

TOWNSHIP COMMITTEE MEETING
JUNE 28, 2004

The regular meeting of the Township Committee of the Township of Cranbury was held at 8:00 p.m. in the Town Hall Meeting Room. Answering present to the roll call were: Township Committee members: Thomas Panconi, Jr., Pari Stave and Mayor Stannard. Ms. Beauregard arrived at 8:05 p.m. Also present were: Trishka Waterbury, Esquire, Attorney, Cathleen Marcelli, Engineer, Frederick C. Carr, Administrator and Kathleen R. Cunningham, Clerk. Mayor Stannard 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 2, 2003 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 2, 2003.
- (3) Was filed on December 2, 2003 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.

Reports and Communications from Committee

--Committee Minutes 14 June 2004

On motion by Ms. Stave, seconded by Mr. Panconi and unanimously carried, the minutes of June 14, 2004 were adopted.

--Sub Committee Reports -

Ms. Stave reported that she, Tom Harvey, Harvey Moskowitz and Cathy Marcelli had met with the County Planning Office to persuade the County not to widen Cranbury Neck Road. In order to effect this, the portion of the road by Applegate Court will have to be widened and the Township will have to take over ownership of the road. Also discussed was the issue of the large Sycamore tree in front of The Cranbury Inn and if it can be saved from removal. The County will not reconsider its finding. If the proposed plans are approved, the tree must be removed.

Mr. Panconi reported that the Subcommittee for the police contract will meet tomorrow evening and progress is being made.

Agenda Additions/Changes

Resolutions

Consent Agenda

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

Ayes:	(Beauregard (Panconi	Absent: (Mayes
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(Stannard
(Stave

Abstain: (None

Nays: None

Cranbury Township Resolution # 06-04-127

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

Cranbury Township Resolution # R 06-04-128

Whereas, a need exists for technical support and consulting services related to possible revisions to Cranbury Township's wireless facilities ordinance (Land Development Ordinance § 150-38);and

Whereas, it has been determined by the Planning Board that such services can be performed by Comp Comm, Inc., 465 Haddon Avenue, Collingswood, New Jersey 08108; and

Whereas, funds are available for this purpose,

Now, Therefore, BE IT RESOLVED by the Township Committee of the Township of Cranbury, that the Mayor and Clerk are hereby authorized and directed to execute such an Agreement with Comp Comm, Inc. on behalf of the Cranbury Township Planning Board; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be sent to:

- a) Township Chief Financial Officer
- b) Township Administrator
- c) Planning Board
- d) Comp Comm, Inc.

CERTIFICATION

I, Kathleen R. Cunningham, Clerk, hereby certify that this is a true copy of a Resolution, which was adopted by the Township Committee on June 28, 2004.

Kathleen R. Cunningham, Clerk

Cranbury Township Resolution # R 06-04-129

The governing body of TOWNSHIP OF CRANBURY desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$6,822.00. to fund the following project:

Municipal Storm water Regulation Program

Therefore, the governing body resolves that Richard H. Stannard or the successor the office of Mayor is authorized (a) to make application for such a grant, (b) if awarded, to execute a grant agreement with the State for a grant in an amount not less than \$6,822.00. and not more than \$6,822.00. and (c) to execute {any amendments thereto } {any amendments thereto which do not increase the Grantee's obligations.

The Township Committee authorizes and hereby agrees to match 0% of the Total Project Amount, in compliance with the match requirements of the agreement. The availability of the match for such purposes, whether cash, services, or property, is hereby certified. 0% of the

Cranbury Township Resolution # R 06-04-129
(Continued)

match will be made up of in-kind services (if allowed by grant program requirements and the agreement).*

The Grantee agrees to comply with all applicable Federal, State, and municipal laws, rules and regulations in its performance pursuant to the agreement.

Introduced and passed June 28, 2004.

Ayes: Ms. Beauregard, Mr. Panconi, Ms. Stave and Mayor Stannard

Noes: NONE

Absent: Mr. Mayes

*The portion of this form between the asterisks should only be completed if matching funds are required under the terms of the agreement. Where in-kind services are allowed and are stipulated by the Grantee, an attachment must be provided and appended hereto, breaking out the in-kind services to be provided by the Grantee.

Cranbury Township Resolution # R 06-04-130

RESOLUTION OF THE TOWNSHIP OF CRANBURY, NJ

A RESOLUTION AUTHORIZING THE RELEASE OF A PERFORMANCE GUARANTEE FOR
SUDLER CORPORATION, CRANSUD ONE, LLC, CRANSUD TWO, LLC BLOCK 5, LOT 17.01

WHEREAS, by letter dated May 17, 2004, Cransud One, LLC, and Cransud Two, LLC 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 June 14, 2004 (attached hereto as "Exhibit A") recommended that the following performance guarantee be released:

Cash Bond	\$ 114,887.23
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NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranbury as follows:

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

1. It hereby authorizes the release of performance guarantees set forth in the Township Engineer's letter referenced above.
2. 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:

Cranbury Township Resolution # 06-04-130
(Continued)

- (a) Township Engineer
- (b) Township Chief Financial Officer
- (c) Steven C. Spinweber, Sudler Companies, Morris Corporate Center 1
300 Interpace Parkway; Parsippany, NJ 07054
- (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 June 28, 2004.

Kathleen R. Cunningham, Clerk

Cranbury Township Resolution # R 06-04-131

WHEREAS, there is a need for legal services for the Historic Preservation Advisory Committee on an ongoing basis for the Township of Cranbury, and

WHEREAS, Michele R. Donato, 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 Contract Law (N.J.S.A. 40:11-1, et. seq.) requires that the Resolution authorizing the award of 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 ad directed to execute the attached Agreement with Michele R. Donato for the year 2004 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 professional which is not susceptible to competitive bidding and is of a qualitative nature.
3. This Contract incorporates the language of Exhibit "A", which is attached, in compliance with P.L. 1975, c. 127 (N.J.A.C. 17:27), Affirmative Action Compliance in Public Contracts.
4. 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, hereby certify that this is a true copy of a Resolution, adopted by the Township Committee on June 28, 2004.

Kathleen R. Cunningham, Clerk

Cranbury Township Resolution # R 06-04-132

RESOLUTION OF THE TOWNSHIP OF CRANBURY, NJ

A RESOLUTION AUTHORIZING THE RELEASE OF A MAINTENANCE BOND FOR PROLOGIS BUILDINGS 7 & 8

WHEREAS, by Prologis has requested the release of their Maintenance Bond previously posted with the Township in accordance with Planning Board approval and

WHEREAS, the Township Engineer has, in a letter dated June 23, 2004 (attached hereto as "Exhibit A") recommended that Maintenance Bond 103844923 be released:

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) Prologis, Andy Kolb One Capital Drive, Suite 103 Cranbury, NJ 08512
- (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 June 28, 2004.

Kathleen R. Cunningham, Clerk

Cranbury Township Resolution # R 06-04-133

TOWNSHIP OF CRANBURY **COUNTY OF MIDDLESEX, STATE OF NEW JERSEY**

A RESOLUTION CONCERNING ACQUISITION OF PERMANENT SIDEWALK EASEMENTS ACROSS BLOCK 23, LOTS 111 AND 118 IN THE TOWNSHIP OF CRANBURY, TO FACILITATE THE CONSTRUCTION OF THE CRANBURY NECK ROAD SIDEWALK.

WHEREAS, on April 19, 2004, the Township Committee of the Township of Cranbury adopted Ordinance 03-04-11 authorizing the acquisition for public use, by purchase, gift, or condemnation, of permanent sidewalk easements across Block 23, Lots 93, 107, 110, 111, 117 and 118 in the Township of Cranbury; and

WHEREAS, the Township has obtained from Peter E. Sockler, MAI an appraisal of each property interest sought to be acquired (collectively, the "appraisals"); and

Cranbury Township Resolution # R 06-04-133
(Continued)

WHEREAS, said appraisals, using the Sales Comparison approach, have established a fair market value for each of the property interests to be acquired; and

WHEREAS, as authorized by Resolution # R-05-04-099, offers of compensation in the amounts set forth in the approved appraisals were extended to the owners of the above-referenced properties; and

WHEREAS, the owners of Lots 111 and 118 have accepted the Township's offer of compensation to be made in exchange for the granting of the easements;

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

1. The Mayor, Clerk and CFO are hereby authorized and directed to execute all documents necessary for the Township to acquire permanent sidewalk easements across Lots 111 and 118 in Block 23 on the Cranbury Township Tax Map.

2. Compensation in the amount of \$1,624.00 is hereby approved and authorized for the acquisition of the above-referenced easement across Lot 111 in Block 23, this amount being the fair market value for the property interests to be acquired set forth in the above-referenced appraisal prepared by Peter E. Sockler, MAI and previously approved pursuant to Resolution # R-05-04-099.

3. Compensation in the amount of \$1,814.00 is hereby approved and authorized for the acquisition of the above-referenced easement across Lot 118 in Block 23, this amount being the fair market value for the property interests to be acquired set forth in the above-referenced appraisal prepared by Peter E. Sockler, MAI and previously approved pursuant to Resolution # R-05-04-099.

CERTIFICATION

I, Kathleen R. Cunningham, Clerk of the Township of Cranbury, do hereby certify that the foregoing resolution is a true copy of a Resolution passed by the Township of Cranbury at a meeting duly held on June 28, 2004.

Kathleen R. Cunningham, Clerk

Cranbury Township Resolution # R 06-04-134

NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CRANBURY, that Joseph Graziano be appointed to the position of Plumbing Subcode Official, at a yearly salary of \$25,900.00, effective June 21, 2004.

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 June 28, 2004.

Kathleen R. Cunningham, Clerk

Ms. Beauregard did not participate in the discussion nor vote on this Resolution:

Resolution

Mr. William Bauder, Petty Road, requested that the Township Committee not pass the following Resolution, citing thus far there has been no accounting (monthly statement) of the farming of the parcel.

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

Cranbury Township Resolution # R 06-04-135

Ayes:

(Panconi
(Stannard
(Stave

Absent: (Mayes

Abstain: (Beauregard

Nays: None

Cranbury Township Resolution # R 06-04-135

RESOLUTION OF THE TOWNSHIP OF CRANBURY, NJ

A RESOLUTION AWARDING SERVICES AGREEMENT

WHEREAS, the Township of Cranbury owns real property that is known as the Wright Farm situate in the Township of Cranbury and referred to as Block 25, Lot 31, Block 23, Lot 14.03 and Block 23, Lot 13 on the Township's tax map; and

WHEREAS, the Township seeks to procure services that will enable the Township to maintain the Wright Farm as productive agricultural land eligible for the farmland preservation program; and

WHEREAS, Donald C. Patterson has farmed the subject real property in the past and the Township seeks to hire Mr. Patterson to continue providing these farming services; and

WHEREAS, the Township seeks to pay Mr. Patterson for his services in kind by allowing Mr. Patterson to retain any profit realized from the sale of his crops, the value of which will not exceed \$25,000.00; and

WHEREAS, because this contract amount does not exceed the bid threshold, this contract award is exempt from public bidding pursuant to N.J.S.A. 40A:11-3a. and 40A:11-6.1a.; and

WHEREAS, the Township has not solicited other quotes for the provision of these services because it was not practicable to do so.

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 Donald C. Patterson for the provision of farming services to the Township at the Wright Farm situate in the Township of Cranbury and referred to as Block 25, Lot 31, Block 23, Lot 14.03 and Block 23, Lot 13 on the Township's tax map.
2. The contract term shall terminate two years from the date of the agreement or upon the Township's sale of the subject property, whichever event occurs first. In the event the Township's sale of property is the earlier of the two events, then Mr. Patterson shall have the right to harvest any crop(s) then in the ground.

Cranbury Township Resolution # R 06-04-135

(Continued)

3. Mr. Patterson shall be paid for services in kind, the value of which will not exceed 25,000.00.

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 June 28, 2004.

Kathleen R. Cunningham, Clerk

Work Session

Ms. Beauregard did not participate in the following discussion nor vote on the following Resolution:

a. Sale of Wright and Barclay Properties

Township Committee will review and approve bid documents to be used in the marketing and selling of the Barclay (North and South) and Wright (North and South) properties.

MOTION: A motion was made by Ms. Stave, seconded by Mr. Panconi to adopt the following Resolutions:

Ayes: Panconi, Stannard, Stave

Nays: None

Absent: Mayes, Abstain: Beauregard

Cranbury Township Resolution # R 06-04-136

RESOLUTION OF THE TOWNSHIP OF CRANBURY, NJ

A RESOLUTION AUTHORIZING THE SALE BY AUCTION OF RESTRICTED FARMLAND DESIGNATED AS BLOCK 25, LOT 19.01 AND BLOCK 23, LOT 12.01 ON THE CRANBURY TOWNSHIP TAX MAP AND KNOWN AS THE "BARCLAY" FARM

WHEREAS, the Township of Cranbury presently owns a 62.3-acre tract with frontage on North Main Street, designated as Block 25, Lot 19.01 on the Cranbury Township Tax Map ("Barclay North"), and a 121.256-acre tract with frontage on Plainsboro Road, designated as Block 23, Lot 12.01 ("Barclay South"); and

WHEREAS, the Township acquired Barclay North and South (the "property") to permanently preserve the property as deed-restricted farmland; and

WHEREAS, the Township has submitted an application to New Jersey's State Agriculture Development Committee ("SADC") Direct Easement Program, pursuant to which the Township intends to convey a development easement to the SADC in order to permanently preserve the property as deed-restricted farmland; and

WHEREAS, upon conveyance of the above-referenced development easement to the SADC, the public purpose for which the property was acquired will be fulfilled and the property will no longer be needed for public use; and

Cranbury Township Resolution # R 06-04-136
(Continued)

WHEREAS, upon conveyance of the above-referenced development easement to the SADC, the Township intends to convey to the highest bidder at public auction the permanently deed-restricted farmland;

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

- A. Pursuant to the Local Lands and Buildings Law, N.J.S.A. 40A:12-13(a), the Township of Cranbury through its Mayor, Clerk, Administrator and Attorney is hereby authorized and directed to sell to the highest bidder at a public sale by auction property designated as Block 25, Lot 19.01 and Block 23, Lot 12.01 on the Cranbury Township Tax Map, consisting collectively of approximately 183 acres, and more commonly known as the "Barclay Farm."
- B. The following minimum terms and conditions shall apply to the above-referenced sale:
1. The public sale by auction shall take place at 11:00 a.m. on Thursday, October 7, 2004, at the Barclay Farm South (Block 23, Lot 12.01), located at 147 Plainsboro, Cranbury, New Jersey, 08512;
 2. Only qualified bidders or their authorized representatives shall be permitted to participate in the auction;
 3. To qualify, prospective bidders shall be required to pre-register for the auction by submitting a completed Application to Qualify As Bidder, Authorization for Bidder's Agent to Bid (if applicable), and a fifty-thousand-dollar (\$50,000.00) deposit to the Township Clerk by the deadline set forth below;
 4. All deposits shall be held in escrow by the Township in a non-interest-bearing account;
 5. The deadline for registering for the auction shall be 12:00 noon on Friday, October 1, 2004;
 6. Tours of the farm shall be conducted at 10:00 a.m. on Friday, September 10, 2004 and Friday, September 24, 2004;
 7. The minimum (opening) bid at the auction shall be one million, two hundred thousand dollars (\$1,200,000.00) and bidding shall thereafter proceed in increments of ten thousand dollars (\$10,000.00);
 8. The property shall be sold to the highest bidder, except that the Township expressly reserves the right to reject all bids if the highest bid is not accepted;
 9. The Township Committee shall accept the highest bid or reject all bids no later than at its second regularly scheduled meeting following the close of the auction;
 10. The successful bidder, if any, shall be required to enter into a written agreement of sale with the Township in the form and upon such terms and conditions as are set forth in the sales agreement attached hereto as Exhibit "A", or such other substantially similar form or terms and conditions as have been approved by the Township Attorney, within five (5) business days of receipt of written notice and an execution copy thereof from the Township;
 11. The property shall be sold subject to any conditions and easements of record, together with the terms, conditions and restrictions set forth in the deed of easement attached to the Sales Agreement as Schedule B and the historic preservation easement attached to the Sales Agreement as Schedule C, or such other substantially similar deeds of easement as have been approved by the Township Attorney, and subject further to a certain lease entered into between the Township of Cranbury and Danser and Bloom on November 21, 2003, attached to the Sales Agreement as Schedule D, which lease expires on December 31, 2004;
 12. No contingencies, including but not limited to obtaining financing to purchase said
Cranbury Township Resolution # R 06-04-136
(Continued)
 13. property and/or obtaining any permits, variances, or other approvals, shall be written into the Sales Agreement;
 14. The Sales Agreement shall survive closing and shall not merge with the Deed of conveyance;
 15. The property will be sold "as is, where is."
- C. The Township Clerk or her designee shall cause an advertisement of the above-referenced sale to be published in Cranbury Township's officially designated newspaper at least once a week during the two consecutive weeks prior to the date of public sale, the second publication to be not earlier than seven (7) days prior to the sale.

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 June 28, 2004.

Kathleen R. Cunningham, Clerk

Cranbury Township Resolution # R 06-04-137

RESOLUTION OF THE TOWNSHIP OF CRANBURY, NJ

**A RESOLUTION AUTHORIZING THE SALE BY AUCTION OF RESTRICTED FARMLAND
DESIGNATED AS BLOCK 25, LOT 31 ON THE CRANBURY TOWNSHIP TAX MAP AND KNOWN AS
THE "WRIGHT NORTH" FARM**

WHEREAS, the Township of Cranbury presently owns a 80.129-acre tract with access to Plainsboro Road via a sixty-foot wide ingress and egress easement, designated as Block 25, Lot 31 on the Cranbury Township Tax Map and known as the "Wright North" Farm; and

WHEREAS, the Township acquired Wright North (the "property") to permanently preserve the property as deed-restricted farmland; and

WHEREAS, the Township has conveyed a development easement to the County of Middlesex by deed dated November 24, 2003 and recorded in the Middlesex County Clerk's Office on December 19, 2003, in Book 5255 at Pages 621 &c.; and

WHEREAS, the public purpose of the acquisition has been fulfilled and the property will not be needed for general municipal purposes or other public use; and

WHEREAS, the Township therefore wishes to convey to the highest bidder at public auction the permanently deed-restricted farmland;

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

A. Pursuant to the Local Lands and Buildings Law, N.J.S.A. 40A:12-13(a), the Township of Cranbury through its Mayor, Clerk, Administrator and Attorney is hereby authorized and directed to sell to the highest bidder at a public sale by auction property designated as Block 25, Lot 31 on the Cranbury Township Tax Map, consisting of 80.129 acres, and more commonly known as the "Wright North Farm."

B. The following minimum terms and conditions shall apply to the above-referenced sale:

Cranbury Township Resolution # R 06-04-137

(Continued)

16. The public sale by auction shall take place at 11:00 a.m. on Thursday, October 7, 2004, at the Barclay Farm South (Block 23, Lot 12.01), located at 147 Plainsboro, Cranbury, New Jersey, 08512

17. Only qualified bidders or their authorized representatives shall be permitted to participate in the auction;

18. To qualify, prospective bidders shall be required to pre-register for the auction by submitting a completed Application to Qualify As Bidder, Authorization for Bidder's Agent to Bid (if applicable), and a twenty-five thousand dollar (\$25,000.00) deposit to the Township Clerk by the deadline set forth below;

19. All deposits shall be held in escrow by the Township in a non-interest-bearing account;

20. The deadline for registering for the auction shall be 12:00 noon on Friday, October 1, 2004;

21. Tours of the farm shall be conducted at 11:00 a.m. on Friday, September 10, 2004 and Friday, September 24, 2004;
 22. The minimum (opening) bid at the auction shall be five hundred thousand dollars (\$500,000.00) and bidding shall thereafter proceed in increments of ten thousand dollars (\$10,000.00);
 23. The property shall be sold to the highest bidder, except that the Township expressly reserves the right to reject all bids if the highest bid is not accepted;
 24. The Township Committee shall accept the highest bid or reject all bids no later than at its second regularly scheduled meeting following the close of the auction;
 25. The successful bidder, if any, shall be required to enter into a written agreement of sale with the Township in the form and upon such terms and conditions as are set forth in the sales agreement attached hereto as Exhibit "A", or such other substantially similar form or terms and conditions as have been approved by the Township Attorney, within five (5) business days of receipt of written notice and an execution copy thereof from the Township;
 26. The property shall be sold subject to any conditions and easements of record, together with the terms, conditions and restrictions set forth in the deed of easement attached hereto as Exhibit "B";
 27. No contingencies, including but not limited to obtaining financing to purchase said property and/or obtaining any permits, variances, or other approvals, shall be written into the Sales Agreement;
 28. The Sales Agreement shall survive closing and shall not merge with the Deed of conveyance;
 29. The property will be sold "as is, where is."
- C. The Township Clerk or her designee shall cause an advertisement of the above-referenced sale to be published in Cranbury Township's officially designated newspaper at least once a week during the two consecutive weeks prior to the date of public sale, the second publication to be not earlier than seven (7) days prior to the sale.

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 June 28, 2004.

Kathleen R. Cunningham, Clerk

Cranbury Township Resolution # R 06-04-138

RESOLUTION OF THE TOWNSHIP OF CRANBURY, NJ

Cranbury Township Resolution # R 06-04-138
(Continued)

A RESOLUTION AUTHORIZING THE SALE BY AUCTION OF RESTRICTED FARMLAND DESIGNATED AS BLOCK 23, LOT 13 ON THE CRANBURY TOWNSHIP TAX MAP AND KNOWN AS THE "WRIGHT SOUTH" FARM

WHEREAS, the Township of Cranbury presently owns a 24.824-acre tract with access to Plainsboro Road via an ingress and egress easement, designated as Block 23, Lot 13 on the Cranbury Township Tax Map and known as the "Wright South" Farm; and

WHEREAS, the Township acquired Wright South (the "property") in order to permanently preserve the property as deed-restricted farmland; and

WHEREAS, the Township has conveyed a development easement to the County of Middlesex by deed dated November 24, 2003 and recorded in the Middlesex County Clerk's Office on December 19, 2003, in Book 5255 at Pages 635 &c.; and

WHEREAS, the public purpose of the acquisition has been fulfilled and the property will not be needed for general municipal purposes or other public use; and

WHEREAS, the Township therefore wishes to convey to the highest bidder at public auction the permanently deed-restricted farmland;

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

- A. Pursuant to the Local Lands and Buildings Law, N.J.S.A. 40A:12-13(a), the Township of Cranbury through its Mayor, Clerk, Administrator and Attorney is hereby authorized and directed to sell to the highest bidder at a public sale by auction property designated as Block 23, Lot 13 on the Cranbury Township Tax Map, consisting of 24.824 acres, and more commonly known as the "Wright South Farm."
- B. The following minimum terms and conditions shall apply to the above-referenced sale:
 30. The public sale by auction shall take place at 10:30 a.m. on Thursday, October 7, 2004, at the Barclay Farm South (Block 23, Lot 12.01), located at 147 Plainsboro, Cranbury, New Jersey, 08512
 31. Only qualified bidders or their authorized representatives shall be permitted to participate in the auction;
 32. To qualify, prospective bidders shall be required to pre-register for the auction by submitting a completed Application to Qualify As Bidder, Authorization for Bidder's Agent to Bid (if applicable), and a seven thousand, five hundred dollar (\$7,500.00) deposit to the Township Clerk by the deadline set forth below;
 33. All deposits shall be held in escrow by the Township in a non-interest-bearing account;
 34. The deadline for registering for the auction shall be 12:00 noon on Friday, October 1, 2004;
 35. Tours of the farm shall be conducted at 11:00 a.m. on Friday, September 10, 2004 and Friday, September 24, 2004;
 36. The minimum (opening) bid at the auction shall be one hundred and fifty thousand dollars (\$150,000.00) and bidding shall thereafter proceed in increments of five thousand dollars (\$5,000.00);
 37. The property shall be sold to the highest bidder, except that the Township expressly reserves the right to reject all bids if the highest bid is not accepted;
 38. The Township Committee shall accept the highest bid or reject all bids no later than

Cranbury Township Resolution # R 06-04-138
(Continued)

39. at its second regularly scheduled meeting following the close of the auction;
40. The successful bidder, if any, shall be required to enter into a written agreement of sale with the Township in the form and upon such terms and conditions as are set forth in the sales agreement attached hereto as Exhibit "A", or such other substantially similar form or terms and conditions as have been approved by the Township Attorney, within five (5) business days of receipt of written notice and an execution copy thereof from the Township;
41. The property shall be sold subject to any conditions and easements of record, together with the terms, conditions and restrictions set forth in the deed of easement attached hereto as Exhibit "B";
42. No contingencies, including but not limited to obtaining financing to purchase said property and/or obtaining any permits, variances, or other approvals, shall be written into the Sales Agreement;

43. The Sales Agreement shall survive closing and shall not merge with the Deed of conveyance;
44. The property will be sold "as is, where is."
- C. The Township Clerk or her designee shall cause an advertisement of the above-referenced sale to be published in Cranbury Township's officially designated newspaper at least once a week during the two consecutive weeks prior to the date of public sale, the second publication to be not earlier than seven (7) days prior to the sale.

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 June 28, 2004.

Kathleen R. Cunningham, Clerk

Mayor's Notes

- a. Municipal Alliance Vacancy - Mayoral Appointment
The Township Committee discussed the existing Municipal Alliance Vacancy and made the appointment of Colleen Marsh.
- b. SADC Easement Purchase Application - Barclay North/South
Ms. Stave reported that the State would like the Township to pick up 20% of the costs associated with this purchase. Ms. Stave will explore some possible sources of funding and report back to the Committee.

Resolution

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

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

Cranbury Township Resolution # R 06-04-126

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 Township Committee will now convene in a closed session that will be limited only to consideration of items with respect to which the public may be excluded pursuant to Section 7B of the Open Public Meetings Act, P.L. 1975, c. 231.

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

the
and

Date: June 28, 2004

Ayes: (Beauregard
(Panconi
(Stannard
(Stave

Absent: (Mayes
Abstain: (None

On motion by Ms. Stave, seconded by Ms. Beauregard and unanimously carried, the Closed Session Minutes of June 14, 2004 were adopted.

Ms. Stave mentioned that the Township has received a letter from Freeholder Director David Crabiell, regarding the Township's priorities for Open Space and also for recreational development. Ms. Stave would like the Township Committee to discuss this at its next meeting.

Ms. Stave asked the Township Attorney the expected time for a draft of the Ordinance for the West Preserve. The Township Attorney reported that a member of the firm, who has been working on this has it almost ready for the Township Committee to review.

Ms. Stave also asked when the Zurfluh water line will be hooked up because this is holding up everthing. The Township Attorney responded that the Township Committee can, as a Committee, set a deadline. The Township Attorney was requested to send a letter to the Zurfluhs, indicating a time line.

On motion by Ms. Stave, seconded by Ms. Beauregard and unanimously carried, the meeting adjourned at 9:30 p.m.

Kathleen R. Cunningham, Clerk