

TOWNSHIP COMMITTEE MEETING
APRIL 23, 2007

The regular meeting of the Township Committee of the Township of Cranbury was held at 7:00 p.m. in the Town Hall Meeting Room. Answering present to the roll call was: Township Committee members: Thomas F. Panconi, Jr., Richard Stannard, Pari Stave, Wayne Wittman and Mayor David J. Stout. Also present was: Trishka Waterbury, Esquire, Attorney, Thomas C. Witt, 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 1, 2006 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 1, 2006.
- (3) Was filed on December 1, 2006 with a Deputy Municipal Clerk at the Cranbury Municipal Office, 23-A North Main Street, Cranbury, New Jersey and remains on file for public inspection, and
- (4) Sent to those individuals who have requested personal notice.

Committee Minutes of April 9, 2007

On motion by Ms. Stave, seconded by Mr. Panconi and unanimously carried, the Regular Committee Minutes of April 9, 2007 were adopted.

Closed Session Minutes of April 9, 2007

On motion by Ms. Stave, seconded by Mr. Panconi and unanimously carried, the Closed Session Minutes of April 9, 2007 were adopted.

Committee Minutes of April 13, 2007

On motion by Mr. Wittman, seconded by Mr. Stannard and unanimously carried (with Mr. Panconi and Ms. Stave abstaining) the Regular Committee Minutes were adopted.

Closed Session Minutes of April 13, 2007

On motion by Mr. Wittman, seconded by Mr. Stannard, and unanimously carried (with Mr. Panconi and Ms. Stave abstaining) the Closed Session Minutes were adopted.

Reports and Communications

--Mayor

Mayor Stout reported the seven inches of rain that had fallen a little more than a week ago had tested the Township's Emergency Response team, volunteers and residents. While a number of residents had sustained damage to physical property, to his knowledge the health of the Township seemed sound. Mayor Stout thanked the Police Department, Fire Personnel, Department of Public Works and C.E.R.T. volunteers who contributed to the Township's response.

On Saturday, April 14th, Mayor Stout represented the Township at the opening-day festivities for the Cranbury/Plainsboro Little League Season.

Mayor Stout thanked Marilyn Mullen and all of the Library's volunteers who had put together the "Global Warming Information Sessions" recently held at the Library on

Reports and Communications (Continued)

--Mayor (cont'd)

Saturday, April 14th and Tuesday, April 17th. Mayor Stout reported he had an opportunity to speak about the sustainability and alternative energy work group and listen to speakers and learn about solar energy, efficient lighting and green-house gas emissions. Mayor Stout indicated there would be more sessions at which members of the Al Gore Group (created from the movie, "An Inconvenient Truth") would be present and further explained those individuals have been trained on various aspects of the movie and have agreed to attend the Library workshops.

Mayor Stout indicated on Wednesday, April 17th he had held the second meeting of the Sustainability and Alternative Energy work group. Activities underway by the group include audits of some of the Township buildings (to be discussed later on in the meeting under the Work Session and a review of energy uses and expenditures for Town Hall, sewers and street lighting and performing research on street lighting alternatives.

Mayor Stout reported he had attended a Joint Meeting with the Planning Board on Thursday, April 19, 2007 along with other members of the Township Committee and thanked all who participated in the planning of the Recreation Master Plan. Mayor Stout stated Mr. Wittman and Ms. Stave would report on the Joint Meeting later on under Reports from Township Committee members.

Mayor Stout reported he had held Mayor's hours on Saturday, April 21, 2007 and had several visitors who wished to discuss the Senior Community Room. In addition, Mayor Stout provided some follow-up on the Recreation Master Plan to one resident and another resident had questions about some drainage concerns along on Halsey Reed Road.

--Members of Committee

Mr. Wittman reported he, Mr. Witt, Ms. Cunningham and Ms. Stave had just met with members of the Human Services Board regarding the Senior Room downstairs. Mr. Wittman reported an addendum to the Township's room usage policies would be done within the next month or so. Also discussed were items being procured for the Room and indicated the group would be working with Mr. Witt in doing so. In addition, various groups in the Township had offered, and will be donating items for the Room. Mr. Wittman reported the grand opening had been pushed back to September (instead of June).

Mr. Wittman also reported the Joint Meeting last Thursday, April 19, 2007 regarding the Open Space Master Plan had gone very well and commended Mr. Richard Preiss, Township Planner, for doing a great job. Mr. Wittman indicated the Planning Board would be reviewing the Plan over the month or two and by the end of the second quarter would give its final recommendations to the Township Committee.

Ms. Stave added, the main "takeaways" from the Report were the Township did not really have a need to expand in other areas; such as building more fields at this time and suggested the Township re-configure the Millstone Park fields to get more use. Ms. Stave indicated she believed the conclusion had been the Township would not have to build more fields for another five years and the goal is to make the soccer/lacrosse fields more multi-purpose fields.

Agenda Additions/Changes

Ms. Cunningham, Clerk, reported under the Work Session an item had been added, "b. Energy Efficiency Audit of Township Buildings" and under Closed Session, the item pertaining to pending tax appeals was being deleted as the Tax Assessor had left ill. Ms. Waterbury, Township Attorney, added an item, "Everhome Mortgage vs. Bailey; status and update".

Ordinance

First Reading

Cranbury Township Ordinance # 04-07-06

An Ordinance entitled, "Cranbury Township Ordinance # 04-07-06, AN ORDINANCE OF THE TOWNSHIP OF CRANBURY IN MIDDLESEX COUNTY, NEW JERSEY, AMENDING CHAPTER 82, "FEES" OF THE CODE OF THE TOWNSHIP OF CRANBURY", 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: May 7, 2007

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

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

1. Subsection 82-2 of Chapter 82 of the Code of the Township of Cranbury ("Code"), entitled "Miscellaneous Fees," is hereby amended by replacing existing subsection A, "Certified copy of vital record," with new subsection A, "Vital records," which shall read as follows:

A. Vital records.

- (1) The charge for a certified copy of a vital record shall be six dollars (\$6.00) per copy.
- (2) The charge for an uncertified copy of a vital record for genealogy purposes shall be fifty cents (\$.50) per copy.

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

Resolutions

Consent Agenda

Mayor Stout announced he was pulling Resolution # R 04-07-091, as he had some questions concerning the Developer's storm water Management improvements. Mr. Stannard indicated on Cranbury Township Resolution # 04-07-090 for Max Spann, the attached Agreement on Page 2, Part 3 needed to be changed to read, "Section C: accept or reject all bids, namely, take out the word or. Ms. Waterbury, Township Attorney, will correct the Agreement.

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

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

Nays: (None

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

RESOLUTION OF THE TOWNSHIP OF CRANBURY, NJ

WHEREAS, by letter dated January 23, 2007, Sudler has requested the release of their performance guarantee previously posted with the Township in accordance with Planning Board approval and

Cash	\$ 90,674.21
------	--------------

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.
2. The Township hereby accepts the public improvements, if any so designated pursuant to the Planning Board's approval.

- (a) Township Engineer
- (b) Township Chief Financial Officer
- (c) Steven Spinweber, Sudler
- (d) Township Attorney

I, Kathleen R Cunningham do hereby certify that the foregoing is a true copy of a Resolution passed by the Township of Cranbury at a meeting duly held on April 23, 2007.

CRANBURY TOWNSHIP RESOLUTION # R 04-07-089

WHEREAS, the Tax Collector has determined, there were erroneous paid taxes which caused an overpayment on a parcel for the 2007 property taxes,

CRANBURY TOWNSHIP RESOLUTION # R 04-07-089
(Continued)

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Cranbury that the following 2007 erroneously paid property taxes be refunded:

BLOCK	LOT	ASSESSED TO	AMOUNT
23	147.02	Manish & Harvinder Bhatia	\$ 3,554.70

CERTIFICATION

I, Kathleen R. Cunningham, Township Clerk of the Township of Cranbury, hereby certify that this is a true copy of a Resolution which was adopted at a regular meeting on April 23, 2007.

Kathleen R. Cunningham, Clerk

Cranbury Township Resolution # R 04-07-090

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

**A RESOLUTION AUTHORIZING
THE EXECUTION OF A SERVICES AGREEMENT WITH
MAX SPANN REAL ESTATE & AUCTION CO.**

WHEREAS, there exists a need for the Township to procure the services of a licensed real estate broker and auctioneer to assist the Township in marketing and selling preserved farmland owned by the Township commonly referred to as "Barclay North and South" and more specifically identified as Block 23, Lot 12.01 and Block 25, Lot 19.01 ("Property"); and

WHEREAS, Max Spann Real Estate & Auction Co. ("Spann") possesses the necessary experience and expertise and has provided such services to the Township in the past; and

WHEREAS, Spann has submitted a proposal to provide these sought-after services to the Township, and the Township is interested in hiring Spann for same; and

WHEREAS, the parties seek to list the Property for sale through Spann to attempt to effectuate the sale of the Property at an Auction to be conducted by same; and

WHEREAS, Spann will provide the sought-after services at no cost to the Township; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 *et seq.*, authorizes the award of a services contract without competitive bids when the cost of the contract does not exceed the applicable bid threshold;

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 an agreement with Max Spann Real Estate & Auction Co. to market and sell by auction the Township-owned preserved farmland commonly referred to as "Barclay North and South" and designated on the Cranbury Township Tax Maps as Block 25, Lot 19.01 and Block 23, Lot 12.01, which agreement shall be subject to the approval of the Township Attorney as to form and substance. The above-referenced services will be provided at no cost to the Township.

Cranbury Township Resolution # R 04-07-090
(Continued)

2. A copy of the agreement will be made available for public inspection in the Township Clerk's office during regular business hours.

CERTIFICATION

I, Kathleen R. Cunningham, RMC, Clerk of the Township of Cranbury, do hereby certify that the foregoing is a true and correct copy of a resolution passed by the Township Committee of the Township of Cranbury at its meeting held on April 23, 2007.

Kathleen R. Cunningham, Clerk

Reports from Township staff and professionals

Mr. Witt, Township Administrator, reported the Township's Arbor Day Celebration would be held on Friday, April 27, 2007 at 2:00 p.m. at Heritage Park at which time "Dossin Meadow" will be dedicated in honor of Judy Dossin, a long-time resident of the Township and Chairperson of the Parks Commission and Shade Tree Commission, who had passed away in January, 2007.

Mr. Witt reported the speed and no passing study for Old Trenton Road was almost ready in draft form for the Township. Mr. Witt spoke with Mr. Andrew Feranda of Shropshire Associates who had indicated the reason for the delay was the "freak" snow storm. The snow plows had taken out all the recorders. Mr. Feranda stated he would have the report available in two weeks.

Mr. Witt reported, due to the recent flooding, he had dumpsters placed at the Public Works building on Dey Road for the public to bring any damaged furniture, etc. between the hours of 7:00 a.m. and 3:00 p.m., Monday through Friday and all white goods will be picked up for the rest of the month for free. The public should call Linda Scott, Public Works at: 609-395-0900, ext. 229.

Mr. Witt reported the Annual Spring Clean Up will be held Saturday, May 5th and Sunday, 6th from 9:00 a.m. until 3:00 p.m.

Mr. Witt reported during the recent storm, Petty Road bridge had suffered extensive damage and the bridge is presently closed. Mr. Witt and the Township Engineer had surveyed the damage and had approached the contractor working on the Liberty Way bridge about repairing the Plainsboro bridge. Mr. Witt had already called the County, who claimed no responsibility and there is no plaque on the bridge indicating it is a County Bridge. If Plainsboro Township agrees to help with the repairs, the cost to Cranbury Township will be \$31,000. If not, the cost to Cranbury Township will be \$38,000. Mr. Witt indicated he had fax'd a quote to Bob Sheehan, Plainsboro Township's Administrator and expected to hear back from him on Tuesday. Mayor Stout asked where the monies would come from. Mr. Witt indicated in this year's Budget, monies had been set aside for road repairs and a portion of those funds could be used, however, Mr. Witt stated he hopes to apply to F.E.M.A. to get reimbursement for all expenditures related to the severe storm.

Mayor Stout reported the repairs to the sidewalk around the utility poles on Station Road had been completed to allow an easier path for residents to walk with strollers and thanked Mr. Witt for taking care of it and Mr. and Mrs. James Golubieski for allowing the Township to access their property to do so.

Reports from Township Boards and Commissions

There were no reports.

Work Session

- a. Wright South Next Steps

The Township Committee discussed the next steps in the process for the planned baseball and recreational fields on the Wright South property. Mayor Stout led the discussion, explaining the Township had recently received a "No Further Action" letter from the New Jersey Department of Environmental Protection on the property. Ms. Stave reported the last time the Township Committee had discussed the Wright South property had been in 2004. Since that time, the Architect, Mr. Bob Brown, had retired and the designer from Edaw had left the company for another job, however, the designs are still at Edaw. Ms. Stave indicated she believed there still exists a current topographical survey that will serve as the basis to bid for grading of the property. Ms. Stave stated there are other issues that should be discussed preceding the grading, namely, having a discussion with Edaw regarding what their role in the process moving forward will be. Also, landscaping needs to be addressed and in addition to understand what the Township's obligations will be in paving the driveway going to Mr. and Mrs. Zurfluh's property. Ms. Stave also stated the issue of burying power lines (if possible) and irrigation issues needs to be addressed. Ms. Stave indicated it was her belief a plan for irrigation of the property had not been drawn up by Edaw and if the Township takes into account the comments of Joan Rue at the Joint Planning Board meeting on April 19, 2007, the Township may want to invite the School to participate in the discussion as they may want to "tap" into the same line and share it. Ms. Stave offered to re-convene the Wright South subcommittee (which would fall under the Open Space subcommittee) and get "all the ducks in a row". Ms. Stave reported it appears the earliest the grading and seeding could be done would be early Fall. Mr. Wittman added, one of the items Ms. Rue had brought up at the Joint meeting had been to utilize the future open space area for temporary soccer fields (going to the Updike property) and after Millstone Park is re-configured, that area could go back to the open space (for a Village Green) and urged the Township to explore the idea. Mr. Panconi suggested "bundling" the Babe Ruth field with Millstone Park as the Township had received monies from the County for recreational purposes. Mayor Stout asked that Ms. Stave report back in May what the Township's next steps would be. Mr. Wittman indicated he would be meeting with the Board of Recreation Commissioners on Thursday and will report to the Board that the Township had received the "No Further Action" letter from D.E.P.

b. Energy Efficiency Audit of Township Buildings

Mayor Stout reported the Sustainability and Alternative Energy work group subcommittee held their second meeting on April 17, 2007. Mayor Stout added a lot of individuals have committed their time to serve on the subcommittee. Mayor Stout stated Mr. Witt had secured an estimate from an energy audit company. In addition, Mayor Stout, Ms. Stave and possibly two members of the work group will be attending a seminar on May 2nd, given by Freeholder Jim Polos on "Implementing Green Technology & Sustainability". Mayor Stout added, energy audit vendors would be attending the seminar as well and the work group intended to invite one or more to the next meeting of the work group to discuss what they could do for the Township and the costs involved. Mayor Stout stated the work group intends to invite the School to their next meeting and he expected the Township to spend about \$6,000.00 to have an audit of Township buildings (including the Public Works, Police Station, Fire House and the pump stations). Mayor Stout stated also included would be an audit of the Township's parks. Mr. Stout asked the Township Committee members to approve spending approximately \$6,000.00 for an audit. The Township Committee members unanimously approved the expense.

Public Comment

Mr. Phil Moody, Halsey Reed Road, addressed the Township Committee concerning a problem he currently is having at his home on Halsey Reed Road with a water problem. Mr. Moody explained he has been trying to find out what assistance is available to him from the Township of Cranbury and has contacted Monroe Township to fix the problem but

Public Comment (Continued)

Mr. Moody(cont'd)

to no avail. Mr. Moody has spent approximately \$7,000 thus far to replace a furnace and alleviate the water flooding problem. Mr. Moody explained the amount of surface water had increased since the construction of the housing development in Monroe Township. Mr. Moody indicated he was constantly in touch with officials in Monroe Township and had also attended

several Monroe Township Planning Board meetings as well. Ms. Waterbury, Township Attorney, suggested sitting down with the Ms. Marcelli, Cranbury Township Engineer and Mr. Witt, Township Administrator to identify the problem and then to try to solve the problem.

Mr. Alan Danser, Petty Road, spoke concerning the Petty Road bridge, indicating he had always been under the impression that all bridges were the County's responsibility and when he served on the Township Committee during the 70's and 80's the developers building new homes on the road (75-85) had to pay a fee to the County for downstream drainage. Mr. Danser urged the Township Committee to contact the County again to clarify ownership before spending \$31,000 - \$38,000 of the taxpayers' monies. Mr. Witt indicated he would be calling the County Engineer in the morning to confirm the issue. Mayor Stout indicated he would be placing a telephone call to Mayor Cantu of Plainsboro Township.

Mr. Danser also spoke regarding maintenance of the Barclay property over the summer months and urged the Township to have the property farmed. Mr. Stannard responded it was the fiduciary obligation of the Township Committee to put the interests of the Township before any particular person or themselves and is looking to auction the Barclay property in May or June. Mr. Stannard added, the Agreement he spoke of earlier in the meeting, stated the closing would be within 45 days of the bid acceptance. Mr. Stannard stated the value of having the farm with a crop planted would be more advantageous to sightseers and the average citizen and many farmers know that the property is considered to be one of the best pieces of farming property in the State of New Jersey (as there have been articles in various publications stating so). Mr. Stannard stated he did not believe farmers who would be bidding on the property would care one way or another if it is farmed between now and the closing. Mr. Stannard stated for a new buyer who sees a crop on the property he would be bidding on, may be a detriment and there really is no financial advantage to the Township to lease the property to a farmer as the last farms leased had only brought a grand total of \$300 for two parcels. The fewer encumbrances to a property the better; the prospective buyer wants to know that they can walk on the property and put in their own crop the next day after closing. Mr. Stannard reported the Township had researched the issue of losing the farmland assessment status if the land were not farmed and it had been determined the status would not be affected. Leaving the land unfarmed allows the Township flexibility and personally does not support leasing the land. Mr. Wittman stated if the auction and sale does not happen on schedule, he does not want the property sitting for the summer and Fall with nothing on it and urged the Township to have a "backup" plan. Ms. Waterbury, Township Attorney, stated it would be June 11th before the Township could award a lease if it desired to do so.

Ms. Robin Maramag, 135 Plainsboro Road, addressed the Township Committee regarding water issues she is having at her residence. Mr. Maramag explained since purchasing the home in 2002, she and her husband are increasingly having problems with water drainage on the property. Ms. Maramag had corresponded with Ms. Marcelli, Township Engineer back in 2005 concerning the issues. Ms. Marcelli had suggested Ms. Maramag take pictures and wait 24-48 hours and re-take the pictures. However, the driveway is never not flooded to take the pictures 24-48 hours. Now she and her neighbors are having problems they never had before. Ms. Maramag also stated for a very long time her driveway has been covered with water causing her to have to carry her children to the car. Ms. Maramag explained she is seeking help as she does not know what else to do. Mayor

Public Comment (Continued)

Ms. Maramag (cont'd)

Stout recommended having Ms. Marcelli come to the next meeting to discuss as a Work session item the various drainage issues within the Township. Ms. Waterbury, Township Attorney recommended Ms. Marcelli attends the later meeting in May to give her time to prepare. The Township Committee asked Ms. Maramag to send a copy of her file to Ms. Marcelli. Mayor Stout indicated Ms. Marcelli would most likely be in attendance at the second meeting in May.

Mr. David Cook, North Main Street, stated he was supporting the remarks Mr. Danser had made concerning leasing out the Barclay property for farming and encouraged the Township Committee to do so.

Mayor's Notes

Mayor Stout appointed Bonnie Larson to the Citizen's Committee on Cable Television.

Resolution

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

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

Nays: (None

Cranbury Township Resolution # R 04-07-092

TOWNSHIP OF CRANBURY
COUNTY OF MIDDLESEX

RESOLUTION TO CLOSE MEETING TO THE PUBLIC

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

The general nature of the subject to be discussed in this session is as follows:

--- Litigation: Everhome Mortgage vs. Bailey: status update.

It is unknown at this time precisely when the matters discussed in this session will be disclosed to the public. Matters involving contract negotiations or the acquisition of land will be disclosed upon conclusion of the negotiations or upon approval of the acquisition. Matters involving personnel will be disclosed when the need for confidentiality no longer exists. Matters concerning litigation will be announced upon the conclusion of trial or settlement of that litigation or when the need for confidentiality no longer exists.

Date: April 23, 2007

On motion by Ms. Stave, seconded by Mr. Stannard and unanimously carried, the meeting returned to Open Session at 8:13 p.m.

On motion by Ms. Stave, seconded by Mr. Wittman and unanimously carried, the meeting adjourned at 8:21 p.m.

Kathleen R. Cunningham, Clerk