

TOWNSHIP COMMITTEE MEETING
June 12, 2006

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: Richard Stannard, Pari Stave, David Stout, Wayne Wittman and Mayor Thomas F. Panconi, Jr. Also present were: Trishka Waterbury, Esquire, Attorney, Cathleen Marcelli, Engineer, Richard Preiss, Township Planner, Thomas C. Witt, Administrator and Kathleen R. Cunningham, Clerk. Mayor Panconi 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 7, 2005 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 7, 2005.
- (3) Was filed on December 7, 2005 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.

Regular Committee Minutes of May 22, 2006

On motion by Mr. Stannard, seconded by Mr. Stout, the Regular Committee Minutes of May 22, 2006 were unanimously adopted.

Closed Session Minutes

On motion by Mr. Wittman, seconded by Ms. Stave, the Closed Session Minutes of May 22, 2006 were unanimously adopted.

Reports and Communications

--Mayor

Mayor Panconi reported he had attended a School Board meeting on June 6th. The School Board addressed an issue with cell phone use in the classroom and they will be putting a policy for non-camera cell phones. The School Board also expressed their concern when the Four Seasons affordable housing is built, there be a sidewalk to tie in the children to get to and from school otherwise, they would have to bus those students. Mayor Panconi also stated he had Mayor's hours on Saturday, June 10th. The Fire Company had come in and reported they had fifteen calls during the month of May; eight (8) of those calls were from 6:00 a.m. until 6:00 p.m. and seven (7) calls were in the evening. A number of the calls were for assisting East Windsor, West Windsor, South Brunswick, Plainsboro and Hightstown. The Fire Company had a clean up day, Memorial Day Parade and their regular Fire Company Meeting. There were no false alarms for the month of May. Mr. Sandy Kerzner had come in to discuss the possibility of sewer and water for his property near The Cranbury Circle. Mr. James Walton, of the Stony Brook Millstone Water Shed had come in to brief Mayor Panconi on his attendance at the meeting this evening concerning Viridian and the former Unexcelled site, on the Work Session for discussion. Mayor Panconi also reported Mr. Bill and Mrs. Connie Bauder had come in to follow up on some issues of importance to them.

--Members of Committee

Mr. Wittman reported the Recreation Master Plan subcommittee had held its first meeting. Ms. Marcelli, Township Engineer, Ms. Stave and Mr. Wittman had attended. Mr. Wittman indicated the meeting had gotten off to a good start with a lot of participation and was planning a public hearing for mid-to-late July. Ms. Stave added, the subcommittee was being chaired by Alan Kehrt and Mr. Richard Preiss, Township Planner and someone from his firm who would be coordinating the process. Mr. Wittman stated, in addition, there seemed to be good representation from all of the Township's boards and committees on the subcommittee.

Ms. Stave reported the Barn subcommittee had met. Ms. Kate McConnell, who had been a member of H.P.C. as well as the Barn subcommittee, attended the meeting to drive a decision on whether or not the Township would be applying for emergency and/or management funds for the Barn Park. The consensus had been the potato barn should be dismantled and after having drawings done, would be preserved and constructed as it originally was. It would be too expensive to rehabilitate the barn in its present state. Ms. Stave requested the \$5,000 which was to be used for the preservation of the potato barn now be used to dismantle the barn. Mr. Wittman added, it would actually be less expensive to take the barn apart then to try to repair it. Ms. Stave added, she would check to see if the Barn Park was included in the Township's Historic District and if it was not, there would not be a need to get permission to dismantle it. Ms. Stave stated the Township Attorney, Ms. Waterbury, had drafted a Lease Agreement which had been sent to the Lions Club for review.

Agenda Additions/Changes

Ms. Stave requested Ms. Marcelli, Township Engineer, give a status report under Reports from Professionals and Staff, on the Wright South Remediation Project and the baseball field.

Ordinances

First Reading

Cranbury Township Ordinance # 06-06-16

An Ordinance entitled, "Cranbury Township Ordinance # 06-06-16, AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, MIDDLESEX COUNTY, NEW JERSEY, AMENDING CHAPTER 110, "PEACE AND GOOD ORDER" OF THE CODE OF THE TOWNSHIP OF CRANBURY TO PROHIBIT THE FEEDING OF WILDLIFE ON TOWNSHIP-OWNED PROPERTY", was introduced for first reading. Mr. Witt, Township Administrator, reported the Ordinance was part of the Township's Storm Water Report to comply with State regulations and to receive grant funding for Storm Water management. On motion by Ms. Stave, seconded by Mr. Stout, the Ordinance was passed on first reading by vote:

Ayes: (Panconi
(Stannard
(Stave
(Stout
(Wittman

Abstain: (None
Absent: (None

Nays: (None

Public Hearing: June 26, 2006

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

Cranbury Township Ordinance # 06-06-16
(Continued)

1. Existing Chapter 110, entitled "Peace and Good Order", shall be amended to add the following new Article to read as follows:

**ARTICLE IV
Wildlife Feeding**

§ 110-15. Purpose.

The purpose of this Article is to prohibit the feeding of unconfined wildlife in any public park or on any other property owned or operated by the Township of Cranbury, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

§ 110-16. Definitions.

For the purposes of this Article, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Article clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

FEED – To give, place, expose, deposit, distribute or scatter any edible material with the intention of feeding, attracting or enticing wildlife. Feeding does not include baiting in the legal taking of fish and/or game.

PERSON – Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

WILDLIFE – All animals that are neither human nor domesticated.

§ 110-17. Prohibited Conduct.

- A. No person shall feed, in any public park or on any other property owned or operated by the Township of Cranbury, any wildlife.
- B. Nothing in this section shall apply to confined wildlife such as wildlife confined in zoos, parks or rehabilitation centers, or unconfined wildlife at environmental education centers.

§ 110-18. Enforcement.

This Article shall be enforced by the Cranbury Township Police Department.

§ 110-19. Violations and Penalties.

Any person found to be in violation of this Article shall be ordered to cease such feeding immediately, and the violator shall be subject to such fines and other penalties as are provided for in Chapter 1, § 1-15 of this Code, entitled "General penalty; continuing violations."

Cranbury Township Ordinance # 06-06-16
(Continued)

2. Severability. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the

finding or holding of any Court of competent jurisdiction that any such portion of this Ordinance is un-Constitutional, void or ineffective for any cause or reason, shall not affect any other portion of this Ordinance.

3. This ordinance shall take effect upon passage and publication, as provided for by law.

Ordinance

First Reading

Cranbury Township Ordinance # 06-06-17

An Ordinance entitled, "Cranbury Township Ordinance # 06-06-17, AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, MIDDLESEX COUNTY, NEW JERSEY, AMENDING CHAPTER 130, "STREETS AND SIDEWALKS" OF THE CODE OF THE TOWNSHIP OF CRANBURY TO PROHIBIT ILLICIT CONNECTIONS TO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM AND TO PROHIBIT THE SPILLING, DUMPING OR DISPOSAL OF MATERIALS OTHER THAN STORMWATER TO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM", was introduced for first reading. Mr. Witt, Township Administrator, explained this was the second Ordinance required by the State compliance for Storm Water regulations and grant funding. Mr. Wittman raised a question concerning "beaches". Ms. Waterbury, Township Attorney, explained the Ordinance had been prepared using a model from the State and was completely "pro forma". 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: June 26, 2006

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

1. Existing Chapter 130, entitled "Streets and Sidewalks", shall be amended to add the following new Article to read as follows:

ARTICLE III

Illicit Connection to Municipal Separate Storm Sewer System

§ 113-19. Purpose.

The purpose of this Article is to prohibit illicit connections to the municipal separate storm sewer system(s) operated by the Township of Cranbury, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§ 130-20. Definitions.

Cranbury Township Ordinance # 06-06-17

(Continued)

For the purposes of this Article, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Article clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not

merely directory. The definitions below are the same as or based on corresponding definitions in the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A-1.2.

DOMESTIC SEWAGE – Waste and wastewater from humans or household operations.

ILLICIT CONNECTION – Any physical or non-physical connection that discharges domestic sewage, non-contact cooling water, process wastewater, or other industrial waste, other than stormwater, to the municipal separate storm sewer system operated by the Township of Cranbury, unless that discharge is authorized under a NJPDES permit other than the Tier A Municipal Stormwater General Permit (NJPDES Permit Number NJ0141852). Non-physical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system.

INDUSTRIAL WASTE – Non-domestic waste, including, but not limited to, those pollutants regulated under Section 307(a), (b) or (c) of the Federal Clean Water Act, 33 U.S.C. § 1317(a), (b) or (c).

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) – a conveyance or system of conveyances, including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains, that is owned or operated by the Township of Cranbury or other public body, and is designed and used for collecting and conveying stormwater.

NJPDES PERMIT – A permit issued by the New Jersey Department of Environmental Protection to implement the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A.

NON-CONTACT COOLING WATER – Water used to reduce temperature for the purposes of cooling. Such waters do not come into direct contact with any raw material, intermediate product other than heat, or finished product. Non-contact cooling water may, however, contain algaecides, or biocides to control fouling of equipment such as heat exchangers and/or corrosion inhibitors.

PERSON – Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

PROCESS WASTEWATER – Any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product. Process wastewater includes, but is not limited to, leachate and cooling water other than non-contact cooling water.

STORMWATER – Water resulting from precipitation, including rain and snow, that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

Cranbury Township Ordinance # 06-06-17
(Continued)

§ 130-21. Prohibited Conduct.

No person shall discharge or cause to be discharged through an illicit connection to the municipal separate storm sewer system operated by the Township of Cranbury any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste, other than stormwater.

§ 130-22. Enforcement.

The provisions of this Article shall be enforced by the Cranbury Township Police Department.

§ 130-23. Violations and Penalties.

Any person found to be in violation of this Article shall be ordered to cease such illicit connection to the municipal separate storm sewer system immediately, and the violator shall be subject to such fines and other penalties as are provided for in Chapter 1, § 1-15 of this Code, entitled "General penalty; continuing violations."

2. Existing Chapter 130, entitled "Streets and Sidewalks", shall also be amended to add the following new Article to read as follows:

ARTICLE IV
Improper Disposal of Waste to Municipal Separate Storm Sewer System

§ 113-24. Purpose.

The purpose of this Article is to prohibit the spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system (MS4) operated by the Township of Cranbury, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§ 130-25. Definitions.

For the purposes of this Article, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Article clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) – a conveyance or system of conveyances, including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains, that is owned or operated by the Township of Cranbury or other public body, and is designed and used for collecting and conveying stormwater.

PERSON – Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

STORMWATER – Water resulting from precipitation, including rain and snow, that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm

Cranbury Township Ordinance # 06-06-17
(Continued)

sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

§ 130-26. Prohibited Conduct.

- A. The spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system operated by the Township of Cranbury is prohibited.
- B. The spilling, dumping, or disposal of materials other than stormwater in such a manner as to cause the discharge of pollutants to the municipal separate storm sewer system operated by the Township of Cranbury is prohibited.

§ 130-27. Exceptions to Prohibition.

The following shall be exempted from the prohibitions set forth in this Article:

- A. Water line flushing and discharges from potable water sources.
- B. Uncontaminated ground water such as infiltration, crawl space or basement sump pumps, foundation or footing drains, and rising ground waters.
- C. Air conditioning condensate, excluding contact and non-contact cooling water.
- D. Irrigation water, including landscape and lawn watering runoff.
- E. Flows from springs, riparian habitats and wetlands, water reservoir discharges and diverted stream flows.
- F. Residential car washing water and residential swimming pool discharges.
- G. Sidewalk, driveway and street wash water.
- H. Flows from fire fighting activities.
- I. Flows from rinsing of the following equipment with clean water:
 - (1) Beach maintenance equipment immediately following their use for their intended purposes.
 - (2) Equipment used in the application of salt and de-icing materials immediately following salt and de-icing material applications. Prior to rinsing with clean water, all residual salt and de-icing materials must be removed from equipment and vehicles to the maximum extent practicable using dry cleaning methods, such as shoveling and sweeping. Recovered materials are to be returned to storage for reuse or properly discarded.
 - (3) Rinsing of equipment, as noted in this Sub-section, is limited to exterior, undercarriage, and exposed parts and does not apply to engines or other enclosed machinery.

§ 130-28. Enforcement.

Cranbury Township Ordinance # 06-06-17
(Continued)

The provisions of this Article shall be enforced by the Cranbury Township Police Department.

§ 130-29. Violations and Penalties.

Any person found to be in violation of this Article shall be ordered to cease such spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system immediately, and the violator shall be subject to such fines and other penalties as are provided for in Chapter 1, § 1-15 of this Code, entitled "General penalty; continuing violations."

- 3. Severability. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any

Court of competent jurisdiction that any such portion of this Ordinance is un-Constitutional, void or ineffective for any cause or reason, shall not affect any other portion of this Ordinance.

4. This ordinance shall take effect upon passage and publication, as provided for by law.

Ordinance

First Reading

Cranbury Township Ordinance # 06-06-18

An Ordinance entitled, "Cranbury Township Ordinance # 06-06-18, AN ORDINANCE OF THE TOWNSHIP OF CRANBURY IN MIDDLESEX COUNTY, NEW JERSEY, AMENDING CHAPTER 13, "DRUG ABUSE AND ALCOHOLISM, MUNICIPAL ALLIANCE COMMITTEE ON" OF THE CODE OF THE TOWNSHIP OF CRANBURY", was introduced for first reading. Mr. Witt, Township Administrator, explained the Ordinance was being introduced to alleviate a problem with the Municipal Alliance obtaining a quorum for its meetings, from fifteen members to nine (9) members as well as some housekeeping changes. 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

Nays: (None

Public Hearing: June 26, 2006

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

1. Section 13-3, "Membership", of Chapter 13, entitled "Drug Abuse and Alcoholism, Municipal Alliance Committee On," shall be deleted in its entirety and replaced with a new Section 13-3 as follows:

§ 13-3. Membership.

Cranbury Township Ordinance # 06-06-18
(Continued)

A. The Municipal Alliance Committee shall consist of nine voting members and up to three non-voting members, who shall be appointed for three-year terms, except that the first appointment shall be rotating terms with four members appointed for one-year terms, four members for two-year terms and four members for three-year terms.

B. The membership should include broad representation from the Township of Cranbury and may include but shall not be limited to:

- (1) A mayoral representative.
- (2) The Chief of Police or his designee.
- (3) A member of the School Board.
- (4) The administrative principal of the Township school.
- (5) A student assistance coordinator.
- (6) A representative of the Cranbury Township Parent-Teacher Organization.
- (7) A representative of the Cranbury Township Business and Professional Association.
- (8) Representatives of local civic associations.

- (9) Representatives of local mental health agencies, local treatment and prevention providers.
- (10) Representatives of local religious groups.
- (11) Private citizens, including youth representatives and youth and/or adults recovering from drug and/or alcohol abuse.

C. The designation of specific categories above is not meant to mandate that there must be representatives from each of the above categories but only to provide assistance as to the types of individuals to be appointed to the Municipal Alliance Committee.

2. This ordinance shall take effect upon passage and publication, as provided for by law.

Ordinances

First Reading

Cranbury Township Ordinance # 06-06-19

An Ordinance entitled, Cranbury Township Ordinance # 06-06-19, AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, APPROVING AND AUTHORIZING THE ENTERING INTO, EXECUTION AND DELIVERY OF A LEASE AND AGREEMENT WITH THE MIDDLESEX COUNTY IMPROVEMENT AUTHORITY RELATING TO THE ISSUANCE OF COUNTY-GUARANTEED CAPITAL EQUIPMENT LEASE REVENUE BONDS, SERIES 2006 OF THE MIDDLESEX COUNTY IMPROVEMENT AUTHORITY, was introduced for first reading. Mr. Witt, Township Administrator, explained this Ordinance was being introduced to facilitate a lease for a new pumper rescue truck for the Fire Company with the M.C.I.A. On motion by Ms. Stave, seconded by Mr. Stannard, the Ordinance was passed on first reading by vote:

Ayes: (Panconi (Stannard (Stave (Stout (Wittman	Abstain: (None Absent: (None
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Cranbury Township Ordinance # 06-06-19 (Continued)

Nays: (None

Public Hearing: June 22, 2006

WHEREAS, the Middlesex County Improvement Authority (the "Authority") is authorized to issue its bonds pursuant to the provisions of the County Improvement Authorities Law, chapter 183 of the Laws of New Jersey of 1960, as amended and supplemented (N.J.S.A. 40:37A-44 et seq.) (the "County Improvement Authorities Law"), and other applicable provisions of law; and

WHEREAS, the Authority has determined to issue its revenue bonds for the purpose of financing the acquisition of capital equipment for the purposes of leasing the same to various municipalities located in the County of Middlesex in the State of New Jersey (the "2006 Program"); and

WHEREAS, the Township of Cranbury, in the County of Middlesex, State of New Jersey (the "Municipality") has determined to participate in the 2006 Program and to lease certain capital equipment from the Authority; and

WHEREAS, there has been prepared and submitted to the Municipality the form of the Lease and Agreement (the "Lease"), to be entered into by and between the Authority and the Municipality, which Lease has been approved by the County of Middlesex, State of New Jersey (the "County") and which is

attached hereto as Exhibit A, providing for the acquisition and leasing of certain Items of Equipment from the Authority, which Equipment is described in Exhibit B attached hereto and incorporated by reference herein. All terms used herein and not otherwise defined shall have the same meanings ascribed to such terms under the Lease.

NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE GOVERNING BODY OF THE TOWNSHIP OF CRANBURY, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. Pursuant to section 78 of the County Improvement Authorities Law, N.J.S.A. 40:48-1 et seq., the Municipality is hereby authorized and directed to enter into and perform the Lease, which Lease provides for the leasing of certain Items of Equipment acquired with the proceeds of County-Guaranteed Capital Equipment Lease Revenue Bonds, Series 2006 (the "Bonds") to be issued by the Authority under a resolution of the Authority to be adopted by the Authority entitled, "Resolution of the Middlesex County Improvement Authority Authorizing the Issuance of County-Guaranteed Capital Equipment Lease Revenue Bonds" (the "General Bond Resolution"). The Lease, in substantially the form submitted herewith in Exhibit A (a copy of which is on file in the office of the Clerk of the Municipality), is hereby approved with such changes, amendments or modifications as may be approved by counsel or bond counsel to the Municipality and bond counsel to the Authority and the County.

Section 2. The full faith and credit of the Municipality are hereby pledged to the punctual payment of the obligations set forth in the Lease authorized by this ordinance, including without limitation, (i) all Basic Rent and Rent obligations of the Municipality under the Lease including, Authority Administrative Expenses and Additional Rent, (ii) all amounts due and owing to the County as a result of payments made by the County on behalf of the Municipality under the Lease pursuant to the County Guarantee, including County Guarantee Costs and (iii) all direct and indirect costs of the Authority and the County related to the enforcement of the Lease and the County Guarantee ((i), (ii) and (iii) collectively, the "Lease Payment Obligation"). The Lease Payment Obligation under the Lease shall be a direct, unlimited and general obligation of the Municipality, not subject to annual appropriation by the Municipality pursuant to the County Improvement Authorities Law, and unless paid from other sources, the Municipality shall be

Cranbury Township Ordinance # 06-06-19
(Continued)

obligated to levy *ad valorem* taxes upon all the taxable property within the Municipality for the payment of the Lease Payment Obligation thereunder without limitation as to rate or amount.

The Mayor or other Authorized Municipal Representative (as defined in the Lease) is hereby authorized and directed to execute the Lease on behalf of the Municipality in substantially such form as attached hereto in Exhibit A and the Clerk of the Municipality is hereby authorized and directed to attest to such signature and affix the seal of the Municipality thereto and the Lease is authorized to be delivered to the Authority. All representatives, officials and employees of the Municipality are hereby authorized and directed to enforce and to implement provisions of the Lease.

Section 3. The following additional matters are hereby determined, declared, recited and stated:

- (1) The maximum Lease Payment Obligation for which the Municipality shall be obligated hereunder, which, *inter alia*, will be used for the payment of principal of and interest on the Bonds of the Authority shall not exceed the sum necessary to (a) acquire the Municipality's Equipment described in Exhibit B which will be subject to the Lease, (b) pay interest on the Authority's Bonds allocated to the Municipality and used to acquire the Municipality's Equipment, and (c) pay the Municipality's share of the costs of issuance, Authority Administrative Expenses, Additional Rent, County Guarantee Costs and all other amounts required to be paid by the Municipality under the Lease.

- (2) The Bonds shall mature within fifteen (15) years from the date of issue.
- (3) The Lease Payment Obligation authorized herein shall remain effective until all the Authority's Bonds shall have been paid in full in accordance with their terms and/or when all obligations of the Municipality under the Lease have been satisfied, notwithstanding the occurrence of any other event, including but not limited to the termination of the Lease with respect to some or all of the Items of Equipment leased thereunder.
- (4) The Items of Equipment described in Exhibit B are hereby approved to be leased from the Authority in accordance with the terms of the Lease, with such changes, amendments or modifications as may be approved by counsel or bond counsel to the Authority.

Section 4. To the extent the Municipality is an "Obligated Person" (as defined under the Rule (as hereinafter defined)), the Municipality hereby agrees to comply with the requirements of Rule 15c2-12 (the "Rule") promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934, as amended and supplemented, including the secondary market disclosure requirements contained therein, and agrees to covenant to such compliance in the Lease. The Mayor, Clerk, Chief Financial Officer or other Authorized Municipal Representative are each hereby authorized and directed to execute and deliver a Continuing Disclosure Agreement, approve and "deem final" the Official Statement of the Authority and the preliminary form thereof to the extent the information contained therein relates to the Municipality and to execute and deliver all certificates, documents and agreements to the Authority in connection therewith and to file budgetary, financial and operating data of the Municipality on an annual basis and notices of certain enumerated events as required to comply with and in accordance with the provisions of the Rule.

Cranbury Township Ordinance # 06-06-18
(Continued)

Section 5. The Mayor, Clerk, Chief Financial Officer or Authorized Municipal Representative are each hereby authorized and directed to execute and deliver any and all certificates, documents and instruments and to do and cause to be done any and all acts and things necessary or proper for carrying out the execution and delivery of the Lease, the leasing of the Equipment which is to be the subject of the Lease and all related transactions contemplated by this ordinance.

Section 6. Upon the payment of all amounts referenced in Section 3(3) herein, the full faith and credit pledge of the Municipality as to its Lease Payment Obligations authorized herein shall cease to exist.

Section 7. The provisions of this ordinance are severable. To the extent any clause, phrase, sentence, paragraph or provision of this ordinance shall be declared invalid, illegal or unconstitutional, the remaining provisions shall continue to be in full force and effect.

Section 8. This ordinance shall take effect twenty (20) days after final adoption and publication in accordance with applicable law.

Ordinances
Second Reading

Cranbury Township Ordinance # 05-06-12

A motion to enter an Ordinance entitled, Cranbury Township Ordinance # 05-06-12, AN ORDINANCE OF THE TOWNSHIP OF CRANBURY AMENDING "AN ORDINANCE FIXING THE SALARIES, WAGES AND BENEFITS FOR VARIOUS OFFICIALS AND EMPLOYEES OF THE TOWNSHIP OF CRANBURY PROVIDING FOR THE MANNER OF PAYMENT THEREOF, AND RATIFYING SALARIES AND

PAYMENTS TO EMPLOYEES AND OFFICIALS", 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. Mr. Witt, Township Administrator, explained the Ordinance was being adopted to conform to the State's health benefit/hours required to receive. No one else present wished to speak, so the hearing was declared closed. On motion by Mr. Wittman, seconded by Ms. Stave, 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 05-06-14

A motion to enter an Ordinance entitled, "Cranbury Township Ordinance, AN ORDINANCE OF THE TOWNSHIP OF CRANBURY IN MIDDLESEX COUNTY, NEW JERSEY, AMENDING CHAPTER 46, "ALARMS" OF THE CODE OF THE TOWNSHIP OF CRANBURY", 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. Mr. Richard Kallan, Wynnewood Drive, asked how

Cranbury Township Ordinance 05-06-14
(Continued)

residents who had alarms would be notified of the Ordinance and stated his alarm had been installed twenty-five years ago and was he "grandfathered". Ms. Waterbury, Township Attorney, indicated if an alarm system had been installed prior to 1985 they would not have to register and the registration had been on the books already and should register with the Police Department. Chief Hansen reported residents had been registering with the Department for the most part. No one else 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

Ordinance
Second Reading

Cranbury Township Ordinance # 05-06-15

A motion to enter an Ordinance entitled, "Cranbury Township Ordinance # 06-06-15, AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, MIDDLESEX COUNTY, NEW JERSEY, AMENDING CHAPTER 150 OF THE CODE OF THE TOWNSHIP OF CRANBURY TO ADD A NEW R-ML II-RESIDENTIAL MT. LAUREL II ZONE", 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. Ms. Waterbury, Township Attorney, explained the Ordinance was being adopted to alleviate Cranbury Housing Associates, builders for the affordable housing units at the KHov site, having to come to the Township for various zoning permits, etc. No one else 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
(Stannard
(Stave
(Stout
(Wittman

Abstain: (None
Absent: (None

Nays: (None

Resolutions
Consent Agenda

Ms. Waterbury, Township Attorney, gave a brief explanation for Cranbury Township Resolution # 06-06-092, stating the Resolution would authorize the execution of a Memorandum of Understanding with Cranbury Housing Associates in reference to the affordable housing construction at the KHov site and the Route 130-D site.

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

Ayes: (Panconi
(Stannard

Abstain: (None
Absent: (None

Resolution
Consent Agenda (Continued)

(Stave
(Stout
(Wittman

Nays: (None

Cranbury Township Resolution # R 06-06-084

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

Cranbury Township Resolution # R 06-06-085

RESOLUTION OF THE TOWNSHIP OF CRANBURY MIDDLESEX COUNTY, NEW JERSEY

A RESOLUTION AWARDING A PROFESSIONAL SERVICES AGREEMENT FOR MUNICIPAL ENGINEERING CONSULTING SERVICES TO CATHLEEN R. MARCELLI, PE, CME, AND HATCH MOTT MACDONALD LLC

WHEREAS, N.J.S.A. 40:55D-(b) authorizes the Township of Cranbury (TOWNSHIP) to employ, contract and fix the compensation of its experts and staff as it deems appropriate for a period January 1, 2006 to December 31, 2006; and

WHEREAS, TOWNSHIP wishes to contract for the services of a professional municipal engineer to provide all necessary engineering consulting services to the Township for the calendar year 2006, without a "fair and open process" as defined by P.L. 2004, c. 19, the "Local Unit Pay-to-Play Law"; and

WHEREAS, Cathleen F. Marcelli, PE, CME and Hatch Mott MacDonald LLC ("Engineer") have offered to provide the above-referenced professional services in accordance with the rates and costs set forth in the contract attached hereto; and

WHEREAS, TOWNSHIP has determined that the value of the contract over the above-referenced period will exceed \$17,500.00; and

WHEREAS, ENGINEER has completed and filed with the Township a Campaign Contributions Affidavit as required by N.J.S.A. 19:44A-20.2 *et seq.* certifying that ENGINEER has not made any prohibited contributions to a candidate committee or municipal committee representing the elected officials of the Township of Cranbury; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 *et seq.* authorizes the award of this contract without public or competitive bidding on the basis that it is a professional services agreement; and

WHEREAS, the Cranbury Township Chief Financial Officer has certified that sufficient funds are available for this purpose.

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

1. The Township of Cranbury hereby appoints Cathleen F. Marcelli, PE, CME and Hatch Mott MacDonald LLC ("Engineer") to provide professional municipal

Cranbury Township Resolution # 06-06-085
(Continued)

2. engineering consulting services to the Township from January 1, 2006 to December 31, 2006.
3. The Mayor and Clerk are hereby authorized and directed to enter into a Professional Services Agreement with ENGINEER pursuant to the provisions of the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1, *et. seq.* This contract is being awarded without competitive bidding as a Professional Services Contract under the provisions of the aforementioned law because a service will be rendered or performed by a person or person authorized by law to practice a recognized profession and whose practice is regulated by law.
4. A copy of this Resolution, the Certification of Contract Value, the Campaign Contributions Affidavit, and the executed Agreement shall be placed on file in the office of the Township Clerk.
5. A brief notice of this action shall be published in a newspaper of general circulation in the Township of Cranbury within ten (10) days of its passage.

CERTIFICATION

I, Kathleen R. Cunningham, RMC, Clerk of the Township of Cranbury, do hereby certify that the foregoing resolution is a true copy of a Resolution passed by the Township Committee of the Township of Cranbury at a regular meeting duly held on June 12, 2006.

Kathleen R. Cunningham, Clerk

Cranbury Township Resolution # R 06-06-087

RESOLUTION OF THE TOWNSHIP OF CRANBURY, NJ

A RESOLUTION AUTHORIZING THE RELEASE OF PLAN REVIEW ESCROW

WHEREAS, St. David's Church has outstanding credits in their Plan Review escrow accounts previously posted with the Township.

WHEREAS, the Township Engineer and the Township Planner have no outstanding bills

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranbury that the Township of Cranbury release outstanding credits in St. David's Plan Review escrow accounts.

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

- (a) Township Engineer
- (b) Township Chief Financial Officer
- (c) Karin Mitchell, 90 South Main Street
- (d) Township Attorney

CERTIFICATION

I 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 June 12, 2006.

Kathleen R Cunningham, Clerk

Cranbury Township Resolution # R 06-06-088

WHEREAS, it is recommended that the balance of \$42,730.90 in the Budget Appropriation – Public Library be cancelled to Surplus. This represents the amount over what the State requires the Township to give the Public Library.

NOW THEREFORE BE IT RESOLVED that this balance be cancelled to Surplus.

CERTIFICATION

I, Kathleen R. Cunningham, Clerk, hereby certify that this is a true copy of a Resolution, adopted by the Township Committee on June 12, 2006.

Kathleen R. Cunningham, Clerk

CRANBURY TOWNSHIP RESOLUTION 06-06-090

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

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

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

Section 1

NOW, THEREFORE, BE IT RESOLVED that the Township Committee hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2006 in the sum of \$4,000.00 which item is now available as a revenue from the State of New Jersey pursuant to the provision of statute, and

Section 2

BE IT FURTHER RESOLVED that a like sum of \$4,000.00 be and the same is hereby appropriated under the caption CLICK IT OR TICKET.

Section 3

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

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

CERTIFICATION

I, Kathleen R. Cunningham, Clerk of the Township of Cranbury, NJ, hereby certify that the above is a true of a Resolution adopted by the Township Committee of the Township of Cranbury at a regular meeting held on June 12, 2006.

Kathleen R Cunningham, Township Clerk

Cranbury Township Resolution # R 06-06-091

RESOLUTION OF THE TOWNSHIP OF CRANBURY, N.J.

RESOLUTION AUTHORIZING THE REDUCTION OF A PERFORMANCE GUARANTEE FOR
SHARBELL-PUBLIC IMPROVEMENTS

WHEREAS, by letter dated February 13, 2006, Sharbell has requested the reduction 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 January 6, 2006 (attached hereto as "Exhibit A") recommended that the performance guarantee be reduced and the amount that shall be **released** is as follows:

Performance Bond	\$ 4,370.54
Cash Deposit	\$ 495.62

WHEREAS, the amount that shall be **retained** until all bonded items are complete as follows:

Performance Bond	\$ 152,478.94
Cash Deposit	\$ 16,942.10

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

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

2. It hereby authorizes the reduction of performance guarantees set forth in the Township Engineer's letter referenced above.
3. The Township hereby accepts the public improvements, if any so designated pursuant to the Planning Board's approval.

BE IT FUTHER 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) Sharbell
- (d) Township Attorney

CERTIFICATION

I, Kathleen R. Cunningham, Clerk, do hereby certify that the foregoing is a true copy of a Resolution passed by the Township Committee on June 12, 2006.

Kathleen R. Cunningham, Clerk

Cranbury Township Resolution # R 06-06-092

TOWNSHIP OF CRANBURY
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY

Cranbury Township Ordinance # 06-06-092)
(Continued)

A RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING
WITH CRANBURY HOUSING ASSOCIATES, INC. IN CONNECTION WITH CRANBURY TOWNSHIP'S
THIRD ROUND AFFORDABLE HOUSING PLAN

WHEREAS, the Township of Cranbury has petitioned the New Jersey Council on Affordable Housing (COAH) for substantive certification of its adopted Housing Element and Fair Share Plan (third round plan); and

WHEREAS, as part of its third round plan, the Township intends to construct low and moderate income housing on one or more sites located in the Township; and

WHEREAS, during the first and second affordable housing rounds, the Township entered into a Memorandum of Understanding with Cranbury Housing Associates, Inc. (CHA), whereby CHA constructed and managed the Township's affordable housing units; and

WHEREAS, the Township wishes to enter into a Memorandum of Understanding with CHA for the third affordable housing round;

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

1. The Mayor and Clerk are hereby authorized and directed to execute the Memorandum of Understanding with Cranbury Housing Associates, Inc. attached hereto, or such other substantially similar Memorandum of Understanding as has been approved by the Township Attorney in consultation with the Mayor and Township Administrator.

2. The Township through its appropriate staff and officials is hereby authorized and directed to undertake any and all other acts and execute any and all other documents as may be necessary to effectuate the terms hereof.

CERTIFICATION

I, Kathleen R. Cunningham, RMC, Clerk of the Township of Cranbury, do hereby certify that the foregoing resolution is a true copy of a Resolution passed by the Township of Cranbury at a meeting duly held on June 12, 2006.

Kathleen R. Cunningham, Township Clerk

Reports from Township staff and professionals

Ms. Marcelli, Township Engineer, reported on the Wright South Remediation Project and the process for construction of the Babe Ruth Baseball Field. Ms. Marcelli stated the Remedial Action Report, which had been done on the site had been submitted to D.E.P. in May. Ms. Marcelli's office had followed up with the Case Manager who had indicated there was a six-month delay in reviews and approvals for any remedial action reports unless the Township could show the project was a hardship. Ms. Marcelli stated, that being the case, the Township may not see approval of the N.F.A. until Fall 2006 and recommended to wait until late Winter or Spring to receive bids for the baseball field construction. Ms. Marcelli stated her office had been following up with D.E.P. on a daily basis and she would be reporting to Mr. Witt once a determination was made as to the Township having a hardship case, however, if the Township received the approval within a month, the bids could go out in the Fall of 2006. Ms. Beth Veghte, Recreation Chairperson, asked what the reason was for waiting until Winter to go out to bid. Ms. Marcelli responded, the Township would be at risk should it not receive a No Further Action letter from D.E.P. and recommended the Township do nothing until the N.F.A. letter is received.

Reports from Township Boards and Commissions

There were no reports.

Work Session

a. Monthly report from Police Chief Jay Hansen.

Police Chief Jay Hansen gave his monthly update on the Police Department and provided the Township Committee with a summary of the pictometry aerial imagery system.

Chief Hansen reported the overtime for May had been \$1,200 less than May 2005 and stated the "Click It or Ticket" program was underway nationwide. To date, the Department had issued 96 tickets to violators. Chief Hansen reported a total of 205 summonses issued for the month of May. Speeding violations in the Village totaled 13 with other offenses totaling 41 in the Village area. Village area, making a grand total of summonses issued in the Village area being 54. Route 130 corridor, speeding -3 offenses with 130 for other violations (mainly seat belt violations). East of Route 130, no speeding violations were issued, with eight tickets for other motor vehicle violations. Bike patrol activity consisted of more than 20 occasions when the bike patrols were out in the parks, school areas and streets. Chief Hansen reported there had been some minor vandalism in Village Park in early May and the damage had been quickly repaired by the Public Works Department staff. Ms. Judy Dossin, Wynnewood Drive, asked what the vandalism had been in Village Park. Chief Hansen reported some racial remarks had been scratched into the picnic tables. Ms. Dossin also inquired about an incident with a pig being dressed in Village Park. Chief Hansen reported officers encountered individuals in the early stages of dressing a pig and when they spoke with them and cited the rules of the Park, they quickly left the Park.

Chief Hansen gave a summary of the Pictometry Imagery Equipment that the Township would be entering into an Interlocal Agreement with the County (who would be purchasing the equipment) for and was on this evening's Agenda to approve. Chief Hansen reported he had spoken with the County to verify the information he had researched. Chief Hansen reported the equipment could be used for lost children and/or the elderly and the equipment would assist the Department with searching. From a Police perspective, the equipment would assist the Police with facilitating a search warrant, identifying number of windows and doors of said building, as well as the specific

dimensions of the Building, etc. In dealing with fatal accidents, Chief Hansen indicated the equipment would be invaluable in re-creating and mapping accident scenes. Mayor Panconi explained to the public, pictometry are not real-time photos and are updated anywhere from six months to one-year depending how often the County wishes to do so. Chief Hansen added, facial characteristics would not be able to be seen. Chief Hansen indicated he had spoken with Mr. Zac, from the County Office, and he had indicated 24 out of 25 had signed the Agreement or given assurances it would do so at their next meeting. Mr. Stannard asked what funds were being used to purchase the equipment. Chief Hansen responded the funds came from the Federal Government under the Homeland Security Program. Chief Hansen stated the only individuals who would have the Township's password would be he, Captain Kahler and Lieutenant Varga. Mr. Stannard asked if the information would ever be made available to the public. Chief Hansen explained everyone's backyard is photographed by satellites and if the police should have a need to zero in on a particular backyard it could do so. Mr. Stannard expressed his concern citizens not having a right to his/her privacy.

Mayor Panconi brought up the issue with the police putting an individual's social security numbers on police reports and raised a concern about laptops recently being stolen. Mayor Panconi asked if the information is taken on a lap top. Chief Hansen responded the information is usually taken at Police Headquarters, where the software has a lot of protection against anyone obtaining individual's social security numbers. Mayor Panconi recommended placing a security feature on the lap tops at Police Headquarters and asked Chief Hansen to please look into it.

Resolution

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

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

Cranbury Township Resolution # R 06-06-086

Nays: (None

TOWNSHIP OF CRANBURY
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY

RESOLUTION AUTHORIZING EXECUTION OF INTERLOCAL SERVICES AGREEMENT

WHEREAS, the County of Middlesex ("County") has received Federal Homeland Security Grant Funds to be used for, *inter alia*, for the purchase of Pictometry Aerial Imagery equipment ("equipment"); and

WHEREAS, the County has offered to provide the equipment to the County's municipalities, including the Township of Cranbury ("Township"), for their use for Homeland Security/Emergency Preparedness Projects, as its needs permit; and

WHEREAS, the Township seeks to utilize the equipment for Homeland Security/Emergency Preparedness Projects; and

WHEREAS, the Interlocal Services Act, N.J.S.A. 40:8A-1 *et seq.*, authorizes the parties to enter into an Interlocal Services Agreement for the purposes enumerated hereinabove.

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

1. The Mayor and Clerk are hereby authorized and directed to execute an Interlocal Services Agreement for the Township's use of the County's Pictometry Aerial Imagery equipment for the Township's Homeland Security/Emergency Preparedness Projects.
2. The terms of the Agreement shall be subject to the approval of the Township Attorney's office.

CERTIFICATION

I, Kathleen R. Cunningham, Clerk of the Township of Cranbury, do hereby certify that the foregoing resolution is a true copy of a resolution passed by the Township of Cranbury at a meeting duly held on June 12, 2006.

Kathleen R. Cunningham, Clerk

Work Session (Continued)

- b. Discussion of the former Unexcelled property site with Viridian Partners, LLC (David Stout).
Viridian Partners discussed with the Township Committee the former Unexcelled property site and their plan for cleaning up the site and Viridian's plan for its future use. Mr. Richard Goldman, Esquire, Drinker, Biddle, etc., represented Viridian

Work Session (Continued)

- b. Discussion of the former Unexcelled property site with Viridian Partners, LLC (David Stout).
Partners LLC and moderated the discussion. Mr. Goldman opened the discussion by giving a brief summary of the site, stating the site was the former Unexcelled munitions producing factory where an explosion had occurred in 1954 and consists of 400 acres. Mr. Goldman explained the current owner, Viridian Partners, LLC, was working with D.E.P. to clean up the site and in doing so had discovered a lot of contaminated sites with a lot of explosives on the parcel and that Viridian was before the Township Committee to explain why they believe the site should be developed under the Township's current zoning regulations for industrial development rather than use the site for park land or public use. Mr. Goldman stated at one time the County had been interested in the site for open space and/or a golf course. However, once they had had a study performed, it was determined it would be too costly to clean up. Mr. William Lynott, founder and C.E.O. of Viridian Partners, LLC addressed the Township Committee, explaining Viridian is a nationwide company seeking sites to purchase and clean up and works hand-in-hand with D.E.P. Viridian acquired the property in January of 2006. Mr. Lynott stated since clean up started at the site, several munitions of explosive concerns, or, "M.E.C." had been found. Mr. Lynott added the property was of a sensitive nature ecologically, with over one-half being wetlands and stated Viridian intended to finish the project with a net balance of wetlands on the parcel. Mr. Lynott added the total cost would probably be \$30 million when the clean up was finished. Mr. Lynott presented illustrations to address the M.E.C. problem on the parcel. Mr. Dennis Toft, Esquire, Environmental Counsel, for both Viridian Partners and Cranbury/Brickyard, LLC, a company formed by Viridian, further explained the M.E.C. that had been found and showed illustrations of some of the munitions. Mr. Toft stated, Viridian had gone back over the various sites that the previous owner had contracted out to be cleaned up and were still finding M.E.C. Mr. Toft explained once the M.E.C. were found they were removed, contained and later taken off the

site. Mr. Ken Petrone, Section Chief, D.E.P. indicated the Department had been working with Viridian Partners LLC, Cranbury/Brickyard, LLC, and had agreed with them the site would never be 100% clean. Mr. Petrone also indicated, because of the M.E.C. issues at the site, the D.E.P. was comfortable with the proposed end use of the site and fully supported Viridian's plan. Mr. Petrone stated the D.E.P. would prefer a controlled end use, such as an industrial site with limited access rather than have a public or community use of the site. Mr. Petrone added, there was always the threat of a child or any person from the local area coming into contact with a device that had been missed in the cleanup. Mr. Toft indicated there would not be any net loss of the wetlands, explaining, if a portion of the wetlands needs to be remediated, Viridian would cap the remediated portion, however, they would enhance the existing wetlands. Ms. Julia Algeo, Site Engineer for Viridian with Masur Engineering, illustrated the concept plan of the site explaining there would be nine (9) buildings in the non-wetland areas, totaling approximately 2.8 million square feet. Ms. Algeo explained the layout would provide for interconnection for all of the buildings. Ms. Algeo stated they would propose some road crossings to have a well-circulated site and would design in accordance with regulations. Ms. Algeo stated Viridian intended to connect into the Township's Master Plan for Liberty Way and provide a connection to the property to the North, taking the traffic in a northerly direction to Route 535. Mr. Sout inquired as to the M.E.C. area size. Ms. Algeo responded it was estimated to be 85 acres and could possibly be more. Mr. Goldman presented Mr. Richard Redding, Redding & Associates, Princeton, New Jersey, an Economic Analysis and Consultant. Mr. Redding indicated he is a specialist in the economics of land use and stated the plan shown had a square footage of 2.8 million square feet of space, with a potential value, by today's standards of approximately \$ 2.9 million in total revenues, splitting between the Township, Schools and County. The Township would receive approximately

Work Session (Continued)

- b. Discussion of the former Unexcelled property site with Viridian Partners, LLC (David Stout). \$650,000, the School, \$1.8 million and the County the rest. Several members of the Township Committee asked if there would be a C.O.A.H. obligation generated from the revenues and Mr. Goldman stated there would. Mr. Goldman summarized by stating in his opinion the acquisition of the property by Viridian was a great opportunity to clean up a very contaminated site, at great costs to create an industrial development at a density greater than any other sites within the Township nestling the warehouses within the wooded area with respect for the watershed. Mr. Goldman also stated Viridian was willing to work with the Stony Brook Millstone Water Shed in preserving the wetlands on the property. Mr. Stannard asked if D.E.P. was out at the site every day and how the site was controlled. Mr. Toft responded the D.E.P. was at the site monitoring on a regular basis but not on a full-time basis and the contaminated areas would be capped and checked every year to make sure the capped sites are secure. In addition, there would be security on the site to make sure individuals were not digging or walking in areas of risk. Mr. Stannard also asked for clarification on the infrastructure costs. Mr. Goldman indicated the \$10 million was the figure for roads, grading, etc. Mr. Goldman indicated from their experts, it would cost approximately \$50-million to have a residential area on the site. Ms. Stave inquired as to why Viridian had come before the Township Committee meeting. Mr. Goldman responded, Viridian had met with subcommittees of the Planning Board and talked about the use of the property and understood there had been some historic discussion of having the site as some kind of community space and believed it was because of the County's interest at one time. Mr. Goldman stated he thought the best way to deal with the issue was to come before the Committee with information about the site. Mr. Goldman stated before Viridian did not go to any other expense, they wanted to be clear, the Township nor any other governmental agency did not want the site for open space. Ms. Stave asked if the owner was obligated to clean up the site. Mr. Toft responded, stating Cranbury/Brickyard LLC, one of the owners, had not caused the pollution but had agreed with a consent order with D.E.P. to undertake the cleanup of the site with an end use in mind. Ms. Stave asked if traffic studies had been done to determine where the trucks would flow and the impact on the Cranbury Circle and other roads. Mr. Goldman responded in most of the studies, the truck traffic usually flowed to Exit

8A, making the planned connection to the Liberty Way Bridge and Exit 8A a benefit. Ms. Stave asked if other uses had been considered such as a golf course. Mr. Goldman stated it was unlikely and probably not a good use due to the M.E.C. area. Mr. Stout asked was it the policy of the D.E.P. to complete the remediation at the site to be a condition to develop the site. Mr. Petrone responded, stating the Department supports a future use which would be somewhat controlled and the Department was in its infancy in dealing with M.E.C. and would not give an unrestricted No Further Action Letter to a site that would not have some private control over access. Mr. Petrone added what its future use would be was not up to D.E.P. Mr. Stout asked what methods of control were planned for the site. Mr. Goldman indicated signage, landscaping and fencing in appropriate places. Mr. Stout stated he was not convinced that development of the site with warehouses would benefit the community, stating for fifty-years the site had been on the Township's Master Plan as open space and to move forward on the project would require changes to the Sewer Service Area. Mr. Stout stated, he believed, it was not the intent of the Township Committee to acquire a parcel impacted with the intent of cleaning it up; rather the Committee was more interested in protecting the public and the remedial action be taken care of. Mr. Wittman asked about the remediation work being done. Mr. Toft explained with the M.E.C. issue, they had been identifying and removing as much of the M.E.C. as possible over the past few months. Since closing on the property they had spent \$8-million on removing the M.E.C. and in the areas where the M.E.C. were heavily concentrated they were proposing a cap as

Work Session (Continued)

- b. Discussion of the former Unexcelled property site with Viridian Partners, LLC (David Stout). insurance it would be safe and in a controlled area. Mr. Toft also stated the non-M.E.C. areas would be delineated and cleaned up according to D.E.P. regulations. Mr. Wittman asked who would be responsible for any contaminates found in the future. Mr. Toft explained, Cranbury/Brickyard LLC would receive an Administrative Consent Order and once in place, would be responsible. Mr. Wittman raised his concern over the site possibly having a dump site and ultimately someone having to clean it up. Mr. Wittman also raised his concern with the clean up project having a lot of trees removed from a very ecologically-sensitive site. Mr. Goldman responded Viridian was very aware of the sensitive areas and would be removing as little trees as possible. Mr. Wittman stated, with any new industrial development coming into the Township, with C.O.A.H. regulations, there would be a significant cost to the Township. Mr. Wittman raised the question if the Sewer Service Area were not changed could the project operate on a septic system. Mr. Goldman indicated probably not. Mr. Wittman thanked Viridian for removing the materials and urged them to continue to do so.

Mayor Panconi opened the discussion to public comment: Mr. Richard Kallan, Wynnewood Drive, asked about traffic patterns, namely, two buildings not connecting to Liberty Way and one building dumping onto Brickyard Road and another dumping onto Cranbury-Hightstown Road, ultimately onto the Cranbury Circle. Mr. Kallan indicated he did not understand the traffic pattern. Mayor Panconi stated the plan was only concept and the Township Engineer would most likely be working on the traffic plans with the developer. Mr. Dietrich Wahlers, Hagerty Lane, asked if the taxpayers would be asked to reimburse for cleanup at a later date. Mr. Goldman responded they would not. Mr. Wahlers raised his concern with the C.O.A.H. obligation should the development take place. Mr. Jim Whaltman, Executive Director, Stony Brook Millstone Water Shed Association, thanked the Township Committee and Mr. Goldman and Viridian for explaining the project and re-emphasized the value of the wetlands site. Mr. Whaltman stated the Water Shed was not endorsing making the site an open park area for the public and stated it was important to sort out the cleanup and protecting the habitat and he would be willing to work with the Township Committee, Cranbury/Brickyard, LLC and Viridian LLC. Chris, from the Stony Brook Millstone Water Shed, spoke and indicated there were a lot of reports available which the Township could obtain through O.P.R.A. requests to D.E.P. and asked Viridian to provide such reports to the Township. Mr. Goldman indicated the reports would be provided. Chris asked Mr. Petrone, the D.E.P. representative, if the State would issue a No Further Action Restricted Letter for a portion of the site and the other portion a No Further Action Letter. Mr. Petrone indicated at

the present time, the State D.E.P. has determined the entire site a M.E.C. site and until someone can prove otherwise, it will not issue a non-restricted No Further Action Letter. Mr. Stannard stated, the preliminary figures given during the presentation were based on the present tax rate and they would not be correct once the Township completes its revaluation. Ms. Marcelli, Township Engineer, spoke, clarifying the issue with the 208 Sewer line. Ms. Marcelli explained, the 208 Zone is not consistent with any zone line –there are plenty of properties outside of the 208 that are also zoned industrial and it should not be any foregone conclusion that because a site was in the LI Zone it should be in the 208 Zone. Ms. Marcelli also stated, even if outside of the 208 Zone there would not be a reason the site could not be developed with on-site treatment (package plant to a discharge into the stream corridor). Ms. Dossin, Wynnewood Drive, asked about the safety issue and suggested letting the Police Department know of the danger with anyone walking on the site. Ms. Dossin suggested posting signs on the property with warnings. Mr. Goldman indicated there were people on

Work Session (Continued)

- b. Discussion of the former Unexcelled property site with Viridian Partners, LLC (David Stout).
site working on a daily basis, however, if there were a feeling that warning signs should be placed at the site, they would be happy to do so. Mayor Panconi closed the discussion.
- c. Discussion of the Township Committee's role in Cranbury Day.
The Township Committee discussed its participation in Cranbury Day, September 9, 2006. Ms. Cunningham, Clerk, volunteered to seek volunteers to work at the Township's table for two-hour shifts. Ms. Cunningham will seek volunteers from both the staff and Township Committee. Mr. Stout recommended having biographies for the Public Works Departments employees, as well as describing what they do. Ms. Betty Wagner, Historical Society, stated they would be selling tote bags with the Township Seal on them. The Township Committee will decide at a later date what items will be made available to the public as handouts.
- d. Discussion of revised specifications for the proposed fire station cell tower (R. Preiss, Township Planner, C. Marcelli, Township Engineer & T. Waterbury, Township Attorney).
Ms. Waterbury, Township Attorney, gave a brief summary of the history of the cell tower bids and explained many of the providers had raised a lot of questions at the bid-bid meetings and had come forward with very specific questions. Ms. Waterbury explained what had come out of the process was a revised site layout which had substantive changes from what the Township Committee had previously approved. Ms. Waterbury asked the Township Committee to review those changes, and if found acceptable, pass the Resolution authorizing them. Ms. Marcelli, Township Engineer, indicated one of the issues had been the costs to the provider of building which would house the equipment. Mr. Preiss, Township Planner, added the S.H.P.O (State Historic Preservation Office) requirements mandated the new tower would have to be located within a 30 foot radius of the existing tower and the tower replacing the existing tower would have to be of like design (a lattice tower supported by three legs). Mr. Preiss added, the highest point of the tower could be no higher than 10 feet of the existing tower (making the top of antenna 130 feet high). Mr. Preiss indicated another issue that had arisen had been the holly trees on the site and both during and post construction, the provider would have to have some kind of barrier to ensure there would be no damage to the holly trees. If there was damage, the trees would have to be replaced. Mr. Preiss reported the last major specification would be to have the tower and equipment pads surrounded by a security wall and fence and the intent was to have a rectangle with a wall on the South side (facing Main Street) and East side (facing the monument). Mr. Preiss explained the wall would have to be eight (8) feet high, matching both materials and the fire house itself. On the other two sides (Cranbury Brook) and Fire House, a fence would be installed. Mr. Preiss added, there is a D.E.P. requirement for all of the construction to be set back 25 feet from the top of the stream bank. Mr. Preiss stated there had been four carriers

interested in the tower and/or to be co-applicants on the tower. Ms. Beth Veghte, Bunker Hill, asked if the tower could go at the other end of the Fire House. Mr. Preiss explained S.H.P.O. requires the new tower has to be placed within 30 feet of the existing tower. Mr. Mark Berkowsky, mentioned there was presently a plan to locate a tower on an existing private property within the Township. Ms. Waterbury responded, she had inquired with the provider, Sprint, and was told at some point they would make a business decision to go with one or the other and/or both. The Township Committee unanimously agreed with the bid specification changes.

Resolution

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

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

Nays: (None

RESOLUTION # R-06-06-089

TOWNSHIP OF CRANBURY
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY

A RESOLUTION AUTHORIZING THE ADVERTISING OF REVISED SPECIFICATIONS FOR THE LEASE OF A PORTION OF TOWNSHIP-OWNED PROPERTY LOCATED ADJACENT TO THE FIRE STATION ON SOUTH MAIN STREET, FOR THE PURPOSE OF REPLACING THE EXISTING LATTICE TOWER WITH A NEW WIRELESS TELECOMMUNICATIONS TOWER AND AMENDING RESOLUTION # R-09-05-185.

WHEREAS, the Township of Cranbury presently owns property located at 2-4 South Main Street and designated as Block 23, Lots 72 and 73 on the Township tax map (the "fire station site" or "site"), on which there currently exists a lattice tower adjacent to the fire station that is used by the Township's emergency services; and

WHEREAS, on September 26, 2005, the Township Committee of the Township of Cranbury passed Resolution # R-09-05-185, which authorized the Township to auction the right to lease a portion of the property and construct thereon a new wireless telecommunications facility, subject to certain specified essential terms; and

WHEREAS, in December 2005, the Township solicited bids for said lease through Bidding Materials which included the lease terms, specifications and building requirements; and

WHEREAS, since then, and prior to any receipt of bids, Township staff has held two pre-bid meetings with all interested potential bidders regarding the specifications and terms of the lease; and

WHEREAS, as a result of those meetings and other communications from said prospective bidders, Township staff recommends amending the Bidding Materials, including the terms and conditions of the lease and specifications, and re-advertising the project;

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

1. The Township through appropriate staff and officials shall cause the above-referenced Bidding Materials to be revised and re-advertised in accordance with the recommendations presented to Township Committee by its staff and consultants during its regularly scheduled meeting held on May 22, 2006, subject to the following essential (but not exclusive) terms:
 - a. The successful bidder will be required to remove the existing lattice tower and fully restore the area on which said tower is located;

Cranbury Township Resolution # R 06-06-089
(Continued)

 - b. The existing tower will be replaced with a single new lattice tower that will be at least 130 feet tall, or the maximum height permitted by the State Historic Preservation Office ("SHPO"), provided said height does not exceed 130 feet;
 - c. The new tower will be designed to accommodate as many carriers as possible, but in no event fewer than two;
 - d. The new tower will be designed to accommodate any antennas employed by the Township or its agents for the provision of emergency services;
 - e. Attendant equipment will be housed in equipment shelters located at the
 - f. base of the new tower and shall be screened by walls and/or fencing as
 - g. deemed appropriate by the Township's staff and professionals to adequately mitigate the visual impact of the tower and equipment shelters on the surrounding Village;
 - h. The successful bidder will provide all such buffering, including landscaping, as reasonable and necessary to mitigate the visual impact of the tower on the surrounding Village.
 - i. The successful bidder will be required to sublet space on the new tower to as many additional carriers as the tower can reasonably accommodate.
2. The Township Committee hereby reserves the right to reject any and all bids submitted. The decision to award the lease to the highest bidder or reject all bids will be made no later than its second regularly scheduled meeting following the date on which bids are received.

CERTIFICATION

I, Kathleen R. Cunningham, 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 July 12, 2006.

Kathleen R. Cunningham, Clerk

Work Session (Continued)

- e. Discussion of the Transportation Trust Fund Grant Program and bicycle paths. (Cathleen Marcelli, Township Engineer).
Cathleen Marcelli, Township Engineer, discussed with the Township Committee the New Jersey Transportation Trust Fund Grant Program and her making application for bicycle paths on behalf of the Township. Ms. Marcelli explained last month, the Township Committee had authorized her to

prepare the Trust Fund applications for FY'07 to the State D.O.T. for the State Safe Streets and Sidewalks Grant Program. Ms. Marcelli was authorized to apply for sidewalks on Old Trenton Road and Plainsboro Road and also for the roadway projects; priority one being Liberty Way, North of Half Acre Road and priority two, the Liberty Way Bridge. The Township Committee had asked if bikeways were fundable under the program and Ms. Marcelli indicated they were. Ms. Marcelli indicated it may be premature to apply for any bikeways now and recommended looking at this issue

Work Session (Continued)

e. Discussion of the Transportation Trust Fund Grant Program and bicycle paths. (Cathleen Marcelli, Township Engineer).

for FY'08 when the Township could look at various parcels to acquire or acquire the right-of-ways. Ms. Stave asked if a bike path could be placed on Old Trenton Road. Ms. Marcelli responded, it would be up to the County and presently the County is in the process of improving the roadway. Ms. Marcelli indicated she would ask the County to provide bikeways on the road when they improve the road. Ms. Veghte spoke in favor of having some of the Township's major roadways to connect bike paths to other towns and encouraged the Township to look into it and to determine what funds are available to do so. The Township Committee directed Ms. Marcelli to indicate to the County the Township's desire to have bike paths on Old Trenton Road.

Public Comment

Ms. Stave stated she had been told the new park sign did not have language prohibiting the hitting of golf balls and asked if that were true and how that happened. Ms. Veghte stated she would have to go back and check all the notes that had been prepared before the signs were made. Ms. Dossin added, the entire process took a very long time and it the language must have been removed from the draft. Ms. Stave asked if the signs could be amended. Mr. Witt, Township Administrator, indicated the easiest way to fix the problem would be to replace the sign. Ms. Stave also stated in speaking with Mr. Berkowsky, Cranbury Housing Associates, there was a plan to review its next submission at the Planning Board meeting on July 6, 2006 and it might be helpful to notice it as a Joint Meeting, providing it is ok with the Chairman of the Planning Board, so that any Township Committee members could attend if they desire. Mr. Witt reminded everyone July 6th is the rain date for the fireworks. Ms. Stave also asked a meeting be convened of the traffic subcommittee to address outstanding issues that had come up in the past.

Ms. Veghte, Recreation Chair, stated on June 2nd, the Recreation Commission and Municipal Alliance had sponsored the first annual "Battle of the Bands" and it was very successful with 108 paying guests and a good time was had by all.

Mayor's Notes

Mayor Panconi reported he had received a letter from a resident of Old Trenton Road regarding the newly installed guard rail and their opposition to it. Mr. Witt, Township Administrator, indicated a letter had been sent to the County today.

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

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:

Cranbury Township Resolution # R 06-06-083
(Continued)

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

---Land Acquisition/Contract Negotiations: Potential open space and/or farmland preservation acquisitions.

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 of when the need for confidentiality no longer exists.

Date: June 12, 2006

On motion by Mr. Stannard, seconded by Mr. Stout and unanimously carried, the meeting returned to Open Session:

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

Nays: (None

On motion by Mr. Wittman, seconded by Mr. Stannard and unanimously carried, the meeting adjourned at 10:55 p.m.

Kathleen R. Cunningham, Clerk