

TOWNSHIP COMMITTEE MEETING  
JUNE 22, 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 and Mayor Pari Stave. Mr. Stout was absent. 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 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.

Minutes of June 8, 2009

On motion by Mr. Cody, seconded by Mr. Stannard and unanimously carried, the minutes of June 8, 2009 were adopted.

Reports and Communications

--Mayor

Mayor Stave turned her remarks over to Mr. Cody who reported there had been a "great walk" on Saturday, June 20, 2009 from the West property to Plainsboro. Mr. Cody indicated there were approximately 50 people who participated and hopefully the Township can build on it in the future. Mayor Stave reported she had never walked past the Patterson property however, she did go through the Sarcuni property and then on to the Simonson Farm. It was great fun and a great way to honor Mr. Cody's daughter, Helene Cody.

--Members of Committee

Mr. Panconi

Mr. Panconi reported there is an issue with the water tower being taken down; when the tower comes down, the fire siren will come down with it. The Fire Company is asking the Township if it can go on top of the antenna at the Fire House. Mr. Panconi reported in looking at the antenna he is not sure that putting it on the antenna will work as there is a lot of torque involved. The Township Committee discussed possible locations for the siren to be located. Mr. Cody suggested exploring if there are more modern sirens available which may be smaller. The Township Committee members recommended putting it on Town Hall or on top of the Fire House.

Mr. Stannard

Mr. Stannard reported on June 10, 2009 he had attended the Business and Professional Association's meeting to determine how the Township can assist business owners. Mr. Stannard reported the Business Association is very angry with the Township Committee, the Township's Professionals, Planning Board and Zoning Board. He stated the Township Administration on down is not a problem and they are happy with the services they receive from the Town Hall staff. Mr. Stannard reported the Township has a reputation of being very

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--Members of Committee  
Mr. Stannard (Continued)

"unfriendly" to new businesses coming into Cranbury because of the lengthy and costly expenses associated with the Township's process. Mr. Stannard recommended forming a subcommittee to work on the problem to make it friendly towards businesses. Mr. Stannard then volunteered to serve on the subcommittee and Mr. Cody also volunteered to serve as well. Mayor Stave recommended having Mr. Preiss, the Township Planner, on the subcommittee.

Agenda Additions/Changes

Ms. Cunningham, Clerk, announced "Mayor's Notes" appear twice on the Agenda and asked that the second one be deleted.

Ordinances

Second Reading

Cranbury Township Ordinance 06-09-10

A motion to enter 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 presented for second reading and final adoption. The Ordinance was published in the Cranbury Press, posted on the Township Bulletin Board and copies were available to the public. The Mayor opened the public hearing on the Ordinance. Mr. Cody raised a question concerning the \$10.00 per item charge for curbside pickup. Specifically, if there is only one light bulb would a resident be charged \$10.00. Mr. Stannard stated he recently spoke with Linda Scott, who was instrumental in setting up the Program, and if a resident showed up with the light bulbs she would most likely take them. Ms. Scott is out at the Public Work's Shed the first Friday of the month and commended Ms. Scott for doing so. The Township Committee unanimously agreed to see how the Program works out, and if necessary make a change to the Ordinance at that time. No one else present wished to speak, so the hearing was declared closed. On motion by Mr. Panconi, seconded by Mr. Cody, the Ordinance was adopted by a vote:

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

Nays: (None

Resolutions

Consent Agenda

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

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

Nays: (None





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Cranbury Township Resolution # R 06-09-091  
(Continued)

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranbury that the application of Thomas C. and Gloria A. Ingegneri for the renewal of Alcoholic Beverage License No. 1202-32-002-004 be and is hereby approved.

Cranbury Township Resolution # R 06-09-092

A Resolution Approving a Liquor License for 2009-2010 for Riya Cranbury, L.L.C.

WHEREAS, the Township Committee of the Township of Cranbury has received an application from Riya Cranbury, L.L.C. for the renewal of Alcoholic Beverage License No. 1202-36-004-001; and

WHEREAS, the applicant has complied with all of the statutory requirements,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranbury that the application of Riya Cranbury, L.L.C. for the renewal of Alcoholic Beverage License No. 1202-36-004-001 be and is hereby approved.

Cranbury Township Resolution # R 06-09-093

A Resolution Approving a Liquor License for 2009-2010 for JK Mart, Inc.

WHEREAS, the Township Committee of the Township of Cranbury has received an application from JK Mart, Inc. for the renewal of Alcoholic Beverage License No. 1202-32-001-010; and

WHEREAS, the applicant has complied with all of the statutory requirements,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranbury that the application of JK Mart, Inc. for the renewal of Alcoholic Beverage License No. 1202-32-001-010 be and is hereby approved.

Reports from Township Staff and Professionals

Township Engineer, Cathleen Marcelli, gave a report to the Township Committee on the meeting she held earlier this evening with the residents of the "Griggs Tract" for the proposed grant. Ms. Marcelli reported there were approximately 11 residents present (out of 46 residents who will be affected) and all of those present agreed to have "Option A" (to replace all of the curbing, storm drains and handicapped ramps in the subdivision). Ms. Marcelli indicated she had also informed the residents the Township had applied for a Phase II Griggs Tract grant which would improve the asphalt in the subdivision. Ms. Marcelli stated the residents were very appreciative of being brought in early in the process. The only questions raised by some of the residents were why the Township is not replacing any of the sidewalks. Ms. Marcelli explained to them it is the homeowner's and not the Township's responsibility. She further explained the Township is trying to keep the costs within the grant amount so there is not any additional expense to the Township. Mr. Cody asked why the curbs need to be replaced. Ms. Marcelli explained the original curbs were installed in 1968 and a lot of them are in really bad shape. The roadwork grant will be applied for next year. Members of the Township Committee all concurred with Ms. Marcelli and directed her to apply for "Option A".

Reports from Township Boards and Commissions

There were no reports.

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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. William Bauder, 57 Petty Road, asked for the help of the Township Committee in resolving an issue that he has had since May, 2007. A zoning variance had been granted for a fence for one of his neighbors. The owner had installed the fence without getting a variance from the Zoning Board and then had to go before the Zoning Board to get the variance. The condition mandated by the Zoning Board (to be allowed to leave the fence up) was to reduce the size of the fence and to bring the fence to the adjoining property and install plantings. That approval for the variance was issued on May 2, 2007 with those Conditions of Approval. (The Zoning Board had not set any time limits for completion of the work).

One year later, year, Mr. Bauder visited the Township Administrator and asked for her assistance in getting compliance from the homeowner. Mr. Bauder also came before the Township Committee on June 23, 2008. He indicated that Ms. Smeltzer had not followed up on the problem the way he wished. On November 24, 2008, Mr. Bauder came back to the Township Committee to again seek assistance on the issue and to ask if anything had been resolved. At that meeting, Ms. Waterbury, Esquire, Township Attorney, was asked by Mr. Bauder if Conditions of Approval can have time limits set. Mr. Bauder stated he recently (June 8, 2009) wrote a letter to Ms. Smeltzer about his frustration (in obtaining closure on one property owner with several issues and no time limit) He noted that he also tried to get information from the Zoning Officer, Mr. Graydon.

Mr. Bauder added, it is another year later and he believes that nothing has been addressed regarding time frames to complete conditions of approval. In addition, one of the members of the Township Committee went before the Zoning Board for a variance to install a fence. One of the Conditions of Approval was that plantings be provided. That applicant had complied. Mr. Bauder stated his concern is the time the Township is taking in not by not enforcing Conditions of Approval, there has been an "unfair burden placed on the adjacent seven (7) property homeowners". Mr. Bauder stated as far as he can see there has been no follow up on the problem. He questioned the chart that was to be kept on applications that had Conditions of Approval to track if those conditions were met. He stated that he believes that there is no chart.

Ms. Waterbury, Township Attorney, responded to Mr. Bauder's question concerning time limits being imposed on applicants to meet Conditions of Approval. She stated she had, in fact, spoken with Mr. Goodell, Zoning Board Attorney, the next day (when Mr. Bauder came before the Township Committee in November, 2008) and Mr. Goodell indicated the Zoning Board can impose time limits. The applicant cannot get a construction permit until the Conditions of Approval have been met. Ms. Waterbury explained because the applicant in this case did the work first, until the conditions are fully satisfied, there really is no approval for what was done and therefore remains technically a violation of Township Ordinances.

Ms. Waterbury noted that the Zoning Officer can issue a Notice of Violation. Mr. Bauder also reported the applicant in question had cut down vegetation along the conservation easement right up to the stream. Mr. Panconi raised a question as to why a violation was not issued the following day by the Zoning Officer. Ms. Smeltzer stated it is her understanding the Zoning Officer is looking into such issues. Mayor Stave requested, by the next meeting, the Zoning Officer needs to be present to report to the Township Committee what has been done concerning both the Cheney issue and this issue. Mr. Bauder also believes that none of the Zoning Officer's records are on file in Town Hall. He stated if anything should ever happen to the Zoning Officer or his computer, the Township has no records. Ms. Smeltzer that she has received records from Mr. Graydon whenever a violation notice is issued. She indicated that she would discuss this allegation with Mr. Graydon and confirm how official records of the zoning officer are kept. She will also set up a meeting with Mr. Graydon and Mr. Bauder. Ms Smeltzer said she will then

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Public Comment (Continued)

report to the Township Committee. Mr. Panconi requested having Mr. Graydon at the July 13<sup>th</sup> Township Committee meeting. Mayor Stave asked for a resolution to this issue by the next meeting and apologized to Mr. Bauder.

Ms. Smeltzer, Township Administrator

Mayor Stave asked Ms. Smeltzer to report on the issues concerning the Cheney property. Ms. Smeltzer reported at the last Township Committee meeting, residents had complained about the look of the property, the chain link fence falling down, and a downspout which allows water to flow on to Old Trenton Road. Mr. Longo, Health Officer, did go out to the property last week and observed the owner had cut the grass and cleaned up some of the debris on the property. The portion of the fence has been taken down (where a car had previously gone through the fence). Mr. Longo gave the Cheney family ten (10) days to bring dumpsters on site to get rid of car parts, etc. Mr. Longo indicated he had cited the Cheneyes for all of the overgrown weeds, etc. Mr. Graydon, Zoning Officer, has visited the site several times and Mr. Cheney, according to Mr. Graydon, has made an effort to begin cleanup by removing many of the disabled vehicles on the property. Mr. Graydon reported to Ms. Smeltzer, the downspout is not a Zoning issue and recommended the Township address the problem with the County as Old Trenton Road is a County Road. Ms. Smeltzer stated she will contact the County. Mr. Graydon dropped off a copy of the Notice of Violation and it will be delivered tomorrow to Mr. Cheney. Mr. Graydon cited Mr. Cheney for storage, materials, trash and unregistered vehicles on the property. In addition the storage shed type buildings, for which no Zoning Permits have been issued, are in violation of Chapter 150:84. "Uses Requiring Site Plan Approval". He also noted signs have been placed on the fence. This is in violation of 150:35 of the Cranbury Township Code. Mr. Graydon ordered Mr. Cheney to abate the violations within ten (10) days of receipt of the Notice of Violation. Ms. Smeltzer offered to have the Construction Official go out to the property to check if there are any "unsafe conditions" as he has the power to issue a violation if any exist. Mr. Graydon indicated Mr. Cheney has been cooperative, and he will work with him to get him into Zoning compliance. Mayor Stave asked Ms. Smeltzer to reach out to Mr. Colombo and let him know what she has reported this evening to the Township Committee and also thank him for bringing this to the Township Committee's attention. Mayor Stave also requested Ms. Smeltzer give the Township Committee an update at the July 13, 2009 meeting.

Ms. Smeltzer reported Ms. Scott, Recycling Coordinator, noticed two (2) bills had been introduced by the Legislature to re-direct funds from Recycling Funds to the General Fund. She sent out letters to the Legislators, voicing opposition to Bills A4101 and S2011 which proposes to take \$7,000,000 from the State Recycling Fund.

Mr. Dan Mulligan, Old Cranbury Road, asked if anyone knows about the process concerning the water tower demolition. Ms. Smeltzer, Township Administrator, responded New Jersey American Water will be removing the lead paint first. She stated they will be covering the area when they are removing the paint. After that, they will be disassembling the water tower. Mayor Stave suggested someone from the Township monitor the project while the paint is being removed, etc. Mayor Stave asked Ms. Smeltzer to speak with Mr. Stout to seek his opinion on the issue.

Mr. Mark Berkowsky, Cranbury Historical Society, stated his understanding is the paint removal will only be within a 2' section where the water tower will be cut in half to take it down.

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

Mayor's Notes

Mayor Stave asked at the next meeting (and requested advertising it on the Township's web site) the narrative history should be given on the baseball field as the public wants to know how the Township has gotten to where they are.

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Resolution

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

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

Nays: (None

Cranbury Township Resolution # R 06-09-094

TOWNSHIP OF CRANBURY  
COUNTY OF MIDDLESEX

RESOLUTION TO CLOSE MEETING TO THE PUBLIC

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

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

- N.J.S.A.10:4-12b (8) /Personnel (matters involving appointments or terms and conditions of employment etc.) Review and discussion of professional consultants retained by the Township, provisions and requirements pertaining to same, and process for appointing/reappointing same.

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

Date: June 22, 2009

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

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

Nays: (None

Mayor's Notes

On motion by Mr. Stannard, seconded by Mr. Panconi and unanimously carried, the meeting adjourned at 9:00 p.m.

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Kathleen R. Cunningham, Clerk