

TOWNSHIP COMMITTEE MEETING
July 14, 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, Daniel Mulligan, Jay Taylor and Mayor Susan Goetz. Also present were Rachel Doobrajh, Esq., Township Attorney; Denise Marabello, Township Administrator/Director of Finance; and Kathleen Cunningham, Municipal Clerk/Assistant Administrator. Mayor Goetz 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.
- (5) Notice of the meeting time change was communicated to the Cranbury Press, Home New Tribune and Trenton Times, posted on the Bulletin Board and posted on the Township's web site on June 16, 2014.

Regular Township Committee Minutes of June 23, 2014

On motion by Mr. Johnson, seconded by Mr. Taylor and unanimously carried, the Regular Township Committee Minutes of June 23, 2014 were adopted.

Closed Session Minutes of June 23, 2014

On motion by Mr. Johnson, seconded by Mr. Taylor and unanimously carried, the Closed Session Minutes of June 23, 2014 were adopted.

Reports and Communications

--Mayor

Mayor Goetz reported the Fireworks on July 5th were great, and a Commemoration of Village Park's 50th Anniversary was held. Mayor Goetz reported some "key players" were recognized: Mr. Bub Danser, who was on the Township Committee when the land was purchased 50 years ago; the Lions Club for building the Pavilion, the Gazebo and other projects; the Cranbury Historic Society for spearheading the building of the Gazebo; and Mr. Peter Zanghi for his dedication and personal funding of the C-1 Little League Field.

Mayor Goetz reported there are vacancies on the Environmental Commission, HPC, Recreation Commission so there are opportunities for residents to volunteer.

Mayor Goetz stated there is still an issue concerning unleashed dogs. She stated a letter was received from a resident who has an on-going problem with an unleashed dog, was recently knocked down and had her jacket ripped. Since this dog is out on a regular pattern, the police will be out to address the issue.

Mayor Goetz stated there was a case of rabies on South Main Street, and there will be additional discussion on this later in the meeting.

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Reports and Communications (Continued)

--Township Committee

Mr. Taylor reported he and Mr. Johnson attended a COAH Subcommittee meeting with Ms. Mary Beth Lonergan, COAH Consultant and Ms. Trishka Cecil, Esq., COAH Counsel to review Cranbury's status on affordable housing. Mr. Taylor reported that Ms. Lonergan should have her comments ready for Township Committee review by July 24th. Ms. Lonergan believes COAH thinks Cranbury has a lot of developable land for affordable, however, that land is farmland preserved, which cannot be developed. Mr. Taylor stated Ms. Lonergan will be very careful in the wording of her comments to COAH. Mayor Goetz explained to the public that approximately 40 municipalities, including Cranbury, are seeing a significant increase in affordable housing required by COAH

Mr. Taylor reported he played golf in the 200 Club Outing for Middlesex County, which raises funds to support families of fallen police officers, EMS and firefighters.

Mr. Taylor reported he attended the Library Board Meeting and stated there will be a meeting on July 31st at the location where the new Library will be built. He stated it will be interesting to see where the Library will be built, and stated the Lions Club will sponsor the ice cream.

Mr. Johnson reported he attended the Cranbury Business and Professional Association to discuss the plans for the "Truckathon" and Cranbury Day. He stated he also attended a Personnel Subcommittee Meeting.

Mayor Goetz stated she and Mr. Johnson also attended the dedication of the Chinmaya Temple on Cranbury Neck Road. She reported the construction on the Temple is not quite done, but the dedication was held. She stated they were warmly welcomed and received, and stated the Temple wants to be a part of the community.

Mr. Taylor stated the "Truckathon" was fantastic.

Mr. Cook reported work has continued on the Brainerd Lake Bridge and Dam. Mayor Goetz asked if the steel pilings will be removed, and Mr. Cook reported the pilings stay. He stated the metal sheathing was cut at the concrete level and that is how it will stay. He stated the walls on either side go down about 25 feet. He stated all of the creek-side pointing of stonework is also being done. He stated the veneering work continues. Mr. Cook stated the spillway will not be the classic rectangular shape spillway where water flows over the spillway straight down into the culvert. Instead, he stated it is designed to come down in a "J-curve" in a nice smooth drop. He stated this was a custom form designed specifically for this application. Concerning the time completion of the Project, Mr. Cook reported it is not certain if the three (3) weeks of lost time due to the discovery of a 55 cubic yard cavity will be made up. The next step is to order the custom railing and wait for the four (4) to six (6) week delivery. Once the railing is installed, the barriers can be removed.

Mr. Cook stated the Plainsboro Road Project should begin this week.

Mr. Cook stated the permitting process is underway for the remediation of the Lake's edge in Village Park. He stated once the tedious process of obtaining permits is complete, the remediation can begin in September.

Mr. Mulligan stated the fireworks display, put on by International Fireworks of Pennsylvania, was fantastic.

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Agenda Additions/Changes

Ms. Cunningham reported there are no changes to the Agenda.

Public Comment – for Agenda Items

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

Ordinance

First Reading

CRANBURY TOWNSHIP ORDINANCE # 07-14-07

An Ordinance entitled, Cranbury Township Ordinance # 07-14-07, "AN ORDINANCE AMENDING CHAPTER 122, "RIPARIAN ZONES," OF THE CODE OF THE TOWNSHIP OF CRANBURY, IN THE COUNTY OF MIDDLESEX, NEW JERSEY" was introduced for first reading. Mayor Goetz explained this Ordinance will be discussed in detail at the next meeting, however, she explained this is an expansion of the existing Ordinance to incorporate DEP approvals. She stated the Environmental Commission supports this Ordinance. On motion by Mr. Johnson, seconded by Mr. Taylor, the Ordinance was passed on first reading by vote:

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

Public Hearing: July 28, 2014 at 7:00 p.m.

WHEREAS, on September 26, 2011, the Cranbury Township Committee adopted Chapter 122, "Riparian Zones," by Ordinance No. 09-11-17 (the "Cranbury Ordinance"); and

WHEREAS, the purpose of the Cranbury Ordinance was to designate riparian zones and to provide for land use regulations within the riparian zones to protect the streams, lakes and other surface body waters in Cranbury Township; and

WHEREAS, the Cranbury Ordinance was also designed to comply with *N.J.A.C. 7:15-5.25(g)* 3, which requires municipalities to adopt an ordinance that prevents new disturbance for projects or activities in riparian zones; and

WHEREAS, the New Jersey Department of Environmental Protection regulates riparian zones as provided by the Water Quality Management Planning rules, *N.J.A.C. 7:15*, the Stormwater Management rules, *N.J.A.C. 7:8-5.5(h)* and the Flood Hazard Area Control Act rules, *N.J.A.C. 7:13*; and

WHEREAS, the Cranbury Ordinance allows five (5) exceptions for development within the riparian zone; and

WHEREAS, the Cranbury Ordinance does not allow development within the riparian zone even when such development has been permitted by the New Jersey Department of Environmental Protection; and

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CRANBURY TOWNSHIP ORDINANCE # 07-14-07
(Continued)

WHEREAS, it is appropriate to provide a procedure for allowing development within the riparian zone when such development has been permitted by the New Jersey Department of Environmental Protection.

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

SECTION 1. Chapter 122, "Riparian Zones," of the Code of the Township of Cranbury be and hereby is amended as follows (new language underlined):

Section 122-4. Exceptions.

To the extent allowed under the stormwater management rules (N.J.A.C. 7:8) and the Flood Hazard Area Control Act rules (N.J.A.C. 7:13) and subject to review and approval by the New Jersey Department of Environmental Protection to the extent required by those rules, the following disturbances for projects or activities in the riparian zone established by this chapter are allowed:

- A. Redevelopment within the limits of existing impervious surfaces;
- B. Linear development with no feasible alternative route;
- C. Disturbance that is in accordance with a stream corridor restoration or stream bank stabilization plan or project approved by the New Jersey Department of Environmental Protection;
- D. Disturbance necessary to provide for public pedestrian access or water-dependent recreation that meets the requirements of the Freshwater Wetlands Protection Act rules, N.J.A.C. 7:7A, the Flood Hazard Area Control Act rules, N.J.A.C. 7:13, or the coastal zone management rules, N.J.A.C. 7:7E; or
- E. Disturbance with no feasible alternative required for the remediation of hazardous substances performed with New Jersey Department of Environmental Protection or federal oversight pursuant to the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11a et seq., or the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. § 9601 et seq., or
- F. Any disturbance that has been permitted by the New Jersey Department of Environmental Protection; provided that the disturbance has been approved by the Township Committee for good cause shown.

SECTION 2. Repealer. All ordinances and resolutions, or parts thereof, inconsistent with this Ordinance, are hereby repealed.

SECTION 3. Severability. If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

SECTION 4. Effective Date. This Ordinance shall take effect immediately upon its passage and publication, as required by law.

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Resolutions
Consent Agenda

Mayor Goetz asked the Township Committee if there were any questions or comments on the Consent Agenda, or if any Resolutions should be addressed separately. Mr. Taylor stated he wanted to comment on Resolution # R 07-14-088 concerning the installation of a water main and public fire hydrants on Hightstown-Cranbury Station Road. Mr. Taylor stated installation will cost the Township \$4,300 annually, and asked how soon a ratable will be covering this expanse. Ms. Marabello stated as soon as something is built, the Township will receive ratables. Ms. Marabello explained the Township Engineers wanted the Township to know there was a cost associated with this. There was discussion about when the hydrants would be installed, and Ms. Marabello stated she does not know the placement of the hydrants or the installation date. She stated Viridian is anxious to get this done. A motion was made by Mr. Cook, seconded by Mr. Johnson and unanimously carried, the following Resolutions were passed by vote:

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

Cranbury Township Resolution # R 07-14-084

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

Cranbury Township Resolution # R 07-14-085

A RESOLUTION AUTHORIZING THE RELEASE OF ROAD OPENING ESCROW

WHEREAS, Nigel Moll has \$500.00 remaining in a road opening escrow account previously posted with the Township; and

WHEREAS, the Township Engineer has approved the release of this money;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Cranbury that the Township hereby releases the remainder of Nigel Moll's road opening escrow account; and

BE IT FURTHER RESOLVED that a copy of this Resolution, certified by the Township Clerk to be a true copy and forwarded to each of the following:

- (a) Township Engineer
- (b) Township Director of Finance
- (c) Nigel Moll

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Cranbury Township Resolution # R 07-14-086

WHEREAS, a Tax Sale was held in the Township of Cranbury on October 24, 2013; and

WHEREAS, US Bank as Custodian for Pro Capital III paid \$ 19,500 as a premium to obtain Tax Sale Certificate # 13-00003 on Block 23, Lot 158; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Cranbury, that a refund in the amount of \$19,500.00 be paid to US Bank as Custodian for Pro Capital III.

Cranbury Township Resolution # R 07-14-087

Cancellation of Tax Overpayments

WHEREAS, a tax overpayment balance in the amount of \$4,596.62 remains on the Current Fund balance Sheet of December 31, 2013; and

WHEREAS, the actual tax overpayments per the Tax Collector's records at December 31, 2013 is \$39,465.69; and

WHEREAS, it is necessary to formally cancel the excess unallocated difference of \$4,406.22 so that the balances may be credited to the Current Fund – Fund Balance for the following accounts:

BLOCK LOT	QUAL		AMOUNT	REASON
26	29.08	----	\$ 4,406.22	Unconfirmed Overpayment
20	14	----	\$ 190.40	Township Owned

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Cranbury, that the excess unallocated tax overpayments of \$4,596.62 be canceled to Current Fund – Fund Balance.

Cranbury Township Resolution # R 07-14-088

RESOLUTION TO INSTALL A WATER MAIN AND PUBLIC FIRE HYDRANTS
ON HIGHTSTOWN-CRANBURY STATION ROAD

WHEREAS, Cranbury Brickyard Road, LLC (Viridian) will be constructing the "Cranbury Brickyard Warehouse Project" on Hightstown-Cranbury Station Road in the Township of Cranbury in the County of Middlesex; and

WHEREAS, New Jersey American Water has determined the need for a proposed water main and five (5) public fire hydrants to be installed on Hightstown-Cranbury Station Road connecting to an existing main in Station Road (County Route 615); and

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Reports from Township Boards and Commissions

Mr. John Jackson, Chair of the Board of Health, and Ms. Lee Lloyd, Middlesex County Board of Health, were present to discuss the recent rabid raccoon incident in the Township. Mr. Jackson reported the Board of Health met soon after the incident at 67 South Main Street. Mr. Jackson read a letter presented to the Township Committee, which is attached as "Addendum A." Ms. Lloyd reported the number of dogs licensed in Cranbury is lower than it has been in the past. She stated the reason for the lower number may be because no one is checking. Mayor Goetz asked when the next rabies clinic will be held, and Mr. Jackson stated it will be in September. Ms. Lloyd stated Cranbury is one of the few municipalities that holds two (2) free rabies clinics. Mayor Goetz explained to the public that the Township has tried to conduct a census and stated there is money in the budget for it. She explained a worker(s) would have to go door-to-door to 1,760 households to determine if they have a dog or cat. Mayor Goetz stated the Township is having difficulty finding workers to do the census. Ms. Marabello stated when Public Works conducted the census, it took about 250 hours to complete. She stated the Township tried to hire students over the age of 18 with drivers' licenses; however, of the two (2) students hired, one (1) never showed and the other quit after two (2) hours.

Ms. Lloyd stated she spoke to her supervisor, and South Plainfield has the same difficulty finding someone to conduct the census. She stated Township employees came together and got the census done. Mr. Jackson stated he knows the Township has been trying to do this and just wants to reinforce how important this is. He stated he also reached out to other municipalities to see what they do. Mayor Goetz suggested a notice be put out on the cable channel. Ms. Lloyd suggested the Police Department, however, Mayor Goetz stated it would involve overtime which would be too expensive.

There was discussion about the rabies clinic, licensing process and census process. Ms. Lloyd stated after the census is complete, it is her job to follow up with residents who do not comply with getting their animals vaccinated and licensed. She stated she issues a summons when a resident is not in compliance. She stated there is a grace period after the census is taken to allow residents to get licenses; however, after a certain grace period, she would issue a summons. Mr. Mulligan asked for an explanation of the process and asked if Cranbury would be doing the census.

Mr. Cook asked for details of the incident. Ms. Lloyd explained the dog at 67 South Main had never been vaccinated for rabies. She explained when the raccoon attacked the dog, the owner was able to hold the raccoon with a pitchfork until the Public Works Department came. The raccoon was tested at the State and was found to be positive for rabies. Ms. Lloyd stated that when an animal has never been vaccinated against rabies, it is then the owner's choice to do a six (6) month strict confinement at a professional kennel/veterinarian office or the dog must be euthanized and tested for rabies. She stated there is no good outcome for the animal. She stated if that dog had had one (1) rabies vaccine, a booster shot would be given and a 45-day quarantine would follow. Mayor Goetz stated the situation was even made sadder because the owners did not know they could have gotten free rabies shots. Mr. Mulligan asked if the Township is considering an awareness campaign or doing a census. He stated if there is no follow-through, it is not worth the effort. Mr. Jackson stated the census first has to be done, and then follow-up based on the information received. Mayor Goetz stated the census is mandated by the State, and stated the Township needs to find workers to do the census. Mayor Goetz asked if the County had educational information the census takers could hand out. Ms. Lloyd stated the County has rabies information available.

Ms. Lloyd explained even though the rabies clinics are run by the County to make it more manageable, it is a State-run program and residents can go to any County to get rabies shots. It is not punitive, and the goal is vaccinate all dogs and cats in the State. Ms. Lloyd explained municipalities have licenses as proof of rabies vaccine, as a license cannot be issued unless the rabies vaccine is current. Ms. Lloyd further explained the money collected for licenses goes back into the program so free vaccines can continue to be given. Mayor Goetz stated the challenge will be to get census workers; however, a posting will be placed on the website and she stated she will reach out to Four Seasons and see if some seniors would be interested.

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Reports from Township Staff and Professionals

Ms. Bonnie Larson, member of the Shade Tree Commission, stated at the last meeting a Township Committee member announced the trees had been selected for the Brainerd Lake Bridge and Dam Project. Ms. Larson asked if a tree list was indeed available because the Shade Tree Commission was not aware of it. Mr. Cook clarified the placement of the trees is dictated, while the types of trees are still open to discussion, with selection approved by the Shade Tree and ultimate approval by the Township Committee. Ms. Larson reported for the Cable Commission, she did post the rabies alert on the cable channel and can also post the job ad for census workers. Channel 3 is Cranbury's current cable channel; however, on July 23rd, the channel will change to Channel 26.

-- Administrator's Report

Ms. Marabello reported members of the public are walking behind the orange fencing at the construction site. She has had notices placed on the Township website and Channel 3 cautioning residents not to cross the construction barriers. Mr. Cook stated he will ask the Project Manager to increase the amount of orange fencing to keep people away from the site.

Ms. Marabello reported the 2013 Audit is complete; however, she has not seen the report yet. She stated there were no problems and it was a clean year. She stated the Township Committee should have the report shortly.

Ms. Marabello reported the paint bid will be going out shortly. The bid has been reviewed by the Township Attorney. Mr. Cook inquired if the paint colors would period-appropriate, and Ms. Marabello confirmed historic colors will be used.

--Assistant Administrator's Report

Ms. Cunningham asked if there would be a meeting on July 28th, as it is noted on the yearly calendar as an "optional" meeting and would need to be noticed if a meeting is held. Mr. Mulligan stated he is not available on July 28th. Mayor Goetz stated she would like to have the meeting to get the Ordinance to second reading as people are waiting for this information. The meeting will be held on July 28th.

Public Comment

The Mayor opened the meeting to public questions and comments. There being no further comments, the Mayor closed the public portion of the meeting.

Mayor's Notes

Mayor Goetz reported she attended a Four Seasons Meeting, which was well attended. She stated Four Seasons is an active community and a good resource for volunteers. The community looks forward to having a representative of the Township Committee attend their future meetings to provide Township updates. Mayor Goetz reported there will be a Mayor's column in the Four Seasons' newsletter. Ms. Cunningham reported approximately eight (8) Four Seasons' residents work as poll workers, and they are excellent workers.

Resolution

A motion was made by Mr. Johnson at 8:04 p.m., seconded by Mr. Cook and unanimously carried, the following Resolution was passed by vote:

Ayes: (Cook
(Johnson
(Mulligan
(Goetz

Abstain: (None
Absent: (Taylor

Nays: (None

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Cranbury Township Resolution # R 07-14-090

TOWNSHIP OF CRANBURY
COUNTY OF MIDDLESEX

RESOLUTION TO CLOSE MEETING TO THE PUBLIC

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

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

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

It is unknown at this time precisely when the matters discussed in this session will be disclosed to the public. Matters involving contract negotiations or the acquisition of land will be disclosed upon conclusion of the negotiations or upon approval of the acquisition. Matters involving personnel will be disclosed when the need for confidentiality no longer exists. Matters concerning litigation will be announced upon the conclusion of trial or settlement of that litigation or when the need for confidentiality no longer exists.

On a motion by Mr. Mulligan, seconded by Mr. Johnson and unanimously carried, the meeting adjourned at 8:52 p.m.

Kathleen R. Cunningham, RMC
Municipal Clerk