

TOWNSHIP COMMITTEE MEETING
NOVEMBER 27, 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, Wayne Wittman and Mayor Thomas F. Panconi, Jr. Mr. Stout was absent. Also present were: Trishka Waterbury, Esquire, Attorney, 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 November 13, 2006

On motion by Ms. Stave, seconded by Mr. Wittman and unanimously carried, the Regular Committee Minutes of November 13, 2006 were adopted.

Reports and Communications

--Mayor

Mayor Panconi distributed a spread sheet to everyone concerning the FireCompany's false alarms for the month of December.

--Members of Committee

Mr. Wittman reported he, Mayor Panconi, Police Chief Jay Hansen and Municipal Chairperson Jane Holland had attended the first meeting with Princeton Township and Princeton Borough Mayors, Alliance person and Chiefs of Police concerning various Municipal Alliance issues pertaining to Cranbury's students attending Princeton High School. Mr. Wittman added the purpose of the meeting was to open up all communication channels between all three municipalities. Mr. Wittman suggested he prepare a letter, for Mayor Panconi to sign, to the two Mayors, outlining the issues. Mayor Panconi agreed.

Mr. Stannard reported, approximately one week ago, the Personnel subcommittee had met to discuss various personnel issues and marked other issues to be reviewed during the '07 Budget process.

Agenda Additions/Changes

There were none.

Ordinances

Second Reading

Cranbury Township Ordinance # 11-06-25

A motion to enter an Ordinance entitled, "An Ordinance entitled, "Cranbury Township Ordinance # 11-06-25, BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF PROPERTY IN AND BY THE TOWNSHIP OF CRANBURY, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$1,035,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$200,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF", 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. Stannard raised a question as to why the Township only needed to bond \$200,000 and not the full amount. Mayor Panconi explained the balance of the monies had been saved up from the mandated developers' fees (\$800,000). 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: (Stout
(Stave	
(Wittman	

Nays: (None

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CRANBURY, IN THE COUNTY OF MIDDLESEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Township of Cranbury, in the County of Middlesex, New Jersey (the "Township") as a general improvement. For the improvement or purpose described in Section 3, there is hereby appropriated the sum of \$1,035,000, including the sum of \$835,000 coming from the Affordable Housing Trust Fund. The Affordable Housing Trust Fund appropriation will constitute the down payment otherwise required by the Local Bond Law.

Section 2. In order to finance the cost of the improvement or purpose not covered by the Affordable Housing Trust Fund appropriation, negotiable bonds are hereby authorized to be issued in the principal amount of \$200,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the acquisition of property located at Route 130D for the third round of affordable housing units all as shown on and in accordance with the plans and specifications therefor on file in the office of the Clerk, which plans are hereby approved.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's

Cranbury Township Ordinance # 11-06-25

(Continued)

signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond

Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose that the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$200,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$100,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 8. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking

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(Continued)

from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 9. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 10. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Ordinance

Second Reading

Cranbury Township Ordinance # 11-06-26

A motion to enter an Ordinance entitled, "Cranbury Township Ordinance # 11-06-26, AN ORDINANCE OF THE TOWNSHIP OF CRANBURY IN MIDDLESEX COUNTY, NEW JERSEY, REGARDING THE ACQUISITION FOR AFFORDABLE HOUSING PURPOSES OF PROPERTY LOCATED AT 2665 ROUTE 130 SOUTH (BLOCK 26, LOT 3 ON THE TAX MAP OF THE TOWNSHIP OF CRANBURY), COMMONLY REFERRED TO AS THE "ROUTE 130-D" SITE.

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. Wittman explained this Ordinance authorizes the purchase of the Route 130-D site for affordable housing and is a companion to the previous Ordinance. 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
(Stannard
(Stave
(Wittman

Abstain: (None
Absent: (Stout

Nays: (None

WHEREAS, on November 28, 2005, the Township Committee of the Township of Cranbury adopted Ordinance 11-05-28, which authorized the acquisition for public use, by voluntary conveyance or condemnation, of a fee simple interest in property commonly referred to as "Route 130-D", located at 2665 Route 130 South, and designated on the Cranbury Township Tax Map as Block 26, Lot 3 ("subject property"); and

WHEREAS, pursuant to said Ordinance, the Township obtained appraisals of the subject property prepared by the firm of DeMartin Schwartz, Inc., Real Estate Appraisal & Consulting Services and the firm of Carduner Valuation Services, Inc., which appraisals were approved by Resolution # R-05-06-082; and

WHEREAS, Resolution # R-05-06-082 also authorized the Township to make an offer of Nine Hundred Seventy Five Thousand Dollars (\$975,000.00) to the record owner of the subject property and to initiate *bona fide* negotiations pursuant to the Eminent Domain Act, N.J.S.A. 20:3-

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(Continued)

1 *et seq.*, including by making such other and higher counter-offers as may be deemed necessary to acquire the subject property; and

WHEREAS, the Township and Ravi, LLC, the record owner of the subject property, successfully negotiated a purchase price to be paid for the Township's acquisition of the subject property in the amount of One Million Five Hundred Dollars (\$1,000,500.00); and

WHEREAS, the negotiated agreement takes into account the reasonable objectives and interests of both parties and ensures that the property owner receives fair and just compensation for the subject property as required by the Eminent Domain Act, N.J.S.A. 20:3-1 *et seq.*

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

1. The preamble to this ordinance is hereby incorporated as if more fully set forth herein.
2. The Township through its Mayor, Administrator, Clerk, Attorney and other appropriate officers and employees, is hereby authorized and directed to acquire for public use all the lands and improvements located at 2665 Route 130 South and designated as Block 26, Lot 3 on the Tax Map of the Township of Cranbury, from the record owner of the property, Ravi LLC, for the sum of One Million Five Hundred Dollars (\$1,000,500.00).
3. The cost of acquisition of the subject property shall be funded through monies currently available in the Township's Affordable Housing Trust Fund and by the issuance of bonds or notes of the Township as provided by the Bond Ordinance being introduced simultaneously herewith.
4. The Mayor, Administrator, Clerk, Attorney, Engineer and other appropriate officers and employees are hereby authorized and directed to undertake any and all such acts and execute any and all such documents as may be necessary to effectuate the purposes hereof.
5. This ordinance shall take effect upon passage and publication, as required by law.

Resolution
Consent Agenda

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

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

Nays: (None

Cranbury Township Resolution # R 11-06-149

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 # 11-06-150

WHEREAS, the Tax Collector has determined, due to a lot change, there was an overpayment of 2006 property taxes,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranbury that the following 2006 erroneously paid property taxes be refunded:

<u>Block</u>	<u>Lot</u>	<u>Assessed To</u>	<u>Amount</u>
8	1.02	Church & Dwight Co., Inc.	\$ 108,190.44

CERTIFICATION

I, Kathleen R. Cunningham, Clerk, hereby certify that this is a true copy of a Resolution which was adopted by the Township Committee on November 27, 2006.

Kathleen R. Cunningham, Clerk

Reports from Township staff and professionals

Mr. Witt reported on November 30, 2006 from 9:30 until 1:00 p.m. the Human Services will have counselors in Town Hall to assist senior residents with their Medicaid applications. Mr. Witt thanked Mr. Ritter for putting this program together. Also, another date is scheduled, December 28th from 9:30 a.m. until 1:00 p.m. as well.

Mr. Witt also reported the Township had received a communication regarding a grant application through the Federal government for "Safe Streets for Schools" program. Mr. Witt indicated he had spoken with Ms. Marcelli, Township Engineer, and both of them suggested the Township apply for Old Trenton Road and Plainsboro Road, making Old Trenton Road as priority #one and Plainsboro Road, priority #2. Mr. Witt asked for a motion to direct Ms. Marcelli, Township Engineer, to apply for said grant on behalf of the Township.

MOTION: Mr. Stannard made a motion, seconded by Mr. Wittman and unanimously carried, to direct the Township Engineer to apply, on behalf of the Township, to the "Safe Streets to School" Program, making Old Trenton Road #1 priority and Plainsboro Road #2 priority.

Reports from Township Boards and Commissions

There were none.

Work Session

- a. Monthly Update on Revaluation by Steve Benner, Tax Assessor (Steve Benner).
Steve Benner, Tax Assessor, discussed with the Township Committee the past months' activities regarding the revaluation. Mr. Benner indicated the appraisal company had completed all of the appraisals and most of the month had been spent in setting up the assessments on Excel spreadsheets. Mr. Benner also reported once he reviews the documents, the assessment letters should be going out to the residents and the goal was to have everything out by December 20, 2006. Mr. Benner stated the target date for certification was tentatively January, 2007.
- b. Discussion of 2007 Township Committee Meeting Dates (Clerk)
The Township Committee reviewed and approved the dates for the Township Committee meetings for 2007.
- c. Discussion of Farm Leases for 2007
The Township Committee discussed with the Township Attorney, Ms. Waterbury, Esquire, auctioning off two parcels within the Township to be farmed—the Fischer parcel

Work Session (Continued)

- c. Discussion of Farm Leases for 2007(cont'd)
and the Frosztega parcel. The Committee unanimously agreed not to auction the Barclay parcel as the Township should be able to auction off the parcel at the beginning of 2007. The Committee directed the Attorney to have ready for the meeting on December 6, 2006, the farm auction/lease documents.

Public Comment

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

Mayor's Notes

Mayor Panconi announced a retirement dinner will be held on Friday, May 18, 2007 and details will follow. The Committee working on this consists of: Ms. Stave, Ms. Cunningham and Ms. Maisano.

Ms. Stave asked if a letter received on November 27, 2006 from Mr. and Mrs. McVay had been answered. Ms. Cunningham indicated the letter had just been received at Town Hall today, even though it was dated October 16, 2006. The Mayor directed Ms. Cunningham to draft a letter for his signature. Ms. Cunningham will e-mail the draft to both Ms. Stave and Mayor Panconi.

On motion by Ms. Stave, seconded by Mr. Wittman and unanimously carried, the meeting adjourned at 8:00 p.m.

Kathleen R. Cunningham, Clerk