

TOWNSHIP COMMITTEE MEETING
March 28, 2011

The regular meeting of the Township Committee of the Township of Cranbury was held at 7:00 p.m. in the Cranbury School Large Group Room, 23 North Main Street, Cranbury. Answering present to the roll call were Township Committee members: David Cook, Glenn Johnson, Daniel Mulligan, Jay Taylor, and Mayor Win Cody. Also present were Michael W. Herbert, Esq., Township Attorney; Denise Marabello, Township Administrator/Director of Finance; Kathleen R. Cunningham, Clerk/Assistant Administrator, and Jean Golisano, Deputy Clerk. Mayor Cody 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 2, 2010 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 2, 2010.
- (3) Was filed on December 2, 2010 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.

Minutes

Regular Township Committee Minutes of March 14, 2011

On motion by Mr. Johnson, seconded by Mr. Cook and unanimously carried, the Regular Township Committee Minutes of March 14, 2011 were adopted.

Reports and Communications

-- Mayor

Mayor Cody reported he and Mr. Johnson attended the Cranbury Arts Council Gala on Saturday evening, March 26th. Mayor Cody also reported he will be attending a Middlesex County meeting at Rutgers next week.

-- Township Committee

As Board of Education liaison, Mr. Mulligan reported Cranbury School is concerned about children being able to walk to school during the upcoming Brainerd Lake Dam repairs. If children cannot walk to school from the north end of town, Cranbury School will need to provide busing, and the School does not have the funds to provide additional busing. Mr. Mulligan stated the Township will need walking access during the repair process. He also reported the BOE is in favor of the sidewalk clearing ordinance, which provides safety for children. Mr. Mulligan stated Ms. Carol Malouf, Interim School Administrator, commended the Cranbury Police Department for the Department's ongoing help and support.

Mr. Taylor reported the Department of Public Works installed four (4) signs on Old Cranbury Road. Cranbury School has reimbursed the Township for the signs and installation. Mr. Taylor stated playground-compliant mulch (200 cubic yards) was ordered for all park playgrounds, and white marking paint was purchased to line all Township-owned ball fields. DPW vehicle repairs included a replaced muffler and Y pipe (\$2,030.00) for Truck #511, and a replaced horn and repaired back-up alarm (\$682.00) for Truck #503.

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-- Township Committee (Continued)

Mr. Cook reported there will be a meeting with Middlesex County on April 4th concerning the project to retrofit the Brainerd Lake Bridge. More information will be available after the April 4th meeting.

Mr. Taylor requested the public hearing on the budget be done first as Ms. Marabello, Township Administrator and Director of Finance who just arrived and it is obvious she is in pain with a back injury is not feeling well. Mayor Cody responded the Work Session is relevant to the budget discussion. Mr. Mulligan agreed with Mr. Taylor and requested Ms. Marabello be allowed to do her budget presentation first and stated residents are present for the budget discussion.

Reports from Township Staff and Professionals

-- Administrator/Director of Finance

Ms. Denise Marabello gave a PowerPoint presentation on the 2011 Municipal Budget, which is attached as Addendum A. The main points included Cranbury Township challenges, the development of the budget, the 2011 operating expenses and revenues, details on surplus, and employee information. Ms. Marabello concluded her presentation stating the Township is striving to maintain services in an environment of declining ratables.

Mayor Cody stated he cannot support a 5.3% tax increase (\$0.02 increase). Mayor Cody reported at the initial budget presentation, the Township Committee did not anticipate receiving any State aid. Since then, the Mayor Cody stated he supported not repaying the note and not raising taxes. The Township Committee had discussed if State aid was received, the funds would be used to pay down debt. Mayor Cody stated instead of paying down the note at an interest rate of 1.5%, the decision should be made not to repay the note and use the State aid to keep taxes flat. Mayor Cody stated the Township has \$2 million in capital cash accounts, which the Township will never spend. Mayor Cody stated the Township debt is at \$21 million, down from \$31 million a few years ago. He reported this year the Township would be making \$1.5 million in principal payments. Mayor Cody stated it was irresponsible to tax homeowners the additional \$0.02, and again stated he is not able to support the 5.3% increase.

Mr. Cook requested Ms. Marabello give an explanation of the capital ordinances. Ms. Marabello explained each ordinance was introduced for a specific purpose, and the money set aside in the capital account is allocated for that purpose. Ms. Marabello gave the example of anticipating \$37,000 to purchase a police car, and if only \$35,000 is spent, then the \$2,000 left can be used for another capital expense that may have been underfunded. Ms. Marabello stated she met with each Township department head to ascertain if the funds will be needed in the future for specified items, or is there something else that may be required. Ms. Marabello stated she usually scrutinizes the capital accounts in the summer, but did so earlier this year for this budget process. Ms. Marabello stated some funds from the capital account were used to purchase one (1) server for the Police Department, and another server will be purchased soon. She stated South Brunswick will be making improvements to the sewer pumps, and Cranbury will have to contribute towards the improvements. Mr. Jerry Thorne, Public Works Manager, will need funds to replace some DPW vehicles and equipment. Mayor Cody stated there is money in the accounts that can be looked at. Mr. Taylor stated the \$2.5 million in the capital account have all been voted on and approved by previous Township Committees. Some ordinances include sewer repairs, the equipment storage barn and the Zurfluh driveway. Mr. Taylor stated the Township does not have a firm commitment of State aid from the Governor. Ms. Marabello stated the Township has received preliminary notification of aid from the State. Mayor Cody inquired if there was a time the Township did not receive aid, and Ms. Marabello responded the Township has always received State aid. Mr. Taylor stated the State aid figure is greatly reduced from last year.

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Reports from Township Staff and Professionals

-- Administrator/Director of Finance Budget Presentation (continued)

Mayor Cody inquired about paying down debt and asked about the surplus replenishment number at end 2011. Ms. Marabello stated she will not know the amount until the end of 2011, and also stated she hoped the Township would receive some replenishment every year. Mayor Cody stated he would like to pay back around \$2 million from ordinance items which will not be used. Ms. Marabello stated the Township could pay down debt or use the money for other capital projects. Mayor Cody stated the debt is going down significantly, and the funds should be used instead to keep taxes level. Mr. Mulligan stated the Township will be spending at least \$1 million for the Brainerd Lake Dam repairs. Mayor Cody stated the capital cash is available to pay down debt. Mr. Mulligan inquired if it is less expensive to cancel the funds and get new notes and bonds. The funds in the capital account could be used for COAH and Brainerd Lake Dam repairs. Mr. Taylor stated the Township should look at the capital projects coming up and use the funds to cover the capital projects. Mayor Cody stated he was not in favor of raising taxes to pay down \$470,000 when the Township has \$2 million. Mr. Cook stated it was a case of "robbing Peter to pay Paul," and agreed with looking at each ordinance to see what could be cancelled. However, Mr. Cook stated the Township has a number of large capital projects coming up which will deplete the funds in the capital account. Mr. Cook stated, at a best case scenario, the Township will run into surplus problems over the next three (3) years. He stated the Township will need to make significant cuts to maintain the AAA rating. There was more discussion concerning State aid among the Township Committee members and Ms. Marabello. Mr. Taylor mentioned \$1 million is set aside for tax appeals.

Mayor Cody asked Mr. Steve Benner, Township Tax Assessor the number of appeals the Township has received this year. Mr. Benner stated the deadline for tax appeals is April 1st. Mr. Benner stated the Township has received ten (10) appeals so far, but some appeals are filed on April 1st and the Township doesn't receive the paperwork until four (4) or five (5) days later. Mr. Benner stated the Township has not had to pay a tax appeal; he compared the funds set aside to health insurance. Mr. Benner stated it is prudent to have money set aside so the Township is not put in a vulnerable position should an appeal be lost. Mayor Cody and Mr. Taylor continued some more discussion concerning the unknown status of State aid and the necessity of raising taxes. Mayor Cody stated the surplus would not be affected for three (3) years. Mr. Mulligan stated the Township is making decisions today, which other towns did not make and now they are facing \$0.10 increases. Mr. Mulligan stated no one wants taxes raised. Mr. Mulligan stated four (4) Township Committee members agreed on a small tax increase and maintaining services. Mr. Mulligan stated Mayor Cody disagrees, and he respects Mayor Cody's decision. However, the majority agrees that taxes need to be raised. With no additional discussion, Mayor Cody then opened the meeting to public comment and questions.

Public Hearing on the 2011 Municipal Budget (Cranbury Township Resolution # R 02-11-037)

Mr. Mike Dulin, Wynnewood Drive, distributed a spreadsheet he prepared on ordinances passed over the past ten (10) years. Mr. Dulin reported the 2001 budget was \$7 million and the 2011 budget is \$10.8 million. He noted the amount of funding for public safety increased due to the expansion in commercial ratables, and stated Public Works does a good job controlling expenses while providing many services to residents. Mr. Dulin stated there are items in the budget which the Township Committee has little or no control over, and stated the focus should be on watching spending. He also stated user-friendly reports would be helpful for residents to see how money is being spent. Mr. Dulin stated the residential tax rate is going up to offset the commercial ratables which are going down. Mr. Dulin stated he had spoken with Mr. Benner, Tax Assessor, who said the process followed by the Township Committee is reasonable. Residential property assessments have gone down, and taxes should be raised to maintain a reasonable and responsible budget.

Mr. Jack Frohbeiter, Cranbury Neck Road, thanked the Township Committee for their hard work with the budget, but called the capital account a "slush" fund. He stated if money was moved out

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Public Hearing on the 2011 Municipal Budget (Cranbury Township Resolution # R 02-11-037)
(continued)

of the capital account, the surplus could be raised and taxes could remain flat. Mr. Frohbeiter stated he would rather residents hold their money instead of the Township. Ms. Marabello stated funds cannot be transferred from the capital account to the operating account. Mr. Lawrence Mawn, Handley Court, stated the capital account seems like a slush fund, and he supported the Mayor's idea the funds should be used to pay down debt. He stated the Mayor's proposal of not raising taxes seems smart since the Township will probably get State aid. Mr. Cook explained the \$2 million in the capital account will be used over the next few years. He stated of the \$4.9 million in the surplus, \$2 million must be set aside to maintain the AAA bond rating, \$1 million is needed for tax appeals and \$1.7 will be used this year, which leaves \$200,000. Mr. Cook stated the decreasing surplus is not encouraging. Mr. Mawn stated the budget should be zero based. Mr. Richard Kallan asked how much the 1-1/2% interest is costing us on \$4.5 million and asked how much the Township is earning. Ms. Marabello stated it is costing the Township nothing. She added the Township Committee can decide not to pay down debt.

Mr. Art Hasselbach, Route 130, stated both he and Mr. Alan Danser have been involved in the budget process in the past. He stated he learned while campaigning many residents are not making six (6) figure salaries and a lot of people are hurting with rising food, gas and energy costs. Mr. Hasselbach asked the Township Committee to keep taxes flat. The Township will realize additional tax revenue when two (2) hotels come into the Township. Mr. Hasselbach asked the Township Committee to look at the trend of many rentals when the commercial value was up, but rentals in warehouses are now stagnant. He stated not raising taxes for one year will not bankrupt Cranbury, and next year the Township may be in a better place with new projects generating revenues.

Mr. Alan Danser, Petty Road, stated this Township Committee has spent more time and has been more thorough with this budget than past Township Committees. Mr. Danser stated he understands how much work is involved in preparing the budget. He stated using the capital account to help the budget would be a mistake, and told the Township Committee it is their job to maintain a steady tax rate. He advised the Township Committee if they need to act on a budget, to propose the change, and then act on it.

Mr. Tom Ingegneri, South Main Street, thanked the Mayor for bringing the capital budget to the public's attention. Mr. Ingegneri stated he was not aware of those funds and stated the \$2 million could be used to pay off other debts. Mr. Ingegneri stated the Township has \$2 million sitting in a bank account and still wants to charge residents a \$0.02 tax increase. He told the Township Committee it must be open and transparent. Mr. Ingegneri stated with the amount of available surplus, it would be a big mistake to vote on this tax increase right now. He stated he did not want to be "doom and gloom" and wants to be positive, but doesn't know how people will be able to live in Cranbury. Mr. Ingegneri encouraged the Township Committee to work together as a team. He stated he does not see a tight budget and doesn't believe the residents are being considered. Mr. Taylor stated every Township Committee member was aware of the capital account as Ms. Marabello distributes reports every month. Mr. Taylor stated funds in the capital account were used to purchase a server for the police department. He stated the Township Committee is doing their best to have a long-term stable budget. Mr. Mulligan asked about the capital account information, and Ms. Marabello stated she sends reports every month to the Township Committee.

Without any further comments from the public, Mayor Cody closed the public comment portion on the budget and asked the Township Committee for any additional comments. Mr. Taylor thanked the residents for their input. Mr. Mulligan stated he didn't consider the budget for one (1) year, but he projects three (3) years out. He also stated paying down debt is not a bad thing as debt can get the Township in trouble. The Township may need to take on additional debt to cover the Brainerd Lake Dam repairs and fulfill COAH obligations. Mr. Mulligan stated all members of

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Public Hearing on the 2011 Municipal Budget (Cranbury Township Resolution # R 02-11-037)
(continued)

the Township Committee had agreed on the budget without the State aid figure, and four (4) members agreed to pay down debt. Mr. Cook stated if the Township sees a turnaround, he would be glad to decrease taxes, but stated it is fiscally responsible to keep taxes stable. Mr. Johnson stated the projections used are responsible and need to go out a few years to achieve the goal of a stable tax rate.

Mayor Cody stated before the Township Committee votes on the budget, it must vote on a State mandate to take the Library out of the Township budget and put it on its own line. Mayor Cody stated this doesn't change anything except it creates more work, but it must be voted on today.

Resolutions

On a motion by Mr. Mulligan, seconded by Mr. Taylor, the following Resolution was adopted by vote:

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

Nays: (None

Cranbury Township Resolution # R-03-11-047

Date of Adoption: March 28, 2011

RESOLUTION TO AMEND THE LOCAL MUNICIPAL 2011 BUDGET.

WHEREAS, the local municipal budget for the year 2011 was introduced on the 28th of February, and

WHEREAS, the State is requiring an amendment to the budget prior to the public hearing. and

WHEREAS, the public hearing on said budget will be held as advertised, and

WHEREAS, it is desired to further amend said budget, now

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Cranbury, County of Middlesex, that the following amendments to the approved budget of 2010 be made:

Recorded Vote:

Ayes: (Cody)	Nays: (NONE)
(Cook)	
(Johnson	Abstain: (NONE
(Mulligan	
(Taylor	

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Cranbury Township Resolution # R-03-11-047
(Continued)

	From	To
GENERAL REVENUES:		
1. Surplus Anticipated	\$1,704,000.00	\$1,704,000.00
3. Miscellaneous Revenues Anticipated	\$2,667,217.64	\$2,667,217.64
4. Receipts from Delinquent Taxes	\$113,000.00	\$113,000.00
5. Subtotal General Revenues	\$4,484,217.64	\$4,484,217.64
6. Amount to be Raised by Taxes		
a) Local Tax for Municipal Purposes	\$6,327,339.06	\$5,754,735.06
c) Minimum Library Tax	\$0	\$572,604.00
7. TOTAL GENERAL REVENUES	\$10,811,556.70	\$10,811,556.70

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services for his certification of the Local Municipal budget so amended.

Mayor Cody asked for a motion to vote on the Township's 2011 Budget, which was introduced at the February 28th meeting. On a motion by Mr. Cook, seconded by Mr. Johnson, the following Resolution was adopted by vote:

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

**CRANBURY TOWNSHIP RESOLUTION R-02-11-037
2011 MUNICIPAL BUDGET**

of the Township of Cranbury, County of Middlesex for the fiscal year 2011.

Revenue and Appropriation Summaries

Summary of Revenues	Anticipated 2011	2010
1. Surplus	\$1,704,000.00	\$1,146,000.00
2. Total Miscellaneous Revenues	\$2,667,217.64	\$3,148,055.05
3. Receipts from Delinquent Taxes	\$113,000.00	\$128,691.00
4. a) Local Tax for Municipal Purposes	\$6,327,339.06	\$6,365,360.00
b) Addition to Local District School Tax		
Tot Amt to be Raised by Taxes for Mun Budget	\$6,327,339.06	\$6,365,360.00
Total General Revenues	\$10,811,556.70	\$10,788,106.05

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CRANBURY TOWNSHIP RESOLUTION R-02-11-037
2011 MUNICIPAL BUDGET
(Continued)

Summary of Appropriations	2011 Budget	2010 Budget
1. Operating Expenses: S&W	\$3,276,389.38	\$3,233,833.32
Other Expenses	\$5,171,014.66	\$5,228,442.40
2. Deferred Charges & Other Appropriations	\$25,000.00	\$0
3. Capital Improvements	\$40,000.00	\$40,000.00
4. Debt Service (include for School Purposes)	\$2,149,726.86	\$1,694,225.73
5. Reserve for Uncollected Taxes	\$149,425.80	\$149,425.80
 Total General Appropriations	 \$10,811,556.70	 \$10,345,927.25
 Total Number of Employees	 70	 72

Balance of Outstanding Debt

Interest	\$361,125.84
Principal	\$1,321,581.02
Outstanding Balance (12/31/10)	\$21,922,109

Mayor Cody stated the budget was passed, and the Township Committee now needed to work together and move forward. Mr. Taylor stated it is not always bad to have dissension.

Ordinances
First Reading

Ms. Kathleen R. Cunningham, Clerk/Assistant Administrator stated the following ordinances to protect streams and lakes are required by Middlesex County. The County gave a deadline of April 7th, which is not possible since the ordinances are being introduced by title only this evening. The Township Committee is referring the ordinances to the Environmental Commission and the Township Planning Board. Ms. Cunningham stated the Township received a call from the Stony Brook Watershed voicing concern Cranbury Township is doing away with all the hard work already done by the Township, and may even undo what the new Master Plan is doing. Mr. Michael Herbert, Esq., Township Attorney stated the ordinances set minimums, but the Township can go further. Mr. Herbert stated the ordinances may be referred and can be carried forward. He stated the County is moving forward with the plan and needs municipalities on board to be in compliance with the Department of Environmental Protection's requirements. Mr. Herbert stated the Township is not committing to anything by introducing the ordinances. The ordinances can be referred and if the Township Committee does not approve what comes back, the ordinances can be turned down. If the Township is contacted by Middlesex County, the ordinances have been introduced and have been referred. Mr. Art Hasselbach asked if residents would be notified and given enough time to address any issues on how the ordinances might impact their properties. Mr. Cook stated pre-existing properties would be grandfathered, but the ordinances would impact future building along lakes and streams; however, it would be a courtesy to notify residents by regular mail. Mr. Brian Schilling, Griggs Road stated the ordinances address C-1 classified streams and there are none in Cranbury Township. The ordinances are broad to cover all municipalities in the County. Mr. Herbert stated the ordinances would not be irrelevant as waterways can be reclassified. Ms. Cunningham stated Mr. Bill Tanner, the Township Engineer did review the ordinances and made a lot of edits. Mayor Cody stated the residents on Brainerd Lake should be notified of the ordinances. A member of the Environmental Commission (EC), Ms. Anna Drago, Park Place, stated she was surprised the letter was received by the Township on March 9th and a copy was not forwarded to the Environmental Commission. She stated the

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Ordinances
First Reading

Environmental Commission had met last week and could have addressed the letter. Ms. Cunningham stated the when the letter was received on March 9th, it was immediately sent to the Township Engineer for review. The letter from Middlesex County and the ordinances are being referred to the Environmental Commission and Planning Board, which will not review them until May. Mr. Herbert explained C-1 waterways are pristine bodies of water without much development. Hearing no further questions or comments, Mayor Cody requested a motion to introduce the ordinances.

CRANBURY TOWNSHIP ORDINANCE # 03-11-06

An Ordinance entitled, Cranbury Township Ordinance # 03-11-06, "AN ORDINANCE DESIGNATING RIPARIAN ZONES AND PROVIDING FOR LAND USE REGULATIONS TO PROTECT STREAMS, LAKES AND OTHER SURFACE WATER BODIES OF CRANBURY TOWNSHIP" was introduced for first reading. On motion by Mr. Taylor, seconded by Mr. Mulligan with Mr. Cook abstaining, the Ordinance was passed on first reading by vote:

Ayes: (Johnson
(Mulligan
(Taylor
(Cody

Abstain: (Cook
Absent: (None

Nays: (None

Public Hearing: April 11, 2011

I. PURPOSE AND AUTHORITY

The purpose of this Ordinance is to designate riparian zones, and to provide for land use regulations therein in order to protect the streams, lakes, and other surface water bodies of Cranbury Township and to comply with N.J.A.C. 7:15-5.25(g)3, which requires municipalities to adopt an ordinance that prevents new disturbance for projects or activities in riparian zones as described herein. Compliance with the riparian zone requirements of this Ordinance does not constitute compliance with the riparian zone or buffer requirements imposed under any other Federal, State or local statute, regulation or ordinance.

II. DEFINITIONS

The definitions of the words and/or terms utilized in this Article shall be as defined or described in the Water Quality Management Planning rules, N.J.A.C. 7:15, the Stormwater Management Rules, N.J.A.C. 7:8, and/or Flood Hazard Area Control Act Rules, N.J.A.C. 7:13, as they exist as of the effective date of this Ordinance and as they may be amended over time.

III. ESTABLISHMENT AND PROTECTION OF RIPARIAN ZONES

A. Except as provided in Sections IV. and V. below, riparian zones adjacent to all surface water bodies shall be protected from avoidable disturbance and shall be delineated as follows:

1. The riparian zone shall be 300 feet wide along both sides of any Category One water (C1 water), and all upstream tributaries situated within the same HUC 14 watershed.

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CRANBURY TOWNSHIP ORDINANCE # 03-11-06
(Continued)

2. The riparian zone shall be 150 feet wide along both sides of the following waters not designated as C1 waters:
 - a. Any trout production water and all upstream waters (including tributaries);
 - b. Any trout maintenance water and all upstream waters (including tributaries) within one linear mile as measured along the length of the regulated water;
 - c. Any segment of a water flowing through an area that contains documented habitat for a threatened or endangered species of plant or animal, which is critically dependent on the surface water body for survival, and all upstream waters (including tributaries) within one linear mile as measured along the length of the regulated water; and
 - d. Any segment of a water flowing through an area that contains acid producing soils.
 3. For all other surface water bodies, a riparian zone of 50 feet wide shall be maintained along both sides of the water.
- B. If a discernible bank is not present along a surface water body, the portion of the riparian zone outside the surface water body is measured landward as follows:
1. Along a linear fluvial or tidal water, such as a stream, the riparian zone is measured landward of the feature's centerline;
 2. Along a non-linear fluvial water, such as a lake or pond, the riparian zone is measured landward of the normal water surface limit;
 3. Along a non-linear tidal water, such as a bay or inlet, the riparian zone is measured landward of the mean high water line; and
 4. Along an amorphously-shaped feature such as a wetland complex, through which water flows but which lacks a discernible channel, the riparian zone is measured landward of the feature's centerline
- C. The applicant or designated representative shall be responsible for the initial determination of the presence of a riparian zone on a site, and for identifying the area of the riparian zone on any plan submitted to the Township of Cranbury in conjunction with an application for a construction permit, subdivision, land development, or other improvement that requires plan submissions or permits. This initial determination shall be subject to review and approval by the Township Engineer, governing body, or its appointed representative, and, where required by State regulation, the New Jersey Department of Environmental Protection.

IV. VARIANCES

To the extent allowed by the Stormwater Management Rules (N.J.A.C. 7:8) and the Flood Hazard Area Control Act Rules (N.J.A.C. 7:13, new disturbances for projects or activities in the riparian zone established by this Ordinance may only be allowed through the Zoning Board of Adjustment review and approval of a variance to this section of the Township Ordinance, provided the disturbance is proposed to be located on a pre-existing lot (existing as of the effective date of this ordinance) when there is insufficient room outside the riparian zone for the proposed use otherwise permitted by the underlying zoning; there is no other reasonable or prudent alternative to placement in the riparian zone, including obtaining variances from setback or other requirements that

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CRANBURY TOWNSHIP ORDINANCE # 03-11-06
(Continued)

would allow conformance with the riparian zone requirements; and upon proof by virtue of submission of appropriate maps, drawings, reports and testimony, that the disturbance is:

- A. Necessary to protect public health, safety or welfare;
- B. To provide an environmental benefit;
- C. To prevent extraordinary hardship on the property owner peculiar to the property;
or
- D. To prevent extraordinary hardship, provided the hardship was not created by the property owner, by not allowing a minimum economically viable use of the property based upon reasonable investment

V. EXCEPTIONS

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

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

VI. APPEALS, CONFLICTS, AND SEVERABILITY

- A. Any party aggrieved by the location of the riparian zone boundary determination under this Ordinance may appeal to the Township Engineer under the provisions of this Ordinance. The party contesting the location of the riparian zone boundary shall have the burden of proof in case of any such appeal.
- B. Any party aggrieved by any determination or decision of the [municipal contact] under this Ordinance may appeal to the Committee of the Township of Cranbury. The party contesting the determination or decision shall have the burden of proof in case of any such appeal.
- C. Conflicts: All other ordinances, parts of ordinances, or other local requirements that are inconsistent or in conflict with this ordinance are hereby superseded to the extent of any inconsistency or conflict, and the provisions of this Ordinance shall apply.
- D. Severability:
 - 1. Interpretation: This Ordinance shall be so construed as not to conflict with any provision of New Jersey or Federal law.

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CRANBURY TOWNSHIP ORDINANCE # 03-11-06
(Continued)

2. Notwithstanding that any provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, all remaining provisions of the Ordinance shall continue to be of full force and effect.
3. The provisions of this Ordinance shall be cumulative with, and not in substitution for, all other applicable zoning, planning and land use regulations.

VII. ENFORCEMENT

A prompt investigation shall be made by the Township Engineer of any person or entity believed to be in violation hereof. If, upon inspection, a condition which is in violation of this Ordinance is discovered, the remedies found in Article IX Sections 150-103 Violations and 150-104 Penalties of the Township Code shall be used by the Township to rectify the violations and bring site into compliance with this ordinance.

VIII. EFFECTIVE DATE

This Ordinance shall take effect upon final adoption and publication in accordance with the law on April 14, 2011, the date it is filed with the County Planning Board after adoption.

CRANBURY TOWNSHIP ORDINANCE # 03-11-07

An Ordinance entitled, Cranbury Township Ordinance # 03-11-07, "AN ORDINANCE REGULATING THE INTENSITY OF USE IN AREAS OF STEEPLY SLOPING TERRAIN TO LIMIT SOIL LOSS, EROSION, EXCESSIVE STORMWATER RUNOFF, THE DEGRADATION OF SURFACE WATER AND TO MAINTAIN THE NATURAL TOPOGRAPHY AND DRAINAGE PATTERNS OF LAND" was introduced for first reading. On motion by Mr. Taylor, seconded by Mr. Mulligan, the Ordinance was passed on first reading by vote:

Ayes: (Cook
(Johnson
(Mulligan
(Taylor
(Cody

Abstain: (None
Absent: (None

Nays: (None

Public Hearing: April 11, 2011

I. PURPOSE

The purpose of this ordinance is to regulate the intensity of use in areas of steeply sloping terrain in order to limit soil loss, erosion, excessive stormwater runoff, the degradation of surface water and to maintain the natural topography and drainage patterns of land.

II. BACKGROUND

Disturbance of steep slopes results in accelerated erosion processes from stormwater runoff and the subsequent sedimentation of waterbodies with the associated degradation of water quality and loss of aquatic life support. Related effects include soil loss, changes in natural topography and drainage patterns, increased flooding potential, further fragmentation of forest and habitat areas, and compromised aesthetic values. It has become widely recognized that disturbance of steep slopes should be restricted or prevented based on the impact disturbance of steep slopes can have on water quality and quantity, and the environmental integrity of landscapes.

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CRANBURY TOWNSHIP ORDINANCE 03-11-07
(Continued)

At the time of adoption of this ordinance the requirements set forth were consistent with those found in the State of New Jersey's Water Quality Management Planning rule (N.J.A.C. 7:15).

III. APPLICABILITY

This ordinance shall be applicable to new development or land disturbance on a steep slope within Cranbury Township.

IV. DEFINITIONS

"Disturbance" means the placement of impervious surface, the exposure or movement of soil or bedrock, or the clearing, cutting, or removing of vegetation.

"Impervious surface" means any structure, surface, or improvement that reduces or prevents absorption of stormwater into land, and includes porous paving, paver blocks, gravel, crushed stone, decks, patios, elevated structures, and other similar structures, surfaces, or improvements.

"Redevelopment" means the construction of structures or improvements on areas which previously contained structures or other improvements.

"Steep Slopes" means any slope equal to or greater than 20 percent as measured over any minimum run of 10 feet. Steep slopes are determined based on contour intervals of two feet or less.

V. DESIGNATION OF AREAS

The percent of slope (rise in feet per horizontal distance) shall be established by measurement of distance perpendicular to the contour of the slope. The percent of slope shall be calculated for each two-foot contour interval. For example, any location on the site where there is a one-foot rise over a 10-foot horizontal run constitutes a 10 percent slope; a 1.5 foot rise over a 10-foot horizontal run constitutes a 15 percent slope; a two-foot rise over a 10-foot horizontal run constitutes a 20 percent slope.

VI. STEEP SLOPE LIMITS

For steep slopes any disturbance shall be prohibited except as provided below:

1. Redevelopment within the limits of existing impervious surfaces; and
2. New disturbance necessary to protect public health, safety or welfare, such as necessary linear development with no feasible alternative; to provide an environmental benefit, such as remediation of a contaminated site; to prevent extraordinary hardship on the property owner peculiar to the property; or to prevent extraordinary hardship, provided the hardship was not created by the property owner, that would not permit a minimum economically viable use of the property based upon reasonable investment. For example, redevelopment, within the footprint of existing impervious cover should be allowed to support efforts to revitalize development that has fallen into disrepair.
The applicant shall demonstrate through site plans depicting proposed development and topography that new disturbance is not located in areas with a 20 percent or greater slope.

VII. CONFLICTS AND SEVERABILITY

- A. Conflicts: All other ordinances, parts of ordinances, or other local requirements

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CRANBURY TOWNSHIP ORDINANCE 03-11-07
(Continued)

that are inconsistent or in conflict with this ordinance are hereby superseded to the extent of any inconsistency or conflict, and the provisions of this ordinance apply.

B. Severability:

1. Interpretation: This Ordinance shall be so construed as not to conflict with any provision of New Jersey or Federal law.
2. Notwithstanding that any provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, all remaining provisions of the Ordinance shall continue to be of full force and effect.
3. The provisions of this Ordinance shall be cumulative with, and not in substitution for, all other applicable zoning, planning and land use regulations.

VIII. ENFORCEMENT, VIOLATION AND PENALTIES

A prompt investigation shall be made by the appropriate personnel of [municipality], of any person or entity believed to be in violation hereof. If, upon inspection, a condition which is in violation of this Ordinance is discovered, a civil action in the Special Part of the Superior Court, or in the Superior Court, if the primary relief sought is injunctive or if penalties may exceed the jurisdictional limit of the Special Civil Part, by the filing and serving of appropriate process. Nothing in this Ordinance shall be construed to preclude the right of [municipality], pursuant to N.J.S.A 26:3A2-25, to initiate legal proceedings hereunder in Municipal Court. The violation of any section or subsection of this Ordinance shall constitute a separate and distinct offense independent of the violation of any other section or subsection, or of any order issued pursuant to this Ordinance. Each day a violation continues shall be considered a separate offense.

Any person, firm or corporation violating any provisions of this chapter shall, upon conviction thereof by any court authorized by law to hear and determine the matter, be fined such sum not exceeding \$500, as such court, in its discretion, may impose; or, if the party so convicted is a natural person, such person may be imprisoned for such term not exceeding 90 days, as such court in its discretion may impose, or be fined a sum not exceeding \$500, as such court in its discretion may impose, or such natural person may be both imprisoned and fined not exceeding the maximum limits set forth herein, as such court in its discretion may impose. Each day that such violation continues beyond a ten-day period following written notice by the Construction Official or the Zoning Officer served by certified or registered mail or personal service shall constitute a separate offense.

IX. EFFECTIVE DATE

This Ordinance shall take effect upon final adoption and publication in accordance with the law on April 11, 2011.

Work Session

a). Discussion of Appointment of Individuals to Fill Vacancies in the Positions of Secretary to Certain Boards and Commissions and Assessing Clerk

The Township Committee discussed the appointment of individuals for two positions. Kristen Hamilton, present secretary to six (6) different Boards, left the Township for a full-time position, and Joanne Waters, Tax Assessing Clerk, is leaving her part-time position due to her husband's job relocation. Mr. Taylor stated Ms. Hamilton also fills in at the Police Department when needed, and the Assessing Clerk position requires some certification. The secretarial position sits on separate Boards, attending all meetings and preparing the agenda and minutes, as well as all follow-up action. Mr. Johnson suggested the possibility of combining some of the Boards. Mr. Cook suggested a volunteer from each organization to fill

TOWNSHIP COMMITTEE MEETING
March 28, 2011

Work Session

a). Discussion of Appointment of Individuals to Fill Vacancies in the Positions of Secretary to Certain Boards and Commissions and Assessing Clerk (Continued)

the position, and agreed with Mr. Johnson's suggestion of consolidating some of the Boards and added, the minutes prepared are invaluable since minutes are a significant source of information. Mr. Mulligan stated Ms. Hamilton did a quality job, including working on the Drug Free Fair, which is a large part of the Municipal Alliance Board. He suggested taking 30 days to attempt to find volunteers to assume the role of secretary for each Board. Mayor Cody opened the discussion to the public.

Ms. Cathy Frohbeiter, Chairperson of the Human Services Board, stated her Board has nine (9) members, three of whom work full time, with the other members all being in their 70s and 80s. She stated Ms. Hamilton was wonderful and pleaded for a paid secretary. She stated most of the members on the Human Services Board were not computer proficient and cannot do the jobs Ms. Hamilton has been performing for the Board. Mr. Brian Schilling, Griggs Road, stated he is on five (5) non-profit boards, four (4) of which have paid secretaries. The one board without assigned staff is not as efficient. Mr. Schilling stated he was impressed with Ms. Hamilton's competence and stated you get what you pay for. Ms. Betty Conover, Human Services Board member, stated Ms. Hamilton knew the "ins" and "outs" of dealing with the Township and requested a paid secretary. Ms. Anna Drago, Environmental Commission member, as well as on the Parks easement subcommittee, stated Ms. Hamilton was excellent keeping everything coordinated and she is very sorry to lose her. Ms. Bonnie Larson, Shade Tree member, stated Ms. Hamilton's responsibilities include preparation of all grants and projects, as well as all secretarial duties. She is the liaison to the Township, and Ms. Larson is concerned about the loss of continuity without Ms. Hamilton.

Ms. Beverly Gerberich, Chairperson of the Board of Health, stated she had the assigned duty of the Drug Free Fair when she was Cranbury School Nurse and stated there is a lot of work involved. Ms. Gerberich stated Cranbury School said if the Municipal Alliance did not take over the Drug Free Fair, it would not continue. This is the Drug Free Fair's 21st year, and it has become a community event. She said Ms. Hamilton inherited the Drug Free Fair and is doing a wonderful job. Ms. Hamilton stated the paid hours allotted to run the Drug Free Fair is approximately 80 hours. The Township Committee discussed turning the Drug Free Fair back to Cranbury School to reduce salary costs. Ms. Marabello will speak to Ms. Joyce Picciarello, Cranbury School Business Administrator, about returning the Drug Free Fair back to the school. Ms. Connie Bauder, Petty Road, suggested speaking to the Cranbury School PTO to assist with the Drug Free Fair. Mr. Tom Ingegneri, South Main Street, stated the Township Committee should support volunteerism. If the Drug Free Fair cannot get volunteers, it should go away. Ms. Bauder agrees with volunteerism, especially when looking at the school tax and municipal tax. She stated plenty go the children in town, and if parents want the Fair, they should pay for it or it should go away. Mr. Mulligan stated it might come back from the School that the Fair is still the Township's responsibility. Mr. Cook stated unless it is taken over by another entity, it will need to stop. Mayor Cody stated the Drug Free Fair is paid for this year. Ms. Hamilton stated the work for the Fair started in September.

Ms. Gerberich stated there are also many regulations involving boards, and Ms. Hamilton also knew how to work with the Township staff. Ms. Gerberich stated she did not want the position of Chairperson, but took the position knowing Ms. Hamilton would be there to help her. She added, Ms. Hamilton went above and beyond what a Board secretary does. Ms. Marabello stated she will advertise for a Board Secretary. Ms. Betty Conover, Human Services Board, inquired if some Boards will be involved in the interview process. Ms. Marabello stated the Boards may be involved. Ms. Cathy Frohbeiter, Chairperson of Human Services, stated their Board cannot be without a secretary. Mr. Mulligan stated the ad should include the wording "optional duty may include Drug Free Fair."

TOWNSHIP COMMITTEE MEETING
March 28, 2011

Work Session

- a). Discussion of Appointment of Individuals to Fill Vacancies in the Positions of Secretary to Certain Boards and Commissions and Assessing Clerk (Continued)

The Township Committee then discussed the Assessing Clerk position and stated they will look for someone who has the educational background or assessing experience. Advertising for the position will start April 1st.

- b). Discussion of Capital Ordinances.

The Township Committee decided, in the interest of time, to address Capital Ordinances under the Work Session at the next Township Committee on April 11th. Ms. Marabello will prepare a list of ordinances with her recommendations, and each will be reviewed by the Township Committee.

Resolutions

Consent Agenda

Mayor Cody asked the Township Committee if there were any questions or if any Resolutions under the Consent Agenda needed to be addressed separately. Mr. Johnson noted a discrepancy on the K Hovnanian Resolution of \$6,000 on the letter and \$3,000 on the Resolution.

Resolutions

Consent Agenda (continued)

Ms. Marabello stated the actual amount to be returned to K Hovnanian is \$3,000. On a motion by Mr. Taylor, seconded by Mr. Cook, the following Consent Agenda Resolutions were adopted by vote:

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

Nays: (None

Cranbury Township Resolution # 03-11-048

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 03-11-049

A RESOLUTION AUTHORIZING THE FILING OF A RECYCLING TONNAGE GRANT

WHEREAS, The Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, The New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

TOWNSHIP COMMITTEE MEETING
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Cranbury Township Resolution # R 03-11-049
(Continued)

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for the **2010 Recycling Tonnage Grant** will memorialize the commitment of this municipality to recycling and to indicate the assent of the Township Committee to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed;

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Cranbury that Cranbury Township hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Linda Scott, Recycling Coordinator, to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED, that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Cranbury Township Resolution #R 03-11-050

A RESOLUTION AUTHORIZING THE RELEASE OF
K HOVNANIAN'S REMAINING WINTER BONDS

WHEREAS, K Hovnanian has requested release of the remaining winter bonds for a total of \$3,000 in a letter dated March 7, 2011,

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Cranbury that the above winter bonds be released.

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

- (a) Township Attorney
- (b) Township Chief Financial Officer
- (c) K Hovnanian, Kathy Herity

Reports from Boards and Committees

There were no reports from Boards and Committees.

Public Comment

The Mayor opened the meeting to public questions and comments. Mr. Lawrence Mawn, Handley Court, inquired if the Township ever requested 15 day billing. Ms. Connie Bauder, Petty Road, asked about the progress of construction on Old Trenton Road. Mr. Cook reported PSEG was behind on moving poles due to the weather and has been approved to proceed now that the ground is not frozen. Ms. Bauder stated ABC Professional Tree Trimming Service has been trimming trees along municipal roads. She reported she is concerned with the job being done, specifically, the mess being left on the roads and the way the trees are trimmed. Ms. Bauder stated she is concerned the Township will lose trees. Ms. Mulligan stated the Township will reach out to PSEG who has contracted ABC to trim the trees. Ms. Bonnie Larson, Cranbury Neck Road, confirmed ABC is cutting off branches and leaving stumps instead of making clean cuts.

TOWNSHIP COMMITTEE MEETING
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Public Comment (Continued)

Mr. Art Hasselbach, Route 130, stated they want the trees to die so trees don't have to be trimmed again in three (3) or four (4) years. Ms. Cunningham, Clerk, will contact PSEG to inform them of the problem. The Township cannot stop the tree trimming as the trees are on PSEG's right of way. There being no further comments, the Mayor closed the public part of the meeting.

Resolution

On motion offered by Mr. Taylor, seconded by Mr. Mulligan, the following resolution was adopted by vote:

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

Nays: (None

Cranbury Township Resolution # R 03-11-051

TOWNSHIP OF CRANBURY
COUNTY OF MIDDLESEX

RESOLUTION TO CLOSE MEETING TO THE PUBLIC

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

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

"N.J.S.A. 10:4-12b (7)/Contract Negotiations": Discussion
of upcoming F.O.P. # 68 Contract Negotiations.

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

On motion by Mr. Taylor, seconded by Mr. Cook, and unanimously carried, the meeting returned to Open Session.

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

Nays: (None

On motion by Mr. Taylor, seconded by Mr. Cook and unanimously carried, the meeting adjourned at 10:15 p.m.

Jean Golisano, Deputy Clerk