

TOWNSHIP COMMITTEE MEETING
FEBRUARY 7, 2005

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 were: Township Committee members: Thomas Panconi, Jr., Richard Stannard, David J. Stout, Pari Stave and Mayor Beauregard. Also present were: Lisa Randazzese, Township Attorney, Cathleen Marcelli, Engineer, Frederick C. Carr, Administrator and Kathleen R. Cunningham, Clerk. Mayor Beauregard 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 6, 2004 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 6, 2004.
3. Was filed on December 6, 2004 with a Deputy Municipal Clerk at the Cranbury Municipal Office, 23-A North Main Street, Cranbury, New Jersey and remains on file for public inspection, and
4. Sent to those individuals who have requested personal notice.

Committee Minutes January 24 and January 31, 2005

On motion by Ms. Stave, seconded by Mr. Panconi and unanimously carried, the minutes for January 24 and 31, 2005 were adopted:

| | |
|-------------------|----------------|
| Ayes: (Beauregard | Absent: (None |
| (Panconi | |
| (Stannard | Abstain: (None |
| (Stave | |
| (Stout | |

Nays: (None

Reports and Communications

--Mayors Notes
Mayor Beauregard reported the budget resolution was being removed from the agenda and the Township Committee would be discussing the budget and considering the resolution at the meeting of February 10, 2005.

- Members of Committee
There were no reports from members of Committee.
- Subcommittee reports
There were no subcommittee reports.
- Staff and Professionals
There were no reports from staff and professionals.

Agenda Additions/Changes

The Clerk reported Cranbury Township Resolutions #'s R 02-05-044 and 02-05-035 were being deleted from the agenda.

Ordinances
First Reading

Cranbury Township Ordinance # 02-05-04

An Ordinance entitled, "Cranbury Township Ordinance # 02-05-04, AN ORDINANCE OF THE TOWNSHIP OF CRANBURY IN MIDDLESEX COUNTY, NEW JERSEY CONCERNING LAND DEVELOPMENT AND AMENDING SECTIONS 150-82, 150-83, 150-85, AND 150-86 OF THE CODE OF THE TOWNSHIP OF CRANBURY", was introduced for first reading. On motion by Ms. Stave, seconded by Mr. Stannard, the Ordinance was passed on first reading by vote:

| | | |
|-------|--|-------------------------------------|
| Ayes: | (Beauregard (Panconi (Stannard (Stave (Stout | Absent: (None Abstain: (None |
| Nays: | None | |

Public Hearing: February 28, 2005

TOWNSHIP OF CRANBURY

WHEREAS, Chapter 150 of the Code of the Township of Cranbury ("Code"), the "Land Development Ordinance of Cranbury Township" ("LDO"), regulates land use and development in the Township and sets forth the applicable procedures for applying to the Cranbury Township Zoning Board of Adjustment and Planning Board for land use approval; and

WHEREAS, on August 30, 2004 the Township Committee of the Township of Cranbury adopted Ordinance No. 07-04-17, which amended section 150-76 of the Code by increasing the composition of the Development Review Committee ("DRC") from five to six members; and

WHEREAS, this in turn requires that the number of copies of land development applications submitted to the DRC for review be increased from six to seven;

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

1. Section 150-82.A of the Code of the Township of Cranbury ("Code") is hereby amended to read as follows (additions are underlined; deletions are in [brackets]):

§ 150-82. Variance Relief.

A. All applicants for use variances shall submit the required fee and [six] seven copies of each application and any maps or related material to the Secretary of the Zoning Board of Adjustment for review by the Development Review Committee. The Board Secretary shall process the application and assign an application number. Once an application has been assigned a number, such number shall appear on all papers, maps, plats or plans and other documents submitted for processing in conjunction with the application.

2. Section 150-83.B of the Code is hereby amended to read as follows (additions are underlined; deletions are in [brackets]):

§ 150-83. Concept plans and sketch plats.

Cranbury Township Ordinance # 02-05-04
(Continued)

B. Applicants seeking review of a concept plan or sketch plat shall provide [six] seven copies of the plan or plat and six copies of the completed application and the required review fees to the Board Secretary at least 10 days before a regularly scheduled meeting of the Development Review Committee. The Development Review Committee shall review the application pursuant to the requirements of § 150-76.

3. Section 150-85.A(1) of the Code is hereby amended to read as follows (additions are underlined; deletions are in [brackets]):

§ 150-85. Minor subdivision and site plan approval.

A. Application.

(1) The applicant shall submit the required fee and [six] seven copies each of the application and the minor subdivision plat or minor site plan to the Secretary of the Board for review by the Development Review Committee. The Board Secretary shall process the application and assign an application number. Once an application has been assigned a number, such number shall appear on all papers, maps, plats or plans and other documents submitted for processing in conjunction with the application.

4. Section 150-86.A(1) of the Code is hereby amended to read as follows (additions are underlined; deletions are in [brackets]):

§ 150-86. Preliminary major subdivision and site plan approval.

A. Application.

(1) The applicant shall submit the required fee, [six] seven copies each of the application and the preliminary major subdivision plat or preliminary major site plan and [six] seven copies of any protective covenants or deed restrictions applying to the land being subdivided or developed to the Secretary of the Board for review by the Development Review Committee. The Board Secretary shall process the application and assign an application number. Once an application has been assigned a number, such number shall appear on all papers, maps, plats or plans and other documents submitted for processing in conjunction with the application.

5. This ordinance shall take effect upon its passage and publication and upon the filing of a copy of said ordinance with the Middlesex County Planning Board, as required by law.

Ordinance
First Reading

Cranbury Township Ordinance # 02-05-06

An Ordinance entitled, “Cranbury Township Ordinance # 02-05-06, AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AMENDING CHAPTER 100 OF THE CODE OF THE TOWNSHIP OF CRANBURY”, was introduced for first reading. On motion by Ms. Stave, seconded by Mr. Stout, the Ordinance was passed on first reading by vote:

Ayes: (Beauregard
(Panconi

Absent: (None

Cranbury Township Ordinance # 02-05-06
(Continued)

(Stannard
(Stave
(Stout

Abstain: (None

Nays: None

Public Hearing: February 28, 2005

TOWNSHIP OF CRANBURY

WHEREAS, the Township is in the process of updating the entire Code of the Township of Cranbury ("Code"); and

WHEREAS, at this time Chapter 100 of the Code, entitled "Littering," shall be revised to ensure its continued consistency with State and local law;

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

1. Chapter 100 of the Code, entitled "Littering," shall be deleted in its entirety and replaced with a new Chapter 100, to read as follows:

CHAPTER 100.

LITTER, SOLID WASTE AND STORAGE OF VEHICLES.

§100-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

LITTER – Any used or unconsumed substance or waste material which has been discarded, whether made of aluminum, glass, plastic, rubber, paper, or other natural or synthetic material, or any combination thereof, including, but not limited to, any bottle, jar or can, or any top, cap or detachable tab of any bottle, jar or can, any unlighted cigarette, cigar, match or any flaming or glowing material or any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspapers, magazines, glass, metal, plastic or paper containers or other packaging or extraction processes, logging, sawmilling, farming or manufacturing.

LITTER RECEPTACLE – A container suitable for the depositing of litter.

COMMERCIAL PREMISES – Commercial premises shall include, but are not limited to: automobile service stations; stores for retail sales; liquor stores; taverns and inns; restaurants, including, but not limited to, drive-in restaurants, snack bars, hot dog, hamburger and ice cream stands, vending machines and street vendor locations; professional activities, including, but not limited to, medical, dental, legal, architectural and accounting; personal services, including, but not limited to, real estate, insurance, barber shops, hairdressers and repair shops of all kinds; shopping centers; amusements, including, but not limited to, movies, skating rinks and bowling alleys, whether part of a shopping area or not; beaches and bathing areas; boat launching areas; public and private piers operated for public use; marinas, boat moorages and their fueling stations; campgrounds; railroad and bus stations; and construction sites.

(Continued)

SOLID WASTE – Garbage, refuse, and other discarded materials resulting from industrial, commercial and agricultural operations, and from domestic and community activities, and shall include all other waste materials including liquids, except for source separated recyclable materials or source separated food waste collected by livestock producers approved by the State Department of Agriculture to collect, prepare and feed such wastes to livestock on their own farms.

BULKY WASTE – Large items of solid waste which because of their size or weight require handling other than normally used for municipal waste. Bulky waste includes, but is not limited to, such items as tree trunks, vehicle parts, auto bodies, tires, demolition or construction materials, appliances, furniture and drums.

CONTAINER – Any portable device in which a solid waste is stored, transported, treated, disposed of, or otherwise handled.

INOPERABLE VEHICLE – Any vehicle that is missing any essential part, including but not limited to tires, wheels or an engine; does not display a current, valid state license plate; or is wrecked, disassembled or partially disassembled.

§100-2. Litter.

A. Littering prohibited. It shall be unlawful for any person to throw, drop, discard or otherwise place litter on any public or private property, other than in a litter receptacle.

B. Litter receptacles.

(1) Litter receptacles and their servicing are required at the following public places in the township:

(a) Buildings held out for use by the public, including but not limited to schools, government buildings and commercial premises;

(b) Parks;

(c) Parking lots; and

(d) Special events to which the public is invited, including but not limited to sporting events, parades, carnivals, circuses and festivals.

(2) The owners of said places and the sponsors of said special events shall be responsible for providing and servicing the litter receptacles and ensuring that adequate containerization is available.

C. Removal of litter from public places. Owners of the public places and sponsors of the special events identified in subsection B1(a) through (d) above shall also be responsible for removing litter from the sidewalks, walkways, pedestrian areas and parking areas in or on said public places every day said public places are open for business.

D. Removal of litter from sidewalks. Owners of any property in the township shall be responsible for removing litter from the sidewalks fronting and bordering upon said property.

§100-3. Solid waste; bulky waste.

Cranbury Township Ordinance # 02-05-06

(Continued)

A. Streets, roads, rights-of-way and township property. No person shall discard, dump, place upon, deposit, leave or abandon solid waste or bulky waste on or along any of the following places, unless in a container designated for the purpose of storage or disposal of same:

(1) Public street, road or right-of-way; or

(2) Township property.

B. Residential property. No person shall discard, dump, deposit, place upon, deposit, leave or abandon any of the following on residential property:

(1) Domestic solid waste, except in containers for the collection of same; or

(2) Domestic bulky waste, except in a fully enclosed structure or container, or on days designated for the collection of such items (if any).

§100-4. Parking and storage of vehicles; inoperable vehicles.

A. Parking on residential property. Except as otherwise provided in this section, no person shall park or permit the parking of any vehicle in the front yard of any residential property, except in a driveway or structure.

B. Parking and storage of inoperable vehicles. No person shall park or permit the parking, or keep or permit the keeping, of an inoperable vehicle in or on any of the following:

(1) Public street, road or right-of-way;

(2) Vacant lot; or

(3) Residential front yard, except in a structure or if entirely covered.

§100-5. Violations.

A. Littering. For any violation of section 100-2, the violator shall be subject such fines and penalties as set forth in N.J.S.A. 13:1E-99.3, as same may hereafter be amended from time to time.

B. Other violations. For any other violation of this chapter, the violator shall be subject to such fines and other penalties as are provided in section 1-15 of this Code, entitled "General penalty; continuing violations," except that the minimum fine for any such violation shall be \$100.00.

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

Ordinance
First Reading

Cranbury Township Ordinance # 02-05-07

An Ordinance entitled, "Cranbury Township Ordinance # 02-05-07, AN ORDINANCE OF THE TOWNSHIP OF CRANBURY IN MIDDLESEX COUNTY, NEW JERSEY ACCEPTING THE DEDICATION OF A PORTION OF PROPERTY ABUTTING CORPORATE DRIVE AND

Cranbury Township Ordinance # 02-05-07

(Continued)

DESIGNATED ON THE CRANBURY TOWNSHIP TAX MAP AS BLOCK 2, LOT 3.031", was introduced for first reading. On motion by Ms. Stave, seconded by Mr. Panconi, the Ordinance was passed on first reading by vote:

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

Public Hearing: February 28, 2005

TOWNSHIP OF CRANBURY
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY

WHEREAS, Kerzner Associates ("Kerzner") is the record owner of property located on Corporate Drive in the Township of Cranbury ("Township") and designated on the Cranbury Township Tax Map as Block 2, Lot 3.031; and

WHEREAS, Kerzner wishes to dedicate an 8,415± square-foot portion of this property ("subject property") to the Township for right-of-way, road widening, and other municipal purposes; and

WHEREAS, the subject property abuts Corporate Drive; and

WHEREAS, Kerzner has agreed to maintain the subject property and complete any necessary clean-up should the subject property now or in the future be found by the New Jersey Department of Environmental Protection to contain any environmental contamination; and

WHEREAS, the Township finds that accepting the dedication of the subject property will further the public health, safety, and general welfare;

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

1. The Township Committee hereby accepts the dedication by Kerzner Associates ("Kerzner") of that 8,415± square-foot portion of Block 2, Lot 3.031 located adjacent to Corporate Drive for right-of-way, road widening, or other municipal purposes, which property is shown on the plan attached hereto as Exhibit "A" and is more particularly described in the metes and bounds description attached hereto as Exhibit "B".

2. The Township's acceptance of this dedication is conditioned upon the following:

a. Kerzner shall cause to be recorded in the Middlesex County Clerk's Office a deed of dedication to the Township in such form as has been approved by the Township Attorney and the Township Engineer;

b. Said deed shall expressly contain the following language: "AND the Grantor covenants that it will provide all necessary maintenance of the property. This maintenance shall include grass

cutting, brush clearing, debris removal, tree trimming, and whatever else is necessary to maintain the property in a similar manner as the properties owned by Grantor. In the

Cranbury Township Ordinance # 02-05-07

(Continued)

event that the property is found to contain any environmental contamination as determined by the New Jersey Department of Environmental Protection ("NJDEP"), Grantor shall be required to complete at its sole cost and expense any necessary cleanup in accordance with all the provisions outlined by the NJDEP."

3. This Ordinance shall take effect upon passage and publication, as required by law.

Ordinance

Second Reading

Cranbury Township Ordinance # 01-05-01

A motion to enter an Ordinance entitled, "Cranbury Township Ordinance # 01-05-01, AN ORDINANCE OF THE TOWNSHIP OF CRANBURY IN MIDDLESEX COUNTY, NEW JERSEY CONCERNING AFFORDABLE HOUSING DEVELOPMENT FEES AND AMENDING CHAPTER 76 OF THE CODE OF THE TOWNSHIP OF CRANBURY", was presented for second reading and final adoption. The Ordinance was published in the Cranbury Press, posted on the Township Bulletin Board and copies were available to the public. The Mayor opened the public hearing on the Ordinance. No one present wished to speak, so the hearing was declared closed. On motion by Ms. Stave, seconded by Mr. Stannard, the Ordinance was adopted by a vote:

| | | |
|-------|--|----------------|
| Ayes: | (Beauregard (Panconi (Stannard (Stave (Stout | Absent: (None |
| | | Abstain: (None |
| Nays: | None | |

Ordinance

Second Reading

Cranbury Township Ordinance # 01-04-02

A motion to enter an Ordinance entitled, "Cranbury Township Ordinance # 01-04-02, AN ORDINANCE OF THE TOWNSHIP OF CRANBURY IN MIDDLESEX COUNTY, NEW JERSEY, REGARDING THE ACQUISITION OF BLOCK 19, LOTS 11 AND 12 ("FISCHER ACRES"), CONFIRMING THE AMOUNT OF JUST COMPENSATION TO BE PAID THEREFOR AND AUTHORIZING THE PAYMENT 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. No one present wished to speak, so the hearing was declared closed. On motion by Ms. Stave, seconded by Mr. Stannard, the Ordinance was adopted by a vote:

| | | |
|-------|--|----------------|
| Ayes: | (Beauregard (Panconi (Stannard (Stave (Stout | Absent: (None |
| | | Abstain: (None |
| Nays: | None | |

Ordinance
Second Reading

Cranbury Township Ordinance # 01-05-03

A motion to enter an Ordinance entitled, "Cranbury Township Ordinance # 02-05-03 , A BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$1,150,000 FOR ACQUISITION OF PROPERTY FOR USE AS OPEN SPACE IN AND BY THE TOWNSHIP OF CRANBURY, IN THE COUNTY OF MIDDLESEX, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$1,095,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION", 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. Stannard, the Ordinance was adopted by a vote:

| | | |
|-------|--|----------------|
| Ayes: | (Beauregard (Panconi (Stannard (Stave (Stout | Absent: (None |
| Nays: | None | Abstain: (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:

The improvement described in Section 3 of this bond ordinance has heretofore been authorized to be undertaken by the Township of Cranbury, New Jersey as a general improvement. For the improvement or purpose described in Section 3, there is hereby appropriated the supplemental amount of \$1,150,000, such sum being in addition to the \$2,280,000 appropriated therefor by bond ordinance #01-04-03 of the Township finally adopted January 26, 2004, and including the sum of \$55,000 as the additional down payment required by the Local Bond Law. The additional down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets. In order to finance the additional cost of the improvement or purpose not covered by application of the additional down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,095,000 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.

(a) The improvement heretofore authorized and the purpose for the financing of which the bonds are to be issued is the acquisition of property known as Fischer Acres for use as Open Space as further described in bond ordinance #01-04-03 of the Township finally adopted January 26, 2004.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is \$3,261,000, including the \$2,166,000 bonds or notes authorized by bond ordinance #01-04-03 of the Township finally adopted January 26, 2004 and the \$1,095,000 bonds or notes authorized herein.

(c) The estimated cost of the improvement or purpose is \$3,430,000, including the \$2,280,000 appropriated by bond ordinance #01-04-03 of the Township finally adopted January 26, 2004 and the \$1,150,000 appropriated herein.

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 signature upon the notes

Cranbury Township Ordinance # 01-05-03

(Continued)

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.

The capital budget of the Township of Cranbury is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

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 Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond 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 \$1,095,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$495,000 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. Of this amount, \$380,000 was estimated for these items of expense in bond ordinance #01-04-03 of the Township finally adopted January 26, 2004, and an additional \$115,000 is estimated therefor herein.

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.

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 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.

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

Cranbury Township Ordinance # 01-05-03

(Continued)

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.

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

Resolutions
Consent

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

| | | |
|-------|-------------|----------------|
| Ayes: | (Beauregard | Absent: (None |
| | (Panconi | |
| | (Stannard | Abstain: (None |
| | (Stave | |
| | (Stout | |

Nays: None

Cranbury Township Resolution # R 02-05-036

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 02-05-037

RESOLUTION OF THE TOWNSHIP OF CRANBURY
MIDDLESEX COUNTY, NEW JERSEY

A RESOLUTION AWARING A PROFESSIONAL SERVICES AGREEMENT FOR LEGAL SERVICES
TO TRISHKA WATERBURY, ESQ. AND
MASON, GRIFFIN & PIERSON, P.C.

WHEREAS, the Township of Cranbury has appointed Trishka Waterbury, Esq. of the law firm of Mason, Griffin & Pierson, P.C. to serve as Township Attorney during the 2005 calendar year; and

WHEREAS, the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., allows the Township Committee to award a professional services agreement exceeding the bid threshold without competitive bidding; and

WHEREAS, the Local Public Contracts Law also requires that a Resolution authorizing the award of a professional services agreement be publicly advertised.

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

1. The Mayor and Clerk are hereby authorized and directed to execute an agreement with Trishka Waterbury, Esq. of the law firm of Mason, Griffin & Pierson, P.C. to provide professional legal services to the Township during the calendar year 2005.

2. Effective January 1, 2005, and subject to proper appropriations in the Township's 2005 budget, Trishka Waterbury, Esq. and Mason, Griffin & Pierson, P.C. shall be reimbursed for all out-of-pocket expenses and shall be compensated according to the schedule

Cranbury Township Resolution # 02-05-037

(Continued)

set forth below:

- a. Attendance at Township Committee meetings: \$390.00 per meeting;
 - b. Routine services (all services except for attendance at Township Committee meetings and those services outlined below): \$130.00 per hour;
 - c. Work related to specific land development applications: \$150.00 per hour, to be charged to the applicant's escrow account;
 - d. Litigation, including tax appeals and condemnation: \$150.00 per hour;
 - f. Capital projects (e.g., the police building construction): \$150 per hour, chargeable against Section 20 expenses in the bond issue;
 - g. Complex land acquisitions (e.g., Simonson, E. Barclay): \$130 per hour until the acquisition is approved by the Township Committee, then \$150 per hour thereafter, chargeable against Section 20 expenses in the bond issue;
 - h. Personnel, including preparation of or revisions to employee manuals, etc.: \$150 per hour; and
 - i. Special projects and tasks of a non-routine nature, such as comprehensive code revisions/recodifications: \$150.00 per hour.
- 3. A copy of this Resolution and the Agreement shall be placed on file in the Office of the Township Clerk, and shall be available for public inspection.
 - 4. A notice of this action shall be published in the official newspaper as required by law.

CERTIFICATION

I, Kathleen R. Cunningham, 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 February 7, 2005.

Kathleen R. Cunningham, Clerk

Cranbury Township Resolution # R 02-05-038

TOWNSHIP OF CRANBURY
COUNTY OF MIDDLESEX

**A RESOLUTION AWARDED A PROFESSIONAL SERVICES AGREEMENT
FOR ENGINEERING SERVICES TO Cathleen Marcelli, P.E. AND HATCH MOTT MacDONALD, LLC**

WHEREAS, there is a need for engineering services for the Township of Cranbury on an ongoing basis; and

WHEREAS, Cathleen Marcelli, PE, CME, HATCH MOTT MacDONALD, LLC has submitted a proposed contract for providing these services at rates noted in the attached document, and

WHEREAS, funds are available for this purpose, and

Cranbury Township Resolution # R 02-05-038
(Continued)

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40:11-1 et. seq.) requires that the Resolution authorizing the award of the contracts for professional services without competitive bids must be publicly advertised if in excess of the bid limit;

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

1. Mayor and Clerk of the Township of Cranbury are hereby authorized and directed to execute the attached Agreement with Cathleen Marcelli, PE, CME, HATCH MOTT MacDONALD, LLC, for professional engineering services for the year 2005, as set forth in said Contract, which is available for inspection at the Office of the Township Clerk.

2. This Contract is awarded without competitive bidding as a "professional service" under the provisions of the Local Public Contract Law, inasmuch as said Agreement is for services to be performed by persons authorized by law to practice a recognized profession which is not susceptible to competitive bidding and is of a qualitative nature.

3. A notice regarding the award of the Contract shall be published in the Cranbury Press within ten (10) days after passage of same if the Contract will exceed the bid limit.

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 on February 7, 2005.

Kathleen R. Cunningham, Clerk

Cranbury Township Resolution # R 02-05-039

RESOLUTION OF THE TOWNSHIP OF CRANBURY MIDDLESEX COUNTY, NEW JERSEY

A RESOLUTION AWARDING A PROFESSIONAL SERVICES AGREEMENT FOR PLANNING SERVICES TO RICHARD M. PREISS, A.I.C.P., P.P. AND PHILLIPS PREISS SHAPIRO ASSOCIATES

WHEREAS, there is a need for professional planning services for the Township of Cranbury and its boards on an ongoing basis; and

WHEREAS, the Cranbury Township Planning Board has appointed Richard M. Preiss, A.I.C.P., P.P. and Phillips Preiss Shapiro Associates, Inc. ("Preiss") to serve as its planning consultant during the 2005 calendar year; and

WHEREAS, the Township of Cranbury also wishes to retain Preiss as the Township's planning consultant; and

WHEREAS, the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., allows the Township Committee to award a professional services agreement exceeding the bid threshold without competitive bidding; and

Cranbury Township Resolution # R 02-05-039
(Continued)

WHEREAS, the Local Public Contracts Law also requires that a Resolution authorizing the award of a professional services agreement be publicly advertised.

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

1. Richard M. Preiss, A.I.C.P., P.P. of Phillips Preiss Shapiro Associates, Inc. is hereby appointed to serve as the Planning Consultant for the Township of Cranbury for the calendar 2005.
2. The Mayor and Clerk are hereby authorized and directed to execute the attached Agreement with Richard M. Preiss, A.I.C.P., P.P. and Phillips Preiss Shapiro Associates, Inc. to provide professional planning services to the Township.
3. Effective January 1, 2005, and subject to proper appropriations in the Township's and/or Planning Board's 2005 budget, Richard M. Preiss, A.I.C.P., P.P. and Phillips Preiss Shapiro Associates, Inc. shall be reimbursed for all out-of-pocket expenses and shall be compensated according to the schedule set forth in the Agreement attached hereto.
4. A copy of this Resolution and the Agreement shall be placed on file in the Office of the Township Clerk, and shall be available for public inspection.
5. A notice of this action shall be published in the official newspaper as required by law.

CERTIFICATION

I, Kathleen R. Cunningham, 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 February 7, 2005.

Kathleen R. Cunningham, Clerk

Cranbury Township Resolution # R 02-05-040

TOWNSHIP OF CRANBURY
COUNTY OF MIDDLESEX

A RESOLUTION AWARDED A PROFESSIONAL SERVICES AGREEMENT
FOR LEGAL SERVICES TO Joseph L. Stonaker, Esquire

WHEREAS, there is a need for legal services for the Township of Cranbury Planning Board on an ongoing basis; and

WHEREAS, Joseph L. Stonaker, Esquire has submitted a proposed contract for providing these services at rates noted in the attached document, and

WHEREAS, funds are available for this purpose, and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40:11-1 et. seq.) requires that the Resolution authorizing the award of the contracts for professional services without competitive bids must be publicly advertised if in excess of the bid limit;

Cranbury Township Resolution # R 02-05-040
(Continued)

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

1. Mayor and Clerk of the Township of Cranbury are hereby authorized and directed to execute the attached Agreement with Joseph L. Stonaker, Esquire, for professional legal services for the year 2005, as set forth in said Contract, which is available for inspection at the Office of the Township Clerk.

2. This Contract is awarded without competitive bidding as a "professional service" under the provisions of the Local Public Contract Law, inasmuch as said Agreement is for services to be performed by persons authorized by law to

practice a recognized profession which is not susceptible to competitive bidding and is of a qualitative nature.

3. A notice regarding the award of the Contract shall be published in the Cranbury Press within ten (10) days after passage of same if the Contract will exceed the bid limit.

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 on February 7, 2005.

Kathleen R. Cunningham, Clerk

Cranbury Township Resolution # R 02-05-041

TOWNSHIP OF CRANBURY
COUNTY OF MIDDLESEX

WHEREAS, there exists a need for social services to be provided to the residents of the Township of Cranbury; and

WHEREAS, Plainsboro Township has a Public Assistance Director for social services; and

WHEREAS, the Township of Cranbury wishes to contract with Plainsboro Township to provide said social services in terms of part-time case management services;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranbury, that the Mayor and Clerk hereby be authorized and directed to execute an Inter-Local Social Services Agreement with Plainsboro Township to provide social services through December 31, 2005, and

BE IT FURTHER RESOLVED a certified copy of this Resolution be sent to Plainsboro Township.

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 February 7, 2005.

Kathleen R. Cunningham, Clerk

Cranbury Township Resolution # R 02-05-042

TOWNSHIP OF CRANBURY
COUNTY OF MIDDLESEX

A RESOLUTION CONCERNING AFFORDABLE HOUSING DEVELOPMENT FEES

WHEREAS, the Township of Cranbury in Middlesex County, New Jersey, has adopted, and the New Jersey Council on Affordable Housing (COAH) has approved, a development fee ordinance whereby a fee equivalent to one-half of one percent (0.5%) of the equalized assessed value is imposed on residential projects and a fee equivalent to one percent (1.0%) of the equalized assessed value is imposed on non-residential projects approved after the effective date of the ordinance; and

WHEREAS, COAH has adopted a new rule, *N.J.A.C. 5:94-6.1, et seq.*, that permits an increase in the development fees from one-half of one percent (0.5%) to one percent (1.0%) for residential projects, and from one percent (1.0%) to two percent (2.0%) for non-residential projects without prior approval from COAH, provided that the municipality forwards the prior approved ordinance and amended ordinance to COAH within seven days of the adoption of the amendment together with a resolution from the governing body stating that the municipality has made only changes in the fee percentages, commits to petitioning for Third Round substantive certification within one year of the effective date of the new proposed rules, and renders the ordinance null and void if the municipality fails to petition for Third Round substantive certification within the required time period; and

WHEREAS, the Township has adopted an ordinance pursuant to *N.J.A.C. 5:94-6.1, et seq.*, and other procedural requisites required by the Municipal Code and Municipal Land Use Law being observed and providing that the ordinance would become null and void if the Township fails to petition for Third Round substantive certification within one year of the effective date of *N.J.A.C. 5:94-1, et seq.* and *N.J.A.C. 5:95-1, et seq.*

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

1. That Ordinance 01-05-01 is hereby adopted;
2. Township of Cranbury affirms that it has only made changes to the fee percentages pursuant to *N.J.A.C. 5:94-6.6(a)* and *N.J.A.C. 5:94-6.7(a)*;
3. The Township of Cranbury commits to petitioning for Third Round substantive certification in accordance with *N.J.A.C. 5:95-1, et seq.* within one year of the effective date of *N.J.A.C. 5:94-1, et seq.* and *N.J.A.C. 5:95-1, et seq.*;
4. The Township of Cranbury affirms that it has provided for rendering the ordinance null and void if the Township fails to petition for substantive certification pursuant to the preceding paragraph 3 above;
5. The Mayor, Clerk, Administrator and Attorney are hereby authorized and directed to undertake any and all acts 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 February 7, 2005.

Kathleen R. Cunningham, Clerk

Cranbury Township Resolution # R 02-05-043

TOWNSHIP OF CRANBURY
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY

A RESOLUTION AUTHORIZING

EXECUTION OF WEB SITE DEVELOPMENT AGREEMENT

WHEREAS, the Township of Cranbury seeks to hire a consultant to develop, host and maintain a Web Site on behalf of the Township; and

WHEREAS, City Connections LLC, with offices in North Brunswick, New Jersey, has offered to provide these services to the Township for the term of one (1) year and for the cost of \$6,315.00; and

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

WHEREAS, the Temporary Chief Financial Officer has certified that there are sufficient funds for this contract;

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

1. The Mayor and Clerk are hereby authorized and directed to execute an agreement with City Connections LLC, with offices in North Brunswick, New Jersey, for the developing, hosting and maintenance of a Cranbury Township Web Site for the term of one (1) year and cost of \$6,315.00.
2. A copy of the agreement shall be available for public inspection in the Township Clerk's office during regular business hours.

CERTIFICATION

I, Kathleen R. Cunningham, Clerk of the Township of Cranbury, do hereby certify that the foregoing is a true and correct copy of a resolution passed by the Township Committee of the Township of Cranbury at its meeting held on February 7, 2005.

Kathleen R. Cunningham, Clerk

Budget Discussion

Mayor Beauregard explained the Township Committee had met on several occasions concerning the budget. Mayor Beauregard explained the reason the introduction of the budget had been postponed had been due to a request from staff. The staff, whom Mayor Beauregard commended for making the suggestion to delay the introduction, had felt uncomfortable with providing the massive amounts of paperwork which had to accompany the budget when it is mailed to the State. The staff indicated they would have the appropriate paperwork ready by Thursday, February 10th, the last possible date the budget could be introduced without going to the State for an extension. Mayor Beauregard indicated there would be a special Township Committee Meeting on Thursday, February 10, 2005 to introduce the 2005 Budget.

Mayor Beauregard gave a short overview of what was in the 2005 Budget: Last year's budget was \$9.5-million. This year's proposed budget is \$9,750,000.00. This is an increase of a little over 2.3%, or 4¢. Mayor Beauregard explained of the 4-cent increase, 1.5-cents would be devoted towards debt reduction, which would mean the Township would be devoting a total of

Budget Discussion (Continued)

\$2.5-cents for debt reduction (one-cent from last year's budget), an amount which is much lower than anyone's reasonable amount of inflation and the amount which is actually being spent for services—the cost of the Township's Administrative Staff, and professionals. Mayor Beauregard pointed out the Township has a lot "on its plate for next year—re-examination of its Master Plan, a plan for meeting its

C.O.A.H. obligations and other outstanding projects the Township wishes to pursue. Mayor Beauregard also stated the Township Committee had tried to meet the needs of the Township, while being mindful that the ratables that the Township has enjoyed for so many years may not always be there.

Mayor Beauregard asked if any members of the Township Committee wished to speak:

Township Committeeman Stout: Mr. Stout asked to keep in mind, 20% of the Budget goes to public safety and part of the increase which was discussed is for the new contract which a large portion is for public safety. The Township provides a very high quality of services to its residents and the residents enjoy those services and those services have requirements, such as utilities, which are provided as well. Our fees for site-plans are going up, as well as fees for sewers.

Township Committeeman Richard Stannard: Mr. Stannard indicated he was pleased the increase was only four-cents, as other towns have much larger increases. Mr. Stannard also endorsed the idea of using one and a half-cents for debt reduction.

Township Committeeman Panconi: Mr. Panconi indicated all of the members were conscientious of the fact that interest rates were going up and wanted to make sure there was a "push" towards debt reduction.

Mayor Beauregard indicated there would be "pie-charts" and information on the Budget made available in the next few weeks.

Mayor Beauregard then asked the members of the Township Committee their availability for a meeting on Thursday afternoon, February 10, 2005. Three members indicated they would be available for a 5:00 p.m. meeting.

PUBLIC HEARING COMMUNITY DEVELOPMENT BLOCK GRANT HEARING

Mayor Beauregard opened the public hearing at 7:20 p.m.

Mayor Beauregard explained the Community Development Block Grants provide monies for communities to use in different ways. The Township has used its monies to help meet its affordable housing needs.

Mr. Mark Berkowsky, Cranbury Housing Associates, explained the proposal is to pay for additional architectural services to pay for the proposed development at The Four Seasons Project. This was for 20-affordable rentals project that was proposed a year and a half ago and the Township did receive C.D.B.G. monies at that time and the project was put on hold pending the new C.O.A.H. regulations. The intent is to use the monies for "soft costs" for the project.

Mr. Berkowsky indicated in the past years, the Township had been receiving \$19,000 and did not know why this year would receive an additional \$10,000.

Ms. Judy Dossin, Wynnewood Drive, asked a few questions concerning the affordable housing criteria for municipalities and the Township Committee explained the State regulations and Cranbury's obligations.

Community Development Block Grant Hearing (Continued)

There being no further comments, the Mayor closed the public meeting at 7:30 p.m.

Work Session

a. Signage for Township Parks

Ms. Stave gave an overview of the proposed signage for the Township's parks and reported the rules presented incorporated the Township Attorney's comments. Ms. Stave indicated in reference to The Cranbury Brook Preserve, said rules will apply and there may be a few additional ones due to the recent ordinance. Ms. Judy Dossin, Parks Chairperson, indicated she had spoken with the Township Attorney's office and Ms. Stave earlier that day and they were all in agreement with the work the attorney had sent to Ms. Dossin over the weekend. Ms. Dossin had spoken with Ms. Beth Veghte, Board of Recreation Chairperson, who raised her concern over three items: Possession or use of firecrackers, fireworks or explosives. Recreation suggested firearms and weapons should also be added. Ms. Veghte also recommended the issue of butchering of livestock needed to be repeated another time (i.e. "grill ready"). Ms. Randazzese, Township Attorney, recommended if it is added, reference should be made to the Board of Health Ordinance which was adopted. The last recommendation Ms. Veghte had was to have the last sentence on the sign read, "Report Violations to Cranbury Police Department" and the phone number should be either enlarged or a different color. Ms. Dossin also indicated she had spoken with Tom Witt, Public Works Director and he had indicated he had made contact with the individual about the signage. Ms. Stave indicated getting these rules in place as quickly as possible and enforcing them was important as there were individuals riding recreational vehicles on The Cranbury Brook Preserve. Ms. Dossin indicated she had received a telephone call the past weekend asking why four-wheel drive vehicles were allowed on The Cranbury Brook Preserve. Ms. Dossin indicated she had received from the Environmental Commission, a list of items which should be added to the signage for The Cranbury Brook Preserve: "No motorized vehicles, no picnicking, camping or open-fires, except by permit, do not disturb animals or natural habitat, dogs must be leashed, no loud noises or playing music". Mr. Stout recommended any items that needed to be emphasized should be moved to the top of the sign, in terms of sequence. Mr. Stout also recommended adding the words "or liquid" to solid waste.

b. Building Exception on E. Barclay

The Township Committee discussed the siting of the residential building exception for the E. Barclay property located on Ancil Davison Road. Ms. Stave gave an overview of an exception benefit to the Township and indicated this addition to the application would not hold up the application.

Mayor Beauregard stated if anyone wished to call her regarding any questions on the proposed 2005 Township Budget, they should feel free to do so.

Public Comment

The Mayor opened the meeting to public questions and comments on those items not on the agenda. Mr. Richard Kallan, Wynnewood Drive, asked the definition of "liter" in reference to Ordinance # 02-05-06, in particular, the issue of old cars remaining on properties for any length of time. Ms. Connie Bauder, Petty Road, asked if grass clippings would be considered as liter. Ms. Randazzese discussed and answered these questions with Mr. Kallan and Ms. Bauder. Ms. Bauder also spoke concerning the house exception of the E. Barclay parcel, and spoke in support of the exception.

Ms. Stave thanked Lisa Randazzese, Township Attorney, for helping put together the contract with City Connections, for the new web site project. Mr. John Ritter in particular, was very helpful to the Township Attorneys in putting the contract together and deserved acknowledgement.

Resolution

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

Ayes: (Beauregard
(Panconi
(Stannard
(Stave
(Stout

Absent: (None

Abstain: (None

Nays: None

Cranbury Township Resolution # R 02-05-034

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:

1. The general nature of the subject to be discussed in this session is as follows:
2. ----Pending Litigation: Status report and matters requiring confidential advice of counsel regarding Danser v. Township of Cranbury, Docket No. MID-C-267-04;

----Other: Review of Closed Session Minutes from January 24, 2005;

----Personnel: Police Chief Update.
3. I 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.

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

Ayes: (Beauregard
(Panconi
(Stannard
(Stave
(Stout

Absent: (None

Abstain: (None

Nays: (None

On motion by Ms. Stave, seconded by Mr. Stannard and unanimously carried, the Closed Session Minutes of January 24, 2005 were adopted.

Ms. Stave inquired as to whether a letter had been sent to Mr. and Mrs. Gerberich. Mr. Carr, Township Administrator, responded he had not yet responded and he had spoken with the Township Engineer that day and they were working on a response. Ms. Stave indicated the Township needed to respond to Mr. and Mrs. Gerberich's letter.

On motion by Ms. Stave, seconded by Mr. Stannard and unanimously carried, the meeting adjourned at 8:45 p.m.

Kathleen R. Cunningham, Clerk