

TOWNSHIP COMMITTEE MEETING  
JULY 27, 2009

The regular meeting of the Township Committee of the Township of Cranbury was held at 6:00 p.m. in the Town Hall Meeting Room for the purpose of going into Closed Session. The regular portion of the meeting started at 7:00 p.m. 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 May 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 May 11, 2009.
- (3) Was filed on May 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.

Resolution

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

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

Abstain: (None  
Absent: (None

Nays: (None

Cranbury Township Resolution # R 07-09-093

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:

NJSA 10:4-12b(7)/Matters falling within the attorney-client privilege and/or requiring confidential advice of counsel:

--Review and discussion regarding third round affordable housing growth share obligation/satisfaction of same and analysis of potential future sites.

NJSA 10:4-12b(7)/Contract Negotiations:

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(Continued)

--Discussion of potential amendment of contract with NJ American Water.

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: July 27, 2009

Reports and Communications

--Mayor

Mayor Stave reported she had attended the Eagle Scout Ceremony for Gregory Conley, George Conley's son. Greg Conley was introduced to the Community and recognized for completing his project. Mayor Stave stated the ceremony was very moving.

--Members of Committee

Mr. Stout reported he had received a communication from a resident, Megan Pease, a resident of Scott Avenue, concerning a traffic issue. Ms. Pease reported recently at the intersection of Maplewood and Scott Avenue a semi trailer did not follow the signage and had to back up the entire length of Maplewood Avenue. Ms. Pease is concerned about her children playing in front of their home and the dangers of speeding vehicles, etc. coming around the intersection. Mr. Stout reported he called Chief Kahler so he can alert his patrolmen. Mr. Stout stated he and Mr. Cody will be adding this site to their traffic subcommittee list of problem areas. Mr. Stout reported radio station, 101.5, advises motorists whenever the Turnpike is backed up, to get off onto Route 130 which is not designed to be the New Jersey Turnpike and is creating a problem for Cranbury and other municipalities as well.

Mr. Stout reported he had attended yesterday, the 10-Year Old District Softball Championships which include several girls from Cranbury Township. The team is sponsored by East Windsor and won the "New Jersey 12th District Championship" which is quite an achievement; "kudos to them!"

Mr. Panconi reported after the last Township Committee meeting, he reached out for Freeholder Director Pete Dalina concerning the concrete problem at Brainerd Lake. Freeholder Dalina referred Mr. Panconi to Freeholder Jim Polos. Freeholder Polos then set up a conference call with the County Engineer, Mr. Reiser, himself and Mr. Panconi. Mr. Panconi reported the County would like to leave it and bring it back to the Township Committee to see what their feeling is. Mayor Stave suggested having a discussion at the next Township Committee meeting on August 24, 2009.

--Subcommittees

Mr. Stannard and Mr. Cody

Mr. Stannard reported he and Mr. Cody had met to "fine tune" those areas they want to bring forward to the Township Committee to make the Township more "business friendly". He reported they will be focusing on the idea of streamlining the procedures for the Cranbury Planning and Zoning Boards. Mr. Stannard stated an application for a small business should not have to face the very lengthy, tedious and expensive process that a warehouse does. Mr. Stannard reported he will be studying the procedures for applying to the different boards

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--Subcommittees

Mr. Stannard and Mr. Cody (cont'd)

to try to eliminate some of the expenses. Mr. Cody stated he will be looking at a "vision statement" as to what is the goal for downtown businesses in Cranbury. He intends to get some feedback from businesses and residents. Mr. Cody stated the Township wants to have a vibrant downtown business and needs a vision of what the town wants. Mr. Stout added he believed there was a "downtown study" done quite some time ago (perhaps in the late 90s) and suggested Messrs. Cody and Stannard review it.

Agenda Additions/Changes

The Clerk reported there were none.

Ordinance

First Reading

Cranbury Township Ordinance 07-09-14

Mayor Stave stated before the ordinance is read, she would like to give some history on the Howarth barn. Mayor Stave stated the purpose of the Ordinance is to bring forward funds the Township Committee had allocated previously. Mayor Stave reported she has been working with Audrey Smith and Bill Bunting of the Historical Society on this project which dates back to 2002-2004. Around 2001, as a condition of the Volkswagon/Audi Development on Station Road, the Developer agreed to give the historic Holland House to the Township with the understanding that they could turn it over to a non-profit group in the Township. The Society's plan was to oversee the preservation of the building and then sell it. The Township was compelled to sell the Holland House at public auction and the successful bidder was Joe Stasi at the price of \$75,000. That money was kept by the Township and not given to the Historical Society. Around 2003-2004 the Historical Society brought to the attention of the Township Committee, a historic barn located on Cranbury Neck Road (the oldest barn in Cranbury; once being the parsonage for the Presbyterian Church and architecturally significant in its English-style construction) was being sold to the New Jersey Barn Company by the Howarth family. The Society was concerned if the barn were sold to the New Jersey Barn Company, the New Jersey Barn Company would have the right to sell the barn and it would leave the Township. During that time there was a lot of interest generated in saving the barn for the Township. Since Cranbury had received an unforeseen profit of \$75,000 with the sale of the Holland House, the two (2) concepts "got coupled". (At the urging of the Historical Society (there were several public meetings held to discuss the issue) it was decided the Township would acquire the barn.) The Township then entered into an Agreement with the New Jersey Barn Company for the purchase price of \$24,000 (which has already been spent). To date, there is approximately \$40,000 which has not yet been spent. An Ordinance (# 10-02-15) was adopted on October 24, 2002, allocating money for that purpose. The subject of the barn re-surfaced during the Township Committee's Budget discussions for this year's Budget when it was brought to the Committee's attention that there is an on-going cost associated with storage of the barn. The Township Committee discussed offering the barn to the Historical Society. However, that is not possible because they do not have the land to place it on and even if they did, the ideal location is Updike Barn Park on Cranbury Neck Road which was deeded to the Township as part of the Updike/Liedtke property. The site where the barn will be placed is one where there had been a hay barn (parallel to Cranbury Neck Road and just a few feet in from Main Street). The Township cannot give the barn to the Historical Society, and the Township has only enough money to erect the frame (which is what the Township bought from the New Jersey Barn Company for \$24,000). The Township had allocated money for the conservation of the frame but has never allocated funds for the roof, foundation or siding. Mayor Stave explained for those reasons the project has not moved forward. She added one option would be to sell it however, she does not think there would be interest in doing so because the Township is very fortunate the Historic Society is willing to partnership with the Township on the restoration of the barn. Between funds from the Society and Cranbury Landmarks there does seem to be enough

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Cranbury Township Ordinance 07-09-14  
(Continued)

money to pay a mason to create a foundation, pay for a roof, siding and other items needed in for the barn. It is important to the Historical Society that the Township fulfill its obligation to pay the balance it owes to the New Jersey Barn Company. The Ordinance on the Agenda this evening will take care of those costs. Unfortunately, the money that had been allocated originally was put in the Township's surplus fund by a resolution adopted in December 2008. In order to "tap" those funds, the Township Committee must adopt this Ordinance to bring the funds out of Surplus so they can be used as was originally intended. She stated, in addition there is a resolution on the Agenda this evening for an agreement with an architect for drawings that are needed to go to bid for the final construction of the barn. Mayor Stave reported a question was raised if this ordinance will have a public hearing this evening. Because this ordinance is on "First Reading by Title Only" it is only being introduced this evening (needing 3 votes to adopt on First Reading) The Ordinance will be heard on Second Reading and have a Public Hearing at the next Township Committee meeting of August 24<sup>th</sup> at 7:00 p.m. The residents have time to review the Ordinance and come to the next meeting to ask any questions they may have. If the Ordinance is adopted, there is an Estoppel period of 21 days before the money can be spent. Ms. Audrey Smith, President, Cranbury Historical Society and resident, stated this project has been discussed for a number of years. She reported when she received a telephone call from Chris Smeltzer, Township Administrator, asking if the Historical Society would like to have the barn her first thought was no because of the cost. At the time she did not realize the Society had preservation funds that could be used for that purpose. Then interest was generated among the Executive Board of the Society. Ms. Smith expressed her thanks to Mayor Stave for giving her the history of both the Holland House and the barn. Ms. Smith stated it was very important that the Holland House was going to be given to the Society then somehow it ended up in the hands of the Township. She stated the Society has spent a lot of time on the barn project and it is very important to the town. Ms. Smith reported the Society is having its House Tour in October and the theme is "Houses and Barns". Realistically the barn will not be up at that time, however, perhaps they will have a model which can be shown. The Society will be conducting some fundraisers to help defray costs of the barn and in addition, the Township will be applying for grant monies through the County to also add to the project. In addition, Cranbury Landmarks will donate funds. The costs should run approximately \$150,000 (based on a barn that was recently done in Readington, New Jersey). Ms. Smith reported eventually the barn will become a farm museum. Mayor Stave asked if the Society would be willing to enter into a 25-year lease with the Township for \$1.00/year (the allowable amount allowed by law). Mr. Bill Bunting, resident and member of the Historical Society stated it is a little premature to be thinking of a long-term lease. Mr. Bunting made reference to The History Center (which does have a long-term lease and pays the Township \$1.00/year). The Township had wanted to demolish the building and the Historical Society stepped in and offered to restore it. It received a grant from the Historical Trust Fund and matched it with their own funds and able to put the building back into good shape. The History Center has an apartment in it which will become a rental unit for the Township's affordable housing. Presently the rental unit covers the insurance cost for the building and pays for some of the other expenses of the building. The barn would not be a money-making venture and he was hesitate on whether or not the Society would take lease on it that would involve paying anything for use of the barn or insurance, etc. However, the Society is very anxious to see a barn erected and to get it done. Mr. Bunting also stated the Society is willing to step up and be a facilitator and benefactor of the project. However, it is not in a position to spend money other than the absolute essentials of the project. Mr. Bunting reported there are a number of things that need to be done, and in conversations with Mayor Stave we have set forth anything the Township could do to carry on this project will be very important because the Society has to minimize the costs as much as possible. The Society looks forward to doing the project. Mayor Stave stated as part of the Public Hearing on the Ordinance the Township needs to get a handle on what some of the maintenance costs will be for the barn as that will play an important role as to how the Township assesses it.

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Cranbury Township Ordinance 07-09-14  
(Continued)

An Ordinance entitled, Cranbury Township Ordinance 07-09-14, "A CAPITAL ORDINANCE OF THE TOWNSHIP OF CRANBURY AUTHORIZING THE RESTORATION OF THE UPDIKE PARSONAGE BARN (HOWARTH BARN) BY THE TOWNSHIP OF CRANBURY, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$40,500 FROM CRANBURY TOWNSHIP'S CAPITAL SURPLUS TO COVER THE COST THEREOF", was introduced for first reading. On motion by Mr. Stannard, seconded by Mr. Panconi, the Ordinance was passed on first reading by vote:

Ayes:

(Panconi  
(Stannard  
(Stave  
(Stout

Abstain: (None  
Absent: (None

Nays: (Cody

Public Hearing: August 24, 2009

BE IT ORDAINED by the Township Committee of the Township of Cranbury as follows:

SECTION 1: There is hereby approved as a capital project within the Township of Cranbury not to exceed the costs noted below:

<u>Project/Purpose</u>	<u>Cost</u>
Restoration of the Updike Parsonage Barn	\$40,500

SECTION 2: There is hereby appropriated from the Cranbury Township's Capital Surplus Fund the sum of \$40,500 to cover the cost of the capital projects as described in Section 1 hereof.

SECTION 3: This Ordinance shall take effect upon final adoption and publication according to law.

SECTION 4: The capital budget of the Township of Cranbury is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of Local Government Services is on file with the clerk and is available there for public inspection.

Ordinance  
Second Reading

Cranbury Township Ordinance 07-09-11

A motion to enter an Ordinance entitled, Cranbury Township Ordinance 07-09-11, AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, IN MIDDLESEX COUNTY, NEW JERSEY, REGULATING THE STOPPING AND STANDING OF VEHICLES AT CERTAIN DESIGNATED SECTIONS OF LIBERTY WAY AND HALF ACRE ROAD", 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

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Cranbury Township Ordinance 07-09-11  
(Continued)

the Ordinance. No one 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: (None  
Abstain: (Stout

Nays: (None

Ordinance  
Second Reading

Cranbury Township Ordinance 07-09-12

A motion to enter an Ordinance entitled, Cranbury Township Ordinance 07-09-12, AN ORDINANCE OF THE TOWNSHIP OF CRANBURY IN MIDDLESEX COUNTY, NEW JERSEY, REGULATING THE STOPPING OR STANDING OF VEHICLES AT CERTAIN DESIGNATED SECTIONS OF COUNTY ROUTE 614/PROSPECT PLAINS ROAD; COUNTY ROUTE 535/SOUTH RIVER ROAD; AND COUNTY ROUTE 615/STATION ROAD", was presented for second reading and final adoption. The Ordinance was published in the Cranbury Press, posted on the Township Bulletin Board and copies were available to the public. The Mayor opened the public hearing on the Ordinance. No one present wished to speak, so the hearing was declared closed. On motion by Mr. Panconi, seconded by Mr. Cody, the Ordinance was adopted by a vote:

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

Nays: (None

Ordinance  
Second Reading

Cranbury Township Ordinance 07-09-13

A motion to enter an Ordinance entitled, Cranbury Township Ordinance 07-09-13," AN ORDINANCE OF THE TOWNSHIP OF CRANBURY IN MIDDLESEX COUNTY, NEW JERSEY AMENDING CHAPTER 130, "STREETS & SIDEWALKS," TO ADD NEW ARTICLE V THERETO CONCERNING CERTAIN TRAFFIC CONTROLS FOR STREET AND SIDEWALK MAINTENANCE", 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. Waterbury, Esquire, Township Attorney, stated one change had been made to the Ordinance following its introduction and in her opinion was a non-substantive change. At the request of the Chief of Police, where the Ordinance had designated the Traffic Officer as the person with certain responsibilities, it has now been changed to "the Chief of Police or his Designee" as it should have read. 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. Cody, seconded by Mr. Panconi, the Ordinance was adopted by a vote:

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Cranbury Township Ordinance 07-09-13  
(Continued)

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

Nays: (None

Resolutions  
Consent Agenda

Mayor Stave removed Cranbury Township Resolution # R 07-09-100 which would allow an Agreement to be executed by the Mayor and Clerk for architectural services in conjunction with the barn and stated this will be tabled until the Ordinance is heard on Second Reading at the meeting of August 24, 2009.

On motion offered by Mr. Panconi, 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

Cranbury Township Resolution # R 07-09-094

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 07-09-095

**WHEREAS**, the Township of Plainsboro as Lead Agency for the Cooperative Pricing System of Mercer/Middlesex County has advertised for bids for supplying of Gasoline and Diesel Fuel in two area newspapers:

Princeton Packet	5/19/09
Trenton Times	5/19/09

and

**WHEREAS**, three packets of specifications were distributed upon request; and

**WHEREAS**, three qualified bids were received at the bid opening held on Tuesday, May 19, 2009 at 11:00 A.M., Conference Room F in the Municipal Center, 641 Plainsboro Road, Plainsboro, New Jersey; and

**WHEREAS**, the lowest responsible bidder was Riggins, Inc.; and

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Cranbury Township Resolution # R 07-09-095  
(Continued)

**WHEREAS**, Riggins, Inc. has agreed to extend its prices to the other members of the Cooperative Pricing System of Mercer/ Middlesex County #61; and

**WHEREAS**, the Purchasing Officer has recommended that a master contract be awarded to Riggins, Inc. 3938 South Main Road, Vineland, New Jersey 08360-7743 for the Cooperative Pricing System of Mercer/Middlesex County #61 for the benefit of the registered participants with the responsibility for payment for commodities received by each participant being borne by each participant being borne by each participant separately for a period of twenty-four months; and

**WHEREAS**, the Purchasing Officer has recommended that a contract be awarded to Riggins, Inc. based on the Newark, New Jersey low reseller Tank Car Price as published in the Journal of Commerce on the day of delivery plus a delivery charge as follows:

Diesel Fuel	- \$ .067 per gallon
Gasoline	- \$ .038 per gallon

and

**WHEREAS**, the Chief Financial Officer has certified that funds are available in the 2009 Municipal Budget under 9-01-31-460.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Cranbury that the master contract for Diesel and Gasoline Fuel is hereby awarded to Riggins, Inc. at the prices listed above.

**BE IT FURTHER RESOLVED** that the Chief Financial Officer is hereby authorized to issue purchase orders as needed per bid proposal and specifications on behalf of the Township.

Township of Cranbury  
County of Middlesex

Cranbury Township Resolution # R 07-09-096

**WHEREAS**, the Township of Plainsboro as Lead Agency for the Cooperative Pricing System of Mercer/Middlesex County has advertised for bids for supplying of Rock Salt in two area newspapers:

Princeton Packet	4/14/09
Trenton Times	4/14/09

and

**WHEREAS**, five packets of specifications were distributed upon request; and

**WHEREAS**, three qualified bids were received at the bid opening held on Thursday, April 30, 2009 at 11:00 A.M., Conference Room F in the Municipal Center, 641 Plainsboro Road, Plainsboro, New Jersey; and

**WHEREAS**, the lowest responsible bidder was Cargill Deicing Technology, 24950 Country Club Blvd, North Olmstead, OH 44070; and

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Cranbury Township Resolution # R 07-09-096  
(Continued)

**WHEREAS**, Cargill Deicing Technology has agreed to extend its prices to the other members of the Cooperative Pricing System of Mercer/ Middlesex County #61; and

**WHEREAS**, the Purchasing Officer has recommended that a master contract be awarded to Cargill Deicing Technology at a cost of \$73.39 per ton for the Cooperative Pricing System of Mercer/Middlesex County #61 for the benefit of the registered participants with the responsibility for payment for commodities received by each participant being borne by each participant separately; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available in the 2009 Municipal Budget under 09-01-42-290-025.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Cranbury that the master contract for Rock Salt is hereby awarded to Cargill Deicing Technology.

Cranbury Township Resolution # R 07-09-097

**RESOLUTION CANCELING OUTSTANDING CHECKS**

**WHEREAS**, the Director of Finance has requested that checks outstanding for more than a year be cancelled; and

**WHEREAS**, the Director of Finance has advised that it would be appropriate for the Township Committee to authorize the cancellation of said checks as follows:

**RECREATION TRUST ACCOUNT  
1<sup>ST</sup> CONSTITUTION BANK  
ACCOUNT # 2000031001**

1162	\$500.00	9/06	Cranbury Princeton Babe Ruth Contribution
1049	\$.40	9/05	S&S Worldwide

**CURRENT CHECKING ACCOUNT  
1<sup>ST</sup> CONSTITUTION BANK  
ACCOUNT # 2050121212**

74976	\$21.37	12/05	James Lentini
76547	\$59.80	12/06	Dover Publications
76893	\$2,781.08	2/07	Prologis Trust
76952	\$524.00	3/07	Prologis Trust
78612	\$40.00	5/08	The Woman's Club of Cranbury

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Cranbury, County of Middlesex, hereby authorizes the cancellation of said checks.

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to the Director of Finance.

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Cranbury Township Resolution # R-07-09-098

TOWNSHIP OF CRANBURY  
COUNTY OF MIDDLESEX

**A RESOLUTION APPOINTING TOWNSHIP TAX COLLECTOR**

**WHEREAS**, there exists a vacancy in the office of Township Tax Collector; and

**WHEREAS**, it is the joint recommendation of the Director of Finance and Township Administrator that Mary Testori of Piscataway, New Jersey be appointed to fill this position effective July 27, 2009; and

**WHEREAS**, Ms. Testori is a Certified Tax Collector pursuant to the Laws of the State of New Jersey, holding Certificate #T-1208; and

**WHEREAS**, *N.J.S.A. 40A:9-142* provides for the Tax Collector term of office; and

**WHEREAS**, Ms. Testori will serve as Tax Collector for a four-year term ending December 31, 2012;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Cranbury that Mary Testori of Piscataway, New Jersey is hereby appointed to the office of Township Tax Collector, effective July 27, 2009, for a four-year term ending December 31, 2012.

Cranbury Township Resolution # R 07-09-099

**GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT**

**FORM OF RESOLUTION**

WHEREAS, *N.J.S.A. 40A:5-4* requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2008 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to *N.J.S.A. 40A:5-6*, and a copy has been received by each member of the governing body; and,

WHEREAS, *R.S. 52:27BB-34* authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated *N.J.A.C. 5:30-6.5*, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations, and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to *N.J.A.C. 5:30-6.5*; and,

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Cranbury Township Resolution # R 07-09-099  
(Continued)

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Township Committee of the Township of Cranbury, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Reports from Township Staff and Professionals  
There were none.

Reports from Township Boards and Commissions

Mayor Stave reported she and Kirstie Venanzi had e-mail exchanges this past week. Mayor Stave reported she did not place a call to the PNC Bank; instead, Kirstie wrote an e-mail to the person who is handling the real estate brokering of the property for the Bank. The real estate broker conveyed to Kirstie the Bank is not interested at this time to donate the Bank to the Township. There may be attempts made to reach out to the Bank's Community Affairs Division to see if there is a willingness to discuss this between the Library Board and that Division of the Bank.

Work Session

a). History Narrative on the Regulation Baseball Field

Mayor Stave presented a narrative on the history of the regulation baseball field on the former Wright-South property. Mayor Stave began by stating she had given the Draft to the Township Committee members and has asked them for their input. Once all the comments are added and the document reviewed for accuracy, it will be made available to the public. Mayor Stave reported she only feels comfortable talking about the history of the ball field since the year 2000 when she was an observer of the Township Committee's discussion of the acquisition of Wright North and South and stated she did not join the Township Committee until 2001.

Mayor Stave stated when you look at the nine (9) year history of the acquisition of Wright South which precedes the development of it as a town green and recreational facility but then proceeds along a parallel tract, it is apparent there was a proper planning process followed. There were a number of public meetings wherein the public was invited to attend work sessions to discuss recreational needs and planning. Throughout the ball field project's history, there have been bi-partisan participation in the discussions which are reflected in the Township meeting minutes. Mayor Stave reported there was always the original intention to keep the property from being developed for residential housing as reflected in the acquisition of the properties.

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Work Session (Continued)

a). History Narrative on the Regulation Baseball Field (cont'd)

Mayor Stave stated between 1998 and 2000 there were discussions at the Township Committee level to acquire Wright North and South. Wright South is the parcel adjacent to the School and the School parking lot. Wright North is the parcel on the North side of Plainsboro Road. On October 16, 2000, a bond ordinance was adopted. Mayor Stave reported she believes Alan Danser was on the Township Committee at the time and recused himself as he farmed land adjacent to Wright North. A bond ordinance was approved in the amount of \$ 2,650,000 for the acquisition of Wright North and Wright South. On February 21, 2002, the Planning Board granted a minor sub-division approval that created Wright South (two separate properties). In the intervening time 2001-2002, the Township Committee, at the suggestion of Township Committeeman Thomas Gambino discussed sub-dividing the two parcels and then further sub-dividing Wright South leaving 35 acres to be sold as deed-restricted farmland and then to be sold off and the fourteen-plus acres remaining with the Township (thereafter referred to as Wright South). At that point, Alan Danser could participate in the discussions as the parcel of land was not adjacent to land he was farming. In July of 2002, there was a bond ordinance (06-02-17) in the amount of \$75,000 for Brown & Kenner to do preliminary planning for Wright South. On October 28, 2002, there was a community charette, conducted by Brown and Keener comprising of heads of various boards and community stakeholders. It was an evening devoted to breaking out into groups to discuss what the Township's needs were and the preference of the stakeholders as to how the land would be used. On parallel track the Cranbury Recreation Board had appeared several times before Township Committee to express a need for a regulation size ball field. This request came in the form of a letter of recommendation from the Board's Chairperson, Beth Veghte. Initially the notion was that it the ball field could be placed on the West Property. One of the reasons stated for the construction of a regulation ball field (which at the time the Township did not have) was that the Cranbury School has boys that play baseball but they don't play on a regulation field. The School has had to send the girls who play softball to Village Park and the boys would play baseball at the School. (a Title 9 issue). Both the School Board and the Recreation Commission recommended the Township build a regulation ball field. This was why the Township obtained Brown and Kenner's services for the planning of the ball field. Brown and Kenner suggested putting the recommendation of the Recreation Commission "to the test" (by having the charettes) and have it discussed. One of the outcomes was later presented by Brown and Kenner in a presentation dated March 24, 2003. Following are items from that presentation and identified as "needs and wants for the Wright South parcel":

1. A regulation ball field.
2. Two (2) new soccer fields
3. Refurbishing of the tennis courts
4. Township Library
5. Community Center for seniors, the arts and other civic organizations
6. Removal of the Wright's Roses green houses
7. Removal of trees blocking the view shed onto the Barclay property
8. An allowance for an alternate entrance to the School parking lot on Park Place West

In the meantime, the Township did acquire the North and South parcels for \$2.5 million. In March of 2003, there was a bond ordinance 03-03-09, providing a supplemental appropriation for the demolition of the Wright South green houses. When the Township decided to divide the parcel out and keep it for itself, the green houses were still on the land. Regardless of what the Township wanted to use the land for, the green houses had to come down. When residents say part of the cost of the ball field was taking down the green houses, that is really a "stretch" because they would have to come down no matter

TOWNSHIP COMMITTEE MEETING  
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Work Session (Continued)

a). History Narrative on the Regulation Baseball Field (cont'd)

how the property was used. In 2004 the Township received a grant from Middlesex County to help pay for Brown & Kenner services in the amount of \$75,000. In a letter dated November 18, 2004, from then Superintendent of the School, Carol Malouf, the School recommended the Township construct the regulation ball field. A few days later, November 22, 2004, the Township Committee met to discuss the Wright South ball field with a presentation and proposal for the ball field given by Brown & Keener. The Township Committee unanimously approved the proposal (with Becky Beauregard abstaining due to her property being adjacent to the parcel). Mayor Stave read excerpts from that meeting—"Judy Dossin, Parks Chairperson, spoke in favor of the ball field and read a letter aloud from the Parks Commission in support of the ball field and community area. Also, Township Committeeman-elect David Stout spoke in favor of the ball field indicating there is a need for a ball field and how important having the community green is. Mr. Panconi spoke in favor of the ball field and mentioned that he coaches in the Plainsboro/Cranbury Little League. He also indicated he was in support of the fence. Mr. Mayes spoke in favor of the ball field and made reference to the series of public meetings which were held several years ago and how many residents participated in those meetings. Mr. Mayes thanked Ms. Stave on behalf of the Township Committee, for including in the process all of the impacted groups. He also thanked Mr. Brown for understanding Cranbury in the design and location of the ball field. Mr. Mayes also supported the fence, citing safety and the integrity of the game and mentioned there are approximately 220 participants from Cranbury in the Little League and Babe Ruth and commended both Ms. Stave and Mr. Brown for their "great work. A straw vote was taken on having or not having the fence and everyone voted in favor of it. A motion by Ms. Stave, seconded by Mr. Panconi was unanimously carried to approve Brown & Keener's plan including the outfield fence, dugouts and any necessary components for the backstop as presented and to proceed in the Spring of 2004 with the grading and seeding of the entire space and with Community use of the parcel in the fall. Mr. Panconi asked the Township Engineer the status of the demolition of the Wright South buildings.

In October 2005 a bond ordinance was passed (08-05-21) providing for Wright South soil remediation. There had been a report done that showed for if there was going to be any recreational use of the surface area where the buildings had been (green houses) , there would have to be remediation of the soil as certain levels of unacceptable arsenic had been found. Also in 2005 (and important to note), Middlesex County awarded the Township a grant in the amount of \$400,000 for the construction of the ball field. Before the construction of the ball field was in fact voted on the money was in place. In June, 2006, the Township received the Wright South Remedial Action Report stating there was no further action needed on remediating the site. In July, 2006 there was a public work shop meeting again on the ball field and the use of Wright South parcel was part of a larger discussion concerning the Township's recreational needs. This was part of a process spearheaded by the Planning Board and conducted by Richard Preiss, Township Planner to discuss active recreation as part of the Open Space and Recreation Master Plan review. A second public work shop meeting was conducted on October 18, 2006 to discuss passive recreation and focusing as well on needs of seniors and persons with special needs. In April, 2007 the presentation was made which was a draft of the Open Space and Recreation Master Plan. Members of the subcommittee who participated were: Township Committeewoman Pari Stave; Township Committeeman Wayne Wittman; Beth Veghte; Chairperson of the Recreation Board; Cathleen Marcelli, Township Engineer; Joseph Stonaker, Planning Board Attorney and John Ritter, resident who represented the seniors' interest. On October 7, 2007, the Planning Board unanimously adopted the Recreation Master Plan. Mayor Stave reported part of the Plan will be incorporated in the Final History Narrative when it is complete. Mayor Stave summarized stating there had been two (2) public meetings on the subject of active and

TOWNSHIP COMMITTEE MEETING  
JULY 27, 2009

Work Session (Continued)

a). History Narrative on the Regulation Baseball Field (cont'd)

passive recreation. The document was included in the Recreation Master Plan, there was a draft of it first and in addition there was a subcommittee that could comment on the draft and make any changes it wanted to. Mayor Stave reported there was also a Planning Board meeting on October 7<sup>th</sup> adopting the Plan and the ball field as part of the Plan. A month later the Township voted to allocate funding for the regulation ball field and the contract was given to the lowest bidder at \$297,000. The ball field contract was not awarded until the plan for the ball field had been given a thorough review and money was in place to pay for it.

Mayor Stave stated what follows is particularly significant because there has been a lot of discussion about how much the ball field cost the Community. The costs need to be separated out to what Wright South has cost the Community and what the ball field costs as a portion of a menu of items that Wright South is required to accomplish. If you look at the sale of Wright South (\$2,500,000), with what the Township re-cooped from Middlesex County as part of the Farmland Preservation Program to acquire the development rights, subtracting out those amounts, which is \$950,000 for Wright North and \$322,000 for what was left of Wright South, the cost before deed restriction of the land was \$1,272,937. Then the Township sold off Wright North for \$500,000 and the 35 acres of Wright South for \$185,000. The total final cost of Wright North and South combined was \$ 587,937. An amount which was almost as much money that was spent associated with making improvements to Wright South was the demolition of Wright's Roses green houses--\$ 275,000, asbestos removal \$105,000, soil remediation \$157,000. The total cost of contamination abatement was \$538,137. Both of these figures combined add up to \$1,126,000. Mayor Stave reported these figures do not take into account the legal and engineering costs involved for each of these transactions as well as unforeseen costs associated with the Zurfluh property which at one time had been a part of the Wright South property and is something the Township cannot discuss as the issue is still being sorted out. There had been some monies set aside in escrow by Mr. Wright. Mayor Stave stated just to keep the 14 acres and to make the area "clean" for public use was over \$1-million. If the Township had intended to keep the land as farmland, the Township should never have sub-divided it out. However, the arguments at the time were that it would provide an open view shed of all the farmlands in the West of the town and there were public uses for the site in the form of a public library, town green and sports purposes. One use that actually has been put to use is the expansion of the School's parking lot (which was done on the Wright South property). Mayor Stave reported if one is to look at the costs associated with the ball field, it does not paint as dire a picture as has been presented. The cost for Brown and Kenner was \$75,000, the cost for their sub-contractor (EDAW) who was the designer of the ball park facility was approximately \$40,000, the Township Engineer's cost to prepare the bid documents was \$89,000 and Precise Construction was \$297,000. The subtotal was \$500,000, of which the Township has received County contributions offsetting the costs totaling \$475,000. Mayor Stave reported the ball field up to this point has cost the Township \$25,000. Mayor Stave asked the Township Committee members for their input: Mr. Stout thanked Ms. Stave for her summary and stated how useful it was. He stated he was elected in 2004 and also sat on the Township's Environmental Commission and does recall that some of these costs do not include upfront the mandated activities investigation that went on—the discovery of a tank which led to the soil sampling because of the potential use of pesticides which led to the discovery of arsenic and the subsequent remediation. He reported when Mayor Stave referred to the engineering costs were not included in the costs earlier these are the costs associated with the original investigation. Mayor Stave asked if the property were used for other uses would the Township have had to incur those costs associated with the remediation of the property. Mr. Stout responded for any

TOWNSHIP COMMITTEE MEETING  
JULY 27, 2009

Work Session (Continued)

a). History Narrative on the Regulation Baseball Field (cont'd)

residential use the property would have had to have the same remediation performed. Mayor Stave opened up the issue to public comment:

Mr. Deitrich Wahlers, 33 Hagerty Lane, asked if the group that reviewed the Open Space Recreation Master Plan was a subcommittee of the Planning Board. Mayor Stave confirmed it was and consisted of Planning Board Members, Thomas Harvey, Jim Golubieski, Eugene Speer, Allan Kehrt, Mike Dulin, Joan Weidner, Thomas Panconi Dietrich Wahlers and Richard Stannard. Mayor Stave reported the Planning Board unanimously approved the Plan except Jim Golubieski and Thomas Harvey who were not present at that meeting.

Mr. William Kanawyer Evans Drive asked, excluding the ball field designation, how much of the Wright South property is left and if there are any restrictions on the property. Ms. Waterbury, Township Attorney, responded there are no restrictions other than the area the ball field sits on. He asked the current status of the ball field. Ms. Smeltzer responded currently the contractor is in default of his contract and the bonding company is now working with the contractor and Township to bring the ball field forward. If the contractor does not comply, another contractor will be brought in to finish the ball field. Mr. Graydon, Director of Fields, has been working with the bonding company and indicated that the bonding company seems to be listening to what the Township's needs are. It appears the Township will have a good amount of assistance in the future to complete the field. However, it may take some time. Ms. Smeltzer reported all the costs will now have to be paid by the bonding company.

Mr. David Cook, North Main Street, stated he appreciates the history narrative on the ball field and he realizes that many of the costs associated with it were unforeseen. Mr. Stout responded Mr. Cook was correct other than Bob Brown of Brown & Keener planned for a "Town Green" along with other amenities such as a corn crib dug out.

Mr. Dan Mulligan, Old Cranbury Road, requested the Township Committee not authorize any more taxpayer dollars to be spent on the ball field. Mayor Stave stated she will not be here next year; however, the Township has applied for grant money to Middlesex County for funds.

Mr. Ed Sekelsky, 42 Evans Drive and member of the Board of Recreation, stated he has heard over the past few months from residents they are concerned about how much usage the ball field will get. The ball field, built to specs, will be able to accommodate the School, Babe Ruth Little League, Central Jersey Baseball League, UAA teams, Adult Leagues, etc. Mr. Sekelsky stated he feels once the ball field is built the teams will use it. He pointed out a dug out is definitely needed which will require an additional cost. However, a dug out can be built inexpensively and is needed for safety issues. Mr. Sekelsky stated a lot of things have gone wrong with the project in the past two (2) years and it is his opinion the project was "badly handled" by the Township Engineer. He referenced many times he tried to raise red flags and was ignored. He brought it to the attention of the Township Committee who brought the issue to the Township Engineer and nothing was ever done. Mr. Sekelsky asked that thought be given to any future type of activities with the Township Engineer and that firm. Mr. Sekelsky noted that when the field is brought to specs, it will take two (2) growing seasons before anyone can play on it which means the fall of 2010 is the first time the field will be playable.

TOWNSHIP COMMITTEE MEETING  
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Work Session (Continued)

- a). History Narrative on the Regulation Baseball Field (cont'd)  
Public Comment (cont'd)

Township Committeeman Cody stated there will be expenses for water; either to install a well or hook up to public water.

Mr. Jay Taylor, 13 South Main Street, stated he agrees with Mr. Sekelsky that someone should have been overseeing the project as far as the soil that was delivered, etc. In terms of the \$25,000, Mr. Taylor agrees the Township should not be spending anymore money on the ball field. He mentioned there are bleachers out at Millstone Park on Old Trenton Road that are not being used and asked if it is possible to use those bleachers for the new ball field. Mr. Stout responded if these bleachers are in addition to the ones that are in front of the ball field, then they should be used for the Wright South ball field. Mr. Taylor raised his concern if the ball field is going to be a regulation field there are certain obligations the Township must meet and one of them is having dug outs. Mayor Stave stated it is her recollection that the items still needed for regulation are dug outs, bleachers and a score board. Mr. Cody asked if the fence is ok now. Mayor Stave responded she believes the fence location is fine. Mr. Panconi stated the Township committed to build the ball field and are going to finish it so that the School can use it. Mr. Stannard stated fortunately the County has always responded generously when asked by the Township for grant monies. Mr. John Ritter, 101 Plainsboro Road, recommended when the Township's asks the County for grant monies it should be noted the Township is asking for "its fair share" because if you look at the other municipalities within the County they have County parks, etc. that use a lot of County funds. Mr. Ritter stated it is likely the County will respond favorably to the Township asking for its fair share. Mr. Dave Mauger, 26 Griggs Road, stated he wanted to thank the Township Committee for updating its residents on the ball field issue as there has been a lot of discussions about the cost and impact to the town. Mr. Mauger stated it appears, at a minimum, this project was really founded with the best of intentions for the town. He requested moving forward the Township Committee keep this level of communication going as it is a helpful part of the process that the residents can be informed of everything. Mr. Richard Kallan, 10 Wynnewood Drive, stated one of the residents had brought up about the issue of usage of the ball field and a lot of individuals from out of town would be utilizing the ball field. Mr. Kallan stated if that becomes the case, how the Township would keep the beer and alcoholic beverages away. Mayor Stave responded it would be up to enforcement by the Township's Police Department. Mr. Stout stated the absence of lights will tend to reduce the possibility of alcohol consumption. Mayor Stave closed the public portion of the discussion.

Updates on Township Projects

Public Comment

The Mayor opened the meeting to public questions and comments on those items not on the agenda. Mr. Dietrich Wahlers, 33 Hagerty Lane, stated he did not know if this issue had been covered in the Closed Session (Executive Session) at the last Township Committee meeting; the D.E.P. has been notified roughly 50 truck loads of soil has been brought into Cranbury. Mr. Wahlers reported the Township has an ordinance prohibiting soil being brought into the Township and restricts the amount of soil that can be used for agricultural use. The D.E.P. has identified the 50 truck loads of soil was delivered to 3 Pleasant Hill Road and 12 Brickyard Road. Mr. Wahlers reported a test of the soil was performed by an independent environmentalist and they have identified arsenic, metal and lead arsenic to be within the 50 truck loads of soil and this is a serious health issue to the Community. Mr. Stannard asked if the D.E.P. has identified the carrier. Mr. Wahlers reported it is Bayonne Dry Docks and Repair from Bayonne City and they suspect the soil contains grindings from ships. Mr. Wahlers asked how the Township identifies these problems. Mayor Stave responded this is the first the Township has heard about it and Ms.

TOWNSHIP COMMITTEE MEETING  
JULY 27, 2009

Public Comment (Continued)

Waterbury, Township Attorney, stated she will look into it. Ms. Cunningham, Clerk, stated she was surprised she had not received notification; usually she receives letters concerning "spills" on the highways within the Township when they occur. Mr. Cody asked how D.E.P. was made aware of the soil. Mr. Wahlers indicated the individual who leases the property became suspicious and he contacted an independent environmentalist who performed tests on the soil and the environmentalist then notified D.E.P. Ms. Smeltzer, Township Administrator, stated she believes Mr. Graydon, Zoning Officer, has looked into the same area and she will confirm that with him. It is her understanding the County is also involved as well as D.E.P. Mr. Wahlers also reported D.E.P. is in the process of determining which Department is going to take control of the problem. Mr. Richard Kallan, 10 Wynnewood Drive, stated asked if the proposed location of the Updike Barn is "cast in stone". Mayor Stave responded it is her understanding that site is where the Historical Society wants it located. Mr. Kallan reported when Mayor Beauregard was on the Township Committee, he had suggested the barn be placed on the entrance to the West property so that as you drive in, you would see the barn. Mayor Stave reported locating the barn had been discussed and the Historical Society does not want the barn to go at the entrance to the Cranbury Preserve. In addition, the New Jersey Barn Company had recommended it be placed on the former Updike farm property as there was previously a hay barn located on the site. Mr. Kallan asked if the barn will be set on a concrete foundation and Mayor Stave confirmed it will. Mr. Stannard indicated the barn will be erected with preservation in mind and done very carefully. Mr. Dave Mauger, 26 Griggs Road, stated he noticed one of the items listed for the Closed Session was potential sites for affordable housing and reported there may be significant financial value in building the senior housing first and asked that it be taken into consideration during the site discussions. Mr. Mauger asked the Township Committee to take into consideration as the Township is going through the various processes to get projects done, that these are very economically challenging times for many residents.

Ms. Smeltzer, Township Administrator, reported the Township Cable TV Committee has completed its work and the ordinance has been approved by the Ms. Nancy Wolfe, Board of Public Utilities. The ordinance will be on the next Agenda of August 24, 2009.

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

Resolution

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

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

Nays: (None

Cranbury Township Resolution # R 07-09-093

TOWNSHIP OF CRANBURY  
COUNTY OF MIDDLESEX

RESOLUTION TO CLOSE MEETING TO THE PUBLIC

TOWNSHIP COMMITTEE MEETING  
JULY 27, 2009

Cranbury Township Resolution # R 07-09-093  
(Continued)

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:

NJSA 10:4-12b(7)/Matters falling within the attorney-client privilege and/or requiring confidential advice of counsel:

--Review and discussion regarding third round affordable housing growth share obligation/satisfaction of same and analysis of potential future sites.

NJSA 10:4-12b(7)/Contract Negotiations:

--Discussion of potential amendment of contract with NJ American Water.

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: July 27, 2009

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

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

Nays: (None

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

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Kathleen R. Cunningham, Clerk