

TOWNSHIP COMMITTEE MEETING
November 24, 2008

The regular meeting of the Township Committee of the Township of Cranbury was held at 7:30 p.m. in the Town Hall Meeting Room. Answering present to the roll call were: Township Committee members: Thomas F. Panconi, Jr., Richard Stannard, Pari Stave and Mayor David Stout. Mr. Wittman was absent. Also present was: Trishka Waterbury, Esquire, Attorney, 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.

Reports and Communications

--Mayor

Mayor Stout congratulated the Shade Tree Commission and Linda Scott, who applied grant funds to develop a Community Forestry Plan for the Township. He noted that recently, the Township submitted a five-year Plan and it has now been approved by the State.

Mayor Stout reported on November 14, 2008 the Township had received a letter from the Department of Transportation informing the Township of funding, in the amount of \$250,000 for the Fiscal Year 2009. The monies will be used for "Griggs Tract" improvements.

Mayor Stout also reported the Township received a letter on November 17, 2008 from the Middlesex County Agriculture Board granting preliminary approval of the easement purchase of the 49 acre Lum Farm on John White Road. This continues the Township's history of farmland preservation.

--Members of Committee

Mr. Panconi reported there had been an article in the Star Ledger recently concerning Senator Lesniak and the affordable housing issue. Mr. Panconi referenced Senator Lesniak previously introduced legislation amending some of the affordable housing laws. One of the bills sponsored by Senator Lesniak had been to have developers pay a 2.5% fee for their contribution towards affordable housing and the article stated now Senator Lesniak is stating that 2.5% fee will not be enough. He is now urging the Legislature to find additional financing to invest in affordable housing.

Agenda Additions/Changes

There were no agenda additions or changes.

Resolutions

Consent Agenda

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

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Ayes: (Panconi
(Stannard
(Stave
(Stout

Abstain: (None
Absent: (Wittman

Nays: (None

Cranbury Township Resolution # R 11-08-191

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 11-08-194

RESOLUTION OF THE TOWNSHIP OF CRANBURY, NJ

A RESOLUTION AUTHORIZING YEAR 2008 BUDGET TRANSFERS.

WHEREAS, there are 2008 Budget Accounts which require more funding due to circumstances not known at the beginning of the year; and

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

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Cranbury, that the following year 2008 Budget Transfers be authorized and made on the records and accounts of the Township:

	<u>Budget Account</u>	<u>From</u>	<u>To</u>
8-01-20-155-310	Legal OE	\$29,872.70	
8-01-20-151-025	Tax Map OE		\$8,000.00
8-01-36-477-025	Defined Contribution Retirement Plan OE		\$1,472.70
8-01-27-335-011	Environmental Commission S&W		\$200.00
8-01-22-205-011	HPC S&W		\$200.00
8-01-20-165-025	Engineering OE		\$20,000.00

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

- (a) Township Auditor
- (b) Township Chief Financial Officer
- (c) Township Administrator

TOWNSHIP OF CRANBURY
COUNTY OF MIDDLESEX

Cranbury Township Resolution # R 11-08-195

Resolution Supporting the "Over the Limit under Arrest 2008 Year End Crackdown"

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Cranbury Township Resolution # R 11-08-195
(Continued)

WHEREAS, impaired drivers on our nation's roads kill someone every 30 minutes, 50 people per day, and almost 18,000 each year; and

WHEREAS, 28% of motor vehicle fatalities in New Jersey are alcohol-related; and

WHEREAS, an enforcement crackdown is planned to combat impaired driving; and

WHEREAS, the season at the end of the year is traditionally a time of social gatherings which often include alcohol; and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the State to participate in the "Over the Limit under Arrest 2008 Year end Crackdown; and

WHEREAS, the project will involve increased impaired driving enforcement from December 8, 2008 through January 2, 2009; and

WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways;

NOW, THEREFORE BE IT RESOLVED, that Cranbury Township declares its support for the "Over the Limit under Arrest 2008 Year End Crackdown from December 8, 2008 through January 2, 2009 and pledges to increase awareness of the dangers of drinking and driving.

Cranbury Township Resolution # R 11-08-197

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 \$5,000.00 which item is now available as a revenue from Middlesex County pursuant to the provision of statute, and

Section 2

BE IT FURTHER RESOLVED that a like sum of \$5,000.00 is hereby appropriated under the caption Recycling Enhancement Grant.

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Cranbury Township Resolution # R 11-08-197
(Continued)

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

Ms. Pamela C. Zipse, Cowie & Associates, explained the grant application for the "New Jersey Community Stewardship Incentive Program" for tree inventory and assessment. Ms. Zipse stated if the Township is awarded the Grant, there would be an update of existing inventory in the Village area and Township Parks and other sections that were not included in previous inventory. Species would be collected and various trees would be tagged. The Grant is available through the State Forest Service and Ms. Zipse encouraged the Township to apply for it. Mayor Stout asked the maximum amount of the grant and Ms. Zipse indicated it would be up to \$25,000. The Township would have to contribute 25% of whatever amount would be awarded however, that amount is allowed to be in-kind services. She stated the grant will be awarded sometime in January.

Resolution

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

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

Reports from Township Staff and Professionals

Ms. Smeltzer, Township Administrator, reported the Township presently has an Agreement with Monroe Township Utilities Authority for sewer service. Monroe Township is taking steps to abolish the Authority and make it part of the Township. Ms. Smeltzer indicated she had spoken with the Business Administrator, Mr. Hamilton, and he has assured her that any Agreements which have been in place will still be honored.

Note: Award of Quote-Proposal Number A --Integrated Systems, for the amount of \$ 8,684.00. Ms. Smeltzer, Township Administrator reported the Police Chief had obtained three (3) quotes for a card access system which presently exists at the new Police Station. The lowest bidder of the three (3) was the current vendor, Integrated Systems. Mayor Stout added the range of the quotes was from \$ 8,684.00 to \$11,396.00. Ms. Stave asked in what way was the card system more efficient for the police. Ms. Smeltzer responded it is the original card system that was installed when the police building was built and its primary uses is for security.

Ms. Waterbury, Esquire, Township Attorney, reported there has been a small adjustment to the timeline for the Township's Fair Share Housing COAH Plan. She explained due to revisions made by the Planning Board at its November 20, 2008 meeting, the Planning Board will be holding another public meeting on the Plan on

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Reports from Township Staff and Professionals (Continued)
Ms. Waterbury, Esquire, Township Attorney(cont'd)

December 11, 2008. The revised Plan will be posted on the Township's web site. The endorsement of the Plan by the Township Committee will be on the agenda at the Committee's December 22, 2008 meeting instead of December 8, 2008. This is still within the deadline to file the Plan with COAH by December 31, 2008.

Ms. Waterbury, also reported in December she will be preparing for introduction and adoption ordinances. She stated the ordinances are "housekeeping ordinances"—an ordinance for the West Property, dedication for the Liedtke Drive parcel from Sharbell Developers to the Township and an ordinance, requested by the C.F.O. to change sewer charges.

Reports from Township Boards and Commissions

Ms. Kirstie Venanzi, President of the Library Board of Trustees, reported that they are working with the Cranbury School Board to fulfill their "distinct and separate missions" to the Town. She stated the meetings are ongoing; however, since the Library is a shared-facility library in the Cranbury School, the Public Library hours have to be coordinated with the School schedule. Increased public use of the Library requires planning for the future. Ms. Venanzi requested that the Township's Master Plan reflect this need. She referenced the Township's Proposed Open Space-Recreation Master Plan, specifically on page 28: "The plans for moving the Library to a standalone building is, however, not projected to occur in the foreseeable future."

Ms. Venanzi requested, on behalf of the Library Board of Trustees, this be amended to read: "The plans for moving the Library to a standalone building are dependant on project feasibility reports including financial projection, Cranbury Public Library Board of Trustees' findings, and the Township Committee approval" or similar language.

Ms. Venanzi reported the meetings with the School are going well. However, the discussions have highlighted the fact that while a good temporary fix will be found, the Public Library needs to look for a long-term solution.

Mayor Stout requested a letter be sent to the Planning Board Chairman as the document referenced is controlled by the Planning Board.

Public Comment

The Mayor opened the meeting to public questions and comments on those items not on the agenda.

Mr. Charles Smith, President of the Cranbury Fire Company and member of the First Aid Squad, Derek Moody, President of the First Aid Squad, and Mike Kervan, Training Officer, spoke concerning the lack recently of Cranbury Township employees not answering calls that come in. They requested the Township make it a priority for the employees to answer the calls as both are short members during the day and it does present a problem. Mayor Stout responded the Township would address the issue with them.

Mr. Bill Bauder, 57 Petty Road, stated he had originally come before the Township Committee to request assistance regarding compliance with a variance that had been granted for a parcel in Cranbury. Conditions of approval for the variance required restoration of a conservation easement which has not been fulfilled as well as buffering for adjoining properties. The variance had been approved the previous year. Mr. Bauder explained he was unable to get much information as a "tracking system" does not exist to follow up on items being done or not done under the "conditions of approval" as part of the variance. Mr. Bauder reported he had come

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Public Comment (Continued)
Mr. Bill Bauder (cont'd)

before the Township Committee in June of this year, after going to the Zoning Board Office and not being able to gather any information. At that time he was assured there would be some sort of a system put in place to monitor Zoning Board conditions of approval. On September 30, 2008 Mr. Bauder came back to the Township after not receiving any feedback and was again unable to find out any information. He was referred to the Township Administrator who requested he put his request in writing and he did so. On October 15, 2008 Mr. Bauder asked for some follow-up to get some feedback. Mr. Bauder requested guidance to get some compliance concerning the variance conditions of approval. Mayor Stout responded the Township Committee is responsible for releasing performance and maintenance bonds in reference to the Planning Board. Mr. Bauder added, that requirement does not exist with the Zoning Board; however, permits have since been issued for work being done on the property. Ms. Waterbury, Township Attorney, explained it is the job of the Township's Zoning Officer to make sure the conditions of approval for a variance granted are met. She stated she will be happy to look at it and get back to the Township Committee as she does not have the file in front of her. Mr. Bauder stated since May 2, 2007 (the date of the Zoning Board Resolution granting the variance) the conditions of approval still have not been done. Ms. Smeltzer, Township Administrator, recommended she, Mr. Graydon, Zoning Officer and Mr. Bauder meet on the issue. Mr. Bauder reported he had spoken with Mr. Dale Smith, Zoning Chairman, who indicated it was his belief that compliance schedules cannot be placed on conditions of approval and Mr. Bauder asked for clarification. Ms. Waterbury indicated she will check with the Zoning Board Attorney and get a determination from him. Once information is gathered Ms. Smeltzer will get back to Mr. Bauder.

Mr. Dave Mauger, 26 Griggs Road, stated when he had attended the Planning Board Meeting on November 20, 2008, they indicated they were seeking guidance on the final version of the Township's Fair Share Housing COAH Third Round Plan from the Township Committee. Mr. Mauger stated he was speaking on behalf of the residents who had signed the petition in Cranbury Estates, requesting that the Township keep the development of the Route 130-D site consistent with the other affordable housing sites within the Township that Cranbury Housing Associates has built. Mr. Mauger reported the neighbors are "amenable" to 29 units being built at the Route 130-D site. Currently the range the Township has in the Plan is 29-48 units. Mr. Mauger presented a chart indicating what has been built at the other affordable housing sites within the Township. He stated his concern is that there is not enough flexibility being built into the Plan at the bottom of the range. He also reported the issue that had come up at the Planning Board had been that the size of the site would be addressed during the site planning process. Mr. Mauger stated if the site planning process would allow the number to be below 29, the Plan would have to be re-written and re-submitted and would be inefficient. Mr. Mauger recommended the numbers be re-written now rather than have to be re-written later. Mr. Mauger reported the smallest C.H.A. unit has 16 units and the largest 24 units. The Route 130-D site would be 11% larger. Mayor Stout thanked Mr. Mauger for the amount of work he has done on researching the issue and assured him it will not be forgotten and thanked him for producing a lot of work that will be helpful during the site plan process. He explained right now the Township is trying to meet the required deadline of submission of its Fair Share Housing Plan and he is confident that the Township will meet the compliance number of 269 units. He further stated the Township has the range for flexibility which at the same time provides the Township with a mechanism for compliance. Mayor Stout added no one has any idea what will happen after January 1, 2009.

Mr. Mark Berkowsky, Cranbury Housing Associates, stated C.H.A. had prepared a plan with the 29-48 range. Because of the COAH rules changing, the Plan has changed drastically with a higher number of units required. Mr. Berkowsky reported the Route 130-D site is a large site and it would be fiscally irresponsible not to maximize the site with the proper number of units. This particular site was the most expensive site for affordable housing, costing the Township a million dollars. Most of the other sites were given to the Township by developers during negotiations. Mr. Berkowsky reported at every site that C.H.A. has developed the neighbors have come out

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Public Comment (Continued)
Mark Berkowsky, C.H.A. (cont'd)

during the planning process and stated the site would be too dense. Since every site has been developed and occupied, there has not been one complaint about density, lighting or traffic. Mr. Berkowsky requested the Township Committee in January look very closely at the actual number of units they will be asking C.H.A. to develop.

Mr. Josh Kohut, 19 Ryan Road, stated the issue is important to him as he lives 200 feet from the Route 130-D site and thanked Mr. Mauger for all of the work he has been doing. Mr. Kohut stated his concern with the number of proposed units for the site is that the consistency is kept the same as the other affordable housing sites in the Township.

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

On motion by Ms. Stave, seconded by Mr. Stannard and unanimously carried, the meeting adjourned at 8:40 p.m.

Kathleen R. Cunningham, Clerk