

TOWNSHIP COMMITTEE MINUTES
December 21, 2009

The regular meeting of the Township Committee of the Township of Cranbury was held at 7:00 p.m. in the Town Hall Meeting Room. Answering present to the roll call were: Township Committee members: Winthrop Cody, Thomas F. Panconi, Jr., Richard Stannard, David J. Stout and Mayor Pari Stave. Also present were: Township Committeemen-elect David Cook and Jay Taylor, Trishka Waterbury, Esquire, Attorney; Cathleen Marcelli, Engineer; Christine Smeltzer, Administrator and Kathleen R. Cunningham, Clerk. Mayor Stave led in the salute to the flag and Ms. Cunningham gave the following Open Public Meetings Act statement:

In accordance with Section 5 of the Open Public Meetings Act, it is hereby announced and shall be entered into the minutes of this meeting that adequate notice of this meeting has been provided:

- (1) Posted on December 1, 2008 on the Bulletin Board of the Municipal Office at 23-A North Main Street, Cranbury, New Jersey and remains posted at that location.
- (2) Communicated to the Cranbury Press, Home News Tribune and Trenton Times on December 1, 2008.
- (3) Was filed on December 1, 2008 at the Cranbury Municipal Office, 23-A North Main Street, Cranbury, New Jersey, posted on the Township's web site and remains on file for public inspection, and
- (4) Sent to those individuals who have requested personal notice.

Regular Township Committee Minutes of November 23, 2009

On motion by Mr. Cody, seconded by Mr. Stannard and unanimously carried (with Messrs. Panconi and Stout abstaining), the regular Township Committee minutes of November 23, 2009 were adopted.

Closed Session Committee Minutes of November 23, 2009

On motion by Mr. Cody, seconded by Mr. Stannard and unanimously carried (with Messrs. Panconi and Stout abstaining), the Closed Session minutes of November 23, 2009 were adopted.

Reports and Communications

--Mayor

Mayor Stave thanked the Township Public Works Department for a great job in clearing the Township's streets and roads during the snow storm this past weekend and the Police Department for sending out alerts well in advance to keep Cranbury's residents prepared.

--Members of Committee

Mr. Cody reported he had a discussion with Ms. Weidner, School Board Member. He and Ms. Weidner will be meeting next week to try to resolve the issue concerning fees being charged to the Township's Rec Department for school use during the summer months. Mr. Cody also reported they will be discussing possibly having a well drilled to irrigate both the soccer fields and baseball field and splitting the cost of the well drilling between the School and Township.

Agenda Additions/Changes

Ms. Cunningham, Clerk, reported under the Work Session, item b.'s description was incorrect and should read, "Discussion on the "No Net Loss Restoration Act Subcommittee by Dietrich Wahlers", Cranbury Township Resolution # R 12-09-181 is being added at the request of Ms. Denise Marabello, Finance Director to cover overtime for the recent snow

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Agenda Additions/Changes (Continued)

storm and adding to the Closed Session Resolution # R 12-09-180, two new items: "N.J.S.A. 10:4-12b (5)/Land Acquisition: Discussion of possible land acquisition and "N.J.S.A. 10:4-12b (7) Pending or Anticipated Litigation/Matters Requiring Confidential Advice of Counsel". Also being added are two (2) Resolutions, #'s R 12-09-176 and R 12-09-177 and Mr. Stout will read them:

TOWNSHIP OF CRANBURY
COUNTY OF MIDDLESEX

Cranbury Township Resolution # R 12-09-177

WHEREAS, Thomas F. Panconi, Jr. ("Tom") has served on the Cranbury Township Committee for six years, bringing energy, enthusiasm, and a pragmatic approach to addressing the needs of residents and businesses comprising the community; and

WHEREAS, Tom served on the Cranbury Township Planning Board in 2007; and

WHEREAS, Tom served as Cranbury Township's Mayor in 2005, providing leadership committed to a strong voice for residents and a "can do" approach to problem solving; and

WHEREAS, Tom has dedicated his time to volunteers committed to serving Cranbury residents, supporting the tireless efforts of emergency services such as the Cranbury Fire Company and First Aid Squad, ensuring their ideas and concerns receive deserved attention; and

WHEREAS, Tom has worked with a non-partisan spirit to address the needs of citizens and protect the interests of the community amidst an environment of costly unfunded mandates such as COAH; and

WHEREAS, Tom has collaborated with members of the Township Committee, Boards, and Commissions to secure grants and funding for Community improvements, such as sidewalks and roadways, public safety enhancements, and preservation of farmland and open space; and

WHEREAS, Tom's dedication of time and energy to the Township of Cranbury has enhanced quality of life and strengthened our community; and

WHEREAS, Tom's term as a Township Committee member will expire on December 31, 2009;

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Cranbury that Tom Panconi deserves our thanks and sincere appreciation and gratitude for his years of service; and

BE IT FURTHER RESOLVED, that the Township of Cranbury hereby extends heartfelt wishes to Tom and his family for good health, happiness and prosperity in the future.

A motion was made by Mayor Stave, seconded by Mr. Cody and unanimously carried (with Mr. Panconi abstaining) to adopt the above resolution.

TOWNSHIP OF CRANBURY
COUNTY OF MIDDLESEX

Cranbury Township Resolution # R 12-09-176

WHEREAS, in 1998, Pari Stave returned to the place where she was raised and soon thereafter began three successive 3-year terms on the Cranbury Township Committee; and

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Cranbury Township Resolution # R 12-09-176
(Continued)

WHEREAS, during four of her nine years on the Township Committee, Pari Stave also served on the Cranbury Township Planning Board, providing guidance to planning efforts to sustain the history, culture and natural environment that define Cranbury; and

WHEREAS, Pari Stave served as Mayor in 2003 and 2009, guiding inclusive, transparent and effective decision making, increasing communication through a Township web page, and providing forward-looking leadership with dignity and grace; and

WHEREAS, Pari Stave energetically pursued opportunities to preserve farmland, securing millions of dollars in public and private funding, conducting skillful negotiation and recovering monies for Cranbury taxpayers while ensuring the continuance of agrarian land use for future generations; and

WHEREAS, Pari Stave strongly supported Open Space acquisition for passive and active recreation, including establishing the Cranbury Brook preserve and stream corridor greenway, and creating a senior center, amongst others; and

WHEREAS, Pari Stave's commitment to Cranbury and her record of achievement have improved the fiscal and environmental wellbeing of this special place for current and future generations; and

WHEREAS, Pari Stave's current term as a Township Committee member and Mayor will expire on December 31, 2009;

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Cranbury that Pari Stave deserves our sincere appreciation and gratitude for her years of service; and

BE IT FURTHER RESOLVED, that the Township of Cranbury hereby extends heartfelt wishes to Pari and her family for good health, happiness and prosperity in the future.

On motion by Mr. Stannard, seconded by Mr. Cody and unanimously carried (with Mayor Stave abstaining), the above resolution was adopted.

Resolution

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

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

Nays: (None

Cranbury Township Resolution # R 12-09-166

A RESOLUTION OF THE TOWNSHIP OF CRANBURY
IN MIDDLESEX COUNTY, NEW JERSEY

TOWNSHIP COMMITTEE MINUTES
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Cranbury Township Resolution # R 12-09-166
(Continued)

**RESOLUTION AUTHORIZING THE SETTLEMENT AND RELEASE OF FUNDS CURRENTLY
HELD IN ESCROW FROM THE TOWNSHIP'S ACQUISITION OF WRIGHT NORTH AND
WRIGHT SOUTH**

WHEREAS, in January, 2001, the Township of Cranbury acquired title to a 122±-acre tract then designated as Block 25, Lot 31 on the Cranbury Township Tax Map, commonly known as "Wright North", and Block 23, Lots 13 and 14.03, commonly known as "Wright South" (collectively, the "Wright Property"); and

WHEREAS, the Township acquired title to the Wright Property by Deed dated January 10, 2001 from Christopher B. Wright and Christopher B. Wright as Executor of the Last Will and Testament of Norman H. Wright, Deceased, recorded January 22, 2001 in the Middlesex County Clerk's Office in Book 487, Page 47 (an undivided one-half interest), and by Deed from N.H. Wright, Inc., dated January 29, 2001 and recorded February 20, 2001 in Book 4881, Page 104, and re-recorded November 1, 2001 in Book 4974, Page 1 (an undivided one-half interest); and

WHEREAS, in accordance with the terms of the sales agreement for the Wright Property, \$250,000 was withheld at closing from the sale proceeds and placed into escrow (with interest accruing to Sellers, collectively known as "Wright") to insure against any potential claims arising after closing (the "Escrow"); and

WHEREAS, after closing, the Township discovered asbestos-containing materials ("ACM") in the greenhouses and main building located on the Wright Property requiring remediation and abatement efforts in connection with the subsequent demolition of the buildings; and

WHEREAS, after closing, the Township also discovered a November 17, 1999 "Easement and Maintenance Agreement" (recorded in the Office of the Middlesex County Clerk on November 22, 1999 in Book 4714, Page 344) entered into between N.H. Wright, Inc. and an adjoining property owner that imposed certain driveway relocation and maintenance obligations on the Township as successor owner of Wright South (the "1999 Maintenance Agrmt."); and

WHEREAS, the Township had been unaware of the 1999 Maintenance Agrmt. because its title insurer missed the agreement in its title search, and because Wright certified at closing that there were no encumbrances on the Wright Property; and

WHEREAS, because the Township had no prior notice of the ACM hazards on the Wright Property or of the obligations imposed on it by the terms of the 1999 Maintenance Agrmt., the Township notified Wright that it would withhold from the Escrow the amount of costs associated with the ACM abatement efforts and the projected driveway relocation and maintenance costs imposed on the Township; and

WHEREAS, Wright has contested the Township's claims against the Escrow, contending, in relevant part, that the ACM on the Wright Property was wholly related to Wright's flower growing and farming operations that were set forth and disclosed in the sales agreement, and that the issues regarding the 1999 Maintenance Agrmt. were more properly title issues between the Township and its title insurer; and

WHEREAS, the Township and Wright have, since the closing of title, engaged in various discussions regarding the potential resolution and settlement of the issues concerning the ACM

TOWNSHIP COMMITTEE MINUTES
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Cranbury Township Resolution # R 12-09-166
(Continued)

abatement and 1999 Maintenance Agrmt., and the corresponding release of the funds held in Escrow; and

WHEREAS, in 2003, the Township released and refunded to Wright the sum of \$69,936 from the Escrow, said funds having been determined by the Township to be uncontested, leaving the amount of \$180,064 held in Escrow for the ACM abatement and 1999 Maintenance Agrmt. obligations; and

WHEREAS, the Township and Wright have now been successful in reaching an agreement to settle the matters between them, the terms and conditions of which are set forth in an agreement entitled "Settlement Agreement and Mutual Release"; and

WHEREAS, the settlement involves, in brief, the refund to Wright of \$75,000 plus accrued interest, with the balance of funds in the Escrow of \$105,064 released and remitted to the Township, conditioned upon the execution of mutual releases waiving all claims current or future relating to this matter; and

WHEREAS, the settlement presents an opportunity to resolve all of the matters pending between the Parties with respect to the Township's acquisition of the Wright Property, will result in significant costs savings over having to litigate the various matters, provides certainty regarding the outcome of the various claims asserted, and permits the monies held in Escrow to be released on a fair and equitable basis to be used immediately by each of the parties; and

WHEREAS, the Township therefore finds that it is in the best interests of the Township, its residents and the general public to settle the matters with Wright in accordance with the terms below.

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

1. The Mayor and Clerk are hereby authorized and directed to execute the above-referenced Settlement Agreement and Mutual Release between Christopher B. Wright, Individually and as Executor of the Last Will and Testament of Norman H. Wright, Deceased, N.H. Wright, Inc., and the Township of Cranbury, the terms and form of which have been reviewed and approved by the Township Attorney, and a copy of which is on file in the Office of the Township Clerk.
2. The Township's Director of Finance is hereby authorized and directed to release all funds held in Escrow as follows:
 - a. The amount of Seventy Five Thousand Dollars (\$75,000.00) plus accrued interest to Christopher Wright, on behalf of Christopher B. Wright, Individually and as Executor of the Last Will and Testament of Norman H. Wright, Deceased and as former President and successor in interest to N.H. Wright, a dissolved corporation of the State of New Jersey.
 - b. The amount of One Hundred Five Thousand Sixty Four Dollars (\$105,064.00) to the Township of Cranbury.
3. The Township Administrator, Clerk, Attorney and other appropriate staff and officials are hereby authorized and directed to undertake any and all other acts as may be proper and necessary to effectuate the terms hereof.

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Resolution

On motion offered by Mr. Stout, 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

Mayor Stave reported Resolution # R 12-09-179 is for the Township to accept grant monies, in the amount of \$175,000 from the County to pay for the completion items for the new ball field such as dugouts, bleachers, etc.

Cranbury Township Resolution # R 12-09-167

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 12-09-168

WHEREAS, it is recommended that the following balances in the General Ledger trust cash accounts be cancelled to surplus;

Shadow Oaks Trust Account – First Constitution Bank	\$74,885.01
Shadow Oaks Trust Account – PNC Bank	\$21,980.99
Mecca Trust Account – PNC Bank	\$6,501.43

WHEREAS, these balances have been sitting in their individual trust accounts as performance guarantees for over 15 years;

AND, WHEREAS the Township has made several attempts over the years to contact the developers on these projects but all correspondence is returned to sender as undeliverable;

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

Cranbury Township Resolution # R 12-09-169

**RESOLUTION AUTHORIZING THE EXECUTION OF A DEVELOPER'S
AGREEMENT WITH SN LIBERTY, LLC, FOR THE PROPOSED
DEVELOPMENT LOCATED AT BLOCK 7.01, LOT 20.02 IN THE TOWNSHIP
OF CRANBURY, STATE OF NEW JERSEY.**

BE IT RESOLVED, by the Township Committee of the Township of Cranbury, County of Middlesex, State of New Jersey, that the Township is authorized to enter into a developer's agreement with SN Liberty, LLC, regarding its proposed development located at Block 7.01, Lot 20.02 (Cranbury Township Tax Map) in the Township of Cranbury, County of Middlesex, State of New Jersey; and

FURTHER, BE IT RESOLVED, that the Mayor and Clerk are authorized and directed to execute the developer's agreement once all conditions precedent to execution are satisfied.

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Cranbury Township Resolution # R 12-09-170
(Continued)

WHEREAS, the Tax Collector has determined that the November quarterly tax payment was paid twice, once by the Closing Attorney or Title Company and the Old lender which resulted in an overpayment of 4th Quarter 2009 property taxes,

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

Block	Lot	Name	Amount
20.11	1	First American Real Estate Tax Service Refunds Unit DFW 4-3 1 First American Way Westlake, Texas 76262	\$1661.53
		Total	\$1661.53

Cranbury Township Resolution # R 12-09-171

RESOLUTION OF THE TOWNSHIP OF CRANBURY, NJ

**A RESOLUTION AUTHORIZING THE RELEASE OF A PERFORMANCE GUARANTEE FOR
APPLEGATE ENTERPRISES**

WHEREAS, Applegate Enterprises has requested the release of their performance guarantee and remaining engineering escrow previously posted with the Township in accordance with Planning Board approval; and

WHEREAS, the Township Engineer has, in a letter dated December 10, 2009 (attached hereto as "Exhibit A") recommended that the following performance guarantee be released:

Performance Cash	\$ 26,581.31
Engineering Cash	\$ 3,246.44

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

It has reviewed, agrees with and hereby accepts all recommendations of the Township Engineer as set forth in "Exhibit A".

1. It hereby authorizes the release of performance guarantees set forth in the Township Engineer's letter referenced above.
2. The Township hereby accepts the public improvements, if any so designated pursuant to the Planning Board's approval.

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 Engineer
- (b) Township Director of Finance
- (c) Applegate Enterprises

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Cranbury Township Resolution # R 12-09-171
(Continued)

(d) Township Attorney

Cranbury Township Resolution # R 12-09-172

RESOLUTION OF THE TOWNSHIP OF CRANBURY, NJ

A RESOLUTION AUTHORIZING THE REDUCTION OF A PERFORMANCE GUARANTEE FOR
JG PETRUCCI BLOCK 8 LOT 1.04-PRIVATE IMPROVEMENTS

WHEREAS, by letter dated November 12, 2009, JG Petrucci has requested the reduction of their performance guarantee previously posted with the Township in accordance with Planning Board approval and

WHEREAS, the Township Engineer has, in a letter dated December 7, 2009 (attached hereto as "Exhibit A") recommended that the performance guarantee be reduced and the amount that shall be **released** is as follows:

Performance Bond	\$ 720,298.85
Cash Deposit	\$ 80,033.20

WHEREAS, the amount that shall be **retained** until all bonded items are complete as follows:

Performance Bond	\$ 308,699.50
Cash Deposit	\$ 34,299.95

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

1. It has reviewed, agrees with and hereby accepts all recommendations of the Township Engineer as set forth in "Exhibit A".
2. It hereby authorizes the reduction of performance guarantees set forth in the Township Engineer's letter referenced above.
3. The Township hereby accepts the public improvements, if any so designated pursuant to the Planning Board's approval.

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 Engineer
- b. Township Chief Financial Officer
- c. JG Petrucci
- d. Township Attorney

Cranbury Township Resolution # R 12-09-173

RESOLUTION OF THE TOWNSHIP OF CRANBURY, NJ

A RESOLUTION AUTHORIZING THE RELEASE OF A PERFORMANCE GUARANTEE FOR
PREFERRED UNLIMITED/INNOPHOS B13 Lot 1.02

WHEREAS, Matrix has requested the release of their performance guarantee and remaining engineering escrow previously posted with the Township in accordance with Planning Board approval and

TOWNSHIP COMMITTEE MINUTES
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Cranbury Township Resolution # R 12-09-173
(Continued)

WHEREAS, the Township Engineer has, in a letter dated December 5, 2009 (attached hereto as "Exhibit A") recommended that the following performance guarantee be released:

Performance Cash	\$ 48,325.00
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NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranbury as follows:

It has reviewed, agrees with and hereby accepts all recommendations of the Township Engineer as set forth in "Exhibit A".

1. It hereby authorizes the release of performance guarantees set forth in the Township Engineer's letter referenced above.
2. The Township hereby accepts the public improvements, if any so designated pursuant to the Planning Board's approval.

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 Engineer
- b. Township Director of Finance
- c. Matrix Development
- d. Township Attorney

Cranbury Township Resolution # R 12-09-174

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES
AGREEMENT WITH CITY CONNECTIONS, LLC.

WHEREAS, the Township of Cranbury requires the services of a consultant to host and maintain its website; and

WHEREAS, the Township entered into contract with City Connections, LLC to provide those service during the calendar years 2007, 2008 and 2009; and

WHEREAS, the Township wishes to enter into an agreement with City Connections, LLC to provide these services for the calendar year 2010; and

WHEREAS, City Connections, LLC has offered to provide these services to the Township for the lump sum cost of \$8,164.00; and

WHEREAS, the Local Public Contracts law, N.J.S.A. 40A:11-1 *et seq.*, authorizes the award of a services contract without competitive bids when the cost of the contract does not exceed the applicable bid threshold; and

WHEREAS, the Chief Financial Officer has certified that there are sufficient funds for this contract,

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

TOWNSHIP COMMITTEE MINUTES
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Cranbury Township Resolution # R 12-09-174
(Continued)

1. The Mayor and Clerk are hereby authorized and directed to execute an agreement with City Connections, LLC to host and maintain Cranbury Township's Web Site for the Calendar Year 2010, for the not-to-exceed cost of \$8,164.00.
2. A copy of this agreement will be made available for public inspection in the Township Clerk's office during regular business hours.
3. A notice of this Contract shall be advertised within 10 days of the award of said contract.

Cranbury Township Resolution # R 12-09-175

TOWNSHIP OF CRANBURY
COUNTY OF MIDDLESEX

RESOLUTION AUTHORIZING DECLARATION OF DEFAULT OF SUBDIVISION BOND
NUMBER 104949985 FOR PUBLIC IMPROVEMENTS AT FOUR SEASONS AT HISTORIC
CRANBURY

WHEREAS, on August 11, 2008, K. Hovnanian at Cranbury, LLC was granted approval by the Township of Cranbury for a development project known as Four Seasons at Historic Cranbury (Block 20, Lots. 6, 10, 14 and 20); and

WHEREAS, in connection with the aforesaid developments, K. Hovnanian was required to and did post a Maintenance Surety Bond in the amount of \$415,280.35 in order to guarantee completion of certain public improvements; and

WHEREAS, notwithstanding multiple written and oral demands by the Township and its Engineer, Hovnanian has neglected and failed to honor its obligations for maintenance of the public improvements associated with its development, including but not limited to a sink hole at 16 Haggerty Lane and replacement of certain dead trees; and;

WHEREAS, the aforesaid Maintenance Surety Bond number 104949985, issued by Travelers Casualty and Surety Company of America is in full force and effect; and

WHEREAS, the Township Committee has determined that it will be necessary for the Surety to intervene and cause the necessary maintenance work to be performed:

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

1. K. Hovnanian at Cranbury, LLC is hereby declared in default of its obligations under the aforesaid bond number 104949985.
2. The Township Administrator, Township Attorney, Township Engineer and Township Clerk are hereby authorized and directed to take all further steps necessary to expedite the completion of the necessary maintenance and repairs described above, including but not limited to formal legal action against Travelers Casualty and Surety Company of America, and K. Hovnanian at Cranbury, LLC.
3. The Township officials listed in paragraph 2 above are hereby authorized to issue any necessary notices, certifications or other documents necessary to implement the purpose

TOWNSHIP COMMITTEE MINUTES
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Cranbury Township Resolution # R 12-09-175
(Continued)

4. of this Resolution and further action of the Township Committee shall not be required in connection with the issuance of any such documents.

Cranbury Township Resolution # R 12-09-178

A RESOLUTION APPROVING CHANGE ORDER NO. 1 WITH R&B BUILDERS

WHEREAS, a construction contract was awarded to R&B Builders, Inc. ("Contractor") for \$ 162,625.00 by Resolution # R 09-09-114 on September 14, 2009; and

WHEREAS, the Contractor has indicated he needed additional supplies; and

WHEREAS, the Chief Financial Officer has certified said funds are available;

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

1. Change Order No. 1 is hereby approved.
2. This Resolution, when counter-signed by R&B Builders, Inc. shall serve as an amendment to the original Contract for the purpose of increasing the Contract amount by \$10,007.30 and confirming that the new Contract amount, including all change orders is \$ 172,632.50.

AGREED to this 21st day of December, 2009

ATTEST:

Kathleen R. Cunningham
Clerk

Pari Stave, Mayor
Cranbury Township

ATTEST:

R&B BUILDERS

TOWNSHIP OF CRANBURY
COUNTY OF MIDDLESEX

Cranbury Township Resolution # R 12-09-179

A RESOLUTION OF THE TOWNSHIP OF CRANBURY AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE TOWNSHIP OF CRANBURY AND THE COUNTY OF MIDDLESEX

WHEREAS, the COUNTY of Middlesex ("COUNTY"), pursuant to N.J.S.A. 40:12-15.1 et seq., has previously established the "Open Space, Recreation and Farmland Preservation Trust Fund"; and

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Cranbury Township Resolution # R 12-09-179
(Continued)

WHEREAS, the COUNTY, pursuant to N.J.S.A. 40:12-15.6 may, by resolution, distribute monies deposited therein to municipalities within the COUNTY to be used for the purposes for which the Fund was established; and

WHEREAS, the TOWNSHIP of Cranbury has submitted a proposal to the COUNTY in connection with the improvement and/or development of Green Acres Recreation Area, which includes: "Improvements to Babe Ruth Ball Field", including the installation of irrigation, as well as the construction of bleachers, dug outs and installation of a scoreboard as more full set forth in the July 28, 2009 correspondence of Mayor Pari Stave, attached hereto as Exhibit "A" ("Project"); and

WHEREAS, the COUNTY has evaluated said proposal and finds that it meets the purposes for which monies deposited in the "Open Space, Recreation and Farmland and Historic Preservation Trust Fund" may be utilized; and

WHEREAS, the TOWNSHIP acknowledges that the funds provided by the COUNTY hereunder are to be used for purposes permitted by the "Open Space, Recreation and Farmland and Historic Preservation Trust Fund". Should any of the COUNTY funds be utilized for any other purpose or should the property upon which the Project is situated cease to be used for open space and/or recreation purposes, then the TOWNSHIP shall be required to return the full amount of the grant to the COUNTY;

NOW, THEREFORE, BE IT RESOLVED by the TOWNSHIP Committee of the TOWNSHIP of Cranbury that the Mayor and Clerk are authorized to execute a two-year Shared Services Agreement with the COUNTY for said grant in the amount of \$175,000.00 for the Project.

Cranbury Township Resolution # R 12-09-181

RESOLUTION OF THE TOWNSHIP OF CRANBURY, NJ

A RESOLUTION AUTHORIZING YEAR 2009 BUDGET TRANSFERS.

WHEREAS, there are 2009 Budget Accounts which require more funding due to circumstances not known at the beginning of the year; and

WHEREAS, there will be excess balances in budget accounts in which the expenditures will be less than projected at the beginning of the year;

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Cranbury, that the following year 2009 Budget Transfers be authorized and made on the records and accounts of the Township:

	<u>Budget Account</u>	<u>From</u>	<u>To</u>
9-01-20-130-011	Finance – S&W	\$8,000.00	
9-01-26-290-011	Roads – S&W		\$8,000.00

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

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Cranbury Township Resolution # R 12-09-181
(Continued)

- (a) Township Auditor
- (b) Township Director of Finance
- (c) Township Administrator

Reports from Township Staff and Professionals

Administrator's Report

Ms. Smeltzer, Township Administrator, reported the Fire House door project (which is being funded by a grant) should be underway this week. Charlie Smith will be working with the contractor to oversee that the old doors are removed. Ms. Smeltzer reported the staff attended a "safety luncheon" today and Joanne Lupica, Director of Recreation and Community Services for Plainsboro and Cranbury Township's Community Services Programs, explained to the staff her role in relationship to Cranbury Township. She reported Ms. Lupica is the staff person who takes care of residents who have problems and then directs the resident to the appropriate agencies so they are able to get assistance.

Ms. Waterbury, Township Attorney, reported COAH had issued its Compliance Report on Friday afternoon regarding Cranbury Township's Affordable Housing Plan that had been submitted at the end of 2008. She reported COAH is recommending that the Plan receive a Conditional Substantive Certification. It is recommending the Substantive Certification be conditional as there are additional items of information requested from the Township by next year. This item will be placed on COAH's Agenda at their January meeting. Once approved, the Certification will protect Cranbury from any "builder's remedy" litigation. Ms. Waterbury further explained the receipt of the Substantive Certification locks the Township into the Plan that receives Substantive Certification until such time as you petition for changes and/or amendments to the Plan (a municipality is allowed to do so under the rules). Ms. Waterbury reported this is great news for the Township and she reported the Township has received a lot of compliments on the thoroughness of the Plan. Just recently in the context of the mediation hearings which took place there had been a lot of praise given to Cranbury for how diligent Cranbury has been historically (regardless of what the State was requiring). Mr. Cody inquired if any of the Plan had been changed as a result of the Fair Share Housing's objection. Ms. Waterbury responded nothing has been changed.

Work Session

a). Discussion of Bond Anticipation Notes (BANs)

Mr. Edward McManimon, Esquire, Cranbury Township's Bond Counsel, gave a presentation on Bond Anticipation Notes to the Township Committee and Public. Mr. McManimon explained Bond Anticipation Notes (BANs) and Bonds are issued for capital projects. He reported the Township budgets the monies to pay for them in its annual budget. Generally the notes are for one (1) year or less. A municipality is allowed to issue notes for a particular project for up to ten (10) years for one year at a time. During that period of time a municipality is required to issue Bonds. Bonds are the longer-term obligations that lock in interest rates at a given time for the life of whatever the municipality decides for the maturity for the bonds issued, and the maturity is driven by the useful life of the projects. Because Cranbury Township has several capital projects, ultimately when the Township does issue bonds it is for an "average useful life"; or for whatever average life of the various projects the Township wants to finance over a period of years. The number of years would drive whether you issue the bonds for twenty years or more or shorter. Mr. McManimon reported generally the interest rate on a bond is driven by your credit rating and the life of the bonds. The shorter the life of the bonds the lower the interest rate given and whatever the Township's credit rating would then be compared to other credit ratings. He reported the investment community bids on the interest rate. He stated the Township's

TOWNSHIP COMMITTEE MINUTES
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Work Session (Continued)

a). Discussion of Bond Anticipation Notes (BANs) (cont'd)

credit rating is AA3. AAA is the highest AA is the second, single A and BAA. There is a three-tier rating within the ratings i.e. AAA1, 2 or 3, etc. Mr. McManimon reported the Township presently has three (3) sets of notes outstanding. One note matured on June 11, 2009 and was rolled over until June 11th and another note came due on December 4, 2009 and rolled to June 11, 2010 (it will mature the same date as the other note). There is another note that was issued in January last year and matures on January 14, 2010. Mr. McManimon stated anticipates that the note be rolled over to June at which time a decision will be made whether the Township wishes to issue bonds or roll the various notes over. He reported a municipality may not issue notes for longer than one year and stated the interest rates on the Township's three (3) notes have been 2%, 2.5% and 1.25%. However, there is no guarantee that the interest rates on bonds will be as low. Mr. McManimon reported for years people received their rating from Moody's and now people have switched in the industry to Standard and Poor's because Moody's has become relatively "myopic" in their credit analyses due largely because of the requirement to maintain a fund balance. He stated in New Jersey it is relatively difficult to maintain a fund balance because the State has a mandate that municipalities use up their fund balance (or surplus). A smaller surplus is viewed by Moody's as a problem and rated as such. Standard and Poor's uses what is referred to as the "global rating" and they compare Cranbury's rating to corporations. It is stronger for municipalities than corporations because municipalities have the capability to raise taxes. Ms. Smeltzer, Township Administrator, raised a question concerning what items would lower a municipality's rating. Mr. McManimon responded a large ratable (commercial property) leaving a municipality or having a large amount of unknown tax appeals. A change in the economics can also have an effect on a municipality's rating. He stated another factor would be having very unstable management in a municipality, i.e. a lot of changes in personnel.

b). Discussion on the "No Net Loss Restoration Act by Dietrich Wahlers

Mr. Dietrich Wahlers, Chairman of the Cranbury Turnpike Tree Subcommittee and members of the subcommittee discussed with the Township Committee the "No Net Loss Restoration Act" which is a result of upcoming Turnpike Widening Project. Mayor Stave stated in the nine (9) years she has been on the Township Committee, she has never seen a subcommittee perform as efficiently as this one. Mr. Wahlers introduced the members of the subcommittee: Jennifer Cooke, Board of Education, Kathy Easton, Shade Tree Commission, Barbara Rogers, Environmental Commission and Norma Swale, Park Planning Commission and Dietrich Wahlers, Planning Board. Mr. Wahlers gave some background information explaining the project is to replenish riparian damages to the Township's streams that will occur as a result of the Turnpike Widening Project and will be monitored by AECOM Consulting. AECOM will be reporting to the Township Committee in 2010. Mr. Wahlers stated AECOM has to come up with a plan that remediates two (2) acres for every one (1) acre the Turnpike damages. The subcommittee is not sure how many acres they will be taking at this point. Mr. Wahlers reported the second part is the "No Net Loss Forest Restoration Act" which is a mandate that the Turnpike has to give monies to the State Department of Environmental Protection's Forest and Parks Division. The Division will then issue grant monies to the municipalities based upon how many acres. The acreage the Turnpike is damaging is approximately 50 acres in the Township. Two (2) of the acres will be remediated by the Turnpike as it is on their own property. The remaining 48 acres is the balance of what is due to Cranbury Township. Mr. Wahlers reported this is a "reforestation program" and a forest, by definition, is roughly 204 trees per acre. There will be approximately 9,800 trees the Township will be entitled to. Mr. Wahlers stated there is a sequence as to how the trees are given out; the first site will be the Turnpike site (existing of two (2) acres), the second is adjacent to the construction site and the third is the State's or municipality's

TOWNSHIP COMMITTEE MINUTES
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Work Session (Continued)

- b). Discussion on the "No Net Loss Restoration Act by Dietrich Wahlers (cont'd)
property within the municipality (the Township's 48 acres). Mr. Wahlers reported if the Township does not take the 9,800 trees then the site would go to the municipality within five (5) miles and the last one would be anywhere in the State of New Jersey. He reported the subcommittee had reviewed a total of 12 locations and has recommended having trees placed on ten (10). The two (2) locations the subcommittee did not recommend are the Pin Oaks area near The Four Seasons at Cranbury Development. The subcommittee felt the area will go to reforestation without putting any additional trees on the location. In addition there is an open space at the location and a trail in the future would be a good idea. The second property the subcommittee chose not to place trees on is the Updike property. Ms. Rogers reported the location may be used in the future for recreation purposes, therefore the subcommittee recommends putting a berm approximately 200' in depth by 800 on the property to separate the residents on Liedtke Drive from the recreational area. Ms. Rogers reported Richard Preiss, Township Planner had sent an email indicating that this might be something he would recommend. She stated the present Township recreational fields need to be updated. Ms. Swale stated it is important to keep the "vistas" in Cranbury and by having the berm instead of trees the vista on this property could still exist. Mr. Stannard reported the residents on Liedtke Drive's deeds do show that someday if the open space is used for recreational purposes, there could be a berm of trees on the property. Mr. Wahlers reported in the Township's recent Recreation Master Plan it is mandated that if a field is located on the parcel, the Township must install a 200' buffer. Mr. Wahlers reported one of the new locations is the Route 130-D site (a proposed affordable housing site). He stated Mr. Berkowsky, Cranbury Housing Associates, has suggested some evergreens be put around the border of the property at roughly 10-15' spaces to give some shade as well as act as a buffer. Mr. Wahlers reported the bulk (4,000 to 5,000 trees) would be placed on the Fischer property and the recommendation by the subcommittee is to reforest the location. This parcel is the third priority for Township recreation and is not particularly good farming property. Mr. Wahlers reported when Middlesex County contributed over \$1-million for the acquisition of the property, it was to be used for open space and did not mention farming as a use. Mr. Wahlers stated this location is controversial because of the vistas. Mayor Stave asked what would be planted on the location and Mr. Wahlers indicated the trees would be native. Ms. Rogers reported one of the goals is to reforest some of the sections on the property with a mix of various tree sizes. Mr. Stout asked if there was a conscious decision between the Hagerty and Fischer property. Mr. Wahlers indicated the thought of the subcommittee is someday the Hagerty property could become a very nice meadow however, the Township will have to cut it down every year or it will again become a forest. Mr. Stannard asked if private property owners can request trees. Mr. Wahlers reported he had called to see if the Delaware & Raritan Greenway seven (7) acres property could be one of the locations and he was told there can be no trees planted on privately-owned property. Ms. Waterbury, Township Attorney, reported there is a large area on that property and also on the White property which was deeded to the Township for public access. Mr. Wahlers stated he will call to see if trees can be planted on those locations. Mr. Stout asked Mr. Wahlers if he had any "sense of timing" as to when a decision needs to be made on the location of the tree plantings. Mr. Wahlers responded they want the Township Committee's decision on the location and number of trees relatively soon. After that is determined, a decision would need to be made as to the species of trees going on a particular property. Mr. Wahlers indicated the next decision the Township Committee needs to make is if it wants to take the \$300.00 per tree and manage the trees or have the Turnpike put the trees in. Mr. Wahlers reported it is his understanding the Township can do a "mix and match" of the trees (putting one species at one location and another species at a different location). Mr. Wahlers stated one of the other locations could be on Liberty Way where the Township owns a right-of-way. Mr. Dale

TOWNSHIP COMMITTEE MINUTES
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Work Session (Continued)

b). Discussion on the "No Net Loss Restoration Act by Dietrich Wahlers (cont'd)

Smith, Maplewood Avenue, stated Cranbury has always been known for its "vistas" from the north, south, east and west of farmlands and open space. Mr. Smith suggested not planning trees on those properties. Mr. Dan Mulligan, Old Cranbury Road, spoke about the Fischer and Hagerty (the open space adjacent to Four Seasons at Cranbury) properties and stated the Hagerty property should be allowed to "go back to nature" and the Fischer property should remain open space. Mr. Mulligan also stressed the farmland that is presently there should be left as open space. Mr. Mulligan reported just recently he had been informed the Fischer property at one time housed the first black Baptist Church in the area and the property has great historical value. He recommended the Township have the Historical Society look into its history. Ms. Swale recommended having a "meadow" with a beautiful walking area on the Hagerty property. Ms. Beth Veghte, Bunker Hill, stated she had been told at one time the Fischer property had been a burial ground. Ms. Veghte reported the discussions had taken place at both the Recreation and Parks Commissions to have portions of the Hagerty property used for a park(s). Ms. Veghte also recommended having some pine trees around the edges of the soccer fields behind the School to block the wind. Mr. Stout suggested (providing the other Township Committee members agree) to post the draft plan on the Township's web site, with the intent of having another discussion on the issue early next year. The other Township Committee members agreed. Mr. Stout urged public input and stated the Township needs to determine the intent of the original agreements on the original acquisition of the two (2) properties. Mr. Dave Mauger, 26 Griggs Road, asked if some type of smaller trees can be planted at the Brainerd Lake Dam site to replace the trees that are going to be taken out. Mr. Stannard suggested having small trees in large wooden barrel-type pots as the Women's Club presently has along North Main Street. Ms. Veghte mentioned having trees out by the West Property parking lot where presently there is a dirt pile. Ms. Veghte asked the Township to keep in mind presently the skating rink is at Village Park and is not on level ground. She reported this presents a problem as the water will not freeze properly. Ms. Veghte recommended putting the skating rink on cement or asphalt and re-locate the rink to the West property and suggested during off season use it for in-line skating or as a skate park. Ms. Rogers stated as far as placing hybrid trees around the edges—there is an issue with "fragmenting" the plantings and having exotics rather than trees which will form a canopy. Mr. Dave Mauger, 26 Griggs Road, suggested planting some trees at the Route 130-D site near the cul-du-sac as there are trees at the location now and they act as a good "buffer" to Route 130.

Public Comment

The Mayor opened the meeting to public questions and comments on those items not on the agenda. Mr. Dave Mauger, 26 Griggs Road, asked if COAH's Conditional Substantive Certification gets approved at their January meeting, does the clock start ticking as far as a time table for the Township. Ms. Waterbury, Township Attorney, responded yes there is a two-year (2) period of time. Mr. Mauger asked when it starts. Ms. Waterbury indicated the clock starts ticking when the Township satisfies its conditions. At that point, COAH will issue the Final Certification and the two-years (2) starts then. Mr. Mauger stated he wanted to thank the Township's personnel for doing a "fantastic" job on clearing the streets during the recent snowstorm. Ms. Veghte, Bunker Hill, asked if the Township is using the "Brown and Keener Design" for the ball field. Ms. Smeltzer responded she should check with Mr. Graydon, Director of Fields, and indicated he has not done any purchasing yet. Mayor Stave reported the public had conditions about what they wanted the design to be (such as having corn cribs for dugouts, etc.). Ms. Veghte reported a lot of time was spent by the residents through the years (who attended many Township Committee meetings) to give their input on the design of the ballfield. Mayor Stave recommended bringing Ms. Veghte into the discussions. Mr. Dale Smith, Zoning Board Chairman, stated he recently received a letter from the Mayor explaining why the Township did not have the "Volunteer Appreciation Holiday Party" this year. Mr. Smith

TOWNSHIP COMMITTEE MINUTES
December 21, 2009

Public Comment (Continued)
Mr. Panconi (cont'd)

reported everyone he has talked to agreed, given the tough economic times, it was a good idea not to hold the event.

Mr. Panconi stated when he and his wife married in 1988 they knew they wanted to move to Cranbury to raise their family. However, at that time, they could not afford to make the move and as the years went by, they kept coming back to Cranbury to try to find an affordable home. Finally, they were able to purchase their home in Cranbury, knowing the School was a "top notch" School and realizing just how beautiful the town is. Mr. Panconi stated, "When you have a chance to be on the Township Committee and see what Cranbury is all about—volunteerism and not just a town, nor just about its School; it's a community where people volunteer and pull together and help one another. That is what makes this town so wonderful and I want to thank everyone and have enjoyed my time serving on the Township Committee".

Mayor's Notes

Mayor Stave gave the following as her parting remarks: "It's been an honor to serve the Township and to work with so many talented and intelligent colleagues. I have worked with Rich, David and Tom so long now I feel a little bit like Dorothy, going back to Kansas along with the Tin Man, Lion and Scarecrow! I will miss seeing them and miss seeing the "regulars" out in the audience. It has also been my pleasure working with Township staff and professionals; everything they do for Cranbury they do with skill, professionalism and a smile. The relationship they have with the Township Committee has always been based on mutual respect and trust and I hope that bond will remain strong. I just want to leave with a little antidote about my time here. In 2003 when I was voted in as Mayor, Adam Hawes came to me with the following advice, which I have followed. He said to me, "Never start a sentence with the words "I think". Following his advice was hard; however, it was for the following reasons which I now impart to you: "It is subjective to say, I think. When you try not to say that, you are really striving for objectivity, it compels you to start sentences like, "I know" and therefore you have to go and get the facts so you can say, "I know". It also compels you to hold back your comments until you've heard what everyone else has to say (not only in the public but also among your colleagues) as then you can say not, "I think", but "It seems to me, or "the general consensus is", or "it seems to me what people are expressing is". I have found in my approach to doing things it is a valuable way to take the ego out of it and to think what would be the greatest good for the greatest number of people in the longest term and not really think about a personal agenda".

Resolution

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

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

Nays: (None

Cranbury Township Resolution # R 12-09-180

TOWNSHIP OF CRANBURY
COUNTY OF MIDDLESEX

TOWNSHIP COMMITTEE MINUTES
December 21, 2009

Cranbury Township Resolution # R 01-10-180
(Continued)

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) and (8): Discussion of selection for Township Engineer and Attorney.
- "N.J.S.A. 10:4-12b (7)/Contract Negotiations: Discussion of Health Service Contract".
- "N.J.S.A. 10:4-12b (5) (Land Acquisition): Discussion of possible land Acquisition."
- "N.J.S.A. 10:4-12.b (7) (Pending or anticipated litigation/matters requiring confidential advice of counsel).

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: December 21, 2009

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

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

Nays: (None

On motion by Mr. Cody, seconded by Mr. Stannard and unanimously carried, the meeting adjourned at 10:07 p.m.

Kathleen R. Cunningham, Clerk