest-bearing affordable housing trust fund that is maintained by the Township Chief Financial Officer for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.
- C. The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:

TOWNSHIP COMMITTEE MEETINGS
March 2, 2009

Cranbury Township Ordinance # 03-09-04
(Continued)

- (1) Payments in lieu of on-site construction of affordable units;
 - (2) Developer contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible;
 - (3) Rental income from municipally operated units;
 - (4) Repayments from affordable housing program loans;
 - (5) Recapture funds;
 - (6) Proceeds from the sale of affordable units; and
 - (7) Any other funds collected in connection with the Township's affordable housing program.
- C. Within seven days from the opening of the trust fund account, the Township shall provide COAH with written authorization, in the form of a three-party escrow agreement between the Township, the bank, and COAH to permit COAH to direct the disbursement of the funds as provided for in N.J.A.C. 5:97-8.13(b).
- D. All interest accrued in the affordable housing trust fund shall only be used on eligible affordable housing activities approved by COAH.

§76-29. Use of funds

- A. The expenditure of all funds shall conform to a spending plan approved by COAH. Funds deposited in the affordable housing trust fund may be used for any activity approved by COAH to address the Township's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing non-residential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. 5:97-8.7 through 8.9 and specified in the approved spending plan.
- B. Funds shall not be expended to reimburse the Township for past housing activities.
- C. At least 30 percent of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the Township's Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30 percent or less of median income by region.
- (1) Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with

TOWNSHIP COMMITTEE MEETINGS
March 2, 2009

Cranbury Township Ordinance # 03-09-04
(Continued)

- (2) homeowners association or condominium fees and special assessments, and assistance with emergency repairs.
 - (3) Affordability assistance to households earning 30 percent or less of median income may include buying down the cost of low or moderate income units in the Township's Fair Share Plan to make them affordable to households earning 30 percent or less of median income.
 - (4) Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- D. The Township may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18.
- E. No more than 20 percent of all revenues collected from development fees may be expended on administration, including, but not limited to, salaries and benefits for Township employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20 percent of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the affordable housing trust fund.

§76-30. Monitoring

The Township shall complete and return to COAH all monitoring forms included in monitoring requirements related to the collection of development fees from residential and non-residential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with The Township's affordable housing program, as well as to the expenditure of revenues and implementation of the plan certified by COAH. All monitoring reports shall be completed on forms designed by COAH.

§76-31. Ongoing collection of fees

The Township's ability to impose, collect and expend development fees shall expire with its substantive certification unless the Township has filed an adopted Housing Element and Fair Share Plan with COAH, has petitioned for substantive certification, and has received COAH's approval of its development fee ordinance. If the Township fails to renew its ability to impose and collect development fees prior to the expiration of substantive certification, it may be subject to forfeiture of any or all funds remaining within its affordable housing trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L. 1985, c.222 (N.J.S.A. 52:27D-320). The Township shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its substantive certification or judgment of compliance, nor shall the Township retroactively impose a development fee on such a development. The Township

TOWNSHIP COMMITTEE MEETINGS
March 2, 2009

Cranbury Township Ordinance # 03-09-04
(Continued)

shall not expend development fees after the expiration of its substantive certification or judgment of compliance.

§76-32. Repealer.

All ordinances or Code provisions or parts thereof inconsistent with this Article are hereby repealed.

Section 2. Severability. If any portion of this ordinance is found to be invalid for any reason by any court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the ordinance actually invalidated and shall not be deemed to affect the operation of any other portion thereof.

Section 3. Effective Date. This ordinance shall take effect upon its passage and publication, as required by law and upon approval by the Council on Affordable Housing pursuant to N.J.A.C. 5:96-5.1.

Ordinance
First Reading

Cranbury Township Ordinance # 03-09-05

An Ordinance entitled, "Cranbury Township Ordinance 03-09-05, AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, IN MIDDLESEX COUNTY, NEW JERSEY, AMENDING AND SUPPLEMENTING ARTICLE I, "STREET EXCAVATIONS," OF CHAPTER 130 OF THE CODE OF THE TOWNSHIP OF CRANBURY", was introduced for first reading. Mr. Stout stated that this ordinance adds protection for the residents of Cranbury as it holds people responsible for making repairs to Township roads. Mr. Stout asked Ms. Marcelli, Township Engineer, to explain why the ordinance addresses "waiting six (6) months". Ms. Marcelli explained the benefit of waiting for larger projects. For example, the water main project which was recently done on Plainsboro Road. Typically what is preferred is to let the excavation and paving settle. The Contractor brings the asphalt up to grade, letting it sit for six (6) months which is a benchmark. They can then come in to mil and overlay. On motion by Mr. Stout, seconded by Mr. Cody, the Ordinance was passed on first reading by vote:

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

Nays: (None

Public Hearing: March 30, 2009

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

1. Chapter 130 of the Code of the Township of Cranbury ("Code"), is hereby amended and supplemented to read as follows (additions to text are underlined; deletions are in [brackets]):

§130-1. Permit required; fee; deposit; [bond] performance guarantee;
inspection escrow.

TOWNSHIP COMMITTEE MEETINGS
March 2, 2009

Cranbury Township Ordinance # 03-09-05
(Continued)

- A. It shall be unlawful for any person or persons, firm, partnership, association, [or] corporation, municipal corporation or authority, joint municipal authority or public corporation to disturb, cut, break into, excavate or open any right of way within [of the roads, streets, avenues, thoroughfares, alleys or highways of] the Township of Cranbury without first having obtained a street opening permit [therefore] from the Superintendent of Public Works [of said Township] and having paid a permit fee of \$15, which permit fee shall accompany the application therefor and shall not be refundable. Where multiple cuts or excavations are involved as part of one project, only one application need be filed and one permit obtained. The permit fee in such case shall be the sum of \$50. Every application for a street opening [such] permit shall also be accompanied by the sum of \$250 or such larger sum as the Township Engineer [Superintendent of Public Works] shall deem necessary to adequately cover the cost of the temporary and permanent road restoration [patch], which shall be deposited with the Township Finance Department [Superintendent of Public Works] and which shall be refundable at the request of the applicant for such permit after the permanent restoration [patch] has been completed [applied] in a manner and condition satisfactory to the Superintendent of Public Works, or his designee, and the Township Engineer. All fees and bonds paid to the Township under this section[, §130-1,] shall be turned over to the Township Finance Department [Treasurer] by the Superintendent of Public Works.
- B. [Any municipal corporation or authority, joint municipal authority or public utility corporation, as defined by N.J.S.A. 48:2-13,] Any applicant for a street opening permit may file a [bond] performance guarantee in the amount [of \$10,000] equal to the estimated cost, as determined by the Township Engineer, for the temporary and permanent road restoration with the Township Finance Department [Superintendent of Public Works] in lieu of the cash deposit [in the minimum amount of \$250] which is required with each application. [The filing of such bond shall eliminate the necessity for such an organization to provide the specified cash deposit made by or outstanding to it. Said bond shall be issued by a bonding company, surety company or a corporation or organization approved by the Township Committee.] Said [bond] performance guarantee shall be conditioned upon the satisfactory completion of all temporary and permanent restoration in any right of way [restoration of the surface and foundation of the road, street, avenue, thoroughfare, alley or highway] for which the street opening permit was granted in a manner acceptable to the Superintendent of Public Works, or his designee, and the Township Engineer, and the [bond] performance guarantee shall continue in full force and effect for a period of two years after the completion of the work and construction related to the permanent road restoration [of the permanent patch or patches].

TOWNSHIP COMMITTEE MEETINGS
March 2, 2009

Cranbury Township Ordinance # 03-09-05
(Continued)

- C. Prior to issuance of a street opening permit, an inspection escrow account shall be posted with the Township Finance Department equal to 5% of the estimated road restoration improvements, as calculated by the Township Engineer, or
- D. \$500.00, whichever is greater. Any accrued interest or unspent money in the inspection escrow account shall be returned to the
- E. applicant upon completion, inspection by the Township Engineer or the Superintendent of Public Works, or their designee, and approval of the road restoration improvements under the permit.

§130-2. Permit application.

[A separate application shall be filed, and a separate permit shall be obtained, for each and every opening, and the permit fee and deposit required by §130-1 hereof shall accompany each separate application. Where more than one cut or excavation is involved as part of the same project, only one application need be filed and one permit need be obtained upon the payment of the permit fee and deposit required by §130-1 hereof.] Each application shall state the kind and character of the proposed excavation, the location of the proposed opening, the size and depth of the proposed opening, the type of paving, the name and emergency telephone number of the contractor who will repave or restore the street, the name and address of the applicant, the name and address of the owner in behalf of whom or which the application is made, the date of the application and the anticipated completion date of the work to be undertaken under the permit, and shall be accompanied by construction detail(s) and specifications for the proposed temporary and permanent road restoration. Said application shall be signed by both the applicant and the contractor, guaranteeing complete conformance with this article, and shall be accompanied by a plan or sketch showing the location of the proposed opening. All construction detail(s) and specifications for road restoration attached with the application document shall be subject to the review and approval of the Township Engineer and Superintendent of Public Works.

§130-3. Emergency excavations.

In the event of a sudden and emergent break of any water, sewer, gas, oil and other underground lines or facilities which endangers the life, health or safety of the public, or where immediate repair is imperative to prevent loss or damage to streets or property or discontinuance of service, it shall not be necessary to obtain a street opening permit before commencing such repair or before opening the surface of the street. The making of any such opening or excavation shall be reported to the Police Department and to the Superintendent of Public Works or his designee within 24 hours thereafter, and an application for a street opening permit thereof shall be made within 48 hours thereafter with the subsequent posting of any required performance guarantee for road restoration.

§130-4. Tunneling or boring; means of cutting openings.

TOWNSHIP COMMITTEE MEETINGS
March 2, 2009

Cranbury Township Ordinance # 03-09-05
(Continued)

A. A opening permit as described [herein] in this Article shall be required for any tunneling or mechanical boring under the surface of any right of way[street] for any purpose whatsoever, regardless of whether or not it involves an opening in the surface of the right of way[street]. Any such tunneling or boring shall not be commenced or undertaken until the Township Engineer has recommended in writing to the Superintendent of Public Works that it be permitted, and such shall be accomplished only under the supervision of the Township Engineer, whose services shall be paid for by the [applicant] permit holder.

B. All street openings will be cut by means of a mechanical device creating a clean, straight, full depth penetration of the roadway surface and base material. The ripping of the roadway material with machinery as a means of excavation will not be permitted.

§130-5. Inspection; backfilling; temporary patch.

A. Upon completion of the excavation and of the work to be accomplished therein and prior to replacing any of the material removed therefrom or placing fill material therein, the [applicant] permit holder shall request that the Superintendent of Public Works or the Township Engineer perform an inspection thereof. No material or fill shall be placed in the excavation until permission to fill the excavation has been given by the Superintendent of Public Works, or his designee, or by the office of the Township Engineer.

B. Backfill material shall be such as is approved by the Superintendent of Public Works, or his designee, or by the office of the Township Engineer. Such backfill material may not necessarily be the material removed in excavation but shall be a granular material such as to provide a base free of settlement. All backfill must be tamped and compacted with a maximum lift thickness of 12 inches.

C. It shall be the responsibility of the [applicant] permit holder to apply a temporary patch to the street when [said applicant has completed] the backfill of the excavation is completed. Said patch shall only be temporary in nature and [does not have to] must be installed by a [paving] competent contractor, [nor is it necessary that] and this patch must be inspected by the Superintendent of Public Works, or his designee, or the office of the Township Engineer. In all streets, except streets with a gravel surface, the temporary patch shall be a [bituminous cold patch two] hot mix asphalt patch 6 inches in thickness. Said [cold] patch shall be maintained by the [applicant] permit holder and shall, upon notice from the Superintendent of Public Works, or his designee, be immediately repaired to address any safety issues.

§130-6. Permanent patch; final inspection.

The materials and method of construction shall be equal to or superior to the best adjacent street surface. After [the fill operation is completed] a minimum of six months from the date of the approved installation of the temporary patch and immediately before the permanent patch is applied,

TOWNSHIP COMMITTEE MEETINGS
March 2, 2009

Cranbury Township Ordinance # 03-09-05
(Continued)

the [contractor] permit holder shall request that the Superintendent of Public Works or the Township Engineer perform a final inspection. No permanent patch shall be applied until such an inspection has been performed and permission has been given by the Superintendent of Public Works, or his designee, or by the office of the Township Engineer to install the same. Said permanent patch shall be installed within 30 days after [the] permission to install [the] same has been granted, unless installation is prevented by climatic conditions, as detailed by the New Jersey Department of Transportation specifications, that are not conducive for paving[by the Superintendent of Public Works]. All permanent road restoration shall be completed in accordance with the approved construction detail(s) and specifications attached to the permit and shall be subject to the approval of the Township Engineer and the Superintendent of Public Works. The Superintendent of Public Works shall have the right at any time, when he has reason to believe that such is necessary to guarantee that satisfactory fill material has been utilized or that it has been properly placed in the excavation or that a permanent patch has been properly applied and is of satisfactory material, to require the base material be excavated for an additional inspection or that a reasonable number of test holes be drilled. Either of these acts shall be accomplished at the expense of the [applicant] permit holder.

§130-7. Repairs or installation of final patch; time limit; failure to comply.

Should the [contractor] permit holder fail to install the final patch or to make repairs after being notified so to do in accordance herewith, then the Superintendent of Public Works may notify the [applicant for the] permit holder in writing to install the final patch or to make repairs. Said notice shall be sent to the [applicant] permit holder by regular United States mail addressed to the address set forth in the application. Said shall be completed within 30 days after such notification. In the event that such is not completed within 30 days after such notification is dispatched to the [applicant] permit holder, then the patch may be constructed or repaired by a competent contractor hired by the Township of Cranbury and the cost thereof deducted from the cash security posted by the [applicant] permit holder as required in §130-1, or proceedings may be instituted by the Township against the [applicant] permit holder and his surety on the [bond] performance guarantee posted in lieu of the cash deposit as provided in §130-1.

§130-8. Public safety; Barricades and warning lights.

All excavations within any right of way, Township easement, or Township property shall be properly backfilled or steel plated with properly secured anchoring at the end of each work day. All permit holders shall, whenever any opening, cut or excavation could be dangerous if left exposed, erect a suitable barricade, warning and railings around the same in such manner as to prevent danger to pedestrians or vehicles and shall place upon such barrier or railing and upon any building materials or appliances suitable and sufficient warning lights during the periods of dusk and darkness.

TOWNSHIP COMMITTEE MEETINGS
March 2, 2009

Cranbury Township Ordinance # 03-09-05
(Continued)

§130-9. Excavating or blasting near gas pipes.

All [applicants] permit holders, owners and contractors shall comply with the provisions of [Chapter 53 of the Laws of New Jersey 1964, N.J.S.A. 2A:170-69.4 et. seq.] the Underground Facility Protection Act, N.J.S.A. 48:2-74, *et seq.*

2. Repealer. All ordinances or resolutions or parts thereof inconsistent with this Ordinance are hereby repealed.

3. Severability. If any section, subsection, paragraph, clause or provision of this Ordinance is adjudged by the courts to be invalid, such adjudication shall apply only to the section, subsection, paragraph, clause or provision so adjudged, and the remainder of this Ordinance shall remain valid and effective.

4. This ordinance shall take effect upon its passage and publication as required by law.

Resolutions

Mr. Cody stated he wanted to make sure that the \$4,000.00 was put in the Board of Recreation Commission's Budget to pay for the water for the irrigation of the soccer fields. Ms. Smeltzer indicated she believes that amount is in their Budget; however it cannot be spent without the consent of the full Township Committee. Mr. Stout added if the \$4,000.00 is not spent it will go into the Township's surplus fund.

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

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

Nays: (None

Cranbury Township Resolution # R 03-09-022

TOWNSHIP OF CRANBURY
2009 Municipal Budget

**of the Township of Cranbury, County of Middlesex for the calendar year
2009.**

TOWNSHIP COMMITTEE MEETINGS
March 2, 2009

**Cranbury Township Resolution # R 02-09-022
Budget for 2009
(Continued)**

Revenue and Appropriation Summaries

Summary of Revenues	Anticipated	
	2009	2008
1. Surplus	1,555,000.00	1,543,326.00
2. Total Miscellaneous Revenues	2,917,662.53	3,757,277.82
3. Receipts from Delinquent Taxes	162,000.00	155,000.00
4. a) Local Tax for Municipal Purposes	6,710,524.30	6,950,727.00
b) Addition to Local District School Tax	0	0
Tot Amt to be Raised by Taxes for Sup of Muni Bud	6,710,524.30	6,950,727.00
Total General Revenues	11,345,186.83	12,406,330.82

Summary of Appropriations	2009 Budget	Final 2008 Budget
1. Operating Expenses: Salaries & Wages	3,193,415.00	3,162,922.00
Other Expenses	5,450,492.13	4,957,008.32
2. Deferred Charges & Other Appropriations	621,118.00	597,560.00
3. Capital Improvements	50,000.00	60,000.00
4. Debt Service (Include for School Purposes)	1,814,161.70	3,428,840.50
5. Reserve for Uncollected Taxes	216,000.00	200,000.00
Total General Appropriations	11,345,186.83	12,406,330.82
Total Number of Employees	74	74

2009 Dedicated		Utility Budget	
Summary of Revenues		Anticipated	
		2009	2008
1. Surplus			
2. Miscellaneous Revenues			
3. Deficit (General Budget)			
Total Revenues			
Summary of Appropriations		2009 Budget	Final 2008 Budget
1. Operating Expenses: Salaries & Wages			
Other Expenses			
2. Capital Improvements			
3. Debt Service			
4. Deferred Charges & Other Appropriations			
5. Surplus (General Budget)			
Total Appropriations			
Total Number of Employees			

Balance of Outstanding Debt				
	General	Water Utility	Sewer Utility	Utility - Other
Interest	354,258.25			
Principal	1,459,903.45			
Outstanding Balance	21,361,732.69			

A Public Hearing on the Budget will be held on Monday, March 30, 2009 at 7:00 p.m.

Resolutions

Mr. Stannard asked for clarification on where the funds for the following resolution would come from. Ms. Smeltzer addressed the question explaining the monies come from the Federal government and some municipalities receive their grant monies directly from the Federal

TOWNSHIP COMMITTEE MEETINGS
March 2, 2009

**Cranbury Township Resolution # R 02-09-022
Budget for 2009
(Continued)**

government. Many of the smaller municipalities participate together and work with Middlesex County. This amount represents the Township's allocation from Middlesex County for a "non-discretionary project". Mr. Stannard asked Ms. Smeltzer to find out what percentage the Township's amount represents compared to other municipalities in the County. Mr. Cody asked if the monies are going to be used to demo the building which exists on the future Route 130-D site for affordable housing. Mr. Stout confirmed that they will.

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

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

Nays: (None

Cranbury Township Resolution # R 03-09-023

TOWNSHIP OF CRANBURY
COUNTY OF MIDDLESEX

WHEREAS, Cranbury Township has applied for \$29,700.00 from the Community Development Block Grant (CDBG) earmarked to be used for its Third Round Affordable Housing Program; and

WHEREAS, Cranbury Township has submitted its Third Round Affordable Housing Plan;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Cranbury it hereby requests the \$29,700.00 in grant monies be used to defray some of the costs related to assist in the development of or rehabilitate low-to-moderate income housing in the Township of Cranbury.

Resolutions

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

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

Nays: (None

TOWNSHIP OF CRANBURY
COUNTY OF MIDDLESEX

TOWNSHIP COMMITTEE MEETINGS
March 2, 2009

Cranbury Township Resolution # R 03-09-024

Resolution appointing Mary Lou Young to the Board of Health

WHEREAS, Dr. Mortimer Shakun resigned from the Cranbury Township Board of Health;
and

WHEREAS, due to Dr. Shakun's resignation there exists a vacancy for said unexpired term; and

WHEREAS, Ms. Mary Lou Young has expressed an interest to fill the unexpired term;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranbury that Ms. Mary Lou Young is hereby appointed to fill the unexpired term and said term will expire on December 31, 2010.

BE IT FURTHER RESOLVED, a duly authenticated certified copy of this resolution is sent to Ms. Mary Lou Young and the Board of Health.

Resolutions

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

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

Nays: (None

TOWNSHIP OF CRANBURY
COUNTY OF MIDDLESEX

Cranbury Township Resolution # R 03-09-025

RESOLUTION ADOPTING A RECORDS MANAGEMENT POLICY AND PROCEDURES
MANUAL

WHEREAS, there is a need to establish a program to efficiently manage and secure records throughout their life cycle, ensuring that records are accessible, as required, to staff and the public in a timely and efficient manner, adhering to state records guidelines, preserving historical records and taking advantage of appropriate technology such as microfilming, imaging and the web; and

WHEREAS, a need to ensure 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 adopt a Records Management Policy and Procedures Manual; and

WHEREAS, said policy has been prepared and made part thereof;

TOWNSHIP COMMITTEE MEETINGS
March 2, 2009

Cranbury Township Resolution # R 03-09-025
(Continued)

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranbury, County of Middlesex, State of New Jersey, hereby adopts the attached Records Management Policy and Procedures Manual.

Resolutions

Consent Agenda

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

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

Nays: (None

Cranbury Township Resolution # R 03-09-026

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

TOWNSHIP OF CRANBURY
COUNTY OF MIDDLESEX

Cranbury Township Resolution # R 03-09-027

NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CRANBURY, that Maria Barkosky perform the duties of the Tax Collector office while the Township of Cranbury conducts a job search for a Certified Tax Collector, at an hourly rate of \$ 30.00, effective February 2, 2009.

Cranbury Township Resolution # R 03-09-028

TOWNSHIP OF CRANBURY
MIDDLESEX COUNTY, NEW JERSEY

A RESOLUTION AWARDING PROFESSIONAL SERVICES AGREEMENTS

WHEREAS, the Township wishes to hire the following firms (collectively "Professionals") to provide professional services to the Township during the calendar year 2009 as follows:

- a). John J. Maley, Jr., C.P.A. R.M.A. – Refunding Bond Services
- b). Valerie J. Kimson, Esquire – Planning Board Legal Services

WHEREAS, the costs for the services to be provided by the Professionals are set forth in their respective proposals submitted to the Township, which are incorporated herein as if fully restated; and

WHEREAS, the Township has a need to acquire the foregoing services without a "Fair and Open Process" as defined by P.L. 2004, c. 19, the "Local Unit Pay-to-Play Law"; and

TOWNSHIP COMMITTEE MEETINGS
March 2, 2009

Cranbury Township Resolution # R 03-09-028
(Continued)

WHEREAS, the Professionals have completed and filed with the Township Campaign Contributions Affidavits as required by N.J.S.A. 19:44A-20.2 *et seq.* certifying that they have not made any prohibited contributions to a candidate's committee or municipal committee representing the elected officials of the Township of Cranbury, along with Certifications Regarding Political Contributions as required by N.J.S.A. 19:44A-20.26; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 *et. seq.* authorizes the award of these contracts without public bidding on the basis that they are professional services agreements; and

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

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

1. The Township of Cranbury hereby approves the following firms to provide professional services to the Township during the calendar year 2009:
 - a). John J. Maley, C.P.A. R.M.A. – Refunding Bond Services
 - b). Valerie J. Kimson, Esquire - Planning Board Legal Services
2. The Mayor and Clerk are hereby authorized and directed to enter into Professional Services Agreements with the aforementioned professionals pursuant to the provisions of the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1 *et seq.* These contracts are being awarded without competitive bidding as Professional Services Agreements under the provisions of the aforementioned law because a service will be rendered or performed by a person or persons by law to practice recognized professions and whose practice is regulated by law.
3. A copy of this Resolution, the pay-to-play forms, and the executed Agreements and insurance certificates shall be placed on file in the Office of the Township Clerk.
4. A brief notice of this action shall be published in a newspaper of general circulation in the Township of Cranbury within ten (10) days of its passage.

Cranbury Township Resolution # R 03-09-029

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES
AGREEMENT WITH CITY CONNECTIONS, LLC

WHEREAS, the Township of Cranbury requires the services of a consultant to host and maintain its website; and

WHEREAS, the Township entered into a contract with City Connections, LLC to provides those services during the calendar years 2007 and 2008; and

WHEREAS, the Township wishes to enter into an agreement with City Connections LLC to provide those services for the calendar year 2009; and

TOWNSHIP COMMITTEE MEETINGS
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Cranbury Township Resolution # R 03-09-029
(Continued)

WHEREAS, City Connections, LLC has offered to provide these services to the Township for the lump sum cost of \$7,907.00; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 *et seq.*, authorizes the award of a services contract without competitive bids when the cost of the contract does not exceed the applicable bid threshold; and

WHEREAS, the Chief Financial Officer has certified that there are sufficient funds for this contract,

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

1. The Mayor and Clerk are hereby authorized and directed to execute an agreement with City Connections, LLC to host and maintain Cranbury Township's Web Site for the Calendar Year 2009, for the not-to-exceed cost of \$7,907.00.
2. A copy of this agreement will be made available for public inspection in the Township Clerk's office during regular business hours.
3. A notice of this Contract shall be advertised within 10 days of the award of said contract.

Cranbury Township Resolution # R-03-09-030

RESOLUTION OF THE TOWNSHIP OF CRANBURY, MIDDLESEX COUNTY, NEW JERSEY

A RESOLUTION AUTHORIZING THE LEASE BY AUCTION OF THE FARMED PORTIONS OF
TOWNSHIP PROPERTY KNOWN AS THE "FISCHER" PROPERTY

WHEREAS, the Township of Cranbury ("Township") is the owner of certain property that is shown as Block 19, Lot 11 and Block 19, Lot 12 on the Cranbury Township Tax Map, consisting of approximately 53.60 acres of land and known as the "Fischer Property"; and

WHEREAS, the Township acquired Property for recreation and conservation purposes; and

WHEREAS, portions of the Property have been and continue to need to be farmed; and

WHEREAS, N.J.S.A. 40A:12-14 authorizes a municipal corporation to lease to any private person real property owned by said municipal corporation and not needed for a public use; and

WHEREAS, N.J.S.A. 40A:12-14 requires that a lease by a municipal corporation to a private person, except for a lease to a private person for a public purpose, be made to the highest bidder by open public bidding at auction or by submission of sealed bids.

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

1. Pursuant to the provisions of N.J.S.A. 40A:12-14(a), the Township through its Administrator or her designee, is hereby authorized and directed to conduct a public auction for

TOWNSHIP COMMITTEE MEETINGS
March 2, 2009

Cranbury Township Resolution # R-03-09-030
(Continued)

the lease of the farmed portion of the Fischer Farm (the "Leased Premises"), at such time and place as she and the Mayor may deem appropriate and necessary to effectuate the terms hereof.

2. The Township Administrator, or her designee, shall cause said auction to be duly advertised in accordance with the requirements of N.J.S.A. 40A:12-14, by causing the advertisement to be published in a newspaper circulating in the Township by two insertions at least once a week during two consecutive weeks, the last publication to be not earlier than seven days prior to the date of the auction or the deadline for receipt of sealed bids. Said advertisement shall specify that the Township reserves the right to reject all bids where the highest bid is not accepted.

3. The following minimum terms and conditions shall apply to the above-referenced lease:

A. The term of the lease shall be for five (5) years, beginning on its date of execution.

B. The use of the Leased Premises during the term of the lease shall be restricted to the following:

i. During the term of this Lease, the Farmer will actively use the Leased Premises for agricultural purposes as defined by the New Jersey Farmland Assessment Act and as further set forth in the Right to Farm Act, N.J.S.A. 4:1C-1 et seq., and the Agricultural Retention and Development Act, N.J.S.A. 4:1C-11 et seq., except that any such agricultural activities will be further limited to the planting and harvesting of field and row crops only.

ii. When farming the Leased Premises, Farmer will comply with the Best Management Practices recommended by the Rutgers Cooperative Extension.

C. The lessee shall not assign the lease or sublet the Leased Premises or any portion thereof without the prior written permission of the Township.

4. Only pre-qualified bidders or their authorized representatives will be permitted to participate in the public auction. To qualify, bidders must submit to the Township Clerk documentation that the Bidder possesses five (5) years of experience as a commercial farmer or in commercial farming activities as set forth in and consistent with the aforementioned Right to Farm Act and Agricultural Retention and Development Act. The deadline to submit said documentation shall be established by the Township Administrator in consultation with the Township Clerk and Township Attorney.

5. In the event the bidder will not attend the public auction in person and is authorizing an agent to bid on its behalf, the bidder must complete and submit an "Authorization to Bid" form with the above-referenced qualification documentation. Authorized bidders or their authorized representatives must attend the auction in person in order to bid, and only authorized bidders or their authorized representatives may participate in the auction.

6. The Township reserves the right to accept the highest bid or reject all bids should the highest bid be rejected.

TOWNSHIP COMMITTEE MEETINGS
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Cranbury Township Resolution # R-03-09-030
(Continued)

7. Acceptance of the highest bid or rejection of all bids will be made by Township Committee no later than at its second regular meeting following the completion of the bidding. If Township Committee fails to act within said time, all bids shall be deemed to have been rejected.

8. If the high bid is accepted, the successful bidder will be required to enter into a Lease Agreement and tender half of the annual rental amount within ten (10) business days of the date on which he or she is notified of the award. A copy of said Lease Agreement will be included in the Bidding Materials.

9. The Mayor, Administrator, Clerk and other appropriate Township staff and officials are hereby authorized to undertake any and all acts and execute any and all documents as may be necessary and proper to effectuate the terms hereof.

10.

Cranbury Township Resolution # R-03-09-031

RESOLUTION OF THE TOWNSHIP OF CRANBURY, MIDDLESEX COUNTY, NEW JERSEY

**A RESOLUTION AUTHORIZING THE LEASE BY AUCTION OF THE FARMED PORTIONS OF
TOWNSHIP PROPERTY KNOWN AS THE "FROSZTEGA" PROPERTY**

WHEREAS, since 2002, the Township of Cranbury ("Township"), the State of New Jersey's Green Acres Program and the Delaware and Raritan Greenway, Inc. have jointly owned certain property that is shown as Block 25, Lot 60.01 on the Cranbury Township Tax Map, consisting of approximately 31.25 acres of land and known as the "Frosztega Property"; and

WHEREAS, pursuant to a Management Plan entered into by the joint owners in 2002, the Township is responsible for either farming or mowing the fields located on the property; and

WHEREAS, N.J.S.A. 40A:12-14 authorizes a municipal corporation to lease to any private person real property owned by said municipal corporation and not needed for a public use; and

WHEREAS, N.J.S.A. 40A:12-14 requires that a lease by a municipal corporation to a private person, except for a lease to a private person for a public purpose, be made to the highest bidder by open public bidding at auction or by submission of sealed bids.

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

1. Pursuant to the provisions of N.J.S.A. 40A:12-14(a), the Township through its Administrator or her designee, is hereby authorized and directed to conduct a public auction for the lease of the farmed portion of the Frosztega Farm (the "Leased Premises"), at such time and place as she and the Mayor may deem appropriate and necessary to effectuate the terms hereof.

2. The Township Administrator, or her designee, shall cause said auction to be duly advertised in accordance with the requirements of N.J.S.A. 40A:12-14, by causing the advertisement to be published in a newspaper circulating in the Township by two insertions at least once a week during two consecutive weeks, the last publication to be not earlier than seven days prior to the date of the auction or the deadline for receipt of sealed bids. Said advertisement shall specify that the Township reserves the right to reject all bids where the highest bid is not accepted.

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Cranbury Township Resolution # R 03-09-031
(Continued)

3. The following minimum terms and conditions shall apply to the above-referenced lease:
 - A. The term of the lease shall be for five (5) years, beginning on its date of execution.
 - B. The use of the Leased Premises during the term of the lease shall be restricted to the following:
 - i. During the term of this Lease, the Farmer will actively use the Leased Premises for agricultural purposes as defined by the New Jersey Farmland Assessment Act and as further set forth in the Right to Farm Act, N.J.S.A. 4:1C-1 et seq., and the Agricultural Retention and Development Act, N.J.S.A. 4:1C-11 et seq., except that any such agricultural activities will be further limited to the planting and harvesting of field and row crops only.
 - ii. When farming the Leased Premises, Farmer will comply with the Best Management Practices recommended by the Rutgers Cooperative Extension.
 - C. The lessee shall not assign the lease or sublet the Leased Premises or any portion thereof without the prior written permission of the Township.
4. Only pre-qualified bidders or their authorized representatives will be permitted to participate in the public auction. To qualify, bidders must submit to the Township Clerk documentation that the Bidder possesses five (5) years of experience as a commercial farmer or in commercial farming activities as set forth in and consistent with the aforementioned Right to Farm Act and Agricultural Retention and Development Act. The deadline to submit said documentation shall be established by the Township Administrator in consultation with the Township Clerk and Township Attorney.
5. In the event the bidder will not attend the public auction in person and is authorizing an agent to bid on its behalf, the bidder must complete and submit an "Authorization to Bid" form with the above-referenced qualification documentation. Authorized bidders or their authorized representatives must attend the auction in person in order to bid, and only authorized bidders or their authorized representatives may participate in the auction.
6. The Township reserves the right to accept the highest bid or reject all bids should the highest bid be rejected.
7. Acceptance of the highest bid or rejection of all bids will be made by Township Committee no later than at its second regular meeting following the completion of the bidding. If Township Committee fails to act within said time, all bids shall be deemed to have been rejected.
8. If the high bid is accepted, the successful bidder will be required to enter into a Lease Agreement and tender half of the annual rental amount within ten (10) business days of the date on which he or she is notified of the award. A copy of said Lease Agreement will be included in the Bidding Materials.
9. The Mayor, Administrator, Clerk and other appropriate Township staff and officials are hereby authorized to undertake any and all acts and execute any and all documents as may be necessary and proper to effectuate the terms hereof.

TOWNSHIP COMMITTEE MEETINGS
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Cranbury Township Resolution # R 03-09-032

A RESOLUTION AUTHORIZING THE EXECUTION OF A CERTAIN SETTLEMENT
AGREEMENT AND GENERAL RELEASE ON BEHALF OF THE Township of Cranbury

BE IT RESOLVED by the Township Committee of the Township of Cranbury in Middlesex County, New Jersey that the Mayor or Administrator is authorized to execute a certain "Settlement Agreement and General Release" on behalf of the Township in the matters of Township of Cranbury v. O'Shea-McMurtrie, OAL Docket No. CLG-8565-08, and McMurtrie v. Township of Cranbury, Docket No. MID-L-5156-08, the terms and conditions of which are to be kept confidential to the maximum extent permitted by law.

Reports from Township Staff and Professionals
Ms. Marcelli, Township Engineer

Ms. Marcelli, Township Engineer, reported she has concerns with the completion date of the contract for the irrigation of the new baseball field now that the resolution has been taken off this evening's Agenda. She stated the completion date was based on getting the irrigation system "up and running" no later than May 9th. Because the Township is not awarding the bid this evening and it is being carried until the meeting on March 30th, there are deep concerns that May 9th will never be realized by the contractor. Ms. Marcelli reported the contractor has 75 days from the notice of award of the bid to complete the contract. Mayor Stave stated there are questions still remaining on the figures and that is the reason for the delay.

Ms. Marcelli reported the Township back in July had applied for a D.O.T. Trust Fund grant for the Cranbury Estates paving project. This project will be similar to the one that was done last summer in the Wynnewood Development. The Engineer's estimate that had been submitted to the State for the Cranbury Estates project was \$ 382,000 which included a 15% construction inspection and material cost which you are allowed to pay for under the grant. However, you cannot use the grant money for any design. The Township did receive a grant of \$ 250,000 — there is a differential between the engineer's estimate and the D.O.T. grant. Ms. Smeltzer, Township Administrator, had requested Ms. Marcelli perform a quick analysis to see if there is any way some of the items in the engineer's estimate can be cut. Ms. Marcelli reported she took out all sidewalk and driveway apron repairs and it would bring the total down to about \$300,000. still up above \$50,000 from the Township's grant amount. She reported the second option she looked at was reducing the re-paving. (Milling off 1 ½ inches from 2 inches and re-paving with 1 ½ inches of asphalt instead of 2 inches of asphalt.) That would bring the amount down to \$343,000. The last approach was cut it down to 1 ½ inches of asphalt and cut out all sidewalks and all driveway repairs. The costs could be reduced to \$ 263,000 to \$264,000. Ms. Marcelli asked for guidance from the Township Committee as to whether or not they wished to proceed with any of the reductions or decide to return the grant money back to the State. She suggested should the Township Committee decide to reduce some of the project; the State should be given Supplemental bid items. She further explained, if someone bids a number that comes below the \$250,000 amount, you can award the sidewalks, etc. Ms. Marcelli reported the Township has until June 2010 to award the contract. The Township cannot ask for more money and this grant must be used for the Cranbury Estates project. Mr. Stannard asked why the Township is contemplating replacing the sidewalks. Ms. Marcelli explained when the Wynnewood project was done those residents' sidewalks were done at the same time as the re-paving project. Mr. Stout suggested going out to bid the project this year and try to maximize the benefit of a "hungry market". Ms. Marcelli reported D.O.T. has funds available for projects and they are not grants; municipalities just have to ask for the funds. She recommended the Township asking for funds to do work on Brickyard Road as well. The Township Committee members all agreed to ask for both Discretionary Funds and any other funding that may be available. Mr. Cody asked about the Federal Stimulus Program. Ms. Marcelli reported D.O.T. has not come forward with any information as of yet. However, they will be conducting a briefing this week. Ms. Marcelli reported the Brickyard Road problem is a sub-grade failure and not the problem of the road not

TOWNSHIP COMMITTEE MEETINGS
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Reports from Township Staff and Professionals (Continued)

Ms. Marcelli, Township Engineer (continued)

being done. The road was actually re-paved in 1995 and was done by using the existing materials as a base and then put asphalt on top of it. If there is not a good sub base and poor ground water issues, it is only a matter of time before the project will fail. Ms. Marcelli indicated she did not want to make a recommendation for a large road repair only to then find out the road will be torn up for the Turnpike widening project. Ms. Marcelli urged the Township to put proper drains in the roadway outside of the parameters where the Turnpike project will occur so that the road is fixed properly.

Ms. Marcelli also recommended in the future the Township have road cores performed on the asphalt to determine what is underneath before having roadwork done.

Reports from Township Boards and Commissions

Mr. Thomas Weidner, Esquire, Chairman of the Parks Commission, discussed with the Township Committee members, the Parks Commission Annual Report which had been distributed earlier in the year to Township Committee members. He reported the Parks Commission Report which had been given to the Township was not really intended as a report of what the Parks Commission had done for the year 2009. The Commission had wanted to go and visit each park in the Township and thought it a good idea after to report on their findings. For five (5) to six (6) months they did so. The report submitted was to make the Township Committee aware of what they had one and to make its recommendations for maintenance, etc. for the parks. Mr. Weidner stated the one item that came across to the Commission members as each park was visited is what a wonderful job Mr. Jerry Thorne, Public Works Manager and his staff do in taking care of the Township's parks and added the 2009 maintenance list on the report for the Township's parks should not be taken as criticism; there is a lot of parkland throughout the Township. Mr. Weidner reported the Commission members listed on the report various projects for the scouts to use. He stated last year the Commission set guidelines for the memorial planting of trees and flowers in the Township parks. Mr. Weidner also reported he had attended a meeting on the "State Trail" which goes from Northwestern New Jersey down to South Jersey however; he noted the Trail does not come close to any of the parks the Township has. Mr. Weidner reported the Commission planted flowers in "Judy's Meadow" and intends to plant more this year. He stated the County had dropped some concrete along the Cranbury Brook and hopes they will come out to remove it soon. Mr. Stout responded the Township is working on that issue. Mr. Weidner reported on the Commission's goals; the Township's stream corridors are very valuable and important. The Commission will be looking at all of the easements the Township has to try to identify what stream corridors are over the easements and then try to determine if it is possible to have substantial walkways along those corridors so that the Township's residents can take advantage of the easements. Mr. Weidner stated ideally the plan would be to be able to walk from the Village of Cranbury to the Village of Plainsboro. Mr. Weidner commended the Boy Scouts for the trail along Cranbury Brook in the Preserve and stated it would be great to be able to enhance it. Mr. Stout added he supported the idea and urged the Commission to work with the Environmental Commission as they have also talked about the same project. Mr. Stout also mentioned it is the ambition of the Stony Brook Watershed Association to have those linkages and recommended contacting them as well and/or the Delaware Raritan Greenway. Mr. Weidner stated the Commission is looking "down the road" to obtain a landscape planner to assist the Commission in planning the big picture for the parks as they do not feel they always have the right decisions and would feel more comfortable in having one. Mr. Stout stated this was very important and is mentioned in the Township's Master Plan and recommended talking to the County for possible funding. The County is also interested in connecting gateways along stream corridors. Mr. Cody recommended contacting Rutgers as well for funding and students to help. Mayor Stave asked Mr. Weidner if he could think of any Township open space that may have future potential for parkland and is farming the best use for some of these parcels. Mr. Weidner stated the Commission is more than willing to help the Township and would be happy to look at the idea. Mr. Weidner reported the Commission is now looking at having a memorial book as there is only so much information that can be placed on a plaque (as there are restrictions as to

TOWNSHIP COMMITTEE MEETINGS
March 2, 2009

Reports from Township Boards and Commissions (Continued)
Mr. Thomas Weidner, Parks Commission Chairman (cont'd)

how much can be put on a plaque). The book would allow people to put a lot of information about the individual in the book as they want. Mayor Stave stated the Township funds for the purchase of trees to be planted by the Public Works Department. This year the Township decided to take those monies out of the Township's budget and form a mechanism by which individuals can give money to the Township to acquire trees in memory of individuals. Mayor Stave asked for the Commission's help in advertising the program. She stated Mr. Weidner's idea of obtaining a landscape architect to work with the Township to determine where the trees should go is a great idea. Mr. Weidner noted the report indicates the trees at the Western end of Village Park are dead and also the eastern end of the Park could use some as well. Mr. Weidner reported there is a tree from one of the properties left of the Park that fell on to the fence and requested someone contact the homeowner to have it removed. Mr. Stout commended the Commission for putting the ideas together and stated that it gives the Department of Public Works a work list for the parks. Mr. Weidner specifically commended the Department of Public Works for the plantings they did on "Judy's Meadow". Mr. Stout referenced on the Commission's report, under Millstone Park, "keep sign more visible". He reminded Mr. Weidner the driveway will be re-aligned shortly by the County. He suggested in reference to the water fountain Mr. Weidner speak with the Board of Health as they may be issues with water fountains in parks. Mr. Stout stated the item on the "tennis wall" referenced as a long-term item is most likely that; it shows up every year and cannot be funded. Lastly, Mr. Stout recommended putting an asterisk next to "relocating radio tower" as it most likely will not be done shortly. Mayor Stave thanked Mr. Weidner and requested to let her know if there is anything the Township Committee can do to let her know.

Updates on Township Projects

Mr. Dietrich Wahlers, a member of the Environmental Commission, spoke concerning the upcoming Turnpike widening project. Mr. Wahlers spoke of his concern that they will be doing damage to both Cranbury and Cedar Brooks. Mr. Wahlers reported the law requires, when damage is done to these brooks, they do remediation on double the acreage they do damage on. For example, if they damage one (1) acre, they are required to remediate two (2) acres. Mr. Wahlers reported the Environmental Commission is also doing a project in 2009 to address the multi-flora rose in the Cranbury Preserve. There is a basic problem with the multi-flora rose. The Environmental Commission wrote a letter to the Turnpike Authority recommending that they address this problem and replace it with native plants as part of their remediation project. Mr. Wahlers requested the Township Committee send a letter to the Turnpike Authority stating they address the problem. There is a meeting on March 18th in East Windsor at the Holiday Inn at 7:00 p.m. and the Environmental Commission will have someone there. Everyone has 16 days after that meeting to make comments. Mr. Wahlers submitted a copy of the letter with a map as well as a list of individuals who were served a copy of the public meeting. Mr. Stout stated when the Turnpike repairs its bridges they will be encroaching on the Riparian Zones along the creeks and as Mr. Wahlers stated have to remediate two to one. Mayor Stave offered to follow up with letters from the Township Committee and urged Mr. Wahlers to let her know what can be done. Ms. Marcelli offered that she has been speaking with a Ms. Lisa Kenny, Project Manager who has been very helpful and will be willing to contact her for the Township. Ms. Connie Bauder, Petty Road, stated she agrees that the multi-flora rose is definitely a species that should be removed from the Cranbury Preserve; however, another plant is also becoming invasive—the burning bush. Ms. Bauder indicated there are directives out that plant should not be planted as an ornamental plant. She stated it appears the plant is starting to take over the walking/hiking trail in the Preserve. She asked that plant be removed at the same time as the multi-flora rose. Ms. Bauder suggested the burning bush plant not be allowed to be planted in the Township and recommended when applicants come before the Township with their plans, the Environmental Commission be involved in the process. Mr. Stout stated the Planning Board does give the applicants a list of plantings as part of their process.

TOWNSHIP COMMITTEE MEETINGS
March 2, 2009

Work Session

a). Discussion of Landscaping on Lenape Court

Dr. Robert Bartoletti, President, Lenape Court Homeowners' Association, addressed the Township Committee plans the Home Owners Association has for plantings in the front of the development which fronts Petty Road. Dr. Bartoletti reported the Association wants to enhance the appearance of the driveway entrance to the development. Dr. Bartoletti presented the proposed plan to the Township Committee. Dr. Bartoletti reported the project should cost approximately \$7,000. Ms. Marcelli stated because the Homeowners' Association would be in charge of this project, she has recommended to Dr. Bartoletti a formal agreement be prepared. Ms. Waterbury, Township Attorney, stated from the legal perspective, part of the written agreement should include an indemnification for the Township. Mr. Stout raised his concern of who will be paying for the legal fees for the agreement to be drawn up as this will be for the benefit of the homeowners' association. Ms. Waterbury offered to provide to the homeowners' association, different agreements they have prepared in the past ("templates") so the costs would not be that great to prepare such an agreement. Mayor Stave asked Dr. Bartoletti if the homeowners' association is willing to pay for the legal costs in reviewing the agreement. He responded they had not talked about it. Mr. Stout explained the Township is trying not to take private projects and having the Township pay for legal review. Dr. Bartoletti asked the Township Attorney the costs involved. Ms. Waterbury responded \$140.00 per hour is her fee and the total hours she spends on the project is the content of what she is given. Dr. Bartoletti asked Ms. Waterbury for an estimate to take back to the Association. Ms. Waterbury responded no more than five (5) hours. Ms. Connie Bauder, Petty Road stated she was speaking against the project as one side of the project is her property. Ms. Bauder explained in the easement between her property and the end of the road there exists only two (2) feet and she owns the rest of the land (the strip that is supposed to be the shoulder of the road). Ms. Bauder stated the issue would be someone putting rocks and plantings in front of her property and she needs to go to the road, she does not want to have to walk over rocks. Dr. Bartoletti responded it would not be on Ms. Bauder's property rather on the Township-owned property. Ms. Bauder stated she does not welcome any improvements being put on the land in question. Mr. Stannard stated this issue should be cleared up first between the Bauders and the Homeowners' Association as it would not be appropriate for the Township Committee to take any position on the issue as it could lead to litigation. All of the other members of the Township Committee agreed with Mr. Stannard. Mayor Stave asked Dr. Bartoletti to work everything out with the neighbors and they come back to the Township Committee.

Public Comment

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

On motion by Mr. Stannard, seconded by Mr. Stout and unanimously carried, the meeting adjourned at 9:05 p.m.

Kathleen R. Cunningham, Clerk