

Cranbury Township Committee Meeting  
June 8, 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; Kathleen R. Cunningham, Clerk; and Jean Golisano, Deputy 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 December 1, 2008 on the Bulletin Board of the Municipal Office at 23-A North Main Street, Cranbury, New Jersey and remains posted at that location.
- (2) Communicated to the Cranbury Press, Home News Tribune and Trenton Times on December 1, 2008.
- (3) Was filed on December 1, 2008 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 April 27, 2009

On motion by Mr. Cody seconded by Mr. Stout, and unanimously carried, the Regular Committee Minutes of April 27, 2009 were adopted.

Regular Committee Minutes of May 11, 2009

On motion by Mr. Stannard, seconded by Mr. Panconi, and unanimously carried (with the exception of Mr. Cody who abstained because of absence), the Regular Committee Minutes of May 11, 2009 were adopted.

Closed Session Minutes of May 11, 2009

Ms. Cunningham, Clerk, announced once adopted, the Closed Session Minutes cannot be public because of the confidential nature and until such time the issue is resolved.

On motion by Mr. Stout, seconded by Mr. Stannard, and unanimously carried (with the exception of Mr. Cody who abstained because of absence), the Closed Session Minutes of May 11, 2009 were adopted.

Reports and Communications

--Mayor

Mayor Stave reported that Cranbury Township did not receive the ANJAC grant. The grant was for \$20,000 and would have addressed Cranbury's ecological footprint, adding a green element to our Master Plan. Mayor Stave also reported that at their monthly meeting, the Lions Club awarded scholarships to three (3) college-bound high school graduates.

--Members of Committee

Mr. Panconi attended the monthly Fire Company meeting and reported that there were 18 calls during the month of May, eight (8) of which were during the day and ten (10) in the evening. There were four (4) false alarms, of which two were caused by contractors not following proper protocol.

Mr. Cody stated there would be trail walk along the Cranbury Brook Preserve on June 20, 2009 at 10:00 a.m. and requested assistance publicizing the expedition. Mayor Stave

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Reports and Communications (Continued)

---Members of Committee (cont'd)

stated that Mr. Donny Patterson was very kind in allowing the group to walk the trail on his property.

Mr. Stout reported that he attended a "Keep Middlesex Moving" meeting concerning traffic issues on busing to and from the warehouses. Mr. Stout reported that grant monies would be tight this year.

--Subcommittees

There were no reports from subcommittees.

Agenda Additions/Changes

Ms. Cunningham, Clerk, announced that Police Chief Kahler will give his monthly report after his presentation instead of under Reports from Township Professionals and Staff.

Police Department Chief Edward L. Kahler, III thanked the residents for attending the meeting, and he stated he was presenting to offer insight into the scope of law enforcement work in Cranbury, ranging from everyday duties to highly specialized functions. Chief Kahler prepared a handout for the community. He stated that slides would be shown and warned some of the slides might be graphic. He then gave a brief history of his background, including his education and said that while his school prepared him for the job, it wasn't until in the position that he really was aware of what happens in a Police Department or how to run the organization. Chief Kahler stated that the Department has 18 sworn officers who cover the township 24/7, 52 weeks a year. He reviewed the Department's mission statement and Code of Ethics, and complimented his staff for the good example they set in town. Referencing a slide, Chief Kahler explained the hierarchy of the department: Administration, Detective Bureau, Traffic Bureau, Patrol Division, Community Policing and Office of Emergency Management. Chief Kahler described the responsibilities and duties that fall within each Bureau. He referenced the many government agencies the Department must be in compliance with. He also stated the Department is responsible for discovery for the Prosecutor's Office, and reported this time-consuming responsibility is handled by the Department's Administrative Assistant, Jeannie Gettings. Chief Kahler also described the extensive training each officer must receive. After concluding his presentation, the meeting was open to the public for questions.

Mr. Leo Fennity of Brainerd Drive thanked the police for their great work. He stated the police had many responsibilities that residents did not know were part of the job. Mr. Fennity questioned the police about the value of the bicycle patrols and commented that they did not see too many police patrols in the Evans tract. He requested that more patrol cars drive through the community because police visibility would be helpful to deter problems. Chief Kahler assured the residents that the police are patrolling all roads and neighborhoods, and explained that bicycle patrols are very helpful in deterring burglaries.

Mr. Randy Pisane questioned if it was wise that the Township did not have its own court. Mayor Stave stated that the issue of the court is reviewed every year at budget time and that it is more cost efficient to use Plainsboro Court than to have our own court. Mr. Pisane then asked about the police dispatch service through Hightstown, and requested that the efficiency and cost be looked into. He also felt it would be advantageous to have some FBI training for the Department. The Township Committee stated it is their responsibility to obtain advanced training for the police department. Mr. Pisane requested the Township Committee again consider the court and dispatching.

Several Cranbury Township Police Officers were in the audience, and they were requested to introduce themselves to the residents. Mayor Stave thanked Chief Kahler and the officers for coming to speak to the Township Committee so that the taxpayers would know what the Police

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Presentation on Police Department by Chief Edward L. Kahler (Continued)

Department does. Mayor Stave extended the Committee's thanks and gratitude for all the police do.

Ms. Jane Elias, Four Seasons resident, thanked the Department for all their help, and stated that dispatching through Hightstown sometimes delays police response. Ms. Elias also explained to the Committee that the way the homes were numbered in the Four Seasons community was very confusing. Ms. Elias thought it would be helpful for the police to review how the homes were addressed, and Chief Kahler responded the Department would follow up.

Mr. Dale Smith, Maplewood Drive, inquired about the Department's shifts, and Chief Kahler informed the residents that the officers worked 12 hour shifts, with a minimum of two officers on at any one time. Mr. Panconi informed the public that Chief Kahler reports the overtime budget each month to the Township Committee. Mr. Panconi agreed that officers should have FBI training. Mr. Pisane inquired about the Department being down one officer, and was informed that the Department had asked that another officer be added however, the Township Committee decided not to increase the Department this year in order to maintain a level budget. Mr. Pisane questioned if overtime is a factor, would it not be more cost effective, even with paying benefits, to have an extra officer than to pay overtime.

Mr. Peter Connelly, Petty Road, thanked the Department and stated the police salaries were an embarrassment and should be tripled. He thanked the Department for their services. Mr. Connelly stated the two reasons homes sell in Cranbury are the great school system and the safety of the town. Mr. Connelly stated the values of our homes are tied to the great service provided by the Police Department.

Chief Kahler then delivered his monthly report to the Township Committee: 375 violations in May, including 18 speeding violations and 23 cell phone violations; 23 automobile accidents; and 156 seatbelt violations. Chief Kahler also reported a bank robbery, a recovered missing person, and a baby that was dropped off to the Cranbury Police Department for the Safe Haven Program.

Chief Kahler announced the Department's thanks to Home Depot for their donation of safety equipment and also to Rolly's Bistro for the donation of water during the investigation of the bank robbery.

Mr. Panconi reported that on Maplewood Avenue there is an increase in people speeding out of town. Also, Mr. Panconi stated that when the water tower comes down, the alarm on the tower must be relocated. The alarm will be transferred over to the fire house, which has a generator that can handle the alarm.

Ordinances  
Second Reading

Cranbury Township Ordinance 05-09-08

A motion to enter an Ordinance entitled, Cranbury Township Ordinance 05-09-08, "AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, IN MIDDLESEX COUNTY, NEW JERSEY, INCREASING SEWER USAGE RATES AND CONNECTION FEES", was presented for second reading and final adoption. The Ordinance was published in the Cranbury Press, posted on the Township Bulletin Board and copies were available to the public.

Ms. Denise Marabello, Director of Finance, gave a Powerpoint presentation on this Ordinance. Following are some of the highlights of the presentation:

- Per statute sewer connection fees are looked at every year.
- During budget process, Township realized sewer operating expenses were increasing.

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Cranbury Township Ordinance 05-09-08  
(Continued)

- Cost increase necessary for implementation of water quality management plan and sustainability of existing sewer system.
- The 2009 budgeted sewer operating expenses and debt service total \$1,395,408.
- The estimated 2008 sewer revenue totals \$615,410, leaving a difference of \$779,998 additional revenue needed.
- To determine the proposed fixed portion of sewer rates, the debt service charges of \$434,321 was divided by the total 1,928 sewer units to arrive at a \$225 proposed annual fixed fee or \$56.25 per quarter per unit, compared to the 2008 rates of \$68 annual (or \$17 quarter).
- The proposed usage portion of sewer rates will increase from the 2008 rate of \$191 (\$47.75 quarter) to \$458 (\$114.50 quarter).

The Mayor opened the public hearing on the Ordinance. Mr. John Battles, Labaw Drive, questioned the sewer debt, the number of bonds purchased and the repayment period. Ms. Marabello stated that the refunding of sewer debt for the period 1998 to 2002 will be paid off over the next 20 years. The refunding brought the principal and interest down by \$180,000. Mr. David Cook, North Main Street, inquired about the differentiation between residential and commercial usage. Ms. Marabello explained about flow usage and stated commercial is charged relative to the amount of flow. Mr. Kallan inquired when the water company was sold to Elizabethtown, and inquired if the amount we received was applied toward our debt. Ms. Christine Smeltzer, Township Administrator, responded the money in part went to pay off the sewer debt from the past 20 years. The new debt that was generated by South Brunswick is the debt we are now dealing with. Mr. Kallan asked what happened to Cranbury Township "paying as we go?" Ms. Marabello stated the sewer debt was reviewed two years ago, but while working on the refunding, it became evident that we had a shortfall. Mr. Stout stated in the past many new users came on to the system which offset the cost. The Township is no longer getting the surges of funding to offset costs. Mr. Kallan stated that residents do not like surprises and it will hurt a lot of people, especially senior citizens. Mr. Stout said the Township doesn't like surprises either and the increase should be offset in the future.

Mr. Greg DeAngelis, Ryan Road, commented on how his taxes have increased substantially and now sewer costs were increasing as well. Mr. DeAngelis added the residents' homes were assessed at the peak of the real estate market.

Several residents inquired about commercial usage and the suggested having someone within the Township monitor the system. Mr. Stout stated that we are paying multiple operators to handle our sewer and are paying their debt. Mr. Stannard stated Monroe Township has the equipment to monitor, and added Monroe cannot raise Cranbury rates without raising their own residents' rates.

Mr. Cody inquired when the sewer increase would reach the residents, and when would taxes go down. Ms. Marabello replied the increases would go out in August, and taxes should go down next year. Mr. Cody questioned the timing, and Ms. Marabello stated the bill had to be paid. After further discussion, some residents felt the increase was inevitable, and the Township should go forward to pay the bill.

No one else present wished to speak, so the hearing was declared closed. On motion by Mr. Stout, seconded by Mr. Stannard, the Ordinance was adopted by a vote:

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Cranbury Township Ordinance 05-09-08  
(Continued)

Ayes: (Panconi  
(Stannard  
(Stave  
(Stout

Abstain: (None  
Absent: (None

Nays: (Cody

Ordinance  
Second Reading

Cranbury Township Ordinance 05-09-09

A motion to enter an Ordinance entitled, Cranbury Township Ordinance 05-09-09, AN ORDINANCE OF THE TOWNSHIP OF CRANBURY AMENDING "AN ORDINANCE FIXING THE SALARIES, WAGES AND BENEFITS FOR VARIOUS OFFICIALS AND EMPLOYEES OF THE TOWNSHIP OF CRANBURY PROVIDING FOR THE MANNER OF PAYMENT THEREOF, AND RATIFYING SALARIES AND PAYMENTS TO EMPLOYEES AND OFFICIALS PREVIOUSLY PAID", was presented for second reading and final adoption.

The Ordinance was published in the Cranbury Press, posted on the Township Bulletin Board and copies were available to the public. Ms. Cunningham, Clerk, stated this Ordinance is due to Ms. Golisano, Deputy Clerk, recently passing the State Exam for Registrar. Ms. Cunningham added this is a job title change only and there will be no increase in Ms. Golisano's salary. No one present wished to speak, so the hearing was declared closed. On motion by Mr. Panconi, seconded by Mr. Stannard, the Ordinance was adopted by a vote:

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

Abstain: (None  
Absent: (None

Nays: (None

Ordinances  
Second Reading

Cranbury Township Ordinance 05-09-11

A motion to enter an Ordinance entitled, Cranbury Township Ordinance 05-09-11, AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AMENDING CHAPTER 46, "ALARMS," OF THE CODE OF THE TOWNSHIP OF CRANBURY TO REVISE AND UPDATE THE VIOLATION AND PENALTY PROVISIONS CONCERNING FALSE ALARMS", was presented for second reading and final adoption. The Ordinance was published in the Cranbury Press, posted on the Township Bulletin Board and copies were available to the public.

Mr. Panconi explained contractors were not following proper protocol of calling the Police Department and Fire Company before starting work in the warehouses, and false alarms were being activated.

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Cranbury Township Ordinance 05-09-11  
(Continued)

The Mayor opened the public hearing on the Ordinance. No one present wished to speak, so the hearing was declared closed. On motion by Mr. Stout, seconded by Mr. Stannard, the Ordinance was adopted by a vote:

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

Abstain: (None  
Absent: (None

Nays: (None

Ordinance  
First Reading

Cranbury Township Ordinance 06-09-10

An Ordinance entitled "Cranbury Township Ordinance 06-09-10, AN ORDINANCE AMENDING SECTION 82-2, "MISCELLANEOUS FEES," AND AMENDING CHAPTER 120, "RECYCLING", OF THE CODE OF THE TOWNSHIP OF CRANBURY TO ESTABLISH A PROGRAM FOR THE RECYCLING OF WHITE GOODS AND ELECTRONIC WASTE" 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  
(Panconi  
(Stannard  
(Stave  
(Stout

Abstain: (None  
Absent: (None

Nays: (None

Public Hearing June 22, 2009

**TOWNSHIP OF CRANBURY  
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY**

AN ORDINANCE AMENDING SECTION 82-2, "MISCELLANEOUS FEES," AND AMENDING CHAPTER 120, "RECYCLING," OF THE CODE OF THE TOWNSHIP OF CRANBURY TO ESTABLISH A PROGRAM FOR THE RECYCLING OF WHITE GOODS AND ELECTRONIC WASTE.

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

1. Section 82-2 of the Code of the Township of Cranbury ("Code") is hereby amended to read as follows (additions to text are underlined; deletions are in [brackets]):

**§82-2. Miscellaneous fees.**

E. Scheduled pick-up of white goods and electronic waste, pursuant to §120-4.D.: \$10.00 per item.

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Cranbury Township Ordinance 06-09-10  
(Continued)

2. Chapter 120 of the Code is hereby amended to read as follows (additions to text are underlined; deletions are in [brackets]):

**§120-1. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

ELECTRONIC[S] WASTE – Televisions, VCRs, computer equipment (including, but not limited to, CPUs, monitors, keyboards, scanners, modems, printers, and cables), laptops, telephones, irons, fluorescent lamps, compact fluorescent bulbs, and undamaged mercury containing devices (including, but not limited to, thermostats and thermometers).

WHITE GOODS – Washers, dryers, ranges, refrigerators, air conditioners, outside grills (including gas tanks for grills), water heater tanks, freezers, stoves/ovens, dishwashers, metal storm doors (without glass window inserts), humidifiers/de-humidifiers, water coolers, metal sinks, and residential kitchen exhaust fans. The preceding list of White Goods is not exhaustive; should a question arise concerning whether an item is considered a White Good, residents should contact the Department of Public Works for clarification. Note: all devices that contain CFCs must be properly evacuated by licensed individuals prior to disposal with the Township and all CFCs recovered must be sent to an EPA approved reclaimer.

**§120-4. Recycling responsibilities.**

D. White Goods and Electronic Waste recycling:

White Goods and Electronic Waste shall be recycled in the Township by one of the following means:

1. A scheduled curbside pick-up of White Goods and Electronic Waste by the Department of Public Works. Curbside pick-up shall occur once a month on a date set by the Department of Public Works. Residents shall be responsible to contact the Department of Public Works to schedule the curbside pick-up. There shall be a \$10.00 per item fee for curbside pick-up, which shall be paid to the Township of Cranbury by the resident prior to pickup.
2. Delivery of White Goods and Electronic Waste by residents to a facility designated by the Department of Public Works during a time and date as determined by the Department of Public Works. There shall be no charge to the resident for the delivery of White Goods and Electronic Waste.

3. Inconsistencies. The provisions of this ordinance shall be deemed controlling should there be an inconsistency between this ordinance and any current ordinances, resolutions, or parts thereof.

4. 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.

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

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Resolutions  
Consent Agenda

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

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

Abstain: (None  
Absent: (None

Nays: (None

Cranbury Township Resolution # R 06-09-079

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

Cranbury Township Resolution # R 06-09-080

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Cranbury that the following salaries, wages and fees shall be paid to the various Township Officials and employees of the Township of Cranbury, effective April 1, 2009 unless otherwise noted:

<u>POSITION</u>	<u>SALARY OR HOURLY RATE</u>
Deputy Clerk/Deputy Registrar	\$ 23.43

Cranbury Township Resolution # R 06-09-081

WHEREAS, \$7,500 was set up in 1993 as a Reserve for Fire Hydrant Installation; and

WHEREAS, there is no record of who or why this money was posted; and

WHEREAS, it is recommended that the balance of \$7,500 in the Reserve for Fire Hydrant Installation be cancelled to Surplus;

NOW, THEREFORE BE IT RESOLVED, that this balance be cancelled to Surplus.

Cranbury Township Resolution # R 06-09-082

Resolution of the Township of Cranbury, N.J.

A Resolution Authorizing the Release of Road Opening Escrow

WHEREAS, Kerzner Associates has \$250.00 in a road opening escrow account previously posted with the Township.

WHEREAS, the Public Works Manager has approved the release of this money,

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Cranbury that the Township of Cranbury release Kerzner's Block 2.01, Lot 3.01 road opening escrow account.



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Cranbury Township Resolution # R 06-09-082  
(Continued)

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

- (a) Cranbury Township Director of Finance
- (b) Kerzner Associates

Cranbury Township Resolution # R 06-09-083

TOWNSHIP OF CRANBURY  
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY

**A RESOLUTION AUTHORIZING THE PURCHASE OF VEHICLES THROUGH STATE  
CONTRACT; N.J.S.A. 40A:11-12a.**

WHEREAS, the Township of Cranbury, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any good or services under the State of New Jersey Cooperative Purchasing Program from any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the Township of Cranbury has the need on a timely basis to purchase goods or services utilizing State contracts; and

WHEREAS, the Township of Cranbury intends to enter into contracts with the following referenced State contract vendors through this resolution and properly executed contracts, which will be subject to all the conditions applicable to the current State contracts:

<u>Commodity/Service</u>	<u>Vendor</u>	<u>State Contract #</u>	<u>Amount</u>
Vehicle (Police Dept.)	Warnock Fleet	A73671	\$31,887.00
Vehicle (Public Works)	Flemington Buick Chevy Pontiac GMC	A73867	\$23,273.00

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available for the said purpose in the following accounts:

For Police Vehicle: Hybrid SUV – Capital Ordinance  
For Public Works: Silverado 1500 Truck – Capital Ordinance

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Cranbury hereby authorizes the purchase of the subject vehicles, pursuant to all conditions of the State contracts; and

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded to the Township's Chief Financial Officer, Police Chief and Public Works Manager.

Cranbury Township Resolution # R 06-09-084

WHEREAS, the Tax Collector has determined, there were erroneous paid taxes which caused an overpayment on one parcel for 2008 property taxes;

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Cranbury Township Resolution # R -06-09-084  
(Continued)

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Cranbury that the following 2007 erroneously paid property taxes be refunded:

<b><u>BLOCK</u></b>	<b><u>LOT</u></b>	<b><u>ASSESSED TO</u></b>	<b><u>AMOUNT</u></b>
18	17	Chung-Nien Wong & Fei-Wen Wong	\$ 3,625.00

Cranbury Township Resolution # R 06-09-085

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

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

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

Section 1

NOW, THEREFORE, BE IT RESOLVED that the Township Committee hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2009 in the sum of \$ 4,000.00 which item is now available as a revenue from State of New Jersey pursuant to the provision of statute, and

Section 2

BE IT FURTHER RESOLVED that a like sum of \$ 4,000.00 is hereby appropriated under the caption Click It or Ticket.

Section 3

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

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

Cranbury Township Resolution # R 06-09-086

TOWNSHIP OF CRANBURY  
MIDDLESEX COUNTY, NEW JERSEY

A RESOLUTION AWARDING A CONTRACT FOR PROFESSIONAL LEGAL SERVICES

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Cranbury Township Resolution # R 06-09-086  
(Continued)

WHEREAS, the Township wishes to hire the following ATTORNEY AND FIRM (THE "Professionals") to provide professional legal services to the Township during the calendar year 2009

Trishka Waterbury, Esq., and Mason, Griffin & Pierson, PC; and

WHEREAS, the costs for the services to be provided by the Professionals are set forth in their proposal submitted to the Township, which is 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

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 this 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 and ratifies Trishka Waterbury and Mason, Griffin & Pierson PC to provide professional services to the Township during the calendar year 2009:
2. The Mayor and Clerk are hereby authorized and directed to enter into a Professional Services Agreements with the professionals, in accordance with the proposal described n the Preamble of this Resolution, and pursuant to the provisions of the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1 *et seq.* This contract is being awarded without competitive bidding as a Professional Service under the provisions of the aforementioned law because the Professionals practice a recognized profession the practice of which 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.

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Reports from Township Staff and Professionals

Ms. Christine Smeltzer, Township Administrator

Ms. Christine Smeltzer, Township Administrator, reported the construction on the Ballpark Regulation Field was not going the way it should as no action is currently being taken by the contractor. The construction is beyond the timeframe to complete at this point. Mr. Graydon, Zoning Officer, sent several certified letters to the contractor, Precise Construction. Ms. Smeltzer notified the Committee that she and Mr. Konin, Township Attorney, will prepare a letter of default if the contractor continues to fail to respond to the Township within the next five (5) days. Ms. Smeltzer stated this is the next step in the process. Ms. Trishka Waterbury, Township Attorney, stated she would like the Township Committee to adopt a motion authorizing the Administrator, in consultation with the Attorney and Zoning Officer, to file a formal complaint asking the surety to stand behind the project. Mr. Cody asked about the amount paid for the project. Ms. Smeltzer responded that so far a total of \$290,000 has been paid to the contractor, but additional payment has been withheld since work has ceased. The contractor has not responded to the Zoning Officer's correspondence. Mr. Graydon met with the bonding company to advise that it is likely the Township will be going after them for the bond. Mr. Stannard explained to the public that the bond is similar to an insurance policy. Ms. Waterbury, Esquire, Township Attorney, explained that we have several alternatives in the negotiation process with the surety. What the Township prefers is to have a contractor come out and complete the project. Ms. Waterbury reported sometimes the surety will just give a lump sum to complete the project, but often the Township will run the risk of not having enough money to pay for the project. Mr. Cody asked if the surety company makes that determination, and Ms. Waterbury replied the decision is negotiated. The Committee members remarked Mr. Graydon has done a great job keeping the surety in the loop, and the surety has been informed what is happening with the project. Ms. Smeltzer stated that the Township Attorney is involved and assumes that the surety will keep in touch with Mr. Graydon as the project moves along. Ms. Smeltzer will continue to work with Mr. Graydon and said we will keep our attorney consultation fees to a minimum. Questions were raised concerning what would happen if the contractor, Precise Construction, should file for bankruptcy, and how much longer should it take to complete the project. Ms. Waterbury responded the scope of the project is small enough to resolve quickly. Hopefully, the field can be seeded in the Fall and can be played on the following year.

Ms. Smeltzer stated that the problem in New Jersey is that the lowest bidder is awarded projects. However, in the "municipal family", word travels quickly and work does not get awarded to contractors that do not complete projects. Mr. Stannard stated the surety will have the work completed. Ms. Smeltzer stated that the references for this proposal were good.

On motion by Mr. Stannard, seconded by Mr. Cody and unanimously adopted, to authorize the Township Administrator, in consultation with the Township Attorney and Zoning Officer Jeffrey Graydon, to formalize a default against the contractor and make a formal claim with the surety to have it honor the terms of the performance bond and ensure completion of the project.

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

Reports from Township Boards and Commissions

There were no reports.

Cranbury Township Committee Meeting  
June 8, 2009

Updates on Township Projects

There were no reports.

Public Comment

The Mayor opened the meeting to public questions and comments on those items not on the agenda.

Mr. Joseph Colombo, Labaw Drive, voiced his concerns about the safety of the property at 37 Old Trenton Road. Mr. Colombo described the neglected condition of the property, including the broken chain link fence, a pipe which dumps water on Old Trenton Road, and approximately ten (10) uninspected cars and trucks in the driveway with flat tires and open doors. Mr. Colombo stated with summer coming, this could be a safety issue with children and a place where people would hang out.

Mayor Stave thanked Mr. Colombo for his recent letter and stated the Zoning and Health Officers are addressing the matter. She further stated some clean up had occurred and some cars were removed. Mr. Colombo replied that the fence has been down for approximately one (1) year, and asked that these items be addressed immediately. Mr. Panconi requested information be provided by the Zoning and Health Officers by the next meeting.

Ms. Jane Elias, Labaw Drive, reported that there have not been any cars removed from the property at 37 Old Trenton Road. She reported when the residents moved into Four Seasons, they were required to follow rules so that everything looked a certain way, such as mailboxes and requested that the same standards apply to this decrepit property. She stated it was a danger for kids and a place for rodents. Ms. Elias also reported a bus parks near the property every day, and the driver throws garbage there. She requested that all residents follow rules to keep properties safe and maintained.

Mr. Stannard stated it must be recognized that the property is private property and time must be given to the owner to clean up the property. Mr. Colombo replied it has been a long time, and questioned why it is taking the Township so long to notice the problem. Mayor Stave thanked the residents and stated reports from the Zoning and Health Officers will be provided to the public at the June 22, 2009 Committee Meeting.

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

Report from Cathleen Marcelli, Township Engineer

Cathleen Marcelli, Township Engineer, reported that the Township had received a \$250,000 grant from the DOT for improvements in Cranbury Estates. Ms. Marcelli reported that she sent a letter to Christine Smeltzer on May 29, 2009, outlining three possible ways to proceed with the improvements:

Option A: Curb Replacement, Handicap Curb Ramp Installation and Storm Sewer Inlet Reconstruction and Retrofitting - Township replaces all curbing and sewer retrofitting at a cost of \$216,000. Handicap curb ramps would be installed at the intersections for compliance with ADA regulations. Seventeen (17) storm inlets would be retrofitted, and nine (9) storm inlets would be reconstructed to repair walls and floor. This option is below the \$250,000 grant, and the \$32,000 difference can fund DOT inspections; however, this option would postpone the milling of the roadway.

Option B: Replacement of Curb in Poor Condition, Curb Ramp Installation, and Storm Sewer Inlet Reconstruction and Retrofitting - The scope of work for Option B is identical to Option A, with the exception of replacing only the curbing identified during the recent inspection as being in poor condition. The estimated construction cost is \$130,000.

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Report from Cathleen Marcelli, Township Engineer (Continued)

Option C: Replacement of Curb in Poor Condition, Curb Ramp Installation, Storm Sewer Inlet Reconstruction and Retrofitting, Roadway Milling, and Paving – To replace curbing in poor condition and sewer retrofitting. This would postpone roadway improvements to a later phase. The cost of replacing the curbing and roadway improvements would be \$302,000, which is in excess of the DOT grant.

Ms. Marcelli reported she had spoken with DOT and the project's scope could be reduced using Option A or B outlined above, and then the Township could apply for additional grant funding from DOT. She added, DOT looks favorably on phased projects. The application would be ranked highly because the DOT favors projects that are completed. Ms. Marcelli stated sidewalks could be included in any of the three options. She reported roadways typically have a life of 15 years. Ms. Cathleen Marcelli, Township Engineer (Continued)

The roads in Cranbury Estates are now 12 years old. Because of low traffic, the roads could last 20 years. While conducting the study in the Estates, Ms. Marcelli reported she had been approached by four residents who said they would like the curbs fixed.

Ms. Marcelli reported there is a deadline of June 12, 2009 to submit the grant and needed direction on how to proceed for filing the grant concerning both the Griggs Tract and the Brickyard Road repairs. Ms. Marcelli wanted to confirm the Township's priorities on repairs. She stated that grants have been applied for every year for the last 11 years. Ms. Marcelli stated she would recommend Option B for the Griggs Tract Project due to the poor curbing. Ms. Smeltzer asked what the timeframe is for the project, and Ms. Marcelli indicated the deadline of the grant is June 12, 2010. Mr. Stannard stated he preferred to do the project in phases. Ms. Marcelli proposed to go with Option B and send letters out to the residents. Ms. Stout suggested inviting the residents to a meeting to express their interests, and Mr. Cody agreed. The Township Committee decided to make the Griggs Tract the first priority and apply for the 2010 grant for Brickyard Road repairs.

Ms. Marabello, Finance Director, was asked if an ordinance was needed for other construction. Ms. Marabello responded, if a project is within \$250,000, we already have an ordinance in place, however the Township Committee would need to adopt an ordinance if the price goes above \$250,000. Ms. Marcelli reported the Township has \$167,000 in Discretionary Aid Funding from DOT, which has a shorter deadline. This grant is stimulus money which is being pumped into the economy to get people working. Mr. Stout asked if Plainsboro Road can be considered at the same time. Ms. Marcelli responded those projects would need to be prepared. She added the contracts, which are separate, can be bid but work can be done at the same time.

Mayor's Notes

The Mayor had no additional reports.

Adjourn

On a motion by Mr. Stannard, seconded by Mr. Cody and unanimously carried, the meeting was adjourned at 10:05 p.m.

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Kathleen R. Cunningham, Clerk