

TOWNSHIP COMMITTEE MEETING
September 14, 2009

The regular meeting of the Township Committee of the Township of Cranbury was at 6:30 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, Township Attorney; Cathleen Marcelli, Township Engineer; Denise Marabello, Finance Director; 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 September 10, 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	Abstain: (None
(Panconi	Absent: (None
(Stannard	
(Stave	
(Stout	

Nays: (None

Cranbury Township Resolution # R 09-09-113

TOWNSHIP OF CRANBURY
COUNTY OF MIDDLESEX

RESOLUTION TO CLOSE MEETING TO THE PUBLIC

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

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

-----"N.J.S.A.10:4-12b(7) (Attorney-Client Communications Regarding Contract Negotiations): Discussion falling within the attorney-client privilege regarding contract negotiations in which the Township is to be a party."

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Cranbury Township Resolution # R 09-09-113
(Continued)

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: September 14, 2009

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

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

Nays: (None

Ms. Cunningham, Clerk, announced the redacted version of the Closed Session Minutes for July 13, 2009 only were being released to the public and the Closed Session Minutes for July 27, 2009 cannot be released to the public at this time due to the confidential nature of the items discussed.

Closed Session Committee Minutes of July 13, 2009

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

Closed Session Committee Minutes of July 27, 2009

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

Reports and Communications

--Mayor

Mayor Stave asked Mr. Cody to report on the "Helene Cody 5K Run" which was held on Saturday, September 12, 2009 at Cranbury Day.

--Members of Committee

Mr. Cody reported it had been a "great race" and over 500 people participated in the race. Mr. Cody thanked all the runners, sponsors and volunteers and stated the race went very smoothly. Mr. Cody reported his daughter, Jenna, won fastest female and the fastest female in Cranbury. Mr. Cody commended Greg Carroll on doing a great job with his Eagle Scout Project (putting the race together). Mayor Stave thanked Chief Kahler for working with Greg Carroll in making sure the route was safe and secure and well managed by the Police Department.

Mr. Panconi reported for July the Fire Company had 20 fire calls. There were nine (9) calls during the day and 11 during the evening. Of the 20 calls, 12 were false alarms. Mr. Panconi reported the Fire Company had recently purchased a boat for water rescue. Last weekend there was a call on Brainerd Lake and the Fire Company was on the scene within five (5) minutes. Mr. Panconi reported there was a problem at The Elms with a patient pulling the alarm. The Fire Company had responded numerous times. Since then, The Elms

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--Members of Committee (Continued)

-- Mr. Panconi (cont'd)

has purchased a special cover. In August the Fire Company responded to 25 calls. Eight (8) were during the day and five (5) were in the evening. Nine (9) of the calls were false alarms. One company did receive a fine. Mr. Panconi reported the Public Works employees' responses had been very good for both months.

--Mr. Stannard and Mr. Cody

Mr. Stannard reported the small business subcommittee for simplifying Planning and Zoning rules and procedures (he and Mr. Cody) had met again on the 9th to discuss a potential outline for a new application for small businesses. Mr. Stannard stated it is the subcommittee's belief that a simplified application should be considered for such items as no changes at a site, no change of use at the site, a minor change of use at a site (for example, a gift shop that wishes to now add the sale of flowers to its merchandise) and an application for changing one type of restaurant to another (from a Chinese Restaurant to an Italian Restaurant). Mr. Stannard stated the process would be similar to manner in which Bobbie Marlowe, Chairperson for the Historic Preservation Commission, helps individuals by having a very simplified process. He stated existing use is something that is "grandfathered". He gave the example of someone having a site that has no parking and a new businessperson comes along and wants to do something essentially the same. Obviously there cannot be any parking and that application should not necessarily require all of the rules and processes that are in place. Mr. Stannard recommended other categories such as landscaping requirements (where there is no site change) should also be included. He reported he has a format that he and Mr. Cody have worked on and they will be providing copies to the rest of the Township Committee members. Mr. Stannard indicated Mr. Cody has offered to make the proposed new forms on his computer and he requested a work session meeting some time in October to go over the forms and a new process to have the public "weigh in". Mr. Stannard stated it is the subcommittee's vision that someone who wants to open a small business in Cranbury should be encouraged and assisted and should be provided all the help the Township can provide as opposed to being discouraged. Mr. Stannard reported he and/or Mr. Cody will be attending all Development Review Committee (D.R.C.) meetings from now on to keep track of every application that comes in and follow it to the finish to determine if the application can be made easier during its process. Mayor Stave asked Ms. Marcelli, Township Engineer, if the Township is required to have a member of the Township Committee or a member of the Planning Board on the D.R.C. Ms. Marcelli responded per the ordinance adopted by the Township Committee, a representative from the Environmental Commission, Planning Board, Zoning Board, Township Planner and Township Engineer constitute the membership of the D.R.C. Mr. Stannard reported there is also a liaison from the Township Committee. Mayor Stave stated the Township Committee is not always notified of applicants coming before the D.R.C. and perhaps the ordinance should be amended to reflect a requirement that a member of the Township Committee be appointed to the D.R.C. to alleviate a breakdown in communications. Mayor Stave also recommended the Township Committee review the ordinance. Mr. Stannard referenced the application recently for "The Blue Rooster". They had been told to put in about four (4) to five (5) items, including Belgian Block. The economy then dropped considerably and the owners were having problems making ends meet. The owners then appealed to the Planning Board who agreed to waive the requirements. Mr. Stannard stated he and Mr. Cody are reviewing whether or not escrow should be required for all applicants. He stated Cranbury should have a reputation as a Township that wants to help the small businessperson instead of the current perception of being "difficult to do business with". Mr. Cody echoed Mr. Stannard's remarks and stated the Township Committee is one of the last to know of a potential applicant coming before the D.R.C. Mayor Stave recommended before taking this issue to the public, feedback should be obtained from the Planning and Zoning Board Attorneys. She also recommended encouraging the Planning Board to still have meetings for the small business applicant

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---Members of Committee (Continued)
Mr. Stannard and Mr. Cody (cont'd)

because recently due to the downturn in development, they have not been meeting regularly. Mayor Stave stated the

Township does not post minutes for the Planning and Zoning Board quickly enough which makes it very difficult for people to go back and see what has been done. Mr. Cody added the D.R.C. is not required to keep minutes. Mr. Stout responded they are not required to keep minutes because they are an advisory board only. Mr. Dietrich Wahlers, 33 Hagerty Lane, stated in the present Township Code it is stated the Mayor may attend all D.R.C. meetings. Ms. Marcelli, Township Engineer stated she has been a member of the D.R.C. for 13 years and always give a "canned" speech at the beginning of every meeting that the D.R.C.'s role is for advisory purposes only--to deem the application complete or incomplete. She stated she explains the D.R.C. does not approve or disapprove an application; it gives advice and it is up to the applicant to take its recommendations or not. Ms. Marcelli reported the D.R.C. is always recommending to applicants they take pictures and usually the applicant only has to go to one meeting of the Planning or Zoning Boards because the D.R.C. has prepared them. Ms. Marcelli stated in other municipalities it takes two (2) or three (3) meetings because all of the paperwork has not been done ahead of time. She reported no one at the Township's D.R.C. has ever disapproved or discouraged anyone from applying. Ms. Marcelli stated the D.R.C. meetings are an open dialogue. However, the D.R.C. does have the ability to approve a minor site plan and in the 13 years she has served on the Committee, there have been several minor site plans that have been approved. Mayor Stave stated at the very least, the Mayor should be receiving a copy of the Agendas as well as the application material on the Agenda. Mr. Bob Dillon, 32 Hightstown-Cranbury Station Road, stated the D.R.C. is not required to let anyone know what applicants are coming before the Committee as they are not required to notice adjoining residents nor advertise and are not required to keep minutes of their meetings. He reported the D.R.C. has the power to approve a minor site plan. Therefore, if you have a neighbor who goes to the D.R.C. regardless of putting up a fence or an applicant who has 13 acres of industrial use, and it is considered a minor site plan, the D.R.C. can approve the plan without going any further. The only thing that would stop the application from getting approved is if someone should show up and object to their application. It then has to go before the Planning or Zoning Boards. Mr. Dillon stressed 90% of the time this is the case and it is very "scary". Mr. Dillon also mentioned the D.R.C. meetings are often held in Planning and Zoning Office which is very cramped to accommodate everyone. He suggested the meetings should be held in a more public location. Ms. Marcelli responded usually if there is only one (1) applicant, the meetings are held in the Planning and Zoning Office and if there are more applicants, the meetings are held in the Gallery. Mr. Dillon asked can the D.R.C. approve something for a minor site plan by State law or Cranbury Township law. Ms. Marcelli responded minor site plan is defined in State and Municipal Land Use law and is also defined in the Township ordinance. The power to grant minor site plan approval to the D.R.C. was enacted by the Township Committee adopting an ordinance eight (8) years ago. Ms. Marcelli reported she has only seen two (2) minor site planes approved in the 13 years she has been sitting on the D.R.C. Mr. Dillon suggested some thought should be given to whether or not the D.R.C. has the authority to approve a minor site plan. Mr. Dillon expressed his concern with there not being a notification requirement or advertising requirement for anyone coming before the D.R.C.

Agenda Additions/Changes

Ms. Cunningham, Clerk, announced under Item # 9, Consent Resolutions, one resolution is being added, Cranbury Township Resolution # R 09-09-114; a resolution awarding a contract for the Griggs Tract Roadway Improvement Phase I.

Ordinances

First Reading

Cranbury Township Ordinance 09-09-17

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Cranbury Township Ordinance 09-09-17
(Continued)

An Ordinance entitled, "Cranbury Township Ordinance 09-09-17, A BOND ORDINANCE PROVIDING FOR THE TOWNSHIP'S SHARE OF THE COSTS OF THE EASEMENT PURCHASE OF THE LUM FARM IN AND BY THE TOWNSHIP OF CRANBURY, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$190,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$180,500 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF", was introduced for first reading. Mayor Stave reported this represents the Township's share of the County's acquisition of the easement purchase for development rights of the farm. On motion by Mr. Stannard, seconded by Mr. Cody, the Ordinance was passed on first reading by vote:

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

Nays: (None

Public Hearing: October 5, 2009

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CRANBURY, IN THE COUNTY OF MIDDLESEX, NEW JERSEY (NOT LESS THAN TWO-THIRDS OF ALL THE MEMBERS THEREOF AFFIRMATIVELY CONCURRING) AS FOLLOWS:

Section 1. The several improvements described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Township of Cranbury, in the County of Middlesex, New Jersey (the "Township") as a general improvement. For the several improvements or purposes described in Section 3, there is hereby appropriated the sum of \$190,000, including the sum of \$9,500 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$180,500 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purpose for which the bonds are to be issued is the Township's share of the cost of the easement purchase of the Lum Farm necessary therefore and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefore.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one

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Cranbury Township Ordinance 09-09-17
(Continued)

year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose that the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$180,500, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$19,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 8. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document

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Cranbury Township Ordinance 09-09-17
(Continued)

on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 9. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Ordinances

First Reading

Cranbury Township Ordinance 09-09-18

An Ordinance entitled, "Cranbury Township Ordinance 09-09-18, BOND ORDINANCE PROVIDING FOR THE REMAINDER OF THE TOWNSHIP'S SHARE OF THE COSTS OF THE EASEMENT PURCHASE OF THE TOSCANO FARM IN AND BY THE TOWNSHIP OF CRANBURY, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$77,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$73,150 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF", was introduced for first reading. On motion by Mr. Stannard, seconded by Mr. Stout, the Ordinance was passed on first reading by vote:

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

Abstain: (None
Absent: (None

Nays: (None

Public Hearing: October 5, 2009

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CRANBURY, IN THE COUNTY OF MIDDLESEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1. The several improvements described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Township of Cranbury, in the County of Middlesex, New Jersey (the "Township") as a general improvement. For the several improvements or purposes described in Section 3, there is hereby appropriated the sum of

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Cranbury Township Ordinance 09-09-18
(Continued)

\$77,000, including the sum of \$3,850 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

SECTION 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$73,150 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and the purpose for which the bonds are to be issued is the remainder of the Township's share of the cost of the easement purchase of the Toscano Farm necessary therefore and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefore.

SECTION 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

SECTION 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

SECTION 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose that the Township may lawfully undertake as a general improvement and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

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Cranbury Township Ordinance 09-09-18
(Continued)

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$73,150, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$7,700 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

SECTION 7. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

SECTION 8. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 9. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Ordinances
Second Reading

Cranbury Township Ordinance 08-09-15

A motion to enter 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

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Cranbury Township Ordinance 08-09-15
(Continued)

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. Stannard, seconded by Mr. Stout, the Ordinance was adopted by a vote:

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

Nays: (None

Ordinance
Second Reading

Cranbury Township Ordinance 08-09-16

A motion to enter 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 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. Stout, seconded by Mr. Panconi, the Ordinance was adopted by a vote:

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

Nays: (None

Consent Agenda

Ms. Marcelli, Township Engineer, gave a summary of Resolution # R 09-09-114 which is being considered on the Consent Agenda this evening. Ms. Marcelli reported the bid award is being awarded for the Griggs Tract Roadway Improvements, Phase I. Originally the improvements were going to be limited to just roadway improvements. Ms. Marcelli met with many of the residents in the Griggs Tract and their concerns were more with the curb conditions rather than the roadway conditions. She then returned to the Township Committee looking for some direction whether or not to change the contract or to just go out for curb replacements. To do both would exceed the grant monies from the D.O.T. Last Thursday Ms. Marcelli received bids for the curb project. Ms. Marcelli reported five (5) bidders received bids which ranged from \$142,325 to \$201,250 and that the bids were very competitive. Ms. Marcelli stated she is requesting the award of the base bid for \$142,325 plus the Supplemental Items A and B for a total award amount of \$162,625 (below the \$250,000 grant). This will permit the Township to take advantage of reimbursement for any inspection services which is up to 15% of the total costs and will still be

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Cranbury Township Ordinance 08-09-16
(Continued)

under the \$250,000 grant amount. Mr. Cody asked what happens to the unused money and Ms. Marcelli responded it must be returned back to the State D.O.T.

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

Consent Agenda

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

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

Nays: (None

Cranbury Township Resolution # R 09-09-110

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 09-09-111

WHEREAS, the Township Committee of the Township of Cranbury, County of Middlesex, State of New Jersey, recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and

WHEREAS, the Township Committee further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Township Committee has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Middlesex.

NOW, THEREFORE, BE IT RESOLVED on this 14th day of September, 2009, that the Township of Cranbury, County of Middlesex, State of New Jersey, hereby recognizes the following:

1. The Township Committee does hereby authorize submission of an application for the Cranbury Municipal Alliance grant for calendar year 2010 in the amount of \$5,166.00.
2. The Township Committee acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Pari Stave, Mayor

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September 14, 2009

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 09-09-114

TOWNSHIP OF CRANBURY

**RESOLUTION AWARDING CONTRACT FOR GRIGGS TRACT ROADWAY IMPROVEMENTS,
PHASE I**

WHEREAS, the Township of Cranbury has determined that it is necessary to make improvements to the **Griggs Tract Roadway (Phase I)**, and to advertise for bids for the performance of the work; and

WHEREAS, after legally proper notice and publication, five bids were received on September 10, 2009; and

WHEREAS, the lowest responsible bid was submitted by R&B Builders, Inc., 21 1st Street, South River, NJ 08882, in the total lump sum amount of \$162,625.00 (base bid of \$142,325.00, plus Supplemental Bid A in the amount of \$8000.00, plus Supplemental Bid B in the amount of \$12,300.00); and

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

WHEREAS, the Township Attorney has reviewed R&B'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; 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;

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CRANBURY TOWNSHIP RESOLUTION # R 09-09-114
(Continued)

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

1. The above preamble is incorporated herein as if set forth at length.
 - a. The Mayor and Clerk are hereby authorized and directed to execute an agreement with **R&B Builders, Inc.**, 21 1st Street, South River, NJ 08882, for the
 - b. **Griggs Tract Roadway Improvements, Phase I**, in the total lump sum amount of \$162,625.00
 - c. 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 for the month of August to the Township Committee. Chief Kahler reported there were 211 summonses issued—Speeding – 12, Cell phone violations – 7. The “Over the Limit, Under Arrest Program commenced August 21st and will end at the end of September. Expenditures, highest to lowest were: Shift coverage, Department meeting and School/Training. Traffic Bureau: There were 35 crashes last month. Detective Bureau: 13 new investigations and 5 closed investigations. Chief Kahler reported a CERT meeting was held on September 2, 2009 to discuss Cranbury Day and the Swine flu vaccine distribution. The Bicycle Patrols were out on two (2) occasions (due to vacation and other leave) and the vehicle mileage was 14,493 miles. He also reported there had been 23 arrests—Driving While Intoxicated – 10, Theft -0, Warrants -6, CDS (Drugs) -4 and miscellaneous – 3. Chief Kahler stated he is in the process of preparing numerous Points of Distribution (POD) for the swine flu vaccine and has attended two (2) meetings recently. Those involved will be implementing a distribution plan based on our seasonal flu shot distribution program. He said as this vaccine becomes available residents will be advised, via the township web page and press, on what action to take. Chief Kahler also reported the Police Department has not received delivery of the Hybrid SUV. Ms. Marabello, Finance Director, has filed a complaint with the New Jersey State Purchasing Department and because of the delay in receiving the new vehicle, the Police Department has incurred unexpected expenses repairing its aging fleet. The \$2,888.84 in our vehicle repair budget will not be sufficient to sustain the aging fleet until the end of the year. Chief Kahler is attempting to find an alternate vendor for a Hybrid SUV.

Reports from Township Boards and Commissions

There were no reports.

Public Comment

The Mayor opened the meeting to public questions and comments. Mr. Robert Dillon, 32 Hightstown-Cranbury Station Road stated he was here this evening to speak to the Township Committee of his concern about his neighbors. Mr. Dillon reported from 1984-87, he took Mid-State Filigree to court. A Judge rendered a decision for the Township to put a process in place for enforcement, and the Township adopted an ordinance to comply with the decision. Mr. Dillon stated, basically the ordinance prohibits outside manufacturing. The persons that are in these lots can remain however they must comply with site plan applications. Mr. Dillon reported in February, 2008 when Mr. Stout was Mayor he came to the Township Committee meeting complaining because Mid-State Filigree had expanded their site without obtaining any site plan approval first (as they had back in the 80's). He stated that evening he gave the Township Committee a list and pictures and in addition went to Jeff Graydon with the information. Jeff Graydon said he would look into the matter and get back to Mr. Dillon. Mr. Dillon stated he never

TOWNSHIP COMMITTEE MEETING
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Public Comment (Continued)

Mr. Bob Dillon, 32 Hightstown-Cranbury Station Road (cont'd)

received a phone call from Jeff Graydon. Mr. Dillon stated since 2008 Mid-State Filigree has had problems with run off and have had violations from D.E.P. of certain chemicals being in that run off. Mr. Dillon stated Mid-State Filigree went to the Development Review Committee at one time and presented to the D.R.C. their improvements on the property (they had taken down more trees and made their lot bigger), were due to D.E.P.'s requirements. Mr. Dillon explained D.E.P. looks at an applicant's plan to remediate the property and then determines if it will or will not work. It does not however give them approval. Mr. Dillon stated there is also language in the letter to Mid-State Filigree indicating this does not give you permission to violate any Township ordinances; you still have to get the necessary approvals from the Township to do this. Mr. Dillon complained to date Mid-State has never made any application to the Township. He also stated Viridian has never made any application to the Township to clean up its site either. Everyone goes to D.E.P. to get the sites approved. Mr. Dillon asked the Township to be more aggressive and look at what is happening, not look at it afterwards. Mr. Dillon reported he asked the Zoning Board Secretary to try to find out the status of this issue from Jeff Graydon. She e-mailed Jeff Graydon asking the status and he never responded. Mr. Dillon asked why, when he put an addition on his house in 1983 he had to go before the Zoning Board and Mid-State has not. Ms. Marcelli, Township Engineer, stated she has told Mr. Dillon that Mid-State came before the D.R.C. on two (2) occasions, and she has no power to make them either submit an application nor issue them a violation. The only person who can is the Zoning Officer. She reported she does keep a file on those applicants who come before the D.R.C. Mayor Stave indicated the Township will speak with Jeff Graydon, Zoning Officer and find out why he has not called Mr. Dillon back. Mr. Stout added he does remember having conversations with both the Township Attorney and Mr. Graydon about this issue and remembers a memo being circulated about the issue as well. Mayor Stave indicated the Clerk remembers a memo being written as well and she will look for it. Mayor Stave responded to Mr. Dillon that the Township will follow up with him. Mr. Dillon stated Mid-State Filigree should be made to be more accountable and follow the process.

Mr. Dave Cook, North Main Street, asked about returning the monies not used for the D.O.T. grant for the Griggs Tract Roadway Improvements Phase I and if those monies could be used to do curbs in another part of the Township. Ms. Marcelli responded they can be extended in the Griggs Tract area only.

Mr. Jay Taylor, 13 South Main Street, stated as someone that has worked for the Cranbury Hardware Store, it is great to see the Township talking about a simplified process for the small business owner.

Mr. Dietrich Wahlers, 33 Hagerty Lane, stated at the last Township Committee meeting there was a discussion concerning the contaminated soil that had been delivered to both 3 Pleasant Hill Road and 12 Brickyard Road. Mr. Wahlers indicated the Township Administrator and Attorney were going to look into the matter and get back to him and asked the status of the issue. Mayor Stave apologized and stated someone will look into it and get in touch with Mr. Wahlers.

Mr. Stannard reported on Cranbury Day a resident had approached him concerning the use of the Plainsboro Court and the notion is we now send the Cranbury Police Chief and the police officers go out and write tickets and in due time they bring the lawbreakers over to the Court in Plainsboro. The fines are sent first to the State and the State then returns a portion back to Cranbury and Cranbury sends it over to Plainsboro. There are now inquiries as to whether or not it may save money to have the Court back in Cranbury. Mr. Stannard requested a study be done to re-visit the issue whether or not it would be cheaper to have the Court back in Cranbury. Ms. Stave urged the Township to be careful to preserve its relationship with Plainsboro Township.

Mr. Brian Schilling, Ryan Road, resident and also President of the New Jersey Agricultural Society, reported it is customary for the Agricultural Society to host the legislators' annual tour.

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Public Comment (Continued)
Mr. Brian Schilling (cont'd)

The purpose of the annual tour is to keep agriculture in the minds of the legislators. This year the farm tours were in Middlesex County. In light of the fact that Cranbury has such a rich agricultural heritage and has been a real leader in agricultural preservation, two (2) of the stops in Cranbury were the Patterson and Simonson farms. Mr. Schilling reported there were between 12-13 legislators along with members of the County Freeholder Board. Mayor Stave attended the event at the Patterson farm. Mr. Schilling reported Cranbury Township has preserved 2,200 acres and Cranbury is high on the list in the State for preserving farmland. Mr. Schilling commended Cranbury Township and the Township Committee for its work in preservation. Mayor Stave asked if there is anything the Township can do to help its farmers to please let the Township know.

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

Mayor's Notes

Mayor Stave stated it was very nice the New Jersey State Assembly did a resolution for Greg Carroll for his Eagle Scout Award Project and suggested the Township Committee start a tradition of doing resolutions for the Scouts.

On motion by Mr. Stannard, seconded by Mr. Panconi and unanimously carried the meeting adjourned at 8:35 p.m.

Kathleen R. Cunningham, Clerk