

TOWNSHIP COMMITTEE MEETING
December 22, 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, 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.

Mayor Stout announced that the meeting would deviate from the normal routine and break from the Agenda to honor Mr. Wittman on his final evening as Township Committeeman. Mayor Stout announced that Senator Bill Baroni was present and would like to say a few words to Mr. Wittman:

Senator Baroni thanked Mr. Wittman for his "multiple tenure" on the Township Committee and dealing with many pressures, often coming from Trenton, Mr. Wittman and the Township Committee has continuously defended the quality of life for Cranbury's residents.

Mayor Stout then read the following Resolution into the record:

Resolution

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

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

Nays: (None

Cranbury Township Resolution # R 12-08-218

Township of Cranbury
County of Middlesex

WHEREAS, Wayne Wittman has served as a Township Committeeman from 1994-1999 and again from 2006-2008; and

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Cranbury Township Resolution # R 12-08-218
(Continued)

WHEREAS, Wayne also served as Cranbury Township's Mayor in 1999; and

WHEREAS, Wayne has demonstrated throughout his years on the Township Committee his commitment to serving the residents well; and

WHEREAS, as a liaison to many boards, committees and commissions throughout the years, he has contributed many invaluable suggestions and recommendations; and

WHEREAS, Wayne will be missed by his colleagues on the Township Committee as well as the Cranbury Township residents he served well;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranbury, that Wayne is given an enormous thank you for his dedication, commitment and hard work; and

BE IT FURTHER RESOLVED, a certified copy of this resolution is presented to Wayne with best wishes, happiness and good health.

Mr. Wittman thanked his fellow Township Committee members for the Resolution and working with him for the past three years. He also thanked all the citizens in Cranbury Township for giving him the opportunity to work for them over the past three years. Mr. Wittman added, Cranbury Township is a wonderful place to live and everyone on the Committee should be very proud of what has been accomplished.

Township Committee Minutes for December 8, 2008

On motion by Ms. Stave, seconded by Mr. Stannard and unanimously carried, the Township Committee Minutes for December 8, 2008 were adopted.

Closed Session Minutes for October 22, 2007

Ms. Cunningham, Clerk, explained the Closed Session Minutes for October 22, 2007 dealt with a personnel matter and therefore could not be released to the Public. However, she has consulted with the Township Attorney who has indicated the minutes this evening that the Township Committee is being asked to release to the public have been redacted. On motion by Ms. Stave, seconded by Mr. Wittman and unanimously carried, the Redacted Closed Session Minutes for October 22, 2007 were adopted.

Reports and Communications

There were no reports.

--Mayor

Mayor Stout gave the following remarks:

"Good Evening. Happy Holidays and welcome to the final Township Committee meeting of 2008. Before getting to our close-out business for 2008, I have a few items to report on:

First, it has been my privilege to serve as Mayor of Cranbury in 2008 and I want to thank Committee, Township Employees, Professionals, volunteers on our boards and commissions, and all Cranbury citizens for their hard work in 2008 and unwavering commitment to our Community.

On Friday morning, I had a brief appearance on radio Station WXRP (101.9) to tout the business district and talk about Cranbury during a segment called XRP Supports.

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--Mayor (Continued)
Mayor's Remarks (cont'd)

Tonight, we take another step in the COAH process that challenges our great community – Simply, none of us like the uncertainty that clouds COAH and we feel punished after doing our fair share and complying with the rules in Rounds 1 and 2 and in our 2005 plan for Round 3, at this point (with the exception of Senator Baroni who just left) we feel misled by leaders in Trenton, and hope that in the New Year wisdom and logic will prevail and that our efforts including a lot of those in this community who went to Trenton and made comments, and those of Senator Baroni and others in the State House and Court system bring changes that are meaningful and beneficial to our community.

Last meeting I shared some letters we received from the 4th Grade at Cranbury School. Last Tuesday members of the Township Staff and I had the privilege to meet with the 4th Grade in Town Hall. We discussed their letters and it seems to me that their points about crossing guards will deserve further consideration with the Police early 2009 as we prepare our municipal budget. I went back and looked at them again and they made some meaningful points.

And now for our 2009 budget as we enter that process, we need to be ever more cognizant of the difficult economy that is affecting everyone in our community and our neighbors and need to do what it takes to control or preferably reduce spending for what we can control in our Municipal Budget. I hope the School and County will also consider the poor state of the economy as they work on their budgets. During the 2009 Municipal budget process our goal should be no increase in the Municipal tax rate and we should strive to reduce the tax rate in 2009 relative to 2008. So, members of Committee as well as boards, commissions, and other entities seeking funds in 2009 need to consider this goal when they present their budget requests. Any comments from Committee?

--Members of Committee
There were no reports.
--Subcommittees
There were no reports.

Agenda Additions/Changes

Ms. Cunningham, Clerk, reported the only addition to the Agenda is the previously-read Resolution honoring Mr. Wittman, Resolution # R 12-08-218.

Ordinances

Second Reading

Cranbury Township Ordinance 12-08-20

A motion to enter 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 presented for second reading and final adoption. The Ordinance was published in the Cranbury Press, posted on the Township Bulletin Board and copies were available to the public. The Mayor opened the public hearing on the Ordinance. No one present wished to speak, so the hearing was declared closed. On motion by Ms. Stave, seconded by Mr. Panconi, the Ordinance was adopted by a vote:

Ayes: (Panconi
(Stannard

Abstain: (None
Absent: (None

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Cranbury Township Ordinance 12-08-20
(Continued)

(Stave
(Stout
(Wittman

Nays: (None

Ordinance
Second Reading

Cranbury Township Ordinance # 12-08-21

A motion to enter 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 presented for second reading and final adoption. The Ordinance was published in the Cranbury Press, posted on the Township Bulletin Board and copies were available to the public. The Mayor opened the public hearing on the Ordinance. No one present wished to speak, so the hearing was declared closed. On motion by Ms. Stave, seconded by Mr. Stannard, the Ordinance was adopted by a vote:

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

Nays: (None

Ordinance
Second Reading

Cranbury Township Ordinance 12-08-23

A motion to enter 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 presented for second reading and final adoption. The Ordinance was published in the Cranbury Press, posted on the Township Bulletin Board and copies were available to the public. The Mayor opened the public hearing on the Ordinance. No one present wished to speak, so the hearing was declared closed. On motion by Ms. Stave, seconded by Mr. Stannard, the Ordinance was adopted by a vote:

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

Nays: (None

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Ordinance
Second Reading

Cranbury Township Ordinance 12-08-24

A motion to enter 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"), as presented for second reading and final adoption. The Ordinance was published in the Cranbury Press, posted on the Township Bulletin Board and copies were available to the public. The Mayor opened the public hearing on the Ordinance. Mr. Stannard raised a question if this would have any COAH consequences. Ms. Waterbury, Township Attorney, stated under the current law, the parcel has been dedicated for a specific purpose and it cannot be mandated that it be used for COAH. No one present wished to speak, so the hearing was declared closed. On motion by Ms. Stave, seconded by Mr. Wittman, the Ordinance was adopted by a vote:

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

Nays: (None

Resolutions
Consent

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

Cranbury Township Resolution # 12-08-208

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

Township of Cranbury
County of Middlesex

Cranbury Township Resolution #R-12-08-209

CANCEL SPECIAL EMERGENCY APPROPRIATION

WHEREAS, in 2005 a Special Emergency Ordinance and Resolution was adopted for the purpose of doing a complete tax revaluation; and

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Cranbury Township Resolution # R 12-08-209
(Continued)

WHEREAS, the tax revaluation is complete and there is a balance in the Reserve for Tax Revaluation; and

WHEREAS, this balance is to be cancelled.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Cranbury that \$120,000 be cancelled to Emergency Authorization – 5 Years and \$5,735 be cancelled to Surplus.

CRANBURY TOWNSHIP RESOLUTION 12-08-210

WHEREAS, it is recommended that the following balances in the Ordinances listed below be cancelled to Fund Balance:

	<u>Capital Ordinance</u>	<u>Amount</u>
03-01-05	Construction of Park Side Housing	\$32,354.89
10-01-22	Affordable Housing Units- Supplemental	\$58,126.93
09-02-16	Architectural Services for Police Bldg	\$ 4,426.75
04-03-06	Demo of Wright Property Bldg	\$26,510.93
10-03-16	Purchase of Cranbury Neck Road Barn	\$36,000.00
04-04-11	Cranbury Neck Road Sidewalk	\$ 7,504.69

NOW THEREFORE BE IT RESOLVED that these balances be cancelled to Fund Balance.

CRANBURY TOWNSHIP RESOLUTION 12-08-211

WHEREAS, it is recommended that the following balances in the Ordinances listed below be cancelled to Deferred Charges to Future Taxation Unfunded:

	<u>Capital Ordinance</u>	<u>Amount</u>
06-00-18	Acquisition of Property	\$ 2,074.49
10-00-29	Acquisition of So Brunswick Sewer Capacity Rights	\$ 158.22
03-01-05	Construction of Park Side Housing	\$135,431.30
04-02-05	Acquisition of Wright Property	\$ 999.99
06-02-09	Planning Expenses for Wright Property South	\$ 1,827.53
01-04-01	Acquisition of Simonson Farm	\$168,049.40
01-04-02	Acquisition of Barclay Farm	\$ 1,304.87
01-04-03	Acquisition of Fischer Acres	\$263,553.48
04-04-09	Demolition of Wright Property	\$ 35,495.40

NOW THEREFORE BE IT RESOLVED that these balances be cancelled to Deferred Charges to Future Taxation Unfunded.

Cranbury Township Resolution # R 12-08-212

TOWNSHIP OF CRANBURY

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Cranbury

COUNTY OF MIDDLESEX

WHEREAS, the Tax Collector has received certified funds in the amounts of \$345.03 and \$23,314.81 for the redemption of the following Tax Title Liens;

Block	Lot	TTL#	Assessed to	Premium Paid	Redemption Amount
33	3	223	Deutsche Bank Nat'l Trust Company		\$ 345.03
33	3	226	Deutsche Bank Nat'l Trust Company	\$2,600.00	\$ 23,314.81

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Cranbury that said liens are redeemed in the amounts of \$ 345.03 and \$23,314.81 respectfully.

TOWNSHIP OF CRANBURY
COUNTY OF MIDDLESEX

Cranbury Township Resolution # 12-08-213

A RESOLUTION AWARDDING A CONTRACT BETWEEN THE TOWNSHIP OF CRANBURY AND
RONALD GHRIST, C.P.A. FOR ADDITIONAL SERVICES NEEDED

WHEREAS, additional services of the Township's Accountant, Ronald Ghrist, C.P.A. are needed for certain legal hearings; and

WHEREAS, said additional services have necessitated additional funds be paid to Mr. Ghrist, C.P.A. for those services; and

WHEREAS, the Chief Financial Officer has certified funds are available;

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Cranbury, that the Mayor and Clerk are hereby authorized to execute an Agreement between the Township of Cranbury and Mr. Ronald Ghrist, C.P.A., for a not-to-exceed amount of \$10,000.00.

Cranbury Township Resolution # R 12-08-214

TOWNSHIP OF CRANBURY
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY

A RESOLUTION REJECTING BIDS FOR THE PUMP STATION INSTRUMENTATION
CALIBRATION SERVICES CONTRACT, AND AUTHORIZING THE TOWNSHIP
ADMINISTRATOR TO NEGOTIATE A CONTRACT FOR SAME; N.J.S.A. 40A:11-5

WHEREAS, the Township of Cranbury recently advertised for sealed bids for a contract to provide instrumentation calibration services for the Township's pump stations; and

WHEREAS, bids were opened on December 2, 2008, and the 2 bids received were not responsive to the bid specifications; and

TOWNSHIP COMMITTEE MEETING
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Cranbury Township Resolution # R 12-08-214
(Continued)

WHEREAS, the Township had previously solicited and received bids for the same contract, and rejected same as being not reasonable as to price; and

WHEREAS, N.J.S.A. 40A:11-5 of the Local Public Contracts Law permits a municipality to negotiate a contract after bids have been rejected on two (2) occasions; and

WHEREAS, it is in the best interests of the taxpayers to reject the second round of bids, and authorize the Township's administrator to negotiate the terms of the contract;

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

(1) the bids received at the December 2, 2008 bid opening for pump station instrumentation calibration services be and hereby are rejected as not responsive to the bid specifications;

(2) the Township Administrator be and hereby is authorized to negotiate the terms of the contract, subject to subsequent approval by the Township Committee.

NOTE: Before adopting the following resolution the Township Committee members engaged in a discussion concerning the eight (8) percent increase each year in the cost of the 9-1-1 Agreement between Hightstown and the Township. Ms. Smeltzer explained the Township has utilized this service for many, many years and is not able to go to another provider due to the frequency issues, etc:

Cranbury Township Resolution # R 12-08-215

TOWNSHIP OF CRANBURY
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY

A RESOLUTION AUTHORIZING THE EXECUTION OF A SHARED SERVICES GOVERNMENT
SERVICES AGREEMENT WITH THE BOROUGH OF HIGHTSTOWN FOR THE CONTINUED
PROVISION OF EMERGENCY 9-1-1 DISPATCHING SERVICES

WHEREAS, in prior years, the Township of Cranbury and the Borough of Hightstown have executed a Shared Services Agreement for the Borough's provision of Emergency 9-1-1 Police Dispatching Services on behalf of the Township; and

WHEREAS, the Borough has offered to continue to provide these services to the Township during 2009, 2010 and 2011 as set forth in the attached agreement; and

WHEREAS, the total fee for 2009 will be \$128,450.00; and

WHEREAS, the Chief Financial Officer has certified that there are sufficient funds for these services during 2009; and

WHEREAS, the performance of these services after December 31, 2009 is subject to funds in succeeding budgets; and

WHEREAS, such agreements are authorized pursuant to the Uniform Shared Services Consolidation Act, N.J.S.A. 40A:65-1 et. seq.; and

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Cranbury Township Resolution # R 12-08-215
(Continued)

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

1. The Mayor and Clerk are hereby authorized and directed to execute the attached agreement with the Borough of Hightstown for the provision of Emergency 9-1-1 Police dispatching Services for the period January 1, 2009 through December 31, 2011.
2. A copy of the Agreement shall be available for public inspection in the Township Clerk's Office during regular business hours.

Resolution

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

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

Nays: (None

Mayor Stout stated the Township, as he stated before, had taken a three-prong approach to COAH: having its residents lobby in Trenton to protect the Township's interests, joined in two (2) lawsuits to challenge the new COAH rules and came up with a Fair Housing Plan and submitted the Plan by the required deadline of December 31 2008.

Ms. Waterbury, Esquire, Township Attorney, stated the Planning Board has adopted the Fair Share Plan and the Township either has to adopt the Plan or not adopt the Plan. She indicated she had reviewed the Plan and it does comply with COAH's new rules. Mr. Wittman stated, being involved in all three-rounds, this Plan was the most challenging. He added, there were many hours spent on this Plan and he hopes "cooler heads will prevail in Trenton next year" and there will be relief for the Township as well as other towns in the State.

Mr. Stannard urged the Township to make sure its Plan is delivered a day earlier, as to not have the problem of not being able to get it actually delivered by the 31st. Ms. Trishka stated that having a police officer drive down to Trenton to file the Plan may not be a bad idea as there will be over 200 municipalities in Trenton on the 31st to file their plans. Mayor Stout asked Ms. Smeltzer to oversee getting the Plan to Trenton the day before and coordinate with the Police Chief.

Cranbury Township Resolution # R 12-08-216

TOWNSHIP OF CRANBURY
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY

**A RESOLUTION RE-PETITIONING THE COUNCIL ON AFFORDABLE HOUSING WITH AN
AMENDED HOUSING ELEMENT AND FAIR SHARE PLAN**

TOWNSHIP COMMITTEE MEETING
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Cranbury Township Resolution # R 12-08-216
(Continued)

WHEREAS, the Planning Board of the Cranbury Township, County of Middlesex, State of New Jersey, adopted an amended Housing Element and Fair Share Plan on December 11, 2008; and

WHEREAS, a true copy of the resolution of the Planning Board adopting the amended Housing Element and Fair Share Plan is attached pursuant to N.J.A.C. 5:96-2.2(a) 2.

NOW THEREFORE BE IT RESOLVED that the Township Committee of the Township of Cranbury, County of Middlesex, State of New Jersey, hereby endorses the amended Housing Element and Fair Share Plan as adopted by the Cranbury Township Planning Board (including the spending plan set forth therein); and

BE IT FURTHER RESOLVED that the Township Committee of the Township of Cranbury, pursuant to the provisions of N.J.S.A. 52:27D-301 et seq. and N.J.A.C. 5:96-3.4, submits this re-petition for substantive certification of the amended Housing Element and Fair Share Plan (including the spending plan set forth therein) to the Council on Affordable Housing for review and certification; and

BE IT FURTHER RESOLVED that a list of names and addresses for all owners of sites in the Housing Element and Fair Share Plan, including the names and addresses of any objectors to the Township's prior plan, shall be included with the re-petition; and

BE IT FURTHER RESOLVED that notice of this re-petition for substantive certification shall be published in a newspaper of countywide circulation pursuant to N.J.A.C. 5:96-3.5 within seven days of issuance of the notification letter from the Executive Director of the Council on Affordable Housing indicating that the submission is complete and that a copy of this resolution, the adopted amended Housing Element and Fair Share Plan and all supporting documentation shall be made available for public inspection at the Cranbury Township municipal clerk's office located at 23A North Main Street, Cranbury, NJ 08512 during the hours of 8:00 a.m. to 4:00 p.m. on Monday through Friday for a period of 45 days following the date of publication of the legal notice pursuant to N.J.A.C. 5:96-3.5.

Resolution

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

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

Nays: (None

Ms. Waterbury, Esquire, Township Attorney, explained that COAH, in each set of its rules, including this Round has required each municipality to demonstrate what they mandate, "an adequate and stable source of funding for the rehabilitation program and for any municipality-sponsored funding". She added, the Township relies on municipality-sponsored affordable housing which is a good thing. In past rounds it has not been an issue to pass bonds because it was always manageable. In this Round it has become far more controversial with other municipalities to have to pass this type of bond because there is language in the Fair Housing Act

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that specifically states that the State cannot compel municipalities to raise taxes to build affordable housing. She added, Commissioner Doria, Department of Community Affairs has stated there is plenty of funding available. Ms. Waterbury reported the Township's Third Round Plan contains both rehabilitation and municipality-sponsored affordable housing. The Resolution does not bind future Township Committees with a course of action that they must take. Ms. Waterbury added, the following resolution is not the sample resolution which is on the COAH web site and if COAH decides it will not accept same, it would deem the Township's application not complete and the Township would only have a number of days to correct the Plan.

Cranbury Township Resolution # R 12-08-217

**TOWNSHIP OF CRANBURY
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY**

**A RESOLUTION CONCERNING THE TOWNSHIP OF CRANBURY'S COMMITMENT TO FUND
ITS AFFORDABLE HOUSING PROGRAM**

WHEREAS, pursuant to N.J.A.C. 5:96-2.1, the Township Committee of the Township of Cranbury in Middlesex County, New Jersey, has endorsed an amended Housing Element and Fair Share Plan setting forth the Township's commitment to meeting its affordable housing obligation through 2018; and

WHEREAS, pursuant to N.J.A.C. 5:96-3.1, the Township Committee is re-petitioning the New Jersey Council on Affordable Housing ("COAH") for substantive certification of its amended Housing Element and Fair Share Plan; and

WHEREAS, this Housing Element and Fair Share Plan contains one or more municipally-sponsored affordable housing developments pursuant to N.J.A.C. 5:97-6.7 and other compliance techniques, include rehabilitation, for which the Township must demonstrate an adequate and stable funding source; and

WHEREAS, the Township Committee is confident that adequate and stable funding will be available from monies collected in the Township's affordable housing trust fund, from federal, State or County funding sources, and/or from the funding sources set forth in "A Guide to Affordable Housing Funding Sources," dated October 2008, posted by the Council on Affordable Housing on its website to assist municipalities; and

WHEREAS, the provisions of the New Jersey Fair Housing Act of 1985, N.J.S.A. 52:27D-311(d), state that nothing in said Act shall require a municipality to raise or expend municipal revenues in order to provide low and moderate income housing; and

WHEREAS, COAH nonetheless requires documentation to be submitted with its Fair Share Plan to indicate the availability of funding for its affordable housing compliance mechanisms;

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

1. The Township Committee determines that there is adequate and stable funding for all of the affordable housing compliance mechanisms set forth in its endorsed Housing Element and Fair Share Plan, consisting of funding in the Township's affordable housing trust fund and funding from governmental grants and/or other outside sources as set forth in the publication entitled "A Guide to Affordable Housing Funding Sources," dated October 28, 2008 and posted by the Council on Affordable Housing on the Council's web site as a resource for municipalities.

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Cranbury Township Resolution # R 12-08-217
(Continued)

2. In the event that the above-referenced funding sources are not sufficient to implement the entirety of the Township's Housing Element and Fair Share Plan through 2018, the Township of Cranbury, in the discretion of the governing body then representing the Township, may determine to provide for an alternate source of affordable housing funding such as, but not limited to, municipal bonding, or elect to modify and change said Housing Element and Fair Share Plan to address its remaining affordable housing obligation in lieu of municipal bonding.

Mayor Stout thanked everyone who worked on the Plan and the residents for all of their hard work. He also recognized and thanked Mr. Mark Berkowsky, Cranbury Housing Associates, for his hard work and help.

Reports from Township Staff and Professionals

Christine Smeltzer, Township Administrator

Ms. Smeltzer reported on the firing range at East Brunswick. The Police Department has found a very cost-effective firing range which they can now use. East Brunswick has an indoor range. She explained the reason it is not in the form of a resolution is because the difference is only \$40.00. It works out well with both municipalities as East Brunswick is looking for other towns to utilize it. East Brunswick has asked for the Township to indemnify East Brunswick and asked the Township Attorney to prepare an indemnification.

MOTION: A motion was made by Ms. Stave, seconded by Mr. Stannard and unanimously carried to approve the use of the East Brunswick Police Training Facility and to indemnify East Brunswick Township.

Boards and Commissions

Ms. Cunningham, Township Clerk, reported over the weekend the Public Works Staff and the Construction Official moved her Office, the Tax Assessor's Office and the Construction Office and commended them for a "phenomenal" job.

Reports from Township Boards and Commissions

There were no reports.

Work Session

- a). Discussion of Removal of Parking Space in front of Dr. Stuart Alexander's Office
The Township Committee discussed the removal of the parking space in front of Dr. Stuart Alexander's Office at 19 North Main Street. Ms. Smeltzer led the discussion, explaining the County Planning Board has reviewed Dr. Alexander's proposal for his office. In December, 2007 they took a vote on removing the parking space, however that was not binding on Cranbury Township because they deferred to Cranbury because we use and control where parking spaces are placed in the Township. They recommended the parking space be removed. She expressed her concern from an insurance viewpoint, as to when another agency makes a recommendation the Township does not take it seriously; potentially increasing the Township's liability. Mayor Stout inquired as to what the Township's Traffic Consultant's viewpoint is. Ms. Smeltzer reported he feels the same way; there is a site distance issue and the space needs to be removed. Mr. Stannard stated, having been a member of the Planning Board for a number of years and having listened to Planning Board applications dealing with traffic almost the Township's Traffic Consultant, Mr. Feranda, has spoken on another context having to deal with narrowing of streets and parking being traffic-calming devices. Mr. Stannard referenced the issue at the

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Work Session (Continued)

- a). Discussion of Removal of Parking Space in front of Dr. Stuart Alexander's Office(cont'd)
Planning Board level of widening Old Trenton Road. Mr. Feranda had indicated the wider the street, the less the parking and the more dangerous a street might become. Mr. Stannard added he is not ready to default on the safety issue because the Township cannot make safety the only overriding issue when there are in fact a number of places in town where the same conditions exist; they have existed for centuries. Mr. Stannard stated this would set a precedent at a very bad time when the Township is losing parking and losing part of an answer to the parking problem (the former PNC Bank building). Mr. Stannard referenced six (6) or seven (7) buildings nearby with the same problem. Mr. Stannard stated he will not support deleting the parking space. Mr. Wittman stated he agreed with Mr. Stannard about the PNC Building parking spaces and also with setting a bad precedent by removing Dr. Alexander's parking space on North Main Street. He also agreed with Ms. Smeltzer concerning a liability issue. Mr. Wittman recommended responding to the County and letting them know that the same problem exists at many other buildings and the Township did not remove their parking spaces and use this as a defense to make the County then reverse its decision. Mr. Wittman stated he will not support removing the parking space. Mayor Stout stated if the Township followed the County's recommendation, they would have to remove parking spaces throughout the town as the same situation exists up and down Main Street and side streets as well. Mr. Stannard added, having been in the insurance business for a number of years, if the Township does or does not remove the space in front of Dr. Alexander's office and someone is hit, the Township will be sued. If someone is hit by a car coming out of another driveway, the Township will be sued. A good Plaintiff's lawyer will sue. The liability is there and cannot change. Removing the space will not change the liability. Ms. Stave stated she was in agreement with Mr. Stannard. Mr. Cody recommended shortening the parking space in front of the parking space at Dr. Alexander's and it would then make that space a little longer, alleviating the site distance problem. Mayor Stout stated the Township could take a look at the suggestion and thanked Mr. Cody. Ms. Waterbury indicated she recalled preparing a resolution on behalf of the Township to be sent to the County indicating they were looking into the matter last year. Ms. Waterbury then found and read the resolution. The resolution stated the Township would have the Traffic Consultant look into the matter. Ms. Waterbury stated the Township had already done what it had to do as far as the County was concerned. Mayor Stout asked in the interim, someone should look at the two (2) spaces to see if Mr. Cody's suggestion is possible.

Mayor Stout entertained comments from the public on the issue:

Mr. Michael Humora, 125 Plainsboro Road, a patient of Dr. Alexander's stated he and his family often support businesses in Cranbury and reported he considers the parking space a safety concern. He stated today, while exiting the parking space a SUV was parked there and he went to pull out and could not see. If you look at the density of businesses in town, that business is in a high-density area of town. In terms of liability, if I was a Judge or Attorney and knew that the Township did nothing about the issue, there would be a much different opinion than if it had done something.

Mr. Bob Finigan, 88 North Main Street, resident and owner of the Blue Rooster, (next door to Dr. Alexander's Office) stated the amount of traffic that comes in and out of the driveway is not a lot as Dr. Alexander's office hours are not from 8:00 a.m. to 5:00 p.m. every day. His hours vary from day-to-day. He stated earlier in the year, the Township Engineer and Dr. Alexander had shortened the parking space on the South side of the driveway for egress. Mr. Finigan stated he is not in favor of losing a parking space.

Mr. Frank Marlowe, 11 North Main Street, stated in this case, the overwhelming evidence is that cars parked along the side streets as well as the main streets in town, enhance the pedestrian safety. He explained, this is done by narrowing the roadway and alerting car drivers that

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December 22, 2008

Work Session (Continued)

- a). Discussion of Removal of Parking Space in front of Dr. Stuart Alexander's Office(cont'd)
a car door may open, etc. The slower cars go the safer it is. More and more towns have been using street-side parking deliberately and aggressively to promote their downtown area as well as to slow down traffic. Mr. Marlowe reported research has been done by the Highway Safety Board, the Federal Highway Authority and various other organizations and they show dramatic drops and severity in accidents in towns that have street-side parking. Mr. Marlowe stated the more parking spaces there are on the streets the more they deter accidents. He added, the other item that is very relevant is crossing the sidewalk safely. He stated he realizes it is very difficult to see when exiting the driveway and if the driver has to stop that is what should be done when crossing the sidewalk. This would allow the driver as well as the pedestrian more time to see and added, it is only unsafe if a driver excels while exiting the driveway. Mr. Marlowe urged the Township to address the problem correctly for safety as well as liability.

Mayor Stout stated the resolution that was passed and had asked for a report from the Traffic Consultant on the issue and stated the Township needs the document.

Mr. Wittman stated the Township is going to have the Traffic Consultant, who is a professional, put something on the record to close the issue and do the right thing.

Dr. Stuart Alexander stated this is the fourth time he has come before the Township Committee concerning this issue. He stated experts have stated a problem does exist, including the Township's Traffic Consultant and if the Township ignores its professional's advice, then it is allowing itself for liability. Dr. Alexander reported, at his own expense, he has put a parking lot in the back of his office to reduce the burden on public parking. Dr. Alexander expressed his frustration over the issue taking over one-year to resolve. He stated this parking space differs from the others in town as it is a commercial space vs. a residential space and the driveway aligns directly at the end of the parking space. Dr. Alexander explained there is also an issue with entering the driveway as well. He stated if he were not concerned he would not have put his own parking lot in the back of his building at his own expense. Dr. Alexander concluded by urging the Township to make its decision on good sound judgment and thanked the Committee. Mayor Stout apologized to Dr. Alexander for the issue not being resolved and promised it would be resolved by January.

Public Comment

The Mayor opened the meeting to public questions and comments on those items not on the agenda. Mr. David Mauger, 26 Griggs Road, stated he really is grateful that a COAH Plan is now in place that protects the Township from a "Builder's Remedy". Mr. Mauger stated three years ago when the Route 130-D site was purchased, Mayor Beauregard, apologized at a meeting to the public, stating the COAH rules had changed and there had not been enough time to seek the public's input about purchasing the parcel. Mr. Mauger expressed his disappointment, given the fact that 75% of households in the Cranbury Estates neighborhood has opposed the site being used for affordable housing. Mr. Mauger urged the Township Committee to slow down and be consistent and reminded them that the Township is not required to build any new COAH housing until 2011 at the earliest. Mr. Mauger commended Cranbury Housing Associates for their excellent work thus far on the affordable houses.

Jay Taylor, 13 South Main Street, stated about a month ago, members of the First Aid Squad and Fire Department came before the Township Committee to express their concern with two (2) Public Works Employees not answering calls when those employees are being paid extra money per hour to do so. Mr. Taylor asked, after reading The Cranbury Press, why they are not required to show up. Ms. Smeltzer responded, they are required to show up, however if they are in the middle of plowing icy streets explaining there are going to be times when they are not going to be able to respond. Ms. Smeltzer indicated she does not have numbers on when they are or are not

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Public Comment (Continued)

answering calls. She requested from the Fire Department when they do and do not get assistance from the Public Works Employees. Mr. Taylor also asked is the Township going to hold the employee accountable. Ms. Smeltzer indicated the Township would be tracking the employees. Mayor Stout reminded everyone that both employees cannot answer First Aid Squad calls both can answer Fire Department calls. Mr. Stannard asked that both sides keep track of the employees.

Mr. Charles Smith, 141 Plainsboro Road and Fire Department President and First Aid Captain stated the Township Committee gets a report every month indicating how many times the Public Works Employees have been responding to the total number of calls that the Fire Department answers. He reported last month out of four (4) calls no one showed up. Mr. Smith reported that Mr. Thorne has to give the employees permission to go out on calls. Mayor Stout indicated the issue will be resolved and the Township will get better accountability.

Resident, 14 Plainsboro Road, commended the Township for having such a program and encouraged the Township to move forward with making the employees more accountable.

Mr. Dan Mulligan, 32 Old Cranbury Road, raised his concern over the Public Employees not answering the calls and also urged the Township to make them more accountable.

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

Mayor's Notes

Mayor Stout reported he had received a note that Al Meiss, a resident of the Township had passed away at the age of 90 and recognized Mr. Meiss' contributions to the Township. He help to establish the Planning Board in the 1960s, held a leadership position with the Stony Brook Millstone Association and was a very strong advocate for land preservation (especially the West property) and land preservation greenways. Mayor Stout stated he held this tribute back until now, as the Township is preserving the last piece of the West property and added Mr. Meiss will be truly missed and he had made a great contribution to the community.

Mayor Stout wished everyone a safe and joyous Holiday Season and stated the Township Committee looks forward to seeing everyone at the Re-organization meeting to be held on Friday, January 2, 2009 at 5:00 p.m. Mayor Stout wished Mr. Wittman well and thanked him for his service.

On motion by Mr. Wittman, seconded by Mr. Panconi and unanimously carried, the meeting adjourned at 9:25 p.m.

Kathleen R. Cunningham, Clerk