

TOWNSHIP COMMITTEE MEETING
January 14, 2013

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, Susan Goetz, Daniel Mulligan, James Taylor, and Mayor Glenn Johnson. Also present was Kathleen Cunningham, Municipal Clerk/Assistant Administrator. Mayor Johnson 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 3, 2012 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 3, 2012.
- (3) Filed on December 3, 2012 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, and
- (4) Sent to those individuals who have requested personal notice.

Regular Township Committee Minutes of January 3, 2013

On motion by Mr. Mulligan, seconded by Mr. Taylor, and unanimously carried, the Regular Township Committee Minutes of January 3, 2013 were adopted.

Special Township Committee Minutes of January 7, 2013

On motion by Mr. Mulligan, seconded by Mr. Taylor, and unanimously carried, the Special Township Committee Minutes of January 7, 2013 were adopted.

Reports and Communications

--Mayor

Mayor Johnson reported he attended a meeting on January 3rd sponsored by the League of Municipalities and Jersey Central Power & Light (JCP&L). The meeting was a review of the recovery after Super Storm Sandy. Mayor Johnson reported Mayors from many municipalities serviced by JCP&L were in attendance. He stated only a few homes in Cranbury Township are serviced by JCP&L, and reported many municipalities were in much worse shape than Cranbury after the storm. He reported many Mayors were dissatisfied with JCP&L's handling of the damage. Mayor Johnson stated he learned some interesting information at the meeting, including JCP&L will provide each municipality it serves with a map showing how their circuits run and the substations that service them. Mayor Johnson reported some Mayors were complaining about "orphan" telephone poles, which are old poles next to new poles, and the Mayors wanted to know who was responsible for taking down these poles. It was explained that the last utility company that removes its equipment from a telephone pole is responsible for removing the pole. Mayor Johnson explained in many cases the old pole still has utility lines running to it. He reported a representative from the Board of Public Utilities attended the meeting. It was reported underground utilities cost \$1 million per mile.

Reports and Communications

--Township Committee

Mr. Mulligan stated he had nothing to report.

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Reports and Communications

--Township Committee

Mr. Cook reported the Book Worm is for sale. He stated Ms. Susan Norman of Sotheby's, who coordinated the Farmers' Market last year, is suggesting changing time to earlier in the day to perhaps 9:00 a.m. or 10:00 a.m. to 12:00 noon.

Mr. Cook reported about the erosion problem along Brainerd Lake in Village Park. He stated erosion has been a problem for approximately 15 years, and reported DEP came out last week to look at it. Cranbury is looking to remedy the erosion, and a permit will be required. Mr. Cook stated the permit may coincide with the Dam and Bridge Project in late spring. He stated the erosion problem is particularly bad near the gazebo and benches. He stated the hope is to backfill and regain a portion of the soil. He stated the fix will not be rocky or like a jetty, but will be a fix to stop erosion. Mr. Cook stated he spoke to the Engineer of the Dam Project and reported the DEP has everything it needs to initiate its permitting process. He reported the visual concepts of the bridge should be ready within the week, and a meeting will be scheduled later for the public's input.

Ms. Goetz reported she attended a Board of Health (BOH) meeting and stated this year the dog census must be done. Ms. Goetz stated by law a dog census must be conducted every two (2) years. Ms. Goetz stated in the past the census was usually conducted by the Public Works Department on overtime; however, last time students were hired to complete the census. She stated many residents in the Township do not license their dogs. The census is not conducted to penalize residents; however, it is important to license dogs so if lost they can be returned home by Animal Control. Ms. Goetz asked the BOH to come to the Township Committee before the budget meeting with their recommendations on how to best conduct the census. She stated a few BOH members stated sophomore students must perform community service, and it was suggested using those students to conduct the census at no cost.

Ms. Goetz reported the Board of Recreation Commissioners has been looking into obtaining PayPal to use for payment of recreation programs. She suggested the possibility of also using PayPal to pay for dog and cat licenses.

Ms. Goetz reported the BOH discussed the enforcement of "leash laws" and residents failing to pick up after their pets.

Ms. Goetz reported she did not attend the last Environmental Commission (EC) meeting. She reported Barbara Rogers is the new Chairperson of the EC. Ms. Rogers is also on the Parks Commission, and Ms. Goetz reported this coordination between the two Commissions is something the EC and Parks have been talking about for some time. Ms. Goetz reported the Beautification Subcommittee will meet next week. She reported the Subcommittee had walked the project area to identify areas needing trees and lights, and stated Mr. Bill Tanner, Township Engineer, will develop a sketch of the area.

Ms. Goetz reported there is an interest in the possibility of having a dog park in Cranbury. She stated a preliminary meeting to discuss the idea will be held, and representatives from Parks, Board of Health and the Environmental Commission will be in attendance. She stated there are many details to be worked out including location and rules. Mr. Taylor reported some problems with dog parks and stated his veterinarian recommended staying away from them. Ms. Goetz reported she has been investigating dog parks, and in many instances, users police each other. She reported dog parks can also be a social environment for dog owners. Ms. Goetz reported Dr. Michael Young will be invited to provide input on the dog park. Mr. Taylor stated insurance must be in place as well and Ms. Goetz agreed. Mr. Mulligan stated back in 2006 when updating the Open Space & Recreation Plan, it was suggested in break-out groups to try to keep facilities more in the Town's center because the non-residents would be more apt to use facilities on the periphery of town. He suggested the goal of the dog park would be for use by Cranbury residents.

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Reports and Communications

--Township Committee

Mr. Taylor reported \$13,000 in Construction Department permits came in during the month of December. He reported a property owner came to the Construction Department saying they will be making \$300,000 improvements to their property. He reported he currently did not have additional details.

Mr. Taylor reported there will be a LOSAP discussion at the January 26th Budget Meeting. He stated volunteers are concerned about a communication they received concerning LOSAP contributions.

Reports and Communications

--Subcommittees

There were no reports from Subcommittees.

Agenda Additions/Changes

Ms. Cunningham, Municipal Clerk, stated there were no additions or changes.

Ordinance

First Reading

Cranbury Township Ordinance # 01-13-01

An Ordinance entitled, Cranbury Township Ordinance # 01-13-01, "AN ORDINANCE AUTHORIZING AND ACCEPTING A TEMPORARY CONSTRUCTION AND ACCESS EASEMENT" was introduced on first reading and will be heard on Second Reading and have a Public Hearing at the next Township Committee Meeting on Monday evening, January 28, 2013 at 7 p.m.

On motion by Mr. Mulligan, seconded by Mr. Taylor, the Ordinance was passed on First Reading by vote:

Ayes: (Cook
(Goetz
(Mulligan
(Taylor
(Johnson

Abstain: (None
Absent: (None

Nays: (None

Second Reading – January 28, 2013 at 7 p.m.

WHEREAS, the New Jersey Dam Safety Section of the New Jersey Department of Environmental Protection requires the repair and renovation of the Brainerd Lake dam;

WHEREAS, the Township of Cranbury and the County of Middlesex will be engaged in a project to rehabilitate the dam and bridge; and

WHEREAS, the rehabilitation project will result in a change to the elevation of a portion of North Main Street; and

WHEREAS, the change in road elevation will require the driveway for the property at Block 33, Lot 38, as shown on the Cranbury Township Tax Map, commonly known as 2 North Main Street, to be re-graded and the driveway apron be replaced; and

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Cranbury Township Ordinance # 01-13-01
(Continued)

WHEREAS, the Township and the County have agreed to undertake the re-grading of the driveway and the reconstruction of the driveway apron which will require entry upon the north side of the 2 North Main Street property; and

WHEREAS, the repair project requires a temporary access easement on the south side of 2 North Main Street adjacent to the dam, which will allow the contractor to perform the necessary repairs to the dam; and

WHEREAS, the Township Committee Member Cook and Township Engineer have met with the Peter Meyer, the sole owner of 2 North Main Street regarding this project; and

WHEREAS, the owner has agreed to grant the Township a Temporary Construction and Access Easement;

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Cranbury, County of Middlesex, State of New Jersey that the Township of Cranbury hereby authorizes and accepts a Temporary Construction and Access Easement over Block 33, Lot 38, commonly known as 2 North Main Street for the purpose of the re-grading of the 2 North Main Street driveway and to reconstruct the driveway apron;

BE IT FURTHER ORDAINED that the Township Mayor and Clerk are authorized to execute a Temporary Construction and Access Easement in the form attached hereto. (Addendum A).

Resolutions
Consent Agenda

Mayor Johnson gave a brief summary of the Resolutions and asked the Township Committee if there were any questions or comments. On a motion by Mr. Mulligan, seconded by Ms. Goetz, the following Consent Agenda Resolutions were adopted by vote:

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

Nays: (None

Cranbury Township Resolution # R 01-13-020

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 01-13-021

TOWNSHIP OF CRANBURY
MIDDLESEX COUNTY, NEW JERSEY

A RESOLUTION AWARDED 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 2013 as follows:

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Cranbury Township Resolution # R 01-13-021
(Continued)

- a). Steven P. Goodell, Esquire & Herbert, Van Ness, Cayci and Goodell
- b). Trishka W. Cecil, Esquire & Mason, Griffin & Pierson –for COAH legal services
- c). Mary Beth Lonergan & Clarke Caton Hintz for COAH-related matters
- d). Edward McManimon & McManimon & Scotland LLC – Bond Counsel
- e). Mark Ruderman & Ruderman & Glickman – Labor Counsel
- f). John Maley, C.P.A. – Township Auditor
- g). Ronald Ghrist, C.P.A. – Financial Consultant
- h). William C. Tanner & Van Cleef Engineering
- i). Harry Haushlater, Esquire – Tax Assessment Appeal Attorney

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 and that the value of each Agreement will exceed \$17,500.00;

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 2013:

- a). Steven P. Goodell, Esquire & Herbert, Van Ness, Cayci and Goodell
- b). Trishka W. Cecil, Esquire & Mason, Griffin & Pierson for COAH legal services
- c). Mary Beth Lonergan & Clarke Caton Hintz – for COAH-related matters
- d). Edward McManimon & McManimon & Scotland LLC – Bond Counsel
- e). Mark Ruderman & Ruderman & Glickman – Labor Counsel
- f). John Maley, C.P.A. – Township Auditor
- g). Ronald Ghrist, C.P.A. – Financial Consultant
- h). William C. Tanner & Van Cleef Engineering
- i). Harry Haushlater, Esquire, Tax Assessment Appeal Attorney

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.

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Cranbury Township Resolution # R 01-13-021
(Continued)

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 01-13-022

RESOLUTION OF THE TOWNSHIP OF CRANBURY, NJ

A RESOLUTION AUTHORIZING THE RELEASE OF EXTRA DUTY ESCROW

WHEREAS, D'Annunzio and Sons, Inc. has outstanding credits in their Extra Duty escrow account previously posted with the Township.

WHEREAS, the Police Department has no outstanding bills

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranbury that the Township of Cranbury release outstanding credits in D'Annunzio and Sons' extra duty escrow account.

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

- (a) Township Director of Finance
- (b) D'Annunzio and Sons

Cranbury Township Resolution # R 01-13-023

WHEREAS, Certificate of Sale #11-00006 was issued to Cranbury Township for delinquent municipal charges on Block 30 Lot 2.02, 23A North Main Street, at a tax sale held on October 11th, 2011; and

WHEREAS, the assessed owner, Thomas Ingegneri Jr. has redeemed Certificate #11-00006 by paying the full amount of the delinquency.

NOW, THEREFORE BE IT RESOLVED, the Mayor and Municipal Clerk of the Township of Cranbury are hereby authorized to endorse Certificate #11-00006 for cancellation.

Reports from Township Staff and Professionals

--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.

Work Session

a). Discussion of Appointing a Deputy Mayor

On a nomination by Ms. Goetz, seconded by Mr. Taylor and unanimously carried, Mr. Mulligan was appointed Deputy Mayor by a vote:

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Work Session

a). Discussion of Appointing a Deputy Mayor (continued)

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

Nays: (None

b). Discussion of Township Committee Subcommittees

The Township Committee discussed the various Subcommittee appointments for 2013:
Downtown Beautification Subcommittee – Mr. Taylor and Ms. Goetz
Personnel Subcommittee – Mayor Johnson and Mr. Taylor
Master Plan /Route 130 Corridor Subcommittee – Mr. Cook and Mr. Mulligan
Sewer Subcommittee – Mayor Johnson and Ms. Goetz
Office of Emergency Management – Mr. Mulligan and Mr. Cook
Parking in Town – Mr. Mulligan and Mayor Johnson

Mr. Taylor reported some work will need to be done by the Sewer Subcommittee this year to adjust the sewer usage numbers. Ms. Marabello will follow up on the numbers with Mr. Ron Ghrist, Financial Consultant.

c). Discussion of Township Committee Liaisons

The Township Committee discussed the liaison appointments for 2013:
Mayor Johnson – Liaison to Fire Company, League of Municipalities, Office of Emergency Management, Administrative & Executive, First Aid, Middlesex County Solid Waste.
Mr. Cook – Liaison to Planning, Engineering, Development Review Commission, Parks, Board of Health.
Ms. Goetz – Liaison to Business & Professional Association, Environmental Commission, Municipal Alliance, Public Works, HPC, Historical Society.
Mr. Mulligan – Liaison to Board of Education, Business & Professional Association, Scouts, Cranbury Housing Associates, Court.
Mr. Taylor – Liaison to Police, Recreation, Zoning, Shade Tree

Mayor Johnson explained to the public he thought it may be advantageous to rotate liaison positions. He stated this would give Committee members a greater awareness of organizations in the Township and would allow a more in-depth involvement in the budget process. Mr. Taylor inquired about a liaison to the Construction Department. Mayor Johnson stated there were a few liaison positions he felt were no longer necessary, including Finance and Construction. He stated some of these positions were done years ago. He stated Ms. Marabello, as Administrator and CFO, covers Finance. Mayor Johnson stated liaisons are no longer required for Construction and Buildings and Grounds. The Township Committee agreed with the changes.

Reports from Township Boards and Commissions

There were no reports from township Boards and Commissions.

Public Comment

The Mayor then opened the meeting to public questions and comment.

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Public Comment (Continued)

Mr. Pravin Philip, Cranbury East Windsor Journal, stated South Brunswick Township charges a membership for its dog park. Residents of South Brunswick pay a lower membership fee than non-residents. Mr. Philip reported the South Brunswick dog park was started a few years ago, and is successful. He stated there are sponsors for the park, and stated he will send information to Ms. Goetz. Mr. Cook asked if the park was clean, and Mr. Philip stated the park was supervised by the Public Works Department. Ms. Goetz stated there is a general disregard for leashing dogs in the Township, and stated a dog park may be a possible location to allow dogs to run unleashed.

Mr. Tom Connolly, Petty Road, asked Mayor Johnson if procedurally he would continue having Public Comment on agenda items earlier in the agenda in case residents had to leave the meeting. Mayor Johnson stated he will continue to ask for Public Comment early.

Ms. Betty Conover, North Main Street, stated she wanted to thank the Township Committee for their interest in seniors and the Senior Center. She stated incorporating the Senior Center under the Recreation Commission seems beneficial. Ms. Conover stated Mr. Jacobs is working well with the Senior Center. She stated everybody seems to be open to promoting the new arrangement. She stated the Library presented a recent program about the new library, and several seniors signed up to read to kindergarten children. Ms. Conover explained how the reading program worked. She thanked the Township Committee again for their interest in the senior center.

There being no further comments, the Mayor closed the public part of the meeting.

Mayor's Notes

Mayor Johnson announced due to a clerical error, Mr. Allan Kehrt's name did not appear on the reappointment list. He stated it was omitted in error; however, it was always intended to be on the list. Ms. Cunningham stated Mr. Kehrt's appointment is for a four (4)-year term.

On a motion by Mr. Mulligan, seconded by Mr. Taylor and unanimously carried, the meeting adjourned at 8:03 p.m.

Kathleen R. Cunningham, RMC
Municipal Clerk

TEMPORARY CONSTRUCTION EASEMENT

THIS INDENTURE made this _____ day of _____ 2013

BETWEEN Peter H. Meyer
 2 North Main Street
 Cranbury, New Jersey 08512
 (hereinafter referred to as the "Grantor")

AND Township of Cranbury, a municipal corporation of the
 State of New Jersey with a business address of
 23-A North Main Street, Cranbury, New Jersey 08512
 (hereinafter referred to as the "Grantee")

WITNESSETH:

Peter H. Meyer, Grantor, is the only owner of a premise located at Block 33, Lot 38, as designated on the official tax map of the Township of Cranbury, County of Middlesex, State of New Jersey, commonly known as 2 North Main Street (hereinafter referred to as the "Property"); and

The Grantor for and in consideration of the sum of One Dollar (\$1.00) paid by the Grantee, the Township of Cranbury, wishes to give, a Temporary Construction Easement on the Grantor's Property to allow for the re-grading of the driveway and the construction and installation of new asphalt and a concrete apron to be performed, which will be necessitated by the rehabilitation of the Brainerd Lake dam and bridge; and

The lands affected by the grant of this Temporary Construction Easement are more particularly described in on a certain Plan prepared by _____, dated _____, attached hereto as Schedule A (hereinafter referred to as the "Easement"); and

The Grantor hereby permits the Township by its agents, servants, and contractors, on foot and with vehicles and machinery, for the purposes of re-grading of the driveway and the construction and installation of new asphalt and a concrete apron and further permits the right to remove trees, bushes, shrubs, undergrowth and other obstructions interfering with the re-grading and construction of the driveway and concrete apron; and

Access to the property is permitted and entry may be made immediately upon execution of this Temporary Easement by the parties hereto. The Temporary Construction Easement shall automatically expire upon the completion of re-grading of the driveway and the installation of new asphalt and a concrete apron, without the necessity of any formal document of termination.

The Township shall replace or relocate all grass and plantings, as well as sidewalks, paved areas and driveways on the Grantor's property, which are disturbed as a result of the construction activities. This restoration clause specifically excludes replacement of trees, shrubs, grass or other plantings, which because of their location within the easement must necessarily be

removed to accommodate the construction, and it is further limited to replacement of trees and shrubs for the cosmetic restoration of the area and not on a tree for tree or shrub for shrub basis of like or similar kind of size. The Township shall warranty all plantings, which it relocated or replaced from one year from the date of planting. The Grantor understands and acknowledges that during the construction process (a) two trees will be removed from the front of the home and will not be replanted or replaced; (b) that the brick sidewalk, where currently existing, along the frontage of the property will be removed during the construction process and will be re-installed; and

During the period of the temporary construction easement, should the Grantor incur any liability or claims in connection with any act, omission or condition relating to or occurring on the Grantor's property, unless due to an act or omission of the Township, its employees and agents, the Grantor will hold harmless and indemnify the Township, its officers, employees agents and their successors and assigns from such liability or claims; and

The Township agrees to indemnify and hold harmless the Grantor from and against all claims, actions, demands, and liabilities based on property damage and/or personal injury including wrongful death occasioned by an act or omission of the Township, its agents, employees, invites, servants, successors or assigns in connection with construction within this easement.

In Witness Whereof, the said Grantor and Grantee have hereunto fixed their hands and seals on this _____ day of _____, 2013.

GRANTOR:

Witness:

Peter H. Meyer

Print Name and Title

GRANTEE:
TOWNSHIP OF CRANBURY

Attest:

Glenn Johnson, Mayor

Kathleen Cunningham, Clerk

**ACKNOWLEDGEMENT
GRANTOR**

STATE OF NEW JERSEY }
 }
COUNTY OF MIDDLESEX } ss:

I, _____ certify that on the _____ day of _____, 2013
that Peter H. Meyer personally came before me and stated to my satisfaction that he:

- (a) Is the Grantor named in this Easement document; and
- (b) That this document was signed and delivered to the Township of Cranbury as his
voluntary act.

Signed and Sworn before me on:

The _____, day of _____, 2013

Signature
Notary Public of the State of New Jersey

Print Name
Notary Public of the State of New Jersey

**ACKNOWLEDGEMENT
GRANTEE**

STATE OF NEW JERSEY }
 }
COUNTY OF MIDDLESEX } ss:

I, _____ certify that on the _____ day of _____, 2013,
Glenn Johnson, personally came before me and stated to my satisfaction that he:

(a) Is the Mayor of Township of Cranbury; and

(b) That he had the legal authority to sign this document on behalf of the Township of
Cranbury.

Signed and Sworn before me on:

The _____, day of _____, 2013

Signature
Notary Public of the State of New Jersey

Print Name
Notary Public of the State of New Jersey