

TOWNSHIP COMMITTEE MEETING
July 25, 2016

The Township Committee Meeting of the Township of Cranbury was held at 7:00 p.m. in the Town Hall Meeting Room. Answering present to the roll call were Township Committee members: Dave Cook, Susan Goetz, Glenn Johnson, Jay Taylor and Mayor Mulligan. Also present were Mary Beth Lonergan, COAH Consultant; Denise Marabello, Township Administrator/Director of Finance; and Kathleen R. Cunningham, Municipal Clerk/Assistant Administrator. 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.

Township Committee Minutes of July 11, 2016

On motion by Mr. Taylor, seconded by Mr. Johnson and unanimously carried (with Ms. Goetz and Mayor Mulligan abstaining due to absence), the Township Committee Minutes of July 11, 2016 were adopted.

Closed Session Minutes of July 11, 2016

On motion by Mr. Cook, seconded by Mr. Johnson and unanimously carried (with Ms. Goetz and Mayor Mulligan abstaining due to absence), the Closed Session Minutes of July 11, 2016 were adopted.

Reports and Communications

--Members of Committee

--Mr. Taylor

Mr. Taylor reported the Township had a large storm before the meeting, with another on its way shortly and stated the Fire Company had nine (9) fire calls during the storm. He reported a large tree came down on North Main Street and there were downed wires on Plainsboro Road and a tree down on Cranbury Neck Road. Mr. Taylor reported there was a call on Shady Brook, and it was difficult for the fire trucks to get through the street because of how the trees were planted in the development. He stated the placement of trees is something for Shade Tree to consider in the future. He suggested a subcommittee be formed to look at the Shade Tree Ordinance.

Mr. Taylor reported he has been working on the Sidewalk Ordinance, which is being introduced this evening. He explained if Township trees damage sidewalks, the Township Engineer will determine the level of repairs necessary. Mr. Taylor also reported there were issues with cars not stopping at crosswalks for children going to Vacation Bible School. He requested the Police have zero tolerance for cars not stopping for pedestrians in the crosswalks. Mayor Mulligan thanked Mr. Taylor for working on the Sidewalk Ordinance.

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Reports and Communications

--Members of Committee

--Mr. Cook

Mr. Cook reported an issue with the utilities for the Route 130-D site. He stated the Township is investigating options for New Jersey American Water to get water to the site to meet the pressure requirements. He stated there has been no dollar amount applied to the issue yet; however, Mr. Tanner, Township Engineer, will get the prices.

Mr. Cook reported there is a wooden guardrail at the corner of Scott Avenue and Maplewood Avenue that has rotted through. He reported there was a question if the guardrail was the Township's or the County's. He stated the County came to look at the guardrail, and the Township can remove it rather than replace it.

--Mr. Johnson

Mr. Johnson reported he attended a Library Facilities Meeting and Planning Board Meeting.

--Ms. Goetz

Ms. Goetz reported there was discussion at the Planning Board Meeting concerning the zoning overlay for the Protinick property that will allow the Township to use farmland for affordable housing. She stated 175 units are slotted to be built if the developer, Toll Brothers, is able to get sewer from Plainsboro Township. Those units would be used by Cranbury as affordable housing units. She stated there was discussion that if Toll Brothers opted out, would the Township be vulnerable if a different developer did not provide units as affordable housing.

Ms. Goetz reported there are many people walking in the Township staring at their phones playing their Pokemon Go, and she cautioned to drive carefully through Town. Mr. Taylor cautioned against going on private property.

Reports and Communications

--Mayor

Mayor Mulligan reported South Brunswick Township has a Builder's Remedy issue, which is what Cranbury wanted to, and did, avoid. He stated Cranbury should feel good about the decisions it has made. Mayor Mulligan thanked Ms. Mary Beth Lonergan, COAH Consultant; Kevin Van Hise, Esq., COAH Attorney and Richard Preiss, PP, Township Planer for their assistance with the affordable housing plan. Ms. Lonergan reported Cranbury went before the Judge with a plan while South Brunswick decided to fight and lost.

Mayor Mulligan reported Cranbury is looking at a cost of \$9 million for affordable housing over the next three (3) years in order to keep Cranbury the way it is. Mayor Mulligan stated the Work Session will address the vegetation in Brainerd Lake, which ultimately will need to be dredged. However, until the Township is more certain of ratables, the \$5 million cost to dredge the Lake is being put on hold. He stated these costs are a big hit to the Township's budget.

Mayor Mulligan reported he also spoke to Chief Varga about the speeding in the Township. He thanked Mr. Taylor for bringing up the crosswalk issue to the Police. Mr. Taylor stated part of problem is the Police have to be made aware of activities, like Vacation Bible School, so they can be patrolling the crosswalks.

Reports and Communications

--Subcommittees

There were no reports from Subcommittees.

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Reports and Communications

--Department Heads

Mr. Michael Kervan, Chief of the Cranbury Volunteer Fire Company, gave his report for July. He stated since his last report, the Fire Company has had 44 calls (292 year-to-date) and 137.6 volunteer hours (1,322.43 hours year-to-date). He stated the Fire Company responded to nine (9) or ten (10) calls during this evening's storm. Chief Kervan left the meeting to respond to a fire call.

Follow-up Items

Mr. Johnson addressed the issue of go-go bars that was brought up at the last Township Committee Meeting, and reported there are restrictions to prevent go-go bars in the Township. Concerning banning houses of worship from being built, Mr. Johnson stated the Township Attorney advised against banning houses of worship due to possible punitive damages. The Township Committee discussed the pros and cons of listing items on the prohibited list or just not including an item on the list. Mr. Cook stated he would rather not have uncontrolled growth of properties not being tax ratable. He stated it is not bad houses of worship are in the Township; however, he would like to control the properties. Mayor Mulligan stated the Township is in favor of houses of worship; however, is not in favor of them being on the highway. He stated he would like to see the properties on Route 130 be maximized from a value standpoint. There was additional discussion about houses of worship in other areas of the Township as opposed to the Route 130 corridor. Mr. Cook stated the solvency of the Township will depend on ratables and he believes in controlled growth and there are more desirable areas in the Township for houses of worship. Ms. Goetz stated the Township cannot use the reason of ratables to prevent houses of worship from being built on Route 130. There was also discussion about medical centers and outpatient drug rehab facilities. Mr. Johnson stated he was advised by the Township Attorney not to include these on the list. The Township Committee decided not to change the lists.

Mr. Richard Kallan, Wynnewood Drive, suggested adding wording that houses of worship are encouraged in the Township; however, discourage houses of worship on Route 130 due to safety and traffic.

Agenda Additions/Changes

Ms. Cunningham reported there were no additions or changes.

Public Comment - For Agenda Items

Mayor Mulligan opened the meeting to public questions and comments for items on the Agenda. There being no comments, he closed the public portion of the meeting.

Ordinances

First Reading

Cranbury Township Ordinance # 07-16-13

An Ordinance entitled, Cranbury Township Ordinance # 07-16-13, "AN ORDINANCE AMENDING CHAPTER 130, "STREETS AND SIDEWALKS," ARTICLE II, "SIDEWALK CONSTRUCTION AND REMOVAL," SECTION 17, "REPAIRS," OF THE CODE OF THE TOWNSHIP OF CRANBURY," was introduced for first reading. On motion by Mr. Taylor, seconded by Mr. Johnson, the Ordinance was passed on first reading by vote:

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

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Nays: (None)

Public Hearing: August 8, 2016 at 7:00 p.m.
Cranbury Township Ordinance # 07-16-13
(Continued)

WHEREAS, Chapter 130-17 of the Cranbury Township Code addresses the construction, repair, alteration, or maintenance of sidewalks, driveway aprons and curbs; and

WHEREAS, it is necessary to clarify the respective obligations of the property owner and the Township with regard to the construction, repair, alteration, or maintenance of sidewalks, driveway aprons and curbs.

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

SECTION ONE. Chapter 130, Article II, Section 17, Paragraph A of the Code of the Township of Cranbury Township is amended as follows (inserted material is underlined, deleted material is ~~struck through~~):

Section 130-17. Repairs.

A. The cost and expense of the construction, repair, alteration, or maintenance of sidewalks and driveway aprons when such is deemed necessary shall be paid by those owners of lands fronting and bordering upon those areas affected. ~~If the owner can demonstrate to the satisfaction of the Township Engineer that the repair or maintenance is occasioned through no fault of the owner or his servants, agents or representatives excepting normal wear and tear then and in that event, the Township shall perform the repair maintenance as required.~~ The abutting owner is responsible for damage caused by trees, including trees installed by a developer, unless it can be demonstrated that the trees causing the damage were planted by the Township. For the purpose of this section, an abutting landowner is any person, individual, corporation, partnership, association, or entity having title and/or an interest paramount to title in real estate which abuts a public street, road or other thoroughfare of the Township.

B. To replace curbing, necessitated by the repair or replacement of driveway aprons or sidewalks, the following shall apply:

~~(1) Upon the determination of the Township Engineer, the Township may perform the necessary repairs or permit the property owner to make such curb repairs/replacement as approved by the Township Engineer. The Township will reimburse the property owner for all approved repairs at the prevailing rates as determined by the Township Engineer. The cost and expense of the construction, repair, alteration, or maintenance of curbs when such is deemed necessary by the Township Engineer shall be paid by those owners of lands fronting and bordering upon those curbs affected. The abutting owner is also responsible for damage caused by trees, including trees installed by a developer, unless it can be demonstrated that the trees causing the damage were planted by the Township. For the purpose of this section, an abutting landowner is any person, individual, corporation, partnership, association, or entity having title and/or an interest paramount to title in real estate which abuts a public street, road or other thoroughfare of the Township.~~

(2) Acceptable curb replacement shall include: vertical curb, combination curb/gutter and asphalt pavement resulting from curb and curb/gutter removal.

SECTION TWO. Repealer. All ordinances and resolutions, or parts thereof, inconsistent with this Ordinance, are hereby repealed.

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Cranbury Township Ordinance # 07-16-13
(Continued)

SECTION THREE. Severability. If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

SECTION FOUR. Effective Date. This Ordinance shall take effect immediately upon its passage and publication, as required by law.

Cranbury Township Ordinance # 07-16-14

An Ordinance entitled, Cranbury Township Ordinance # 07-16-14, "AN ORDINANCE AUTHORIZING THE ACQUISITION OF A STORM WATER DRAINAGE AND UTILITY EASEMENT AND RIGHT-OF-WAY OVER, UPON AND WITHIN BLOCK 26, LOT 29.22, CRANBURY TOWNSHIP TAX MAP," was introduced for first reading. On motion by Ms. Goetz, seconded by Mr. Johnson, the Ordinance was passed on first reading by vote:

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

Nays: (None

Public Hearing: August 8, 2016 at 7:00 p.m.

WHEREAS, the Township Committee of the Township of Cranbury has determined that it is in the public interest to facilitate the construction of an affordable housing project to be located on Block 26, Lot 3; and

WHEREAS, the Township Committee has determined that it is necessary to acquire a storm water drainage and utility easement and right-of-way (the "Easement") on property owned by the Cranbury Walk Homeowners Association at Block 26, Lot 29.22 (the " Owner") in order to facilitate the construction of the affordable housing project; and

WHEREAS, the Township has negotiated appropriate compensation with the Owner for the Easement;

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

(1.) Pursuant to N.J.S.A. 40A:12-1 et. seq., the Township is authorized to acquire the Easement as described herein for the sum of Twelve Thousand Dollars (\$12,000);

(2.) The Mayor and Clerk are authorized to execute an agreement by which the Easement will be conveyed to the Township, the form of which shall be reviewed by the Township Administrator and Township Attorney.

(3.) The Ordinance shall take effect upon its passage and publication according to law.

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Cranbury Township Ordinance # 07-16-15

An Ordinance entitled, Cranbury Township Ordinance # 07-16-15, "AN ORDINANCE AUTHORIZING THE ACQUISITION OF A STORM WATER DRAINAGE AND UTILITY EASEMENT AND RIGHT-OF-WAY OVER, UPON AND WITHIN BLOCK 26, LOT 29.21, CRANBURY TOWNSHIP TAX MAP," was introduced for first reading. On motion by Mr. Cook, seconded by Mr. Johnson, the Ordinance was passed on first reading by vote:

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

Public Hearing: August 8, 2016 at 7:00 p.m.

WHEREAS, the Township Committee of the Township of Cranbury has determined that it is in the public interest to facilitate the construction of an affordable housing project to be located on Block 26, Lot 3; and

WHEREAS, the Township Committee has determined that it is necessary to acquire a storm water drainage and utility easement and right-of-way (the "Easement") on property owned by Cathrin and Christian Torske at Block 26, Lot 29.21 (the " Owner") in order to facilitate the construction of the affordable housing project; and

WHEREAS, the Township has negotiated appropriate compensation with the Owner for the Easement;

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

(1.) Pursuant to N.J.S.A. 40A:12-1 et. seq., the Township is authorized to acquire the Easement as described herein for the sum of Ten Thousand Dollars (\$10,000);

(2.) The Mayor and Clerk are authorized to execute an agreement by which the Easement will be conveyed to the Township, the form of which shall be reviewed by the Township Administrator and Township Attorney.

(3.) The Ordinance shall take effect upon its passage and publication according to law.

Ordinances
Second Reading

CRANBURY ORDINANCE # 06-16-10

A motion to enter an Ordinance entitled, # 06-16-10, "AN ORDINANCE AUTHORIZING THE SALE OF REMNANT PUBLIC PROPERTY LOCATED AT BLOCK 19, LOT 1, FOR PUBLIC PURPOSES," 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:

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CRANBURY ORDINANCE # 06-16-10
(Continued)

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

CRANBURY TOWNSHIP ORDINANCE # 07-16-11

A motion to enter an Ordinance entitled, # 07-16-11, "AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, COUNTY OF MIDDLESEX AND STATE OF NEW JERSEY AMENDING CHAPTER 44 "AFFORDABLE HOUSING" OF THE CODE OF THE TOWNSHIP OF CRANBURY TO ADDRESS THE REQUIREMENTS OF THE NJ SUPERIOR COURT," 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. Ms. Cunningham stated both this Ordinance and Ordinance 07-16-12 were referred to the Planning Board and she read into record a communication from Ms. Josette Kratz, Planning Board Secretary, stating the Planning Board reviewed and unanimously voted the Ordinances were consistent with the Master Plan and should be referred back to the Township Committee. Mayor Mulligan asked the Township Committee and Ms. Lonergan if they would like to comment on the Ordinance. Ms. Lonergan stated her office sent to Cranbury a package on July 14th of all the additional documentation to obtain the final judgment of compliance, which will be good for ten (10) years. Ms. Lonergan stated all information will be presented at a compliance meeting to Judge Wolfson where final approval is anticipated. 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. Cook, seconded by Ms. Goetz, the Ordinance was adopted by a vote:

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

CRANBURY TOWNSHIP ORDINANCE # 07-16-12

A motion to enter an Ordinance entitled, # 07-16-12, "AN ORDINANCE AMENDING AND REVISING CHAPTER 150, THE LAND DEVELOPMENT CODE, AND THE ZONING MAP OF THE TOWNSHIP OF CRANBURY, IN THE COUNTY OF MIDDLESEX, NEW JERSEY," 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 explained this Ordinance addresses the zone overlay for the Protinick property. He reported this Ordinance is part of the settlement from Court. The settlement addresses certain standards that they can build age-restricted housing, which appeases the Judge and the Court. Mr. Taylor stated he was upset about the outcome of this property and will be voting against it since he had made previous comments against the property. Mayor Mulligan stated he is voting yes because it is what is good for the Township.

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CRANBURY TOWNSHIP ORDINANCE # 07-16-12
(Continued)

Mr. Cook stated the Township “dodged a bullet” with this and was voting yes because the alternative would have been an unnecessary evil.

The Mayor opened the public hearing on the Ordinance .No one present wished to speak, so the hearing was declared closed. On motion by Ms. Goetz, seconded by Mr. Johnson, the Ordinance was adopted by a vote:

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

Resolutions
Consent Agenda

Mayor Mulligan asked the Township Committee if there were any questions or comments on the Consent Agenda. Mr. Taylor requested that Resolution e). (Developer’s Agreement between Cranbury Township and Fleet Cranbury, LLC) be treated separately. Hearing no additional questions or comments, he requested a motion to adopt Consent Resolutions a). through d). On a motion by Mr. Johnson, seconded by Mr. Cook and unanimously carried, the following Resolutions were passed by vote:

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

Cranbury Township Resolution # R 07-16-124

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 07-16-125

A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION
BY RIDER FOR OFF SITE ROAD IMPROVEMENTS

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a county or municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, N.J.S.A. 40A:40-39 provides that the Director of the Division of Local Government Services may approve expenditures or money by dedication by rider; and

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

TOWNSHIP COMMITTEE MEETING
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Cranbury Township Resolution # R 07-16-125
(Continued)

1. The Township Committee does hereby request permission of the Director of the Division of Local Government Services to pay expenditures under the provisions of N.J.S.A. 40A:4-39, as amended by P.L. 1999, c. 292 for the exclusive purpose of depositing money from developers for off-site road improvements to be used to pay contractors for road improvements.
2. The Municipal Clerk is hereby directed to forward two (2) certified copies of this resolution to the Director of the Division of Local Government Services.

Cranbury Township Resolution # R 07-16-126

A Resolution of the Township of Cranbury entering into a Contract of Employment between the Township of Cranbury and the Chief of Police and Approving the Terms Therein.

WHEREAS, an agreement between the Township of Cranbury and the Chief of Police is hereby approved. The terms contained in said Contract are hereby adopted for the Chief of Police, Rickey Varga, effective January 1, 2016; and

WHEREAS, a duly authenticated copy of this Resolution shall be provided to Chief Varga.

Cranbury Township Resolution # R 07-16-127

GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2015 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations, and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

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Cranbury Township Resolution # R 07-16-127
(Continued)

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Township Committee of the Township of Cranbury, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Resolution

Mr. Taylor stated he had several comments concerning the Developer's Agreement. He stated there have been many problems with trees planted on the Township's right-of-ways and asked that future trees be planted outside of the right-of-way so the trees are owned by the homeowners' associations. He stated he understands if that is not possible, but requests it be done if at all possible. Mr. Taylor stated after speaking today with the Township Attorney, Steve Goodell, he understands during the review process there was a discrepancy between the Fire Company's plan review and Shade Tree's review regarding trees. He reported if a choice has to be made, he would like to see the Fire Company's review be adopted because of safety concerns. Ms. Goetz reported this was addressed at length at the Planning Board Meeting and she stated one review was not chosen over the other. She stated Shade Tree looked at the Fire Company's concerns and accommodated them. She stated smaller trees will be planted in the right-of-way. Ms. Goetz stated for this project, she does not believe there is room to take the trees out of the right-of-way. Mr. Taylor stated Mr. Goodell reported the Shade Tree and Fire Company will work together on a solution. Mr. Taylor stated it is great if a solution has been reached, and stated he is trying to avoid the same tree issues as Shady Brook. Mr. Johnson stated the Township's liability with trees also needs to be addressed. He stated he was under the impression the Fire Company was accommodated by the choice of trees selected.

Mr. Frank Petrino, Esq. stated the purpose of a Developer's Agreement is to implement the conditions of the approval so additional items cannot be added to the Agreement. There was discussion about the Fire Company review and the Shade Tree's opposition to the review. Mr. Petrino stated the Planning Board requested the applicant work with the Fire Company and Shade Tree to select trees that would not interfere with the Fire Company's equipment. Mayor Mulligan asked for public comment, and hearing none, requested a motion to adopt the Resolution. On a motion by Ms. Goetz, seconded by Mr. Johnson and unanimously carried, the following Resolution was passed by vote:

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

TOWNSHIP COMMITTEE MEETING
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Cranbury Township Resolution # R 07-16-128

RESOLUTION AUTHORIZING THE EXECUTION OF A DEVELOPER'S AGREEMENT WITH "CRANBURY FLEET, LLC" FOR THE PROPOSED DEVELOPMENT LOCATED AT BLOCK 19, LOTS 1, 2, 3 AND 4 AND BLOCK 20.16, LOTS 7, 8, 9, 10 AND 20 IN THE TOWNSHIP OF CRANBURY, STATE OF NEW JERSEY

BE IT RESOLVED, by the Township Committee of the Township of Cranbury, County of Middlesex, State of New Jersey, that the Township is authorized to enter into a Developer's Agreement with "CRANBURY FLEET, LLC" regarding its proposed development located at Block 19, Lots 1, 2, 3 and 4 and Block 20.16, lots 7, 8, 9 and 10 and 20 (Cranbury Township Tax Map) in the Township of Cranbury, County of Middlesex, State of New Jersey; and

BE IT FURTHER RESOLVED that the Mayor and Clerk are authorized and directed to execute the Developer's Agreement once all conditions precedent to execution are satisfied.

Resolution

On a motion by Mr. Cook, seconded by Mr. Johnson and unanimously carried, the following Resolution was passed by vote:

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

Cranbury Township Resolution # 07-16-129

RESOLUTION APPROVING THE AFFORDABLE HOUSING AGREEMENT
WITH SERV AND COMMITMENT OF AFFORDABLE HOUSING TRUST
FUNDS IN ACCORDANCE WITH N.J.S.A. 52:27D-329.2 FOR THE
ESTABLISHMENT OF 30-YEAR AFFORDABILITY CONTROLS ON A
GROUP HOME

WHEREAS, in accordance with the requirements of P.L. 2008, c.46 (N.J.S.A. 52:27D-329.2), the Township of Cranbury ("Township") is required to commit to the expenditure of funds in its affordable housing trust fund; and

WHEREAS, the Township of Cranbury committed to working with SERV Behavioral Health System, Inc. ("SERV"), an experienced provider of alternative living arrangements (including state-licensed group homes) to provide 30- year affordability controls on a group home with a total of five (5) bedrooms in the community; and

WHEREAS, per NJAC 5:93-5.8, the unit of affordable housing credit for an alternative living arrangement is by the bedroom; and

WHEREAS, the Township's 2016 Affordable Housing Plan approved by the Superior Court references the Township of Cranbury's commitment with SERV to establish 30-year controls on its group home; and

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Cranbury Township Resolution # 07-16-129
(Continued)

WHEREAS, the Affordable Housing Agreement being approved herein is for a five-bedroom group home at the following location owned by SERV: 365 Half Acre Road (Block 5 Lot 26); and

WHEREAS, the Township has committed to SERV a total contribution of \$50,000 from the affordable housing trust fund, and

WHEREAS, the Township Administrator and Township Affordable Housing Planner has reviewed and recommends approval of the attached Affordable Housing Agreement with SERV for 30- year affordability controls on a five-bedroom group home; and

WHEREAS, it is in the best interests of the municipality to adopt this Resolution approving an Affordable Housing Agreement with SERV with the provisions contained therein, and committing the expenditure of affordable housing funds in the amount of \$50,000 to SERV so that the Township can continue to provide affordable housing opportunities pursuant to its court-approved affordable housing program.

NOW, THEREFORE, BE IT RESOLVED, by the Committee of the Township of Cranbury, County of Middlesex, State of New Jersey that the Township of Cranbury hereby approves the attached Affordable Housing Agreement with SERV for the establishment of 30-year affordability controls on a five-bedroom licensed group home as noted above; authorizes the commitment, transfer, and/or expenditure of funds in accordance with the Agreement; and authorizes the execution of any and all documents related to the Affordable Housing Agreement.

Resolution

On a motion by Ms. Goetz, seconded by Mr. Cook and unanimously carried, the following Resolution was passed by vote:

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

Nays: (None

CRANBURY TOWNSHIP RESOLUTION #R 07-16-130

RESOLUTION ADOPTING THIRD ROUND AFFORDABLE HOUSING
SPENDING PLAN AND AFFIRMATIVE MARKETING PLAN

WHEREAS, the Township of Cranbury ("Township") received Third Round Substantive Certification of its Housing Element and Fair Share Plan from the New Jersey Council on Affordable Housing ("COAH") on April 21, 2010; and

WHEREAS, said approval from COAH included approval of the Township's companion Third Round Spending Plan and Affirmative Marketing Plan; and

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CRANBURY TOWNSHIP RESOLUTION #R 07-16-130
(Continued)

WHEREAS, following COAH's grant of substantive certification to the Township, the New Jersey Supreme Court invalidated COAH's third round rules and ordered COAH to adopt new rules based upon its prior round rules and methodologies, see In re Adoption of N.J.A.C. 5:96 and 5:97, 215 N.J. 578 (2013); and

WHEREAS, COAH failed to adopt new rules, and on March 10, 2015, the Court issued its decision entitled In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) ("Mount Laurel IV"), in which it: (1) found that COAH had violated its March 14, 2014 Order by failing to adopt new Round 3 regulations, (2) held that, without new Round 3 regulations, COAH could not process petitions for substantive certification for the municipalities currently under COAH's jurisdiction, (3) for municipalities that had received substantive certification under COAH's third round rules, additional court review of such towns' housing plans would be necessary; (4) directed trial courts to be an alternative forum to COAH, (5) authorized municipalities under COAH's jurisdiction to file a Declaratory Judgment Action along with a motion for Temporary Immunity by July 8, 2015, or risk exposure to exclusionary zoning lawsuits, and (6) ruled that municipalities would have up to five months to prepare and file a Housing Element and Fair Share Plan ("Plan") with the trial court for review; and

WHEREAS, pursuant to the Court's Mount Laurel IV decision, the Township instituted an action in the Superior Court of New Jersey, entitled *In the Matter of the Application of the Township of Cranbury in Middlesex County*, bearing Docket No. MID-L-3960-15 (the "Action"), seeking a judgment of compliance and repose pursuant to N.J.S.A. 52:27D-313; and

WHEREAS, under the supervision of the Court, the Township was able to reach a settlement with all participating parties to the Action and prepared a Plan that fully addresses the Township's third round affordable housing obligations; and

WHEREAS, the Plan including the Township's Spending Plan was adopted by the Cranbury Township Planning Board on April 7, 2016, was endorsed by the Cranbury Township Committee on April 11, 2016, and was preliminarily reviewed and conditionally approved by the Court at a Fairness and Preliminary Compliance Hearing held on April 18, 2016; and

WHEREAS, in compliance with the requirements set forth at the Fairness Hearing, the Township has worked to prepare and complete the supplemental information requested by the Court's Special Master; and

WHEREAS, COAH's rules, N.J.A.C. 5:97-8.1(d) and 5:93-5.1(c), requires a municipality to prepare and obtain approval of its affordable housing spending plan prior to expending development fees and funds from its affordable housing trust fund; and

WHEREAS, as required by COAH's rules, the Township has prepared a revised July 2016 "Spending Plan of the Amended Third Round Housing Element and Fair Share Plan" that includes the following:

1. A projection of revenues anticipated from imposing fees on development, based on pending, approved and anticipated developments and historic development activity;
2. A projection of revenues anticipated from other sources, including payments in lieu of constructing affordable units on sites zoned for affordable housing, funds from the sale of

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units with extinguished controls, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, and interest earned;

3. A description of the administrative mechanisms that the municipality will use to collect and distribute revenues;
4. A description of the anticipated use of all affordable housing trust funds;
5. A schedule for the expenditure of all affordable housing trust funds;
6. If applicable, a schedule for the creation or rehabilitation of housing units;
7. A pro-forma statement of the anticipated costs and revenues associated with the development if the municipality envisions supporting or sponsoring public sector or non-profit construction of housing;
8. A plan to spend the trust fund balance within four years of the approval of the spending plan, or in accordance with an implementation schedule approved by the Court;
9. The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan; and
10. A description of the anticipated use of excess affordable housing trust funds, in the event more funds than anticipated are collected, or projected funds exceed the amount necessary for satisfying the municipal affordable housing obligation; and

WHEREAS, the Township seeks to adopt its revised July 2016 "Spending Plan of the Amended Third Round Housing Element and Fair Share Plan" and submit it to the Court for approval as part of the Court's fairness and compliance review; and

WHEREAS, the Township has also prepared an Affirmative Marketing Plan as required by COAH's rules, N.J.A.C. 5:97-6.2(e)(2) and 5:93-11.1, in compliance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.15; and

WHEREAS, the Township seeks to adopt its Affirmative Marketing Plan and submit it to the Court for approval as part of the Court's fairness and compliance review.

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

1. The Township hereby adopts its revised July 2016 Spending Plan of the Amended Third Round Housing Element and Fair Share Plan.
2. The Township affirms that the proposed expenditure of funds from the Township's Affordable Housing Trust Fund as set forth in the Spending Plan is consistent with and

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authorized by the Fair Housing Act, and that such funds are hereby committed for expenditure for the purposes set forth therein, as required, if at all, by the Act.

3. The Township adopts its Affirmative Marketing Plan for the Amended Third Round Housing Element and Fair Share Plan.
4. The Township respectfully requests the Court's review and approval of its adopted Spending Plan and Affirmative Marketing Plan.
5. The Mayor, Township Administrator, Clerk, Attorneys, Planners, and other appropriate officers, employees and professionals, are hereby authorized and directed to prepare any and all documents and undertake any and all acts necessary to effectuate the actions set forth herein.
6. This Resolution shall take effect immediately.

Work Session

a). Discussion on Brainerd Lake Vegetation Growth

The Township Committee discussed the vegetation growth on Brainerd Lake. Mayor Mulligan reminded the public the Township is taking action on the issue. He stated the long-term solution is dredging; however, the Township cannot do that at this point. Ms. Goetz stated the Lake is looking awful and stated the Township has a contract with Princeton Hydro to treat the Lake with herbicide. Ms. Goetz stated the Lake was supposed to be treated last week; however, it will now be done the first week of August. She stated the Lake is very shallow and this will be a consistent problem until the Lake is made deeper. Ms. Goetz stated in 2012 the Township hydro-raked the Lake, but it was not enough. She stated there was basically no Lake while the work was being done on the Bridge and Dam. She reported a preliminary study on dredging was done in 2015. The Township hired a consultant to assess the Lake and to tell the Township what would be involved to dredge the Lake. Ms. Goetz stated the quote given at that time was \$5 million to dredge two (2) feet out of the Lake (the Lake is about 12 acres). The sediment would have to be taken somewhere. It was originally thought the sediment could be put on Cranbury's landfill; however, which is by the Public Works site. She stated, however, that landfill closed before current regulations. Ms. Goetz stated if the Township starts using the landfill again, it must be compliant with current regulations. She stated the biggest expense is disposal. Ms. Goetz further discussed the disposal process. Ms. Goetz stated the longer the Township waits, the higher the cost will be. There was discussion about other solutions and the expense involved with obtaining permits. Mayor Mulligan inquired if there was anything else the Township could do to address the weeds, and she stated she contacted Princeton Hydro but they have not responded yet. Mayor Mulligan stated the dredging will have to be done at some point; however, the Township is also taking on debt to address affordable housing and road repairs. There was discussion about a slight contamination in the Lake and that the sediment could not be placed on farmland. Mr. Taylor suggested obtaining more concrete numbers before proceeding with the dredging. Ms. Marabello stated a specialist

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Work Session

- a). Discussion on Brainerd Lake Vegetation Growth (cont'd.)
would have to put the bid specs together. She stated the Township is not ready to award a bid at this time. Mr. Cook suggested trying to find other options for disposal that might be less expensive. Ms. Goetz stated last year Hazelton, PA was the least expensive even with the distance. Ms. Marabello inquired if the data obtained in 2015 could be used today, and Ms. Goetz explained if there was no massive project upstream that would cause a different kind of sediment that would have not changed the characteristics of the sediment, then the 2015 data should be fine. Ms. Marabello reminded the Committee that there is a limited budget available. Mayor Mulligan suggested researching various solutions and revisiting the issue at the next meeting. Ms. Goetz stated she will bring rough estimates to the next meeting.

Mayor Mulligan opened the discussion, and hearing no questions or comments, closed public comment.

Reports from Township Staff and Professionals

--Administrator's Report

Mr. Taylor commended Ms. Marabello on the audit. It was the second year in a row without comments.

--Assistant Administrator

Ms. Cunningham stated she has nothing to report.

Reports from Township Boards and Commissions

Ms. Bonnie Larson, Member of the Shade Tree, was welcomed back by the Township Committee after her absence due to surgery. She was missed by all. Ms. Larson gave the Township Committee an update on the emerald ash borer. She reported three (3) special meetings have been scheduled to discuss the emerald ash borer. She stated an inventory of ash trees is underway; however, they are not sure what streets have trees in the right-of-way. She reported on August 2nd, there will be a free workshop on the emerald ash borer. She stated the Township Committee, Environmental Commission, Shade Tree, Parks Commission, Library Staff and Jerry Thorne, Public Works Manager have been invited to learn about the emerald ash borer. She reported the Library will be hosting a video on Wednesday, September 14th at 7 p.m., and several members of Shade Tree will be available to answer questions. Ms. Larson reported there was an article about the emerald ash borer in the Third Quarter Newsletter and an e-mail blast was sent out. She reported 36 emerald ash borers were caught in traps in Four Seasons and now it seems there has been less activity in the last few weeks. She stated the ash borers are almost microscopic in size, and a tree that looks healthy can still be infected with ash borers. Ms. Larson stated the Shade Tree does not know the cost because they do not know the number or size of trees impacted by the ash borer. Ms. Goetz inquired about the number of impacted trees, and Ms. Larson responded there are 40 trees in Shadow Oaks and it must be assumed they are all impacted. Mrs. Larson stated Shade Tree does not know of any ash trees in the Township parks. The Township Committee thanked Mrs. Larson for all the work Shade Tree has done.

Public Comment

Mayor Mulligan opened the meeting to public comment.

Ms. Kirstie Venanzi, President of the Cranbury Public Library Board of Trustees, gave the Township Committee an update on the plans of the new Library. She stated the drawings are almost finalized and it is anticipated they will go out to bid in approximately two (2) weeks. She stated the bids should be received within 38 days, which important for the Board to be able to clarify the gap between funds on hand and the expected cost of the building. Ms. Venanzi stated the engineering site work is being completed now

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Public Comment (cont'd.)

and stated there is no issue with the soil. Mr. Michael Ferrante, Trustee, gave a report on the Foundation's fundraising campaign and their goals through the end of the year. Mr. Ferrante stated the Board is looking at how the construction can be staged if necessary depending on the funding. He commended Mr. Mark Berkowsky for his assistance in finding cost savings. He stated the Foundation is going door to door to have conversations with residents. Mr. Ferrante stated the next five (5) months will be critical for the Foundation's campaign, and he asked for the Township Committee to think of any additional non-monetary ways it can support the Foundation in its fundraising efforts through the end of the year. He also asked for any suggestions the Foundation may do to increase awareness about the fundraising. He thanked the Township Committee for its support.

Mr. Robert Bartoletti, former Cranbury School Administrator and current resident, stated the wonderful thing about Cranbury is how the residents come together to achieve a goal. He gave the example of the renovation of Town Hall and how the community committed to work collaboratively to complete the renovation. Mr. Bartoletti stated, as former Cranbury School Administrator, it became more difficult to schedule time in the Library as both groups (School and Public Library) needed to serve their constituents as best they could. He stated both programs were compromised to a large degree. He stated they made it work using the same space, but it is now time for the School and the Library to have their own facilities. He thanked the Committee for its commitment in helping the Library with the land and the parking lot. He stated it has at times been difficult for teachers to have the time to use the Library, and it is also now important to think about the security of the building for school children. The School is making it work; however, security is an added concern in a shared space. He stated he has visited many schools in his role at TCNJ and all of the schools have their own library space. He stated Cranbury is dedicated to public education, and stated the new Library is a great opportunity for the Town. He commended the residents, the Library Board and the Foundation for its efforts in making the new Library happen. He stated the Township Committee's support may persuade other residents to donate to the Library.

Mr. Taylor made a suggestion as a member of the Historical Society, stating no organization can be sustained by membership dues and suggested the Library hold an event to raise additional funds.

Mr. Cook inquired if there is a thought of building the initial footprint or doing a phasing of a smaller footprint. Ms. Venanzi stated Mr. Berkowsky wanted to have the numbers come back before making decisions. She stated Mr. Berkowsky has a list of items which may be taken out to allow the project to fit into their budget. She and Mr. Ferrante stated there is no obvious phasing to do the Library and the Community Center separate as they will share utilities. Ms. Goetz commended Ms. Venanzi and Mr. Ferrante on their efforts.

Township Committee Members' Notes

The Township Committee Members had no additional comments.

Mayor's Notes

Mayor Mulligan stated he had no additional comments.

On motion by Mr. Cook, seconded by Mr. Taylor, and unanimously carried, the meeting adjourned at 9:05 p.m.

Kathleen R. Cunningham, RMC
Municipal Clerk