

TOWNSHIP COMMITTEE MEETING
August 24, 2009

The Closed Session meeting of the Township Committee of the Township of Cranbury was held at 6:00 p.m. in the Town Hall Meeting Room and the regular portion of the meeting was held 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: Kevin Van Hise, Esquire, Attorney; 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:

Ms. Cunningham, Clerk, announced the time change of the meeting had been noticed to the newspapers on August 19, 2009:

- (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.

Resolution

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

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

Nays: (None

Cranbury Township Resolution # R 08-09-100

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:

- Closed Session – Resolution # R 08-09-100
“N.J.S.A.10:4-12b (5) (Land Acquisition): Discussion of possible land acquisition for affordable housing and other purposes”.

TOWNSHIP COMMITTEE MEETING
August 24, 2009

Cranbury Township Resolution # R 08-09-100
(Continued)

- "N.J.S.A.10:4-12b (5) (Land Acquisition): Discussion of possible land acquisition for affordable housing and other purposes".

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: August 24, 2009

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

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

Nays: (None

Regular Committee Minutes of July 13, 2009

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

Regular Committee Minutes of July 27, 2009

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

Reports and Communications

--Mayor

Mayor Stave reported the Township has reached an agreement with New Jersey American Water to give \$15,000 to the Fire Company to acquire a new alarm system.

--Members of Committee

Mr. Stout reported he had attended the 21st Annual Cranbury Trophy Tournament Golf Outing on August 17, 2009 at The Peddie School and thanked Public Works and Ms. Josette Kratz for organizing the event.

Mr. Stannard thanked Mr. Jerry Thorne, Public Works Director and Ms. Christine Smeltzer, Township Administrator for taking care of a problem last week (during the evening hours) with the fountain near the Lake leaking. Ms. Smeltzer located Mr. Thorne who quickly fixed the leak.

Agenda Additions/Changes

Ms. Cunningham, Clerk, announced under the Consent Agenda, item "j." is being removed in its entirety and will be considered at a later date. Also, on the Agenda, item "9.", is being moved until after the Work Session discussion and also moving Resolution listed as item "q." until after the Ordinance which is being moved until after the Work Session.

TOWNSHIP COMMITTEE MEETING
August 24, 2009

Ordinances
First Reading

Cranbury Township Ordinance 08-09-15

An Ordinance entitled, "Cranbury Township Ordinance 08-09-15, AN ORDINANCE GRANTING RENEWAL OF MUNICIPAL CONSENT TO COMCAST TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATIONS SYSTEM IN THE TOWNSHIP OF CRANBURY, NEW JERSEY", was introduced for first reading. Mr. Stout asked how much revenue the Township collects annually (referenced as 2% of the gross revenues). Ms. Smeltzer responded she believes the amount is several thousand dollars. Mr. Stout also raised a question concerning language on Page 4 concerning tree trimming and stated when the Township dealt with PSE&G in the past when they came through to trim trees, there had been a lot of outcry from the residents. Mr. Stout asked if the Township is granting the right to someone to come in and trim trees. Ms. Smeltzer indicated she had never in the past had a problem with anyone trimming trees. Mr. Stout suggested there should be a notification process. Mr. Stout also inquired about the language on Page 6 concerning a "one-time technology grant" and asked how that will be used. Ms. Smeltzer asked Ms. Bonnie Larson, Chairperson of the Cable Television Commission to speak: Ms. Larson explained the money has to be used in some way for use with cable such as having an access channel or something for the School. Mr. Stannard commended Comcast for including such comprehensive insurance coverage and asked that the same language be included in all of the Township's agreements from now on. On motion by Mr. Stannard, seconded by Mr. Stout, the Ordinance was passed on first reading by vote:

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

Nays: (None

Public Hearing: September 14, 2009

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CRANBURY, as follows:

SECTION 1. PURPOSE OF THE ORDINANCE

The Township hereby grants to Comcast renewal of its non-exclusive Municipal Consent to place in, upon, across, above, over and under highways, streets, alleys, sidewalks, easements, public ways and public places in the Township, poles, wires, cables, underground conduits, manholes and other television conductors, fixtures, apparatus and equipment as may be necessary for the construction, operation and maintenance in the Township of a cable television and communications system.

SECTION 2. DEFINITIONS

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. Such meaning or definition of terms is supplemental to those definitions of the Federal Communications Commission ("FCC") rules and regulations, 47 C.F.R. Subsection 76.1 et seq., and the Cable Communications Policy Act, 47 U.S.C. Section 521 et seq., as amended, and the Cable Television Act, N.J.S.A. 48:5A-1 et seq., and shall in no way be construed to broaden, alter or conflict with the federal and state definitions:

TOWNSHIP COMMITTEE MEETING
August 24, 2009

Cranbury Township Ordinance 08-09-15
(Continued)

- a. "Township" or "Municipality" is the Township of Cranbury, County of Middlesex, State of New Jersey.
- b. "Company" or "Comcast" is the grantee of rights under this Ordinance and is known as Comcast of Central New Jersey.
- c. "Act" or "Cable Television Act" is Chapter 186 of the General Laws of New Jersey, and subsequent amendments thereto, N.J.S.A. 48:5A-1, et seq.
- d. "FCC" is the Federal Communications Commission.
- e. "Board" or "BPU" is the Board of Public Utilities, State of New Jersey.
- f. "Office" or "OCTV" is the Office of Cable Television of the Board.
- g. "Basic Cable Service" means any service tier, which includes the retransmission of local television broadcast signals as defined by the FCC.
- h. "Application" is the Company's Application for Renewal of Municipal Consent.
- i. "Primary Service Area" or "PSA" consists of all of Cranbury Township.
- j. "Non-exclusive" means that Cranbury Township residents, businesses, public and private schools, and Cranbury Township reserve the right to obtain television programming from other sources including, but not necessarily limited to, direct broadcast satellites, telephone companies and other cable companies.

SECTION 3. STATEMENT OF FINDINGS

Public hearings conducted by the Township, concerning the renewal of Municipal Consent herein granted to the Company were held after proper public notice pursuant to the terms and conditions of the Act and the regulations of the Board adopted pursuant thereto. Said hearings, having been fully open to the public, and the Township, having received at said public hearings all comments regarding the qualifications of the Company to receive this renewal of Municipal Consent, the Township hereby finds that the Company possesses the necessary legal, technical, character, financial and other qualifications and that the Company's operating and construction arrangements are adequate and feasible.

SECTION 4. DURATION OF FRANCHISE AND PERIODIC REVIEW

The non-exclusive Municipal Consent granted herein shall expire 15 years from the date of expiration of the previous Certificate of Approval issued by the Board.

The Township's Cable Television Advisory Committee ("Advisory Committee") shall review the Company's compliance with the terms and conditions of the Municipal Consent on an annual basis.

In the event that the Township shall find that the Company has not substantially complied with the material terms and conditions of this Ordinance, the Township shall have the right to petition the OCTV, pursuant to N.J.S.A. 48:5A-47, for appropriate action, including modification and/or termination of the Certificate of Approval; provided however, that the Township shall first have

TOWNSHIP COMMITTEE MEETING
August 24, 2009

Cranbury Township Ordinance 08-09-15
(Continued)

given the Company written notice of all alleged instances of non-compliance and an opportunity to cure same within ninety (90) days of that notification.

SECTION 5. FRANCHISE FEE

Pursuant to the terms and conditions of the Act, the Company shall, during each year of operation under the consent granted herein, pay to the Township two percent (2%) of the gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for cable television reception service in the Township or any higher amount permitted by the Act or otherwise allowable by law, whichever is greater.

SECTION 6. FRANCHISE TERRITORY

The consent granted under this Ordinance to the renewal of the franchise shall apply to the entirety of the Township and any property subsequently annexed hereto.

SECTION 7. EXTENSION OF SERVICE

The Company shall be required to provide service along the public right-of-way to any person's residence or business located in all areas of the franchise territory as described herein at tariffed rates for standard or non-standard installation without any line extension charge. Notice shall be provided by the Company to the Township Administrator when expansion takes place into new parts of the primary service areas and the estimated timeframe.

SECTION 8. SYSTEM UPGRADE

The Company commits itself to keeping pace with the state-of-the-art technology of the cable industry for systems of comparable size and to maintain the highest degree of product availability, signal integrity and system reliability.

In or about 1997, the Company completed an upgrade of the cable television distribution system serving the Township. The upgraded system is a hybrid fiber optic/coaxial cable system following a fiber to the node architecture.

The Company shall provide notice to the Township of any major upgrade to the system.

SECTION 9. CONSTRUCTION REQUIREMENTS

Restoration: In the event that the Company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways, or other surface in the natural topography, the Company shall, at its sole expense, restore and replace such places or things so disturbed in as good a condition as existed prior to the commencement of said work.

Relocation: If at any time during the period of this consent, the Township shall find it necessary to alter, construct, change the grade of or otherwise improve any highway, street, alley, sidewalk, easement, public way or public place, the Company, upon reasonable notice by the Township, shall remove, re-lay or relocate its equipment as necessary to enable the Township's improvements, at the expense of the Company.

Temporary Removal of Cables: The Company shall, upon request of the Township and at the Company's expense, temporarily raise, lower, or remove its lines in order to facilitate the moving of buildings or machinery or in other like circumstances. Whenever the request is made by, for,

TOWNSHIP COMMITTEE MEETING
August 24, 2009

Cranbury Township Ordinance 08-09-15
(Continued)

or on behalf of private parties, the cost will be borne by those same parties. Private parties will be provided a free cost estimate prior to the commencement of work.

Removal or Trimming of Trees: During the exercise of its rights and privileges under this franchise, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks or other public places of the Township so as to prevent the branches of such trees from coming in contact with the wires and cable of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance of the Company's wire and cables and shall be in accordance with Chapter 41 of the Code of the Township of Cranbury, New Jersey, and any ordinance duly adopted by the Cranbury Township Shade Tree Commission.

Local Ordinances and other Laws: The Company shall be subject to full and detailed compliance with the Code of the Township of Cranbury, New Jersey, as may be amended from time to time; all other Municipal ordinances and resolutions; and all rules, regulations and laws of all applicable jurisdictions with the exception of any fees and charges, other than those allowed by controlling statutes.

SECTION 10. CUSTOMER SERVICE

In providing services to its customers, the Company shall comply with N.J.A.C. 14:18-1, et seq. and all applicable state and federal statutes and regulations. The Company shall strive to meet or exceed all voluntary company and industry standards in the delivery of customer service and shall be prepared to report on it to the Township upon written request of the Township Administrator or Clerk.

- a. The Company shall continue to comply fully with all applicable state and federal statutes and regulations regarding credit for outages, the reporting of same to regulatory agencies and notification of same to customers.
- b. The Company shall continue to fully comply with all applicable state and federal statutes and regulations regarding the availability of devices for the hearing impaired and the notification of same to customers.
- c. The Company shall use every reasonable effort to meet or exceed voluntary standards for telephone accessibility developed by the National Cable Television Association (NCTA).
- d. Nothing herein shall impair the right of any subscriber or the Township to express any comment with respect to telephone accessibility to the Complaint Officer, or impair the right of the Complaint Officer to take any action that is permitted under law.

SECTION 11. MUNICIPAL COMPLAINT OFFICER

The Office of Cable Television is hereby designed as the Complaint Officer for the Township pursuant to N.J.S.A. 48:5A-26(b). All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5. The Township shall have the right to request copies of records and reports pertaining to complaints by Township customers from the OCTV.

SECTION 12. LOCAL OFFICE

During the term of this franchise, and any renewal thereof, the Company shall maintain a business office or agent in accordance with N.J.A.C. 14:18-5.1 for the purpose of receiving, investigating and resolving all local complaints regarding the quality of service, equipment malfunctions, and similar matters. Such a business office shall have a publicly listed toll-free

TOWNSHIP COMMITTEE MEETING
August 24, 2009

Cranbury Township Ordinance 08-09-15
(Continued)

telephone number and be open during standard business hours, and in no event (excepting emergent circumstances) less than 9:00 A.M. to 5:00 P.M., Monday through Friday.

SECTION 13. PERFORMANCE BONDS

- a. During the life of the franchise the Company shall give to the Township a bond in the amount of twenty-five thousand (\$25,000.00) dollars. Such bond shall be to insure the faithful performance of all undertakings of the Company as represented in its application for municipal consent incorporated herein.
- b. The amount of the performance bond shall be increased if state laws or regulations are amended to require a higher minimum bond, in which event the Company's performance bond shall be in an amount that is not less than the state minimum, or the Company undertakes major construction or a rebuild of its system, in which case the amount of the performance bond shall be renegotiated.

SECTION 14. SUBSCRIBER RATES

The rates of the Company shall be subject to regulation as permitted by federal and state law.

SECTION 15. COMMITMENTS BY THE COMPANY

- a. Free Service to Schools in Township. The Company shall provide or continue to provide, as the case may be, Total Preferred cable television service to ten (10) outlets at The Cranbury School, and one (1) outlet at no cost to any other public, private, elementary, intermediate and secondary school that is located in or may be constructed in the Township, provided the school is within 200 feet of an active cable distribution plant. This obligation shall apply to any new facilities that are constructed during this municipal consent. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the school requesting service. Monthly service charges shall be waived on all additional outlets.
- b. Free Service to All Municipal Buildings and Agencies. The Company shall provide or continue to provide, as the case may be, Total Preferred cable television service at no cost to one (1) outlet to the Municipal Building, Police Department Building, Public Works Building, History Center, and each public library, firehouse, first aid and rescue squad, senior center and other Municipal Building in the Township that is located in or may be constructed in the Township, provided the facility is located within 200 feet of active cable distribution plant. This obligation shall apply to any new facilities that are constructed during this municipal consent. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the Township. Monthly service charges shall be waived on all additional outlets.
- c. Free Internet Service to Schools and Library. The Company shall provide 1 free basic Internet service to one non-networked computer in the Cranbury School and each public library that is located in or may be constructed in the Township during the term of this franchise.
- d. Technology Grant. A one-time technology grant of \$12,000 shall be paid within twelve (12) months of the BPU's issuance of the Certificate of Approval.

TOWNSHIP COMMITTEE MEETING
August 24, 2009

Cranbury Township Ordinance 08-09-15
(Continued)

- e. The Company shall provide one (1) dedicated digital municipal access channel within 12 months of a written request by the Township's governing body. The Company will provide and maintain the cable modulators and equipment necessary for the Township's channel to send a signal to the Company, and to receive the return feed of signal. The Company shall take any steps that are necessary to ensure that the signals originated on the access channel are carried without material degradation and with a signal whose quality is equal to that of the other channels that the Company transmits.
- f. Annual Reporting or Service. The Company shall file a report with the Township Clerk on the state of the Cranbury cable television system and service at least once annually. Also at least once annually, Company representatives shall appear, upon reasonable written request of the Township, at a public hearing of the governing body or its designees to discuss matters pertaining to the provision of cable service to residents of the Township and other related issues as the Township and Company may see fit.
- g. Proof of Performance. The Company shall, upon request, provide the Township with copies of its semiannual proof-of-performance tests conducted in accordance with Part 76 Subpart K of Title 47 C.F.R. § 76.601(c) and maintained in accordance with N.J.A.C. 14:18-9.2(c). The company shall also, upon request, provide the Township with the statement indicating the extent to which the system complies with the applicable standards, maintained in accordance with N.J.A.C. 14:18-9.2(c).

SECTION 17. TWO WAY SERVICES AND INTERCONNECTION

In the event that the Township determines that it is necessary and feasible for it to contract with the Company for the purpose of providing two-way or interconnection services, the Company shall be required to apply to the BPU for approval to enter into and establish the terms and conditions of such contract. All reasonably necessary costs for such application to the BPU shall be borne by the Township.

SECTION 18. EMERGENCY USES

The Company will comply with the Emergency Alert System ("EAS") rules in accordance with applicable state and federal statutes and regulations.

The Company shall in no way be held liable for any injury suffered by the Township or any other person, during an emergency, if for any reason the Township is unable to make full use of the cable television system as contemplated herein.

SECTION 19. LIABILITY INSURANCE

The Company shall at all times maintain a comprehensive general liability insurance policy with a single limit amount of \$1,000,000 covering liability for any death, personal injury, property damages or other liability arising out of its construction and operation of the cable television system, and an excess liability (or "umbrella") policy in the amount of \$5,000,000. The Company shall indemnify, protect and hold the Township harmless at all times from and against all claims for injury and damage to persons or property, both real and personal, arising out of the construction, erection, operation, repair, installation, replacement and maintenance of its CATV system or of any structure, equipment or appliance or product used pursuant to the provisions of the Act or this municipal consent or by any other act or omission of the Company, its agents or employees. The Company shall also provide evidence by certificate of insurance or otherwise of

TOWNSHIP COMMITTEE MEETING
August 24, 2009

Cranbury Township Ordinance 08-09-15
(Continued)

sufficient insurance insuring the Township and the Company with respect to all liability for any death, personal injury, property damage or other liability arising out of the Company's construction and operation of its CATV system in the amounts set forth in the Application.

SECTION 20. INCORPORATION OF THE APPLICATION

All of the statements and commitments contained in the Application or annexed thereto and incorporated therein, and any amendment thereto, except as modified herein, are binding upon the Company as terms and conditions of this consent. The Application and other relevant writings submitted by the Company shall be annexed hereto and made a part hereof by reference provided same do not conflict with applicable State or Federal law.

SECTION 21. COMPETITIVE EQUITY

Should the Township grant a franchise to construct, operate and maintain a cable television system to any other person, corporation or entity on terms materially less burdensome or more favorable than the terms contained herein and the Company seeks to substitute such language that is more favorable or less burdensome for the comparable provision of this Ordinance, the Company shall notify the Township's of its desire in writing. The parties shall work together in good faith to make reasonable and agreeable modifications to this Ordinance, subject to the provisions of N.J.A.C. 14:17-6.7. Neither party shall be under any obligation to agree to modify the Ordinance, however.

SECTION 22. TRANSFER OF OWNERSHIP

The Company shall be bound by the terms and conditions of the Ordinance irrespective of the number of subscribers to its system. In the event there is a transfer of ownership, the new owner shall be required to comply with the provisions of this Ordinance. Otherwise, the Township may initiate the necessary steps to revoke municipal consent, subject to review and action by the Board of Public Utilities.

SECTION 23. SEPARABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and its validity or unconstitutionality shall not affect the validity of the remaining portions of the Ordinance.

SECTION 24. THIRD PARTY BENEFICIARIES

Nothing in this Franchise or in any prior agreement is or was intended to confer third-party beneficiary status on any member of the public to enforce the terms of such agreements or Franchise.

SECTION 25. EFFECTIVE DATE

This Ordinance shall take effect immediately upon issuance of a Renewal Certificate of Approval from the BPU.

TOWNSHIP COMMITTEE MEETING
August 24, 2009

Ordinance
First Reading

Cranbury Township Ordinance 08-09-16

An Ordinance entitled, "Cranbury Township Ordinance 08-09-16, AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, RELEASING THE TOWNSHIP'S RIGHT TO AN EASEMENT ON PROPERTY SITUATED ON MAPLEWOOD AVENUE AND DESIGNATED AS BLOCK 32, LOT 17, OWNED BY NEW JERSEY AMERICAN WATER COMPANY", was introduced for first reading. Mr. Stout asked if the Township knows the cost of the siren. Ms. Smeltzer indicated the Fire Company has already ordered the siren and the cost is about \$15,000 and the Fire Company will have to pay for the installation which should be approximately \$2,000.00. On motion by Mr. Cody, seconded by Mr. Stannard, the Ordinance was passed on first reading by vote:

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

Nays: (None

Public Hearing: September 14, 2009

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

WHEREAS, on April 19, 1993, the Township of Cranbury ("Cranbury") conveyed property designated as Block 32, Lot 17 on the Cranbury Township Tax Maps ("Property") to Elizabethtown Water Company ("Elizabethtown"), as part of a larger transaction transferring ownership of Cranbury's water utility assets to Elizabethtown; and

WHEREAS, a water tower was situated on the Property and included in the sale to Elizabethtown; and

WHEREAS, Cranbury, as part of the sale to Elizabethtown and memorialized in paragraph 19 of the Agreement for Sale, which was made a part of the Bill of Sale and survived closing, retained the right to maintain a siren, radio equipment, and antennas on the water tower for fire, first aid, and/or police purposes so long as the water tower was standing; and

WHEREAS, Cranbury, also as part of the sale to Elizabethtown and also memorialized in paragraph 19 of the Agreement for Sale, which was made part of the Bill of Sale and survived closing, retained the right to an easement on the Property to erect a pole to house the siren, radio equipment, and antennas should Elizabethtown dismantle the water tower; and

WHEREAS, Cranbury has maintained a fire siren on the water tower on the Property for the Cranbury Volunteer Fire Company ("Fire Company") since the sale of the water utility assets to Elizabethtown; and

WHEREAS, New Jersey-American Water Company ("NJ-American") has succeeded Elizabethtown in the ownership of Cranbury's water utility assets; and

WHEREAS, NJ-American has dismantled the water tower; and

TOWNSHIP COMMITTEE MEETING
August 24, 2009

Cranbury Township Ordinance 08-09-16
(Continued)

WHEREAS, as a result, Cranbury now has the right to request that NJ-American execute an easement to allow Cranbury to erect a pole on the Property for the purpose of housing the fire siren formerly located on the water tower; and

WHEREAS, the Fire Company has recommended that instead, the fire siren be placed on property owned by Cranbury and used by the Fire Company; and

WHEREAS, accordingly, in light of the Fire Company's preference and recommendation, the right to the easement is no longer required for a public purpose; and

WHEREAS, NJ-American is desirous of being released from its obligation to provide Cranbury with the easement and is willing to donate \$15,000.00 to the Fire Company toward the cost of purchasing and installing a new fire siren on property owned by Cranbury and used by the Fire Company; and

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

1. Cranbury Township's right to an easement to erect a pole on the Property for the placement of the fire siren, retained as part of the sale of its water utility assets to Elizabethtown Water Company and memorialized in paragraph 19 of the Agreement for Sale, which was made a part of the Bill of Sale and survived closing, is hereby released. New Jersey-American Water Company, successor-in-interest to Elizabethtown Water Company, is no longer obligated to provide Cranbury Township with an easement over the Property.
2. This Ordinance releasing the right to an easement shall be posted on the official bulletin board in the Township municipal building and a public notice or advertisement shall be submitted for publication to the official newspaper of the Township of Cranbury within five days following the passage of this ordinance.
3. The Mayor, Township Clerk, and any other Township staff or official is hereby authorized to prepare and execute any and all documents required to effectuate the terms of this Ordinance.
4. This ordinance shall take effect upon its passage and publication as required by law.

Resolution

Cranbury Township Resolution # R 08-09-101

Mr. Van Hise, Township Attorney, stated representatives from Cablevision Lightpath-NJ are present this evening to answer any questions, etc.

Mr. Gary Shaw, Director of Government Affairs for Cablevision Lightpath-New Jersey explained the resolution the governing body is being asked to consider for passage would provide authority for Cablevision Lightpath-NJ to operate in the public right-of-way and bring competitive telecommunication services (both voice and data (internet) services) to Cranbury Township. Mr. Shaw stated Lightpath is not providing cable television services. He added, Lightpath is able to provide these services at one-half of what residents and businesses are paying today.

TOWNSHIP COMMITTEE MEETING
August 24, 2009

Cranbury Township Resolution # R 08-09-101

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

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

Nays: (None

Cranbury Township Resolution # R 08-09-101

TOWNSHIP OF CRANBURY
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY

A RESOLUTION GRANTING PERMISSION TO CABLEVISION LIGHTPATH-NJ, INC, AND 4-
CONNECTIONS, LLC, TO CONSTRUCT, INSTALL, OPERATE AND/OR MAINTAIN A
TELECOMMUNICATIONS SYSTEM IN THE TOWNSHIP'S RIGHTS-OF-WAYS, AND
AUTHORIZING THE EXECUTION OF A USE AGREEMENT TO ALLOW SAME

WHEREAS, Cablevision Lightpath-NJ, Inc., a Delaware corporation qualified to do business in New Jersey, and its subsidiary, 4Connections, LLC, with offices located as 200 Jericho Turnpike, Jericho, NY 11753 (hereinafter collectively "Lightpath"), have requested permission from the Township of Cranbury to occupy the public rights-of-way within the Township for the purpose of constructing, installing, operating and/or maintaining a telecommunications system; and

WHEREAS, by Order of Approval dated March 26, 1998, Cablevision Lightpath-NJ, Inc. received approval from the New Jersey Board of Public Utilities to provide telecommunications services throughout the State of New Jersey, I/M/O Petition of Cablevision Lightpath-NJ, Inc., BPU Docket No. TE97120883; and

WHEREAS, by Order of Approval dated November 5, 2003, 4Connections, LLC, received approval from the New Jersey Board of Public Utilities to provide local exchange and interexchange telecommunications services throughout the State of New Jersey, I/M/O Petition of 4Connections, LLC, BPU Docket No. TE002010035; and

WHEREAS, the Township has reviewed certain information provided by Lightpath, and has determined that it is in the best interests of the municipality and its citizens, particularly commercial and industrial users, for the Township to grant permission to Lightpath to occupy the public rights-of-way for the stated purpose; and

WHEREAS, the granting of such permission is expressly conditioned upon Lightpath's satisfaction of, and compliance with, the terms of a written Agreement between the Township and Lightpath;

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

1. Permission is granted to Lightpath, it successors and assigns, to occupy the public rights-of-way within the Township for the purpose of the construction, installation, operation and/or maintenance of a telecommunications system for an initial period of ten (10) years, with a possible extension of up to two (2)

TOWNSHIP COMMITTEE MEETING
August 24, 2009

Cranbury Township Resolution # R 08-09-101
(Continued)

additional terms of ten (10 years). Any extension over the initial ten (10) year term shall require Township Committee approval.

2. Such permission is expressly conditioned upon Lightpath, complying with, and satisfying, the terms of a written Use Agreement with the Township.
3. The Mayor and Clerk are hereby authorized to execute the Use Agreement on behalf of the Township, in such form as has been reviewed and approved by the Township Attorney.
4. Lightpath is hereby authorized to present this Resolution to the New Jersey Board of public Utilities for ratification, if required, pursuant to N.J.S.A. 48:2-14.

Resolution
Consent Agenda

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

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

Nays: (None

Cranbury Township Resolution # R 08-09-102

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 08-09-103

TOWNSHIP OF CRANBURY
MIDDLESEX COUNTY, NEW JERSEY

A RESOLUTION AWARDING PROFESSIONAL SERVICES AGREEMENTS

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

- a). Hatch Mott MacDonald –Cathleen Marcelli, P.E., Engineering Services

WHEREAS, the costs for the services to be provided by the Professional is a set forth in the respective proposal submitted to the Township, which are incorporated herein as if fully restated; and

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

TOWNSHIP COMMITTEE MEETING
August 24, 2009

Cranbury Township Resolution # R 08-09-103
(Continued)

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

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

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

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

1. The Township of Cranbury hereby approves the following firm to provide professional services to the Township during the calendar year 2009:

Hatch Mott MacDonald – Cathleen Marcelli, P.E.

2. The Mayor and Clerk are hereby authorized and directed to enter into Professional Services Agreements with the aforementioned professional pursuant to the provisions of the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1 *et seq.* These contracts are being awarded without competitive bidding as Professional Services Agreements under the provisions of the aforementioned law because a service will be rendered or performed by a person or persons by law to practice recognized professions and whose practice is regulated by law.
3. A copy of this Resolution, the pay-to-play forms, and the executed Agreements and insurance certificates shall be placed on file in the Office of the Township Clerk.
4. A brief notice of this action shall be published in a newspaper of general circulation in the Township of Cranbury within ten (10) days of its passage.

Cranbury Township Resolution # R 08-09-104

WHEREAS, the State of New Jersey has amended the COAH fee regulations to state that any non-residential developer who has paid a development fee since July 17, 2008 may claim a refund;

WHEREAS, Gentle Healing Wellness has requested a refund of their \$3,586 COAH fee paid on September 3, 2008;

WHEREAS, the Tax Assessor has recommended that the following COAH payments be refunded:

| <u>Block</u> | <u>Lot</u> | <u>Street Address</u> | <u>Assessed to</u> | <u>COAH Amnt</u> |
|--------------|------------|-----------------------|--------------------|------------------|
| 5 | 16.01 | 1274 South River Rd | Gentle Healing | \$3,586 |

TOWNSHIP COMMITTEE MEETING
August 24, 2009

Cranbury Township Resolution # R 08-09-104
(Continued)

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranbury, that the above COAH fee be refunded to Gentle Healing Inc.

TOWNSHIP OF CRANBURY
COUNTY OF MIDDLESEX

Cranbury Township Resolution # R 08-09-105

WHEREAS, the Township of Cranbury is a member of the Mid Jersey Municipal Joint Insurance Fund; and

WHEREAS, said renewal membership terminates as of January 1, 2010*, unless earlier renewed by agreement between the Municipality and the Fund; and

WHEREAS, the Municipality desires to renew said membership;

NOW THEREFORE, BE IT RESOLVED as follows:

1. The Township of Cranbury agrees to renew its membership in the Mid Jersey Municipal Joint Insurance Fund for a period of three (3) years beginning January 1, 2010, and ending January 1, 2013*, and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.
2. The Mayor and Clerk shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the Mid Jersey Municipal Joint Insurance Fund evidencing the Municipality's intention to renew its membership.

This resolution agreed to this 24th day of August, 2009, by a vote of:

5 Affirmative

0 Abstain

0 Negative

0 Absent

*12:01 a.m.

Cranbury Township Resolution # R 08-09-106

RESOLUTION CANCELING OUTSTANDING BANK ERRORS

WHEREAS, the Director of Finance has requested that all outstanding bank errors prior to January 1, 2009 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 errors as follows:

**CURRENT CHECKING ACCOUNT
1ST CONSTITUTION BANK
ACCOUNT # 2050121212
\$.92**

TOWNSHIP COMMITTEE MEETING
August 24, 2009

Cranbury Township Resolution # R 08-09-106
(Continued)

CURRENT SAVINGS ACCOUNT
1ST CONSTITUTION BANK
ACCOUNT #2001217301
\$.50

CAPITAL CHECKING ACCOUNT
PNC BANK
ACCOUNT #8102165590
\$82.62

CAPITAL CHECKING ACCOUNT
1ST CONSTITUTION BANK
ACCOUNT #8000288843
\$.10

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

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

CRANBURY TOWNSHIP RESOLUTION # R 09-09-112

WHEREAS, the Tax Collector has determined that the August quarterly tax payment was paid twice, once by the Closing Attorney or Title Company and the old lender which resulted in an overpayment of (3)2009 property taxes,

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Cranbury that the following overpayments be refunded:

| Block | Lot | Name | Amount |
|--------------|------------|---|------------------|
| 26 | 29.19 | BAC Tax Services Corp 1757 Tapo Canyon Rd. CA6-913-LB-01 Simi Valley, CA 93063 | \$4201.74 |
| Total | | | \$4201.74 |
| 33 | 6 | First American Real Estate Tax Service | \$1249.92 |
| 20.10 | 3 | Refunds Unit DFW 4-3 1 First American Way Westlake, Texas 76262 | \$1263.67 |
| Total | | | \$2513.59 |

Cranbury Township Resolution # R 08-09-107

WHEREAS, Mr. George Osipovitch, Jr. of 34 Hagerty Lane qualified for a \$250 veteran's tax deduction to 2007 and 2008;

WHEREAS, the Tax Assessor forgot to credit the \$250 to taxes due in 2007 and 2008;

TOWNSHIP COMMITTEE MEETING
August 24, 2009

Cranbury Township Resolution # R 08-09-107
(Continued)

WHEREAS, the Tax Assessor has requested that the total \$500 be refunded to Mr. Osipovitch, Jr.;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranbury, that the above veteran's deduction of \$500 be returned to Mr. George Osipovitch, Jr.

TOWNSHIP OF CRANBURY
COUNTY OF MIDDLESEX

Cranbury Township Resolution # R 08-09-108

RESOLUTION SUPPORTING THE "OVER THE LIMIT UNDER ARREST 2009 STATEWIDE
CRACKDOWN"

WHEREAS, impaired drivers on our nation's roads kill someone every 30 minutes, 50 people per day, and almost 18,000 people each year; and

WHEREAS, 26% of motor vehicle fatalities in New Jersey are alcohol-related; and

WHEREAS, an enforcement crackdown is planned to combat impaired driving; and

WHEREAS, the end of summer season is traditionally a time of social gatherings which often include alcohol; and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the State to participate in the "Over the Limit Under Arrest 2009 Statewide Crackdown"; and

WHEREAS, the project will involve increased impaired driving enforcement from August 21 through September 7, 2009; and

WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways;

THEREFORE, BE IT RESOLVED that the Township of Cranbury declares its support for the "Over the Limit Under Arrest 2009 Statewide Crackdown" from August 21 through September 7, 2009 and pledges to increase awareness of the dangers of drinking and driving.

Cranbury Township Resolution # R 08-09-109

RESOLUTION OF THE TOWNSHIP OF CRANBURY, NJ

A RESOLUTION AUTHORIZING THE RELEASE OF ESCROW

WHEREAS, Monroe Medical has deposited planning escrow with Cranbury Township

WHEREAS, Monroe Medical has requested the release of the balance of said escrow in the amount of \$1,130.00

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Cranbury authorizes the release of the above escrow deposit.

TOWNSHIP COMMITTEE MEETING
August 24, 2009

Cranbury Township Resolution # R 08-09-109
(Continued)

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

- (a) Township Attorney
- (b) Township Director of Finance
- (c) Nasri Saad, Monroe Medical

TOWNSHIP OF CRANBURY
COUNTY OF MIDDLESEX

Cranbury Township Resolution # R 08-09-111

WHEREAS, the Middlesex County Agriculture Development Board has received the following application for the FY 2009 Round of Easement Purchase Applications for the Middlesex County Farmland Preservation Program:

| <u>Name</u> | <u>Block, Lot</u> | <u>Location</u> | <u>Est. Mun. Share</u> | <u>Acres</u> |
|----------------|--------------------------------|--------------------|--------------------------------|--------------|
| Sallie Toscano | Block 25, Lots 42.01; 42.02 | 156 Plainsboro Rd. | \$6,000/acre (\$252,000) | 42.06 |

; and

WHEREAS, the easement purchase is \$30,000/acre, for a total Middlesex County share of \$ 1,260,000; and

WHEREAS, the Township of Cranbury's share of the easement purchase will be 20%; and

WHEREAS, the Township of Cranbury wishes to support said application for farmland preservation;

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Cranbury that it hereby endorses the above application for farmland preservation and hereby agrees to provide financial support for its local share of the costs of the easement purchase.

TOWNSHIP OF CRANBURY
COUNTY OF MIDDLESEX

Cranbury Township Resolution # R 08-09-112

WHEREAS, the Middlesex County Agriculture Development Board has received the following application for the FY 2009 Round of Easement Purchase Applications for the Middlesex County Farmland Preservation Program:

| <u>Name</u> | <u>Block, Lot</u> | <u>Location</u> | <u>Est. Mun. Share</u> | <u>Acres</u> |
|---------------------------|--------------------|--------------------|------------------------------------|--------------|
| Kin F. & Shao Ling Lum | Block 22 Lot 10 | 119 John White Rd. | \$ 3,800/acre (\$ 182,400); and | 49.271 |

TOWNSHIP COMMITTEE MEETING
August 24, 2009

Cranbury Township Resolution # R 08-09-112
(Continued)

WHEREAS, the price of the easement purchase is \$19,000/acre, for a total Middlesex County purchase price of \$912,000; and

WHEREAS, the Township of Cranbury's share of the easement purchase will be 20%; and

WHEREAS, the Township of Cranbury wishes to support said application for farmland preservation;

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Cranbury that it hereby endorses the above application for farmland preservation and hereby agrees to provide financial support for its local share of the costs of the easement purchase.

Cranbury Township Resolution # R 08-09-113

RESOLUTION APPOINTING LINDA SCOTT CLEAN COMMUNITIES COORDINATOR

WHEREAS, Linda Scott has ably served as Clean Communities Coordinator for Cranbury Township for two years; and

WHEREAS, a formal appointment is now required to be made;

BE IT RESOLVED, that the Township Committee of the Township of Cranbury does hereby appoint Linda Scott, Clean Communities Coordinator for the Township of Cranbury; and

BE IT FURTHER RESOLVED, that the Township Clerk forwards a certified true copy of this resolution to State of New Jersey, Office of Recycling, Cranbury Township Administrator and Linda Scott.

Cranbury Township Resolution # R 08-09-114

RESOLUTION OF THE TOWNSHIP OF CRANBURY
MIDDLESEX COUNTY, NEW JERSEY

A RESOLUTION AWARDING A PROFESSIONAL SERVICES AGREEMENT FOR TAX APPEAL
CONSULTING SERVICES TO SOCKLER REALTY SERVICES GROUP, INC.

WHEREAS, the Township of Cranbury ("Township") requires the services of a Professional services real estate appraiser MAI to provide tax appeal consulting services for the calendar year 2009; and

WHEREAS, Sockler Realty Services Group, Inc. submitted a proposal dated August 6, 2009 to perform those services; and

WHEREAS, the contract for said services shall be for an amount not to exceed ten thousand dollars (\$10,000); and

WHEREAS, funds are available for said services; and

WHEREAS, the Local Public Contracts law, N.J.S.A. 40A:11-1 et seq., requires that notice with respect to contracts for Professional Services awarded without competitive bids must be publicly advertised,

TOWNSHIP COMMITTEE MEETING
August 24, 2009

Cranbury Township Resolution # R 08-09-114

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

1. Sockler Realty Services Group, Inc. ("SRSG") is hereby retained to provide tax appeal consulting services to the Township for the calendar year 2009, in accordance with the above-cited August 6, 2009 proposal.
2. The Contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a), because it is for services performed by persons authorized by law to practice a recognized profession.
3. A copy of this resolution as well as the Contract shall be placed on file with the Clerk of the Township.
4. A notice of this action shall be published in the official newspaper as required by law.

Cranbury Township Resolution # R 08-09-115

RESOLUTION OF THE TOWNSHIP OF CRANBURY
MIDDLESEX COUNTY, NEW JERSEY

A RESOLUTION AWARDING A PROFESSIONAL SERVICES AGREEMENT FOR TRAFFIC CONSULTING SERVICES TO SHROPSHIRE ASSOCIATES LLC

WHEREAS, the Township of Cranbury ("Township") requires the services of a Professional services traffic consultant to provide traffic consulting services to conduct speed studies for the calendar year 2009; and

WHEREAS, Shropshire Associates LLC submitted a proposal dated July 17, 2009 to perform those services; and

WHEREAS, the contract for said services shall be for an amount not to exceed One-Thousand Eight-Hundred Fifty Dollars (\$1,850); and

WHEREAS, funds are available for said services; and

WHEREAS, the Local Public Contracts law, N.J.S.A. 40A:11-1 et seq., requires that notice with respect to contracts for Professional Services awarded without competitive bids must be publicly advertised,

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

1. Shropshire Associates LLC is hereby retained to provide traffic consulting services to conduct speed studies to the Township for the calendar year 2009, in accordance with the above-cited July 17, 2009 proposal.
2. The Contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1) (a), because it is for services performed by persons authorized by law to practice a recognized profession.

TOWNSHIP COMMITTEE MEETING
August 24, 2009

Cranbury Township Resolution # R 08-09-115
(Continued)

3. A copy of this resolution as well as the Agreement shall be placed on file with the Clerk of the Township.
4. A notice of this action shall be published in the official newspaper as required by law.

CRANBURY TOWNSHIP RESOLUTION # R 0-09-116

TOWNSHIP OF CRANBURY

RESOLUTION AWARDING CONTRACT FOR BRICK YARD ROAD REPAIRS

WHEREAS, the Township of Cranbury has a need to perform significant repairs to Brick Yard Road within the Township; and

WHEREAS, after legally proper notice and publication, three bids are received on August 19, 2009; and

WHEREAS, the lowest responsible bid was submitted by Meco, Inc., P.O. Box 536, Clarksburg, NJ 08510, in the total lump sum amount of \$157,006.25; and

WHEREAS, the Township Engineer has reviewed the qualifications of Meco, Inc., and has recommended that the contract be awarded to Meco, Inc. and;

WHEREAS, The Mayor is authorized to execute the Contract, upon advice of counsel, subsequent to bidder's timely compliance with all post award requirements, and the Township's receipt of the approval of this Contract award by the New Jersey DOT in accordance with grant conditions or any amendments thereto; and

WHEREAS, the Township Attorney has reviewed Meco's bid documents and has determined that they are acceptable; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available for this purpose.

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

1. The Mayor and Clerk are hereby authorized and directed to execute an agreement with Meco, Inc., P.O. Box 536, Clarksburg, NJ 08510 for the repairs to **Brick Yard Road**, for an amount not to exceed \$157,006.25.
2. A copy of this Resolution and the executed Agreement shall be placed on file in the office of the Township Clerk.

Reports from Township Staff and Professionals

Police Chief Ed Kahler presented his monthly report to the Township Committee for the month of July, 2009. He reported a total of 182 summonses had been issued for the month of July. Speeding – 24; cell phone violations – 4. Expenditures (Highest to Lowest) were: School/Training, Shift Coverage and Investigations. The Traffic Bureau reported a total of 24 crashes had occurred during the month, Detective Bureau reported there were ten (10) new investigations and eight (8) have been closed. Chief Kahler also reported there is a CERT

TOWNSHIP COMMITTEE MEETING
August 24, 2009

meeting planned for September 2 to discuss Cranbury Day and the Swine flue vaccine distribution. The Bicycle Patrols had been out on nine (9) occasions, vehicle mileage was
Reports from Township Staff and Professionals (Continued)
Police Chief Ed Kahler(cont'd)

14,493, 14 individuals were arrested; DWI – 3, Theft -3, Warrants – 5, CDS (Drugs) – 2 and Bank Robbery – 1.

Reports from Township Boards and Commissions
There were no reports.

Reports from Township Professionals and Staff

Ms. Smeltzer asked the traffic subcommittee if they are interested in having a residents' meeting concerning traffic and traffic safety issues. Mr. Stout suggested it be a "public forum". Mr. Stout asked that it be held in October as Mr. Feranda, Traffic Consultant is presently doing a study on Old Trenton Road.

Ms. Cunningham, Clerk, stated she only had three (3) individuals thus far sign up for Cranbury Day to work at the Township Committee table. From 9:00 a.m. until 11:00 a.m. she and Mayor Stave are working and Mr. Cody had volunteered to work at 11:00 a.m. Mr. Stout stated he would join Mr. Cody and they would work until 1:00 p.m. Ms. Cunningham asked members of the Township Committee to please provide her with any materials they would like placed on the table for the public's information. Mr. Stout suggested having an update to the Open Space map that previously had been of interest. Ms. Stave asked that sign-ups for the Township's web site alerts. The Committee members expressed it is their desire to have the sign-up sheets.

Work Session

a). Discussion of Proposal from the Cranbury Historical & Preservation Society concerning the Howarth (Parsonage) Barn.

Mayor Stave started the discussion explaining the Township has on the Agenda this evening an ordinance to fund the balance of the contract with the New Jersey Barn Company. She stated in the meantime the Township has received a letter from the Cranbury Historical & Preservation Society proposing how they can shoulder the "heavy lifting" for getting the restoration project done. Mr. Mark Berkowsky, Chairman, Historic Preservation Committee of the Historical Society, explained the Society has taken on numerous projects for the Township from a preservation standpoint; most notably the History Center (formerly the Gristmillers' House which is owned by the Township) and leases it to the Historical Society for \$1.00/year. Mr. Berkowsky stated the Society looks forward to the same type of relationship with the Township with the barn and understands the Township's financial concerns. At this point, the Society, partnering with Landmarks and private donations, is willing to fund the balance of the barn project beyond what the Township Committee had agreed to in 2003. The Township Committee at that time adopted an ordinance for approximately \$60,000 to buy the barn from The New Jersey Barn Company and then re-erect it. Not included in that were all the other elements such as the foundation, slab, siding and roofing. He explained the Society is asking the Township Committee this evening is basically to go back and finish that commitment. The balance left from the ordinance adopted in 2003 is approximately \$40,500. Mr. Berkowsky stated it is his understanding the monies were in the budget and was carried over the past few years however, it was forgotten and then transferred over to Surplus in December, 2008. The ordinance which is being considered for adoption this evening is to transfer those monies back into the operating funds. The Society is asking that the monies be used as a grant to the Society who will then take full ownership of the project. Mayor Stave stated the Township will still have to have ownership of the barn as the barn will be located on Township property. Mr. Berkowsky stated the Society is suggesting it take ownership of the barn. Mr. Berkowsky reported the Society will make application to

TOWNSHIP COMMITTEE MEETING
August 24, 2009

Work Session (Continued)

- a). Discussion of Proposal from the Cranbury Historical & Preservation Society concerning the Howarth (Parsonage) Barn (cont'd).
the Planning Board for approval, get the necessary permits and obtain an architect directly. Therefore, the resolution which is on the Agenda this evening for an architect does not need to be considered for adoption. Mr. Berkowsky also stated the Society will pay for the general liability insurance. He stated the Society does not have any "long term goal" other than to preserve the structure and perhaps someday make the barn a museum. Mr. Berkowsky presented a model of what the barn will look like. Ms. Audrey Smith, President, Cranbury Historical Society stated the dimensions of the barn will be 36 feet by 26 feet and 27 feet high. There are four (4) doors on each side. There are no windows on the barn. The Society will have some "sleeves" should the need arise to someday install electricity. Mayor Stave asked if the Township was going to have the foundation installed. Mr. Berkowsky reported the Society will have it done. Mr. Van Hise, Township Attorney, reported the proposed agreement between the Township, and the Society must follow strict guidelines because the barn will sit on property that is listed on the Township's Recreational Open Space Inventory ("R.O.S.I.") previously filed with the State Green Acres; there could be a problem having a structure on Township-owned property that the Township does not own. The Township is constrained with leasing the property. Mr. Berkowsky asked the Township Committee to keep the agreement simple. Mr. Van Hise reported his law firm has been doing a lot of research on the project because of the state regulations involved. Mr. Stout asked the "realistic" timing of the project. Mr. Berkowsky responded by the spring it will be done. Mr. Cody asked how the Township can adopt the ordinance for the funds when the \$40,500 is not in the budget for this year. Ms. Smeltzer responded the Finance Director believes we can adopt an ordinance to come up with the money. The Township is borrowing the funds from its Surplus Fund. Ms. Betty Wagner, North Main Street, stated this issue has been discussed at great length and the Society would not agree to do the project if it does not think that it can be done quickly and well.

Ordinance

Second Reading

Cranbury Township Ordinance 07-09-14

A motion to enter 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 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. Mayor Stave opened the public hearing. Mr. David Cook, North Main Street, asked if the monies will be on a "drawn down schedule" or does it have to be like a balloon payment all at one time. Mayor Stave responded it is one lump sum to pay the New Jersey Barn Company by the spring when the barn is erected. Ms. Smeltzer stated with the Capital Ordinance she wants to clarify that the Township does have the monies available in the Capital Surplus and does not involve borrowing any monies. 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

TOWNSHIP COMMITTEE MEETING
August 24, 2009

Cranbury Township Ordinance 07-09-14
(Continued)

Nays: (None)

Mr. Van Hise, Township Attorney, stated for clarification the ordinance being considered for adoption this evening has nothing to do legally with the presentation that was made by Mr. Berkowsky this evening. It is an idea that has been presented and the first step would be to adopt the ordinance as there is a contract in place with the New Jersey Barn Company. Should the Township wish to enter into anything further the paperwork will be prepared by his office. However, there are items the Township will need to consider. The Township may only want to consider part of the proposed agreement and there may be constraints on what the Township can or cannot do. Mr. Van Hise stated if the Township Committee is pleased with the Society's proposal, it may want to table the resolution for the architect for another month until the next meeting and in the meantime will work with the Society to get everything in place. Mayor Stave indicated she would like the resolution removed from the Agenda this evening (Cranbury Township Resolution # R 08-09-117).

Public Comment

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

Mayor's Notes

Mayor Stave reported she was making three appointments this evening: Cynthia Coppotelli to the Municipal Alliance Committee on Drug Abuse and Alcoholism as a regular member (term expiring 12/31/2011), Susan Goetz to the Environmental Commission as an Alternate 1 Member (term expiring 12/31/2009) and Anna Drago to the Environmental Commission as a Regular Member (term expiring 12/31/2011).

On motion by Mr. Panconi, seconded by Mr. Stout and unanimously carried, the meeting adjourned at 8:05 p.m.

Kathleen R. Cunningham, Clerk