

TOWNSHIP COMMITTEE MEETING
June 10, 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, Jay Taylor and Mayor Glenn Johnson. Also present were Steven Goodell, Esq., Township Attorney; Denise Marabello, Township Administrator/Director of Finance; Kathleen R. Cunningham, Municipal Clerk/Assistant Administrator, and Jean Golisano, Deputy Clerk. 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.
- (4) Communicated the time change of meeting to the Cranbury Press, Home News Tribune and Trenton Times on May 29, 2013.
- (5) Sent to those individuals who have requested personal notice.

Resolution

On motion by Mr. Mulligan, seconded by Mr. Taylor, the Resolution was passed by vote:

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

Cranbury Township Resolution # R 06-13-071
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. 10:4-12b (8) (Personnel): To Interview candidate for the new position of Cranbury Township Police Officer.

TOWNSHIP COMMITTEE MEETING
June 10, 2013

Cranbury Township Resolution # R 06-13-071
(Continued)

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.

Regular Township Committee Minutes of May 28, 2013

On motion by Mr. Taylor, seconded by Mr. Mulligan, and unanimously carried, the Regular Township Committee Minutes of May 28, 2013 were adopted.

Reports and Communications

--Mayor Johnson reported he and Mr. Cook met with several residents concerning an issue that would be discussed this evening. Mayor Johnson thanked the Cranbury Fire Department for cleaning out an overflowing gutter that was causing flooding in the Boy Scout Room last Friday.

Mayor Johnson reported the Police Department normally holds a fishing derby each spring; however, the fish were removed from the Lake for the Bridge and Dam construction project. He reported this year the Police will hold a Family Night Out event in Village Park on August 6th, and there will be a lot of activities, including a dunk tank. Mayor Johnson reported Chief Rickey Varga volunteered to sit in the dunk tank. He stated Ms. Marabello approached Committeeman Mulligan, who is running for re-election, to volunteer to sit in the dunk tank. Mr. Mulligan agreed to participate. Mayor Johnson stated he is running for re-election and stated he should volunteer as well. However, he would prefer not to be in the dunk tank and stated he believes Ms. Marabello played him and Mr. Mulligan against each other. He jokingly warned the public to beware of Ms. Marabello.

Reports and Communications

--Township Committee

Messrs. Mulligan, Cook and Taylor all decided to yield their updates due to the issue on the agenda for discussion. Ms. Goetz reported there would not be a Farmers' Market this year because there is no one to oversee it. She also reported there are continuing complaints about unleashed dogs. Ms. Goetz stated there is an Ordinance requiring all dogs be leashed in the Township. She stated residents seeing unleashed dogs should call the police non-emergency number and violators will receive a summons.

Agenda Additions/Changes

Ms. Cunningham, Municipal Clerk, announced there were no changes or additions to the Agenda.

Public Comment on Agenda Items

Mayor Johnson asked if there was public comment on any agenda items. He requested that comments on the Temporary Activities Permits be held until later during the discussion on that Ordinance. No one wished to speak, and the Mayor closed the Public Comment

TOWNSHIP COMMITTEE MEETING
June 10, 2013

Ordinances
First Reading

Cranbury Township Ordinance # 06-13-19

An Ordinance entitled, Cranbury Township Ordinance # 06-13-19, "AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, PROHIBITING ANY PROPERTY OWNER TO CONNECT OR ALLOW ANY SUMP, STORM DRAIN COLLECTORS OR OTHER INFILTRATION INTO A SEWER LINE" was introduced on First Reading and will be heard on Second Reading and have a Public Hearing at the next regular Township Committee Meeting on Monday evening, June 24, 2013 at 7:00 p.m.

On motion by Mr. Mulligan, seconded by Mr. Taylor, the following Ordinance was passed by vote:

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

Abstain: (None
Absent: (None

Nays (None

Second Reading: June 24, 2013, 7:00 p.m.

WHEREAS, the Chapter 124 of the Cranbury Township Code regulates connections to the sewer system; and

WHEREAS, certain areas of the sewer system show excessively high flow during periods of high rain fall; and

WHEREAS, sump pumps and storm drainage collectors should not be connected to the sewer lines because they contribute to the excessively high flow rates.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Cranbury that the Code of the Township of Cranbury be and hereby is amended as set forth below.

SECTION 1. Chapter 124, Section 12, is amended as follows (insertions underlined and deletions ~~struckthrough~~):

Chapter 124. SEWERS
Article I. Sewer Connections

§ 124-1. Installation of toilet; connection required.

A. The owner of every existing house, building or structure which shall or may be occupied by human beings and which is located on a parcel of land adjacent to any street or road along which the line of any such sewer may now or hereafter be constructed or acquired in said Township of Cranbury shall, within six months after the date on which the services of such sewer are made available to such house, building or structure, install a toilet in such house, building or structure, unless a toilet is now installed therein or shall have been installed therein prior to such date, and shall, prior to such date, connect such toilet therein or so installed therein with the sewerage system.

TOWNSHIP COMMITTEE MEETING
June 10, 2013

Cranbury Township Ordinance # 06-13-19
(Continued)

B. The owner of every house, building or structure hereafter constructed which shall or may be occupied by human beings and which is located on a parcel of land adjacent to any street or road along which the line of any such sewer is or may hereafter be constructed or acquired in the Township of Cranbury shall, within six months after the date on which the services of such sewer are made available to such house, building or structure or prior to occupancy or use of such house, building or structure, whichever date shall be later, install a toilet therein and connect such toilet with the sewerage system.

§ 124-2. Requirements for structures used for industrial or commercial purposes.

If any such house, building or structure referred to in § 124-1B above shall be used for industrial or commercial purposes, the owner thereof shall, within six months after the date on which the services of such sewer are made available to such house, building or structure or prior to occupancy or use of such house, building or structure, whichever date shall be later, install such facilities as are necessary to accept and dispose of industrial wastes emanating therefrom and connect such facilities with the sewerage system pursuant to rules and regulations of the Township of Cranbury to be adopted for such purposes and which shall be on file in the office of the Township Clerk.

§ 124-3. Notice to connect.

A. When such sewerage system along any such street or road of the Township is available for the acceptance of sewage, notice shall be given by the Township to all property owners along the lines of said sewerage system, as aforesaid, to connect their buildings therewith in accordance with the terms of this article. Said notice shall be addressed to the said owner of the property as the name of the owner appears on the last tax duplicate of the Township, shall describe the property by lot and block designation as appears on the Tax Map of the Township and by the street address and shall state under terms of this article that the owner is required to connect the building or buildings on said property with the sewerage system within said six-month period. Said notice shall further inform the owner of the penalty which may be imposed for failure to comply with said notice in accordance with the terms of this article.

B. Said notice may be served on the owner personally or by leaving it at his usual place of abode with a member of his family above the age of 18 years if the owner has a place of abode within the Township of Cranbury, or said notice may be served within or without the limits of the Township by mailing the same by regular mail to the last known post office address of the said owner as the same appears on the last tax duplicate of the Township.

§ 124-4. Failure of owner to connect; costs as lien; violations and penalties.

A. If the owner of any house, building or structure referred to in §§ 124-1 and 124-2 hereof shall fail to make any connection required by this article within six months after service of said notice as set forth in § 124-3B hereof, the Township may proceed to make such connection or cause the same to be made and assess the cost thereof as a lien against such house, building or structure pursuant to and in accordance with the provisions of N.J.S.A. 40:63-52 through 40:63-64.

B. The owner of any such house, building or structure failing to make such connection shall also be subject to a fine not to exceed \$500 or by imprisonment for a term not exceeding 90 days, or by both such fine and imprisonment, in the discretion of the Judge.

Article II. Sewer Use

§ 124-5. Definitions and word usage.

A. Definitions. Unless the context specifically indicates otherwise, the meanings of the terms used in this article shall be as follows:

TOWNSHIP COMMITTEE MEETING
June 10, 2013

Cranbury Township Ordinance # 06-13-19
(Continued)

BOD (DENOTING "BIOCHEMICAL OXYGEN DEMAND")

The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter.

BUILDING DRAIN

That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.

BUILDING SEWER

The extension from the building drain to the public sewer or other place of disposal.

GARBAGE

Solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

INDUSTRIAL WASTES

The liquid wastes from industrial manufacturing processes, trade or business, as distinct from sanitary sewage.

PERSON

Any individual, firm, company, association, society, corporation or group.

pH

The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

PROPERLY SHREDDED GARBAGE

The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch (1.27 centimeters) in any dimension.

PUBLIC SEWER

A sewer in which all owners of abutting properties have equal rights and which is controlled by public authority.

SANITARY SEWER

A sewer which carries sewage and to which storm-, surface and ground waters are not intentionally admitted.

SEWAGE

A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground-, surface and storm waters as may be present.

SEWAGE WORKS

All facilities for collecting, pumping, treating and disposing of sewage.

SEWER

A pipe or conduit for carrying sewage.

TOWNSHIP COMMITTEE MEETING
June 10, 2013

Cranbury Township Ordinance # 06-13-19
(Continued)

SLUG

Any discharge of water, sewage or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds, for any period of duration longer than 15 minutes, more than five times the average twenty-four-hour concentration of flows during normal operation.

SUPERINTENDENT

The Superintendent of Sewage Works of the Township of Cranbury or his authorized deputy, agent or representative.

SUSPENDED SOLIDS

Solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.

B. Word usage. "Shall" is mandatory; "may" is permissive.

§ 124-6. Permit required.

No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

§ 124-7. Classes of permits; applications; fees.

A. There shall be two classes of building sewer permits: one for residential and commercial service and one for service to establishments producing industrial wastes.

B. In either case, the owner or his agent shall make application on a special form furnished by the Township. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent.

C. A permit and inspection fee of \$10 for a residential or commercial building sewer permit and \$100 for an industrial building sewer permit shall be paid to the Township at the time the application is filed.

§ 124-8. Costs to be borne by owner; indemnification of Township.

All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Township from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

§ 124-9. Separate building sewers required; exceptions.

A separate and independent building sewer shall be provided for every building; except that where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

§ 124-10. Building sewer and trench specifications.

The size, slope, alignment and materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the Building and Plumbing Codes or other applicable rules and regulations of the Township. *Editor's Note: See Ch. 72, Construction Codes, Uniform.*

§ 124-11. Elevation of sewer; lifting of sewage.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the

TOWNSHIP COMMITTEE MEETING
June 10, 2013

Cranbury Township Ordinance # 06-13-19
(Continued)

public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

§ 124-12. Prohibited connections.

- A. *Runoff or Groundwater.* No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- B. *Sump Pumps and Storm Drainage Collectors.* No person shall connect any sump pump or storm drainage collectors to a sewer line.
- C. *Infiltration into Sewer System.* No person shall permit, allow, or suffer or cause the infiltration of water or any other substance which is not normal sewage into the sewer system.
- D. *Powers and Authority of the Township.* Duly authorized employees or officials of the township bearing proper credentials and identification shall be permitted to enter any and all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this section.
- E. *Responsibility.* The record title owner shall be responsible under this subsection and shall be presumed to have caused any such connection.
- F. *Waiver of Prosecution Upon Finding of Special Need.* Whenever the township committee finds that the public health, safety or welfare requires prompt and efficient access to properties for the purpose of inspection, observation, measurement, sampling and testing; and further finds that this need outweighs the municipality's interest in collecting a fine or imposing a penalty for a violation of this subsection, the township committee may authorize a period of general amnesty, during which the municipality shall suspend the imposition of fines and penalties and waive prosecution of all persons found during the amnesty period to have violated the terms of this subsection. Authorization of a period of general amnesty must be by resolution of the governing body after an advertised public hearing, and any general amnesty so authorized must be limited to a period not to exceed 120 days.

§ 124-13. Connection to public sewer.

The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Codes or other applicable rules and regulations of the Township. All such connections shall be made gastight and watertight.

§ 124-14. Inspection; supervision of connection.

The applicant for a building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.

§ 124-15. Guarding and restoration of excavation.

- A. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard.
- B. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Township.

TOWNSHIP COMMITTEE MEETING
June 10, 2013

Cranbury Township Ordinance # 06-13-19
(Continued)

§ 124-16. Prohibited discharges to sanitary sewers.

- A. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.
- B. No person shall discharge, deposit or cause to be discharged or deposited any septic system wastes in any sanitary sewer.

§ 124-17. Prohibited discharges to public sewers.

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- A. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
- B. Any water or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals or create a public nuisance, including but not limited to cyanides in excess of two milligrams per liter as CN in the wastes as discharged to the public sewer.
- C. Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
- D. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works, such as but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

§ 124-18. Waters and wastes possessing harmful characteristics or substances.

No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb or public property or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors. The substances prohibited are:

- A. Any liquid or vapor having a temperature higher than 150° F. (65° C.).
- B. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 milligrams per liter or containing substances which may solidify or become viscous at temperatures between 32° and 150° F. (0° and 65° C.).
- C. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower (0.76 horsepower metric) or greater shall be subject to the review and approval of the Superintendent.
- D. Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions, whether neutralized or not.
- E. Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances or wastes exerting an excessive chlorine requirement to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
- F. Any waters or wastes containing phenols or other taste or odor-producing substances in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.

TOWNSHIP COMMITTEE MEETING
June 10, 2013

Cranbury Township Ordinance # 06-13-19
(Continued)

G. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations.

H. Any waters or wastes having a pH in excess of 9.0.

I. Materials which exert or cause:

(1) Unusual concentrations of inert suspended solids, such as but not limited to, fuller's earth, lime slurries and lime residues, or of dissolved solids, such as but not limited to sodium chloride and sodium sulfate.

(2) Excessive discoloration, such as but not limited to dye wastes and vegetable tanning solutions.

(3) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(4) Unusual volume of flow or concentration of wastes constituting slugs, as defined herein.

J. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

§ 124-19. Discretion of Superintendent as to harmful discharges.

If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in § 124-18 and which, in the judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

A. Reject the wastes.

B. Require pretreatment to an acceptable condition for discharge to the public sewers.

C. Require control over the quantities and rates of discharge.

§ 124-20. Installation of pretreatment or equalization facilities.

If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances and laws.

§ 124-21. Interceptors.

Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection.

§ 124-22. Maintenance of pretreatment facilities.

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

§ 124-23. Manholes.

When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, together with such necessary meters and other appurtenances, in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Superintendent. The

TOWNSHIP COMMITTEE MEETING
June 10, 2013

Cranbury Township Ordinance # 06-13-19
(Continued)

manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

§ 124-24. Analyses of waters and wastes.

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, and shall be determined at the control manhole provided or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. The particular analyses involved will determine whether a twenty-four-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four-hour composites of all outfalls whereas pH's are determined from periodic grab samples.

§ 124-25. Damage to sewer works.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

§ 124-26. Notice of violations.

Any person found to be violating any provision of this article, except § 124-25, shall be served by the Township with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

§ 124-27. Violations and penalties.

Any person who shall continue any violation beyond the time limit provided for in § 124-26 shall, upon conviction thereof, be punishable by a fine not exceeding \$500 or by imprisonment for a term not exceeding 90 days, or by both such fine and imprisonment, in the discretion of the Judge. Each day in which any such violation shall continue shall be deemed a separate offense.

§ 124-28. Liability.

Any person violating any of the provisions of this article shall become liable to the Township for any expense, loss or damage occasioned the Township by reason of such violation.

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.

TOWNSHIP COMMITTEE MEETING
June 10, 2013

Ordinances
Second Reading

Cranbury Township Ordinance #05-13-17

A motion to enter an Ordinance, entitled # 05-13-17, "A BOND ORDINANCE AUTHORIZING THE UPGRADE OF THE POLICE AND TOWN HALL COMPUTER NETWORK SYSTEMS APPROPRIATING \$47,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$44,650 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF" was introduced by title only on May 28, 2013 and 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.

Public Comment

The Mayor opened the public hearing on the Ordinance. No one wished to speak, so the public hearing was declared closed. On motion by Mr. Mulligan, seconded by Ms. Goetz, the Ordinance was adopted on Second Reading by vote:

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

Nays (None

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CRANBURY, IN THE COUNTY OF MIDDLESEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The several improvements described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Township of Cranbury, in the County of Middlesex, New Jersey (the "Township") as a general improvement. For the several improvements or purposes described in Section 3, there is hereby appropriated the sum of \$47,000 including the sum of \$2,350 as the down payment required by the Local Bond Law. The down payment is available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$44,650 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for financing of which the bonds are to be issued is the upgrade of the Police and Town Hall Computer Network Systems.

- (b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is stated in Section 2 hereof.
- (c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefore.

TOWNSHIP COMMITTEE MEETING
June 10, 2013

Cranbury Township Ordinance # 05-13-17
(Continued)

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose that the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, is 7 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$44,650 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$4,700 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 8. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into

TOWNSHIP COMMITTEE MEETING
June 10, 2013

Cranbury Township Ordinance # 05-13-17
(Continued)

the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 9. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 10. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Cranbury Township Ordinance # 05-13-18

A motion to enter an Ordinance, entitled # 05-13-18, "AN ORDINANCE AUTHORIZING THE GOVERNING BODY TO ISSUE TEMPORARY ACTIVITIES PERMITS" was introduced by title only on May 28, 2013 and 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.

Mayor Johnson stated it has been a busy week and stated the expectations of some residents on this Ordinance may not be achievable. He stated the Township Committee was advised last year by the Township Attorney to adopt a Temporary Activities Ordinance around the time the Farmers' Market was being organized. Mayor Johnson stated the Committee should have taken the Attorney's advice and this issue could have been avoided.

Mayor Johnson explained many residents believe this Ordinance is linked to Mr. Keith Shaw's Christmas tree light display. He spoke of the Christmas display. Mayor Johnson stated earlier this year Mr. Shaw was issued two (2) violations by the Zoning Officer (violation of Cranbury's Sign Ordinance and soliciting contributions where that is not permitted). Mayor Johnson stated Mr. Shaw disputes both citations and was appealing the Zoning Officer's decision to the Zoning Board. Mayor Johnson stated some of the e-mails concerning this issue refer to a variance; however, he clarified this was never about a variance but was an application for an interpretation. Mayor Johnson reported the Zoning Board had by law a certain number of days by which this had to be put on their agenda. Mr. Shaw was placed on the Zoning Board's June 5th agenda; however, prior to that meeting, Mr. Shaw granted the Zoning Board an extension of his application until as long as September. Mayor Johnson stated his concern that some of the e-mails received contained misunderstandings of what the Zoning Board does. He stated the Zoning Board hears requests for relief from the Township's Municipal Land use Law. He gave an example of an application submitted to the Zoning Board. Mayor Johnson stated there is nothing in the land use law to make the Christmas light display illegal or Mr. Jeff Graydon, Zoning Officer, would have cited a violation. Mayor Johnson stated he wanted to clarify these issues before the discussion.

Mayor Johnson explained this Ordinance, if and when adopted, would serve for any temporary event in Cranbury. He stated the Township Committee was not concerned with events that have

TOWNSHIP COMMITTEE MEETING
June 10, 2013

Cranbury Township Ordinance # 05-13-18
(Continued)

been held in the Township for years; however there is concern about reviewing and making decisions for future events the Township has no experience with.

Mayor Johnson cited an example of an incident at the horse auction/rodeo event last year where a police officer was assaulted. He stated this would be an example of an event that the Township Committee would better control of, and a permitting process would enable the Township to review the logistics.

He asked the Township Committee for comments. Mr. Taylor recommended an amendment to the Ordinance to include a due diligence review with Emergency Services (Fire, Police, First Aid) to have them review the application. Ms. Goetz clarified the "due diligence" would also include Zoning, and Mr. Taylor stated it would include Board of Health, Zoning, Construction, Police, Fire, and First Aid.

Mr. Cook stated he had some comments before proceeding with a motion. He stated the Township has not had an Ordinance in the past for permits because it did not need it and there was no "triggering" event to initiate one. Mr. Cook stated Mr. Shaw will have to go to the Zoning Board; however, he clarified the Township Committee was not trying to circumvent the due process. Mr. Cook stated he felt before adding any amendments or moving forward on the Ordinance, a "cool down" period would be beneficial. He stated he wanted residents to feel comfortable that everything was followed by due process. Mr. Cook stated adding an amendment would make a substantive change which would not allow the Ordinance to be adopted this evening.

Mr. Steve Goodell, Esq., Township Attorney stated a majority vote, not a roll call, would be needed for the amendment. All members were in favor. Mr. Goodell explained the Ordinance would have to be rewritten to include the substantive change. The Ordinance would have to be advertised again and have a second public hearing. Mayor Johnson explained the amendment is a substantive change so the Ordinance cannot be adopted this evening; however, the Township Committee would treat this now as a Work Session to obtain public comment.

Public Comment

The Mayor opened the public hearing. He stated since there is a large crowd, he requested residents limit their remarks to three (3) minutes and stated the Clerk would raise her hand at 2-1/2 minutes to allow time to sum up.

Mr. Mike Dulin, Wynnewood Drive, stated he fully subscribes to the intent of the Ordinance and accepts Mayor Johnson's explanation that it has been in progress for over one (1) year. Mr. Dulin stated it was fortunate it was not adopted last year because there is now something to consider and the Ordinance needs to be more focused than currently written. He suggested additional wording, including "activities should be regulated in a manner that is lawful, safe and minimally disruptive to the neighborhood in which they are conducted." Mr. Dulin stated additional paragraphs should be added to include "permits are required for events that are greater than a certain size;" (number of participants anticipated, level of traffic, the lighting, the acoustics, and the hours of activity). If a certain minimum is surpassed, a permit would be required. Mr. Dulin stated the terms of obtaining the permit need to be more specific.

Mr. Dee Wahlers, Hagerty Lane, stated he is opposed to the Ordinance, stating it will cause too many problems. He stated the Ordinance does not have a mechanism for the public to be notified that the permit is being considered. Mr. Wahlers stated "temporary" is not defined. He

TOWNSHIP COMMITTEE MEETING
June 10, 2013

Public Comment (Continued)
(Mr. Wahlers cont'd.)

stated a month is too long. Most events are for a day or two. He stated the Ordinance has too many open ends and it should be tabled.

Mr. Mark Berkowsky, North Main Street, stated the Ordinance places a burden on volunteers and volunteer organizations. He stated every event sponsored by the Historical Society would require a permit. He stated defining an event would be very time consuming for volunteers. He asked what would happen if the Township Committee did not grant approval for the event. Would it then go to the Zoning Board? He inquired how much in advance would the Historical Society have to apply for a permit for the House Tour? Mr. Berkowsky stated the Ordinance places an undue burden for all organizations in the Township. He suggested the Township Committee reconsider as everything is working as it is now, and the Ordinance would only address one (1) or two (2) anomalies.

Mr. Larry McDonnell, Plainsboro Road, stated the Ordinance would impact charitable organizations. He stated ad hoc activities would now have to be governed by the Ordinance. He stated he agreed with Mr. Dulin that the Ordinance needs to be as specific as possible, and stated the character of a town and a neighborhood is subjective.

Mr. Tom Harvey, Cranbury Neck Road, stated the Ordinance should not apply to residential zones. Mr. Harvey stated he agrees with most of what has been said; however, he would not apply the Ordinance to residential zones. He stated people buy homes in residential zones expecting them to be residential. He stated the Ordinance is not fair and he would not have it apply to residential areas. He stated the Ordinance does not require noticing neighbors, who will not know anything until something happens and then it is too late. Mr. Harvey stated there has to be standards on duration, activity, parking, etc. He stated he is sure it is not the Township Committee's intent to repeal zoning; however, the Ordinance does state "Ordinances which are inconsistent are repealed." He stated his basic concern is allowing this type of activity in residential zones.

Mr. Alan Kehrt, Evans Drive, stated he is Chairman of the Planning Board and stated he has not heard a good reason for the Ordinance. He stated he has lived in Cranbury for 35 years and cannot think when this Ordinance would have been necessary.

Ms. Elizabeth Silverman, North Main Street, stated she started out opposed to the Ordinance, and stated she is now not sure whether she is for or against. She stated she is in favor of the Ordinance if it addresses the Christmas light display. Ms. Silverman stated the lights have been displayed for five (5) years, and it has been expanded by a public relations campaign, including e-mail blasts, and a ".com" website, appeals for votes and staging. She stated the Christmas Spectacular has gone far beyond holiday lights, and stated the display violates neighbors' rights. She urged the Township Committee to have the Ordinance rewritten to address the neighbors' concerns.

Mr. Brien Wiseman, North Main Street, read a letter to the Township Committee, which is attached as Addendum A.

Mr. Richard Kallan, Wynnewood Drive, stated the Ordinance needs to be re-written to state what is and is not included.

Mr. Steve Silverman, North Main Street, stated the light display is a public nuisance, and is not an issue of whether like it or not. He stated the display bothers other neighbors. He stated people buy a house in a residential area, and this display does not belong in a residential area. He stated there is also the safety concern, and someone will get hurt crossing the street. Mr.

TOWNSHIP COMMITTEE MEETING
June 10, 2013

Public Comment
(Mr. Silverman cont'd.)

Silverman stated the Zoning Board, or the Zoning Board with the Township Committee, must consider the safety of the Town.

Mr. Ken Gordon, North Main Street, inquired about notice to residents and conditions for the issuance of a permit. He stated he agrees with Mr. Cook's suggestion to have a "cool down" period and agrees with postponing the decision on the Ordinance as written.

Mr. Allan Kehrt, Evans Drive, suggested the Township Committee look at the Ordinance. He stated the Township has a Zoning Board, a Planning Board, a Zoning Officer and a lot of Ordinances. He inquired what problems will this proposed Ordinance address. He stated he would like an explanation on what the argument was to initiate this Ordinance. He stated he has not heard the argument.

Mr. Keith Shaw, North Main Street, addressed the Ordinance. He stated he felt bad that his Christmas display was causing this problem. He stated as far as he was concerned, this Ordinance did not apply to him from Day One. He stated he has a constitutional right to display Christmas lights. Mr. Shaw stated he supports the Ordinance.

Ms. Ann Gordon, North Main Street, read a written statement from Mr. Tony Moore, North Main Street, which is attached as Addendum B.

Mr. Carlene Reyes, Bergen Drive, stated she agreed with Mr. Dulin concerning possible changes to the Ordinance and also agreed with Mr. Taylor concerning the proposed amendment. She stated she is in agreement with the Ordinance and agrees with statements made by the Gordon's, the Kennedy-Moore's and the Silverman's.

Mr. Brian Schilling, Cranbury Estates, stated issues raised (the Ordinance and the Christmas light display) are separable based on the comments presented. Mr. Schilling stated Mr. Kehrt raised a good point about the intent of the Ordinance and stated Municipal Land Use Law gives a lot of tools to achieve the intent the Township is looking to achieve. He stated he is opposed to this Ordinance because the tools are already in place to achieve the objective; however, any sort of gap in the existing authority could be addressed. Mr. Schilling stated this is an interpretation issue that needs to go before the Zoning Board, and he stated he is not comfortable with the proposed Ordinance.

Ms. Elizabeth Silverman, North Main Street, stated she lives six (6) houses up the street from the Christmas Spectacular and her experience is not the same as the neighbors living closer to the display. She stated many people come to see the lights that are on three (3) to four (4) hours a night. Neighbors must put up with loud music from car radios, people talking loudly, cars parking on lawns and turning round in their driveways for a month.

Mr. Dave DeBlois, North Main Street, stated the Shaw's and the Gordon's are great neighbors. He stated he was not bothered by the display because Mr. Shaw was always out to keep control. He stated Mr. Shaw is teaching his children to contribute back to society by collecting contributions.

No one further wished to speak, so the Mayor declared the public hearing closed.

Mayor Johnson requested comments from the Township Committee.

Mr. Cook agreed with Mr. Kehrt that there is not a clear argument for the Ordinance. He stated the rodeo, which involved alcohol, was the catalyst that brought the Ordinance to the surface.

TOWNSHIP COMMITTEE MEETING
June 10, 2013

(Mr. Goodell cont'd.)

He stated the Ordinance was not going to be adopted this evening and suggested a "cool-down" period before moving forward.

Mr. Steve Goodell, explained in the three (3) years since he has been Township Attorney, an issue has come up each year that does not really fit into the regulatory process. Mr. Goodell stated he spoke to Mr. Jeff Graydon, Zoning Officer, before he enforced the zoning laws. Mr. Goodell stated he does not believe the Township has all of the tools to deal with temporary activities. He stated Christmas lights are not a residential use or a commercial use as it is seasonal, sporadic or infrequent. He stated the Zoning Board does not handle sporadic events and stated the goal of this Ordinance is to have a public process to regulate short-term activities. He stated the Ordinance would provide an administrative process, overseen by the governing body, to best protect the public welfare by covering all bases (health, traffic and safety, police, construction and zoning officer). He stated defining a temporary activity is problematic, and stated a timeframe could be assigned.

Mr. Goodell stated the permitting process would make sure an event would be done appropriately. The Township Committee would grant the approval in public by way of a resolution. He stated, especially in the cases of public interest, it would be beneficial for the Township Committee to hear from the public before it grants a permit. Mr. Goodell stated there is no provision for notice; however, the notice to the public would it being listed on the agenda. He stated it would be up to the Township Committee to decide if there had to be greater notice provisions.

Mr. Mulligan stated two (2) separate issues were being addressed: permits for one use and the Christmas light display. Mr. Mulligan stated he agrees the Ordinance wording needs to be better defined. He stated the process cannot become too burdensome to the applicants. Mr. Mulligan stated he believes the light display needs to go under Land Use Law first, and see what comes out of that before proceeding with the Ordinance. He stated he agreed with the "cool-down" period.

Ms. Goetz agreed, stating the Ordinance needs better clarification and better definitions. She stated "activity" is not defined. She stated she appreciated that a meeting was held this week with the Shaw's and the Gordon's and she hopes an understanding can be reached so the neighborhood is comfortable again without taking away Mr. Shaw's right to display lights.

Mr. Taylor stated it is clear the standards need to be defined and to determine a notification process. Other issues needing clarification include traffic issues, time lines, conditions, mechanisms, and stated there is a whole host of issues that need to be considered. He stated the light show should go before the Zoning Board and recommended looking at the Ordinance in more detail after a cooling down period.

Mayor Johnson stated he has the same concerns about notice. He stated he had to go before the Zoning Board repeatedly each time he wanted to rent his retail building. He stated the notice process is cumbersome, expensive and time consuming, and he would not want to see that process forced on community organizations. He stated his vision would be to have a simple application to solicit information from organizations. He did not want the process to be so complex to require somebody with a special set of skills to have to fill out the application. Mayor Johnson stated the Township has the means to notify those interested to come to a meeting to present their comments. Mayor Johnson stated there are substantive changes to the Ordinance so it cannot be adopted, and the Township Committee will have to consider whether or not to move forward.

TOWNSHIP COMMITTEE MEETING
June 10, 2013

Consent Agenda
Resolutions

Mayor Johnson reported Cranbury Township resolution # R 06-13-075 would be addressed separately. On motion by Ms. Goetz, seconded by Mr. Mulligan, Consent Agenda Resolutions # R 06-13-072, 06-13-073 and 06-13-074 were passed by vote:

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

Nays (None

Cranbury Township Resolution # R 06-13-072

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 # R 06-13-073

RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM
OF REVENUE IN THE MUNICIPAL BUDGET OF THE TOWNSHIP OF CRANBURY
PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948)

WHEREAS, N.J.S.A. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount,

Section 1

NOW, THEREFORE, BE IT RESOLVED that the Township Committee hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2013 in the sum of \$1,500.00 which item is now available as a revenue from State of New Jersey pursuant to the provision of statute, and

Section 2

BE IT FURTHER RESOLVED that a like sum of \$1,500.00 is hereby appropriated under the caption "ANJEC".

Section 3

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

- (a) Director of the Division of Local Government Services
- (b) Township Auditor
- (c) Director of Finance

TOWNSHIP COMMITTEE MEETING
June 10, 2013

CRANBURY TOWNSHIP RESOLUTION # 06-13-074

A RESOLUTION AUTHORIZING THE RELEASE OF ROAD OPENING ESCROW

WHEREAS, Rob Diamond has \$300.00 in a road opening escrow account previously posted with the Township.

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 of Cranbury release Rob Diamond's road opening 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) Rob Diamond

Resolution

On a motion by Ms. Goetz, seconded by Mr. Cook, (with Mr. Mulligan abstaining because he uses the vendor) the following Resolution was adopted by vote:

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

Nays (None

Cranbury Township Resolution # R 06-13-075

WHEREAS, the Township of Cranbury solicited bids for the provisions and installation of 390 trees at various properties located throughout Cranbury, New Jersey; and

WHEREAS, six (6) bids were received and opened on May 30, 2013; and

WHEREAS, the low responsible bid was received from Growing Concern, Inc. PO Box 579, Cranbury, New Jersey in the total lump sum amount of \$74,990.00; and

WHEREAS, Growing Concern, Inc. will provide and install 390 trees at various properties located throughout Cranbury NJ; and

WHEREAS, the Township wishes to enter into an agreement with Growing Concern, Inc. to provide these services; and

WHEREAS, the Township Attorney has reviewed the qualifications of Growing Concern, Inc. and has recommended that the contract be awarded to Growing Concern, Inc. and:

WHEREAS, the Chief Financial Officer has certified funds for this contract and for supplies,

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

TOWNSHIP COMMITTEE MEETING
June 10, 2013

Cranbury Township Resolution # R 06-13-075

(Continued)

1. The Mayor and Clerk are hereby authorized and directed to execute an agreement with Growing Concern, Inc. for the purchase and installation of 390 trees and
2. A copy of this agreement will be made available for public inspection in the Township Clerk's office during regular business hours.

Reports from Township Boards and Commissions

There were no reports from Township Boards and Commissions.

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.

Mr. Mulligan stated he wanted to thank Mayor Johnson for his leadership on a very difficult topic this evening. He stated he appreciated Mayor Johnson's hard work.

Public Comment

The Mayor opened the meeting to public questions and comment.

Mr. Mark Berkowsky, North Main Street, asked if the Ordinance will be discussed at the next Township Committee Meeting. Mr. Goodell explained the amendment was substantive which means it cannot be adopted without another public hearing. If a date is not decided this evening, a notice will be published to advise the public of the new hearing date. However, if there are any other changes and it becomes a new Ordinance, this Ordinance will die and a new Ordinance will be introduced.

Ms. Elizabeth Silverman, North Main Street, asked how much advance notice will residents have, and Mr. Goodell stated the Agenda is published the Wednesday before the Monday meeting.

Ms. Bonnie Larson, Cranbury Neck Road, stated brush and limbs are being put out at the curb way before the allowed time. She stated the Brush Ordinance is not being enforced, and residents should be following the timeframe. Ms. Marabello will check with the Public Works Department.

Mr. Gerald Ricciardi, Area Manager of Jersey Central Power & Light, stated he is available to help the Township Committee. He reported after Super Storm Sandy, JCP&L replaced 6,700 poles in two (2) weeks, which is the number of poles usually installed in two (2) years. He stated the company's communications system has been upgraded since the storm. Mr. Mulligan reported wires down on Brickyard Road and Mr. Ricciardi stated he will check on it. Mr. Mulligan advised Mr. Ricciardi a subcommittee has been set up to better understand the power lines in the Township, and Mr. Ricciardi stated he will be glad to work with the subcommittee. Mr. Mulligan stated the subcommittee will aim for a meeting in August.

Mr. Steve Silverman, North Main Street, inquired if the Christmas light display is determined not to be a public nuisance or not be commercial, but it is a safety issue, does the Zoning Board have a ruling on safety, or would it be another entity? Mr. Goodell stated the Zoning Board will look at the use and whether the use is an appropriate use.

TOWNSHIP COMMITTEE MEETING
June 10, 2013

Public Comment (Continued)

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

Mayor's Notes

Mayor Johnson reported there were no Mayor's notes.

On a motion by Mr. Mulligan, seconded by Mr. Taylor and unanimously carried, the meeting adjourned at 8:45 p.m.

Kathleen R. Cunningham, RMC
Municipal Clerk

Mr. Mayor, Town Counsel members,

My name is Brien Wiseman. I live at 124 North Main Street, two doors to the right of the Shaw's, and across the street from the Gordon's. I just recently spoke to Keith Shaw and heard about what took place at the meeting the other night, and would like take a moment to share my views.

The four weeks between Thanksgiving and Christmas have always been my favorite time of the year. Each day counting down towards Christmas, brings a new set of neighborhood decorations. The Amend's next door make a beautiful wreath for their front door with greenery from their yard. The Gordon's across the street put up twin candelabras in their front windows. In the neighborhood behind us, our friends the Hauschild's put a special plastic Santa up on top their roof next to their chimney. We do our little Charlie Brown display, and of course the Shaw's do their mega display! What I enjoy most about seeing all the neighbors decorations go up is that after a while, they are no longer all separate displays but instead a part of one large mosaic. It doesn't matter if your display is small or something very elaborate, it all eventually becomes part of a whole, with everyone doing their part, until it reaches a crescendo on Christmas Day. I love it all. Colored lights, white lights, outrageous and understated...all of it.

As a citizen of the United States, and a veteran of the U.S. Military, who understands and cherishes our guaranteed rights of freedom of religion, and speech under the First Amendment of our Constitution, I take issue when I hear that one neighbor has a problem with another neighbor's Christmas light display, and not only wants that display to be changed, but also goes on to question, "Why they moved to this town in the first place." Then goes on to tell them, "You do not belong here." I think that we can all agree that shameful statements such as these belong to an ugly past that is long behind us. Maybe in my opinion, the Gordon's could do better than some cheap plastic candles with mismatched bulbs, that look like they were purchased in a Woolworth's in 1964. However that is not my right or business to say, because those candles are what says "Christmas" to them. So, although I realize the Shaw's Christmas display is a bit larger than most, and it is odd to see people fighting for parking spots in front of my home, by the same measure, their display is what says "Christmas" to them, and no one has a right to ask them to change it.

Thank you,

Brien Wiseman

Gordon, Kenneth B - NEW YORK NY

From: Ken Gordon [gordon127@live.com]
Sent: Sunday, June 09, 2013 7:41 PM
To: Gordon, Kenneth B - NEW YORK NY
Subject: Fw: Fwd: Xmas spectacular

From: Anne
Sent: Sunday, June 09, 2013 12:54 PM
To: gordon127@live.com
Subject: Fwd: Xmas spectacular

Sent from my iPad

Begin forwarded message:

131 N Main St.

From: Tony <amooreni@yahoo.com>
Date: June 9, 2013, 11:52:53 AM EDT
To: elizabeth silverman <esss144@aol.com>
Cc: Ken Gordon <kgordon22@comcast.net>
Subject: Xmas spectacular

Dear Town Council Members,

We tend to be "live and let live" neighbors. We like Keith and admire his efforts to build community through neighborhood get-togethers. We also enjoy Christmas lights, and we visit the Christmas light display at Shady Brook Farms every year.

However, there is an important difference between the Shady Brook Farms light display and the Cranbury Christmas Spectacular: the Shady Brook show takes place on a farm with ample parking, easy traffic flow, and no residential neighbors, whereas the Cranbury show takes place in the middle of a residential neighborhood.

Over the past five years, the Cranbury Christmas Spectacular has grown considerably in scale and notoriety. It definitely draws crowds. It is advertised on a website and is featured on the cover of the 2013 US 1 calendar. In December 2012, we had buses parking in front of our home. We also had many incidents of having to ask people to move cars that prevented us from getting in or out of our driveway. Many, many, many people parked on the edge of our grass to watch the show from late November through December.

We do not want our yard to be the parking lot for the Christmas Spectacular. We are concerned that when we eventually try to sell our house, it will be difficult because we are directly across from the show. Visiting the show is probably a fun experience; living across from it...not so much!

Our suggestion is that Keith relocate the Christmas Spectacular to a venue--such as a park, farm, or public building--with ample parking and good traffic flow, where everyone can enjoy it.

Thank you for considering this matter.

Sincerely,

Eileen Kennedy-Moore and Tony Moore