

TOWNSHIP COMMITTEE MEETING
August 8, 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, Glenn Johnson, Jay Taylor and Mayor Mulligan. Susan Goetz arrived at 7:30 p.m. Also present were 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.

Resolution

Mayor Mulligan announced a Resolution was being done this evening to recognize Ms. Bonnie Larson for her volunteerism on Shade Tree and her work on the Township's Cable Channel. Mayor Mulligan read the Resolution to the public. On motion by Mr. Johnson, seconded by Mr. Taylor and unanimously carried, the following Resolution was adopted by vote:

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

Cranbury Township Resolution # R 07-16-123

WHEREAS, Bonnie Larson has been a Cranbury resident for over 40 years; and

WHEREAS, during her time in Cranbury Township she has volunteered to serve on several Boards and/or Commissions; and

WHEREAS, Bonnie has served on the Shade Tree Commission for six (6) years having worked recently on the "123 Assessment Project" as well as "The Empty Hole Survey"; and

WHEREAS, as a member of the Citizens Commission on Cable TV, Bonnie was instrumental in the Township's ability to have an access channel for Township notices and information through Comcast Cable and volunteered her own time to facilitate the posting of notices and information; and

WHEREAS, Bonnie has always taken an interest in the Township and is often seen attending Township Committee meetings and many times lending her ideas and knowledge;

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Cranbury Township Resolution # R 07-16-123
(Continued)

NOW, THEREFORE BE IT RESOLVED, the Township hereby thanks Bonnie for her years of dedication and volunteerism helping to make Cranbury the great Community it is known for; and

BE IT FURTHER RESOLVED, a duly authenticated copy of this Resolution is presented to Bonnie with heartfelt thanks and appreciation.

Township Committee Minutes of July 25, 2016

On motion by Mr. Cook, seconded by Mr. Johnson and unanimously carried, the Township Committee Minutes of July 25, 2016 were adopted.

Reports and Communications

--Members of Committee

--Mr. Johnson

Mr. Johnson reported he attended a Development Review Committee meeting and the Ingerman Project was discussed. He reported he also attended a Zoning Subcommittee meeting, and this afternoon he attended a Special Planning Board meeting. Mr. Johnson reported he and Mr. Cook met with Allan Kehrt, Planning Board Chair; Richard Preiss, Township Planner; Dave Hoder, Planning Board Engineer; and Trishka Cecil, Planning Board Attorney to discuss some land use issues.

Mr. Johnson reported a problem with the striping of parking spaces on Main Street. He stated the striping is not definitive with old stripes now showing, which in effect is making double markings for parking spaces. Mr. Taylor stated he thought the purchase of a striping machine was approved at budget time. Mr. Johnson stated there was discussion about whether it was better to buy, borrow or rent a machine. Ms. Marabello stated Mr. Jerry Thorne, Public Works Manager, was obtaining quotes to purchase a machine. The stripes could be repainted each year; however the old stripes would need to be blacked out. Mayor Mulligan stated it makes sense for the Township to purchase a machine.

Mr. Johnson stated he spoke with Mr. Richard Preiss, Township Planner, who wanted authorization to proceed with the Master Plan Amendment, and the Township Committee agreed to authorize him to proceed.

--Mr. Taylor

Mr. Taylor thanked Ms. Michele Kemper and the Parks Commission for their assistance to his parents who are donating a bench in Memorial Park. Mr. Taylor thanked the Police for hosting National Night Out and also thanked the First Aid Squad and Fire Company for supporting them.

Mr. Taylor reported Shade Tree is looking at making modifications to the Shade Tree Ordinance. He stated he spoke with Township Attorney, Steve Goodell, Esq., for some feedback to some questions by end of this month and he hopes that the modification to the Shade Tree Ordinance will go forward in the fall.

Mr. Taylor thanked Ms. Marabello for her assistance with LOSAP. He also thanked Fire Safety Official, Sam DiStasio, for his assistance in organizing tours in the warehouses for the Fire Company to actually see what hazards are within the buildings.

Mr. Taylor stated there is no e-waste recycling in the Township, and the only way to dispose of old televisions is to pay \$25 to Best Buy or turn in a television when buying a new set at P.C. Richards. Mr. Taylor reported East Windsor and possibly Monroe have e-recycling programs. He suggested at budget time reaching out to both to see about cost of entering into a shared services agreement. Ms. Marabello

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Reports and Communications

--Members of Committee

Mr. Taylor (cont'd.)

stated Ms. Linda Scott has been researching how the Township can dispose of its e-waste recycling. She stated she will follow up with Ms. Scott.

--Mr. Cook

Mr. Cook reported the Township is still looking at options to get water to the Route 130-D site. Mr. Cook stated he and Mr. Johnson have been looking at ways to obtain alternative ratables, other than warehouses.

Mr. Cook stated the guardrail at the corner of Maplewood and Scott Avenues has been removed by the County since the wood rotted and it was deemed no longer necessary.

Mr. Cook reported the fountain and the lights at the Lake should be completed within the next few weeks.

Reports and Communications

--Mayor

Mayor Mulligan reported he had an e-mail from Mr. Ed Sekelsky inquiring on the status of the Township approaching the County for a sound wall behind the Evans Drive homes. Mayor Mulligan reported Mr. Edwin Liu has passed his 45-day period, and the berm site is not cleaned up. Mayor Mulligan reported he spoke to Mr. Jeff Graydon, Zoning Officer, who has given Mr. Liu another seven (7) to ten (10) days to clean up due to recent storms.

Mayor Mulligan reported the Township signed off today on the Affordable Housing Agreements, including the Group Homes, Protinick property and the overall Affordable Housing Plan. Mayor Mulligan stated the Agreements will be submitted to the Court on Monday, August 22nd to show compliance so the Township can move forward with its affordable housing.

Mayor Mulligan stated National Night Out was great and thanked the Police for a successful event.

He reported he spoke with Mr. Roy Reinhardt who requested the Township not mow near the Reinhardt Preserve because of the wildflowers that grow there. The Township Committee agreed at minimum a path must be mowed for access to the Preserve. Ms. Marabello stated she did speak to Public Works about not mowing there.

Reports and Communications

--Subcommittees

There were no reports from Subcommittees.

Reports and Communications

--Department Heads

There were no reports from Department Heads.

Follow-up Items

Brainerd Lake

Mayor Mulligan reported the vegetation in Brainerd Lake was discussed at the last meeting. He stated dredging the Lake is the ultimate long-term option; however, the cost is approximately \$5 million. The Township is trying to find other less costly options. He stated the Township is looking at doing additional sampling of the Lake to see if there are other options for disposal. He stated an herbicide treatment was done in the Lake, which should help reduce the vegetation growth. Ms. Marabello is reaching out to other municipalities for information. Mayor Mulligan stated the Township should inquire with Princeton Hydro if additional treatments can be done to the Lake. He stated it is a focal point of the Township. Mr. Johnson

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Follow-up Items

Brainerd Lake (cont'd.)

stated he spoke with Ms. Goetz earlier in the week and was told the entire Lake cannot be treated at one time.

Agenda Additions/Changes

Ms. Cunningham reported Ordinances 07-16-14 and 07-16-15 are being carried over to the next Township Committee meeting on August 22, 2016 at 7:00 p.m. She stated two Ordinances # 08-16-16 and # 08-16-17 are being added to the Agenda on first reading. The Ordinances will be presented for second reading and public hearing at the next Township Committee meeting on August 22, 2016 at 7:00 p.m.

Public Comment - For Agenda Items

Mayor Mulligan opened the meeting to public questions and comments for items on the Agenda. Ms. Betty Conover, North Main Street, commended the Committee on how great the Township looks. She stated the flowers on Main Street look very pretty. She inquired about the Tree Ordinance and stated the tree on her property is lifting her sidewalk. She stated the tree was planted by Shade Tree when she was young child. She asked if she would be held responsible if something happens to the tree. Mr. Taylor explained the tree either has to be in the right-of-way or had to be planted by Shade Tree for the Township to be responsible. If that is the case and there is damage to the sidewalk, Mr. Bill Tanner, Township Engineer, will assess the damage. There was further discussion about the location of trees planted and whether Township or resident would be responsible. Mayor Mulligan stated the Township will look at Ms. Conover's tree to determine if it is in the right-of-way. Mayor Mulligan requested that 106 North Main be listed on the next Agenda under "Follow-up Items." There being no comments, he closed the public portion of the meeting.

Ms. Susan Goetz arrived at 7:30 p.m.

Ms. Goetz reported the vegetation in the Lake still looks bad, and she stated the reason is the whole Lake cannot be treated at the same time because there would be too much vegetation "die-off." She reported the perimeter of the Lake was treated. She stated she is trying to put together a plan for the Lake and has spoken to several experts/consultants which all say the Lake will need to be dredged. She stated obtaining more samples of the water is not recommended at this point. She stated a study will be needed to determine the depth of the Lake and geotechnical samples will determine the type of soil/sediment, which will impact how the sediment can be disposed. She stated she should get more information this week or next. Ms. Goetz stated the dredging is only going to get more expensive as time goes on. In the meantime, the Lake is being treated by "contact applications" (treating when the weeds are visible) and it is recommended the Township do more "systemic applications," which means stronger applications in early spring. She stated the Lake water would be off-limits for irrigation for a month, and stated continued treatments would be necessary as the weeds grow. Mayor Mulligan stated the treatments and testing samples will need to be included in the budget next year. Ms. Marabello stated maintenance costs for the Lake are included in the budget each year.

Ordinance

Second Reading

Cranbury Township Ordinance # 07-16-13

A motion to enter an Ordinance entitled, # 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 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

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

public hearing on the Ordinance. No one present wished to speak, so the hearing was declared closed. On motion by Mr. Taylor, seconded by Mr. Cook, the Ordinance was adopted by a vote:

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

Nays: (None

Ordinances
First Reading

Cranbury Township Ordinance # 08-16-16

An Ordinance entitled, Cranbury Township Ordinance # 08-16-16, "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. Mayor Mulligan explained to the public that the reason this Ordinance is being introduced this evening is that the Township is building affordable housing on the Route 130-D site, also known as Applewood Court. He further explained that the Township has been working with the homeowners to acquire some easements. Unfortunately, the homeowners have not responded in a timely manner, and this Ordinance must be introduced. Mr. Taylor stated it is more costly to go through the condemnation process than settling. Mayor Mulligan reported the original offer in the agreement was more than the condemnation offer. He stated there is also more financial burden to the Township for possible litigation. On motion by Mr. Johnson, seconded by Ms. Goetz, the Ordinance was passed on first reading by vote:

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

Nays: (None

Public Hearing: August 22, 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 (the "Affordable Housing Project"); 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 obtained an appraisal from Martin Appraisal Associates, Inc. regarding the fair market value for the Easement and has attempted to negotiate in good faith with the Owner but has been unable to reach agreement on the terms of an easement agreement; and

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Cranbury Township Ordinance # 08-16-16
(Continued)

WHEREAS, the Township's appraisal indicates that the fair market value of the Easement is \$7,475.00; and

WHEREAS, said monies are available within the Township's budget; and

WHEREAS, in order to insure that the Affordable Housing Project may continue in a timely fashion, the Township Administration has recommended to the Township Committee that it authorize acquisition of the Easement by eminent domain as permitted by *N.J.S.A.20:3- 1 et. seq.*

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

(1.) The Township wishes to acquire a storm water drainage and utility easement and right-of-way on certain real property owned by the Cranbury Walk Homeowners Association located at Block 26, Lot 29.22 in the Township of Cranbury, Middlesex County, New Jersey for the purpose of storm water management more particularly shown on the Exhibit attached hereto, for the consideration of \$7,475.00;

(2.) The Mayor and Clerk and Township Attorney are hereby authorized and directed to take all necessary actions to acquire said Easement through eminent domain as permitted by *N.J.S.A. 20:3-1 et. seq.*, including the execution of all necessary documents, upon final passage, approval and publication of said ordinance according to law.

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

Cranbury Township Ordinance # 08-16-17

An Ordinance entitled, Cranbury Township Ordinance # 08-16-17, "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 BY EMINENT DOMAIN," 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		

Nays: (None

Public Hearing: August 22, 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 (" the Affordable Housing Project"); 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 Christian and Cathrin Torske at Block 26, Lot 29.21 (the " Owner") in order to facilitate the construction of the Affordable Housing Project; and

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Cranbury Township Ordinance # 08-16-17
(Continued)

WHEREAS, the Township has obtained an appraisal from Martin Appraisal Associates, Inc. regarding the fair market value for the Easements and has attempted to negotiate in good faith with the Owner but has been unable to reach agreement on the terms of an easement agreement; and

WHEREAS, the Township's appraisal indicates that the fair market value of the Easement is \$3425.00;

WHEREAS, said monies are available within the Township's budget; and

WHEREAS, in order to insure that the Project may continue in a timely fashion, the Township Administration has recommended to the Township Committee that it authorize the acquisition of the Easement by eminent domain as permitted by *N.J.S.A. 20:3-1 et. seq.*; and

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

(1.) The Township wishes to acquire a storm water drainage and utility easement and right-of-way on certain real property owned by Christian and Cathrin Torske, located at Block 26, Lot 29.21 In the Township of Cranbury, Middlesex County, NJ for the purpose of storm water management more particularly shown on the Exhibit attached hereto, for the consideration of \$3425.00; and

(2.) The Mayor and Clerk and Township Attorney are hereby authorized and directed to take all necessary actions to acquire said Easements through eminent domain as permitted by *N.J.S.A. 20:3-1 et. seq.*, including the execution of all necessary documents, upon final passage, approval and publication of said ordinance according to law.

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

Resolutions

Consent Agenda

Mayor Mulligan asked the Township Committee if there were any questions or comments on the Consent Agenda. Hearing no questions or comments, he requested a motion to adopt Consent Resolutions. On a motion by Mr. Taylor, 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 # R 08-16-131

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

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Reports from Township Staff and Professionals

--Administrator's Report

Ms. Marabello stated she had nothing to report.

--Assistant Administrator

Ms. Cunningham reminded the Township Committee that Cranbury Day will be held Saturday, September 10th from 9:00 a.m. to 4:00 p.m. She stated she signed up for a table for the Township Committee and a timesheet will be passed around for the Committee members to sign up for a time slot to "man" the table. The Township Committee requested information on the Ingerman site and the Route 130-D site be available for display.

It was confirmed that there will be a quorum for the August 22nd Township Committee meeting. Mayor Mulligan will be on vacation; however, the rest of the Committee stated they are available.

Reports from Township Boards and Commissions

There were no reports from Township Boards and Commissions.

Public Comment

Mayor Mulligan opened the meeting to public comment. Mr. Walter Ornberg, Petty Road, stated he only learned about the possible development of the Protinick property from the Cranbury Press after it was a "done deal." He stated his is the only residential property that is being affected near that tract. He stated he was upset that he was not notified of the zoning changes.

Mayor Mulligan responded by explaining the Township was forced to comply with New Jersey Affordable Housing Rules. He explained the Protinick's used the rules in place to force Cranbury to allow them to develop their property. Up to that point, the Protinick's had the ability to build 16 or 17 homes. In addition, he stated the Township worked with the Protinick's for at least two (2) years to preserve that land as farmland. Mr. Cook explained the Court was going to allow the Protinick's to sue the Township by saying the Township was not being responsible for its affordable housing and it would be litigated to force Cranbury to have a higher inventory of affordable housing if the Protinicks were not able to work with Toll Brothers. Mayor Mulligan explained that the zoning does not matter at the point when involved in a Court action as the Court dictates what the Township can and cannot do. Mayor Mulligan explained the Protinick's originally wanted to build 300 townhomes or 175 four (4) to five (5) bedroom homes. He stated at that point the Township was in Court trying to get the Affordable Housing Plan approved, and as part of the negotiations, the Township was forced into, the Township had to allow the Protinick's to build an age-restricted development. Mr. Cook clarified it is not clear that development will go through and it may end up with just 16 homes. Ms. Goetz explained there is no sewer to the property, and stated the only way they can get sewer is to get the sewer service from Plainsboro Township. She stated there is no certainty they will be able to get the sewer service, and stated the Township was forced to go along with this.

Ms. Pam Ornberg, Petty Road, stated she is upset she heard about this through a friend and was not notified by the Township of the change in zoning. She stated they should have been notified as a courtesy. Mayor Mulligan explained it was not legally required that this be noticed so the Township did not notice; however, it was required that it be publicized in the newspapers. Mr. Ornberg stated that was after the fact. Mayor Mulligan explained before that time it was closed negotiations, not public, and it was in the courts. The Township could not tell residents because it was private negotiations and information could not be released until after the negotiations were complete. Mr. and Ms. Ornberg stated they were concerned about the changes to the area surrounding their home and the resulting effect on their property value.

Mayor Mulligan stated there is a long way to go before the property will be developed, and it may not even happen. However, in order to see the Township's Affordable Housing Plan to the Court, the Township had to give the Protinick's the right to build there; this all had to be done in closed session. Ms. Ornberg stated it is

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Public Comment (cont'd.)

the Protinick's prerogative to sell their property how they want to and to try to get the most for it. Mr. Ornberg stated they had no knowledge of the zoning change. The Township Committee thanked the Ornberg's for their comments. Mayor Mulligan asked for any additional public comment, and hearing none, closed the public portion of the meeting.

Mayor's Notes

Mayor Mulligan reported the work on the Hampton Inn on South River road has started. He reported the Turnpike may be doing some work in the Township, and Ms. Marabello stated she has asked Mr. Bill Tanner, Township Engineer, to look into it. Mayor Mulligan reported a second request has been received from the Gil and Bert's property concerning the fence that was knocked down last winter causing lighting issues from the Post Office. Ms. Marabello stated they need to follow up with the Post Office. Mr. Taylor stated the Township has a Light Ordinance, and inquired if Mr. Jeff Graydon, Zoning Officer, can take a look at that. Mayor Mulligan reported receiving a County notice concerning "Cold Code Blue," dealing with extreme weather conditions, and Ms. Marabello stated she responded to the County that the Township has the information in its OEM Manual.

Mayor Mulligan inquired why the work on John White Road has not started. Ms. Marabello stated she cannot go out to bid if she is not sure the State will provide the promised funding.

Mayor Mulligan appointed Ms. Janice McDonnell to the Environmental Commission with a term expiring December 31, 2018. Ms. McDonnell was recommended to the Environmental Commission by Dr. Barbara Rogers, Chairwoman of the EC.

Township Committee Members' Notes

Ms. Susan Goetz apologized for being late to the meeting and stated she wanted to personally thank Ms. Bonnie Larson for her volunteerism and for attending the Township Committee meetings.

Mr. Taylor reported Robbinsville honored its first responders during National Night Out. Mr. Taylor suggested Cranbury do something similar next year to honor its first responders. There were no additional comments from the Township Committee Members.

On motion by Mr. Cook, seconded by Mr. Taylor, and unanimously carried, the meeting adjourned at 8:04 p.m.

Kathleen R. Cunningham, RMC
Municipal Clerk