

TOWNSHIP COMMITTEE MEETING
October 24, 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 Dan Mulligan. Ms. Susan Goetz was absent. 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.

Township Committee Minutes of October 10, 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 October 10, 2016 were adopted.

Reports and Communications

--Members of Committee

--Mr. Johnson

Mr. Johnson reported he attended the Planning Board Meeting, and the new Library plans were discussed. He stated there were changes made to the plans, which were ratified by the Planning Board. He also attended the School Board Meeting and reported Cranbury School has been awarded the "Blue Ribbon" Award again by the National Department of Education. Dr. Susan Genco will attend the two ceremonies, one in Washington, DC and one in Trenton. Letters of congratulations to the Township were received from Governor Chris Christie and Representative Bonnie Watson Coleman.

--Mr. Taylor

Mr. Taylor reported he attended the Fire Company's Open House last week and attended the Fire Prevention presentations at Cranbury Presbyterian Nursery School and Cranbury School. Mr. Taylor congratulated Ms. Linda Scott for her hard work in obtaining an \$81,000 grant for recycling tonnage and for looking for alternative recycling resources. Mr. Taylor stated he requested this information be placed in Ms. Scott's employment file.

--Mr. Cook

Mr. Cook reported after three (3) years, the Township obtained the permit to address Brainerd Lake's erosion issues in Village Park. Mr. Cook reported on a NJDOT letter which will allow the Township to meet with the DOT to address a portion of Route 130 near the south circle, which currently does not have the same commercial abilities as the rest of Route 130. The portion of Route 130 north of the circle will now have the same commercial abilities.

Mr. Cook reported the Lions Club and Cranbury School PTO sponsored "Pumpkin Carving Night," and it was enjoyed by everyone. Mr. Cook reported students from Little Owl will come to Town Hall to see how Cranbury's Government works.

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Reports and Communications (cont'd.)

--Mayor Mulligan

Mayor Mulligan reported he and Mr. Johnson attended Candidates' Night. He stated one topic discussed was how the Township is dealing with the infected ash trees, and he asked Ms. Marabello to give an update on that. Ms. Marabello reported there are 115 trees in Four Seasons that have Ash Borer Disease. She stated there are three (3) larger trees in the rights-of way throughout Cranbury, which will be removed out of the tree removal budget since they are hazardous. She stated a \$30,000 quote to remove the trees in Four Seasons was received, and she stated Shade Tree has requested the trees be removed early next year before the disease spreads to other ash trees in the area. She stated this will be discussed at budget time since there is not grant money available to remove trees. She stated the grant money was available to plant trees for 2016; however, it is not certain funding will be available for 2017. Mayor Mulligan stated \$30,000 is a lot of money in Cranbury's budget. He stated other municipalities are taking a phased approach because it is a lot of money for many towns.

Reports and Communications

--Subcommittees

Mr. Taylor reported the lighted holiday garlands for the railings on Brainerd Lake have been ordered. Mayor Mulligan stated to the public that \$5,000 was allotted at budget time to purchase holiday decorations to replace decorations that wore out. Mr. Taylor reported Mr. George Conley is donating to the Township a dimmer for the Menorah.

--Department Heads

There were no reports from Department Heads.

Agenda Additions/Changes

Ms. Cunningham reported there were no additions or changes to the Agenda.

Public Comment (For Items on the Agenda)

Mayor Mulligan opened the meeting to public comment for items on the Agenda.

Mr. Dave Mauger, Ryan Road, stated the construction on the Applewood Court Affordable Housing Project has started and the Cranbury Estates development is ready to accept new neighbors. He stated the language for the emergency access for Applewood Court from the Estates has been described as similar to the access between the Estates and Silvers Lane. Mr. Mauger stated the plans he saw at the last meeting showed a six (6) foot wide concrete slab with a driveway apron. He stated in his and his neighbors' view, the access is fundamentally different from the Silvers Lane Access in that it will have easier access for people to break the law cutting through the Estates to beat traffic on Route 130. He believes moving forward with the current wide slab will create a potential hazard for children and seniors in the area with traffic being able to move between the two (2) developments. Mr. Mauger stated the Estates development is willing to move forward, however, it will be hard to get past an on-going hazard that was created as a result of the construction project. He stated he want to bring it to the Committee's attention.

Mr. Mark Berkowsky, President of Cranbury Housing Associates, assured Mr. Mauger there will not be a roadway that will be visually exposed. It will not been seen as a driveway as the area a firetruck would go through will be under grade. There was discussion about the curb cut and the appearance of a driveway. Mr. Mauger stated that is not how the access is between Griggs and Silvers Lane. He inquired if the Fire Department's requirements changed over time. Mr. Berkowsky stated the straight access was changed to a curved access so the access cannot be seen. Mr. Mauger stated the six (6) foot wide sidewalk is still a concern, and Mr. Berkowsky stated it is something they will address if a problem arises. Mayor Mulligan stated the Township Committee approved a deed restriction absolutely does not allow a road to be put there.

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Public Comment (For Items on the Agenda)
(cont'd.)

Mr. Bill Franke, Silvers Lane, inquired about the sewer line to be installed through the drainage area that is part of Cranbury Walk. He asked for an easement agreement between the Association and the Township, and stated he has not seen anything done about an easement. He stated now the Cranbury Walk residents are being told there is a problem with the easement and title. Mayor Mulligan explained the Township wanted to do a simple easement agreement; however, the Cranbury Walk residents wanted compensation from the Township with numbers starting at \$21,000. Mayor Mulligan stated the Township worked back and forth for quite a while trying to come to an agreement, and it finally got to the point where the Township needed to move forward with the Project so the Township's hand was forced to use condemnation. He stated condemnation is the last thing the Township wanted to do; however, the construction on the affordable housing project needed to begin. Mayor Mulligan stated the Township then found out the developer never filed the deed giving the land to the Cranbury Walk Homeowners Association. Ms. Marabello stated although the Homeowners Association believed they owned the land and have been maintaining it, and the Township thought they owned it as well, the Township found out when title work was done for Cranbury Housing Associates that the HOA does not own the land. She stated, therefore, the Township cannot enter into an easement agreement or condemnation. The Township Attorney is working on straightening out the issue, and she stated it will need to go before a Judge. In addition, it just came to the Township's attention that there may be liens associated with the property, and that will need to be addressed as well. Ms. Marabello stated the Homeowners Association and the Township had signed off on the easement agreement; however, these issues which are out of our control came up last minute. Ms. Marabello stated everything must now be resolved in court.

Hearing no additional comments, Mayor Mulligan closed the public comment portion of the meeting.

Ordinances

Second Reading

CRANBURY TOWNSHIP ORDINANCE # 10-16-22

A motion to enter an Ordinance entitled, # 10-16-22, "AN ORDINANCE REVISING AND AMENDING THE REGULATIONS PERTAINING TO THE HC HIGHWAY COMMERCIAL AND GC GENERAL COMMERCIAL ZONES IN CHAPTER 150, "LAND DEVELOPMENT" IN 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. After introduction, the Ordinance was referred to the Cranbury Township Planning Board. Ms. Cunningham read a communication from Ms. Josette Kratz, Land Use Administrator, dated October 21 to the Township Committee stating the Planning Board finds Cranbury Township Ordinance # 10-16-22 to be consistent with the Cranbury Township Master Plan and favorably recommends its adoption. Ms. Cunningham announced a mailing was done by certified and regular mail to those individuals and businesses within 200 feet of the two (2) zones. Mayor Mulligan explained to the public that this Ordinance allows more uses on the highway in Cranbury. He stated it is important to the future of Cranbury and how the highway corridor can be improved. It will also allow for more businesses to come to the area, bringing more ratables to the Township. Mayor Mulligan stated Mr. Johnson spearheaded the Ordinance and worked with many people, and commended him on his efforts. Mr. Johnson explained there have been two (2) retail zones in place since the adoption of the last Master Plan, and had little action with the exception of a Dunkin Donuts which will be built soon. He stated this Ordinance allows for more varied retail and service-type uses in those two (2) zones. Mr. Cook commended Mr. Johnson also, stating having additional allowable businesses on the Route 130 corridor will allow the Township to have businesses with more longevity in creating revenue flows. Mr. Taylor reported he received comments from residents who received the letters that a map showing the area would be helpful in future mailings. Mr. Taylor thanked Mr. Johnson as well.

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Public Hearing on Ordinance

The Mayor opened the public hearing on the Ordinance. Mr. Larry Zinc, Maplewood Avenue, inquired what the criteria is used to determine what types of businesses are allowable. Mayor Mulligan clarified the Dunkin Donuts was not approved by this Committee and has nothing to do with this Ordinance. Mr. Johnson explained the two (2) zones are retail and all types of retail and services were included with some exceptions. Mr. Zinc stated he moved he approximately 16 years ago, and the quality of life in Cranbury is a family-oriented Town. He stated he feels this zoning change will create more traffic and will affect the quality of life. He stated he cannot think of any store on Route 130 that would make Cranbury better and it would harm the interior of the Town. Mr. Zinc stated many surrounding towns are doing the same type of development. Mr. Johnson explained Cranbury will not look like the other towns because those two (2) retail zones that are affected by this Ordinance are surrounded by park area and some warehouses. Mr. Johnson stated the Township will have to bond for approximately \$9 million to build its affordable housing obligation. He stated the projected tax increase to residents could be \$.05 for a home of \$600,000, which would be an increase of \$250 in municipal taxes alone. He stated that is why the Township Committee is hoping to hold down the taxes. Mr. Cook stated Cranbury's population would not justify some types of businesses that required a large volume of people. He stated a few retail businesses would help the ratables; however, it is the large warehouses on Brickyard Road, Station Road and Half Acre Road that bring in the large ratables. Mayor Mulligan addressed Mr. Zinc, stating he is extremely sensitive to the comments he made and clarified the Township is looking to redevelop dilapidated properties. He stated it's not about taking out fields, but improving the existing properties. He stated he is concerned financially for the Township, looking at the \$9 million cost of affordable housing, \$5 million to dredge the Lake and \$19 million for road repairs. Mr. Zinc asked how the traffic at the Circle would be handled if the area is further developed. Mayor Mulligan explained sewer services have been added to the Circle. He stated as the area develops, the property owners and State DOT will come up with a plan to address the traffic. He stated the Township does not control that. Mayor Mulligan thanked Mr. Zinc for his comments.

Mr. Bill Franke, Silvers Lane, stated he agreed with Mr. Zinc. He stated he is concerned with the Highway Commercial Zone that borders on the north end of the Township. Mr. Franke stated he is concerned with the Township opening up to all sorts of businesses and hopes there will be some control. Mayor Mulligan confirmed there will be control over the uses and stated the two (2) areas have always been zoned for commercial use. There was additional discussion about the development within the zones.

Mr. Taylor stated he does not take the change lightly and would like to see the area remain the way it was when he and even his dad were growing up. However, to maintain the quality of life in Cranbury, taxes must remain affordable for seniors, etc. to remain in Cranbury.

Mr. Richard Kallan, Wynnewood Drive, stated years ago residents did not want businesses in Town because it would attract strangers and traffic in the Village. He stated years ago residents were outraged about the tour buses possibly coming into Town. The idea then was to keep the businesses on Route 130, and stated you cannot have it both ways. He stated he understands the ratables have to be increased; however, Cranbury has remained the same as years ago, which is a result of the control.

Mayor Mulligan thanked the public for their comments. He stated the Township Committee is constantly trying to strike a balance between protecting and preserving the Town as well as positioning for the future. He stated it is not easy and the Committee is trying to do its best. No one further wished to speak, so the hearing was declared closed. On motion by Mr. Johnson, seconded by Mr. Cook, the Ordinance was adopted by a vote:

Ayes: (Cook
(Johnson
(Taylor
(Mulligan

Abstain: (None
Absent: (Goetz

Nays: (None

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Resolutions

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

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

CRANBURY TOWNSHIP RESOLUTION # R 10-16-152

RESOLUTION ADOPTING THIRD ROUND AFFORDABLE HOUSING
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 Affirmative Marketing Plan; and

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

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(Continued)

WHEREAS, the Plan including the Township's Affirmative Marketing 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, the Township was subsequently granted a conditional Judgment of Compliance and Repose by the Court at a Compliance Hearing held on August 22, 2016; and

WHEREAS, the Township previously adopted 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, in compliance with the requirements set forth at the Compliance Hearing and as ordered by the Court, the Township shall adopt an amended resolution with the attached adopted Affirmative Marketing Plan in order to add and include in the resolution the names of all the entities and housing advocacy groups (including the additional entities and housing advocacy groups per the settlement agreement with FSHC) that are to receive notice of the availability of affordable housing units in the Township:

www.housingquest.com;

www.njhousing.gov;

The Central Jersey Housing Resource Center
600 1st Avenue
Raritan, NJ 08869

The Housing Coalition of Central Jersey
90 Jersey Ave.
New Brunswick, NJ 08901

Civic League of Greater New Brunswick
47-49 Throop Avenue New
Brunswick, NJ 08901

Hunterdon Somerset Association of Realtors
3461 Route 22 East, Building B
Branchburg, NJ 08876

Middlesex County Association of Realtors
779 Gornik Drive,
Perth Amboy, New Jersey 08861

Faith Fellowship Community Development Corporation
2707 Main Street
Sayreville, NJ 08872

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(Continued)

Catholic Charities, Diocese of Metuchen
319 Maple Street
Perth Amboy, New Jersey 08861

United Way of Central Jersey
32 Ford Avenue
Milltown, NJ 08850

Fair Share Housing Center
510 Park Boulevard
Cherry Hill, NJ 08002

Somerset County United Way
PO Box 6835
Bridgewater, NJ 08807

Latino Action Network
PO Box 943
Freehold, NJ 07728

New Jersey State NAACP
4326 Harbor Beach Blvd. #775
Brigantine, NJ 08203

Metuchen/Edison Branches of the NAACP
P.O. Box 86
Edison, NJ 08818

New Brunswick Branch of the NAACP
PO Box 235
New Brunswick, NJ 08901

Plainfield Area Branch of the NAACP
PO Box 368
Plainfield, NJ 07060

Perth Amboy Branch of the NAACP
PO Box 1219
Perth Amboy, NJ 08861

WHEREAS, the Township seeks to adopt a revised resolution and submit it to the Court to satisfy a condition of the Court's grant of a Judgment of Compliance and Repose.

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

1. The Township adopts its revised Affirmative Marketing Plan Resolution for the Amended Third Round Housing Element and Fair Share Plan.
2. The Township respectfully requests the Court's review and approval of its revised Affirmative Marketing Plan Resolution including the names of all the entities and housing advocacy groups (including the

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CRANBURY TOWNSHIP RESOLUTION # R 10-16-152
(Continued)

additional entities and housing advocacy groups per the settlement agreement with FSHC) that are to receive notice of the availability of affordable housing units in the Township.

3. The Mayor, Township Administrator, Clerk, Attorneys, Planners, and other appropriate officers, employees and professionals, are hereby authorized and directed to undertake any and all acts necessary to effectuate the actions set forth herein.
4. This Resolution shall take effect immediately.

Resolution

On motion by Mr. Johnson, seconded by Mr. Taylor and unanimously carried, the following Resolution was adopted by vote:

Ayes: (Cook
(Johnson
(Taylor
(Mulligan

Abstain: (None
Absent: (Goetz

Nays: (None

CRANBURY TOWNSHIP RESOLUTION 10-16-153

A RESOLUTION OF THE MAYOR AND COMMITTEE OF THE TOWNSHIP
OF CRANBURY DESIGNATING MBID OF DELAWARE, LLC, AS
REDEVELOPER FOR PROPERTY SHOWN AS BLOCK 33, LOT 13.04 ON
THE OFFICIAL TAX MAP OF CRANBURY TOWNSHIP AND KNOWN AS
PAUL'S AUTO SITE

WHEREAS, By Resolution No. R 02-16-045, the Mayor and Committee directed the Cranbury Township Planning Board (the "Planning Board") to conduct an investigation into whether the property which is identified as Block 33, Lot 13.04 (the "Study Area") qualified as a Non-condemnation Area as that term is defined in the Local Housing and Redevelopment Law ("LRHL"), *N.J.S.A. 40A:12A-5 et seq.*; and

WHEREAS, The Planning Board completed its investigation of the Study Area, received and reviewed the report of Phillips Preiss Grygiel LLC ("PPG"), and David Hoder, P.E., of Hoder Associates, the Board's engineering consultant, entitled "Area in Need of Redevelopment Investigation for the Paul's Auto Site, Township of Cranbury, New Jersey" ("Area in Need Study") and, following a public hearing, adopted a resolution on March 17, 2016 recommending that the Study Area be designated by the Township Committee as a Non-Condensation Redevelopment Area as provided for under the LRHL; and

WHEREAS, On March 28, 2016, the Mayor and Committee accepted the Planning Board's findings and the Area in Need Study and adopted Resolution No. R 03-16-065, A Resolution of the Mayor & Township Committee of the Township of Cranbury Designating "Paul's Auto Body" site (Block 33 Lot 13.04) as a Non-Condensation Redevelopment Area in Accordance with the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* and directing that the Planning Board prepare a redevelopment plan for the Study Area; and

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CRANBURY TOWNSHIP RESOLUTION 10-16-153
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WHEREAS, PPG prepared a proposed redevelopment plan for the Study Area entitled "Proposed Redevelopment Plan for the Paul's Auto Site in the Township of Cranbury, New Jersey" (the "Redevelopment Plan"); and

WHEREAS, On referral from the Township Committee, the Planning Board reviewed the Redevelopment Plan and found that while the proposed residential use is not consistent with the existing land use element of the Master Plan or zoning for the Study Area, the proposed affordable housing is consistent with the Township's goal of meeting its fair share housing obligation on a site that is unlikely to be developed in such a way as to conform to the existing zoning standards and recommended adoption of the Redevelopment Plan by the Mayor and Township Committee; and

WHEREAS, The Mayor and Township Committee having reviewed the Redevelopment Plan, determined that although the proposed residential use is not consistent with the existing land use element of the Master Plan or zoning for the Study Area, the proposed affordable housing is consistent with the Township's goal of meeting its fair share housing obligation on a site that is unlikely to be developed in such a way as to conform to the existing zoning standards and adopted the Redevelopment Plan by Ordinance 04-16-08 on May 9, 2016; and

WHEREAS, Pursuant to N.J.S.A. 40A:12A-8(f), the Mayor and Township Committee are empowered to designate a redeveloper to effectuate the Redevelopment Plan; and

WHEREAS, By Resolution No. R 05-16-090 the Mayor and Township Committee designated Ingerman Development Company, LLC as redeveloper to effectuate the Redevelopment Plan; and

WHEREAS, Ingerman Development Company, LLC and MBID of Delaware, LLC are affiliates of each other in that the same individual, M. Brad Ingerman ("Mr. Ingerman"), controls the management and operations of each entity; and

WHEREAS, Mr. Ingerman is an experienced redeveloper of affordable housing and redevelopment projects such as that anticipated in the Redevelopment Plan and possesses the ability to successfully plan, gain funding for, and construct the project pursuant to the Redevelopment Plan.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Township Committee of the Township of Cranbury that:

1. MBID of Delaware, LLC is equally qualified with respect to experience and financial resources to be the Redeveloper as was Ingerman Development Company, LLC because Mr. Ingerman controls the management and operations of each entity as described above.
2. MBID of Delaware, LLC is hereby designated as the Redeveloper of the Redevelopment Area. Ingerman Development Company, LLC is no longer to Redeveloper.
3. The Township will negotiate the terms of a Redevelopment Agreement and a Financial Agreement with the Redeveloper.

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Resolution

On motion by Mr. Taylor, seconded by Mr. Cook and unanimously carried, the following Resolution was adopted by vote:

Ayes: (Cook
(Johnson
(Taylor
(Mulligan

Abstain: (None
Absent: (Goetz

Nays: (None

Cranbury Township Resolution # R 10-16-154

A RESOLUTION AWARDING A PROFESSIONAL SERVICES AGREEMENT

WHEREAS, the Township wishes to hire the following firm ("Professional") to provide professional services to the Township from October 24, 2016 to October 23, 2017 as follows:

CGP&H, LLC, 101 Interchange Plaza, Suite, 301, Cranbury, NJ 08512 (Affordable Housing Rehabilitation Administrative Agent)

WHEREAS, the costs for the services to be provided by the Professional is set forth in the respective proposal 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 Local Public Contracts Law, N.J.S.A. 40A:11-1 *et. seq.* authorizes the award of this contract without public bidding on the basis that it is a professional services agreement; and

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 firm to provide professional services to the Township from August 1, 2015 until July 31, 2016:

a). CGP&H, LLC, (Affordable Housing Rehabilitation Administrative Agent)

2. The Mayor and Clerk are hereby authorized and directed to enter into Professional Services Agreement with the aforementioned professional pursuant to the provisions of the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1 *et seq.* This contract is being awarded without competitive bidding as Professional Services Agreement 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 and the executed Agreement and insurance certificate 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.

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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 Resolutions were adopted by vote:

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

Cranbury Township Resolution # R 10-16-155

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 10-16-156

RESOLUTION CANCELING OUTSTANDING CHECKS

WHEREAS, the Director of Finance has requested that checks outstanding for more than a year be cancelled; and

WHEREAS, the Director of Finance has advised that it would be appropriate for the Township Committee to authorize the cancellation of said checks as follows:

RECREATION TRUST ACCOUNT
FIRST CHOICE
ACCOUNT # 4010000281

3345	\$30.00	10/15	Stephen Kim
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NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Cranbury, County of Middlesex, hereby authorizes the cancellation of said checks.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded to the Director of Finance.

Cranbury Township Resolution # R 10-16-157

A RESOLUTION OF THE TOWNSHIP OF CRANBURY AUTHORIZING THE
EXECUTION OF AN AGREEMENT BETWEEN THE TOWNSHIP OF
CRANBURY AND THE COUNTY OF MIDDLESEX

WHEREAS, the County of Middlesex has established a program to partially fund the proper removal of chlorofluorocarbons and other ozone depleting compounds from household appliances such as refrigerators and air conditioners (hereinafter known as "CFC's") and;

WHEREAS, the County will provide partial funding for a three-year period to municipalities for each appliance form which CFC's were properly recovered; and

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Cranbury Township Resolution # R 10-16-157
(Continued)

WHEREAS, municipalities will be required to properly collect the appliances so as to not inadvertently discharge the CFC's, use an approved vendor to recover the CFC's and to provide documentation of the CFC recovery;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranbury that the Mayor and Clerk be authorized to execute a three-year Shared Services Agreement covering the CFC Recovery Reimbursement Program between the Township of Cranbury and the County of Middlesex.

Work Session

a). Presentation on Township Use of Social Media by Mayor Dan Mulligan

Mayor Mulligan announced the Township has launched its Facebook page and reported this is another way to communicate with the residents. The Township currently posts on the website and the access channel, and sends out e-mail blasts. Mayor Mulligan stated there has been feedback that it is difficult to sometimes find information. He stated hopefully disseminating information will be easier with social media. He stated the Township Police will make more use of Nixle as well.

Mayor Mulligan reported the Township has an existing social media policy. He stated he and Ms. Marabello have been working on updating the current policy. Ms. Marabello stated she would not recommend Departments and Boards to have their own pages unless there was one public affairs person to manage it. She stated the Police could have their own page if they chose to do so. Ms. Marabello cautioned that everything posted on social media is subject to the Open Public Records Act. She reported the Township's policy states employees cannot post on social media unless it is approved by the Township Administrator. She stated employees are also cautioned about discipline should they use their own social media accounts to comment about the Township. She reported that language came from the Joint Insurance Fund and stated she is comfortable the language covers the key points. Ms. Marabello stated the Township is in good shape with its policy, and stated it is more a question of where the Township wants to go with social media.

Mayor Mulligan explained the look of the Facebook page to keep it similar to the Township's webpage. He reported anything that goes out in an e-mail blast is copied into the Facebook page. Mr. Cook inquired if there were filters, and Mayor Mulligan stated he can turn off "comments." Mr. Taylor inquired if the Township page was linked to the Fire House page, and Mayor Mulligan stated he would look to see if they could be connected.

Mr. Michael Ferrante, North Main Street, cautioned to use Nixle only for emergency uses and not to let information spill over. He stated Facebook is better for information. Mayor Mulligan stated the Township is looking for a balance and stated he would like to see more road closures, etc. posted by the Police. There was additional discussion about the use of Nixle and the types of information to be disseminated.

Reports from Township Staff and Professionals

--Administrator's Report

Ms. Marabello reported Mr. Johnson had approached her to see if the Township would be interested in a blue line in support of the Police. Mr. Andre Mento had seen it in other towns and thought it was a good idea. Ms. Marabello stated she saw it in North Brunswick and they have a blue line in front of their main school building. Ms. Marabello stated the Township is considering doing the blue line from School House Lane to Park Place. She stated the only cost would be the cost of the paint because she asked Cranbury

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Reports from Township Staff and Professionals

--Administrator's Report (cont'd.)

School if the Township could use their machine and the School agreed to help. Ms. Marabello stated the painting would be done on a Saturday, and the Township would do a Resolution supporting the police at the next meeting. The Township Committee was in agreement. Mayor Mulligan asked about the status of the Township's striping machine, and Ms. Marabello stated it has been ordered but will not be used until the spring.

--Assistant Administrator

Ms. Cunningham stated she had nothing to report.

Reports from Township Boards and Commissions

Ms. Kirstie Venanzi, President of the Cranbury Public Library Board of Trustees gave an update on the progress of the Library design and location. Ms. Venanzi stated the Library, Foundation and residents engaged in a very collaborative process at its October 3rd meeting. She stated what was important was that all involved wanted to preserve as much green space as possible. They also wanted to be sure parking would be provided for the downtown area. She stated they then went to the DRC Meeting before the Planner and other professionals and received the approval from them before receiving unanimous approval of the Capital Plan from the Planning Board.

Mr. Mark Berkowsky stated the location of the Library was originally opposite Park Place West, and the parking lot was north of that. He stated the big concern of the residents and later the Planning Board was to preserve the vista. He explained shifting the building and the parking lot will preserve the vista. He stated the concern is that this is the easement for both the school and utilities for New Jersey American Water. He stated in addition to preserving the vista, there is a turnaround at the end of Park Place West for traffic.

Mr. Berkowsky stated there could be safety issues with a standard retention basin; however, flattening it out could present issues also. Mr. Berkowsky stated what is being proposed is a bio-retention basin, which is also known as a rain garden. Mr. Berkowsky described the preferred location, and also the back-up location to avoid the easement if necessary. He stated the easement issue is primarily the Water Company and stated in the initial conversations, the Water Company is fine with building the parking lot over the water line as long as they have 15 feet of clear easement area. He believes the plan will work, although they do not have anything definitive yet. Mr. Berkowsky suggested having a formal title search done to avoid problems with the easement such as being experienced in another project. He stated they are obtaining quotes for title searches and once a title search is done, that should clear up any issues. Mr. Berkowsky stated everyone loved the new design and location, and the neighbors supported it. Another issue which is supported by the School Board is the connecting sidewalk. He explained a sidewalk will now extend from the crosswalk from the school to the Library. This sidewalk will be used for access from the school as well as an access for overflow parking for the Library for any the large meetings. Mr. Cook inquired if this design may also accommodate the Recreation's request for a small soccer field, and Mr. Berkowsky replied this space will be used up with the drainage space.

Mr. Berkowsky distributed information that had been given to the Planning Board. Mr. Berkowsky stated when the Library has raised all its funds to break ground, the Township will pay for the parking lot and utilities. He said the outstanding issue will be the retention issue and the associated costs. He stated the least expensive is a simple infiltration basin, which is basically storm management and a normal basin. The next option would be a porous pavement; however, the Planning Engineer stated this required maintenance as the area would have to be kept clear to allow drainage. The third option is the rain garden bio-retention basin, and the fourth is the underground basin, which was on the original plan and is most expensive option. The rain garden bio-retention basin is about \$50,000 less. Mr. Berkowsky stated new engineering will have to be paid for. Mr. Berkowsky stated the School Board is in favor of the rain garden from a teaching standpoint, and the Environmental Commission is 100% in favor as well. Mr. Berkowsky stated the rain

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Reports from Township Boards and Commissions (cont'd.)

garden solution is the best solution financially, educationally and from a maintenance standpoint. He stated it will require some maintenance as the plants and trees grow. Mr. Cook inquired if the costs are over the funding the Township originally committed to. Mr. Berkowsky stated they have not done an overall site estimate; however, the added engineering costs are offset by the savings not installing the underground basin. Mayor Mulligan stated the Township and the Library have a Memo of Understanding that defines the Township's contribution; however, that may need to be revisited the new cost structure. Mr. Cook stated the new design and materials are different from the original concept for all the right reason. He agreed the rain garden is a better option than the standard retention basin.

Mayor Mulligan stated he was not present at the last meeting; however, the feedback received from that meeting was that the Township was not transparent enough. He stated a work session would be held at the next Township Committee meeting to further discuss the plans. Mayor Mulligan suggested having the professionals at the meeting, including the Township Engineer and Traffic Consultant. He stated the meeting would have to be well publicized so the public can be informed.

Mr. Paul Mullen, member of the Environmental Commission, stated Mr. Marabello is really the expert on rain gardens; however, he has worked with him on the rain garden in Village Park. Mr. Mullen explained the purpose of the rain garden is to filter the runoff from the compacted driveway and from "dirt mountain" before it reaches the Lake. He stated Rutgers assisted with the engineering of the Village Park rain garden. Mr. Mullen stated the DEP recognizes rain garden as "best practice" for storm water management. He stated bio-retention basins should be used in Cranbury on all future applications wherever possible. Mr. Mullen distributed a picture of a rain garden from an elementary school and stated this is what the EC would like to see done in Cranbury. He noted the similarity of that rain garden being at a school and stated it was used for instructional purposes. Mr. Mullen described the rain garden would have to be designed by a professional landscape architect, and stated there are many types of plantings for rain gardens. Mayor Mulligan thanked Mr. Mullen for his volunteer efforts. Mayor Mulligan clarified he would like to include the Township Engineer, Traffic Consultant, a representative from Cranbury School for the next meeting, Recreation Board member, Parks member, Police Chief, Fire Company Chief, and a representative of the Business Association so everyone can provide feedback. Mr. Cook stated he agreed with the new bio-retention basin and hoped all could be done within the financial constraints. Ms. Marabello asked if there would be costs associated with the easement, and Mr. Berkowsky stated the title search cost would be minimal. He stated if the easement already exists, the construction would have to be within the parameters. If it is a new easement, access would be dedicated to the Library. Ms. Marabello clarified the rain garden would be low maintenance, and Mr. Berkowsky confirmed that.

Mayor Mulligan opened the discussion to the public. Ms. Michele Gittings, Park Place West, wanted to state publicly that the Library and residents have worked well together. Ms. Gittings stated they frequently walk the field and the only time there was a problem with drainage was after Hurricane Sandy. She agreed with the new water bio-retention basin, and stated the Plainsboro Preserve and Princeton High School have some rain gardens. She stated there are 125 rain gardens on display in the State of New Jersey. She stated there are many resources to obtain information for rain gardens.

Ms. Gittings stated the open space was, is and remains a gem to all who know about it. She stated although we are losing some of it, we are also drawing people to it. She stated it was not just a vista; it is also a space. There being no further comments, Mayor Mulligan closed the public portion of the discussion.

Public Comment

Mayor Mulligan opened the meeting to public comment.

Mr. Richard Kallan, Wynnewood Drive, commented about the removal by the Township of the ash trees in the Four Seasons development. He inquired why the Township was going to spend \$30,000 to remove ash trees when he was not given any money when he had to remove a tree on his property. He stated he does

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Public Comment

not know what the Township's policy is and stated the policy used to be if the Township planted a tree, the Township removed it. He stated he does not feel the Township should be responsible for Four Seasons. Mayor Mulligan stated the Township is only considering removing the trees. The policy is to remove the trees that are dangerous. He further explained the trees in the right of way are the Township's responsibility. When the roadways in Four Seasons were deeded over to the Town, the Township inherited the responsibility of the trees in the right of way. Mr. Kallan stated the removal of the trees is \$30,000, and asked what it would cost to plant new trees. Mayor Mulligan stated the Township is not at the point of discussing the replacement of trees. There was additional discussion about the costs, and Mr. Kallan stated he felt it was wrong for the Township to take this approach. Mayor Mulligan stated the Committee was following the laws in place and budgets according to the law. Mr. Taylor stated he has been working with legal counsel to determine the Township's responsibility with street trees. Mr. Kallan stated he attends most Township Committee Meetings and stated 99.9% of the time the Committee is consistent, with the exception of anything dealing with trees. The Township Committee agreed, and Mr. Taylor stated that is why the Township is seeking legal counsel. There was additional discussion about ownership and the associated financial responsibilities of trees. Mayor Mulligan stated the ash trees must come down because of the ash borer disease; however, Ms. Marabello stated the Township is not responsibility to replace the trees. Mayor Mulligan stated, to be transparent, he cannot guarantee the Township will plant trees. Mr. Cook stated trees may be planted if the Township is lucky enough to secure a grant. The Township Committee confirmed trees from the Turnpike Project cannot be moved or planted in other locations, according to the rules set by the State. Mayor Mulligan thanked Mr. Kallan for his comments.

Mayor Mulligan asked for any additional public comment, and hearing none, closed the public portion of the meeting.

Mayor's Notes

There were no Mayor's notes this evening

Township Committee Members' Notes

There were no additional comments from the Committee.

On motion by Mr. Johnson, seconded by Mr. Cook, and unanimously carried, the meeting adjourned at 9:00 p.m.

Kathleen R. Cunningham
Municipal Clerk