

TOWNSHIP COMMITTEE MEETING
January 27, 2014

The regular meeting of the Township Committee 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: David Cook, Glenn Johnson, and Daniel Mulligan. Mayor Susan Goetz and Committee member Jay Taylor were absent. In Mayor Goetz's absence, Mr. Cook ran the meeting. Also present were Denise Marabello, Township Administrator/Director of Finance; and Kathleen Cunningham, Municipal Clerk/Assistant Administrator. Mr. Cook 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 4, 2013 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 4, 2013.
- (3) Filed on December 4, 2013 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.

Regular Township Committee Minutes of January 13, 2014

On motion by Mr. Johnson, seconded by Mr. Mulligan and unanimously carried (with Mr. Taylor and Mayor Goetz being absent), the Regular Township Committee Minutes of January 13, 2014 were adopted.

Reports and Communications

--Mayor

In Mayor Goetz's absence, Mr. Cook provided an update on the Bridge Project. He reported the concrete barriers will remain in place through project completion, and reported the sidewalks and railings on the east side of the Bridge should be removed by today. He stated larger spaces than expected were discovered in the "sidewalk sandwich" (where a second sidewalk was constructed over the first sidewalk), so additional concrete will be needed to solidify the spaces under the sidewalks and roadway. Mr. Cook stated the remediation of erosion of the Lake's edge in Village Park will proceed at some point during the Project.

--Township Committee

Mr. Mulligan reported the first meeting concerning the baseball field in Village Park was held with members of the Cranbury Plainsboro Little League (CPLL), the Recreation Commission, and Mr. Tom Weidner and Ms. Beth Veghte of the Parks Commission. He reported another meeting will be held on January 30th to develop a plan for the Project. He stated CPLL has some funds to put towards repairs and improvements of the ball field. Mr. Mulligan stated there may also be a possibility for additional funding from the Recreation Commission's trust fund and from the Mayor's Golf Tournament. He reported some of the ball field's issues include water damage in the dugout with the possibility of the wall collapsing and also drainage issues on the field.

Mr. Mulligan reported he and Ms. Marabello, Township Administrator, met with a representative of a company to discuss the property tax rebate card program. He stated Township businesses could offer a rebate to residents on what is spent at their businesses, and the rebate would be applied toward a resident's property taxes. Mr. Mulligan stated more work must be done and more information gathered on this program. He stated one of the first

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--Township Committee (Continued)

Mr. Mulligan (cont'd.)

strategies would be to reach out to surrounding communities to partner with them as Cranbury is a very small town and does not have enough residents to drive the program. He stated it would be beneficial to partner with other communities, such as East Windsor and Plainsboro. Once more information is available, Mr. Mulligan stated a presentation depicting the features and benefits of the program in greater detail will be made to the full Township Committee.

Mr. Mulligan reported Ms. Beth Veghte is no longer the head of the Recreation Commission, and stated Mr. Ed Sekelsky is now the Chair, with Ms. Dominique Jones being the Vice Chair. Mr. Mulligan reported Ms. Veghte had been Chair for 20 years and will still be actively involved.

Mr. Johnson reported he attended the School Board Meeting and the Cranbury Business and Professional Association Meeting. He reported he attended the annual meeting of the Cranbury Housing Associates. CHA will come to the February 10th Township Committee Meeting to do a presentation. Mr. Johnson stated he learned a number of heating systems failed in the older CHA units on Bergen and Danser Drives. He stated the failures were attributed to poor quality as these units were constructed by developers instead of CHA. Mr. Johnson stated there is a possibility in the future of having a developer build units for the Township again and suggested it might be worthwhile for CHA to draw up specifications so the Township can tell the developer exactly what it wants in terms of materials used.

Reports and Communications

--Subcommittees

There were no Subcommittee reports.

Agenda Additions/Changes

Ms. Cunningham reported there were no new agenda additions or changes.

Public Comment

Mr. Cook opened the meeting to public questions and comments for items on the Agenda.

There being no comment, the Mayor closed the public portion of the meeting.

Ordinance

First Reading

Cranbury Township Ordinance # 01-14-03

An Ordinance entitled, # 01-14-03, "AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)" was introduced for first reading. Ms. Marabello explained to the public that this Ordinance allows the Township to bank the difference between the amount the Township is allowed to increase its inside cap appropriation from ½ % to 3-1/2% each year. From 2013 to 2014 the inside cap appropriation cannot exceed more than ½% unless the Township adopts this Ordinance. She stated the Township may not need to exceed more than ½%; however, it does give the Township the ability to do so. If it is not used, the Township may bank that money for two (2) more years so if the Township has that issue in 2015 or 2016, there is a bank of approximately \$230,000. On motion by Mr. Johnson, seconded by Mr. Mulligan, the Ordinance was passed on first reading by vote:

Ayes: (Cook
(Johnson
(Mulligan

Abstain: (None
Absent: (Taylor
(Goetz

Nays: (None

Public Hearing: February 10, 2014 at 7:00 p.m.

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Cranbury Township Ordinance # 01-14-03
(Continued)

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to .5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the governing body of the Township of Cranbury in the County of Middlesex finds it advisable and necessary to increase its CY 2014 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the governing body hereby determines that a 3 % increase in the budget for said year, amounting to \$238,796.26 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the governing body hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the governing body of the Township of Cranbury, in the County of Middlesex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2014 budget year, the final appropriations of the Township of Cranbury shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3 %, amounting to \$238,796.26, and that the CY 2014 municipal budget for the Township of Cranbury be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Ordinances

Second Reading

Cranbury Township Ordinance # 01-14-01

A motion to enter an Ordinance entitled, # 01-14-01, "AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, IN MIDDLESEX COUNTY, NEW JERSEY, AMENDING THE LENGTH OF SERVICE AWARDS PROGRAM FOR THE CRANBURY TOWNSHIP FIRE COMPANY," 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. Mr. Cook opened the public hearing on the Ordinance. Mr. Richard Kallan, Wynnewood Drive, asked for clarification on the Ordinance. Ms. Marabello explained the Code is being changed and stated the in current Code the LOSAP payment is based on the Salary Ordinance, which does not happen until after the Budget is adopted. She stated the

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Cranbury Township Ordinance # 01-14-01
(Continued)

Township cannot currently make LOSAP payments until at least March or April. This Ordinance changes it from being included in the Salary Ordinance to it being done by a Resolution. Once the Township Committee agrees on a LOSAP contribution, a Resolution can be done and payment can be made to the LOSAP fund. She explained the Ordinance addresses the process. Mr. Kallan inquired if this Ordinance addresses the payment amount, and Ms. Marabello explained the annual amount is decided during the budget process. She stated there is a maximum and a minimum the Committee may decide anywhere in between on an amount. The Ordinance does not affect the amount of the contribution, and the amount will be reflected in a Resolution. No one further present wished to speak, so the hearing was declared closed. On motion by Mr. Johnson, seconded by Mr. Mulligan, the Ordinance was adopted by a vote:

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

Cranbury Township Ordinance # 01-14-02

A motion to enter an Ordinance entitled, # 01-14-02, "AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, IN MIDDLESEX COUNTY, NEW JERSEY, AMENDING THE LENGTH OF SERVICE AWARDS PROGRAM FOR THE CRANBURY TOWNSHIP FIRST AID SQUAD," 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. Mr. Cook opened the public hearing on the Ordinance. No one present wished to speak, so the hearing was declared closed. On motion by Mr. Mulligan, seconded by Mr. Johnson, the Ordinance was adopted by a vote:

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

Resolutions

Consent Agenda

Mr. Cook asked the Township Committee if there were any questions or comments on the Consent Agenda, or if any Resolutions should be addressed separately. Mr. Mulligan inquired if the Professional Services Agreements were for Planning and Zoning Official, and Mr. Cook confirmed they were. Mr. Mulligan inquired what would happen if the Committee did not vote in favor of the appointments. Ms. Cunningham explained some of the Professionals on the Resolution are being appointed for "conflict services," which means if the sitting professional is conflicted on any matter, the "conflict professional" would sit in. Ms. Marabello stated if they were not voted in, the Township would have to go back to the Planning and Zoning Boards' Chairs because both Boards are autonomous and, according to Code, get to choose their professionals. A motion was made by Mr. Johnson, seconded by Mr. Mulligan, the following Resolutions were passed by vote:

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Cranbury Township Ordinance 01-14-02
(Continued)

Ayes: (Cook
(Johnson
(Mulligan

Abstain: (None
Absent: (Taylor
(Goetz

Nays: (None

Cranbury Township Resolution # R 01-14-023

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 01-14-024

TOWNSHIP OF CRANBURY
MIDDLESEX COUNTY, NEW JERSEY

A RESOLUTION AWARDING PROFESSIONAL SERVICES AGREEMENTS

WHEREAS, the Township wishes to hire the following firms (collectively "Professionals") to provide professional services to the Township during the calendar year 2014 as follows:

- a). Virginia Guinta, Stenographer Services for Planning and Zoning Boards,
- b). James L. Kochenour, PE, and Arora & Associates, "Conflict Engineering Services",
- c). Janice E.. Talley, PP, AICP, "Conflict Planning Services",
- d). David J. Hoder, PE, and Hoder Associates, Engineering Services for Planning and Zoning Boards,
- e). Glenn Gerken, PE, and T&M Associates, "Conflict Engineering Services" for Planning and Zoning Boards;
- f). Trishka W. Cecil, Esquire, and Mason, Griffin & Pierson, P.C. – Counsel Services for Planning and Zoning Boards;

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

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

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

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

WHEREAS, the Cranbury Township Chief Financial Officer has certified that sufficient funds are available for these purposes;

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Cranbury Township Resolution # R 01-14-024
(Continued)

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

1. The Township of Cranbury hereby approves the following firms to provide professional services to the Township during the calendar year 2014:

- a). Virginia Guinta, Stenographer Services for Planning and Zoning Boards,
- b). James L. Kochenour, PE, and Arora & Associates, "Conflict Engineering Services",
- c). Janice E. Talley, PP, AICP, "Conflict Planning Services",
- d). David J. Hoder, PE, and Hoder Associates, Engineering Services for Planning and Zoning Boards,
- e). Glenn Gerken, PE, and T&M Associates, "Conflict Engineering Services" for Planning and Zoning Boards;
- f). Trishka W. Cecil, Esquire, and Mason, Griffin & Pierson, P.C. – Counsel Services for Planning and Zoning Boards;

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

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

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

Cranbury Township Resolution # R 01-14-025

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of Cranbury has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2014 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Township of Cranbury that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:

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Cranbury Township Resolution # R 01-14-025
(Continued)

- a. Payment of interest and debt redemption charges
- b. Deferred charges and statutory expenditures
- c. Cash deficit of preceding year
- d. Reserve for uncollected taxes
- e. Other reserves and non-disbursement items
- f. Any inclusions of amounts required for school purposes.

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:

- a. All estimates of revenue are reasonable, accurate and correctly stated,
- b. Items of appropriation are properly set forth
- c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

Reports from Township Staff and Professionals

-- Administrator's Report

Ms. Marabello stated she had nothing to report.

--Assistant Administrator's Report

Ms. Cunningham stated she had nothing to report.

Reports from Township Boards and Commissions

There were no reports from Township Boards and Commissions.

Public Comment

The Mayor opened the meeting to public questions and comment.

Mr. Richard Kallan, Wynnewood Drive, asked for an explanation of Resolution c) of the Consent Agenda. Ms. Marabello explained the State places municipalities in different categories, and stated every third year a municipality may not be "self-examined," which means the Division of Local Government Services (DLGS) must review the budget before it is adopted. Ms. Marabello explained the two (2) years in between, the municipality may be "self-examined," which means if the Township Committee adopts the Resolution and it is sent off to the State, the budget may be adopted without review by the DLGS. Without this Resolution, the State would have to review the budget before adoption.

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Public Comment (Continued)

Ms. Betty Conover, North Main Street, stated she is very impressed with how the employees work for the residents of the Township. She stated she does not think people understand how a small town works and do not realize how many people devote their time and hearts to the town. She stated she is involved with the Golden Agers and the Senior Center and stated the Senior Center is now being run by the Recreation Commission, stating it has been wonderful. She stated Ms. Dawn Maisano could not be more pleasant or helpful and always pitches in to help. Ms. Conover stated Mr. Ken Jacobs, Recreation Director, is very good and is very responsive to any problems or suggestions. She suggested members of the Township Committee consider joining the Golden Agers, stating members can join at 55. She stated there are benefits to being a member, including reduced rates for luncheons. Ms. Conover also suggested the snow piles be cleared at corners so residents can safely cross the streets. She thanked the Township Committee for putting in so much time and for being open to suggestions.

There being no additional comment, the Mayor closed the public portion of the meeting.

Mayor's Notes

Mr. Cook stated he enjoyed sitting in for the Mayor, stated he had nothing additional to report for Mayor's Notes, and asked for a motion to adjourn.

On a motion by Mr. Johnson, seconded by Mr. Mulligan and unanimously carried, the meeting adjourned at 7:25 p.m.

Kathleen R. Cunningham, RMC
Municipal Clerk