

TOWNSHIP COMMITTEE MEETING  
February 8, 2016

The Township Committee Meeting of the Township of Cranbury was held at 6:30 p.m. in the Town Hall Meeting Room. Answering present to the roll call were Township Committee members: Dave Cook, Susan Goetz, Glenn Johnson, and Mayor Dan Mulligan. Also present were Kevin Van Hise, Esq., Township COAH Attorney; Karen Cayci, Esq., Township Attorney; William Tanner, Township Engineer; Denise Marabello, Township Administrator/Director of Finance, and Kathleen Cunningham, Municipal Clerk/Assistant Administrator. Mr. Taylor arrived at 6:32 p.m. Mayor Mulligan 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 1, 2015 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 1, 2015.
- (3) Filed on December 1, 2015 at the Cranbury Municipal Office, 23-A North Main Street, Cranbury, New Jersey, posted on the Township's web site and remains on file for public inspection.
- (4) Sent to those individuals who have requested personal notice.
- (5) Ms. Cunningham stated this is an emergency meeting for discussion of matters falling within the attorney/client privilege in reference to litigation stemming from a Court conference that took place earlier today.

Notice will be provided tomorrow, February 9, 2016, pursuant to the Open Public Meetings Act.

Resolution

At 6:32 p.m., Mayor Mulligan requested a motion to go into Closed Session. On motion by Ms. Goetz, seconded by Mr. Johnson and unanimously carried, the following Resolution was adopted by vote:

Ayes:	(Cook	
	(Goetz	Abstain: (None
	(Johnson	Absent: (Taylor
	(Mulligan	
Nays:	(None	

Cranbury Township Resolution # R 02-16-041

RESOLUTION TO CLOSE MEETING TO THE PUBLIC

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

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

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(Continued)

“N.J.S.A. 10:4-12b (7)/Pending or anticipated litigation and  
matters falling within the attorney-client privilege.

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.

***Mr. Taylor arrived at 6:32.***

On motion by Ms. Goetz, seconded by Mr. Cook and unanimously carried, the Committee returned to Open Session at 7:20 p.m.

Mayor Mulligan apologized to the public for starting the Open Session late. He explained the Committee was directed by the Court to go into Closed Session to make some decisions about affordable housing. He stated the Committee cannot yet make public the information discussed in Closed Session

Township Committee Minutes of January 25, 2016

On motion by Mr. Johnson, seconded by Mr. Cook and unanimously carried (with Mr. Taylor abstaining due to absence), the Township Committee Minutes of January 25, 2016 were adopted.

Closed Session Minutes of January 25, 2016

On motion by Ms. Goetz, seconded by Mr. Johnson and unanimously carried (with Mr. Taylor abstaining due to absence), the Closed Session Minutes of January 25, 2016 were adopted.

Reports and Communication

--Mayor

Mayor Mulligan reported the Township Committee had the Budget Meeting on Saturday, February 6<sup>th</sup>. He reported the Committee looked at the 2016 financials for Cranbury, and stated there has not been a lot of economic development over the last several years. He stated the property values and monies coming to the Township have remained flat, while costs continue to go up. He reported the Committee is doing everything it can to maintain the tax rate, although there are challenges. Mayor Mulligan reported there are new ratables on the financial horizon, including a one-million square foot warehouse on Station Road; however, there may not be revenue from that for another one or two years.

Mayor Mulligan reported the Committee has been spending a lot of time on affordable housing.

He reported he had the pleasure of speaking at Four Seasons last week. He stated one of the issues discussed was preventative road maintenance. Mayor Mulligan stated the Township has always been reactive with road repair doing cold patching. He stated in the past, the Township used grant monies to do paving on the roads; however, he stated grant monies have been drying up. He stated the Township may consider doing some proactive measures to maintain the roads. He stated other issues raised by Four Seasons (walkway to Farmstead and a downed tree) will be addressed.

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Reports and Communications

--Members of Committee

Mr. Taylor reported he attended the Cranbury Business Association meeting last week. He reported that, like other organizations, the Association is hurting for both members and funds. He stated they will probably do a few fundraisers so they can continue to run the "Second Friday Nights" going during the summer months.

Mr. Taylor commended the Cranbury PTO, stating he participated in "Spirit Week" by handing out ice cream to the first graders.

--Mr. Cook

Mr. Cook stated the Township will see some new ratables in the next 18 to 24 months, which will help with the Budget. He stated the Committee's goal is to sparingly use the surplus until new ratables become available.

Mr. Cook stated for affordable housing, the Committee is seeing other municipalities settling at the level of the County, which is how affordable is being handled now (as opposed to the State previously handling). Mr. Cook reported Woodbridge and Old Bridge have settled on the number of units they will be required to build. He stated Cranbury is getting closer to where the Township can settle; however, he reported this has been a struggle since the inception of the Mount Laurel ruling.

--Mr. Johnson

Mr. Johnson reported he attended the Board of Health meeting, and stated a majority of the discussion was about pet licensing and the upcoming rabies clinic in March.

--Ms. Goetz

Ms. Goetz reported she attended a Planning Board Meeting last week where they signed a Resolution memorializing the redevelopment agreement. Ms. Goetz reported the new Chair of the Shade Tree is Kathy Easton.

Reports and Communications

--Subcommittees

There were no Subcommittee reports.

--Department Heads

There were no Department Head reports

Agenda Additions/Changes

Ms. Cunningham reported on the Consent Agenda, Item No. f., Cranbury Township Resolution # R 02-16-036 for the Professional Services Agreements, the Financial Consultant contract should be deleted as not all the paperwork has been received.

Public Comment - For Agenda Items

Mayor Mulligan opened the meeting to public questions and comments for items on the Agenda.

Ms. Marilynn Mulligan, North Main Street, urged the Committee to remember how important the agreement with the Library is for the new Library. She stated a commitment to funding is important for the Library to proceed with its plans. She stated the Township's assistance with a new parking lot will not only help the new Library but will also provide additional parking in the Town. There being no additional comments, Mayor Mulligan closed the public portion of the meeting.

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Public Hearing

Community Development Block Grant

Mayor Mulligan officially opened the Public Hearing on the Community Development Block Grant of \$22,737.00. Ms. Cunningham announced, for the record, that this meeting was advertised in the Cranbury Press, posted in the Senior Room at Town Hall, posted at the Township's Senior housing, posted on the Township's website, and posted on the Bulletin Board.

Mr. Mark Berkowsky, President of Cranbury Housing Associates, recommended to the Township Committee that the Grant, which comes from the Federal Government to the County to the Township, be used as in the past few years to update the HVAC system and water heater replacements. Mr. Berkowsky stated today's water heaters last about six (6) or seven (7) years so they have been very proactive with replacements. Mr. Berkowsky stated on future grant applications, they will stated monies will be used for HVAC and water heater replacements.

Mayor Mulligan asked if there were any questions or comments from the public, and having none, closed the public portion of the hearing. He thanked Mr. Berkowsky for all of his time and hard work with affordable housing.

Ordinances  
Second Reading

Cranbury Township Ordinance # 01-16-01

A motion to enter an Ordinance entitled, # 01-16-01, AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, IN MIDDLESEX COUNTY, NEW JERSEY, AMENDING CHAPTER 84 ENTITLED "FIRE PREVENTION," was presented for second reading and final adoption. The Ordinance was published in the Cranbury Press, posted on the Township's website, 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 Mr. Johnson, seconded by Ms. Goetz, the Ordinance was adopted by a vote:

Ayes:	(Cook	Abstain:	(None
	(Goetz	Absent:	(None
	(Johnson		
	(Taylor		
	(Mulligan		

Nays: (None

Cranbury Township Ordinance # 01-16-02

A motion to enter an Ordinance entitled # 01-16-02, "BOND ORDINANCE AUTHORIZING 911 DISPATCH COSTS APPROPRIATING \$40,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$38,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF," was presented for second reading and final adoption. The Ordinance was published in the Cranbury Press, posted on the Township's website, posted on the Township Bulletin Board and copies were available to the public. Mayor Mulligan and Mr. Taylor commended the new system. The Mayor opened the public hearing on the Ordinance.

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Cranbury Township Ordinance # 01-16-02  
(Continued)

Mr. Richard Kallan, Wynnewood Drive, stated he understood the reasons for moving from Hightstown to South Brunswick. and commented on having read that Hightstown Dispatch was merging with East Windsor Dispatch. Ms. Goetz explained it was not just Cranbury backing out of the services; it was also Hightstown stating they would no longer offering services. Mr. Kallan inquired if Cranbury would have gone with East Windsor for services. Ms. Marabello stated the Chief wanted to keep the dispatch services within Middlesex County. No one further present wished to speak, so the hearing was declared closed. On motion by Ms. Goetz, seconded by Mr. Taylor, the Ordinance was adopted by a vote:

Ayes:	(Cook	Abstain:	(None
	(Goetz	Absent:	(None
	(Johnson		
	(Taylor		
	(Mulligan		

Nays: (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:

**Section 1.** The several improvements described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Township of Cranbury, in the County of Middlesex, New Jersey (the "Township") as a general improvement. For the several improvements or purposes described in Section 3, there is hereby appropriated the sum of \$40,000, including the sum of \$2,000 as the down payment required by the Local Bond Law. The down payment is available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

**Section 2.** In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$38,000 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.

**Section 3.**

- (a) The improvement hereby authorized and the purpose for financing of which the bonds are to be issued for 911 dispatch costs.
- (b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is stated in Section 2 hereof.
- (c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefore.

**Section 4.** 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 shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time

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Cranbury Township Ordinance # 01-16-02  
(Continued)

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.

**Section 5.** The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

**Section 6.** 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 period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, is 7 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 \$38,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$4,000 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.

**Section 7.** 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.

**Section 8.** 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.

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Cranbury Township Ordinance # 01-16-02  
(Continued)

**Section 9.** 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 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.

**Section 10.** 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 Agenda

Mayor Mulligan asked the Township Committee if there were any questions or comments on the Consent Agenda. Hearing none, he requested a motion to adopt the Consent Resolutions. On a motion by Mr. Taylor, seconded by Mr. Johnson, and unanimously carried, the following Resolutions were passed by vote:

Ayes:	(Cook	Abstain:	(None
	(Goetz	Absent:	(None
	(Johnson		
	(Taylor		
	(Mulligan		

Nays: (None

Cranbury Township Resolution # R 02-16-031

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 02-16-032

A Resolution to Adopt Middlesex County Multi-Jurisdictional  
All Hazards Mitigation Plan Adopted for 2016

WHEREAS, a 2016 Middlesex County Multi-Jurisdictional All Hazards Mitigation Plan was submitted to FEMA for approval; and

WHEREAS, the State Office of Emergency Management has advised that said Plan has been approved by FEMA; and

WHEREAS, FEMA requires that the County and each municipality must formally adopt said Plan; and

WHEREAS, the adoption of said Plan is in the best interests of the residents of Middlesex County and the residents of Cranbury Township;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranbury that it hereby endorses the Middlesex County Multi-Jurisdictional All Hazards Mitigation Plan which was adopted by the Middlesex County Board of Chosen Freeholders;

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Cranbury Township Resolution # R 02-16-032  
(Continued)

BE IT FURTHER RESOLVED that a certified copy of this resolution is sent to the Middlesex County Board of Chosen Freeholders.

Cranbury Township Resolution # R 02-16-033

**WHEREAS**, the Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS**, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

**WHEREAS**, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

**WHEREAS**, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

**WHEREAS**, a resolution authorizing this municipality to apply for the **2015 Recycling Tonnage Grant** will memorialize the commitment of this municipality to recycling and to indicate the assent of Township Committee of the Township of Cranbury to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

**WHEREAS**, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed;

**NOW THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Cranbury hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Linda M. Scott, Recycling Coordinator to ensure that the application is properly filed; and

**BE IT FURTHER RESOLVED**, that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Cranbury Township Resolution # R 02-16-034

A RESOLUTION AUTHORIZING THE REDUCTION OF A PERFORMANCE GUARANTEE FOR  
CRANBURY BRICKYARD – INTERIM SITE IMPROVEMENTS PHASE II

WHEREAS, by an e-mail dated January 13, 2016, Cranbury Brickyard 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 January 26, 2016 (attached hereto as "Exhibit A") recommended that the performance guarantee be reduced and the amount that shall be **released** is as follows :



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Cranbury Township Resolution # R 02-16-034  
(Continued)

Performance Bond	\$1,502,962.30
Cash Deposit	\$ 166,995.50

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

Performance Bond	\$ 644,126.70
Cash Deposit	\$ 71,569.50

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-Glenn Gerken
- (b) Township Chief Financial Officer
- (c) Cranbury Brickyard LLC
- (d) Township Attorney

Cranbury Township Resolution # R 02-16-035

RESOLUTION APPROVING DEVELOPER'S AGREEMENT BETWEEN  
THE TOWNSHIP OF CRANBURY AND COMSLEEP, LLC

WHEREAS, on January 30, 2014, the Cranbury Township Planning Board granted Preliminary and Final Site Plan Major Site Plan with Variances and Design Waiver Approval to Compsleep Properties, LLC to construct a hotel and day care center to be built in two (2) phases on property located on South River Road near its intersection with Dey Road and designated as Block 6, Lots 5, 6 and 10, as memorialized in Resolution PB 244-13; and

WHEREAS, the Planning Board approval requires Comsleep LLC ("Comsleep") to enter into a Developer's Agreement with the Township of Cranbury to ensure that the conditions of the Planning Board approval are satisfied and that the developer provide its fair share contribution of existing sanitary sewer improvements; and

WHEREAS, the Township Attorney and Township Engineer have reviewed the Developer's Agreement provided by Comsleep, a copy of which is on file in the Township Clerk's Office, and recommended that the same be approved;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Cranbury, that the Mayor and Clerk be and are hereby authorized to execute on behalf of the Township the above-

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Cranbury Township Resolution # R 02-16-035  
(Continued)

referenced Developer's Agreement, or such substantially similar agreement that has been approved by the Township Attorney and the Township Engineer as to substance and form.

Cranbury Township Resolution # R 02-16-036

A RESOLUTION AWARDING PROFESSIONAL SERVICES AGREEMENTS

WHEREAS, the Township wishes to hire the following firms (collectively "Professionals") to provide professional services to the Township during the calendar year 2016 as follows:

- a). David J. Hoder, P.E. & Hoder & Associates, Engineer
- b). Andrew Feranda & Shropshire Associates, Traffic Consultant
- c). Trishka Cecil, Esquire, Attorney for Planning and Zoning Boards
- d). Janice Talley, PP, AICP, Conflict Planner
- e). Virginia Guinta, Stenographer
- f). Glenn Gerken, PE & T&M Associates
- g). James L. Kochenour, PE & Arora & Associates, P.C.
- h). Richard Preiss, PP & Phillips, Preiss & Grygiel, LLC

WHEREAS, the costs for the services to be provided by the Professionals are set forth in their respective proposals submitted to the Township, which are incorporated herein as if fully restated; and

WHEREAS, the Township has a need to acquire the foregoing services without a "Fair and Open Process" as defined by P.L. 2004, c. 19, the "Local Unit Pay-to-Play Law"; and

WHEREAS, the Professionals have completed and filed with the Township Campaign Contributions Affidavits as required by N.J.S.A. 19:44A-20.2 *et seq.* certifying that they have not made any prohibited contributions to a candidate's committee or municipal committee representing the elected officials of the Township of Cranbury, along with Certifications Regarding Political Contributions as required by N.J.S.A. 19:44A-20.26; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 *et. seq.* authorizes the award of these contracts without public bidding on the basis that they are professional services agreements; and

WHEREAS, the Cranbury Township Chief Financial Officer has certified that sufficient funds are available for these purposes and that the value of each Agreement will exceed \$17,500.00;

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

1. The Township of Cranbury hereby approves the following firms to provide professional services to the Township during the calendar year 2016:

- a). David J. Hoder, P.E. & Hoder & Associates, Engineer
- b). Andrew Feranda & Shropshire Associates, Traffic Consultant
- c). Trishka Cecil, Esquire, Attorney for Planning and Zoning Boards
- d). Janice Talley, PP, AICP, Conflict Planner
- e). Virginia Guinta, Stenographer
- f). Glenn Gerken, PE & T&M Associates
- g). James L. Kochenour, PE & Arora & Associates, P.C.
- h). Richard Preiss, PP & Phillips, Preiss & Grygiel, LLC

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Cranbury Township Resolution # R 02-16-036  
(Continued)

2. The Mayor and Clerk are hereby authorized and directed to enter into Professional Services Agreements with the aforementioned professionals pursuant to the provisions of the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1 *et seq.* These contracts are being awarded without competitive bidding as Professional Services Agreements under the provisions of the aforementioned law because a service will be rendered or performed by a person or persons by law to practice recognized professions and whose practice is regulated by law.

3. A copy of this Resolution, the pay-to-play forms, and the executed Agreements and insurance certificates shall be placed on file in the Office of the Township Clerk.

4. A brief notice of this action shall be published in a newspaper of general circulation in the Township of Cranbury within ten (10) days of its passage.

Cranbury Township Resolution # R 02-16-037

WHEREAS, a Tax Sale was held in the Township of Cranbury on October 23, 2015; and,

WHEREAS, US Bank as Custodian for Pro Capital 4 paid \$1,800.00 as a premium to obtain Tax Sale Certificate #15-00003 on Block 18.07 Lot 44 and,

WHEREAS, the Tax Sale certificates have been redeemed, the holder is entitled to a refund of the premium paid to obtain said certificate,

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Cranbury, that a refund in the amount of \$1,800 be paid to US Bank as Custodian for Pro Capital 4.

Cranbury Township Resolution # R 02-16-038

WHEREAS, the Township of Cranbury and CRANBURY BRICK YARD, LLC, a Delaware Limited Liability Company (hereinafter "**Developer**"), Developer entered into a Developer's Agreement dated August 10, 2015 ("**Developer's Agreement**"), regarding certain property located in the Township of Cranbury, County of Middlesex, State of New Jersey, known as Block 10, Lot 10 and Block 12, Lot 1, on the Cranbury Township Tax Maps in connection with certain development approvals received by the Developer from the Cranbury Township Planning Board; and

WHEREAS, pursuant to Condition #2 of the Amended Preliminary Major Site Plan Approval with Variances and Design Waivers granted by the Cranbury Township Planning Resolution and memorialized by Resolution PB 098-05 (AMENDED) dated August 2, 2012 (the "Planning Board Resolution"), the Developer's Agreement was to address whether the Township desires to accept the Developer's obligation to pave the half width of Brickyard Road as shown in the plans, or for Developer to contribute \$300,000.00 to the Township for the purpose of Township road infrastructure improvements and;

WHEREAS, the Township has determined that it is in the Township's best interests to accept Developer's contribution of \$300,000.00 towards Township road infrastructure improvements, said payment to be made to the Township prior to the issuance of the building permit for the first warehouse building; and

WHEREAS, Pursuant to Condition #2 of the Planning Board Resolution, the Developer's Agreement was to address the right of way for Hightstown-Cranbury Road and whether the Township wished to accept Developer's offer to dedicate the right of way in fee, or by way of easement; and

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Cranbury Township Resolution # R 02-16-038  
(Continued)

WHEREAS, The Township has determined that it is in the Township's best interest to accept the right of way dedication as set forth in the approved site plan for Hightstown-Cranbury Station Road and Cranbury Brick Yard Road by easement;

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

The Township Committee authorizes the Mayor and Clerk to execute the attached First Amendment to Developer's Agreement pursuant to which the Developer shall dedicate by easement a right of way dedication for Hightstown-Cranbury Station Road and by which the Developer shall contribute \$300,000.00 to the Township for the purpose of Township road infrastructure improvements in lieu of paving the half width of Brickyard Road, said payment to be made prior to the issuance of the first building permit for the warehouse.

Cranbury Township Resolution # R 02-16-039

WHEREAS, CRANBURY BRICK YARD, LLC ("the Developer"), received development approvals from the Cranbury Township Planning Board regarding certain property located in the Township of Cranbury, County of Middlesex, State of New Jersey, known as Block 10, Lot 10 and Block 12, Lot 1, on the Cranbury Township Tax Maps; and

WHEREAS, pursuant to Condition #2 of the Amended Preliminary Resolution issued by the Cranbury Township Planning Board, the Developer is obligated to install a traffic signal at the intersection of Station Road and Hightstown-Cranbury Station Road ( the " Signal"); and

WHEREAS, the Township of Cranbury, the Developer and the County of Middlesex have reached agreement regarding the installation, maintenance and utilities for the Signal as set forth in the attached agreement;

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

The Township Committee authorizes the Mayor and Clerk to execute the attached Traffic Signal Tri-Party Agreement by and between the Township of Cranbury, the County of Middlesex and Cranbury Brickyard LLC with respect to a traffic signal to be located at the intersection of Station Road and Hightstown-Cranbury Station Road.

Reports from Township Staff and Professionals

--Administrator's Report

Ms. Marabello stated she had nothing to report.

Reports from Township Staff and Professionals

--Assistant Administrator's Report

Ms. Cunningham stated she had nothing to report.

Reports from Township Boards and Commissions

There were no reports from Township Boards and Commissions.

Public Comment

The Mayor opened the meeting to public questions and comments. There being no comments, the Mayor closed the public portion of the meeting and requested a Resolution to go into Closed Session.

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Resolution

At 7:43 p.m., on motion by Ms. Goetz, seconded by Mr. Cook and unanimously, the following Resolution was adopted to go into Closed Session:

Ayes:	(Cook	
	(Goetz	Abstain: (None
	(Johnson	Absent: (None
	(Taylor	
	(Mulligan	

Nays: (None

Cranbury Township Resolution # R 02-16-040

RESOLUTION TO CLOSE MEETING TO THE PUBLIC

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

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

- "N.J.S.A. 10:4-12b (7)/Discussion of Possible Contract Negotiations"
- "N.J.S.A. 10:4-12b (8)/Personnel"

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 Mr. Cook, seconded by Mr. Taylor and unanimously carried, the meeting returned to Open Session at 9:35 p.m.

Mayor's Notes

Mayor Mulligan stated he had no additional comments.

Township Committee Members' Notes

The Township Committee Members had no additional comments.

On motion by Mr. Johnson, seconded by Mr. Taylor and unanimously carried, the meeting adjourned at 9:36 p.m.

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Kathleen R. Cunningham, RMC  
Municipal Clerk