

TOWNSHIP COMMITTEE MEETING
September 8, 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 and Mayor David J. Stout. Ms. Stave and Mr. Wittman were absent. Also present was: Kevin VanHise, 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 Committee Minutes of August 11, 2008

On motion by Mr. Panconi, seconded by Mr. Stannard and unanimously carried, the Regular Committee Minutes of August 11, 2008 were adopted.

Closed Session Minutes of August 11, 2008

On motion by Mr. Panconi, seconded by Mr. Stannard and unanimously carried, the Closed Session Minutes of August 11, 2008 were adopted.

Reports and Communications

--Mayor's Notes

On a safety note, Mayor Stout reminded everyone now that school has started, everyone should take a little extra precaution as parents and students go through Town. People make abrupt movements and we need to be aware of that.

On August 14, 2008, Christine Smeltzer, Township Administrator, Mayor Stout, Senator Bill Baroni and Assemblywoman Linda Greenstein met with Lucey Vandenberg, Executive Director for the Council on Affordable Housing, in Trenton to discuss where Cranbury is in the process and what kinds of changes may or may not occur as this moves forward.

Mayor Stout reported there is presently a "hole" behind the Princeton Ballet building adjacent to the Town Hall and the School parking lot. He reported the hole will remain while the owner conducts an environmental investigation in response to odors resembling fuel oil that emanated from the hole when digging a dry well for drainage of rainwater. The New Jersey Department of Environmental Protection has been notified and has issued case and operator numbers. Princeton Ballet will be required to comply with D.E.P. standards.

Mayor Stout reported the Township's Department of Public Works is actively working on re-arranging the fields at Millstone Park. This is consistent with the Recreation Open Space Master Plan which had been completed a year ago. Mayor Stout thanked the

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Reports and Communications (Continued)
--Mayor' Notes (cont'd)

Department of Public Works employees for their hard work and added that the work is being funded in part with grant monies the Township had received from Middlesex County.

Mayor Stout reported he had received a letter from Mr. Michael, C.F.O. of Volkswagon Group of America offering Volkswagon's gratitude to the Cranbury Township Police Department for its outstanding service. Mayor Stout acknowledged the Police Department for their fine work.

Mayor Stout reported he had received a letter from Middlesex County with their proposed scheduled for milling, paving and striping of Cranbury Neck Road and Dey Road. They expect to begin around September 12th and finish on or about the 10th of October. He reminded everyone to be aware of their signs and move around accordingly.

Mayor Stout announced the Cranbury Township Senior Center will be celebrating its First Anniversary on Saturday, September 20, 2008 at 1:00 p.m. The Cranbury Human Services Board has planned music and refreshments and invites everyone to attend.

Agenda Additions/Changes

Ms. Cunningham, Clerk, announced under Item 9, item c). there will be an addition. Ms. Bobbie Marlowe, Chairperson of the Historic Preservation Commission will be giving a report on the Township obtaining its "Certified Local Government" designation.

Ordinances

Second Reading

Cranbury Township Ordinance 08-08-18

A motion to enter an Ordinance entitled, "AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, MIDDLESEX COUNTY, NEW JERSEY, AMENDING THE CODE OF THE TOWNSHIP OF CRANBURY, CHAPTER 5, *POLICE DEPARTMENT*, ESTABLISHING A "COMMUNITY EMERGENCY RESPONSE TEAM", AND PROVIDING FOR INSURANCE COVERAGE FOR ITS MEMBERS" was presented for second reading and final adoption. The Ordinance was published in the Cranbury Press, posted on the Township Bulletin Board and copies were available to the public. The Mayor opened the public hearing on the Ordinance. Mr. Bob Dreyling, 32 Old Cranbury Road, asked what type of insurance coverage will be provided. Mayor Stout responded the Township will be providing liability insurance. Mr. Stannard stated he works for a company that provides a piece of this excess insurance and the coverage has been in place for many years. Mr. Stannard did not feel he is conflicted, however, if anyone believes he is, they should come forward and state so. No one else present wished to speak, so the hearing was declared closed. On motion by Mr. Panconi, seconded by Mr. Stannard, the Ordinance was adopted by a vote:

Ayes: (Panconi
(Stannard
(Stout

Abstain: (None
Absent: (Stave
(Wittman

Nays: (None

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Ordinance
Second Reading

Cranbury Township Ordinance 08-08-19

A motion to enter an Ordinance entitled, "Cranbury Township Ordinance 08-08-19, AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, LIMITING THE USE OF THE REMAINDER OF THE WEST PROPERTY (BLOCK 23, LOT 70.02) TO ACTIVE AND PASSIVE RECREATION AND CONSERVATION PURPOSES ONLY" was presented for second reading and final adoption. The Ordinance was published in the Cranbury Press, posted on the Township Bulletin Board and copies were available to the public. The Mayor opened the public hearing on the Ordinance:

Mr. Bob Dreyling, 32 Old Cranbury Road, stated he understood, from reading the newspaper, the Township has been discussing the issue of the West Property land with the School Board and gave a brief summary of the initial purchase of the property. Mr. Dreyling stated he had been on the School Board at the time the Township purchased the land. At the time of the purchase the Township had no interest in the property; it was basically the School Board. The School Board had initially tried to purchase the land; however, they did not have Eminent Domain power to do so and approached the Township Committee to purchase it for them. He stated that is the only reason now the Township has the Ordinance before it and urged the Township to take that into consideration.

Ms. Joan Weidner, Vice President, Cranbury Township School Board, stated there have been discussions between various members of the Board of Education and various members of the Township Committee over the past few days. The Board of Education has opposed adoption of the ordinance and is very concerned about expansion of the School as they are "landlocked". However, as a result of the discussions, there was an agreement between members of the Township Committee and School Board. Ms. Weidner reported there was an agreement that the Township Committee will "carve out" from the 24 acres that are the subject of the ordinance, an area for school use. This area is on the North side of the road and runs contiguous to the School side. Also, should the School need to expand in the future, some of its playing fields would be displaced and the Township would cooperate and move and relocate any athletic fields as necessary. Ms. Weidner recommended having the agreement prepared and typed up by the respective attorneys.

Mr. Arthur Hasselbach, Route 130, stated he remembers when the property was purchased it was for possible expansion of the School. The Township did plan to use the property as well for conservation and possible park use. Mr. Hasselbach added, if the new COAH regulations are adopted, the Township will not have adequate available land for the additional affordable housing. He urged the Township Committee to discuss the issue further and recommended the Ordinance not be passed before the School Board's Attorney and the Township's Attorney can work out the agreement. Mr. Hasselbach stated he hoped this was not "kind of ulterior motive" to lock up land that the Township could possibly use for a library if necessary and force the Township to buy the former PNC Bank building on Main Street.

Mr. Michael Dulin, Wynnewood Drive, stated he served on the School Board as a member of the Long Range Planning Committee during the time the Township purchased the property. The primary purpose of the Committee was to determine whether or not the School Board wanted to look at neighborhood schools, i.e. their campus sites. The School Board's Committee considered what the future needs of the School would be and at the time determined the outer limit of possible School enrollment would be in the neighborhood of 600 students. The Committee figured

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Cranbury Township Ordinance 08-18-19
(Continued)

up to 8th grade and there would basically be two units; a portion of the existing unit and an additional unit. The additional unit was planned to be constructed somewhere in the vicinity of where the new soccer fields are now located. The general concept had been that any additions that would be necessary could be placed there.

Mr. Dan Mulligan, 32 Old Cranbury Road, urged the Township Committee to “slow down”. Mr. Mulligan stated he was in agreement with what members of the School Board had said earlier—to not adopt the Ordinance at this time. The School will have needs in the future, not only for growth for students, but for a Library as well. If the School Board loses the property they would be “handcuffed” down the road.

Mr. Sam Parker, 21 Woodview Drive, stated he had previously served on the School Board years ago. The motivation for acquiring the property was driven by the School with the idea that there would be enough land eventually for recreation and possibly other usage. Mr. Parker stated it is very important that whatever gets done with the property, be done as a joint project with the School Board and Township Committee and sees no need for passing the Ordinance this evening.

Mr. Jim Taylor, North Main Street, stated he was on the Township Committee when the land was first purchased. The Township Committee had actually started proceedings to purchase the property from Garden State Land under Eminent Domain based on the needs of the School. Those proceedings never went through as at the time Garden State Land was having financial difficulties. At that point the Township negotiated a price with them. Mr. Taylor added, at first Garden State Land wanted the Township to negotiate a price with approximately 30 homes on the site. The Township made the decision it was easier to purchase all of the 63 acres for potential School growth. Mr. Taylor urged the Township Committee members to work with the School Board to come to an agreement.

Mr. Alan Danser, 60 Petty Road, stated he is confused as to the intentions of the Township Committee. If, in fact, Ms. Weidner's earlier remarks were accurate, that would indicate that the Township does not intend to take action on the Ordinance this evening. Mr. Danser reported he was on the Township Committee also at the time the property was acquired. It seems that the Township has been having discussions with the School Board and commended the Township for doing so. He also stated he is in agreement with the earlier remarks made by former School Board members. Mr. Danser stated the issue is controversial enough and not emergent enough to take action on the Ordinance.

Mayor Stout closed the public hearing and opened the discussion to the Township Committee members:

Mayor Stout stated there has been a lot of talk about this being a new action; that is not the case. He explained the issue had been discussed by the Township Committee back in January and that the Township Committee reviews all municipally-owned lands to understand their state and availability for different types of uses. Mayor Stout added the first item of correspondence he has dates back to the 1950s and had been written by a member of the Wright family. The document recommends developing a “Cranbury Preserve”. In the ensuing 50 years the Township has been fortunate enough to acquire the land. Green Acres has set aside 40 acres along the flood plain as Green Acres Land which has its own set of restrictions and in 2004 the Township Committee placed an additional 14 acres into the Preserve. Tonight we consider setting aside the remainder for both passive and active recreation. Mayor Stout stated he personally supports the effort to do this and preserve these acres as open space, contiguous with open space that is already being restricted. This area which is located in the very center of Town is one of the most

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Cranbury Township Ordinance 08-18-19
(Continued)

important legacies to leave behind for future generations. The preservation of the West property doesn't leave the Township without "buildable land". Wright South, which was purchased after the West property, has been designated for future municipal purposes, including the construction of a ball field that is usable by the School. The concern by the Board of Education is legitimate and gives us pause that they ask that land be set aside for future expansion. The School does own land--West of its existing Building and land North of the municipal parking lot. If it chooses to expand it can do so with the land it owns and does not need to take over Township-owned land. If the School desires to expand Westward to create a contiguous campus as has been discussed this evening, it would become necessary to replace the School's playing fields and those fields can be placed on the West property. The School has already placed two (2) soccer fields on that property. It does not follow logic that the School should "bank" land for School expansion so that the School can bank land for open space and recreation—in effect what is being asked to be done. In the spirit of stewardship of all municipal lands I also think as we move forward in planning, if we ever have to do a school expansion, it would take up as little land as possible by building up as other schools are doing in the area. This is the most sustainable approach to building. I will vote for the ordinance for those reasons but I understand what Ms. Weidner had stated; as we finalize the deed and survey, the Township Committee can amend the ordinance to excise those lands that are North of the access road for municipal purposes, including, but not limited to, school use.

Mr. Stannard asked Ms. Weidner when she made reference to the piece of land to be set aside, was she speaking on behalf of the School Board. Ms. Weidner responded the School Board had not had a chance to meet on the issue. However, she had spoken with Ms. Joan Rue, President of the School Board, and made the other members of the Board aware of the issue. She indicated she could not say she was speaking on behalf of the School Board. Mr. Stannard reported he had recently spoken with a former Mayor who was on the Township Committee at that time the property was acquired, who indicated the land had also been purchased for open space and future school expansion. Mr. Stannard stated he wished to address an earlier remark made this evening as to there being an "ulterior motive for shutting out this land for future library purposes". Mr. Stannard stated that seems like a very "devious" way to think and added he was glad he did not think of it! For the purposes of keeping the property for affordable housing, the Township would be entitled under COAH's rules to put ten (10) units on each acre of land. If the Township were to take all 24 acres and preserve it for affordable housing, that would be a fraction of the Township's potential obligation for housing. This would not resolve the Township's COAH problems. Mr. Stannard stated he will support the Ordinance because he is in favor of preserving the land to be used for open space. Mr. Stannard indicated he does not want to see development on the land. Mr. Stannard recommended if the School needs to add on they build up. He reminded everyone the School does own some of the adjoining land. He stated, from what Ms. Weidner indicated earlier, it appears that the Township and School have reached somewhat of a compromise and he will support the Ordinance.

Mr. Panconi stated he is in agreement with the other Township Committee member's comments and that a comfortable a workable solution can be worked out with the School Board.

As no one else present wished to speak, the Mayor closed the Public Hearing on the ordinance. On motion by Mr. Panconi, seconded by Mr. Stannard, the Ordinance was adopted by a vote:

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

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Cranbury Township Ordinance 09-08-19
(Continued)

Mayor Stout stated the Township Committee will continue to work with the School Board on the solution that has been offered to make sure it happens and thanked everyone for their comments.

Resolutions
Consent

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

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

Nays: (None

Cranbury Township Resolution # R 09-08-157

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 09-08-158

RESOLUTION OF THE TOWNSHIP OF CRANBURY, NJ

A RESOLUTION AUTHORIZING THE RELEASE OF CRANBURY CAMP OUT FUNDS

WHEREAS, Cranbury Residents have paid a \$40.00 fee for the Camp Out on September 6, 2008:

| <u>Name</u> | <u>Address</u> | <u>Amount</u> |
|---------------------|---------------------|---------------|
| Greg Avis | 100 So Main St | \$40.00 |
| Ashish Awashti | 1 Stites Dr | \$40.00 |
| Pete Borg | 21 Griggs Rd | \$40.00 |
| Gene Buckley | 140 No Main St | \$40.00 |
| Pramod Chivate | 74 So Main St | \$40.00 |
| Jorgen Christiansen | 9 Evans Dr | \$40.00 |
| Angie Cook | 143 No Main St | \$40.00 |
| Tom Doran | 4 Willow Tree Dr | \$40.00 |
| Walter Engelbert | 31 Station Rd | \$40.00 |
| Michael Ferrante | 86 No Main St | \$40.00 |
| Michele Fromer | 27 Liedtke Dr | \$40.00 |
| Catherine Ginoux | 98 So Main St | \$40.00 |
| Matt Guy | 112 No Main St | \$40.00 |
| Diana Heilbronn | 28 Scottsdale Ct | \$40.00 |
| Jane Helstrom | 110 No Main St | \$40.00 |
| Eileen Keve | 6 Brainerd Dr | \$40.00 |
| Daniel Kinney | 2 Hardley Dr | \$40.00 |
| Kelly Lehman | 60 Cranbury Neck Rd | \$40.00 |
| Jeff Lipshutz | 23 Brainerd Dr | \$40.00 |
| Rob Markus | 24 Bodine Dr | \$40.00 |
| Peter Maviodes | 10 So Main St | \$40.00 |

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Cranbury Township Resolution # R 08-08-158
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| | | |
|------------------|-------------------|---------|
| Kevin McConnell | 7 Stockton Dr | \$40.00 |
| Janice McDonnell | 108 Plainsboro Rd | \$40.00 |
| Robert McMahon | 6 Handley Ct | \$40.00 |
| Kari Novak | 12 Jackson Ct | \$40.00 |
| Mary Oake | 21 Parkview Rd | \$40.00 |
| Valerie Ochoa | 15 Washington Dr | \$40.00 |
| Kelly Palumbo | 9 Monroe Place | \$40.00 |
| Paul Rougas | 16 Bergen Dr | \$40.00 |
| Greg Schiavone | 40 Evans Dr | \$40.00 |
| Carolyn Sica | 44 Old Trenton Rd | \$40.00 |
| Fran Staples | 3 Griggs Rd | \$40.00 |
| Kristen Stewart | 6 Cubberly Ct | \$40.00 |
| John Sullivan | 15 Scottsdale Ct | \$40.00 |
| David Thomsson | 6 Washington Dr | \$40.00 |
| Brian Wiseman | 124 No Main St | \$40.00 |
| Meg Young | 60 One Mile Rd | \$40.00 |
| Laura Zurfluh | 19 Bunker Hill | \$40.00 |

Total To be Released: \$1,520.00

WHEREAS, due to inclement weather the Cranbury Camp Out has been cancelled.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranbury authorizes the release of the above fees.

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 Chief Financial Officer
- (b) Michele Harcher, Recreation Secretary

Cranbury Township Resolution # 09-08-159

RESOLUTION OF THE TOWNSHIP OF CRANBURY, NJ

A RESOLUTION AUTHORIZING THE RELEASE OF A PERFORMANCE GUARANTEE FOR GENTLE HEALING WELLNESS - PRIVATE

WHEREAS, by letter dated August 6, 2008, Gentle Healing Wellness Center has requested the release 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 August 14, 2008 (attached hereto as "Exhibit A") recommended that the following performance guarantee be released:

| | |
|------------------|--------------|
| Performance Bond | \$ 93,861.72 |
| Cash | \$ 10,429.08 |

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

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Cranbury Township Resolution # 09-08-159
(Continued)

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 release 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) Donda Sternberg, Gentle Healing Wellness
- (d) Township Attorney

Cranbury Township Resolution # R 09-08-160

RESOLUTION OF THE TOWNSHIP OF CRANBURY, NJ

A RESOLUTION AUTHORIZING THE RELEASE OF A PERFORMANCE GUARANTEE FOR FOUR SEASONS AT HISTORIC CRANBURY – MONUMENT INSTALLATION

WHEREAS, by letter dated August 15, 2008 KHovnanian has requested the release 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 August 27, 2008 (attached hereto as "Exhibit A") recommended that the following performance guarantee be released:

| | |
|------|-------------|
| Bond | \$31,680.00 |
|------|-------------|

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 release 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. Mark Caverly, KHovnanian
- d. Township Attorney

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Cranbury Township Resolution # R 09-08-161

RESOLUTION OF THE TOWNSHIP OF CRANBURY, NJ

A RESOLUTION AUTHORIZING THE REDUCTION OF A PERFORMANCE GUARANTEE FOR KERZNER (BLOCK 2.01 LOT 3.01)

WHEREAS, by letter dated July 28, 2008, Kerzner Associates 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 August 5, 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 | \$ 419,634.43 |
| Cash Deposit | \$ 46,626.05 |

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

| | |
|------------------|---------------|
| Performance Bond | \$ 179,843.33 |
| Cash Deposit | \$ 19,982.59 |

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. Sandy Kerzner
- d. Township Attorney

TOWNSHIP OF CRANBURY
COUNTY OF MIDDLESEX

Cranbury Township Resolution # R 09-08-162

RESOLUTION AUTHORIZING INTERLOCAL SERVICES AGREEMENT WITH PLAINSBORO TOWNSHIP FOR PROVISION OF SOCIAL SERVICES

WHEREAS, it is in the best interest of Cranbury Township to enter into an Agreement with Plainsboro Township to provide social services to Cranbury in terms of part-time case management services; and

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Cranbury Township Resolution # R 09-08-162
(Continued)

WHEREAS, said agreement has been reviewed and recommended by the Township Administrator;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Cranbury hereby authorizes the Mayor and Clerk to execute the Interlocal (Shared) Services Agreement with Plainsboro Township, which is attached hereto and made a part hereof.

Reports

- a). Police Report, Chief Edward L. Kahler, III
Chief Kahler reported a total of 261 summonses were issued during the month of August, 2008: Speeding violations: 40, Cell phone violations: 29. Chief Kahler reported under Expenditures—highest to lowest—Department Meeting, Shift Coverage, School and Training. Chief Kahler reported in September expenditures for overtime will include Cranbury Day, Middlesex Prosecutor's Office Training and firearms training. Under the Traffic Bureau, Chief Kahler reported, the "Over the Limit/Under Arrest" campaign went well and the Police Department is also applying for additional Drunk Driving Enforcement Fund grant money. Under the Detective Bureau, Chief Kahler reported, the "Cargo Theft" seminar went very well with over 50 business owners in attendance and he complimented Det. Sgt. Ziegler on a job well done. Under CERT, Chief Kahler reported, on August 26, 2008 CERT members opened a relief shelter for firefighters assigned to the American Cabinetry fire. They also received instructions on the role of the Traffic Bureau from Sgt. Dillane and Officer DeChiara. Chief Kahler reported the bike patrol had been out ten (10) times during the month of August. He also stated the Police completed their "active shooter drill" at The Cranbury School.
- b). Reports from Township Staff and Professionals
Cathleen Marcelli, Township Engineer, reported on concerns raised at the last Township Committee meeting, by Mr. Mark Berkowsky, Cranbury Housing Associates in reference to KHovanian (the Developer of the Four Seasons at Historic Cranbury) never completing a deed filing for an easement from Cranbury Housing Associates. Ms. Marcelli indicated her office and Ms. Waterbury's office have been working with the attorneys for KHovnanian and Cranbury Housing Associates and KHov has agreed to go forward and file the deed.

Ms. Marcelli reported she will be e-mailing members of the Township Committee about a special request for a bond release and asks that the members give her their opinion and comments. It is on the Jen-Dar application.

Ms. Marcelli reported several weeks ago Paul Adezio, Esquire from Mason, Griffin & Pierson and Larry Plevier of her Office had met with the County on a shared agreement with Middlesex County on the improvements to the Brainerd Lake Dam. The meeting went very well. The County has agreed to re-draft the Agreement so that it includes specific language for the improvements that all were in agreement with. The County has now agreed to share in the cost of the spillway. The County will also pay all "soft costs" (engineering, surveying, design and bidding of the project). The Township will only be responsible for 50% of the hard costs (construction costs). Ms. Marcelli fully supports the new agreement. Because the County needs to obtain a consultant, they asked Ms. Marcelli to send a letter to request an extension from the D.E.P. for a one year extension for the improvements. Ms. Marcelli reported she intends the letter to go out this week. Mr. Stannard asked if there is a cap on the amount the Township would pay for the improvements. Ms. Marcelli indicated there is not. Mr. Stannard then raised concern as

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Reports

- b). Reports from Township Staff and Professionals (Continued)
Ms. Marcelli, Township Engineer (cont'd)

the Township is looking at a huge amount of money for the Liberty Road Bridge. Ms. Marcelli explained the Township is obligated to repair the Brainerd Lake Dam from the D.E.P. Ms. Marcelli stated the County is not going to be re-building the Dam. Once the bids come in, however, for the Liberty Road Bridge, the Township has the opt-out ability. For example, if the bids should come in and the successful bid is \$16-million, the Township would be responsible for \$8-million. The Township would then have the right to say the bid is too high. Ms. Marcelli offered to check on this further.

Ms. Marcelli reported a pre-construction meeting had been held with DeFino Contracting, Inc. for the Wynnewood/Woodview improvements project. A "Notice to Proceed" was issued on September 6, 2008. Notices will be go out to residents and the project should be completed within 60 days (pending the weather cooperating).

Ms. Marcelli reported she had met two weeks ago with Mayor Stout, Ms. Stave and Ken Jacobs, Recreation Director to view the Babe Ruth baseball field. There had been some questions and concerns raised in reference to the fencing at the foul line and also moving up the backstop. Ms. Marcelli reported she was asked to ask the contractor for a Change Order Request to move the fencing. Ms. Marcelli then presented two concepts to the Township Committee, the first moving just the foul stop fencing and the second to move the fencing and the backstop. The first option is \$19,270.00 and the second would be \$29,970.00. Mayor Stout asked Ms. Marcelli if she had spoken with the Recreation Commission. She indicated she had just received the e-mail today from the Contractor and had sent the quotes to Ken Jacobs, Recreation Director.

- c). Reports from Township Boards and Commissions

Report from Marilynn Mullen, Director, Cranbury Public Library

Ms. Mullen reported at the August 14, 2008 Board of Trustees meeting of the Library, John Haney, Chief School Administrator, gave a presentation to the Library Board.

Mr. Haney recommended reducing public access to the Library by 15 hours per week during the school year. On weekdays he proposes the Library to be open to the public only during the lunch hours of 11:00 a.m. until 1:00 p.m. and then close and open again at 3:00 p.m. Ms. Mullen explained currently the Library and School share space and services from 10:00 a.m. until 3:00 p.m. The Library Board of Trustees has considered the School's proposal to limit the public hours very carefully, looking at the logistics of interrupting service to the Community. Over 4,000 Library patrons would be affected by the loss of daytime hours and the unreasonable burdens placed on the staff. The Board of Trustees have determined that by limiting the four (4) hours of operation, it is virtually impossible for the Cranbury Public Library to fulfill its mission to the Community. Mayor Stout asked Ms. Mullen what she was seeking from the Township Committee. Ms. Mullen responded she was coming before the Committee just for informational purposes.

- d). Presentation by Bobbie Marlow, Historic Preservation Commission on a Certified Local Government Designation

Ms. Marlowe explained the State has certain standards they set for historic preservation commissions throughout the State. When the Township Committee adopted its new Ordinance several years ago, the Commission made sure it was in compliance with the State Historic Preservation Office (SHPO). The main advantage of having the designation is, as the Township applies for grants, the Township is at a better advantage to receive the grants. Ms. Marlowe asked the Township Committee to give its

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Reports by Township Boards and Commissions (Continued)

d) Presentation by Bobbie Marlow, Historic Preservation Commission on a Certified Local Government Designation (cont'd)

"blessing" for the Commission to apply for the designation as a Certified Local Government. Ms. Marlowe explained the designation will not cost the Township any money to acquire. Ms. Smeltzer offered she had explored with Mr. George Chidley from SHPO whether or not the Township would incur any future restrictions by becoming a Certified Local Government and he emphasized there are none. Ms. Diane Stasi, Vice Chairperson, Historic Preservation Commission, added to have the designation is not only for the Commission's benefit but also is a town-wide benefit. Should the Historic Society or the Township in the future apply for any funding for historic projects, the designation will be a great asset.

On motion by Mr. Wittman, seconded by Mr. Panconi and unanimously carried, the Township Committee approved the Historic Preservation Commission applying for the Certified Local Government designation.

Work Session

a. Discussion of Endorsement by the Township Committee of Application to Middlesex County by Kin & Shao Ling Lum for an Easement Purchase for 119 John White Road (49.271 acres), Block 22, Lot 10.

The Township Committee discussed and endorsed an application made by Kin & Shao Ling Lum to Middlesex County Agriculture Development Board for an Easement Purchase for the above-named property.

On motion by Mr. Panconi, seconded by Mr. Stannard and unanimously carried, the Township Committee endorsed the application made to Middlesex County by Kin & Shao Ling Lum for an easement purchase for 119 John White Road (49.271 acres), Block 22, Lot 10.

Public Comment

The Mayor opened the meeting to public questions and comments:

Mr. Dave Mauger, 26 Griggs Road, stated when he was researching previous COAH obligations for Cranbury and how the various plans had come about, he came across minutes from 2005. In the minutes Mayor Beauregard apologized for the perception that the 2005 COAH Sub-Certification Plan was "dropped on the community". Ms. Beauregard cited late-breaking COAH rule changes, the need for secret meetings and a looming end-of-year deadline as the reasons for limited public input and debate. Mr. Mauger stated he wanted to make sure that does not happen this time and offered his general recommendations in advance of the unveiling of the 2008 COAH plan, which is scheduled for mid-October and encouraged other Cranbury residents to do the same. Mr. Mauger suggested the Township, while preparing its 2008 COAH Plan:

- 1). Be consistent (so far CHA has done an excellent job with their small scale, high quality and owner/renter balance (recently changed to 100% rental).
- 2). Consider the Balance (consider the scale of affordable housing relative to the adjacent market-rate housing and as it would for a new development as 1/3 of the CHA development is North of the lake, 2/3 is South, which is commensurate with the number of homes in each area, however, 100% of the affordable housing in the North is rental, compared to 50% rental in the South). In addition, all CHA Developments are located within the Village area. Mr. Mauger suggested, due to the recent increased obligation, it may be time to consider alternative locations, such as East of Rt. 130 to prevent the density of affordable housing from overtaking the Village area.

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Public Comment (Continued)
Mr. Dave Mauger(cont'd)

- 3) Monitor Costs (even though difficult to manage and compare costs with so many issues moving so quickly, however, the Route 130 D site was 55% more expensive than originally expected and the site development costs are 40% higher per unit (not including the land acquisition costs) than the Old Cranbury Road Development). Mr. Mauger recommended the Township should acquire sites with low acquisition and preparation costs and stated rental management fees and expenses combine to equal 20% of rental revenues. Ownership units may have lower fees and generate immediate and significant revenue,
- 4). Security: Mr. Mauger urged the Township to be mindful of security issues when renting the affordable housing units.
- 5). Alternatives: Mr. Mauger reported he had recently attended the COAH Information Meeting in East Brunswick and COAH officials told the township planners in attendance to "be creative" in satisfying affordable housing obligations. Mr. Mauger offered the following suggestions: East of Route 130, in particular for seniors near Monroe Twp.; Cranbury Station for working families (given the projected completion of the MOM train line, as Governor Corzine has suggested, the Township may qualify for extra credit for proximity to public transit); West, near Plainsboro, for medical special needs housing near the new hospital and embrace our obligation as an opportunity to welcome physically disabled residents to our pedestrian Village, especially disabled veterans and their families and work with the military to address special housing needs of families that have lost loved ones serving their Country.

Mr. Mauger concluded by saying, he brought all of the information forward to bring up discussions and hopes that some of the ideas that are brought forward by the Community can help the Township to be as creative as possible in satisfying its affordable housing obligations.

Mr. Brent Barlow, 33 North Main Street, stated he has spoken to various members recently about a very potential toxic site near his property and adjoining the Town Hall, namely The Princeton Ballet building. Mr. Barlow asked the Township what kind of action is going to be taken to assure him and his wife that the site will be cleaned up. Mr. Barlow reported he remembered quite well the Maplewood Garage and the dumping of crude oil, gasoline and kerosene back in the 20's and 30's. Mr. Barlow stated toxic waste had been dumped on the property for 35-40 years. Mr. Barlow added that the Princeton Ballet has no idea what they are facing and what everyone is facing. Mr. Barlow also asked what assurance he has that follow-up is going to be done. Mr. Barlow stated for the ten (10) years the Ballet has been his neighbor, they have been the most "uncooperative" people that anyone would want next door. Mr. Barlow indicated the past two weeks they decided to tear all the gutters and downspouts off the building while awaiting the building of the cistern (dry well to absorb the water). Mr. Barlow, as a result, had 4 ½ inches of water which went into his basement. He added, he has no idea how much damage has been done to his home. Mr. Barlow requested that the Township Committee and Township Engineer work with him. Mayor Stout reported the Township did get in touch with the Ballet and sent them a letter and now the D.E.P. is involved and it may be appropriate to call the Ballet in to have an informal discussion with them. He asked that the Township Engineer contact him concerning the excessive water in his basement. Mr. Barlow reported his calls to the Director of the Ballet have gone unanswered until today and the only reason he called back was because he had left a message on Saturday evening about the water in his basement and how serious of a matter it is.

Mr. Schilling, 2 Holmes Road, stated on September 5, 2008, Governor Corzine signed an Executive Order concerning The Highlands area of the State, protecting it against affordable housing. In his Executive Order, the Governor has directed COAH to work with The Highlands to

Public Comment (Continued)

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Mr. Brian Schilling(cont'd)

ensure that nothing, not even affordable housing needs, impedes the protection of the pinelands and forests in the State. Mr. Schilling indicated as of April, 2007, Cranbury Township has preserved 2,126 acres of farmland. This figure is out of 170,000 acres Statewide. Most of Cranbury's preserved land was done through the Middlesex County Easement Program. Mr. Schilling stated right now the State Agriculture Development Commission encourages that farmland preservation be guided by the State and each County that has participated in the Program has been asked to develop a plan that outlines those areas. Cranbury has preserved over 51% of the preserved land in Middlesex County, showing the agriculture significance of the Township and its borders. The Township rates # 1 when you look at its agriculture base and the amount of preserved farmland. Mr. Schilling suggested that these facts be listed in the Township's criteria which will be submitted to COAH.

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

On motion by Mr. Stannard, seconded by Mr. Panconi and unanimously carried, the meeting adjourned at 9:07 p.m.

Kathleen R. Cunningham, Clerk