

TOWNSHIP COMMITTEE MEETING
January 11, 2010

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 was: Township Committee members: Winthrop Cody, David Cook, Richard Stannard, James Taylor and Mayor David Stout. Also present were: Trishka Waterbury, Esquire, Attorney; Christine Smeltzer, Administrator and Kathleen R. Cunningham, Clerk. Mayor Stout 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, 2009 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, 2009.
- (3) Was filed on December 3, 2009 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.

Ms. Cunningham, Clerk, announced that Messrs. Cook and Taylor cannot vote on the adoption of the minutes as they were not on the Township Committee on December 7, 2009.

Regular Township Committee Minutes of December 7, 2009

On motion by Mr. Cody, seconded by Mr. Stannard and unanimously carried (with Messrs. Cook and Taylor abstaining), the Regular Township Committee Minutes of December 7, 2009 were adopted.

Closed Session Committee Minutes of December 7, 2009

On motion by Mr. Stout, seconded by Mr. Stannard and unanimously carried (with Messrs. Cook and Taylor abstaining), the Closed Session Committee Minutes of December 7, 2009 were adopted.

Reports and Communications

-- Mayor

Mayor Stout reported on the Planning Board meeting he had attended last Thursday and reported it was a re-organizational meeting; re-appointing members, swearing in members and the professionals to their respective positions. The Planning Board also discussed the need for a Master Plan update and stated part of this flows out of the work that Mr. Stannard and Mr. Cody did next year as well as recognition from residents, professionals and others that the Township does need to take another look at its Master Plan. Mr. Stout reported he and Mr. Stannard have requested they be provided with a scope in the budget and the Planning Board prioritizes what elements of the Plan need to be addressed so proper resources are allocated. Mayor Stout also reported that the Planning Board adopted a site plan approval for the former Silvi Concrete plant on Cranbury-Hightstown Road which has been dormant for at least ten (10) years. It will be a small warehouse for a contractor/landscaper. Mayor Stout reported the Township Committee will be having its budget meeting this Saturday, January 16th from 9:00 until 2:00 p.m.

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Reports and Communications (Continued)

-- Members of Committee

Mr. Cody reported the Helene Cody Foundation will be doing the 5K race again on Cranbury Day and would like to give a presentation to the Township Committee at the February 8th meeting. Mr. Cody also reported there is a meeting at COAH on Wednesday, January 20th to consider the Township's conditional certification and will issue the final certification in 60 days. He stated the Township will have to make a decision within the 60 days on how many units will be at the Route 130-D site and move to acquire the "family unit site" by September. The Township Committee will have a Work Session at its February 8th meeting. Mr. Cody also reported he had attended the Zoning Board of Adjustment meeting and the "Verdi" project on South River Road was on the agenda. However, as one of the members had to recuse himself, the Board postponed this item until the next meeting. Also on the schedule for the next meeting is Buy-Rite Liquors expansion. Mr. Cody reported also discussed was the role of the Township Engineer vs. Zoning Board Engineer, etc. and asked for definition on the various roles of the different engineers so there is not duplication on projects. Ms. Waterbury, Township Attorney, reported there is a very well-defined delineation and can lend her assistance to the question and help identify any Code changes that may have to be made. Ms. Smeltzer indicated she is planning to prepare a list of duties for the Township Engineer and currently is preparing a "transition list". Mayor Stout asked that the Planning and Zoning Boards be asked to do the same.

Mr. Cook stated in reference with the COAH issue, the Township should be compliant with COAH'S decision, whether it is Round Three, or something different as Mr. Cody reported the Township is compliant at this point in time. Mr. Cook stated in speaking with the New Jersey League of Municipalities, the change in the Governorship has changed the outlook and environment for COAH significantly. The Governor is stating he does want to change COAH or abolish it. Secondly, the Appellate Court heard arguments back in December that came both from developers and municipalities that as it stands now, COAH does not function well and is disruptive for developers because many municipalities have taken a "no growth approach". Mr. Cody reported the Township should have a better idea no later than July how any COAH changes will affect the Township.

Agenda Additions/Changes

Ms. Cunningham, Clerk, announced an amended Temporary Budget Resolution, Cranbury Township Resolution # R 01-10-023 was being added due to grant monies received for two programs, one being the "Drunk Driving Enforcement" and the second "Over the Limit Under Arrest" Program.

Resolution

Consent Resolutions

On motion offered by Mr. Stannard, seconded by Mr. Cody, the following Consent Agenda Resolutions were adopted by vote:

Ayes: (Cody
(Cook
(Stannard
(Taylor
(Stout

Abstain: (None
Absent: (None

Nays: (None

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Cranbury Township Resolution # R 01-10-016

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

Cranbury Township Resolution # R 01-10-017

**A RESOLUTION AWARDING A PROFESSIONAL SERVICES AGREEMENT FOR LEGAL
SERVICES TO TRISHKA WATERBURY, ESQ. AND
MASON, GRIFFIN & PIERSON, P.C.**

WHEREAS, N.J.S.A. 40:55D-71(b) authorizes the Township of Cranbury (TOWNSHIP) to employ, contract for and fix the compensation of its legal counsel and other experts and staff as it deems appropriate for the period January 1, 2010 to December 31, 2010; and

WHEREAS, pursuant to the "fair and open process" as defined by P.L. 2004, c. 19 (the "Local Unit Pay-to-Play Law"), the Township has solicited proposals for the position of Township Attorney; and

WHEREAS, TRISHKA WATERBURY and MASON, GRIFFIN & PIERSON, P.C. (COUNSEL) submitted a proposal dated October 14, 2009, offering to provide professional legal services to the TOWNSHIP for the period January 1, 2010 to December 31, 2010, in accordance with the rates and costs set forth in the contract attached hereto; and

WHEREAS, TOWNSHIP has determined that the value of the contract over the above-referenced period will exceed \$17,500.00; and

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

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 *et seq.*, authorizes the award of this contract without public or competitive bidding on the basis that it is a professional services agreement; and

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

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

1. The Township of Cranbury hereby appoints TRISHKA WATERBURY and MASON, GRIFFIN & PIERSON, P.C. to provide legal services to the TOWNSHIP for the period January 1, 2010 to December 31, 2010.
2. The Mayor and Clerk are hereby authorized and directed to enter into a Professional Services Agreement with the aforementioned attorneys pursuant to the provisions of the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.* This contract is being awarded without competitive bidding as a Professional Services Contract under the

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Cranbury Township Resolution # R 01-10-017
(Continued)

3. provisions of the aforementioned law because a service will be rendered or performed by a person or persons authorized by law to practice a recognized profession and whose practice is regulated by law.
4. A copy of this Resolution, the Certification of Contract Value, the Pay-to-Play forms, and the executed Agreement shall be placed on file in the office of the Township Clerk.
5. A brief notice of this action shall be published in a newspaper of general circulation in the Township of Cranbury within ten (10) days of its passage.

Cranbury Township Resolution # R 01-10-018

RESOLUTION TO TRANSFER OVERPAYMENT FROM 2008 TO 2010

WHEREAS, on Block 7 Lot 9.03 the assessed value for 2008 was lowered by the Tax Assessor to 18,000 from previous year(s) of 459,000. Taxes for this parcel in 2008 were \$276.12, but \$3,373.65 was paid, creating an over billed/overpayment of \$3,097.53; and

WHEREAS, the Tax Collector is recommending that the overpaid amount be transferred to Block 7 Lot 9.01 first quarter 2010, which is the same owner of record (Prologis Dev. Ser-Thomson TX&ACC) eliminating the need to refund monies; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranbury, County of Middlesex, State of New Jersey that the Tax Collector is authorized to transfer the overpayment as specified above.

Cranbury Township Resolution # R 01-10-019

RESOLUTION OF THE TOWNSHIP OF CRANBURY, NJ

A RESOLUTION AUTHORIZING THE RELEASE OF A PERFORMANCE GUARANTEE FOR
JOHN S. ELY, LENAPE SUBDIVISION

WHEREAS, John Ely has requested the release of their performance guarantee and remaining engineering escrow previously posted with the Township in accordance with Planning Board approval and

WHEREAS, the Township Engineer has, in a letter dated December 15, 2009 (attached hereto as "Exhibit A") recommended that the following performance guarantee be released:

Performance Cash	\$ 6,994.55
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NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranbury as follows:

1. It has reviewed, agrees with and hereby accepts all recommendations of the Township Engineer as set forth in "Exhibit A".
2. It hereby authorizes the release of performance guarantees set forth in the Township Engineer's letter referenced above.

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Cranbury Township Resolution # R 01-10-019
(Continued)

3. The Township hereby accepts the public improvements, if any so designated pursuant to the Planning Board's approval.

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

- (a) Township Engineer
- (b) Township Director of Finance
- (c) John S. Ely
- (d) Township Attorney

Cranbury Township Resolution # R 01-10-020

RESOLUTION OF THE TOWNSHIP OF CRANBURY, NJ

A RESOLUTION AUTHORIZING THE RELEASE OF ESCROW

WHEREAS, Cranbury Swim Club has deposited planning escrow with Cranbury Township;
and

WHEREAS, Cranbury Swim Club has requested the release of the balance of said escrow in the amount of \$1,483.50;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Cranbury authorizes the release of the above escrow deposit;

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 Director of Finance
- (c) Jeff Lipschultz, Cranbury Swim Club

Cranbury Township Resolution # R 01-10-021

RESOLUTION OF THE TOWNSHIP OF CRANBURY, NJ

A RESOLUTION AUTHORIZING THE RELEASE OF A PERFORMANCE GUARANTEE FOR
SWEETWATER

WHEREAS, Sweetwater has requested the release of their performance guarantee and remaining engineering escrow previously posted with the Township in accordance with Planning Board approval and

WHEREAS, the Township Engineer has, in a letter dated December 16, 2009 (attached hereto as "Exhibit A") recommended that the following performance guarantee be released:

Performance Cash	\$ 3,983.19
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NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranbury as follows:

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Cranbury Township Resolution # R 01-10-021
(Continued)

1. It has reviewed, agrees with and hereby accepts all recommendations of the Township Engineer as set forth in "Exhibit A".
2. It hereby authorizes the release of performance guarantees set forth in the Township Engineer's letter referenced above.
3. The Township hereby accepts the public improvements, if any so designated pursuant to the Planning Board's approval.

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

- a. Township Engineer
- b. Township Director of Finance
- c. Sweetwater
- d. Township Attorney

Reports from Township Staff and Professionals
Police Chief Edward Kahler's Monthly Report

Police Chief Edward Kahler gave the Township Committee his report for the month of December, 2009. Chief Kahler reported there were 100 summonses issued during the month. Cell phone violations: 3, Expenditures (highest to lowest) were shift coverage, special details and Court. The Traffic Bureau reported there were 28 crashes in December and the snow and ice conditions of late have caused a jump in the number of motor vehicle crashes and disabled vehicles. The Detective bureau had 11 new investigations and closed 6. The CERT team assisted with the second H1N1 vaccination clinic held at the Cranbury School on December 8th. The CERT members generated inoculation records, assisted with crowd control and helped distribute literature. The bicycle patrols were not out at all during the month. The vehicle mileage was 11,354 miles. Arrests were 11; DWI-3, Assault-2, Burglary-1, Warrants-4, Hindering-1. Chief Kahler reported the second vaccination clinic held at the Cranbury School on December 8, 2009 was a complete success. During the recent significant snow fall, several police officers volunteered to remain at headquarters to ensure that they would be able to report for their next shift. The officers, who worked up to eighteen-hour shifts, stayed in the Police Department's new shelter which was built by Matt Mikula for his Eagle Scout project. The Department received a certificate of appreciation from ProLogis Trust for its participation in the "Toys for Tots Program". Mr. Taylor thanked the Chief for the good work his Department performed during the recent snow storm. Mayor Stout reported the Township Committee will be asking Departments to track their Department's budgets every month and the Police Department will be required to do so as well.

Administrator's Report

Ms. Smeltzer reported installation of the garage doors at the Fire House are underway however, there was a damaged panel and they are awaiting delivery of the replacement panel. Ms. Smeltzer also reported at the County level, Ryan Rapp, previously with the Agricultural Development Board has moved on and she was recently introduced to Mary Morrison, his replacement. If the Township should have any questions concerning farmland preservation, she will be the contact person at the County Agricultural Board.

Mr. Cody asked about how the Township determines when the lake is safe for skating. Mr. Cook stated he was always told there had to be 8" of ice before skating is allowed. Mr. Thorne, Public Works Director, had tested the ice recently and there was only 3" of ice.

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Work Session

a). Discussion of Township Committee Subcommittees

The Township Committee discussed and assigned the following subcommittee appointments for 2010: Business - Win Cody & Jay Taylor, COAH - Win Cody & Dave Cook. Master Plan -Win Cody & David Stout, Personnel - David Stout & Jay Taylor, Traffic - Richard Stannard & David Stout.

b). Discussion of Township Committee Liaisons

The Township Committee discussed and assigned the following liaison appointments for 2010: Winthrop Cody -- Board of Education, Business & Professional Assn., Development Review Commission, Human Services, Municipal Alliance, Recreation Commission & Zoning Board. David Cook--Cranbury Housing Associates, Business & Professional Assn., League of Municipalities, Library and Middlesex County Solid Waste. Richard Stannard-- Board of Health, Court, Historical & Preservation Society, HPC, Office of Emergency Management & Police, James Taylor--Buildings & Grounds, Construction, Fire Company, First Aid Squad, Parks Commission and Public Works, David Stout--Administrative & Executive, Environmental Commission, Finance, Shade Tree Commission, Tax Assessor, Tax Collector.

Public Comment

The Mayor opened the meeting to public questions and comments. Mr. Mark Berkowsky, Cranbury Housing Associates reported 2010 is marking the 45th Anniversary of the Cranbury Housing Association and stated they would like to invite the Township Committee and public to attend a business meeting and retrospective (with an audio visual presentation) next Sunday, January 24th at 2:30 p.m. in the Large Group Room at the School.

Mr. Taylor stated he had attended the D.R.C. meeting this past week and Sweetwater Construction is planning at the end of this month to sign their contract for the purchase of the former PNC Bank building. They will have approximately 30 employees in the building and the old bank portion will be leased to Knapp Bicycles. The intent is to also build a house on Main Street at the location. There being no further comments, the Mayor closed the public part of the meeting.

Mayor's Notes

Mayor Stout announced the Township Committee's budget hearings begin this Saturday in the Meeting Room at 9:00 a.m. and urged the public to attend.

Resolution

On motion offered by Mr. Stannard, seconded by Mr. Cody, the following resolution was adopted by vote:

Ayes: (Cody
(Cook
(Stannard
(Taylor
(Stout

Abstain: (None
Absent: (None

Nays: (None

TOWNSHIP COMMITTEE MEETING
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Cranbury Township Resolution # R 01-10-022

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 Dispatch Service Contract".

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.

Date: January 11, 2010

On motion by Mr. Stannard, seconded by Mr. Cody and unanimously carried, the meeting
returned to Open Session:

Ayes: (Cody	
(Cook	Abstain: (None
(Stannard	Absent: (None
(Taylor	
(Stout	

Nays: (None

On motion by Mr. Stannard, seconded by Mr. Cody and unanimously carried, the meeting
adjourned at 8:15 p.m.

Kathleen R. Cunningham, Clerk