

TOWNSHIP COMMITTEE MEETING  
October 25, 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: Becky Beauregard, Michael Mayes, Thomas Panconi, Jr., Pari Stave and Mayor Stannard. 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.

Oath of Office for Michael J. Owens

Mayor Stannard administered the Oath of Office to Sergeant Michael J. Owens.

Ms. Beauregard recused herself from this portion of the meeting.

Resolution

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

Ayes:

(Mayes  
(Panconi  
(Stannard  
(Stave

Absent: (None

Abstain: (Beauregard

Nays: None

Cranbury Township Resolution # R 10-04-193

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:

Cranbury Township Resolution # R 10-04-193  
(Continued)

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:

---Closed Session Committee Minutes of October 18, 2004

---Litigation; Matters Requiring Confidential Advice of  
Counsel: Barclay/Wright Farm Auctions

2. 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: October 25, 2004

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

Ayes:

(Mayes  
(Panconi  
(Stannard  
(Stave

Absent: (None

Abstain: (Beauregard

Nays: (None

Ms. Beauregard returned to the meeting.

Reports and Communications from Committee

--Sub Committee Reports --

Ms. Stave reported the Wright/South Baseball Field SubCommittee met earlier in the evening with Brown & Keener and the SubCommittee are reaching the final stages of a design concept to present to the community. The SubCommittee is presently in the process of pricing out various components and thinking through phases of it. The SubCommittee's objective is to present it to the community on November 22, 2004 and hope to get enough notice out to residents so anyone interested in commenting would come down to that meeting.

Mr. Panconi reported the Police Contract Negotiations SubCommittee met on Thursday, October 21, 2004. Mr. Panconi indicated the negotiations are in the final stages and the next meeting is Thursday, October 28, 2004.

Agenda Additions/Changes

Mayor Stannard indicated an Ordinance, # 10-04-26, would be added to the agenda.

Ordinance

First Reading

Cranbury Township Ordinance # 10-04-26

An Ordinance entitled, "Cranbury Township Ordinance # 10-04-26, AN ORDINANCE OF THE TOWNSHIP OF CRANBURY IN MIDDLESEX COUNTY, NEW JERSEY AUTHORIZING THE ACQUISITION OF A LICENSE ACROSS BLOCK 7, LOT 13 AND PROPERTY TO BE DESIGNATED AS "POLICE DRIVE" IN THE TOWNSHIP OF CRANBURY TO FACILITATE THE CONSTRUCTION OF A NEW POLICE BUILDING AND COMPLETION OF THE CONSTRUCTION OF POLICE DRIVE, was introduced for first reading. On motion by Ms. Stave, seconded by Mr. Mayes, the Ordinance was passed on first reading by vote:

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

Public Hearing: November 8, 2004

WHEREAS, Keystone Station Road LLC, having offices c/o ProLogis, Cranbury Business Park, One Capital Drive, Suite 103, Cranbury, NJ 08512 ("Keystone"), is the owner in fee simple of property known as Block 7, Lot 13 ("Lot 13") and a proposed right-of-way to be designated as Police Drive on the Cranbury Township Tax Map (collectively referred to as the "Property"); and

WHEREAS, as a condition of Keystone's Preliminary and Final Major Subdivision and Site Plan Approval granted by Resolution of the Cranbury Township Planning Board on August 7, 2003 and as set forth in Paragraph 5 of the October 20, 2003 Developer's Agreement by and between the parties, Keystone will dedicate the Property to the Township upon Keystone's construction of a section of the roadway to be designated as Police Drive; and

WHEREAS, the Township will utilize Lot 13 for constructing its Police Building and will also construct a section of the roadway to be designated as Police Drive; and

WHEREAS, Keystone has not yet completed construction of its section of Police Drive and therefore, has not yet transferred the Property to the Township; and

WHEREAS, until Keystone transfers the Property to the Township, Keystone has agreed to grant the Township a license to use same for the Township's construction thereon; and

WHEREAS, execution of this License Agreement is in the Township's best interests for the foregoing reasons;

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

1. Pursuant to N.J.S.A. 40A:12-13 et seq., the Township's execution of a License Agreement with Keystone Station Road LLC, having offices c/o ProLogis, Cranbury Business Park, One Capital Drive, Suite 103, Cranbury, NJ 08512 ("Keystone"), across property known as Block 7, Lot 13 ("Lot 13") and a proposed right-of-way to be designated as Police Drive on the Cranbury Township Tax Map is hereby authorized.

2. Said License Agreement shall permit the Township and its contractors, consultants, employees and staff to begin construction of the new Police Building on Lot 13 and

Cranbury Township Ordinance # 10-04-26  
(Continued)

to construct a section of Police Drive before title to Lot 13 is transferred to the Township and Police Drive is dedicated to the Township.

3. The Township Administrator, Township Attorney, Township Engineer and other appropriate staff and consultants are hereby authorized to finalize the balance of the terms of said License Agreement with Keystone consistent herewith. The form of said License Agreement shall be in the Township Attorney's discretion.

4. The Mayor and Clerk are hereby authorized to sign any documents to effectuate the purposes hereof.

5. This ordinance shall take effect upon passage and publication, as required by law.

Resolutions  
Consent

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

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

Cranbury Township Resolution # 10-04-194

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 # 10-04-195

WHEREAS, on October 18, 2004 Gregory Farrington was appointed as Construction Official,

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CRANBURY, that Gregory Farrington receive a yearly rate of \$12,219.93 for this position, effective October 18, 2004.

CERTIFICATION

I, Kathleen R. Cunningham, 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 October 25, 2004.

\_\_\_\_\_  
Kathleen R. Cunningham, Clerk

Cranbury Township Resolution # R 10-04-196

**RESOLUTION OF THE TOWNSHIP OF CRANBURY, NJ**

A RESOLUTION AUTHORIZING THE REDUCTION OF A PERFORMANCE  
GUARANTEE FOR SUDLER FORD WAREHOUSE – PRIVATE IMPROVEMENTS BLOCK 5 LOT 2.07

Cranbury Township Resolution # R 10-04-196

(Continued)

WHEREAS, by letter dated August 26, 2004, Sudler has requested the reduction 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 October 13, 2004 (attached hereto as "Exhibit A") recommended that the performance guarantee be reduced and the amount that shall be **released** is as follows until all bonded items are complete is as follows:

Performance Bond	\$ 1,287,757.85
Cash Deposit	\$ 143,084.21

WHEREAS, the amount that shall be **retained** until all bonded items are complete as follows:

Performance Bond	\$ 551,896.22
Cash Deposit	\$ 61,321.80

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 reduction 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) Steven C. Spinweber, Sudler Morris Corporate Center I; 300 Interpace Parkway; Parsippany, NJ 07054-1100
- (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 October 25, 2004.

\_\_\_\_\_  
Kathleen R. Cunningham Clerk

Cranbury Township Resolution # R 10-04-197

Township of Cranbury

County of Middlesex

**RESOLUTION AWARDING A CONTRACT FOR ROCK SALT**

**WHEREAS**, The Township of Plainsboro as Lead Agency for the Cooperative Pricing System of Mercer/Middlesex County # 61 has advertised for bids for supplying of Rock Salt in two area newspapers:

Princeton Packet      7/30/04  
Cranbury Township Resolution # R 10-04-197  
(Continued)

and

**WHEREAS**, seven packets of specifications were distributed upon request; and

**WHEREAS**, six bids were received at the bid opening, two bids were no bids; and

**WHEREAS**, four qualified bids were received at the bid opening held on Tuesday, August 17, 2004, at 11:00 A.M., Conference Room F in the Municipal Center, 641 Plainsboro Road, Plainsboro, New Jersey; and

**WHEREAS**, The lowest responsible bidder was Atlantic Salt, Inc., 130 Plain Street, Lowell, Massachusetts 01851; and

**WHEREAS**, Atlantic Salt, Inc. has agreed to extend its prices to the other members of the Cooperative Pricing System of Mercer/Middlesex County # 61; and

Township of Cranbury

County of Middlesex

**WHEREAS**, the Purchasing Officer has recommended that a master contract be awarded to Atlantic Salt, Inc. at a cost of \$42.23 per ton for the Cooperative Pricing System of Mercer/Middlesex County #61 for the benefit of the registered participants with the responsibility for payment for commodities received by each participant being borne by each participant separately; and

**WHEREAS**, The Township of Cranbury is a member of the Cooperative Pricing System of Mercer/Middlesex County #61

**WHEREAS**, the Chief Financial Officer has certified that funds are available in the 2004 Municipal Budget under 4-01-26-290-410.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Cranbury that the master contract for Rock Salt is hereby awarded to Atlantic Salt, Inc.

**BE IT FURTHER RESOLVED** that the Purchasing Officer is hereby authorized to issue purchase orders on an as needed basis per bid proposal and specifications on behalf of the Township.

#### CERTIFICATION

I certify the above to be a true copy of a Resolution adopted by the Township Committee of the Township of Cranbury at a meeting held on October 25, 2004.

\_\_\_\_\_  
Cunningham, Clerk

Kathleen R.

Work Session

a. Bid Acceptance for Barclay

Cranbury Township conducted a restricted farmland auction on October 7, 2004 in which the Barclay Farm (183 acres) Block 25, Lot 19.01 and Block 23, Lot 12.01 was sold during a public auction. Mayor Stannard gave a summary of timelines and facts concerning this issue: On June 28, 2004, the Township Committee authorized for

Work Session (Continued)

a. Bid Acceptance for Barclay (cont'd)

sale, by way of auction, the three properties, then owned and still owned by the Township of Cranbury, the Barclay property, the Wright North and Wright South. In mid-September the State Office of Historic Preservation determined that there was significant termite damage, causing structural damage, to the house on the Barclay property and they did not want to own the historic easement, which was proposed for the home which had been part of the bid package for the property. The State then suggested that the Township take the easement. On September 27, 2004, the Township Committee made the decision to take the easement. The Township Committee at that meeting made a decision to approve the revisions. On September 28, 2004 an Addendum was prepared for prospective bidders, allowing the provision if the house in fact deteriorated, the building of another house. A decision was made to notify all prospective bidders, as well as bidders who had already picked up bidding packages by mail and also by advertising this Addendum in the Cranbury Press and the Trenton Times on October 1, 2004. On advice of Counsel, the Township Administrator extended the bid deadline from October 1, 2004 to October 6, 2004. There were two additional bidders who filed their applications and checks for the Barclay parcel between the previous deadline of October 1<sup>st</sup> and the new deadline of October 6, 2004. Subsequently, the auction took place. The next highest bid was \$1,890,000.00 for the Barclay property and the final bid was by Mr. Arthur Danser, for the amount of \$1,900,000.00.

Mayor Stannard opened the discussion up for questions and comments from members of the Township Committee and/or the public:

Mr. Richard Kallan, Wynnewood Drive, asked if those individuals who had their bids in by October 1, 2004 (the first deadline) were allowed to change their bids. Mayor Stannard responded it was an open bid and what was changed was the date within which an interested party was required to file his bid documents (application) and deposit.

Mr. Robert Hagerty, Counsel to Mr. Arthur Danser, addressed the Township Committee. Mr. Hagerty made clear on the record that any remarks he may have made at the October 18, 2004 Township Committee Meeting regarding the alternatives available to the Township Committee were without prejudice to any arguments he might make in the future, should it become necessary.

Mr. Arthur Danser addressed the Township Committee, reminding them at the September 27, 2004, meeting, there was absolutely nothing discussed about whether or not people would get the Addendum notice in time and the extension was not mentioned at all at that Township meeting. As mentioned by Ms. Stave at the October 18, 2004 meeting of the Township Committee, the Township Committee knew nothing of that extension; they did not even get the letter. Mr. Danser wanted to make it clear the Township Committee did not say anything, nor authorize an extension. It was strictly done without their approval. Mr. Danser also mentioned before the auction started, he made the statement he thought anyone who had not submitted their application by the original deadline of October 1<sup>st</sup> was not a qualified bidder and should not have been allowed to bid. Mr. Danser indicated the Township Committee were present and indicated it was an Administrative decision and that the auction should go forward.

Mr. John Ritter, Plainsboro Road, asked if any of the bidders could not have made the original October 1<sup>st</sup> deadline. Mayor Stannard responded the Township would have not known that information.

#### Work Session (Continued)

##### a. Bid Acceptance for Barclay (cont'd)

Mike Dulin, Wynnewood Drive spoke, giving several reasons why he thought the auction should be validated—Mr. Dulin indicated unless there is a major compelling reason for rejecting the

auction, the Township would have a problem in the future, attracting bidders to an auction, if they didn't see clearly there was a real legal basis for throwing out the auctions, they would be discouraged. Mr. Dulin indicated the danger of discouraging potential bidders and unless there is a real compelling legal reason for throwing out the auction, the bids should be accepted and the auction should be valid.

Ms. Judy Dossin, Wynnewood Drive indicated at the September 27, 2004 meeting she had asked the Township Committee, when making the changes to the house, if making those substantive changes would necessitate a change in the extension and was told no. Ms. Dossin asked if the Township Committee was represented by Counsel at that meeting. The Township Attorney and Mayor responded Mr. Ed Konin, Esq. was present for the meeting.

Mayor Stannard indicated the Township Committee had to make a decision to either accept or reject all of the bids and by law, the Township Committee may not accept any altered bids.

Mayor Stannard gave his statement--He had personally reviewed and thought about the issue and has come up with far more reasons to accept the bids as presented rather than reject them. Why not an Administrative decision? It happens very frequently here. The Township Engineer, Cathleen Marcelli could tell us in many number of cases, the governing board whether it is the Planning Board or the Township Committee will make a decision and leave the "fleshing it out" to our professionals and to our staff. This is an example of what happened here. There is a problem if we don't accept and I think Mr. Dulin spoke of that and it is we all know what we know and cannot put the information back into the bag, either for bidders or owners on either side of the auction. If we reject and try to re-bid we are looking at the possibility since everyone knows the answer, what is the value to the property—the value of the property is what it comes to in an open and fair auction of two or more bidders. What's it worth? That property is worth \$1.9 million. Someday, if it goes back to auction and two or more bidders show up and someone bids \$3-million, the property will be \$3-million. We have established a value. If we bid it again, anyone who is not prepared to bid \$1.9-million or more will stay away leaving the potential we would only have one bidder present who will bid \$1.2-million. He would get the property below the market value and could do whatever he sees fit, having bought it for \$1.2-million, knowing the market is \$1.9-million and whoever buys it for \$1.2-million can flip it and make profit of money that should have gone to the Township. It was a competitive auction. It produced an accurate value and both bidders bid freely and aggressively. It cannot be said that the property isn't worth that. We have established the value. I think if we as a Township who have sworn, when we were sworn in to office, have a fiduciary capacity on behalf of the Township, that is, regardless of what we think, in terms of what would be best for us personally, and what our sentiments might be, we have to do what is best for the Township. And to reject a bid that we think is fair, and yes, it is perhaps more than we thought we would get, and there is nothing wrong with that. I think we would be in violation of our fiduciary duties. We have to get the best results for the Township. In addition, the bottom line is for any future auctions or any future procedure that is even slightly akin to this, bidders or interested parties could be counted on to stay away by saying that the Township did not like what it got so they voided the auction and did it again. That is fraught with peril. We have testimony from last week

#### Work Session (Continued)

- a. Bid Acceptance for Barclay (cont'd)  
that we should look past the money—this is someone's house. There is at least an argument that was supported from testimony by at least one person last week, that a person who would otherwise file within the original extension, within the original deadline, once the deadline is extended, might file later simply because that was the tactic and it was agreed when we were discussing how this process might go, one of the tactics might be for bidders to file at the last minute so the other bidders would not know and they would be a surprise



bidder. It has been called a "trivial change". It was a substantive change, because we had substantively changed the value of that which was to be auctioned. For someone to bid on a house that he could not touch if it was falling down and then to find out if it was falling down around him he could make changes and repairs that changes the value. We owed it to those who had taken packets and who were potential bidders to have all the same information as the other bidders. It was required of the Township to notify and we did. We could not have notified and given people any realistic or legitimate time within which to act. The date the notice could have been published in the newspapers would have been the exact date of the first deadline so we had to extend the deadline. Finally, we can't reform bids. If the Township Committee should decide to reject the bids whether or not we could increase the minimums. If we reject the bids, any deals or potential deals will be off. Thus it will be the Township's property and I would submit the Township can do whatever they want with minimums, if it goes to bid again. Knowledge of the bidders that the value of the property is higher and what the previous bids were is knowledge to the Township. There is nothing to say both sides cannot use that information. Many of our activities are decided by the Township Committee and then put into effect by our very able professionals and staff and this was an example of that. I will vote to award the high bid to the highest bidder.

Ms. Stave spoke and addressed Mr. Danser, indicating he had stated at last week's meeting it appeared that someone did not want the Dansers to have the farm. Ms. Stave stated she did not believe that to be true. Speaking for herself, and everyone on the Township Committee and in the room, everyone would be very happy to see him have this farm and as he very nicely laid out, his family has been a prominent family in this town for more than a century and not only in farming, but in community service and we are all very grateful for that and appreciate your deep connection to the farm, your having lived there most of your life. When I considered the options available to us, it seems to me the one with the least risk to your ultimately owning the property is to accept the bid. The other options leave open the risk of re-bidding the farm and other bidders potentially taking that. Apart from all the good legal reasons for accepting the bid, I think that one too. While I can only imagine how it must have felt to have initially thought there would only be one bidder on the farm and ultimately there were more, that is the nature of auctions and it is the responsibility of the Township Committee to encourage that kind of competition and I think we have to stand by that. Ms. Stave also stated she believes there was nothing nefarious going on. If you will recall, in the beginning on the first farm tour, the people who came to see the property did not have access to the house and so Mr. Carr and Ms. Waterbury had to scramble to re-notify all the potential bidders, so they could see the interior of the house on the second visit, and also make that public, and we were never informed of that either. Either that or the change in the extension of the deadline to comply with notification regulations for the change in the easement language. These are the kinds of Administrative decisions that the Township Committee entrusts to Mr. Carr and Ms. Marcelli. Ms. Stave indicated in the meeting when the Township Committee voted to change the easement it would not have occurred to her to extend the deadline; she would have expected the staff to bring that to the Township Committee's attention or to

Work Session (Continued)

a. Bid Acceptance for Barclay (cont'd)

tell them about it after the fact. Ms. Stave also stated she concurred with Mayor Stannard to accept the highest bid from the highest bidder. Mr. Panconi spoke: He stated he would also like to echo Pari's concerns about the Danser family, as well as Mayor Stannard's concerns. Mr. Panconi also indicated the Township Committee worked very long and hard, trying to make the auction an open and fair auction for everyone. He also stated as the Township Committee was going through the criteria, the Township Committee also had an eye for the historic preservation and again, wanted to be as fair and as open with everyone who had picked up a packet so that all who had an interest in the property were aware that they would not be stuck with an historic easement on it if its basic structure was unfit. The driving force was the Township Committee wanted to be fair and open with everyone as much as possible.

Unfortunately, the Township got into a bit of a controversy, but he believed the Township conducted the auction in the fairest possible way.

Mr. Mayes spoke, indicating that he had thought about the outcomes of re-bidding Barclay; his concerns were as follows: In all likelihood, all three parcels would have to be re-bid. From what he could tell, he was not certain as to why the deadline was extended on all three but the fact-of-the matter was they were. Mr. Mayes indicated from what he knows, there seems to be no disputes on the other two parcels. On one count, it would seem to be a shame to have to re-bid those as well. If this one had to be re-bid, the Township Committee would have no choice but to re-bid the other two. Mr. Mayes stated more importantly than that, what bothers him about a re-bidding is there is just too much valuable information in the public domain now, regarding the value of the land and the value of the farms, as a result of the first auction. It is almost like asking people to bid and asking them what their bids are before the bid starts. Mr. Mayes indicated he thought a second bid would be fraught with problems. With respect to awarding the bid, Mr. Mayes indicated he thought the simple facts of the matter were, the Township Committee, on September 27, 2004 did approve by Resolution a change with respect to the historic easement. Mr. Mayes stated the Township Committee at that meeting was not aware and did not discuss any extensions to the deadline. Mr. Mayes indicated what troubled him more is the way the decision was made. Mr. Mayes also indicated, in his judgment, it would have been the right thing to do to have the matter discussed at the Township Committee meeting or brought back to the Township Committee or have the Township Committee contacted by Counsel or by the Administrator. To change the procedure at the 11<sup>th</sup> hour on an administrative basis, in Mr. Mayes judgment, was a mistake. It was a mistake simply because it is too important a process to change at the last minute without the Township Committee's input, particularly when the Township is auctioning off approximately \$3-million worth of farmland in the center of Town. Farmland which involves people's homes, people's lives and people's businesses. And to just matter-of-factly, without any discussion make an Administrative decision without bringing it to the elected officials in the Town is a mistake. Mr. Mayes then stated what he had hoped, at a minimum, what we would learn from this, is an old saying, "experience is what you get when you don't get what you want". Mr. Mayes said he had hoped in the future very significant changes and decisions like this be brought back to the Township Committee, discussed at a public meeting, would be fully aired and a decision would be made with everyone's knowledge. As was said at the last meeting, the Township Committee went to enormous lengths, in making the auction be a fair and open and objective process. Mr. Mayes indicated he was troubled by the decision that was made and indicated when he looked at the choices the Township Committee was faced with, the preferable choice was to award the bid.

#### Work Session (Continued)

##### a. Bid Acceptance for Barclay (cont'd)

Mayor Stannard asked the Clerk to call the roll:

Ayes:

(Mayes  
(Panconi  
(Stannard  
(Stave

Absent: (None

Abstain: (Beauregard

Nays:

(None

Cranbury Township Resolution # R 10-04-190

**RESOLUTION OF THE TOWNSHIP OF CRANBURY, NJ**

A RESOLUTION ACCEPTING THE HIGHEST BID AT THE SALE BY AUCTION OF TOWNSHIP-  
OWNED 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, pursuant to Resolution R-06-04-136 and in accordance with the Local Lands and Buildings Law, N.J.S.A. 40A:12-13(a), the Township of Cranbury authorized the sale by public auction of a permanently preserved 62.3-acre agricultural tract with frontage on North Main Street, designated as Block 25, Lot 19.01 on the Cranbury Township Tax Map ("Barclay North"), and a permanently preserved 121.256-acre improved agricultural tract with frontage on Plainsboro Road, designated as Block 23, Lot 12.01 ("Barclay South"); and

WHEREAS, said public sale by auction was duly advertised in accordance with the requirements of the Local Lands and Buildings Law; and

WHEREAS, said public sale by auction was held at 11 a.m. on October 7, 2004; and

WHEREAS, Princeton Research Lands, Inc., represented by Bryce Thompson, was present and qualified to bid on the Barclay farm at said auction; and

WHEREAS, Arthur and Barbara W. Danser, represented by Arthur Danser, were also present and qualified to bid on the Barclay farm at said auction; and

WHEREAS, there were no other bidders; and

WHEREAS, Princeton Research Lands, Inc.'s final bid was one million, eight hundred and ninety thousand dollars (\$1,890,000.00); and

WHEREAS, Arthur Danser's final bid was one million, nine hundred thousand dollars (\$1,900,000.00); and

WHEREAS, the Local Lands and Buildings Law requires the Township to sell the property to the highest bidder;

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

Cranbury Township Resolution # R 10-04-190  
(Continued)

1. In accordance with the Local Lands and Buildings Law, N.J.S.A. 40A:12-13(a), title to the Barclay Farm shall be conveyed to Arthur and Barbara W. Danser as the high bidders at the public sale by auction held on October 7, 2004.
2. The Township through its Mayor, Administrator, Clerk and Attorney is hereby authorized and directed to enter into a Sales Agreement with the Dansers for the sale of the Barclay Farm in the amount of one million, nine hundred thousand dollars (\$1,900,000.00), said amount being the amount of the high bid, and to undertake any and all other acts and execute any and all other documents as may be necessary to effectuate the terms set forth in Resolution R-06-04-136 and to finalize the above-referenced conveyance.

CERTIFICATION

I, Kathleen R. Cunningham, Clerk of the Township of Cranbury, hereby certify that this is a true copy of a Resolution, which was adopted by the Township Committee on October 25, 2004.

Kathleen R. Cunningham, Clerk

Work Session (Continued)

b. Bid Acceptance for Wright South

Resolution

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

Ayes: (Mayes  
(Panconi  
(Stannard  
(Stave

Absent: (None

Abstain: (Beauregard

Nays: None

Cranbury Township Resolution # R 10-04-191

**RESOLUTION OF THE TOWNSHIP OF CRANBURY, NJ**

A RESOLUTION ACCEPTING THE HIGHEST BID AT THE SALE BY AUCTION OF TOWNSHIP-OWNED RESTRICTED FARMLAND DESIGNATED AS BLOCK 23, LOT 13 ON THE CRANBURY TOWNSHIP TAX MAP AND KNOWN AS THE "WRIGHT SOUTH" FARM

WHEREAS, pursuant to Resolution R-06-04-138 and in accordance with the Local Lands and Buildings Law, N.J.S.A. 40A:12-13(a), the Township of Cranbury authorized the sale by public auction of a permanently preserved 24.824-acre farm 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, said public sale by auction was duly advertised in accordance with the requirements of the Local Lands and Buildings Law; and

Cranbury Township Resolution # R 10-04-191  
(Continued)

WHEREAS, said public sale by auction was held at approximately 11:15 a.m. on October 7, 2004; and

WHEREAS, Princeton Research Lands, Inc., represented by Bryce Thompson, was present and qualified to bid on the Wright South farm at said auction; and

WHEREAS, William Bauder was also present and qualified to bid on the Wright South farm at said auction;

WHEREAS, David A. Smith was also present and qualified to bid on the Wright South farm at said auction; and

WHEREAS, there were no other bidders; and

WHEREAS, the high bidder was David A. Smith, whose bid was one hundred and eighty-five thousand dollars (\$185,000.00); and

WHEREAS, the Local Lands and Buildings Law requires the Township to sell the property to the highest bidder;

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

1. In accordance with the Local Lands and Buildings Law, N.J.S.A. 40A:12-13(a), title to the Wright South Farm shall be conveyed to David W. Smith as the high bidder at the public sale by auction held on October 7, 2004.
2. The Township through its Mayor, Administrator, Clerk and Attorney is hereby authorized and directed to enter into a Sales Agreement with Mr. Smith for the sale of the Wright South Farm in the amount of one hundred and eighty-five thousand dollars (\$185,000.00), said amount being the amount of the high bid, and to undertake any and all other acts and execute any and all other documents as may be necessary to effectuate the terms set forth in Resolution R-06-04-138 and to finalize the above-referenced conveyance.

**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 October 25, 2004.

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Kathleen R. Cunningham, Clerk

Work Session (Cont'd)

c. Bid Acceptance for Wright North

Resolution

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

Ayes: (Mayes  
(Panconi  
(Stannard  
(Stave

Absent: (None  
  
Abstain: (Beauregard

Nays: None

Cranbury Township Resolution # R 10-04-192

**RESOLUTION OF THE TOWNSHIP OF CRANBURY, NJ**

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

WHEREAS, pursuant to Resolution R-06-04-137 and in accordance with the Local Lands and Buildings Law, N.J.S.A. 40A:12-13(a), the Township of Cranbury authorized the sale by public auction of a permanently preserved 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, said public sale by auction was duly advertised in accordance with the requirements of the Local Lands and Buildings Law; and

WHEREAS, said public sale by auction was held at approximately 11:30 a.m. on October 7, 2004; and

WHEREAS, Princeton Research Lands, Inc., represented by Bryce Thompson, was present and qualified to bid on the Wright North farm at said auction; and

WHEREAS, there were no other bidders; and

WHEREAS, the high bidder therefore was Princeton Research Lands, Inc., whose bid was five hundred thousand dollars (\$500,000.00); and

WHEREAS, the Local Lands and Buildings Law requires the Township to sell the property to the highest bidder;

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

1. In accordance with the Local Lands and Buildings Law, N.J.S.A. 40A:12-13(a), title to the Wright North Farm shall be conveyed to Princeton Research Lands, Inc. as the high bidder at the public sale by auction held on October 7, 2004.
2. The Township through its Mayor, Administrator, Clerk and Attorney is hereby authorized and directed to enter into a Sales Agreement with Princeton Research Lands, Inc. for the sale of the Wright North Farm in the amount of five hundred thousand dollars (\$500,000.00), said amount being the amount of the high bid, and to undertake any and all other acts and execute any and all other documents as may be necessary to effectuate the terms set forth in Resolution R-06-04-137 and to finalize the above-referenced conveyance.

#### 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 October 18, 2004.

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Kathleen R. Cunningham, Clerk

Ms. Beauregard returned to the meeting.

#### Work Session (Cont'd)

d. Police Station Update

Mark Berkowsky of Berkowsky & Associates, Inc. updated the Township Committee on the current status of the construction of the new Police Building. Mr. Berkowsky indicated a ground breaking ceremony had been held on October 4, 2004 and the target date for the police to move in is the Fall of 2005. Construction meetings will be held every two weeks and Ms. Marcelli, Township Engineer, indicated a meeting was going to be held between Berkowsky & Associates, Inc. and Hatch Mott MacDonald on Tuesday, October 26, 2004.

b. Property Transfer (Cathy Marcelli)

Baker Properties would like to transfer some property owned by Baker Properties to the Township. The property was originally acquired during the building of the Cranbury Green Sub-division. Ms. Marcelli, Township Engineer indicated she, Mr. Carr, Township Administrator and Ms. Waterbury, Township Engineer, had met with Mr. Baker and he would like to convey property to the Township of Cranbury. Ms. Marcelli indicated she had made a recommendation to Mr. Baker he do research on the area, i.e. surveys, deeds, etc. to determine ownership on adjoining parcels and get back to the Township once that is done.

Ms. Judy Dossin, Wynnewood Drive raised her concern about the intersection of Old Trenton Road and Old Cranbury Road. Individuals who make a left onto Old Cranbury Road are almost being rear-ended by cars traveling on Old Trenton Road. Ms. Marcelli, Township Engineer, indicated she will mention this to Middlesex County, as Old Trenton Road is a County-owned road.

Mr. Richard Kallan, Wynnewood Drive, asked why the sidewalk in front of Mr. and Mrs. Ingenieri's house is torn up. Mr. Carr, Township Administrator responded the concrete had been poured during rain and it did not set correctly. The contractor is re-pouring the sidewalk.

c. Proposed Township Committee Meeting Schedule 2005

The Township Committee discussed the proposed Township meeting schedule for 2005. On motion by Ms. Beauregard, seconded by Ms. Stave and unanimously carried, (with Mr. Mayes abstaining) the Township Committee moved to meet on the 2<sup>nd</sup> and 4<sup>th</sup> Mondays at 7:00 p.m. The meeting on the second Monday will be a Work Session/Agenda meeting and the 4<sup>th</sup> Monday will be a regular meeting.

Public Comment

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

Resolution

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

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

Cranbury Township Resolution # R 10-04-193

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:

----Closed Session Committee Minutes of October 18, 2004

----Litigation; Matters Requiring Confidential Advice of  
Counsel: Barclay/Wright Farm Auctions

2. 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: October 25, 2004

On motion by Ms. Beauregard, seconded by Ms. Stave and unanimously carried, the Closed Session minutes of October 18, 2004 were adopted.

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

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Kathleen R. Cunningham, Clerk