

TOWNSHIP COMMITTEE MEETING
December 8, 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, Wayne Wittman and Mayor David J. Stout. Also present was: Township Committeeman-elect Winthrop Cody, Trishka Waterbury, Esquire, Attorney, Cathleen Marcelli, Engineer, Christine Smeltzer, Administrator and Kathleen R. Cunningham, Clerk. Mayor Stout led in the salute to the flag and Ms. Cunningham gave the following Open Public Meetings Act statement:

In accordance with Section 5 of the Open Public Meetings Act, it is hereby announced and shall be entered into the minutes of this meeting that adequate notice of this meeting has been provided:

- (1) Posted on December 3, 2007 on the Bulletin Board of the Municipal Office at 23-A North Main Street, Cranbury, New Jersey and remains posted at that location.
- (2) Communicated to the Cranbury Press, Home News Tribune and Trenton Times on December 3, 2007.
- (3) Was filed on December 3, 2007 at the Cranbury Municipal Office, 23-A North Main Street, Cranbury, New Jersey, posted on the Township's web site and remains on file for public inspection, and
- (4) Sent to those individuals who have requested personal notice.

Township Committee Minutes for November 10, 2008

On motion by Ms. Stave, seconded by Mr. Stannard and unanimously carried, the Township Committee Minutes for November 10, 2008 were adopted.

Township Committee Minutes for November 24, 2008

On motion by Ms. Stave, seconded by Mr. Stannard and unanimously carried (with Mr. Wittman abstaining), the Township Committee Minutes for November 24, 2008 were adopted.

Reports and Communications

--Mayor

Mayor Stout asked for a Moment of Silence for Freeholder Director David Crabel who passed away on December 1, 2008.

Mayor Stout reminded everyone that the weather is turning colder and residents are using their heat more. He urged residents, if they do not have one installed, to get a carbon monoxide detector or have their furnace checked out.

--Members of Committee

Mr. Panconi reported he had his monthly meeting with the Fire Company for the month of November, 2008. During the month there were ten (10) calls—from 6:00 a.m. – 6:00 p.m. Of those calls, three (3) were false alarms and two (2) of the false alarms were caused by contractors. Mr. Panconi stated the contractors should be following the requirement to call in whenever they are doing work and asked that the Fire Official check into this. Mr. Stannard asked if the Township has fined anyone and Mayor Stout asked the Township Attorney to look into making the present Ordinance "tougher".

Agenda Additions/Changes

There were no changes.

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Ordinances
First Reading

Cranbury Township Ordinance # 12-08-20

An Ordinance entitled, "Cranbury Township Ordinance # 12-08-20, AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AMENDING CHAPTER 124, "SEWERS," OF THE CODE OF THE TOWNSHIP OF CRANBURY TO REVISE THE DATES UPON WHICH QUARTERLY SEWER USAGE RATES AND SERVICE CHARGES ARE DUE AND PAYABLE", was introduced for first reading. On motion by Ms. Stave, seconded by Mr. Stannard, the Ordinance was passed on first reading by vote:

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

Nays: (None

Public Hearing: December 22, 2008

AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AMENDING CHAPTER 124, "SEWERS," OF THE CODE OF THE TOWNSHIP OF CRANBURY TO REVISE THE DATES UPON WHICH QUARTERLY SEWER USAGE RATES AND SERVICE CHARGES ARE DUE AND PAYABLE

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

1. Section 124-30.A, under "Manner of billing; time limit for payment; payment location" of Chapter 124, entitled "Sewers," of the Code of the Township of Cranbury is hereby amended to read as follows (additions are underlined; deletions are in [brackets]):
 - A. All quarterly rates and service charges by the Township shall be billed for the calendar quarter. The said rates and service charges shall be due and payable quarterly on [January 1] February 1, [April] May 1, [July] August 1, and [October] November 1. The base quarterly service charges shall be payable in advance. That amount of the quarterly service charge based on consumption shall be based on the previous quarters' actual or estimated sewer related water consumption.
2. This Ordinance will take effect upon final adoption and publication, as provided for by law.

Ordinance
First Reading

Cranbury Township Ordinance # 12-08-21

An Ordinance entitled, "Cranbury Township Ordinance # 12-08-21, AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, REPEALING ORDINANCE # 08-08-19; AUTHORIZING THE CONVEYANCE OF A PORTION OF THE WEST PROPERTY (BLOCK 23, LOT 70.02) TO THE CRANBURY TOWNSHIP BOARD OF EDUCATION; AND LIMITING THE USE OF THE REMAINDER OF THE PROPERTY TO ACTIVE AND PASSIVE RECREATION AND CONSERVATION PURPOSES ONLY", was

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Cranbury Township Ordinance # 12-08-21
(Continued)

introduced for first reading. On motion by Ms. Stave, seconded by Mr. Stannard, the Ordinance was passed on first reading by vote:

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

Nays: (None

Public Hearing: December 22, 2008

NOTE: AS THIS ORDINANCE, CRANBURY TOWNSHIP ORDINANCE # 12-08-21, HAS ATTACHMENTS WHICH CANNOT BE DOWNLOADED INTO THE MINUTE DOCUMENT, THE TEXT OF THIS ORDINANCE APPEARS AS AN ATTACHMENT AT THE END OF THE MINUTES.

Ordinances
First Reading

Cranbury Township Ordinance # 12-08-22

An Ordinance entitled, "Cranbury Township Ordinance # 12-08-22, AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AMENDING CHAPTER 93, "HISTORIC PRESERVATION," AND CHAPTER 150, "LAND DEVELOPMENT," OF THE CODE OF THE TOWNSHIP OF CRANBURY", was introduced for first reading. The Township Attorney explained the purpose of the Ordinance is to amend the definition of the Historic "buffer area" that is contained in the present Historic Preservation Ordinance which is Chapter 93 in the Township Code and what triggered this new amendment was an issue that arose before the Historic Preservation Commission. In reviewing the Historic Preservation buffer zone, it was determined that the area is somewhat ambiguous in that it was unclear (the way the present definition is written) if any property that is within 200 feet of the boundary of the Historic District or within 200 feet of the Historic landmark or site, considered to be in the historic buffer area. The ambiguity is if the entire property or just a portion of the property that is located within the 200 feet. Bobbie Marlowe, Chairperson of the Historic Preservation Commission, indicated the way the Commission has interpreted and understood it has been that the entire property located within the 200 feet is considered to be in the buffer area. Once that is tightened up by the Ordinance, a requirement that a notice will have to be sent to everyone within 200 feet of a landmark or designation and amending definitions of historic landmarks and historic sites that are in the in the Land Use Ordinance, to make sure they are consistent with what is in the Historic Preservation Ordinance. Mr. Wittman asked if there was any provision for an applicant to obtain relief if they bought their house when it was not considered in the Historic District. Ms. Waterbury explained, once the Ordinance goes into effect, it will apply to anyone that is in the process. A "grandfathering" provision could be written into the Ordinance and the changes would not go into effect until a later date to cover those applicants who have applications pending. Ms. Waterbury added, if a resident's home is in the buffer area the restrictions are not the same as those if the home is in the historic district—there is a much lesser standard of review. Mayor Stout stated the intent of the original Ordinance, while it was ambiguous, was clear; it was to create a buffer zone consistent with Municipal Land Use Law. Mayor Stout asked for clarification with the specific home that is in question—whether or not it is

TOWNSHIP COMMITTEE MEETING
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Cranbury Township Ordinance # 12-08-22
(Continued)

in the buffer zone. Mr. Wittman responded that a corner of the house is in the buffer zone. Mayor Stout then asked if the Commission was misapplying standards. Ms. Waterbury indicated if that is the case, the avenue would then be for the applicant to appeal to the Zoning Board of Adjustment. The Township Committee unanimously agreed to table the Ordinance until it has time to review everything with the Historic Preservation Commission and get clarification on several items. The Ordinance was tabled until next year.

Ordinance
First Reading

Cranbury Township Ordinance # 12-08-23

An Ordinance entitled, "Cranbury Township Ordinance # 12-08-23, AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AMENDING CHAPTER 150, "LAND DEVELOPMENT," OF THE CODE OF THE TOWNSHIP OF CRANBURY, CONCERNING COMMERCIAL DOG KENNELS", was introduced for first reading. On motion by Mr. Wittman, seconded by Ms. Stave, the Ordinance was passed on first reading by vote:

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

Public Hearing: December 22, 2008

BE IT ORDAINED by the Township Committee of the Township of Cranbury, Middlesex County, State of New Jersey, that the Code of the Township of Cranbury ("Code") be amended as follows:

1. Section 150-11, "Uses permitted in all zones," of Chapter 150 of the Code is hereby amended by revising subsection 150-11.A(1)(e) to read as follows (additions are underlined; deletions are in [brackets]):
 - i. Commercial dog kennels are permitted as a commercial agriculture use only in the A-100, R-LI, HC, RO/LI, and I-LI Zones and subject to the following standards:
 - [1] Site plan approval shall be required.
 - [2] All dogs shall be kept indoors between [dawn and dusk] dusk and dawn.
 - [3] All structures housing dogs shall be located not closer than 200 feet from any residence not located on the same property.
2. The Township Clerk shall cause a copy of this ordinance to be submitted to the Cranbury Township Planning Board for its review and comments prior to the second reading and public hearing thereon.

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Cranbury Township Ordinance # 12-08-23
(Continued)

3. This Ordinance shall take effect upon final adoption and publication and filing with the Middlesex County Planning Board, as provided for by law.

Ordinance
First Reading

Cranbury Township Ordinance # 12-08-24

An Ordinance entitled, "Cranbury Township Ordinance # 12-08-24, AN ORDINANCE OF THE TOWNSHIP OF CRANBURY IN MIDDLESEX COUNTY, NEW JERSEY, ACCEPTING THE DEDICATION AND CONVEYANCE BY SHARBELL CRANBURY, INC. OF PROPERTY DESIGNATED AS BLOCK 21, LOT 4 ("AGRICULTURAL LOT"), was introduced for first reading. On motion by Ms. Stave, seconded by Mr. Wittman, the Ordinance was passed on first reading by vote:

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

Nays: (None

Public Hearing: December 22, 2008

NOTE: AS THIS ORDINANCE, CRANBURY TOWNSHIP ORDINANCE # 12-08-24, HAS ATTACHMENTS WHICH CANNOT BE INSERTED INTO THE MINUTE DOCUMENT, THE TEXT OF THIS ORDINANCE APPEARS AS AN ATTACHMENT AT THE END OF THE MINUTES.

Resolutions
Consent Agenda

On motion offered by Mr. Panconi, 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

Cranbury Township Resolution # R 12-08-198

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

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Cranbury Township Resolution # R 12-08-199

This Resolution was removed from the Consent Agenda by the Township Committee Members and discussed later on in the meeting.

Cranbury Township Resolution # R 12-08-200

WHEREAS, the Tax Collector has determined, there was overbilling on 2008 property taxes which caused overpayments on two parcels for 2008 property taxes,

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Cranbury that the following 2008 overpaid property taxes be refunded:

BLOCK	LOT	ASSESSED TO	AMOUNT
25	15	Helen Rojek	\$ 519.38
25	13	Louis Rojek ETUX	214.10

Cranbury Township Resolution # R 12-08-201

WHEREAS, per N.J.S.A. 54:5-11 a Tax Search Officer must be a bonded township employee; and,

WHEREAS, per N.J.S.A. 54:5-11 a Tax Search Officer must be appointed by resolution;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Cranbury, that Michele Harcher be appointed to the position of Tax Search Officer, effective immediately.

Cranbury Township Resolution # R 12-08-202

RESOLUTION OF THE TOWNSHIP OF CRANBURY, NJ

A RESOLUTION AUTHORIZING THE RELEASE OF A PERFORMANCE GUARANTEE FOR JEN-DAR REALTY

WHEREAS, by letter dated September 2, 2008, Jen-Dar Realty 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 November 26, 2008 (attached hereto as "Exhibit A") recommended that the following performance guarantee be released:

Performance Bond	\$ 133,641.00
Cash	\$ 14,848.92

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

It has reviewed, agrees with and hereby accepts all recommendations of the Township Engineer as set forth in "Exhibit A".

1. It hereby authorizes the release of performance guarantees set forth in the Township Engineer's letter referenced above.

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Cranbury Township Resolution # R 12-08-202
(Continued)

2. 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) David Orron
- (d) Township Attorney

Cranbury Township Resolution # R 12-08-203

WHEREAS, it is necessary during the year for the Tax Collector to cancel miniscule tax amounts of \$10.00 or less; and

WHEREAS, N.J.S.A. 40A:5-17.1 provides that the governing body may adopt a resolution authorizing the Tax Collector to process, without further action on the part of the governing body, the cancellation of any property tax balances which are \$10.00 or under;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Cranbury, that the Tax Collector is hereby authorized to cancel the following 2008 tax balances which are \$10.00 or under:

Block	Lot	Assessed to	Amount
6.01	9	HB Cranbury LLC & Etals	\$ 3.78
8	2	Granite Half Acre II LLC	3.99
10	10	Cranbury Brick Yard LLC	4.41
13	19	Edward & Valerie Cier	5.19
20	10.41	Richard & Julia Venusti	5.09
20	10.58	Robert & Barbara Fomalont	5.24
20.06	40	John & Susan Michel	8.48
20.16	10	Cranbury Building Assoc. LLC	3.11
20.16	20	Cranbury Building Assoc. LLC	4.62
37	4	Jeffrey & Alyse Lipschutz	7.16

Cranbury Township Resolution # R 12-08-204

WHEREAS, the Tax Collector has determined the following 2008 property taxes were overpaid; and

WHEREAS, the overpaid amount was under \$10.00;

Block	Lot	Assessed to	Amount
23	108.01	Vekatraman & Jayashree Raju	\$ 9.95

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Cranbury, that the above overpaid amount be transferred into surplus.

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Cranbury Township Resolution # R 12-08-205

TOWNSHIP OF CRANBURY
COUNTY OF MIDDLESEX

WHEREAS, on June 24, 2002, Cranbury Township (Resolution # R 06-002-105) entered into a Shared Services Agreement with Monroe Township Municipal Utilities Authority to provide all regular and emergency administration and maintenance for the Township of Cranbury's Sewer System; and

WHEREAS, the Monroe Township Utilities Authority has submitted a proposed agreement for the period July 1, 2008 to June 30, 2009, and

WHEREAS, the Monroe Township Utilities Authority has proposed an increase in the rate for sewer system administration and maintenance by 1% annually;

WHEREAS, the Township Administrator has reviewed the terms of the shared services agreement and finds that the terms are reasonable and the shared service is beneficial to Cranbury Township;

WHEREAS, Township Administrator is recommending to the Township Committee that the agreement be approved,

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Cranbury, that the July 1, 2008 to June 30, 2009 shared service agreement for sewer system administration and maintenance is hereby approved.

Cranbury Township Resolution # R 12-08-206

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

A Resolution awarding a Professional Services Agreement for Planning Board legal services to the law firm of Valerie J. Kimson, Esquire

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

WHEREAS, the law firm of Valerie J. Kimson, Esquire submitted a proposal dated November 17, 2008 to perform those services; and

WHEREAS, funds are available for said services; and

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

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

1. The law firm of Valerie J. Kimson, Esquire is hereby retained to provide Planning Board legal services to the Township, upon execution of said contract.
2. The Mayor, Municipal Clerk, Planning Board Chairman and Secretary/Administrative Officer of the Planning Board are hereby authorized and directed to execute a

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Cranbury Township Resolution # R 12-08-206
(Continued)

3. Professional Services Agreement with Valerie J. Kimson, Esquire, subject to approval of the Planning Board and Township Committee.
4. 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.
5. A copy of this resolution as well as the Contract shall be placed on file with the Clerk of the Township.
6. A notice of this action shall be published in the official newspaper as required by law.

Resolution

Cranbury Township Resolution # R 12-08-199

THIS RESOLUTION WAS ORIGINALLY PART OF THE CONSENT AGENDA AND THE TOWNSHIP COMMITTEE MADE THE DECISION TO CONSIDER IT SEPARATELY:

Mr. Stannard raised his concern concerning the Township Committee refunding interest charges on tax payments that the Township never received, explaining the Township would then be setting a precedent and, furthermore the Township Committee had previously made a decision to not refund tax payment interest charges due to the U.S. Postal System's negligence. The Township Committee members unanimously agreed with Mr. Stannard and the interest refund for the lost payment was removed from the Resolution:

On motion offered by Ms. Stave, seconded by Mr. Stannard, the following resolution, as amended, removing a refund for Block 25, Lot 57.014 in the amount of \$48.40, was adopted by vote:

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

Nays: (None

Cranbury Township Resolution # R 12-08-199

WHEREAS, the Tax Collector has indicated 2008 4th quarter property taxes were paid for Block 25, Lot 67 (during her absence) and checks were ultimately never received by her office; and

WHEREAS, said taxpayer has indicated she made her tax payment on time;

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Cranbury that the following 2008 interest charges be waived for the following:

BLOCK	LOT	ASSESSED TO	INTEREST CHARGES
25	67	Nancy Forman	\$ 21.87

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Resolution

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

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

Nays: (None

Mayor Stout read the following Resolution into the record and stated the Resolution will be presented to Mrs. Crabel:

TOWNSHIP OF CRANBURY
COUNTY OF MIDDLESEX

Cranbury Township Resolution # R 12-08-207

WHEREAS, David Crabel was elected Councilman for Milltown, New Jersey in 1960;
and

WHEREAS, David Crabel was elected Mayor of Milltown, New Jersey in 1967 and served in that capacity for 11 years; and

WHEREAS, David Crabel served on the Middlesex County Board of Chosen Freeholders for the past 27 years; fourteen as Freeholder Director; and

WHEREAS, David Crabel was considered one of the State's experts on County government; and

WHEREAS, David Crabel was a dedicated public servant who took special pride in Middlesex County, which he famously called, "The Greatest County in the Land"; and

WHEREAS, David Crabel was a great friend to Cranbury Township in his capacity as Freeholder Director making sure Cranbury taxpayers received their fair share of funding for farmland and open space acquisition, recreation and infrastructure improvements; and

WHEREAS, Freeholder Director David Crabel died on December 1, 2008 at the age of 78;

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Cranbury, that condolences go out to his friends and family, and especially to his wife, Mary.

Reports from Township Staff and Professionals

Chief Edward Kahler gave his monthly report on the Police Department for the month of November, 2008: Chief Kahler reported 140 summonses had been issued for the month; five (5) for speeding and six (6) cell phone violations. D.W.I. and driving under the influence of narcotics was up to six (6) for the month. He stated usually there are about three (3) per month. Careless driving summonses were also up; fifteen for the month. The police message board and speed trailer was in operation on North Main Street today. Chief Kahler reported the board had been purchased through a grant from the State Division of Highway Traffic Safety and acts both as a message board and speed board (measuring a driver's speed and posting it). Chief Kahler

TOWNSHIP COMMITTEE MEETING

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Reports from Township Staff and Professionals (Continued)

Chief Edward Kahler (cont'd)

reported the expenditures for the month; lowest to highest were due to school and training, special details and shift extensions. Mayor Stout asked for an explanation of "special detail". Chief Kahler explained it could be anything from taking election ballot results to New Brunswick and other jobs outside the normal duties. He also reported a C.E.R.T. meeting is scheduled for tomorrow evening and a local resident who is trained in crisis counseling had volunteered to be a member of the C.E.R.T. Team. He added, the C.E.R.T. Team is attending a Disaster Drill at Robert Wood Johnson Hospital in New Brunswick this evening and Chief Kahler commended the C.E.R.T. volunteers for their dedication and willingness to serve. Chief Kahler reported there were no bicycle patrols in November due to officers taking end of year accrued vacation time. The Traffic Bureau "Slow Down in Our Town" signs have been posted on North Main Street and the Bureau has received a \$ 5,000 grant for "Over the Limit Under Arrest" enforcement during the Holiday Season.

Report from Mr. Mark Berkowsky, Cranbury Housing Associates

Mr. Berkowsky reported the affordable housing project on Old Cranbury Road as of last month is 100% occupied and leased.

Mr. Berkowsky reported the Township has received a \$300,000 grant from the County of Middlesex for affordable housing and presented a check to Mayor Stout and the Township Committee.

Other Reports from Township Staff and Professionals

Ms. Marcelli, Township Engineer, reported on the irrigation system on the West property for the soccer fields, stating that a plan has been circulated to the Board of Education for its review. Ms. Marcelli indicated she had met with the Board of Education and Ms. Smeltzer. Ms. Marcelli suggested to the Board of Education (as they indicated they may not have the funds) to put the item in as an alternate bid item and they can see what the bid comes in at. If the alternate bid comes in too high, the Township can reject the alternate bid. The Plan will be finally approved on December 16, 2008 at the next meeting of the Board of Education and the Bid Advertisement will be in the newspaper on Friday, December 19, 2008. If there should be some feedback from the Board of Education indicating they recommend some changes, the alternate bid advertisement date will be Friday, December 26, 2008. The date chosen for the alternate and bid opening will be Tuesday, February 3, 2009. Report to the Township Committee will be on Monday, February 9, 2009 and Notice to Proceed will be at the end of February. Ms. Marcelli reported the project has a 75-day start up of the system no later than May 9, 2009. Mayor Stout added, the irrigation system would run from an existing pipe that was installed for the baseball field and run around the tree line on Wright South to the soccer fields.

Ms. Marcelli reported on the Turnpike Widening Project, stating that the project is moving forward. She had received copies of 30% complete plans which show impacts to the overpass crossings in Cranbury. Ms. Marcelli indicated the overpasses which would be affected will be: Brickyard Road, the underpass at Hightstown-Cranbury Station Road, Station Road, Half-Acre Road and Prospect Plains Road. Ms. Marcelli reported the Turnpike anticipates commencement of the project in the Summer of 2009 with completion in 2013. Mr. Wittman asked if the Turnpike would be getting rid of the overpass which goes over the railroad tracks on Cranbury Station Road. Ms. Marcelli responded it is her understanding they would not and do not intend to do too much work to that crossing at all.

Ms. Marcelli reported she had several meetings with Chris Smeltzer, Township Administrator and Jeff Graydon, Zoning Officer, regarding the baseball field project. In addition, Ms. Marcelli met with the contractor on December 4, 2008 and last week her certified landscape architect was at the site and met with Chris Smeltzer and Jeff Graydon. Ms. Marcelli will be creating a detailed punch list which details several areas of deficiencies and non-compliance. This report will be

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Other Reports from Township Staff and Professionals (Continued)

Ms. Marcelli, Township Engineer (cont'd)

sent to the contractor. She indicated she had rejected the contractor's request last week for final payment and he will not receive the final payment until the deficiencies are corrected. Ms. Marcelli noted the final payment is approximately \$6,000 however the contractor has a Performance Bond in the amount of \$300,000.

Reports from Township Boards and Commissions

There were no reports.

Work Session

a). Discussion of Volunteer Eagle Scout Project

Mr. Gregory Carroll presented and discussed with the Township Committee his "Volunteer Service Project" for his Eagle Scout designation. Mr. Carroll explained originally he was going to propose a 5-K Run to benefit the Cranbury First Aid Squad. Because of recent events, Mr. Carroll has decided to donate the money to the Helene Cody Foundation instead. The route will start in front of Princeton Ballet on North Main Street and go up Main Street through Symmes Court into the Wynnewood Drive area and then on to Cranbury Neck Road, back around the Wynnewood Drive area, coming out on to Cranbury Neck Road again and around the Evans Tract on to Main Street to the School. The awards ceremony will be held in the School parking lot. Mr. Carroll reported the estimated costs would be approximately \$2,000.00 and the estimated revenue (300 runners at \$20.00 per runner for the entrance fee) would be about \$6,000.00, leaving a profit of approximately \$4,000.00. Car washes will be held to raise the estimated costs of the race. Mr. Carroll stated the police will need to block off some streets. Town Hall will need to be open for bathroom use. Mr. Carroll reported he will take care of soliciting volunteers and those volunteers will clean up after the race. In addition, the race will be advertised in a few magazines. He stated he hopes to be able to give a medal to everyone who crosses the finish line. Mayor Stout asked if part of his plan is to find sponsors for the race. Mr. Carroll indicated he may. Mayor Stout requested Mr. Carroll coordinate with the Police Department the closing off of the various roadways to make sure the Police review the route to make sure it is safe and manageable. Mr. Carroll reported he would be willing to continue the event for a few years and thought, perhaps, the Lions Club may be interested in carrying the race on in future years. Mayor Stout stated it would be sad to not see the race continue on and recommended working with the Cody Family for a "succession plan". Mr. Wittman recommended Mr. Carroll come up with a blueprint plan so that anyone who continues in the future will be able to follow the plan. Mayor Stout stated the project is a great idea and thanked Mr. Carroll.

MOTION: On motion by Mr. Stannard, seconded by Ms. Stave and unanimously carried, Mr. Carroll's project was approved.

Public Comment

The Mayor opened the meeting to public questions and comments on those items not on the agenda. There being no comments, the Mayor closed the public part of the meeting.

Mayor's Notes

Mayor Stout read excerpts from letters which he received from Ms. Csatari's Fourth Grade class at the Cranbury Elementary School. Mayor Stout reported many of the students raised concerns about crossing guards' hours and locations, traffic and school bus routes.

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

Kathleen R. Cunningham, Clerk

TOWNSHIP OF CRANBURY
ORDINANCE NO. 12-08-21

AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, REPEALING ORDINANCE NO. 08-08-19; AUTHORIZING THE CONVEYANCE OF A PORTION OF THE WEST PROPERTY (BLOCK 23, LOT 70.02) TO THE CRANBURY TOWNSHIP BOARD OF EDUCATION; AND LIMITING USE OF THE REMAINDER OF THE PROPERTY TO ACTIVE AND PASSIVE RECREATION AND CONSERVATION PURPOSES ONLY

WHEREAS, the Township of Cranbury ("Township") owns a 58.62± acre parcel located on North Main Street, designated as Lot 70.02 in Block 23 on the Cranbury Township Tax Map (the "Property"), commonly known as the West Property; and

WHEREAS, as set forth in Ordinance No. 11-04-28, adopted November 24, 2004, a 34.65± acre portion of the Property, located adjacent to the Cranbury Brook, was designated as the "Cranbury Preserve" (the "Preserve") and was limited to passive recreation and conservation uses only; and

WHEREAS, as set forth in Ordinance No. 11-04-28, the remaining 23.97± acres located adjacent to Town Hall and the Cranbury School were kept out of the Preserve and were held by the Township for general municipal purposes, including, but not limited to, potential future school expansion; and

WHEREAS, the Cranbury Township Environmental Commission subsequently recommended that the remaining 23.97± acre portion of the Property be added to the Preserve; and

WHEREAS, by Ordinance No. 08-08-19, adopted September 8, 2008, the Cranbury Township Committee restricted the remaining 23.97± acre portion of the Property to active and passive recreation and conservation purposes in accordance with the regulations promulgated by the New Jersey Department of Environmental Protection, Green Acres Program, N.J.A.C. 7:36-1.1 *et seq.*; and

WHEREAS, the above-referenced restrictions on the use of the Property were set forth in Ordinance Nos. 11-04-28 and 08-08-19, but were not recorded by Deed of Record; and

WHEREAS, since the adoption of Ordinance No. 08-08-19, the Township and the Cranbury Township Board of Education ("Board") have engaged in discussions concerning the potential future expansion of the School and the Board's need of addition property to facilitate such expansion; and

WHEREAS, N.J.S.A. 40A:12-19 permits a municipality, upon a determination that all or any part of a tract of land is no longer needed for public purposes, to authorize

and cause to be conveyed such lands or any portion thereof, to a board of education in the municipality, to be used for educational purposes; and

WHEREAS, N.J.S.A. 40A:12-19 also provides that the prior dedication or use for park purposes of such land or any part thereof shall not be deemed to preclude a transfer and conveyance to a board of education; and

WHEREAS, the Township and Board agree that the Board has a need for approximately 2.048± acres of land located along the northern boundary of the Property adjacent to Town Hall and the School, to enable the Board to expand the School in the future; and

WHEREAS, the Township finds that (1) this 2.048± acre portion of the Property is not needed by the Township; (2) the conveyance of this portion of the Property to the Board will facilitate the potential future expansion of the School; (3) the conveyance is consistent with the Township's original purchase of the Property; (4) the conveyance will not negatively affect the preservation and conservation of the remainder of the property; and (5) the conveyance is otherwise in furtherance of the public good; and

WHEREAS, the Board has agreed to convey to the Township a ten-foot wide permanent utility easement, and a ten-foot wide temporary construction easement, along the northern boundary of the School property (Block 23, Lot 63.01) for the installation and operation of an irrigation system between the rear of the Property and the new Babe Ruth baseball field located on the lot adjacent to the School's northern property boundary (Block 23, Lot 14.03); and

WHEREAS, the conveyance the above-referenced 2.048± acre portion of the Property to the Board will reduce the total size of the Property from 58.62± acres to 56.58± acres, with 34.65± acres (the Preserve) restricted to passive recreation and conservation uses only, as set forth in Ordinance No. 11-04-28; and

WHEREAS, the Township finds that it is in the public interest to ensure that the remaining 21.93± acres of the Property remain available for both active and passive recreation and conservation purposes, but nothing else;

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

1. The preamble to this Ordinance is hereby incorporated as if more fully set forth herein.

2. Ordinance No. 08-08-19, adopted September 8, 2008, is hereby repealed in its entirety, in order to facilitate and permit the conveyance of a portion of the Property as described herein, to the Cranbury Township Board of Education ("Board").

3. The Mayor, Administrator, Clerk, Engineer, Attorney, and other appropriate officers, employees and professionals, are hereby authorized and directed to prepare and execute any and all documents and undertake any and all acts necessary to accomplish the purposes hereof.

4. The Township finds that a certain 2.048± acre portion of the West Property (Block 23, Lot 70.02) is no longer needed for public municipal purposes or park purposes and may be conveyed to the Cranbury Township Board of Education, for nominal consideration, for educational purposes. The area to be conveyed to the Board is located along the Property's northern boundary abutting the School, and is more particularly described in the document entitled "Description for Deed, Portion of Block 23, Lot 70.02 To Be Merged with Lot 63.011, Township of Cranbury, Middlesex County, New Jersey", prepared by Hatch Mott MacDonald (James K. Walz, PLS, NJ License No. 24GS03402400), dated November 11, 2008, attached hereto as Exhibit "A" and made a part hereof, and is more specifically shown on the plan entitled "Township and B.O.E. Parcels, Map to Accompany Deed Filing, Block 23, Lots 63.011 and 70.02, Township of Cranbury, Middlesex County, New Jersey", prepared by Hatch Mott MacDonald, dated November 11, 2008, attached hereto as Exhibit "B" and made a part hereof.

5. The conveyance of the 2.048± acre portion of the Property to the Board as set forth in Paragraph 4 herein, shall be expressly contingent upon the Board's conveyance to the Township of a ten-foot wide permanent utility easement and a ten-foot wide temporary construction easement across the northern boundary of the School property (Block 23, Lot 63.01), as more particularly described in the documents entitled "Description for Deed, 10' Wide Permanent Easement, Block 23, Lot 63.011, Township of Cranbury, Middlesex County, New Jersey" and "Description for Deed, 10' Wide Temporary Easement, Block 23, Lot 63.011, Township of Cranbury, Middlesex County, New Jersey", prepared by Hatch Mott MacDonald (James K. Walz, PLS, NJ License No. 24GS03402400), dated November 11, 2008, attached hereto as Exhibits "C" and "D" respectively and made a part hereof, and also as more specifically shown on the plan attached hereto as Exhibit "B".

6. The remaining 21.93± acre portion of the Property located adjacent to Town Hall and the School, which was previously held by the Township for general municipal purposes, and was limited to active and passive recreational and conservation purposes by Ordinance 08-08-19, adopted September 8, 2008, said Ordinance repealed by Paragraph 2 herein, shall henceforth be re-restricted and used only for active and passive recreation and conservation purposes in accordance with the regulations promulgated by the New Jersey Department of Environmental Protection, Green Acres Program, N.J.A.C. 7:36-1.1 *et seq.*

7. The Township shall restrict and encumber by recorded Deed the following restrictions:

- a. On the 34.65± acre portion of the Property, located adjacent to the Cranbury Brook and designated as the Preserve, the restrictions set forth in

Ordinance No. 11-04-28, adopted November 24, 2004, limiting use of such property for passive recreation and conservation purposes only; and

- b. On the remaining 21.93± acre portion of the Property, located adjacent to Town Hall and the School, the restrictions set forth in section 6 herein, limiting use of such property for active and passive recreation and conservation purposes only.

8. This Ordinance shall take effect upon its passage and publication, as required by law.

The Ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Committee of the Township of Cranbury, in the County of Middlesex, State of New Jersey, held on December 8, 2008. It will be further considered for final passage, after public hearing thereon, at a meeting of the Township Committee to be held in the Township of Cranbury on December 22, 2008 at 7:30 p.m., and during the week prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's Office to the members of the general public who shall request the same.

Kathleen R. Cunningham, Clerk

EXHIBIT A



Hatch Mott
MacDonald

DESCRIPTION FOR DEED

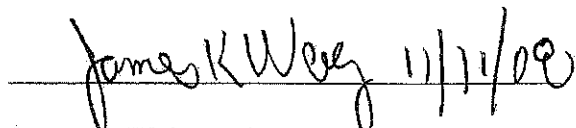
PORTION OF BLOCK 23, LOT 70.02 TO BE MERGED WITH LOT 63.011
TOWNSHIP OF CRANBURY, MIDDLESEX COUNTY, NEW JERSEY

1. BEGINNING at the intersection of the common line to Lot 63.011 and Lot 70.02 , South 20 degrees 28 minutes 36 seconds West 450.00 feet from the intersection of the Southerly line of Lot 13; thence
2. South 70 degrees 17 minutes 24 seconds East 1259.73 feet along the common line to Lot 63.011 and Lot 70.02; thence
3. South 73 degrees 14 minutes 40 seconds East 32.59 feet along the aforesaid line to the new common line to Lot 63.011 and Lot 70.02; thence
4. South 15 degrees 51 minutes 52 seconds West 61.81 feet along the aforesaid line; thence
5. North 70 degrees 17 minutes 26 seconds West 304.85 feet along the aforesaid line; thence
6. North 71 degrees 37 minutes 35 seconds West 992.96 feet along the aforesaid line to the common line to Lot 63.011 and Lot 70.02 ; thence
7. North 20 degrees 28 minutes 36 seconds West 83.16 feet along the aforesaid line to the Point of Beginning.

Containing within the above described bounds 89,195 plus or minus square feet, 2.048 plus or minus acre(s).

All of the above more particularly shown on a Plan" TOWNSHIP AND B.O.E. PARCELS, MAP TO ACCOMPANY DEED FILING, BLOCK 23 LOTS 63.011 AND 70.02 TOWNSHIP OF CRANBURY MIDDLESEX COUNTY NEW JERSEY", By Hatch Mott MacDonald, Dated November 11, 2008.

Prepared by: Hatch Mott MacDonald
November 11, 2008

A handwritten signature of James K. Walz, dated 11/11/08.

James K. Walz, PLS

Date

NJ License No. 24GS03402400



Extension		
Field Book		
Page		
Total		
1" = 100'	Date	Revision

EXHIBIT C



Hatch Mott
MacDonald

DESCRIPTION FOR DEED

10' WIDE PERMANENT UTILITY EASEMENT

BLOCK 23, LOT 63.011

TOWNSHIP OF CRANBURY, MIDDLESEX COUNTY, NEW JERSEY

BEGINNING at the intersection of the common line to Lot 63.011 and Lot 70.02 with the Southerly line of Lot 13; thence

1. South 70 degrees 17 minutes 24 seconds East 528.93 feet along the common line to Lot 13, Lot 14.03, and Lot 63.011; thence
2. South 19 degrees 42 minutes 36 seconds West 10.00 feet; thence
3. North 70 degrees 17 minutes 24 seconds West 529.06 feet to the common line to Lot 63.011 and Lot 70.02 ; thence
4. North 19 degrees 42 minutes 36 seconds East 10.00 feet to the Point of Beginning.

Containing within the above described bounds 5,289 plus or minus square feet, 0.1214 plus or minus acre(s).

All of the above more particularly shown on a Plan" TOWNSHIP AND B.O.E. PARCELS, MAP TO ACCOMPANY DEED FILING, BLOCK 23 LOTS 63.011 AND 70.02 TOWNSHIP OF CRANBURY MIDDLESEX COUNTY NEW JERSEY", By Hatch Mott MacDonald, Dated November 11, 2008.

Prepared by: Hatch Mott MacDonald
November 11, 2008

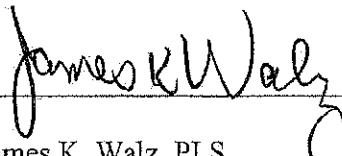
 11/11/08
James K. Walz, PLS Date
NJ License No. 24GS03402400

EXHIBIT D



Hatch Mott
MacDonald

DESCRIPTION FOR DEED

10' WIDE TEMPORARY CONSTRUCTION EASEMENT

BLOCK 23, LOT 63.011

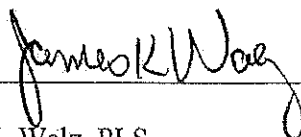
TOWNSHIP OF CRANBURY, MIDDLESEX COUNTY, NEW JERSEY

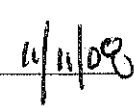
1. BEGINNING in the common line to Lot 63.011 and Lot 70.02, South 20 degrees 28 minutes 36 seconds West 10.00 feet from the intersection of the Southerly line of Lot 13; thence
2. South 70 degrees 17 minutes 24 seconds East 529.06 feet; thence
3. North 19 degrees 42 minutes 36 seconds East 10.00 feet to the common line to Lot 63.011 and Lot 14.03; thence
4. South 70 degrees 17 minutes 24 seconds East 10.00 feet along the aforesaid line; thence
5. South 19 degrees 42 minutes 36 seconds West 10.00 feet; thence
6. North 70 degrees 17 minutes 24 seconds West 539.19 feet to the common line to Lot 63.011 and Lot 70.02 ; thence
7. North 20 degrees 28 minutes 36 seconds West 10.00 feet along the aforesaid line to the Point of Beginning.

Containing within the above described bounds 5,491 plus or minus square feet, 0.1261 plus or minus acre(s).

All of the above more particularly shown on a Plan" TOWNSHIP AND B.O.E. PARCELS, MAP TO ACCOMPANY DEED FILING, BLOCK 23 LOTS 63.011 AND 70.02 TOWNSHIP OF CRANBURY MIDDLESEX COUNTY NEW JERSEY", By Hatch Mott MacDonald, Dated November 11, 2008.

Prepared by: Hatch Mott MacDonald
November 11, 2008


James K. Walz, PLS
NJ License No. 24GS03402400


Date

**TOWNSHIP OF CRANBURY
ORDINANCE NO. 12-08-24**

AN ORDINANCE OF THE TOWNSHIP OF CRANBURY IN MIDDLESEX COUNTY, NEW JERSEY, ACCEPTING THE DEDICATION AND CONVEYANCE BY SHARBELL CRANBURY, INC. OF PROPERTY DESIGNATED AS BLOCK 21, LOT 4 ("AGRICULTURAL LOT")

BE IT ORDAINED by the Township Committee of the Township of Cranbury, Middlesex County, New Jersey, as follows:

1. The Township Committee hereby accepts the following dedication from Sharbell Cranbury, Inc., a New Jersey Corporation, whose address is One Washington Boulevard, Suite #9, Robbinsville, New Jersey, 08691 ("Sharbell"):

The dedication of a ±32.668-acre parcel designated as Block 21, Lot 4 on the Cranbury Township Tax Maps, as more particularly set forth in the Deed of Dedication (Agricultural Lot) attached hereto as Exhibit "A" and upon the terms and conditions set forth therein.

2. This Ordinance shall take effect upon passage and publication, as required by law.

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Committee of the Township of Cranbury, in the County of Middlesex, State of New Jersey, held on December 8, 2008. It will be further considered for final passage, after public hearing thereon, at a meeting of the Township Committee to be held in the meeting room of Town Hall, 23A North Main Street, in the Township of Cranbury on December 22, 2008 at 7:30 p.m., and during the week prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's Office to the members of the general public who shall request the same.

Kathleen R. Cunningham, RMC, Clerk

Prepared By:


Frank J. Petrino, Esq.

DEED OF DEDICATION
(Agricultural Lot)

THIS DEED, made the 3 day of December, 2008, between **SHARBELL CRANBURY, INC.**, a New Jersey Corporation, whose address is One Washington Boulevard, Suite #9, Robbinsville, New Jersey 08691 (hereinafter referred to as the "Grantor"); and

THE TOWNSHIP OF CRANBURY, a municipal corporation of the State of New Jersey having offices located at 23A N. Main Street, Cranbury, New Jersey 08512-3287, hereinafter referred to "GRANTEE."

The words "Grantor" and "Grantee" shall mean and include all Grantors and Grantees listed above.

WITNESSETH:

That in consideration of the sum of One (\$1.00) Dollar, the receipt and sufficiency of which is hereby acknowledged, the Grantor does grant and convey to the Grantee, all that tracts or parcels of land and premises situate, lying and being in the Township of Cranbury, County of Middlesex, State of New Jersey, as more particularly described on the metes and bounds description attached hereto and made a part hereof as Exhibit "A" and referred to in the Developer's Agreement identified below as the "Agricultural Lot".

Being a portion of the premises conveyed to Sharbell Cranbury, Inc. by Deed from Shirley U. Sanford and Ruth U. Liedtke, Co-Trustees and Trust B under Article Sixth of the Last Will and Testament of Ruth V.D. Updike and Alvin L. Updike, and co-Executrices of the Estate of Ruth V. D. Updike, dated May 8, 2003, and recorded on July 25, 2003 in the Office of the Clerk of Middlesex County Clerk/Register's Office in Deed Book 5197, Page 568 and following.

Being designated on the Tax Map of the Township of Cranbury as Lot 4, Block 21.

This conveyance is made subject to effective and unexpired covenants, easements and restrictions of record, if any, including, but not limited to, those set forth in a certain Developer's Agreement dated January 24, 2003 ("Developer's Agreement"), recorded July 20, 2004, as Schedule G to Master Declaration for Liedtke Drive at Cranbury Homeowners Association, in the Middlesex County Clerk's Office in Book 5355, Page 116, and such facts as an accurate survey would reveal.

This conveyance is made on condition that the lands and premises herein conveyed shall be used for agricultural purposes; provided, however that a portion of the lands and premises may be used for active recreational purposes if the conditions set forth in Paragraph 6 of the Developer's Agreement are satisfied. In the event the Township fails to use and maintain said premises for such purposes, the premises shall revert to the Grantor, its successors and assigns, and any title, right and interest of the Grantee shall cease and terminate as if these presents had not been made.

The Grantor covenants that it has done no act to encumber said lands.

By accepting delivery of and recording this Deed, the Grantee agrees to be bound by the terms hereof.

Attest:

Peter A. Weathers, Secretary

By: Thomas F. Troy (Seal)
Thomas F. Troy, Senior Vice President

Peter A. Weathers

JEFFREY M. SCHECTEL
NOTARY PUBLIC OF NEW JERSEY
Commission Expires 2/20/2012

State of New Jersey

Seller's Residency Certification/Exemption

(C.55, P.L. 2004)

(Please Print or Type)

SELLER(S) INFORMATION (see Instructions, page 2):Name(s) Sharbell Cranbury, Inc.Current Resident Address One Washington Boulevard, Suite 9City, Town, Post Office Robbinsville State NJ Zip Code 08691**PROPERTY INFORMATION** (Brief Property Description):Block(s) 21 Lot(s) 4 Qualifier _____Street Address Cranbury Neck Road, Cranbury Township, Middlesex County, NJCity, Town, Post Office Cranbury Township State NJ Zip Code 08512Seller's Percentage of Ownership 100 Consideration \$1.00 Closing Date December 4, 2008**SELLER'S ASSURANCES** (Check the Appropriate Box) (Boxes 2 through 8 apply to NON-residents):

1. ☐ I am a resident taxpayer (individual, estate or trust) of the State of New Jersey pursuant to N.J.S.A. 54A:1-1 et seq. and will file a resident gross income tax return and pay any applicable taxes on any gain or income from the disposition of this property.
2. ☐ The real property being sold or transferred is used exclusively as my principal residence within the meaning of section 121 of the federal Internal Revenue Code of 1986, 26 U.S.C. s. 121.
3. ☐ I am a mortgagor conveying the mortgaged property to a mortgagee in foreclosure or in a transfer in lieu of foreclosure with no additional consideration.
4. ☐ Seller, transferor or transferee is an agency or authority of the United States of America, an agency or authority of the State of New Jersey, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.
5. ☒ Seller is not an individual, estate or trust and as such not required to make an estimated payment pursuant to N.J.S.A. 54A:5-1-1 et seq.
6. ☐ The total consideration for the property is \$1,000 or less and as such, the seller is not required to make an estimated payment pursuant to N.J.S.A. 54A:5-1-1 et seq.
7. ☐ The gain from the sale will not be recognized for Federal income tax purposes under I.R.C. Section 721, 1031, 1033 or is a cemetery plot. (CIRCLE THE APPLICABLE SECTION.) If such section does not ultimately apply to this transaction, the seller acknowledges the obligation to file a New Jersey income tax return for the year of the sale (see instructions).
- ☐ No non-like kind property received.
8. ☐ Transfer by an executor or administrator of a decedent to a devisee or heir to effect distribution of the decedent's estate in accordance with the provisions of the decedent's will or the intestate laws of this state.

SELLER(S) DECLARATION:

The undersigned understands that this declaration and its contents may be disclosed or provided to the New Jersey Division of Taxation and that any false statement contained herein could be punished by fine, imprisonment, or both. I furthermore declare that I have examined this declaration and, to the best of my knowledge and belief, it is true, correct and complete.

Date

Sharbell Cranbury, Inc.

Signature

(Seller) Please indicate if Power of Attorney or Attorney in Fact

Date

Thomas F. Troy, Senior Vice President Signature

(Seller) Please indicate if Power of Attorney or Attorney in Fact

STATE OF NEW JERSEY
AFFIDAVIT OF CONSIDERATION FOR USE BY SELLER
(Chapter 49, P.L. 1968, as amended through Chapter 33, P.L. 2006) (N.J.S.A. 46:15-5 et seq.)

BEFORE COMPLETING THIS AFFIDAVIT, PLEASE READ THE INSTRUCTIONS ON THE REVERSE SIDE OF THIS FORM.

STATE OF NEW JERSEY

COUNTY OF MIDDLESEX

SS. County Municipal Code
1200

Municipality of Property Location: Cranbury Twp. 1202

FOR RECORDER'S USE ONLY
Consideration \$ _____
RTF paid by seller \$ _____
Date _____ By _____

† Use symbol "C" to indicate that fee is exclusively for county use.

(1) **PARTY OR LEGAL REPRESENTATIVE** (See Instructions 3 and 4 attached)

Deponent, Thomas F. Troy, being duly sworn according to law upon his/her oath deposes

and says that he/she is the Senior Vice President in a deed dated 12/4/08

transferring real property identified as Block No. 21 Lot No. 4 located at Cranbury Neck Road, Cranbury Township, Middlesex County, NJ and annexed thereto.

(2) **CONSIDERATION: \$1.00** (See Instructions 1 and 5)

(3) Property transferred is Class 4A 4B 4C (circle one). If Class 4A, calculation in Section 3A is required.

(3A) **REQUIRED CALCULATION OF EQUALIZED VALUATION FOR ALL CLASS 4A COMMERCIAL PROPERTY TRANSACTIONS:** (see Instructions 5A and 7)

Total Assessed Valuation ÷ Director's Ratio = Equalized Assessed Valuation
\$ _____ ÷ _____ % = \$ _____

If Director's Ratio is less than 100%, the equalized valuation will be an amount greater than the assessed value. If Director's Ratio is equal to or in excess of 100%, the assessed value will be equal to the equalized value.

(4) **FULL EXEMPTION FROM FEE:** (see Instruction 8)

Deponent states that this deed transaction is fully exempt from the Realty Transfer Fee imposed by C. 49, P.L. 1968, as amended through C. 66, P.L. 2004, for the following reason(s). Mere reference to the exemption symbol is insufficient. Explain in detail. For consideration of less than \$100.00

(5) **PARTIAL EXEMPTION FROM FEE:** (see Instruction 9) **NOTE: All boxes below apply to grantor(s) only.**

ALL BOXES IN APPROPRIATE CATEGORY MUST BE CHECKED. Failure to do so will void claim for partial exemption. Deponent claims that this deed transaction is exempt from the State's portion of the Basic Fee, Supplemental Fee and General Purpose Fee, as applicable, imposed by C. 176, P.L. 1975; C. 113, P.L. 2004 and C. 66, P.L. 2004 for the following reason(s):

A. **SENIOR CITIZEN** (see Instruction 9)

- ☐ Grantor(s) 62 years of age or over.*
☐ One- or two-family residential premises.
☐ Resident of the State of New Jersey.
☐ Owned and occupied by grantor(s) at time of sale.
☐ Owners as joint tenants must all qualify.

B. **BLIND** (see Instruction 9)

- ☐ Grantor(s) legally blind.*
☐ One- or two-family residential premises.
☐ Owned and occupied by grantor(s) at time of sale.
☐ Owners as joint tenants must all qualify.
☐ Resident of the State of New Jersey.
☐ Disabled (see Instruction 9)
☐ Grantor(s) permanently and totally disabled.*
☐ Receiving disability payments.*
☐ Not gainfully employed.*
☐ One- or two-family residential premises.
☐ Owned and occupied by grantor(s) at time of sale.
☐ Owners as joint tenants must all qualify.
☐ Resident of the State of New Jersey.

C. **LOW AND MODERATE INCOME HOUSING** (see Instruction 9)

- ☐ Affordable according to HUD standards.
☐ Meets income requirements of region.
☐ Reserved for occupancy.
☐ Subject to resale controls.

(6) **NEW CONSTRUCTION** (see Instructions 2, 10 and 12)

- ☐ Entirely new improvement.
☐ Not previously used for any purpose.
☐ Not previously occupied.
☒ "NEW CONSTRUCTION" printed clearly at the top of the first page of the deed.

(7) Deponent makes this Affidavit to induce the County Clerk or Register of Deeds to record the deed and accept the fee submitted herewith in accordance with the provisions of Chapter 49, P.L. 1968, as amended through Chapter 33, P.L. 2006.

Subscribed and sworn to before me

this 3 day of December, 2008

JEFFREY M. SCHECTEL
NOTARY PUBLIC OF NEW JERSEY
Commission Expires 2/20/2012

Notary Public

Signature of Deponent
Thomas F. Troy
Senior Vice President
Deponent Address

Sharbell Cranbury, Inc.

Grantor Name
One Washington Boulevard
Suite 5
Robbinsville, NJ 08831
Grantor Address at Time of Sale

XXX-XX-X 9 0 2

Last 3 digits in Grantor's Social Security No. Name/Company of Settlement Officer

FOR OFFICIAL USE ONLY

Instrument Number _____
Deed Number _____ County _____
Deed Dated _____ Book _____ Page _____
Date Recorded _____

This form is prescribed by the Director, Division of Taxation in the Department of the Treasury, as required by law, and may not be altered or amended without the prior approval of the Director. For information on the Realty Transfer Fee or to print a copy of this Affidavit, visit the Division of Taxation website at www.state.nj.us/treasury/taxation/tf1/localtax.htm.

County Recording Officers shall forward one copy of each Affidavit of Consideration for Use by Seller when Section 3A is completed.

State of New Jersey - Division of Taxation, P.O. Box 251, Trenton, NJ 08635-0251, Attention: Realty Transfer Fee Unit

**DESCRIPTION OF PROPERTY
TOWNSHIP OF CRANBURY
MIDDLESEX COUNTY, NEW JERSEY**

**LOT 4, BLOCK 21
PROJECT NO. 99-688A
APRIL 29, 2002
REVISED: APRIL 13, 2006
REVISED: NOVEMBER 21, 2008**

All that certain lot, tract or parcel of land situate, lying and being in the Township of Cranbury, in the County of Middlesex and the State of New Jersey, and being all of Lot 4, Block 21, dedicated to the Township of Cranbury, as shown on a map entitled: "Final Plat - Major Subdivision Of Lot 4, Block 21, situate in Township of Cranbury, Middlesex County, New Jersey" dated September 18, 2001, and revised through February 12, 2003, and duly filed in the Middlesex County Clerk's Office on May 20, 2003 as File No. 986, Map No. 6240, the same being a portion of Lot 4, Block 21 as shown on sheet number 3 of the Official Tax Map of the Township of Cranbury, and being more particularly bounded and described as follows to wit:

BEGINNING at a point in the newly established northerly line of Old Trenton Road, (Variable Width R.O.W.), (also known as County Route No. 535), said point being distant 44.00 feet measured northwardly from and at right angles to the centerline thereof, said point also being the southwesterly terminus of an arc having a radius of 25.00 feet and connecting the westerly line of Liedtke Drive (50' R.O.W.), said line being distant 25.00 feet measured southwestwardly from and at right angles to the centerline thereof, and running, thence –

1. S 73° 11' 24" W, 461.89 feet along the aforesaid newly established northerly line of Old Trenton Road, to a point in the easterly line of Lot 60, Block 21, said lot as shown on the aforesaid Filed Map, thence –
2. N 16° 39' 51" W, 231.30 feet along the aforesaid easterly line of Lot 60, Block 21, to a point in the northerly line of said Lot 60, Block 21, thence –
3. S 73° 20' 09" W, 176.26 feet along the aforesaid northerly line of Lot 60, Block 21, to a point in the easterly line of Lot 33, Block 21, said lot as shown on the aforesaid Filed Map, thence –
4. N 18° 11' 16" W, 43.80 feet along the aforesaid easterly line of Lot 33, Block 21, to a point in the northeasterly line of Lot 33, Block 21, thence –
5. S 53° 57' 04" W, 171.11 feet along the northwesterly line of the aforesaid Lot 33, Block 21, to a point in the northeasterly line of Lot 25, Block 21, said lot as shown on the aforesaid Filed Map, thence –
6. S 58° 16' 54" W, 170.00 feet along the northerly line of the aforesaid Lot 25, Block 21, to a point in the westerly line of said Lot 25, Block 21, thence –



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7. **S 18° 11' 16" E, 51.74 feet** along the aforesaid westerly line of Lot 25, Block 21, to a point in the northeasterly line of Lot 20, Block 21, said lot as shown on the aforesaid Filed Map, said point being marked by a concrete monument found, thence –
8. **S 58° 16' 54" W, 150.00 feet** along the northerly line of the aforesaid Lot 20, Block 21, to a point in the easterly line of Lot 6.01, Block 21, said lot as shown on the aforesaid Filed Map, said point being marked by a concrete monument found, thence –
9. **N 05° 19' 16" E, 1,178.05 feet** along the aforesaid easterly line of Lot 6.01, Block 21, to a point in the easterly line of Lot 28, Block 21, said lot as shown on the aforesaid Filed Map, said point being marked by a field stone found, thence –
10. **N 04° 44' 17" E, 547.78 feet** along the aforesaid easterly line of Lot 28, Block 21, to a point in the newly established southerly line of Cranbury Neck Road, (Variable Width R.O.W.), (County Route Number 615), thence –
11. **S 78° 06' 14" E, 562.73 feet** along the aforesaid newly established southerly line of Cranbury Neck Road, (Variable Width R.O.W.), (County Route Number 615), said line being distant 44.00 feet measured southwardly from and at right angles to the centerline thereof, to a point in the westerly line of Lot 21, Block 21, said lot as shown on the aforesaid Filed Map, thence –
12. **S 11° 53' 46" W, 172.50 feet** along the aforesaid westerly line of Lot 21, Block 21, to a point in the southerly line of said Lot 21, Block 21, said point being marked by a concrete monument found, thence –
13. **S 78° 06' 14" E, 526.50 feet** along the aforesaid southerly line of Lot 21, Block 21, and beyond along the southerly line of Lot 17, Block 21, and beyond along the southerly line of Lot 14, Block 21, to a point in the easterly line of Lot 14, Block 21, said lots as shown on the aforesaid Filed Map, thence –
14. **N 11° 53' 46" E, 172.50 feet** along the aforesaid easterly line of Lot 14, Block 21, to a point in the aforesaid newly established southerly line of Cranbury Neck Road, thence –
15. **S 78° 06' 14" E, 50.00 feet** along the aforesaid newly established southerly line of Cranbury Neck Road, to a point in the westerly line of Lot 22, Block 21, said lot as shown on the aforesaid Filed Map, thence –



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16. S 11° 53' 46" W, 423.54 feet along the aforesaid westerly line of Lot 22, Block 21, and beyond along the westerly line of Lot 4.04, Block 21, to an angle point in the southerly line of said Lot 4.04, Block 21, said lots as shown on the aforesaid Filed Map, thence –
17. S 38° 49' 33" E, 40.00 feet along the aforesaid southerly line of Lot 4.04, Block 21, to a point in the aforesaid westerly line of Liedtke Drive, thence –
18. **SOUTHWESTWARDLY**, on an arc having a radius of 140.00 feet and curving to the left an arc distance of 101.34 feet (Central Angle 41°28'25"), said arc being connected by a chord bearing of S 30°26'15" W, and a chord distance of 99.14 feet, along the aforesaid westerly line of Liedtke Drive, to a point of tangency, thence –
19. S 09° 42' 02" W, 500.79 feet along the aforesaid westerly line of Liedtke Drive, to a point of curvature, thence –
20. **SOUTHEASTWARDLY**, on an arc having a radius of 250.00 feet and curving to the left an arc distance of 115.67 feet (Central Angle 26°30'38"), said arc being connected by a chord bearing of S 03°33'17" E, and a chord distance of 114.65 feet along the aforesaid westerly line of Liedtke Drive, to a point of tangency, thence –
21. S 16° 48' 36" E, 78.07 feet along the aforesaid westerly line of Liedtke Drive, to a point of curvature, thence –
22. **SOUTHWESTWARDLY**, on an arc having a radius of 25.00 feet and curving to the right an arc distance of 39.27 feet (Central Angle 90°00'00"), said arc being connected by a chord bearing of S 28°11'24" W, and a chord distance of 35.36 feet along the aforesaid connecting arc, to the Point and Place of **BEGINNING**.

CONTAINING: 1,423,029.6 square feet of land more or less/or 32.668 acres of land more or less.

SUBJECT TO: A Variable Width Sight Triangle Easement as shown on the aforesaid Filed Map.

ALSO SUBJECT TO: A Variable Width Drainage & Utility Easement as shown on the aforesaid Filed Map.

ALSO SUBJECT TO: A 50 foot wide Access Easement as shown on the aforesaid Filed Map.



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Bearings cited herein are based on New Jersey State Plane Coordinate System and are relative to NAD 1983 adjustment.

The foregoing description was prepared by the undersigned surveyor for the firm of Maser Consulting P.A. and is based on the aforesaid Filed Map dated September 18, 2001, and revised through February 12, 2003.

LEONARDO E. PONZIO P.L.S.
NEW JERSEY PROFESSIONAL LAND SURVEYOR
LICENSE NUMBER 39402

11/21/08
DATE SIGNED

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