

SPECIAL TOWNSHIP COMMITTEE MEETING  
APRIL 21, 2008

The Special Meeting of the Township Committee of the Township of Cranbury was held at 6:30 p.m. in the Town Hall Meeting Room. Answering present to the roll call were: Township Committee members: Richard Stannard, Pari Stave, Wayne Wittman and Mayor David J. Stout. Mr. Panconi was absent. Also present was: Christine Smeltzer, Administrator and Temporary Deputy Clerk. Mayor Stout led in the salute to the flag and Ms. Smeltzer 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 April 16, 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 April 16, 2008.
- (3) Was filed on April 16, 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.

On motion by Mr. Stannard, seconded by Ms. Stave and unanimously carried (with Mr. Panconi absent), Ms. Smeltzer was appointed as the "Temporary Deputy Clerk".

Resolution

Ms. Stave, seconded by Mr. Wittman:

Before Mayor Stout could ask Ms. Smeltzer, Temporary Deputy Clerk, to call the roll call, Mr. Frank Brennan, III, asked about the rules governing (and voiced his concern) discussing both items in Closed Session. Mr. Brennan suggested having the Public Session before the Township Committee's Closed Session discussion on the possible acquisition of the PNC Bank Building. Mr. Brennan challenged the Township Committee going into Closed Session to have the discussion. Mayor Stout indicated the Closed Session discussion will pertain to what the Township Committee members know and what they have learned. Mayor Stout added, the Township Attorney was not present yet as a cost-savings measure and would be arriving after the Closed Session interview of the candidate for the position of Police Chief. Mr. Brennan asked that the issues be outlined which are going to be discussed in Closed Session. Mr. Brennan also stated if the Township Committee is going to present information then that information should be made available to the public as well. Ms. Smeltzer indicated the Township Committee should be starting the Closed Session with the Personnel matter—to interview the Police Chief candidate. She recommended the Township Committee go upstairs to her Office to interview the Police Chief candidate and, then after that discussion, Ms. Waterbury, Esquire, Township Attorney, should be present and would be available to discuss with Mr. Brennan the other Closed Session item at issue and whether or not the discussion should take place in public. Mayor Stout added, the Township Committee discussion of possible acquisition of the bank building will be a transparent decision and no one would be making a decision in a vacuum.

Mayor Stout asked for an amendment to the Resolution # R 04-08-072 to discuss only the Personnel issue at this time:

A motion was made by Mr. Stannard, seconded by Ms. Stave to amend Cranbury Township Resolution # R 04-08-072 and go into Closed Session:

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Ayes: (Stannard  
(Stave  
(Stout  
(Wittman

Abstain: (None  
Absent: (Panconi

Nays: (None

Cranbury Township Resolution # R 04-08-072

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:

--- Personnel: Interview with candidate for position of Township Police Chief.

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: April 21, 2008

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

Ayes: (Stannard  
(Stave  
(Stout  
(Wittman

Abstain: (None  
Absent: (Panconi

Nays: (None

Ms. Waterbury, Esquire, Township Attorney, responded to Mr. Brennan's inquiry concerning the Township Committee's right to discuss possible acquisition of the PNC Bank Building in Closed Session. Ms. Waterbury stated, "Under Section 10: 4-12, "The Open Public Meetings Act", the Section that specifies when the public may be excluded from discussions (there are a total of three (3) exceptions), states "on any matter discussing the purchase, lease or acquisition of real property involving public funds, in a contract negotiation in which the governing body is or may become a party and on any matters falling within the Attorney/Client privilege to the extent that confidentiality is required in order for the attorney to exercise his/her duties as a lawyer. Ms. Waterbury explained, clearly the Township is falling under the first exception—any matter involving the acquisition of real property involving public funds. However, it also falls under contract negotiations and matters involving Attorney/Client privilege. For the record, Ms. Waterbury stated, regardless of whether something is discussed in Closed Session, no action can be taken in Closed Session; formal action may only be taken in Open Session. Mayor Stout stated nonetheless, with the amount of people present in the room, the Township Committee

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intended to have a public discussion and reserved the right to go back into Closed Session after hearing input from the Public.

Mayor Stout led the discussion by stating as everyone is aware, the bank building is suddenly being put up for sale. He explained that the Township initially made inquiries when the Bank sent out letters (back in March, 2008) announcing the Bank was closing at that location but to no avail. Mayor Stout indicated one of the reasons he personally is interested in acquiring the Bank Building is that the Township currently has a parking arrangement with the individual who owns the building and the arrangement will dissolve once the building changes hands. The sustainability of the downtown business area is growing in the sense that the business district is growing. There have been three homes recently that have converted from residential to commercial. Mayor Stout indicated he does not know what a "reasonable" price would be, however, whenever the Township builds new construction, the price is always considerably higher than initially quoted. Mayor Stout stated this is an exploratory issue at this time.

Mr. Stannard asked that everyone keep their remarks down to a few minutes so that everyone could speak.

Mr. Wittman stated as far as he is concerned, this is a want and not a need and explained there are housing issues as well as possibly acquiring farmland for open space, etc. He further stated this issue needs to be addressed by a large number of residents and the Township Committee needs a lot of input from its residents. Unfortunately, because of time constraints, there is not enough time to do so.

Ms. Stave indicated like every major decision made by the Township, whenever the Township desires to acquire a piece of property in the center of Town, it requires a "thorough" airing. Ms. Stave added, the Township will never have another opportunity like this and the Township should hear from as many residents as possible.

Mayor Stout asked for Public Comment on the possible acquisition of the PNC Bank Building:

Mr. Frank Marlowe, 5 North Main Street, urged the Township to move forward with the acquisition as soon as possible. Mr. Marlowe stated facilities in the Village should serve the residents who live in the Town. He added a Library will draw more people than any other business will and individuals utilizing it would be almost entirely made up of Cranbury residents. The attractiveness is the building itself. Mr. Marlowe stated the building is extremely well suited for a Library and is laid out a lot like the present Library and in addition there is room to expand as well. Mr. Marlowe added the building already comes with adequate parking for a Library. Mr. Marlowe ended his comments by stating this is an opportunity that will not come up again if a private business should buy the Building.

Mr. David Cook, 143 North Main Street, stated he agreed with Mr. Marlowe's comments concerning such an opportunity may never come again. Mr. Cook stated the uses for such a building are enormous and the idea of building new construction (for a new Library) on the Wright parcel seems unthinkable in many ways. The bank building is a property which can be built out a number of different ways. There are enough creative ways to finance something in the center of Town and urged the Township to do so.

Mr. Bob Dreyling, 32 Old Cranbury Road, stated he had sat on the Planning Board for many years. The Planning Board many times discussed the viability of the downtown business district and one of its biggest concerns was that the Township was losing businesses. The viability of the downtown is having individuals coming from out of town to utilize the businesses. If the Township takes the building out of commercial use it will have an adverse effect on the Town. In addition,

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there are some other financial issues: It is a ratable and if the Township were to acquire it the building would be taken off the tax rolls. With the present state of the economy Mr. Dreyling stated he is not sure acquisition by the Township would be a wise decision and that there is actually a need for a free-standing Library. Mr. Dreyling urged the Township not to go ahead with the acquisition.

Mr. Wyn Cody, 8 Adams Drive, stated the Township should worry about the costs of such an acquisition and determine the costs of having two libraries (noting the School is not going to get rid of the present Library in the School). Mr. Cody stated he felt a Library at the North Main Street location is not really needed at this time.

Mr. Dan Dreyling, 32 Old Cranbury Road, stated his concerns are with the added costs to the taxpayers of the Township for such a Library in the center of Town. Mr. Dreyling noted having to have the electricity on, staff to maintain the building, heating and cooling the building, etc. He asked why the Township was considering such an additional cost to a Town that has already had a significant increase in its property tax levels and shouldn't the Township be looking to further reduce costs than to increase them? Mr. Dreyling also stated currently the State requires local taxpayers to fund libraries at \$33.00 per every \$100,000 of taxable property. He reported this month Governor Corzine signed legislation which states that if a town library is running in excess for their budget, the money can be returned to the town use taxes. The Library would have to keep what it needs for its budget as well as a 25% surplus at a maximum. He stated the Township should not acquire or build a Library which will add to the costs to the taxpayers of this Community. Instead, the Township should be reviewing the recently-passed legislation and sit down with the Trustees of the Library and return any excess funds to the taxpayers.

Ms. Kelly Lehman, 60 Cranbury Neck Road, spoke in support of the acquisition of the Bank building. Ms. Lehman stated the Township may never find such an opportunity again and with COAH looming in the background, she is always concerned the rules may change again and if the Township owned the bank building land, it could utilize it in many ways.

Mr. James Golubieski, 40 Station Road, stated he is presently the Chairman of the Planning Board, however, is not representing the Planning Board in any of his remarks this evening. Mr. Golubieski stated he agreed with Mr. Dreyling that for many years there were many discussions on how to make the Town more commercially viable. Mr. Golubieski urged the Township to retain the commercial viability of the building. Mr. Golubieski agreed with Mr. Wittman's statement the acquisition of the building is more a want than a need. Mr. Golubieski noted everyone's property taxes have increased due to revaluation and school taxes as well.

Ms. Linda Schilling, 40 Station Road, stated she feels a free-standing library is a want rather than a need. Ms. Schilling indicated she goes to the Library once a week during the evening and unless there is a meeting being held, there is never more than 5 people at one time in the Library (two of them are staff). Ms. Schilling stated nationally library trends have dropped significantly due to most individuals doing research themselves on home computers. She added, the Township has a nice Library and as far as using the bank building as a possible recreation center for its use, the School just built a brand-new gym. Ms. Schilling stated she is against such a purchase.

Ms. Pam Parsighian, Evans Drive, stated she was speaking as a resident and not as a member of the Library Board of Trustees. Ms. Parsighian stated she would like to have a free-standing Library. She stated no one knows what could happen to the building in the School, i.e. if that building is always going to be available. For the Community it would be money well spent and would be appreciated 50-100 years from now.

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Mr. Frank Brennan, III, South Main Street, stated he echoed Messrs. Golubieski and Dreyling's comments regarding the potential harm with taking the building out of the commercial district. Mr. Brennan stated his own feeling is a Library may bring some people to the downtown but does not bring new people to the downtown. Individuals who utilize the Library are already patronizing businesses in the downtown. Whether the Library is in the PNC location or some other location, such as its present location behind the School building, will not change the type of individuals who frequent the Library and will not determine if those people go to the downtown area or not. In contrast, if the property is kept in commercial use, there is the potential to draw new and different individuals to the Township's downtown. Mr. Brennan added, one of the issues he believes the Township has "grappled" with in the past twenty years is the viability of the commercial district. He further explained, twenty years ago when the Township lost key businesses in the downtown area and saw parking being an issue and commercial development in general as an issue, that concern was addressed in many ways by the Planning Board and by the Township's Land Use Regulations. The Township receives benefits from that now and this parcel is a significant portion of the downtown district. Mr. Brennan stated the Township's downtown district is small and actual businesses are small in numbers as well as geographic size. The Bank building represents a significant percentage of the downtown district. If the Township is concerned about parking, there are other ways to address parking. Unfortunately, not a lot has been done by the Township to address the lack of parking through the years. He suggested the Township having a discussion to address the issue of parking in the downtown area and offered to sign up to have such discussions. Mr. Brennan stated the cost and quality to develop this site are really unknown and the Township should not feel rushed into this decision. Mr. Brennan added, as an attorney, he represents developers. A lot of developers have looked at the property and at that price it is not a real bargain in their eyes due to its location. Mr. Brennan urged the Township Committee to give this decision very careful consideration and analysis and thanked the Township Committee for letting residents speak on the issue.

Mayor Stout stated there never was any intent to make any decision on the issue this evening by the Township Committee. Mayor Stout added, unfortunately in the past, the public has not been listened to. Mayor Stout stated he and the Township Committee will listen to the public. Mayor Stout indicated as far as turning the tennis courts into parking, Green Acres will have a lot of problems if that were to happen as they are on the Townships' R.O.S.I.(Recreation Open Space Inventory).

Mr. Paul Venanzi, 18 Brainerd Drive, stated as far as the developers not seeing the real value of the building, if a business does well, individuals will come to it. If looking at viability, the Township has to weigh how viable the building is as a business in Cranbury and did not see it valuable. He supported the Township's acquisition.

Mr. Bob Finigan, 88 North Main Street, stated a lot of the discussion this evening had centered on whether the property should be used as a free-standing Library and he indicated he was not sure that is the question. The question is whether or not the property should be purchased by the Township and if so, at what price. Mr. Finigan stated he agreed with a number of previous speakers who stated the Township may never see an opportunity like this again in the foreseeable future. Having been in front of the Planning Board for his own application recently and spending a considerable amount of time to determine if his upcoming business would be viable because of a lack of parking in town and explaining a parking study he had done had used the parking available at the PNC Bank Building, Mr. Finigan expressed his concern with the potential loss of the parking spaces.

Mayor Stout clarified the Township is trying to determine whether or not the acquisition of the bank building is even in the public's interest to pursue. After that, it must determine what is a reasonable value and thirdly, there is the question of whether, because of an eagerness or

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desire, there is some pre-ordained use as a Library should the Township go forward. The Township right now is trying to decide on whether or not to pursue the acquisition.

Ms. Debbie Fetch, 33 South Main Street, stated she had come to the meeting this evening thinking the acquisition was not a good idea, given the Township's fiscal state. However, after listening to the discussion, she had changed her mind a little. Ms. Fetch stated weighing the need of public parking in Cranbury in order to encourage a viable economic downtown is critical and if there is a balance between preserving the property for the best use of the greater downtown businesses while allowing the Township to continue, whether the Township has a joint parking venture or leases the property.

Mayor Stout stated, the Township's fiscal state is very good and he does not want any type of wrong information out there to the contrary. Mayor Stout stated it is because of the hard work of the residents in the Community that the Township's fiscal state is doing well.

Ms. Audrey Smith, 4 Labaw Drive, stated she felt if the property could be obtained at a reasonable price then the Township should go ahead and purchase it. She stated if the Township does not purchase the building, it probably would regret not doing so.

There being no further comments, the Mayor closed the public discussion. Mayor Stout stated this was not the end of the discussion.

Mr. Stannard stated he was addressing an earlier remark that had been made that the Township has been talking about parking issues for twenty years and nothing had been done. Mr. Stannard noted the Township worked with the PNC Bank and as a result the additional parking spaces for the downtown area had been acquired. The possibility now exists the Township will lose those parking spaces. Mr. Wittman asked if time would be set up at the next meeting for the public to share their viewpoints. Mayor Stout indicated there will be a public discussion; however, the Township needs to do some research first. Ms. Stave stated the Township needs to be prepared before it holds a public discussion. The Township Committee all agreed the public hearing should be held on Monday, May 12, 2008 at 7:00 p.m.

Mayor's Notes

Mayor Stout mentioned the recent Trenton Times article regarding Cranbury Township and the impact of the proposed new COAH rules.

Mayor Stout appointed Kim Kondracki to the Shade Tree Commission, for the unexpired term of Mona Bhatia (term expiration of 12/31/10) and Bonnie Beckford Wagman to the Human Services Board (term expiring 12/31/12).

Resolution

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

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

Nays: (None

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Cranbury Township Resolution # R 04-08-072

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:

- Land Acquisition: Discussion of potential acquisition of PNC Bank property,  
North Main Street, Cranbury.

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: April 21, 2008

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

Ayes:

(Stannard  
(Stave  
(Stout  
(Wittman

Abstain: (None

Absent: (Panconi

Nays: (None

On motion by Mr. Stannard, seconded by Ms. Stave and unanimously carried, the meeting  
adjourned at 9:45 p.m.

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Christine Smeltzer, Temporary Deputy Clerk