

TOWNSHIP COMMITTEE MEETING  
OCTOBER 13, 2008

The regular meeting of the Township Committee of the Township of Cranbury was held at 7:00 p.m. in the Cranbury School Cafeteria. Answering present to the roll call were: Township Committee members: Thomas F. Panconi, Jr., Richard Stannard, Pari Stave, Wayne Wittman and Mayor David J. Stout. Also present were: Trishka Waterbury, Esquire, Attorney, Cathleen Marcelli, Engineer, Mary Beth Lonergan, COAH Consultant, Mark Berkowsky, President, Cranbury Housing Associates, 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.

Township Committee Meeting Minutes for September 18, 2008

On motion by Ms. Stave, seconded by Mr. Stannard and unanimously carried, the Township Committee Meeting Minutes for September 18, 2008 were unanimously adopted (with Mr. Wittman abstaining).

Closed Session Township Committee Meeting Minutes for September 18, 2008

On motion by Ms. Stave, seconded by Mr. Stannard and unanimously carried (with Mr. Wittman abstaining) the Township Committee Closed Session Minutes for September 18, 2008 were adopted.

Regular Township Committee Meeting Minutes for September 22, 2008

On motion by Ms. Stave, seconded by Mr. Wittman and unanimously carried (with Messrs. Panconi and Stannard abstaining), the Regular Township Committee Meeting Minutes for September 22, 2008 were adopted.

Resolutions

Consent Agenda

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

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

Nays: (None

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Cranbury Township Resolution # R 10-08-173

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

Cranbury Township Resolution # R 10-08-174

A RESOLUTION APPROVING AN AMENDMENT TO THE PROFESSIONAL SERVICES  
AGREEMENT WITH RnD CONSULTING FOR COMPUTER SERVICES

WHEREAS, on October 22, 2007, the Township Committee of the Township of Cranbury adopted Resolution # 10-07-170 awarding a Professional Services Agreement to RnD Consulting, in the amount of \$ 5,000.00, which contract was for computer consulting; and

WHEREAS, in performing the work authorized in said Agreement, it was necessary for RnD to perform additional work on an ongoing basis; and

WHEREAS, it will cost an additional \$ 20,000.00 for RnD to perform this work; and

WHEREAS, the Chief Financial Officer has certified in writing that sufficient funds are available to fund an amendment to the Professional Services Agreement, in effect from October 23, 2007 through October 22, 2008;

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

1. Amendment to the Professional Services Agreement with RnD Consulting be and is hereby approved, thereby increasing the contract amount by \$ 20,000.00 for 2008. The new contract amount, including all amendments is \$ 25,000.00.
2. This Resolution, when counter-signed by an authorized representative of RnD Consulting shall serve as an amendment to said Agreement, in accordance with the terms hereof.

AGREED to this \_\_\_\_\_ of \_\_\_\_\_, 2008

RnD Consulting

\_\_\_\_\_  
Michael J. Bianco, Principal

Cranbury Township Resolution # R 10-08-175

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

A RESOLUTION AWARDING A PROFESSIONAL SERVICES AGREEMENT FOR COMPUTER  
CONSULTING SERVICES TO RnD

WHEREAS, there exists a need for computer consulting services in the Township of Cranbury (the "Township") in the County of Middlesex, State of New Jersey; and

WHEREAS, RnD Consulting Services submitted a proposal dated September 19, 2007 to perform those services; and

TOWNSHIP COMMITTEE MEETING  
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Cranbury Township Resolution # R 10-08-175  
(Continued)

WHEREAS, there still exists a need for said services for 2008 through 2009; and

WHEREAS, the Chief Financial Officer has certified funds will be available by virtue of the adoption of the 2009 Operating Budget; 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. RnD Consulting Services ("RnD") is hereby retained to provide computer consulting services to the Township for a one-year period, upon execution of said contract, from October 23, 2008 through October 22, 2009, in accordance with the above-cited September 19, 2007 proposal.
2. The Mayor and Township Clerk are hereby authorized and directed to execute a Professional Services Agreement with RnD 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 as required by law.

Cranbury Township Resolution # R 10-08-176

**RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE  
MUNICIPAL BUDGET OF THE TOWNSHIP OF CRANBURY PURSUANT TO N.J.S.A. 40A:4-  
87 (CHAPTER 159, P.L. 1948)**

WHEREAS, N.J.S.A. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount,

Section 1

NOW, THEREFORE, BE IT RESOLVED that the Township Committee hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2008 in the sum of \$4,166.45 which item is now available as a revenue from the State of New Jersey pursuant to the provision of statute, and

TOWNSHIP COMMITTEE MEETING  
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Cranbury Township Resolution # R 10-08-176  
(Continued)

Section 2

BE IT FURTHER RESOLVED that a like sum of \$4,166.45 is hereby appropriated under the caption Drunk Driving Grant FY 2007/2008.

Section 3

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

- (a) Director of the Division of Local Government Services
- (b) Township Auditor
- (c) Township Chief Financial Officer

Cranbury Township Resolution # R 10-08-177

A RESOLUTION APPROVING CHANGE ORDER NO. 1 TO CONTRACT NO. 36, A CONTRACT  
WITH DEFINO CONTRACTING COMPANY FOR THE WYNNEWOOD DRIVE AND  
WOODVIEW DRIVE ROADWAY IMPROVEMENTS

WHEREAS, on August 11, 2008, the Township Committee of the Township of Cranbury adopted Resolution # 08-08-155 awarding Contract No. 36 to DeFino Contracting Company ("Contractor") in the amount of \$ 215,295.00, which contract was for roadway improvements to Wynnewood Drive and Woodview Drive; and

WHEREAS, in performing the work authorized pursuant to Contract No. 36, it was discovered that a storm sewer inlet must be rebuilt due to missing block and mortar; and

WHEREAS, it will cost an additional \$750.00 for the Contractor to perform this work; and

WHEREAS, the Township Engineer has recommended that the Township Committee approve Change Order No. 1 to Contract No. 36 in the amount of \$750.00 to allow this work to be performed; and

WHEREAS, the Chief Financial Officer has certified in writing that sufficient funds are available to fund Change Order No. 1;

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

1. Change Order No. 1 to Contract No. 36 be and is hereby approved, thereby increasing the contract amount by \$750.00. The new contract amount, including all change orders is \$216,045.00.
2. This Resolution, when counter-signed by an authorized representative of DeFino Contracting Company shall serve as an amendment to Contract No. 36, in accordance with the terms hereof.

AGREED to this \_\_\_\_\_ of \_\_\_\_\_, 2008

DEFINO CONTRACTING COMPANY

\_\_\_\_\_



TOWNSHIP COMMITTEE MEETING  
OCTOBER 13, 2008

Cranbury Township Resolution # 10-08-178

RESOLUTION RESCINDING CHANGE ORDER NO. 1 FOR BABE RUTH BASEBALL FIELD

TOWNSHIP OF CRANBURY  
COUNTY OF MIDDLESEX

WHEREAS, on September 11, 2008, the Township Committee of the Township of Cranbury adopted Resolution # R 09-08-164 approving Change Order No. 1 to the Township's construction contract with Precise Construction, Inc; and

WHEREAS, said Change order was in the amount of \$19,270.00 and was to be used to relocate fencing around the Babe Ruth Baseball Field; and

WHEREAS, it has been determined that the work authorized by Change Order No. 1 is not needed at this time; and

WHEREAS, accordingly, the Township wishes to rescind its prior approval of Change Order No. 1; and

WHEREAS, Precise Construction has not yet performed any work pursuant to Change Order No. 1 and has not expended any monies or purchased supplies as a result of the Township's approval of Change Order No. 1, and therefore will not suffer any damages as a result of said rescission;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranbury that Cranbury Township Resolution # R 09-08-164 be and is hereby rescinded; and

BE IT FURTHER RESOLVED, that Change Order No. 1 to the contract entered into between the Township of Cranbury and Precise Construction, Inc. be and is hereby canceled; and

BE IT FURTHER RESOLVED, that the Township Clerk is hereby directed to send a certified copy of this Resolution to Precise Construction, Inc.

CERTIFICATION

I, Kathleen R. Cunningham, Clerk, hereby certify that this is a true copy of a resolution which was adopted by the Township Committee at a regular meeting held on October 13, 2008.

\_\_\_\_\_  
Kathleen R. Cunningham, Clerk

Cranbury Township Resolution # R 10-08-179

TOWNSHIP OF CRANBURY  
COUNTY OF MIDDLESEX

Resolution acknowledging acceptance of \$10,000 from the Municipal Excess Liability Joint Insurance Fund ("MEL")

WHEREAS, the Township of Cranbury is involved in litigation (O'Shea-McMurtrie v. Township of Cranbury, Docket No. MID-L-5156-08); and

WHEREAS, the Municipal Excess Liability Joint Insurance Fund (MEL) has indicated, per their letter dated September 29, 2008, they will "buy out" the case for \$10,000; and

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Cranbury Township Resolution # R 10-08-179  
(Continued)

WHEREAS, by acknowledging acceptance of said amount the Township agrees it will not seek any further monies from the Municipal Excess Liability Joint Insurance Fund (MEL);

NOW, THEREFORE BE IT RESOLVED, that the Township of Cranbury hereby acknowledges it will accept said amount of \$10,000 and authorizes the Mayor and Clerk to execute the "Release" on behalf of the Township.

Resolutions

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

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

Nays: (None

Cranbury Township Resolution # R 10-08-180

TOWNSHIP OF CRANBURY  
COUNTY OF MIDDLESEX

WHEREAS, the "Community Forestry Management Plan 2008-2013" is very extensive and contains a vast amount of information; and

WHEREAS, this plan outlines the Program's policies and procedures by which shade tree resources within the Township of Cranbury will be managed during the period 2008-December 2013;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranbury that the "Community Forestry Management Plan 2008-2013" be approved and adopted as the official plan for the management of Cranbury Township's shade tree resources;

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

- (a) Township Administrator
- (b) Cranbury Township Shade Tree Commission

Cranbury Township Resolution # R 10-08-181

A RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT WITH MIDDLESEX  
COUNTY FOR IMPROVEMENTS TO THE BRAINERD LAKE BRIDGE AND DAM SITE N.J.S.A.  
40A:65A-1 ET SEQ.

**Mr. Stannard requested the Resolution adopting the agreement with Middlesex County concerning the Brainerd Lake Dam Repair be tabled until such time the Township can gather more information and be better informed. Mr. Stannard also recommended the State Historic Preservation Office (SHPO) be involved in the process. The Resolution and Agreement were tabled.**

TOWNSHIP COMMITTEE MEETING  
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Reports from Township Staff and Professionals

a). Monthly Report from Police Chief Edward L. Kahler, III

Chief Kahler presented the Police Department's Report for the month of September, 2008: Total Summonses issued were 123. Of that total, 19 were for speeding and (eight) 8 were for cell phone violations. Expenditures for the month (highest to lowest) were Shift Coverage, School/Training and Investigations. The Police Department personnel received their mandatory firearms, "Use of Force and Pursuit Training" as well as mandatory training from the Middlesex County Prosecutor's Office. The Traffic Bureau reported the "Slow Down in Our Town Program" is off to a great start. The Detective Bureau has been exceptionally busy and Chief Kahler commended the Detective Bureau for doing a "great job". Chief Kahler reported the Police Department will be having a CERT Training Meeting on the 21<sup>st</sup> and the CERT web page is up and running. He also reported a \$500.00 donation from Pearson Education had been received and another \$500.00 donation from Volkswagen of America for defibrillator pads and batteries which will be kept in the police vehicles. Chief Kahler stated the Bicycle Patrol had been out on 11 occasions.

Work Session

a). Discussion of Draft Amended Third Round Affordable Housing Plan

Mayor Stout led the discussion, explaining many residents had attended a Special Township Committee meeting held on March 17, 2008 in the School and this meeting is a continuation of the discussions held at that meeting concerning COAHs Third Round Proposed Rules for the Township's affordable housing obligations. He stated, at that time, the Township committed to do three (3) things as a community: To comment on the COAH rules, agreed to examine all legal options available to the Township (the Township has now joined two (2) lawsuits—one with the New Jersey State League of Municipalities and the other with Clinton Township and other municipalities) and thirdly, draft a plan with Third Round compliance, however, the only certainty with COAH is uncertainty at this time. Mayor Stout indicated the Draft Plan is what will be discussed this evening and look for public feedback. First, the Township Attorney, Trishka Waterbury, Esquire, will lay out a timeline. After Ms. Waterbury is done, Mary Beth Lonergan, the Township's COAH Consultant, will explain the Draft Plan in detail and then the public will be able to comment:

Ms. Waterbury, Township Attorney, explained procedurally where the Township is in the COAH process and the timeline. She stated the one thing that has remained relatively constant throughout the rule changes that have taken place over the past few months is the Township has to submit its Third Round Plan by December 31, 2008. She added, the Plan needs to be filed by this date to be protected from a "Builder's Remedy Lawsuit".

Ms. Waterbury stated there have been many meetings of the Township's COAH subcommittee and the Township Committee has also in Closed Sessions discussed various compliance aspects and strategic issues that relate to that compliance. Mary Beth Lonergan, the Township's COAH Consultant, is now in a position to outline what the Township intends to submit by the end of the year. Formerly what will happen next is the Planning Board (before the Township Committee takes action) has to adopt an amended affordable housing plan element and fair share plan. This plan is actually part of the Township's Master Plan. The Planning Board will amend, by resolution, that portion of the Master Plan. Once the Planning Board adopts the affordable housing plan, that plan will be sent to the Township Committee, who has to decide whether or not to endorse it. If the Township Committee endorses the Plan, they have to then decide whether or not to petition COAH for substantive certification. Ms. Waterbury reported the Plan will be submitted to the Planning Board by November 20, 2008 for its review and adoption. The Planning Board is required to hold a public hearing in respect to the Plan. Notices will be provided that the Plan will be on file ten (10) days before the public hearing. It will then be sent back to the Township Committee and the projected date is December 8, 2008 for potential endorsement and then submission to COAH no later than December 31, 2008.

TOWNSHIP COMMITTEE MEETING  
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Work Session

- a). Discussion of Draft Amended Third Round Affordable Housing Plan (Continued)  
Mary Beth Lonergan, COAH Consultant (cont'd)

Mary Beth Lonergan, the Township's COAH Consultant, reported there will be an informal presentation Thursday, October 16, 2008, to the Planning Board to bring it "up to speed" on the Township's proposed plan. She reported COAH has come up with a brand new affordable housing methodology for its Third Round Plan. What is different is the "Growth Share"; as a municipality grows, either residentially or non-residentially, affordable housing must be provided. COAH had projected initially that approximately 115,000 affordable units will be provided by municipalities throughout the State.

***PLEASE SEE ATTACHED PAGES 8A and 8B for the "Outline of Proposed Affordable Housing Plan Amendment":***

Ms. Lonergan further explained that the Township, after receiving its certification from COAH, must monitor growth (by tracking the number of Certificate of Occupancies issued) for two (2) years following the certification (2011 would be the earliest the Township would be monitoring). Mr. Stannard asked the actual number of units that would need to be built. Ms. Lonergan responded 175.

Mayor Stout opened the Public Comment portion of the meeting:

Mr. Mike Dulin, Wynnewood Drive, asked if the 269 number is based on projections, if the Township's growth is less would the number then be less. Ms. Lonergan responded every municipality must plan for its projected number as a requirement of COAH and must have a viable plan in place. Mr. Dulin asked how the phases work. Ms. Lonergan responded every two (2) years the municipality must monitor the previous two (2) year period. She added the Township has had significant known growth either through Temporary Certificates of Occupancy or Certificates of Occupancy.

Mr. Brian Schilling, 2 Holmes Road, asked how the 3,581 figure for projected jobs determined by COAH, which has been challenged, reconciles with what the Township has investigated. Ms. Lonergan responded that the study is still ongoing. Ms. Lonergan stated within the past few weeks, COAH announced it will be looking at any non-essential job growth, not necessarily just warehouses. Mayor Stout stated the Township is looking at the best ways to buffer whatever COAH should decide.

Mr. David Cook, North Main Street, asked if the Township actually needs to build-out any units. Ms. Lonergan responded it would be best to build out the Route 130-D site, once COAH decides. Ms. Waterbury, Township Attorney said the landscape is changing weekly and there are no specifics to offer other than currently, per COAH, you must plan for 269 units. How many units actually need to be filled is anybody's guess. Conservatively, having a concrete number is most likely three (3) years out. On December 31, 2008 the Township must submit a plan to COAH that addresses how it will provide 269 affordable units between now and 2018. Mr. Cook then asked if the warehousing formula is still "fluid". Mayor Stout and Ms. Waterbury acknowledged that it is and Mayor Stout stated there are at least five (5) major lawsuits that will be heard this year as well as rumors that there may be legislation introduced. Both of those aspects still could come to fruition within the next two (2) years.

Mr. Andre Moutenot, Wynnewood Drive, asked under the original COAH Third Round number of 160 affordable units, can the Township even fund this debt and how much will

**Outline of Proposed Affordable Housing Plan Amendment**  
**Cranbury Township, Middlesex County**  
 October 13, 2008  
*Prepared by Clarke Caton Hintz*

**Cranbury's Revised Third Round Affordable Housing Obligation**  
*pursuant to COAH's Rules - adopted September 22, 2008*

- Third Round Rehabilitation Share = 6
- Prior Round Obligation = 217
- Third Round Projected Growth Share = 269

$$\begin{array}{rcl} 224 \text{ housing units} \div 5 & = & 44.8 \\ 3,581 \text{ jobs} \div 16 & = & 223.8 \\ & & 269, \text{ rounded up} \end{array}$$

Rehabilitation Share = 6

Participate in the Middlesex County rehabilitation program.

Prior Round Obligation = 217

Addressed COAH's prior round requirements for minimum affordable rentals, maximum affordable senior units and maximum RCAs through existing and proposed credits/ bonuses shown below:

$$\begin{array}{ll} \text{Min. rental units} = & .25(\text{prior round obligation}) \\ & .25(217) = 55, \text{ rounded up} \\ \\ \text{Max. senior units} = & .25(\text{prior round obligation} + \text{rehab share} - \text{transferred RCAs}) \\ & .25(217 + 6 - 110) = 28, \text{ rounded down} \\ \\ \text{Max. RCA transfer} = & .50(\text{prior round obligation} + \text{rehab share}) \\ & .50(217 + 6) = 111, \text{ rounded down} \end{array}$$

<b>Cranbury's Prior Round Compliance Mechanisms</b>	<b>2008 Proposed Plan (prior round = 217)</b>
➤ RCAs (Perth Amboy, Carteret-rentals)	110
➤ Family affordable rentals	26
1.0 rental bonus	26
➤ Senior affordable rentals	20
0.33 rental bonus	7
➤ Family affordable sales	30
➤ Existing group home (bedrooms) - <i>New</i>	6
1.0 rental bonus	6
➤ Substantial compliance bonuses (prior round)	13
<b>TOTAL</b>	<b>244</b>
<b>Surplus</b>	<b>27</b>

*Outline of Proposed Affordable Housing Plan Amendment  
Cranbury Township, Middlesex County  
October 13, 2008  
Prepared by Clarke Caton Hintz*

Third Round Growth Share = 269

Address COAH's third round growth share requirements for minimum affordable rentals, maximum affordable senior units and maximum bonuses:

Min. rental units =  $.25(269) = 68$ , rounded up

Max. senior units =  $.25(269) = 67$ , rounded down

Max. bonus cap =  $.25(269) = 67$ , rounded down

<b>Proposed Third Round Compliance Mechanisms*</b>	<b>COAH Projected Growth Share Obligation = 269</b>
➤ Prior round surplus	27
➤ Family affordable rental sites: - Old Cranbury Road - Route 130D site - <i>Future site (to be determined)</i>	20 29 - 48 35 - 54
➤ Senior affordable rental site: - <i>Future site (to be determined)</i>	67
➤ Existing group home (bedrooms)	5
➤ Third round bonuses (capped): - <i>Third round compliance bonuses for Old Cranbury Road</i> - Rental bonuses for Route 130D site and future family rental site	20 47
<b>TOTAL</b>	<b>269</b>

\* Affordable housing compliance mechanisms new to the Township's proposed 2008 plan amendment are listed in *italics*.

TOWNSHIP COMMITTEE MEETING  
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Work Session

- a). Discussion of Draft Amended Third Round Affordable Housing Plan (Continued)  
Public Comment (cont'd)  
Mr. Andre Moutenot (cont'd)

it cost the taxpayers? Mayor Stout responded the Township had projected a lot of money to build the units and the Township cannot fund such a number.

Mr. Brian Deverin, Cranbury Neck Road, asked for clarification that the RCAs are no longer available. Mayor Stout acknowledged that is correct. Mr. Deverin asked the reason the Township is involved in the two (2) lawsuits and what will be the Township's advantage. Ms. Waterbury, Township Attorney, stated the one (1) lawsuit is with the League of Municipalities (consisting of several municipalities) that the Township has contributed towards funding. The League of Municipalities has retained attorneys and consultants who are going through everything with a "fine tooth comb" in researching the issue. The resources to challenge COAH through this lawsuit would cost a municipality a lot of money, however, by joining in this lawsuit it was a minimal amount (\$500). Mr. Deverin asked what the lawsuit would achieve. Ms. Waterbury explained, hopefully the current Third Round Rules would get thrown out, however, it is very uncertain what type of rules would replace the current ones. Mr. Deverin asked if there is a chance that the RCAs would be re-instituted. Ms. Waterbury explained that the RCAs were taken out via legislation and would most likely not re-appear. Mr. Deverin asked if the Township could opt out of COAH. Ms. Waterbury responded they can, however it would leave the Township with two (2) options: one is to go to Superior Court and place the Township under the jurisdiction of the Judge. At this stage of the game there is not much of an advantage to doing that as most likely the Judge would tend to look at the current COAH rules and ask the Township to go through the same exercise as it is going through with COAH presently. The second option would be to withdraw from COAH and not go to court. For a Township like Cranbury this is a very risky and costly thing to do as you then become very vulnerable to being sued due to the Township not fulfilling its affordable housing obligations. Fundamentally, the obligation to provide affordable housing is a constitutional obligation, and if that should be the case, the Court and a builder get together and come up with what is known as a "Builder's Remedy" ordering a municipality to have affordable units built (the number of units would be determined by them). Ms. Waterbury stated, in her opinion, it is too risky for the Township not to be under COAH at this time. She added the League of Municipalities is very aware of the financial impact these rules would have on municipalities. In addition to the lawsuit, the League is working on trying to effect legislative and regulatory changes as well.

Mr. Dave Mauger, 26 Griggs Road, stated his neighbors in Cranbury Estates and Cranbury Walk have been coming to both Planning Board and Township Committee meetings and he requested that the Township slow down and take the time to give additional consideration to what will be developed at the Route 130-D site to make sure that it is consistent with the scale and the quality of the work that has been done elsewhere by Cranbury Housing Associates. Mr. Mauger thanked everyone for listening to various residents and their concerns and stated he had a few questions: His figures indicate the Township is responsible for about 90 units so far and has 67 credits; making 23 units the number to be built. It also appears the Township has about two (2) years to build something at the Route 130-D site before COAH would come back and say that the Township was not meeting its guidelines. He asked if this is correct. Mayor Stout responded that is one way to look at it. Mr. Mauger asked about the 47 bonus credits for rentals and if it is necessary to build everything as rentals to arrive at the credit. Ms. Lonergan explained the first factor is that the Township has to build a substantial number of family rental units above the 68 to get to the other numbers. The other important factor is that there is Federal and State affordable housing subsidies available only for rental housing. If the Township has any hopes of reducing the multi-million dollar burden



TOWNSHIP COMMITTEE MEETING  
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Work Session

- a). Discussion of Draft Amended Third Round Affordable Housing Plan (Continued)  
Public Comment (cont'd)  
Mr. Dave Mauger(cont'd)

potentially on its taxpayers, it will be going for subsidies that are only available for senior rental housing. She added it is safe to say that the future site for the family-rental units needs to be rental. The Township should apply for subsidies for all of it. Mr. Mauger asked if the Township acquired a potential warehouse site for future use for its affordable housing, would the acquisition then reduce the number of affordable units because a warehouse could not be built there. Ms. Stave responded that is true, however, that land is so valuable it is less expensive to build the units as planned. Mayor Stout reminded everyone the Township has researched all options.

A resident from 19 Ryan Road asked once the "moving target" stops, what is the process for what will be built in the Township and will there be a public process for input. Ms. Lonergan responded unfortunately it does not stop as every two (2) years the Township will have to add up how much growth has occurred and how many affordable units it has under construction. She stated, as the Mayor had stated, this is going to be an ongoing process of analyzing growth and COAH's regulations. The trigger ultimate number will not stop; it will be re-evaluated every two (2) years. Mayor Stout responded the process is a site planning process before the affordable units are built and there is plenty of opportunity for public comment (as it will go before the Township's Planning Board).

Dan Mulligan, Old Cranbury Road, asked what will happen if the Township's plan is not accepted. Ms. Lonergan responded, if COAH has any problems with the Township's Certification application, they will write a report and give the Township adequate time to respond to its recommendations.

Mayor Stout thanked everyone for coming out and giving their remarks. There being no further comments, the Mayor closed the public part of the meeting.

Ms. Smeltzer, Township Administrator, announced if anyone that lives on Plainsboro Road is interested in getting a quote from New Jersey American Water Company to hook up to the new water line, she has the forms available this evening and in addition they can be obtained at Town Hall.

On motion by Mr. Stannard, seconded by Mr. Wittman and unanimously carried, the meeting adjourned at 9:02 p.m.

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Kathleen R. Cunningham, Clerk