

TOWNSHIP COMMITTEE MEETING

December 6, 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, and Mayor Thomas F. Panconi, Jr. Mr. Wittman was absent. Also present were: Trishka Waterbury, Esquire, Attorney, Cathleen Marcelli, Engineer, 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 November 16, 2006 on the Bulletin Board of the Municipal Office at 23-A North Main Street, Cranbury, New Jersey and remains posted at that location.
- (2) Communicated to the Cranbury Press, Home News Tribune and Trenton Times on November 16, 2006.
- (3) Was filed on November 16, 2006 with a Deputy Municipal Clerk at the Cranbury Municipal Office, 23-A North Main Street, Cranbury, New Jersey and remains on file for public inspection, and
- (4) Sent to those individuals who have requested personal notice.

Regular Committee Minutes of November 27, 2006

On motion by Ms. Stave, seconded by Mr. Stannard and unanimously carried (with Mr. Stout abstaining), the Regular Committee Minutes of November 27, 2006 were adopted.

Reports and Communications

--Mayor

Mayor Panconi reported the Clerk had put together a list of Boards, Committee and Commission appointments for the Township Committee to review and distributed same.

--Members of Committee

Ms. Stave reported the subcommittee on the Recreation Master Plan had completed their work and had voted on and passed its recommendations. The Plan will be first given to the Planning Board for their input and then sometime in January to the Township Committee.

Mr. Stout reported he had attended a meeting on November 30, 2006 of the Stream Corridor Ordinance subcommittee. The subcommittee had reviewed the version of the proposed Ordinance the Environmental Commission had recommended. Mr. Stout stated the goal of the subcommittee is to edit the Ordinance and present it to the Township Committee in the first quarter of 2007 for its review and consideration.

Mr. Stout reported on December 4, 2006, he, Tom Witt and three gentlemen from the Middlesex County Health Department had met with representatives from ConAgra (Spice Tech) regarding the on-going odor problem and how ConAgra is mitigating the problem. Also discussed were the statistics for the past three years. ConAgra has a new engineer who indicated ConAgra plans on performing some bench-scale testing of some new engineering equipment they are considering installing. They were urged to complete the testing before the next meeting in March, 2007. The County also encouraged residents to call when he/she detects an odor.

Reports and Communications (Continued)

--Members of Committee: Mr. Stout (cont'd)

Mr. Stout reported he had received a confirmation from D.E.P. Deputy Commissioner Zellner would be meeting with the Mayor and Mr. Stout on the 18th of December to discuss the former Unexcelled property.

Ms. Stave asked that the Appointment/Vacancy Committee list, prepared by the Clerk, be re-done to reflect when each person's term expires. Ms. Cunningham, Clerk, indicated she would re-do the list and e-mail it to the members of the Township Committee.

Agenda Additions/Changes

Ms. Cunningham, Clerk, announced there would be a Closed Session Resolution # R 12-06-156 added to the Agenda to discuss: --- Confidential Chief Police Report regarding protection of the safety of the public and ongoing and potential investigations.

Ms. Waterbury, Township Attorney, stated Cranbury Township Ordinance # 08-06-22 was not being considered on Second Reading as the Lease Agreement had not been reviewed yet and reported the Ordinance will be ready for consideration on Second Reading and Public Hearing on December 18, 2006.

Ordinance

First Reading

Cranbury Township Ordinance # 12-06-27

An Ordinance entitled, "Cranbury Township Ordinance # 12-06-27, AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AUTHORIZING THE CONVEYANCE OF BLOCK 20, LOT 10.01 FOR ONE DOLLAR (\$1.00) TO CRANBURY HOUSING ASSOCIATES FOR THE CONSTRUCTION OF AFFORDABLE HOUSING, was introduced for first reading. On motion by Ms. Stave, seconded by Mr. Stannard, the Ordinance was passed on first reading by vote:

Ayes: (Panconi
(Stannard
(Stave
(Stout

Abstain: (None
Absent: (Wittman

Nays: (None

Public Hearing: December 18, 2006

WHEREAS, the Township of Cranbury is a municipal corporation of the State of New Jersey, having its principal offices located at 23A North Main Street, Cranbury, New Jersey, 08512 ("Township"); and

WHEREAS, the New Jersey Local Lands and Buildings Law, N.J.S.A. 40A:12-21(l), permits a municipal corporation to convey to a duly incorporated nonprofit housing corporation or association at private sale for nominal consideration all or any part of a tract of land, with or without improvements, that is not then needed for municipal purposes, provided said land is used only for the purpose of constructing housing for low or moderate income persons or families or handicapped persons, and provided further that if the land is not used in accordance with said limitation, title thereto shall revert to the municipality; and

Cranbury Township Ordinance 12-06-27
(Continued)

WHEREAS, pursuant to N.J.S.A. 40A:12-21, said conveyance may be authorized by resolution or ordinance; and

WHEREAS, by deed dated August 15, 2005 and recorded on December 27, 2005 in the Middlesex County Clerk's Office in Book 5603, pages 56-62, K. Hovnanian at Cranbury LLC dedicated to the Township for affordable housing purposes a 2.66-acre parcel designated on the Cranbury Township Tax Map as Block 20, Lot 10.01 ("subject property"); and

WHEREAS, the Township accepted the dedication by Ordinance 10-05-26, adopted on November 14, 2005; and

WHEREAS, Cranbury Housing Associates is a nonprofit corporation of the State of New Jersey that since 1963 is organized for the purposes of constructing and administering housing for low and moderate income persons or families; and

WHEREAS, the subject property is designated in the Township's Housing Element and Fair Share Plan (adopted November 3, 2005) Affordable Housing Plan as a site for the construction of approximately twenty units of housing affordable to low and moderate income families, which units are to be constructed and administered by Cranbury Housing Associates; and

WHEREAS, the Township does not need the subject property for any municipal purpose; and

WHEREAS, in order to effectuate the construction of the above-referenced affordable housing, the Township wishes to convey the subject property to Cranbury Housing Associates for the sum of one dollar (\$1.00), as expressly authorized by the Local Lands and Buildings Law, N.J.S.A. 40A:12-21(l);

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

1. Pursuant to N.J.S.A. 40A:12-21(l), the Township Committee of the Township of Cranbury, Middlesex County, New Jersey, does hereby authorize the Township of Cranbury to convey to Cranbury Housing Associates all that real property designated on the Cranbury Township Tax Map as Block 20, Lot 10.01. The price for this conveyance shall be one dollar (\$1.00), payable upon execution of the deed.

2. Pursuant to the requirements of N.J.S.A. 40A:12-21, the deed of conveyance shall contain a restriction that the land being conveyed shall be used only for the construction of housing for low and moderate income persons or families by Cranbury Housing Associates or other duly incorporated nonprofit housing corporation or association, and that if the land is not used in accordance with said limitation, title thereto shall revert to the Township without any entry or reentry made thereon on behalf of the Township.

3. The Mayor and Clerk are authorized and directed to execute any such documents and to undertake or cause to be undertaken any such acts as may be necessary to effectuate the terms and purposes hereof.

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

Resolution
Consent Agenda

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

Ayes: (Panconi
(Stannard
(Stave
(Stout

Abstain: (None
Absent: (Wittman

Nays: (None

Cranbury Township Resolution # R 12-06-151 – Payment of Bills

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 12-06-152

A Resolution authorizing year 2006 Budget Transfers

WHEREAS, an error was made in Resolution # R 11-06-137, authorizing transfer from Municipal Court for \$25,000; and

WHEREAS, the correct budget account used to transfer funds from should have been Planning O&E; and

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Cranbury, that this correction be authorized and made on the records and accounts of the Township; and

BE IT FURTHER 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 Auditor
- (b) Township Chief Financial Officer
- (c) Township Administrator

CERTIFICATION

I, Kathleen R. Cunningham, Clerk, of the Township of Cranbury, hereby certify that the above is a true copy of a Resolution adopted by the Township Committee of the Township of Cranbury at a regular meeting on December 6, 2006.

Kathleen R. Cunningham, Clerk

Cranbury Township Resolution # R 12-06-153

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)

Cranbury Township Resolution # R 12-06-153
(Continued)

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 \$5,000.00 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 \$5,000.00 be and the same is hereby appropriated under the caption AGGRESSIVE DRIVING GRANT.

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 December 6, 2006.

Kathleen R Cunningham, Township Clerk

Cranbury Township Resolution # R 12-06-154

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

A RESOLUTION AUTHORIZING THE LEASE BY AUCTION OF TOWNSHIP PROPERTY KNOWN AS
"THE FISCHER FARM"

WHEREAS, the Township of Cranbury ("Township") is the owner of certain property that is shown as Block 19, Lot 11 and Block 19, Lot 12 on the Cranbury Township Tax Map, consisting of approximately 53.60 acres of land and known as the "Fischer Farm"; and

WHEREAS, the Township acquired the premises in or about October 2002 for the purpose of preserving the Property as productive farmland; and

WHEREAS, N.J.S.A. 40A:12-14 authorizes a municipal corporation to lease to any private person real property owned by said municipal corporation and not needed for a public use; and

Cranbury Township Resolution # R 12-06-154
(Continued)

WHEREAS, N.J.S.A. 40A:12-14 requires that a lease by a municipal corporation to a private person, except for a lease to a private person for a public purpose, be made to the highest bidder by open public bidding at auction.

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

1. Pursuant to the provisions of N.J.S.A. 40A:12-14(a), the Township through its Administrator or his designee, is hereby authorized and directed to conduct a public auction for the lease of the farmed portion of the Fischer Farm (the "Leased Premises"), at such time and place as he and the Mayor may deem appropriate and necessary to effectuate the terms hereof.

2. The Township Administrator, or his designee, shall cause said auction to be duly advertised in accordance with the requirements of N.J.S.A. 40A:12-14. Said advertisement shall specify that the Township reserves the right to reject all bids where the highest bid is not accepted.

3. The following minimum terms and conditions shall apply to the above-referenced lease:

A. The term of the lease shall be for one (1) year, beginning on January 1, 2007 and ending on December 1, 2007.

B. The use of the Leased Premises during the term of the lease shall be restricted to the following:

i. During the term of this Lease, the Farmer will actively use the Leased Premises for agricultural purposes as defined by the New Jersey Farmland Assessment Act and as further set forth in the Right to Farm Act, N.J.S.A. 4:1C-1 et seq., and the Agricultural Retention and Development Act, N.J.S.A. 4:1C-11 et seq., except that any such agricultural activities will be further limited to the planting and harvesting of field and row crops only.

ii. When farming the Leased Premises, Farmer will comply with the Best Management Practices recommended by the Rutgers Cooperative Extension.

C. The lessee shall not assign the lease or sublet the Leased Premises or any portion thereof without the prior written permission of the Township.

4. Only pre-qualified bidders or their authorized representatives will be permitted to participate in the public auction. To qualify, bidders must submit to the Township Clerk documentation that the Bidder possesses five (5) years of experience as a commercial farmer or in commercial farming activities as set forth in and consistent with the aforementioned Right to Farm Act and Agricultural Retention and Development Act. The deadline to submit said documentation shall be established by the Township Administrator in consultation with the Township Clerk and Township Attorney.

5. In the event the bidder will not attend the public auction in person and is authorizing an agent to bid on its behalf, the bidder must complete and submit an Authorization to Bid form with the above-referenced qualification documentation. Authorized bidders or their authorized representatives must attend the auction in person in order to bid, and only authorized bidders or their authorized representatives may participate in the auction.

Cranbury Township Resolution # R 12-06-154
(Continued)

6. The Township reserves the right to accept the highest bid or reject all bids should the highest bid be rejected.

7. Acceptance of the highest bid or rejection of all bids will be made by Township Committee no later than at its second regular meeting following the completion of the bidding. If Township Committee fails to act within said time, all bids shall be deemed to have been rejected.

8. If the high bid is accepted, the successful bidder will be required to enter into a Lease Agreement within ten (10) business days of the date on which he or she is notified of the award and tender half of the rental amount. A copy of said agreement will be included in the Bidding Materials.

9. The Mayor, Administrator, Clerk and other appropriate Township staff and officials are hereby authorized to undertake any and all acts and execute any and all documents as may be necessary and proper to effectuate the terms hereof.

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 December 6, 2006.

Kathleen R. Cunningham, Clerk

CRANBURY TOWNSHIP RESOLUTION # R-12-06-155

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

A RESOLUTION AUTHORIZING THE LEASE BY AUCTION OF TOWNSHIP PROPERTY KNOWN AS "THE FROSZTEGA FARM"

WHEREAS, since 2002, the Township of Cranbury ("Township"), the State of New Jersey's Green Acres Program and the Delaware and Raritan Greenway, Inc. have jointly owned certain property that is shown as Block 25, Lot 60.01 on the Cranbury Township Tax Map, consisting of approximately 31.25 acres of land and known as the "Frosztega Farm"; and

WHEREAS, the pursuant to a Management Plan entered into by the joint owners in 2002, the Township is responsible for either farming or mowing the fields located on the property; and

WHEREAS, N.J.S.A. 40A:12-14 authorizes a municipal corporation to lease to any private person real property owned by said municipal corporation and not needed for a public use; and

WHEREAS, N.J.S.A. 40A:12-14 requires that a lease by a municipal corporation to a private person, except for a lease to a private person for a public purpose, be made to the highest bidder by open public bidding at auction.

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

1. Pursuant to the provisions of N.J.S.A. 40A:12-14(a), the Township through its Administrator or his designee, is hereby authorized and directed to conduct a public auction for the lease of the farmed portion of the Frosztega Farm (the "Leased Premises"), at such time and place as he and the Mayor may deem appropriate and necessary to effectuate the terms hereof.

CRANBURY TOWNSHIP RESOLUTION # R-12-06-155

(Continued)

2. The Township Administrator, or his designee, shall cause said auction to be duly advertised in accordance with the requirements of N.J.S.A. 40A:12-14. Said advertisement shall specify that the Township reserves the right to reject all bids where the highest bid is not accepted.

3. The following minimum terms and conditions shall apply to the above-referenced lease:

A. The term of the lease shall be for one (1) year, beginning on January 1, 2007 and ending on December 1, 2007.

B. The use of the Leased Premises during the term of the lease shall be restricted to the following:

i. During the term of this Lease, the Farmer will actively use the Leased Premises for agricultural purposes as defined by the New Jersey Farmland Assessment Act and as further set forth in the Right to Farm Act, N.J.S.A. 4:1C-1 et seq., and the Agricultural Retention and Development Act, N.J.S.A. 4:1C-11 et seq., except that any such agricultural activities will be further limited to the planting and harvesting of field and row crops only.

ii. When farming the Leased Premises, Farmer will comply with the Best Management Practices recommended by the Rutgers Cooperative Extension.

C. The lessee shall not assign the lease or sublet the Leased Premises or any portion thereof without the prior written permission of the Township.

4. Only pre-qualified bidders or their authorized representatives shall be permitted to participate in the public auction. To qualify, bidders must submit to the Township Clerk documentation that the Bidder possesses five (5) years of experience as a commercial farmer or in commercial farming activities as set forth in and consistent with the aforementioned Right to Farm Act and Agricultural Retention and Development Act. The deadline to submit said documentation shall be established by the Township Administrator in consultation with the Township Clerk and Township Attorney.

5. In the event the bidder will not attend the public auction in person and is authorizing an agent to bid on its behalf, the bidder must complete and submit an Authorization to Bid form with the above-referenced qualification documentation. Authorized bidders or their authorized representatives must attend the auction in person in order to bid, and only authorized bidders or their authorized representatives may participate in the auction.

6. The Township reserves the right to accept the highest bid or reject all bids should the highest bid be rejected.

7. Acceptance of the highest bid or rejection of all bids will be made by Township Committee no later than at its second regular meeting following the completion of the bidding. If Township Committee fails to act within said time, all bids shall be deemed to have been rejected.

8. If the high bid is accepted, the successful bidder will be required to enter into a Lease Agreement within ten (10) business days of the date on which he or she is notified of the award and tender half of the rental amount. A copy of said agreement will be included in the Bidding Materials.

CRANBURY TOWNSHIP RESOLUTION # R-12-06-155

(Continued)

9. The Mayor, Administrator, Clerk and other appropriate Township staff and officials are hereby authorized to undertake any and all acts and execute any and all documents as may be necessary and proper to effectuate the terms hereof.

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 December 6, 2006.

Kathleen R. Cunningham, Clerk

Reports from Township staff and professionals

Ms. Waterbury, Esquire, Township Attorney, reported the Feibus litigation had been completely resolved and the litigation dismissed against the Township.

Reports from Township Boards and Commissions

There were no reports.

Work Session

a. Discussion of various issues at The Four Seasons at Cranbury

Residents from The Four Seasons at Cranbury Development discussed with the Township Committee, Township Engineer and Township Attorney, various on-going issues with the Developer, K-Hovnanian, which were not being resolved in a timely manner. The discussion was led by Cathleen Marcelli, Township Engineer. Ms. Marcelli stated there is a Performance Bonds being held by the Township from the Developer, in the amount of \$1-million and approximately \$114,000 in cash to guarantee that the final punch-list items and improvements are completed at the Development. Ms. Marcelli stated over the last several years, she had been working with members of the Homeowners' Association, particularly, John Battles and Mel Lehr and others at times, on various issues which had come up. Most recently, she and her staff had performed an inspection at the site of the sanitary and storm sewer systems and had generated a punch list of deficiencies, which she felt, needed to be addressed before the final paving could be done. Ms. Marcelli also stated she had just completed a series of meetings with the Developer and their sub-contractor to get an idea of when certain items could be done and had received a commitment that they will be making repairs on the punch-list items. Ms. Marcelli also noted, any of her time spent on the issues is charged to the Developer through an escrow account and not to the taxpayers. Mayor Panconi opened the discussion up to residents of The Four Seasons. Ms. Jane Elias, President, Homeowners Association, thanked members of the Township Committee for inviting the residents and hearing their concerns. Ms. Elias also thanked Cathy Marcelli, Engineer and Tom Witt, Administrator, for their help with proper communication to the Township Committee. Mr. John Rinaldi, Labaw Drive, asked when the paving was going to be done. Ms. Marcelli, Engineer, responded, unfortunately there was no method available to allow the Township to mandate the final paving by a certain deadline. However, Ms. Marcelli recommended not performing the final paving until the issues with the sanitary and stormwater systems were addressed. Mr. Rinaldi suggested using the Bond monies to do the final paving. Ms. Waterbury, Esquire, Attorney, explained to call in the Bond would be both a very lengthy and complicated process. Mr. Stout recommended the Township send a letter, giving the Developer a deadline to take care of the outstanding items and give notice if not completed, the Township would be calling in the Performance Bond. Ms. Waterbury, Township Attorney, offered to get together with the Township Engineer to

Work Session (Continued)

a. Discussion of various issues at The Four Seasons at Cranbury (cont'd)

draft a letter, for Township Committee's approval and report back to the Township Committee at the meeting of December 18th. The members of the Township Committee Unanimously agreed. Mr. Rinaldi also requested the streets be cleaned. Mr. Stout suggested that this item be incorporated in the letter. Ms. Elias requested the letter state the streets should be cleaned with water as previously very little water was used, creating a huge amount of dust. Mr. John Battles, 76 Labaw Drive, spoke concerning the alleys in the Development and the water back up in those alleys; creating a health issue. Mr. Battles explained the problem that exists is inadequate drainage in the alleys. Ms. Marcelli responded this issue as well will be addressed in the punch list and urged residents to let her know in writing, of any issues so she may add those items to the list. Ms. Mary Schlichting, 5 Mershon Lane, spoke concerning her road being one of the roads with water. Ms. Schlichting added there had been a pipe on the road previously, which has been removed and sod placed and in the summer residents cannot sit on their patios because of the mosquitoes nor in the winter as the water turns to ice. She asked the Township Committee to address the problem. Mr. Robert Kramer, 25 Hagerty Lane, asked if the \$114,000 cash could be used for the smaller items. Ms. Waterbury and Ms. Marcelli both

explained those monies were all part of the Bond. Mr. Jerry Metzheiser, 9 Trowbridge Lane, spoke concerning the sewer issue, explaining, there is a design problem which may have been overlooked. Mr. Metzheiser explained, the sod going down to the grass in the alleys has neither curbing nor railroad ties, which could possibly eliminate the problem with the drainage. Also, between Trowbridge and Liedtke (on the storm drain side) there is about four (4) inches, five (5) feet wide of just mud and silt backing up to one of the houses on Liedtke. Mr. Kramer referenced other municipalities in the State of New Jersey: Developers sought restitution of monies withheld (Bond monies) and was successful getting it back. This decision had been based on the fact that even though there had been a drainage problem, Bond monies only cover infrastructure. Mr. Kramer asked for an opinion from the Township Attorney if the bonding money may be used as leverage for the drainage issues causing a health problem at The Four Seasons. The Township Committee directed the Township Attorney to research the issue. Mayor Panconi asked the Township Engineer to ask Freehold Soil to put a request with the Developer to address the street cleaning issue. Mr. Gerry McCutcheon, 10 Longstreet Lane, asked the Township to note the elevation of the Street is such that the only sewer does not accept or drain from the Street to the corner of Labaw. Mr. McCutcheon asked if the elevation could be brought into question on the punch list. Ms. Marcelli indicated she had noted that particular issue on her list. Mr. Dietrich Wahlers, Hagerty Lane, spoke indicating in 2000, the Planning Board approved a Resolution for the preliminary and final subdivision with over 30 conditions, one of them being landscaping. On condition #3 they referenced the landscaping plan and mandated a number of issues be addressed. Mr. Wahlers gave as an example, the planting of trees, i.e., the size of the hole that should be dug, the filling in, the staking of the trees and the removal of wire, etc. Mr. Wahlers indicated those items have not been done and consequently the trees are in danger of not surviving. Mr. Wahlers suggested if the Township could have the Developer correct these items, they should extend the warranty for five to seven years. Ms. Waterbury, Township Attorney, explained that once a Performance Bond is released and a Maintenance Bond put in place, the Maintenance Bond can only be in effect by law for two (2) years. Mr. Wahlers asked what could be done to enforce the issue of the trees not being installed properly. Ms. Waterbury indicated she would have to research the issue. Mr. Wahlers also spoke concerning a condition of the Planning Board regarding plot plans. The condition (#13) of the Planning Board was the Township Planner receives a copy of all of the plot plans. Mr. Wahlers stated that it would be very helpful for the homeowners to receive a copy of his/her plot plan to determine if everything had been done that was mandated. Mr. John Battles, Labaw

Work Session(Continued)

a. Discussion of various issues at The Four Seasons at Cranbury (cont'd)

Drive, stated it was a belief that there is a plot plan for each model and home and he has tried for eighteen months to get a copy of the plot plans. Ms. Marcelli indicated she knew for a fact that plot plans were approved for each model and home and should be on file with the Planning Office. Mr. Battles indicated he would contact the Planning Board Office when Ms. Kratz returns from vacation on December 18, 2006. Both Mr. Witt, Administrator and Ms. Waterbury, responded, indicating they would try to get the Developer "to the table" to address the tree issue. Mr. E. Richard Betz, 31 Hagerty Lane, commended the Township Committee for listening to the residents and trying to address the various issues at the Development and asked if street lighting was on the punch list. Mr. Betz indicated the street lighting is cheap, not installed properly and needs to be addressed. Mr. Witt indicated he has been in touch with PSE&G about the lighting at the Development and hopefully the street lighting issues would be taken care of. Mr. Stannard requested before the Performance Bond is released, the Township Committee receive adequate notice to allow members to do a "walk through" of the Development to make sure the various issues have been taken care of. Mr. Mark Berkowsky, North Main Street, President of Cranbury Housing Associates, stated the Deed had never been perfected for site plan approval, i.e. Cranbury Housing Associates still owns the property their drainage easement goes to and has never signed the easement agreement. Until C.H.A. signs the document, the Developer does not have a perfected site plan. Mr. Ben Gaylo, Hagerty Lane, spoke concerning the electrical wires being spray painted with white paint, covering up

the black, red and white wires. Mr. Gaylo stressed how frustrating this is whenever one tries to do any electrical work. Mr. Gaylo stated he spoke with the Township's inspectors and they would not do anything about the problem. Ms. Waterbury responded under the Uniform Construction Code, the inspectors are not able to do anything about the issue and unfortunately their "hands are tied". A resident of 10 Longstreet Lane, addressed the Township Committee members, regarding an issue he had with not having a shut off valve for his hot tub, which had leaked. He did not understand why there was not a requirement to have such a valve directly near the tub. Mayor Panconi added, he had a similar problem with the home he lives in. Mayor Panconi ended the discussion by stating Four Seasons is a valuable asset to the Township, shown by the amount of residents who participate and serve on the C.E.R.T. Program, Environmental Commission, Library Board, Human Services Commission and Cable T.V. Commission.

b. Monthly Update by Police Chief Jay Hansen

Chief Jay Hansen updated the Township Committee on the Police Department--Chief Hansen reported the majority of overtime was spent on the C.E.R.T. Course and commended the group of volunteers who had signed up. Shift extensions also caused some overtime hours as well as school training costs. Chief Hansen indicated he anticipates the Department will finish the year well within the allocated amount for overtime. Chief Hansen passed out a list of mandated classes and stated there would be additions of classes during 2007 as requirements are being added constantly.

Chief Hansen reported on violations: 88 for the overall total; 44 in the Village area, 39 on Route 130 and five (5) East of Route 130. There were seven (7) D.W.I. arrests. Chief Hansen commended the police officers on a great job (given the lack of manpower due to classes, etc.) the past month. The bike patrol was also minimal, due to lack of manpower and not having cold weather clothing. Chief Hansen requested the Township Committee give some consideration to applying for a grant under the State's "Safe Routes to School Program". Mr. Witt, Township Administrator responded, indicating that grant has already been applied for. Chief Hansen expressed his concern with the school traffic on School House Lane and urged the Township Committee to facilitate another entry into the School, noting how dangerous the traffic

Work Session (Continued)

b. Monthly Update by Police Chief Jay Hansen (cont'd)

situation had become. Ms. Stave stated there had been two (2) meetings of the Traffic subcommittee this year at which the issue had never been mentioned by the Police Department's representative. Ms. Stave indicated the subcommittee would bring this issue up at its next meeting. Ms. Marcelli responded the grant money is only for sidewalks and bike ways. Mr. Witt indicated the Township's application was for sidewalks on Old Trenton Road and Plainsboro Road. Mayor Panconi stated he had received an e-mail from a resident on Halsey Reed Road, asking for decoy police vehicle on the road. Ms. Stave asked if there were any cars placed on Old Trenton Road. Chief Hansen responded he was not sure. Mayor Panconi added, when the Township Committee had the pedestrian traffic safety meeting last month, it had been pointed out high school students are getting picked up at 7:00 a.m. and asked if radar was performed at that time. Chief Hansen responded he would try to get the radar out on Old Trenton Road during that time. Mr. Stout added, there is also a "late bus" and police presence would help at that time also. Ms. Stave stated there is a vehicle parking at the entrance to the Cranbury Brook Preserve and asked that police prohibit parking on the grass area.

c. Update of Construction of The Four Seasons at Cranbury site
Public Comment

Mark Berkowsky, Cranbury Housing Associates, discussed with the Township Committee, the construction project for the affordable housing at The Four Seasons at Cranbury. Mr. Berkowsky indicated there had been a change in the Affordable Housing rules by the

Legislature in January. Under the new rules, town houses must be constructed to be 100% handicapped accessible. Mr. Berkowsky stated, because of the new rule, he had pushed to have the construction permits issued before September 30, 2006, to allow the Township to be able to construct the former style town houses at the Development. Mr. Berkowsky indicated Cranbury Housing Associates had received four (4) bids on the project and was presently in negotiations with the two (2) lowest bidders. Mr. Berkowsky also stated the cost of the project would be approximately \$2.8 million. Mr. Berkowsky added the one item in the Performa, which had not been included, was the construction financing cost in the amount of \$70,000. Mr. Berkowsky indicated at the present time, the Township does not have a huge balance in its Affordable Housing Trust Fund. Members of the Township Committee discussed with the Township Attorney, various funding programs available through the State to subsidize the costs of the project. The Township Committee unanimously approved the Plan and directed Cranbury Housing Associates to proceed with the construction of the affordable houses at The Four Seasons site.

Public Comment

The Mayor opened the meeting to public questions and comments on those items not on the agenda. Ms. Stave stated, as the Administrator will be retiring in 2007, the Township Committee should re-visit the job description for the position of Township Administrator. Mayor Panconi indicated he had instructed the Clerk to provide copies of the ad for the members. The Clerk passed out the ad and members of the Township Committee reviewed the ad. Mr. Stannard then made a recommendation the Personnel subcommittee first review the previous applicants' resumes before placing an ad in any of the newspapers. Ms. Cunningham, Clerk, indicated she would obtain the files from archives and let the subcommittee members know when they came in.

Ms. Stave also indicated the traffic subcommittee had been pleased with the public meeting on traffic safety issues, however, all of the issues had not been addressed and recommended having another public meeting in January. There being no comments, the Mayor closed the public part of the meeting.

Mayor's Notes

Mayor Panconi announced this past week, Cranbury had lost two (2) of its residents, Mr. William Robinson of Evans Drive and Mr. Thomas Wayne Stahl of Bunker Hill, both of them being 97 years old. Mayor Panconi expressed the Township's sympathy to both families and friends—they will be sorely missed and announced Mr. Stahl's services. Mr. Robinson's services were privately held last week.

Resolution

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

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

Nays: (None

Cranbury Township Resolution # R 12-06-156

TOWNSHIP OF CRANBURY
COUNTY OF MIDDLESEX

RESOLUTION TO CLOSE MEETING TO THE PUBLIC

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

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

--Confidential Chief Police Report regarding protection of the safety of the public and ongoing and potential investigations.

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

Date: December 6, 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: (Wittman
(Stave	
(Stout	

Nays: (None

Chief Hansen reported on an incident at Pearson Education on Station Road. A former employee showed up at the facility with an ax to do harm to his former boss. Fortunately, he was not able to gain access to the individual and the Cranbury Police arrested him.

On motion by Mr. Stannard, seconded by Mr. Stout and unanimously carried, the meeting adjourned at 9:12 p.m.

Kathleen R. Cunningham, Clerk