

TOWNSHIP COMMITTEE MEETING  
MARCH 10, 2008

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: Thomas F. Panconi, Jr., Richard Stannard, Wayne Wittman and Mayor David J. Stout. Ms. Stave arrived at 7:20 p.m. Also present was: Trishka Waterbury, Esquire, Attorney, Cathleen Marcelli, Engineer, Christine Smeltzer, Administrator and Kathleen R. Cunningham, Clerk. Mayor Stout 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 3, 2007 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 3, 2007.
- (3) Was filed on December 3, 2007 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 February 25, 2008

On motion by Mr. Wittman, seconded by Mr. Stannard and unanimously carried (with Ms. Stave absent) the Regular Township Committee Minutes were adopted.

Reports and Communications

--Mayor

Mayor Stout reported on March 24, 2008 the Township Committee will hold a public hearing on the 2008 Municipal Budget which was introduced on February 25, 2008 and since that time, the Governor has introduced a State Budget for 2008 which will negatively affect Cranbury Township's aid from the State in the amount of \$137,969. The reduction in State aid includes the following: \$86,937.00 loss for Consolidated Municipal Property Tax Relief Aid (CMTRA) which had already been sliced from \$115,892 that the Township had received in 2007. For CMTRA the Governor proposed a sliding scale of cuts for municipalities with populations under 10,000. Communities with a population of less than 5,000, such as Cranbury Township, would get nothing. Mayor Stout stated there was no reason why the number 5,000 in population had been used. It appears that during the general trend of cost cutting, the basis for the CMTRA cuts relates to an expressed desire for more shared services. An additional \$12,653 of loss was for Municipal Efficiency Performance Program Aid which we had received in 2007, a \$25,000 loss in Homeland Security Grant which also had been received in 2007, and \$13,158 loss for Municipal Property Tax Assistance and a \$221 reduction in Garden State Trust monies. Mayor Stout stated the \$166,703 in loss is somewhat offset by an increase of \$ 29,955 in Energy Tax Receipts Distribution. Mayor Stout stated what is most important, (while it's never good to lose funding), is that this time the proposed \$137,969 in lost revenue in State aid only represents less than 1% of the Township's proposed 2008 Budget and will not alter the Township's proposed 2008 Budget at all. Moreover, the lost revenue represents less than the \$185,000 that the Township raised by one cent in its property tax. Mayor Stout stated it is not a large sum, however, it is still meaningful to the Township and is unfortunate. The Township's proposed tax rate of three cents should not change at all (going from .35 per \$100 of assessed value to .38 per \$100 of assessed value).

Mayor Stout stated as he receives more information from the State, he will be informing the Township's residents.

#### Reports and Communications (Continued)

--Mayor (cont'd)

Mayor Stout reported the Sustainability/Alternative Energy Work Group had met on Wednesday, February 27, 2008 to review the Draft Energy Audit Report and had endorsed the Township making an application for a \$100,000 grant for energy-saving projects and scheduled Metro Energy to give a presentation at its April 2, 2008 meeting.

--Members of Committee

Mr. Stannard reported that on Saturday evening, he and the Township Administrator had attended the Annual Dinner for the Township's Volunteer Fire Department. The Fire Company had given its annual awards for members who had attended the most calls; a lot of young people were honored as well as Mr. Jack Ziegler who had attended quite a number of calls.

Mr. Stannard also reported that he, Mr. Berkowsky, Cranbury Housing Associates, and Ms. Cunningham, Clerk, had attended the ribbon cutting for the new affordable housing complex on Old Cranbury Road. Mr. Stannard reported that twenty very handsome units were built. The builder was present along with the architect and a number of people. The closing for the first unit will be within a week. Mr. Stannard thanked Mr. Berkowsky for doing a good job and stated not only has the Township made sure to put the affordable homes within its boundaries to make sure the new residents feel welcome, but also had built the new units to be very attractive.

Mr. Panconi reported that on March 2, 2008 he had held his monthly meeting with the Fire Company. They had nine (9) calls during the month of February; six (6) of the calls were between 6:00 a.m. – 6:00 p.m., three (3) between 6:00 p.m. – 6:00 a.m. There had been five (5) calls during the day, 7:00 a.m. – 3:00 p.m. of which our public works employees had responded to two (2) and one of those calls was on President's Day, a municipal holiday. Of the nine (9) calls, four (4) were of the automatic type and it was undeterminable if any of the four (4) were false alarms.

#### Agenda Additions/Changes

Ms. Cunningham, Clerk, announced under the Work Session item a. "Discussion of Draft of Township's Objections To New Council On Affordable Housing Rules" was being deleted and after the Closed Session the Township Committee may take action.

#### Ordinances

Second Reading

Cranbury Township Ordinance # 02-08-06

A motion to enter an Ordinance entitled, "Cranbury Township Ordinance # 02-08-06, AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY REGARDING LEGALIZED GAMES OF CHANCE AND AMENDING ARTICLE I, ENTITLED "RAFFLES AND BINGO," OF CHAPTER 99 OF THE CODE OF THE TOWNSHIP OF CRANBURY", 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. Mayor Stout reported this Ordinance will grant the Clerk the authority to issue licenses for certain types of games of chance without having to have the governing body pass a motion. The Mayor opened the public hearing on the Ordinance. Mr. Stannard stated this is a more efficient way of granting approval for a license, giving as an example, there are presently two (2) members on the Township Committee who also serve as members of the Lions Club and cannot vote every time the Lions Club applies for a raffle license. As a result, unless there are three (3) members present (constituting a quorum) the license could not be approved.

No one else present wished to speak, so the hearing was declared closed. On motion by Mr. Stannard, seconded by Mr. Wittman, the Ordinance was adopted by a vote:

Cranbury Township Ordinance # 02-08-06  
(Continued)

Ayes: (Panconi  
(Stannard  
(Stout  
(Wittman

Abstain: (None  
Absent: (Stave

Nays: (None

Ordinance  
Second Reading

Cranbury Township Ordinance # 02-08-07

A motion to enter an Ordinance entitled, "Cranbury Township Ordinance # 02-08-07, AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14) FOR CALENDAR YEAR 2008", 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. Mayor Stout reported this ordinance concerns a "cap bank" which is a financial tool used in prior Township municipal budgets basically for good fiscal management and will bank approximately \$63,000 or approximately revenues of about one-third of one cent of the property tax assessments. 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. Wittman, the Ordinance was adopted by a vote:

Ayes: (Panconi  
(Stannard  
(Stout  
(Wittman

Abstain: (None  
Absent: (Stave

Nays: (None

Resolutions  
Consent Agenda

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

Ayes: (Panconi  
(Stannard  
(Stout  
(Wittman

Abstain: (None  
Absent: (Stave

Nays: (None

Cranbury Township Resolution # R 03-08-046

NOW, THEREFORE, BE IT RESOLVED, by the Township of Cranbury that all bills and claims as audited and found to be correct be paid.

Resolutions

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

Cranbury Township Resolution # R 03-08-047

Ayes:

(Panconi  
(Stannard  
(Stout  
(Wittman

Abstain: (None  
Absent: (Stave

Nays: (None

**RESOLUTION OF THE TOWNSHIP OF CRANBURY  
MIDDLESEX COUNTY, NEW JERSEY**

**A RESOLUTION AWARDING A PROFESSIONAL SERVICES AGREEMENT FOR  
COUNSELING SERVICES TO THE CHILDREN’S HOME SOCIETY OF NEW JERSEY**

WHEREAS, there exists a need for counseling services under the Municipal Alliance in the Township of Cranbury (the “Township”) in the County of Middlesex, State of New Jersey; and

WHEREAS, The Children’s Home Society of New Jersey has submitted a proposal to perform said services; and

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

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

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

1. The Children’s Home Society of New Jersey is hereby retained to provide counseling services to the Township for the period commencing September 1, 2007 through June 25, 2008.
2. The Mayor and Township Clerk are hereby authorized and directed to execute an agreement with The Children’s Home Society of New Jersey subject to approval of the Township Committee.
3. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a), because it is for services performed by persons authorized by law to practice a recognized profession.
4. A copy of this Resolution as well as the contract shall be placed on file with the Clerk of the Township.
5. A notice of this action shall be published in the official newspaper with ten (10) days of said contract as required by law.

Resolution

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

Cranbury Township Resolution # R 03-08-048

Ayes:

(Panconi  
Cranbury Township Resolution # R 03-08-048  
(Continued)

Abstain: (None

(Stannard  
(Stout  
(Wittman

Absent: (Stave

Nays: (None

RESOLUTION OF THE TOWNSHIP OF CRANBURY, NJ

A RESOLUTION AUTHORIZING THE RELEASE OF ESCROW

WHEREAS, JERC Partners has deposited planning escrow with Cranbury Township

WHEREAS, JERC Partners has requested the release of the balance of said escrow in the amount of \$76.60

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

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

- (a) Township Attorney
- (b) Township Chief Financial Officer
- (c) Natalie Van Horn, JG Petrucci

Resolution

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

Cranbury Township Resolution # R 03-08-049

Ayes:

(Panconi  
(Stannard  
(Stout  
(Wittman

Abstain: (None

Absent: (Stave

Nays: (None

RESOLUTION OF THE TOWNSHIP OF CRANBURY, NJ

A RESOLUTION AUTHORIZING THE REDUCTION OF A PERFORMANCE GUARANTEE FOR AMERICAN PROPERTIES

WHEREAS, by letter dated February 1, 2008, American Properties 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 February 18, 2008 (attached hereto as "Exhibit A") recommended that the performance guarantee be reduced and the amount that shall be released is as follows:

Performance Bond                   \$ 43,889.51  
Cash Deposit                         \$ 4,876.61  
Cranbury Township Resolution # R 03-08-049  
(Continued)

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

Performance Bond                   \$ 110,705.29  
Cash Deposit                         \$ 12,300.59

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) Diane Franczak, American Properties
- (d) Township Attorney

Resolution

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

Cranbury Township Resolution # R 03-08-050

Ayes:

- |           |                |
|-----------|----------------|
| (Panconi  | Abstain: (None |
| (Stannard | Absent: (Stave |
| (Stout    |                |
| (Wittman  |                |

Nays: (None

WHEREAS, the Township Committee of the Township of Cranbury wishes to provide fireworks for July 5, 2008 in Village Park in the Township of Cranbury with a rain date of July 6, 2008; and

WHEREAS, International Fireworks Mfg. Co., has submitted a proposed contract for providing these fireworks at rates noted in the attached document, and

WHEREAS, funds are available for this purpose;

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

1. Mayor and Clerk of the Township of Cranbury are hereby authorized and directed to execute the attached contract with International Fireworks Mfg. Co. for the

year 2008, as set forth in said Contract, which is available for inspection at the Office of the Township Clerk.

Resolution

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

Cranbury Township Resolution # R 03-08-051

Ayes:

(Panconi  
(Stannard  
(Stout  
(Wittman

Abstain: (None  
Absent: (Stave

Nays: (None

TOWNSHIP OF CRANBURY  
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY

**A RESOLUTION APPROVING THE INSTALLATION OF A FENCE AT 5 DANSER DRIVE  
WITHIN THE TOWNSHIP OF CRANBURY'S DRAINAGE EASEMENT AND AUTHORIZING  
THE EXECUTION OF AN ENCROACHMENT AGREEMENT TO ALLOW SAME**

WHEREAS, Rohit Mathur is the record owner of property located at 5 Danser Drive in the Township of Cranbury and designated as Block 18.07, Lot 35.04 on the Cranbury Township tax map; and

WHEREAS, a ± twenty-foot-wide drainage easement for the benefit of the Township runs along the length of the property's western boundary line; and

WHEREAS, the Township installed and currently maintains in the above-referenced drainage easement a storm sewer pipe and storm inlet; and

WHEREAS, Mathur has obtained a variance from the Cranbury Township Zoning Board of Adjustment to install a fence on the subject property, a portion of which will be located within the Township's drainage easement;

WHEREAS, the Zoning Board of Adjustment's grant of the variance was conditioned upon Mathur obtaining permission from the Township to encroach upon the Township's drainage easement; and

WHEREAS, in the opinion of the Township Engineer, the encroachment will not interfere with the proper functioning of the drainage easement, provided certain conditions as set forth herein below are met;

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

1. Rohit Mathur is hereby authorized to install his proposed fence within the Township's drainage easement located along the western boundary line of his property. This authorization, however, is specifically conditioned upon the following:
  - a. The fence shall be located in such a manner as to ensure that the storm sewer inlet remains entirely outside and to the west of the fence.

- b. The fence shall not damage or in any way interfere with the proper functioning of the drainage easement, storm sewer pipe, or storm sewer inlet.

Cranbury Township Resolution # R 03-08-051  
(Continued)

- c. The exact location of the fence shall be subject to the review and written approval of the Township Engineer, and no excavation or installation shall commence until said written approval has been obtained.
  - d. Mathur shall install an eight-foot-wide gate in said fence and shall provide the Township a key or other means of opening said gate so as to permit unrestricted around-the-clock access to the underground storm pipe.
  - e. The Township shall have the right at any time to enter into the easement area and to remove the fence in the event that any repairs to or replacement of the storm sewer pipe and/or inlet are required, and Mathur will be solely and entirely responsible for the costs of removing, repairing or replacing the above-referenced fence.
  - f. Mathur shall enter into an encroachment agreement with the Township reflecting the above-referenced conditions and such other conditions as the Township Attorney and Township Engineer deem reasonable and necessary, and shall cause such agreement to be recorded with the Middlesex County Clerk's Office.
2. The Mayor and Clerk are hereby authorized to execute the above-referenced encroachment agreement on behalf of the Township, in such form as has been reviewed and approved by the Township Attorney.

Ms. Waterbury, Township Attorney, reported she had discussed this issue at the last Township Committee meeting under her report. Ms. Waterbury explained a resident on Danser Drive wishes to install a fence around his backyard and the proposed location of the fence will encroach on a drainage easement which is owned by the Township. She reported the Township Engineer, Ms. Marcelli, had reviewed the request and is satisfied the fence itself will not interfere with the function of the easement. However, there are a few provisos: one being the Township will need to have a gate giving the Township access to the easement at any time should work need to be done. The second is concerning a storm inlet structure that will need to be entirely outside of the fenced in area. Before the fence is actually installed, its specific location needs to be staked out in the field and the location approved by Ms. Marcelli's Office to ensure the fence will not impact on the storm sewer pipe that is underground. Ms. Waterbury indicated she had provided the Township Committee with a draft encroachment agreement for its review and basically the agreement states if, for any reason the Township should need to do any kind of invasive work, there would be no obligation for the Township to replace the fence. In addition, there is a requirement that the encroachment agreement must be recorded with the Deed of the property. Should the property in the future be sold, the easement will go with the property.

Reports from Township staff and professionals

Ms. Marcelli, Township Engineer, reported that on February 18<sup>th</sup>, she had submitted to the Township Administrator, a Change Order Request for the Babe Ruth Baseball Field. The contract for the field had been awarded back in December or January. There had been a pre-con meeting at which a question had arisen from the contractor if the Township would consider sod on the field rather than seed. The contractor had indicated the sod would provide a quicker turn-around period for play time on the field as well as cutting down on dust. They indicated to the contractor he could certainly propose the idea, however, it was not guaranteed and would be a

decision by the Township Committee only. Ms. Marcelli referenced a letter she had sent to the Township Committee showing a map and indicating the additional costs for sod: the first item would be to sod the infield through the foul line in at a cost of \$ 17,077.50 and if the Township wanted to consider sod for the entire area, including up to the area of disturbance, the cost would be an additional \$25,726.25. Both of these are minimal increases above the overall Reports from Township staff and professionals (Continued)

Contract base bid. The total bid award amount was \$297,000. Putting sod just in the foul line would be a 5.75% increase. Sod covering the entire disturbed area would be an 8.66% increase. Ms. Marcelli added, just for reference, the second low bid came in at \$324,437. Ms. Marcelli reported the contractor had been moving forward on the project. Mr. Stannard asked if there were sufficient funds in the grant monies the Township had received from the County to do the sod. Ms. Smeltzer, Township Administrator, responded that she believed it would be covered. Mr. Panconi stated long term the Township would be much better off with seed because once sod is cut the roots do not go down as far as seed and in addition, seed, once established, will give a much better root base. Mr. Panconi stated during a drought sod will burn out quicker than seed. Ms. Smeltzer, Township Administrator, asked the nature of the soil (if it is rocky). Ms. Marcelli indicated the soil is somewhat rocky and stated the contract does involve bringing in some top soil and grading it. Mr. Stannard indicated his preference would be to go with the seed. Mayor Stout stated at this time, with money constraints, he would prefer the seed. Mr. Panconi stated he too would prefer seed.

Ms. Marcelli also reported in the Fall the Township Committee had authorized her Office to proceed with the inspection of the Brainerd Lake Dam. Ms. Marcelli explained it is a requirement of the New Jersey Department of Environmental Protection and in November she had attended, with members of her staff and Jerry Thorne, Public Works Director, an inspection of the Dam. She stated the inspection report had been submitted this week. Ms. Marcelli reported the State now requires a compliance form and dates by which to comply. One of the items the Township had been "dodging" for the past fifteen years is the requirement to not have any growth on the top of the Dam. All of the trees along the top of the Dam must be removed and the Township must comply by October 31, 2008. Ms. Marcelli reminded the Township Committee the Dam is under co-ownership with the County and a number of years ago she had sat down with the Assistant County Engineer and asked for some type of spirit of cooperation in working together if any major repairs had to be made to the Dam. The County had responded they did not own the Dam and if they had their way the spillway would come out and the Dam would dry up. In addition, whenever any type of communication comes out of the D.E.P. the County has claimed to not be responsible for the Dam. Ms. Marcelli stated it is her belief they are responsible. They had put both the road and the Dam at its present location. Several years ago the Township had expressed it would take the lead in any hydraulic reports, which were very expensive to prepare as well as Ms. Marcelli's annual inspections of the Dam. However, no agreement had been made with the County that the Township would shoulder the costs for any major repairs of the Dam. Ms. Marcelli indicated she had spoken recently with both Ms. Waterbury and Ms. Smeltzer, as to how to handle the compliance form as the County does have some responsibility. The Township will go ahead and sign the compliance form and send it off to Mr. John Reiser, County Engineer, with a blank compliance form and ask him to sign it as co-owner of the Dam. Ms. Marcelli indicated there are a few minor repairs which are due on October 31, 2008 and there may be some major repairs that will require permitting for replacing some of the concrete. Mr. Stannard asked if there is an appeal permitted for the removal of all of the trees. Ms. Marcelli indicated there is not. Mr. Wittman stated people need to realize the Dam runs along the east and west side and not just where the spillway is. Ms. Marcelli stressed another "sit down" needs to happen with the County.

#### Reports from Township Boards and Commissions

There were no reports.

#### Work Session

- a. Discussion of Selection Process for Head of Police Department

The Township Committee discussed the selection process for someone to head the Police Department. Ms. Smeltzer indicated there were two options; having a Public

Work Session

a. Discussion of Selection Process for Head of Police Department (Continued)

Safety Director or a Chief of Police. She recommended hiring a Police Chief. Ms. Smeltzer added having a Public Safety Director is useful when you have a lot of younger officers who do not have the experience to take over as a Police Chief and the upper echelons of the Department. She added, a need may arise for a Public Safety Director when there are managerial problems with the Department, i.e. start getting complaints from the Prosecutor's Office, etc. Ms. Smeltzer stated in her opinion it is not the case in the Township's Police Department. She recommended going through a process with the selection of a Police Chief. Mr. Stannard indicated he had attended a luncheon a year ago with the current Chief, given by the New Jersey Association of Police Chiefs. One of the topics had been Police Chief or Public Safety Director. At the time, only 26 municipalities (out of over 500) had hired a Public Safety Director rather than a Chief. Mr. Stannard agreed with Ms. Smeltzer, indicating a Public Safety Director should be reserved for those municipalities who do not have officers with a lot of experience. Mr. Panconi stated his comments do not reflect the current Administration, however, currently three (3) towns in Middlesex County alone are going with Public Safety Directors; Helmetta, East Brunswick and Edison. Mr. Panconi stated he believed, since the Township's Department is smaller, it would be able to look into hiring a Public Safety Director. The Public Safety Director serves at the pleasure of the Township Committee and it is a yearly contract. Mr. Panconi added, he is not in favor of tenured positions and the position of Chief is a tenured position. There would be less cost to hire a Public Safety Director. Mr. Panconi added the Township has had both good and bad experiences with tenured positions and added, with a bad tenured employee it can be a problem. Ms. Stave asked the role of a Public Safety Director. Mayor Stout responded the Public Safety Director manages the Department but does not have the authority of a law enforcement officer. Mr. Wittman stated, having worked with the past police chiefs, he is in favor of hiring a police chief and if the Township were to hire a Public Safety Director, it would actually cost the Township additional money because it would have to hire an additional person with law enforcement authority. Mr. Wittman raised his concern with a Public Safety Director politics could come into play. Mayor Stout stated he had read Helmetta actually ended up spending more money. Mayor Stout indicated he is not in favor of hiring a Public Safety Director. Ms. Smeltzer stated if the Township were to have a Public Safety Director that person would not have the power to direct the police in matters of public safety and it would be necessary to have an additional person to do so. Mr. Panconi asked if the salary of the new Police Chief would be \$110,000 per year. Mayor Stout indicated the Township Committee and the Police Department have a good working relationship and he is in favor of having a Police Chief as opposed to having a Public Safety Director. A motion was made by Stannard, seconded by Mr. Wittman that the Cranbury Township Committee appoints the Administrator to create a set of criteria, questions and a process for selecting a new Police Chief and not go outside of the Township to look for a Public Safety Director:

Ayes: (Stannard  
(Stave  
(Stout  
(Wittman

Abstain: (None  
Absent: (None

Nays: (Panconi

Ms. Smeltzer indicated she had spoken with Ms. O'Connell, Esquire, the Township's Personnel Attorney to discuss what would be a good process. Ms. Smeltzer stated she would recommend those who would be allowed to indicate their interest in the position (the Sergeants and above). Ms. Smeltzer stated that would involve a total of five (5) people. The Township will advertise the position and give the candidates so many

Work Session

- a. Discussion of Selection Process for Head of Police Department (Continued)  
days to express their interest. In New Jersey there is a requirement that the promotions for the Chief's position be someone promoted from within. If no one is interested then the Township could hire an interim Public Safety Director. The candidates would have to write a position paper on something that could be discussed and then have an oral test by three former police chiefs. The Township Committee would then interview the eligible candidates. Ms. Smeltzer also recommended she and the Chief Financial Officer also interview the candidates, explaining it is important for those in the Police Department to interact with the Administration on a day-to-day basis. Each stage of the process would be given a weight; so much for the oral exam, interview with the Administrator and C.F.O., etc. and the candidate with the highest score would then get the position. Ms. Smeltzer indicated she would like to have the process completed by the end of April. Ms. Smeltzer added if the selection process should run longer, the Township Committee could then appoint an Acting Chief (usually a senior officer who presently fills in for the present Chief when he is out).

Public Comment

The Mayor opened the meeting to public questions and comments on those items not on the agenda. Mr. Brian Schilling, 4 Griggs Road, addressed the Township Committee concerning the Governor's proposal to eliminate the Department of Agriculture in his proposed 2008 State Budget. Mr. Schilling stressed the importance of agriculture in the State of New Jersey and asked the Township Committee to consider adopting a resolution (he provided) in opposition of the proposal and send it to Trenton. Mr. Schilling indicated the amount which would be saved would only be under \$10-million and the issue is many of the functions now being done by the Department of Agriculture would be done by other State agencies and then the savings would only amount to a couple of hundred thousand dollars. Mr. Richard Kallan, Wynnewood Drive, asked if the retirement of the present Chief and the selection of a new chief would be saving the Township any money as the candidate would be chosen from within the officers who are Sergeants and above. Mayor Stout responded it depends how it will be set up. There being no further comments, the Mayor closed the public part of the meeting.

Resolution

On motion offered by Ms. Stave, seconded by Mr. Wittman the following resolution was adopted by vote:

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

Nays: (None

Cranbury Township Resolution # R 03-08-052

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:

Cranbury Township Resolution # R 03-08-052  
(Continued)

- Anticipated Litigation/Matters Requiring Confidential Advice of Counsel;  
Discussion of proposed Third Round Affordable Housing Regulations and strategic issues related thereto.

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: March 10, 2008

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

Ayes: (Panconi  
(Stannard  
(Stave  
(Stout  
(Wittman

Abstain: (None  
Absent: (None

Nays: (None

Mayor Stout explained the reason for having gone into Closed Session was to discuss the Township's proposed comments on the proposed COAH rules and the possibility of litigation for same. Mayor Stout also indicated there will be a Special Township Committee Meeting on Monday, March 17, 2008 at 7:00 p.m. to inform the Township's residents about this very significant issue.

Resolution

Ms. Waterbury, Township Attorney, read into the record, the following **Draft Resolution**:

Cranbury Township Resolution # R 03-08-053

TOWNSHIP OF CRANBURY  
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY

**A RESOLUTION AUTHORIZING THE SUBMISSION OF COMMENTS OBJECTING TO THE NEW JERSEY COUNCIL ON AFFORDABLE HOUSING'S PROPOSED NEW SUBSTANTIVE AND PROCEDURAL RULES GOVERNING THE PROVISION OF AFFORDABLE HOUSING IN NEW JERSEY THROUGH 2018**

WHEREAS, on January 22, 2008, the New Jersey Council on Affordable Housing ("COAH") proposed new substantive and procedural rules governing the provision of affordable housing in the State of New Jersey through 2018 ("proposed new Third Round rules"); and

WHEREAS, the proposed rules run counter to sound planning principles and will have a substantial negative impact on the Township and its residents; and

Cranbury Township Resolution # R 03-08-053  
(Continued)

WHEREAS, COAH's proposed rules include new job generation ratios for, among other things, warehouses, which are a major component of the non-residential development that has occurred in Cranbury Township; and

WHEREAS, COAH's job generation ratios for warehouse have increased eight-fold over the ratios COAH previously adopted in 2004, and far exceed the actual number of jobs that Cranbury's own research shows are created by the warehouses in the Township; and

WHEREAS, this change in the ratios, if left as proposed, will create a retroactive obligation of 469 affordable units just to address warehouse development that has already received approvals, which equates to fifty percent of the total housing constructed to date in Cranbury Township; and

WHEREAS, this retroactive obligation could cost Cranbury's taxpayers in excess of sixty-eight million dollars in construction costs alone; and

WHEREAS, because this development has already been approved, the Township has no ability to recapture any of these added costs from the developers; and

WHEREAS, for these and other reasons, the Township strongly objects to COAH's proposed rules; and

WHEREAS, pursuant to the Administrative Procedures Act, COAH is required to accept written comments and objections to the proposed rules, provided they are submitted on or before March 22, 2008; and

WHEREAS, the Cranbury Township Committee has created an affordable housing subcommittee consisting of representatives of the Township Committee and the Township Planning Board, the President of Cranbury Housing Associates, and various staff and professionals, including the Township Administrator, Township Planner, Township Engineer, Township Attorney, Planning Board Attorney, and Affordable Housing Planning Consultant; and

WHEREAS, the Affordable Housing Subcommittee has prepared preliminary objections to the proposed rules reflecting the above comments and other objections;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranbury, in Middlesex County, New Jersey, that the preliminary comments prepared by the Township's Affordable Housing Subcommittee are hereby endorsed; and

BE IT FURTHER RESOLVED, that in light of the upcoming March 22 deadline, the Mayor is hereby authorized to submit these and such other comments and objections as the Affordable Housing Subcommittee deems advisable directly to the Council on Affordable Housing.

Mayor Stout stated he wished to underscore the seriousness of the proposed changes and what they would mean to the Township of Cranbury. He referenced all of the basic planning elements that have gone into the community within the last 300 years. Mayor Stout added for this

reason the Township Committee will be holding the Special Meeting on Monday, March 17, 2008 to explain and discuss with its residents what they can do.

Mr. Wittman announced he will not be seeking re-election to his Township Committee seat.

#### Mayor's Notes

Mayor Stout reported he had received a letter from Mr. Robert McMahon expressing an interest on serving on the Clock Winding Committee. The Township Committee members unanimously agreed on the appointment of Mr. McMahon, with a term ending 12/31/08.

Mayor Stout also reported he was appointing Haiyan Wang as a Second Alternate to the Environmental Commission, with an expiration date of 12/31/09.

Mayor Stout reported something which the Township Committee had discussed, and needs to move on soon; a change to the West property and the Deed notice and adding additional space to the Recreational Open Space Inventory (ROSI). Ms. Stave reported she had spoken to a couple members of the Board of Education concerning the issue and she intends to speak with more of them so they understand the issue.

On motion by Mr. Panconi, seconded by Ms. Stave and unanimously carried, the meeting adjourned at 9:25 p.m.

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Kathleen R. Cunningham, Clerk