

TOWNSHIP COMMITTEE MEETING
December 18, 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: Pari Stave, David Stout, Wayne Wittman and Mayor Thomas F. Panconi, Jr. Also present were: Trishka Waterbury, Esquire, Attorney, Thomas C. Witt, Administrator and Kathleen R. Cunningham, Clerk. Mr. Stannard arrived at 7:10 p.m. 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 December 6, 2006

On motion by Ms. Stave, seconded by Mr. Stout (with Mr. Wittman abstaining), the Regular Committee Minutes of December 6, 2006 were adopted.

Closed Session Minutes of December 6, 2006

On motion by Ms. Stave, seconded by Mr. Stout (with Mr. Wittman abstaining), the Closed Session Minutes of December 6, 2006 were adopted.

Reports and Communications

--Mayor

Mayor Panconi asked members if they had received a copy of the petition to the Police Department from residents surrounding Old Trenton Road regarding traffic issues. Mayor Panconi directed the Township Administrator to contact the Police Chief, in writing and request during next year, when he gives his report to the Township Committee, he give the Township Committee members a written radar report, where radar is set up, the number of summonses issued as a result of the radar and the duration of the radar set up. Mr. Wittman asked if anyone had heard from the County regarding funding to assist with the traffic issues and Ms. Stave reported she and Mr. Stout would be meeting with Freeholder Polous the following day. Mayor Panconi reported he had met with the Fire Company on Sunday and stated over the previous month, there had been a total of 22 calls; 17 were between the hours of 0600-1800 hours, five (5) between the hours of 1800-0600 and seven (7) between Monday-Friday between the hours of 0700-1500 hrs. Of the calls, 15 were automatic alarms—unfounded. Mayor Panconi stated when the Fire Company reports under the Work Session, he would like to discuss with them how to get the Fire Official involved in enforcing the false alarm abuses at the commercial sites in the Township.

--Members of Committee

Mr. Stout reported he and Mayor Panconi had met earlier in the day with D.E.P. Deputy Commissioner Adam Zellner and Daniel Ryan, Special Assistant to the Commissioner regarding the former Unexcelled site. Deputy Commissioner Zellner had indicted he would

Members of Committee(Continued)
Mr. Stout (cont'd)

be setting up a meeting with various Bureaus within D.E.P. (Land Use Regulatory Program that governs wetlands and special resources, Site Remediation Program that governs clean-up of the property and Watershed Management that handles wastewater) so everyone could be made aware of the work being done on the site. In addition, Deputy Commissioner Zellner indicated he would be personally visiting the site after the first of the year. Mayor Panconi stated, in addition to the discussion of the Unexcelled site, he had asked the Deputy Commissioner to follow up on the Township's request for a "No Further Action" letter regarding the Wright South property.

Mayor Panconi reported at the last meeting the Township Administrator ad had been given to Township Committee members and unless there were any changes, directed the Clerk to advertise the ad for February in the New Jersey Municipal Managers' Association magazine and on the League of Municipalities web site as well as in both the Trenton Times and Star Ledger.

Agenda Additions/Changes

The Clerk announced Cranbury Township Resolution # R 12-06-164 was being added; Closed Session Resolution : Contract Negotiations: Route 130-D Acquisition—the Township Attorney would like to discuss the issue with members of the Township Committee.

Ordinances

Second Reading

Cranbury Township Ordinance # 08-06-22

A motion to enter an Ordinance entitled, Cranbury Township Ordinance # 08-06-22, AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, IN MIDDLESEX COUNTY, NEW JERSEY, AUTHORIZING THE TOWNSHIP TO ENTER INTO A NON-EXCLUSIVE USE AND OCCUPANCY AGREEMENT WITH THE CRANBURY LIONS CLUB AND THE CRANBURY HISTORICAL AND PRESERVATION SOCIETY FOR THE BARNS LOCATED ON BARN PARK (CRANBURY NECK ROAD / BLOCK 21, LOT 4.11), was presented for second reading and final adoption. The Township Attorney stated the Ordinance was not in a position to be voted on for final adoption as the Attorney for the Lions Club had not finalized his review of the proposed lease for the barn park and the Ordinance would need to be re-introduced in the new year.

Ordinances

Second Reading

Cranbury Township Ordinance # 12-06-27

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

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

Cranbury Township Ordinance # 12-06-27

(Continued)

(Wittman
Nays: (None)

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

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.

Cranbury Township Ordinance # 12-06-27
(Continued)

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. Wittman, the following Consent Agenda Resolutions were adopted by vote:

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

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

Ayes: (Panconi (Stannard (Stave (Stout (Wittman	Abstain: (Stannard: Resolution # 12-06-158) Absent: (None
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Nays: (None

Cranbury Township Resolution # R 12-06-157

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

Note: Mr. Stannard abstained from voting on the following Resolution, due to his being conflicted:

Cranbury Township Resolution # R 12-06-158

**RESOLUTION FOR RENEWAL OF MEMBERSHIP IN THE
MID JERSEY MUNICIPAL JOINT INSURANCE FUND**

Whereas, the Township of Cranbury is a member of the Mid Jersey Municipal Joint Insurance Fund; and

Cranbury Township Resolution # R 12-06-158

(Continued)

Whereas, said renewal membership terminates as of January 1, 2007*, unless earlier renewed by agreement between the Municipality and the Fund; and

Whereas, the Municipality desires to renew said membership;

Now Therefore, Be It Resolved as follows:

1. The Township of Cranbury agrees to renew its membership in the Mid Jersey Municipal Joint Insurance Fund for a period of three (3) years beginning January 1, 2007, and ending January 1, 2010*, and to be subject to the Bylaws, Rules and Regulations, coverages and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.
2. The Mayor and Clerk/Administrator/Manager shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the Mid Jersey Municipal Joint Insurance Fund evidencing the Municipality's intention to renew its membership.

This resolution agreed to the 18th day of December, 2006, by a vote of:

5- Affirmative

0- Abstain

0- Negative

0- Absent

* 12:01 a.m.

CERTIFICATION

I hereby certify the above to be a true copy of Resolution No. 12-06-158, adopted by the Township Committee of the TOWNSHIP OF CRANBURY AT A meeting held on December 18, 2006

Kathleen R. Cunningham, Clerk

Cranbury Township Resolution # R 12-06-159

RESOLUTION OF THE TOWNSHIP OF CRANBURY, NJ

A RESOLUTION AUTHORIZING THE RELEASE OF ESCROW

WHEREAS, Roger Trupin has deposited with Cranbury Township \$1,000.00 escrow deposit for driveway and sod

WHEREAS, Roger Trupin has requested the release of said deposit.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranbury authorizes the release of the above escrow deposit.

BE IT FURTHER 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 Attorney
- (b) Township Chief Financial Officer
- (c) Roger Trupin, 2 Lenape Ct, Cranbury, NJ

Cranbury Township Resolution # R 12-06-159

(Continued)

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 December 18, 2006.

Kathleen R. Cunningham, Clerk

Cranbury Township Resolution # 12-06-160

RESOLUTION OF THE TOWNSHIP OF CRANBURY, NJ

A RESOLUTION AUTHORIZING THE RELEASE OF A PERFORMANCE GUARANTEE FOR SHARBELL- PRIVATE IMPROVEMENTS
(Block 4, Lot 21)

WHEREAS, by letter dated September 13, 2006, Sharbell has requested the release 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 December 5, 2006 (attached hereto as "Exhibit A") recommended that the following performance guarantee be released:

Performance Bond	\$ 135,550.26
Cash	\$ 15,061.14

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 release 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 FURTHER 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. Jeffrey Schectel, Sharbell
- d. Township Attorney

CERTIFICATION

I, Kathleen R Cunningham do hereby certify that the foregoing is a true copy of a Resolution passed by the Township of Cranbury at a meeting duly held on December 18, 2006.

Kathleen R. Cunningham, Clerk

Cranbury Township Resolution # 12-06-161

RESOLUTION OF THE TOWNSHIP OF CRANBURY, NJ

A RESOLUTION AUTHORIZING THE RELEASE OF A PERFORMANCE GUARANTEE FOR SHARBELL- PRIVATE IMPROVEMENTS

(Block 4, Lot 21)

WHEREAS, by letter dated September 13, 2006, Sharbell has requested the release 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 December 5, 2006 (attached hereto as "Exhibit A") recommended that the following performance guarantee be released:

Performance Bond	\$ 135,550.26
Cash	\$ 15,061.14

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 release 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 FURTHER 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) Jeffrey Schectel, Sharbell
- (d) Township Attorney

CERTIFICATION

I, Kathleen R Cunningham do hereby certify that the foregoing is a true copy of a Resolution passed by the Township of Cranbury at a meeting duly held on December 18, 2006.

Kathleen R. Cunningham, Clerk

Cranbury Township Resolution # R 12-06-162

COUNTY OF MIDDLESEX
TOWNSHIP OF CRANBURY

WHEREAS, there is a need for a procedure and protocol for emergency response action and the recovery of costs incurred by the County of Middlesex and the Township of Cranbury in an emergency haz/mat response action; and

WHEREAS, the County Department of Health has notified municipalities that County services for the collection of local costs incurred from an emergency haz/mat response action are

Cranbury Township Resolution # R 12-06-162

(Continued)

available free of charge, upon the execution of an Inter-local service agreement between Middlesex County and Cranbury Township; and

WHEREAS, the emergency response organizations in Cranbury: the Cranbury Township Police Department, Cranbury First Aid Squad and Cranbury Fire Company have recommended that the Township enter into an Inter-local Agreement with Middlesex County for the collection of costs incurred from emergency haz/mat response actions;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Cranbury that the Inter-local Agreement between Middlesex County and the Township of Cranbury for the County collection of Cranbury Township's costs incurred from emergency haz/mat response actions;

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to execute said Inter-local Agreement between Middlesex County and the Township.

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 18, 2006.

Kathleen R. Cunningham, Clerk

Cranbury Township Resolution # 12-06-163

WHEREAS, the Tax Collector has determined, due to refinancing and home sales, there were erroneous paid taxes which caused overpayments on some parcels for the 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:

BLOCK	LOT	ASSESSED TO	AMOUNT
21	6.08	Rocco & Lisa Capobianco	\$ 4,035.12
23	75	Katherine Pease	200.70
31	3	Adam Hawes ETUX	1,283.16

CERTIFICATION

I, Kathleen R. Cunningham, Township Clerk of the Township of Cranbury, hereby certify that this is a true copy of a Resolution which was adopted at a regular meeting on December 18, 2006.

Kathleen R. Cunningham, Clerk

Reports from Township staff and professionals

Ms. Waterbury, Esquire, Township Attorney, reported on the issues which were discussed at the meeting of December 6, 2006 in reference to the KHov Development: Ms. Waterbury stated she had researched the questions regarding what items are covered in the Developer's Performance Guarantee; any of the public improvements, including some of the drainage issues which were discussed and all of the other issues which had been discussed. The Performance Guarantee will not be released until all of those issues are addressed. Ms. Waterbury stated, in reference to the trees being planted incorrectly, to the extent the Township would have no way of knowing if they were or were not planted correctly—there would be a maintenance guarantee posted and if any of the trees die during the two years the maintenance guarantee is in place,

Reports from Township staff and professionals (Continued)

Ms. Waterbury, Township Attorney (cont'd)

they would have to be replaced. Ms. Waterbury suggested giving KHov a deadline to submit a schedule to the Township Engineer, all of the items which were included in her "punch list" before performing the paving and that they be required to complete all of the items by January 19th (which is 30 days) and give them ninety-days to make all of the improvements or the bond will be called in. Ms. Waterbury urged the

Township to send the letter to KHov right away. Mayor Panconi indicated Hovnanian would be attending an upcoming Four Seasons Homeowners Association meeting to address the issues in January with two members of Hovnanian's Land Development Department and he would be attending the meeting. Mr. Witt indicated Mr. John Battles had called him to thank the Township on behalf of the Homeowners Association and the residents for listening to them and trying to address their issues. The Township Committee discussed sending a letter and all agreed to send the letter out as quickly as possible to convey to K-Hov the Township's intent to take matters into their own hands if the issues are not addressed.

The Clerk announced on Saturday, December 9, 2006, Josette Kratz and her fiancé Bill Askenstedt had been married in Depoe Bay, Oregon. Tom Witt, Administrator, stated Josette had been on vacation and had also attended a two-day seminar at Microsoft (at her own expense). Mr. Witt congratulated her and her husband, Bill, on their marriage.

Mr. Witt, Township Administrator, reported he had met with Ms. Marcelli, Engineer, regarding the "Safe Routes to Schools" grant. Mr. Witt indicated he had met earlier in the day with Carol Malouf, Cranbury School and the School Board will be meeting tomorrow evening and she would be addressing the issue with them. Ms. Malouf will have a letter ready on Wednesday and by Friday the application would be filed (with a due date of 12/29/06). Mr. Witt reminded everyone the first priority would be: Old Trenton Road extension from the existing sidewalk west and second priority, existing sidewalk from Plainsboro Road to Petty Road.

Mr. Witt also reported he had received a letter, on December 11, 2006, from the North Jersey Transportation Planning Authority concerning its Local Safety Planning Grant. This grant fits in with the Township's project on Plainsboro Road, striping, paving markers, curbs, etc. Mr. Witt had already spoken with the traffic consultant and Township Engineer and asked that they proceed with the grant application. Mr. Witt indicated the due date is January 12, 2007. Ms. Stave asked if the grant could be handled as a reimbursement.

Reports from Township Boards and Commissions

There were no reports.

Work Session

a. Discussion with Fire Company on a Capital Improvement (Sprinkler) Project

President Charlie Smith and Chief Sam DiStasio of the Cranbury Fire Company, discussed with the Township Committee, the Capital Improvement Sprinkler Project at the Fire House. Mr. Smith led the discussion, explaining when the Township built the Fire House ten years ago, the Fire Company had requested a sprinkler system be installed to protect their equipment. Five years ago, the issue was discussed with the members of the Fire House and they had approached a fitter company. At that time the cost would have been approximately \$20,000, using apprentices. The Township had put together a bond ordinance in the amount of \$25,000 for the sprinklers. Mr. Smith indicated no one would do the system for that price now and in this year's budget, there is a line item cost of \$93,000. Mr. Smith stated the goal is to have the sprinklers before delivery of the new fire truck. Mr. Smith thanked the Mayor for replacing the front doors of the Fire House and indicated the Fire Company had done some striping and some heater work as well. Mayor Panconi spoke, concerning the false alarm issues with the various companies within the Township. Mayor Panconi reported he had spoken with Chief DiStasio about getting the Fire Official involved. Chief DiStasio spoke, indicating a

Work Session (Continued)

a. Discussion with Fire Company on a Capital Improvement (Sprinkler) Project(cont'd)

couple of the false alarms on the report are from contractors not making the proper notification. Chief DiStasio explained other towns have very strict rules governing false alarms and if the proper procedures are not followed the companies are fined. He asked that the Township's Fire Official be "a little more aggressive". Mr. Witt suggested someone from the Fire House call Town Hall to let either he or the Fire Official to let them know there had been a violation. Mr. Witt also recommended after the Holidays, Mr. Wittman (the liaison to the Fire

Official) he and the Fire Official, sit down and come up with a procedure to enforce the issue. Chief DiStasio also asked for some signage for water hydrants on private property, due to whenever anyone takes water from a hydrant, the alarm is activated. Mr. Witt indicated that issue would be between the Water Company and the private company and then suggested that a letter be drafted from the Fire Company to the businesses; the Township to do the mailing. Chief DiStasio asked about the lockbox policy in the Township and asked who would be the person to enforce the ordinance. Mr. Witt indicated policies need to be put in place—and will be discussed at the upcoming meeting with the Fire Official. Mr. Witt also suggested, when the letters are sent out, this issue could also be addressed. Mr. Wittman asked the status on the fire truck. Chief DiStasio indicated some members would be going out in January to review the pre-built drawings and they would give them a date as to when it will be ready for delivery. Mr. Wittman also asked if the deadline was met for the “old type” engine. Mr. Smith indicated it was. Mr. Wittman asked if anything had been done about donating the old fire truck to a parish down South. Chief DiStasio indicated he would be checking on donating the old truck after his return in January, once he has a delivery date on the new truck.

b. Monthly Update on Revaluation by Steve Benner, Tax Assessor

Steve Benner, Tax Assessor, gave his monthly update on the Township’s on-going Revaluation. Mr. Benner reported, residents had been meeting with the appraisal company representatives and indicated the process was right on schedule. Mr. Benner added, the property owners have been very helpful in furnishing them with information, not only on their own property, but also on sales, etc. Mr. Benner stated, notifications went out to commercial and farm owners today and anticipated those meetings would continue into January. Mr. Benner anticipated to review the appraisal company’s work and certify by the end of January and had discussed the timetable with the County Board of Taxation. Mr. Benner then discussed with the Township Committee the current market trends and indicated there is a lag between the need to get current information and the County to provide its information and stated, by mid-January he should have a more definitive idea of where the Township’s tax rate will be. Mr. Benner indicated he would be giving the residents an update in the upcoming January newsletter and would address the appeal process. Mr. Wittman stated a resident had expressed to him positive remarks in reference to his meeting with the appraisers. Mr. Witt commended Mr. Benner on being present during the process of the revaluation and his on-going help to the residents.

c. Discussion of Board of Health Ordinance

The Township Committee discussed the proposed Ordinance, which had been introduced by the Board of Health, at its last meeting, concerning “menacing dogs”. Ms. Stave led the discussion, stating the Ordinance was scheduled for second reading and adoption for December 27, 2006. Ms. Stave stated she wanted a discussion at the Township Committee meeting so the public would have a chance to comment on the Ordinance and be made aware of it. Ms. Stave explained, to members of the Township Committee, they could only discuss the proposed Ordinance and not act on it. Ms. Stave urged feedback on its impact from the Police Chief and the Animal Control Officer and asked if the Township were prepared to implement the new rules should the Ordinance be adopted. Ms. Stave raised her concern with the definition of what constitutes a

Work Session (Continued)

c. Discussion of Board of Health Ordinance(cont’d)

“disturbance or menace”; and added, in her opinion, the sentence was very subjective, placing the burden on the Animal Control Officer. Ms. Stave made the recommendation to involve a veterinarian, taking the burden off the Animal Control Officer. Mayor Panconi asked if the issue of invisible fences had been addressed in the Ordinance. Ms. Stave suggested a recommendation be made for homeowners place a sign on their lawns. Ms. Bernice Shapiro, Board of Health Chairperson, indicated the purpose of the Ordinance had been to protect the public and suggested adding language to the Ordinance addressing the issue of invisible fences; proper notifying on property. Mr. Wittman asked how many complaints the Township had received concerning animals who had gotten loose and barking dogs. Ms. Waterbury, Attorney, indicated the only way to control the barking dog issue would be through a Noise Ordinance. Mr.

Witt added, to enforce the issues addressed in the proposed Ordinance, the Township would have to hire a full-time Animal Control Officer or make a substantial contribution for shared services and if fines were issued, the monies would go to Plainsboro Township (Court) and not the Township. Ms. Stave stated, she had received feedback from a resident, this type of ordinance was very “unneighborly” and just what residents move to Cranbury to avoid. Mr. Stout stated the Ordinance was too strong and asked if there were isolated incidences that needed to be addressed. Mr. Witt suggested discussing this with the Police Chief, Animal Control Officer and Board of Health during the Budget process. Mr. Wittman asked the reason for the Ordinance to be passed before the end of the year. Ms. Shapiro, Chairperson, responded it had been recommended; not a necessity for its passage. Mr. John Ritter, Plainsboro Road, stated none of the qualifications were spelled out as to what credentials the Animal Control Officer is required to have and urged whomever makes the determination to put a dog down should have the proper qualifications to do so. Mr. Ritter also referenced the ability for the Animal Control Officer to trespass on properties within the Township and stated the language in the Ordinance is not clear how the behavior of a dog is evidenced. Mr. Ritter also raised his concern with the language permitting the Animal Control Officer to carry a firearm. Mr. Ritter stressed if enacted, the Ordinance would allow an untrained person to enforce the Ordinance. Mr. Ritter also stated his concern with electric fences. Ms. Stave then asked Ms. Shapiro what exactly was trying to be addressed by creation of the Ordinance. Ms. Shapiro explained there had been a complaint from a resident concerning barking dogs in a particular neighborhood. Mr. Richard Kallan, Wynnewood Drive, asked what had precipitated the reason was for the Ordinance and stated every time a resident complains there should not be an Ordinance created. Ms. Connie Bauder, Petty Road, spoke, explaining in her neighborhood, 13 dogs are using an invisible fence, adjacent to the roadway. Ms. Bauder explained, 27 outbursts by dogs using invisible fences go on all the time as well as barking dogs and are very disturbing to the neighborhood. Ms. Bauder stated whenever the police are called, they cannot do anything if no one is home. Mayor Panconi explained to Ms. Bauder the proper place to air her concerns would be at the Board of Health meeting. Ms. Waterbury, Township Attorney, explained the proposed Ordinance had contained language used as a model for another municipality (who was having a problem with dogs being used in drug deals) and thus the reason for the directive to have the dog muzzled, etc. Ms. Bauder indicated she had researched the criteria for animal control officers; 45 hours of training are required and then they are certified, not requiring any further training for the rest of their careers. Ms. Bauder also reported, Animal Control Officers do not have the authority to shoot a gun—only use tranquilizer darts and may not keep the drug on hand. Ms. Bauder added the proposed Ordinance was not correct in its text and asked that the Ordinance be re-visited. Ms. Bauder also referred to other municipalities’ ordinances concerning barking dogs and summarized by stating that the Animal Control Officer really is not given that much power. Mr. Witt referenced the Township Code and referenced the statute concerning disturbing the peace. Ms. Bauder indicated the problem with the way the Code is written is with the burden of proof (three consecutive days of barking). Mr. Wittman requested

Work Session (Continued)

c. Discussion of Board of Health Ordinance (cont'd)

information by the Board of Health of how many residents in the Township are having problems with barking dogs. Ms. Bauder asked that her neighborhood’s problem be resolved. Mr. Stannard asked how the problem could be resolved. Ms. Bauder suggested the police come out and issue summonses requiring the resident to make a Court appearance with a Judge levying a fine. Ms. Stave expressed her concern with creating a law with very “draconian” measures, based on very subjective observations and stated there would seem to be an easier way to resolve the issue. Mr. Wittman suggested the Board of Health could always make a recommendation to the Township Committee to review. Ms. Laura Hochman, One Lenape Court, stated she lives in the same neighborhood as the Bauders and does not own a dog and there are plenty of owners whose dogs do not bark and expressed dogs can, in fact, be trained not to bark. Mr. John Ritter, Plainsboro Road, stated the decision would be to determine what level is considered annoying and to apply fairly to all owners, hitting everyone in the Township who owns a dog.

Public Comment (For those items not on the Agenda)

The Mayor opened the meeting to public questions and comments on those items not on the agenda. Mr. Robert Dillon, Cranbury-Hightstown Road, stated he had a situation approximately ten (10) years ago with a company that owned a very large dog. Mr. Dillon's dog was a small beagle and very intimidated by the large dog. After a few times he had called the owner, however the problem was not addressed. Finally, Mr. Dillon went to the Police Station and signed a complaint against the owner for violation of a "leash law". After three times of going to Court it cost him \$450.00 and on one occasion, when the owner neglected to show, a warrant was issued. Mr. Dillon suggested Ms. Bauder sign a complaint against her neighbor.

Mr. Dillon then spoke about the former Unexcelled property, asking Mr. Stout if it were true (as reported in one of the newspapers) Viridian (the new owners) did not need the Township to get a sewer system. Mr. Stout explained, Viridian could go to the County to make application (and the County would come to the Township); however, the D.E.P. would have to still give its approval. Mr. Dillon also stated there were originally 280 acres of wetlands at the site. In the last article the new owner was quoted as having 200 acres of wetlands. Mr. Dillon asked how the wetlands total acreage could change to suit a particular site plan. Mr. Stout responded, under the Clean Water Act, the applicant would have to get, what is called, a "Jurisdictional Determination on Wetlands" where a legal boundary is decided and added this had been done by the former owner of the parcel. The document is known as a "Letter of Interpretation" and establishes that boundary. Mr. Stout added, the document has a five-year time line with one renewal allowed (giving them ten (10) years). The new owners have chosen to go back and re-do the delineation and Mr. Stout did not know if they had been given that approval. Mr. Stout indicated to Mr. Dillon he could check the status of the approval electronically. Mr. Stout also stated Mr. Dillon, as a resident within 200 feet of the site, should have received notification when application was made to D.E.P. Mr. Dillon indicated he was not on the list of residents within 200 feet and had sent a copy of the list to D.E.P., stating he had not been noticed. Mr. Dillon also stated last week two gentlemen (one indicating he was the owner of the parcel and the other from D.E.P.) came by and spoke to his wife, Barbara, indicating D.E.P. wants Viridian to put a fence around the entire 385 acre parcel.

Mr. Dietrich Wahlers, 33 Hagerty Lane, asked if there had been any feedback regarding the bonding question about The Four Seasons and the landscaping issue. Ms. Waterbury, Township Attorney, indicated the landscaping was definitely one of the items that would have to be addressed if the Performance Guarantee were still in place; moreover, if the Maintenance Guarantee is in place and the trees die during that time, the Developer would be required to replace those trees. Ms. Waterbury explained for two (2) years plus whatever time is left on the Performance Guarantee, everything should be covered. Mr. Wahlers asked who would inspect the trees to make sure they were planted correctly. Ms. Waterbury responded no one could

Public Comment (For those items not on the Agenda)

inspect when a tree is planted, however, the Township Engineer would determine if a tree is dying and needs to be replaced. Ms. Bauder, Petty Road, asked about the red light on Plainsboro Road and asked if there was any feedback. Mr. Witt responded he had called the County, however, did not believe they had come out to fix it and would call again.

Ms. Stave stated she had seen a purchase order for bottled water for \$300.00 for one month, making the total over \$4,000 for the year and proposed that bottled water no longer be provided to the Township's public buildings. Ms. Stave also urged the members to take into consideration the excessive use of paper. Ms. Stave asked to take a look at what can be scanned and e-mailed to members of the Township Committee, minimizing the consumption of paper. Ms. Waterbury, Township Committee, asked the members to be aware the public has a right to request any e-mails they may request, either on personal or home computers regarding any Township business. Mr. Wittman supported Ms. Stave's recommendations.

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

Mayor's Notes

Mayor Panconi reported, with a heavy heart, the passing of a young mother, Elena Miller of Petty Road, who lost her battle with cancer this morning, leaving her husband, daughter and son.

Resolution

On motion by Ms. Stave, seconded by Mr. Stout, the following Resolution was adopted:

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

Nays: None

Cranbury Township Resolution # R 12-06-164

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:

--- Contract Negotiations: Route 130-D Acquisition—the Township Attorney would like to discuss the issue with members of the Township Committee.

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 18, 2006

On motion by Mr. Wittman, seconded by Ms. Stave and unanimously carried, the meeting returned to Open Session:

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

Nays: (None)

Ms. Stave asked to give the Township Committee time to think about it, who would like to be Mayor for next year. Mr. Stout indicated he is more than happy to step forward. Ms. Stave indicated that was ok with her. Mr. Wittman indicated he was not interested and Mr. Panconi indicated he was not interested. Mr. Stannard indicated he was not interested.

On motion by Mr. Stout, seconded by Mr. Wittman and unanimously carried, the meeting adjourned at 9:30 p.m.

Kathleen R. Cunningham, Clerk