

TOWNSHIP COMMITTEE MEETING  
January 25, 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 were: Township Committee members: Winthrop Cody, David Cook, Richard Stannard, James Taylor and Mayor David Stout. Also present were: Kevin Van Hise, Esquire; 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.

Regular Township Committee Minutes of December 21, 2009

On motion by Mr. Cody, seconded by Mr. Stannard and unanimously carried (with Messrs. Cook and Taylor abstaining as they were not on the Township Committee at the time), the Regular Committee Minutes of December 21, 2009 were adopted.

Closed Session Committee Minutes of December 21, 2009

On motion by Mr. Cody, seconded by Mr. Stannard and unanimously carried (with Messrs. Cook and Taylor abstaining as they were not on the Township Committee at the time), the Closed Session Minutes of December 21, 2009 were adopted.

Regular Township Committee Minutes of January 4, 2010

On motion by Mr. Cody, seconded by Mr. Cook and unanimously carried, the Regular Committee Minutes of January 4, 2010 were adopted.

Reports and Communications

--Mayor

Mayor Stout reported the Township Committee received a letter from State Senator Raymond Lesniak regarding COAH, and he has asked for feedback concerning if the Township would still want to move forward to its Regional Contribution Agreements. Mayor Stout indicated that the Township Committee can discuss this during its work session.

Mayor Stout reported there has been correspondence back and forth between Middlesex County and the State Department of Environmental Protection concerning the area near the Brainerd Dam and the cleanup of the concrete. Mayor Stout stated the Township should see some plans from the County shortly.

--Members of Committee

Mr. Cook reported the letter from Senator Lesniak regarding COAH is creating a lot of interest "on all fronts" and he will keep the Township informed. Mr. Cook also reported he plans to attend the committee meeting in Trenton on February 1<sup>st</sup> which is open to the public. The committee vote is expected to take place on the bill around the 8<sup>th</sup> of March.

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Reports and Communications (Continued)  
--Members of Committee (cont'd)

Mr. Cody urged the public not to misread the bill by thinking it will abolish the affordable housing plan in New Jersey. The bill, if enacted, will do away with COAH as it is known now.

Mr. Taylor reported on both the First Aid Squad and the Fire Company. The new siren is installed, however, there are a few problems which are being worked out.

Agenda Additions/Changes

Ms. Cunningham, Clerk, announced and introduced Joanne Waters, the new Assistant to the Assessor who is replacing Elizabeth Kerr, who is retiring after over seven (7) years with Cranbury Township. Ms. Cunningham also announced Cranbury Township Resolution # R 01-10-028 has been amended to reflect it is for release of a maintenance agreement and not a performance agreement. Ms. Cunningham announced Cranbury Township Resolution # R 01-10-024 which Mayor Stout will now read:

TOWNSHIP OF CRANBURY  
COUNTY OF MIDDLESEX

Cranbury Township Resolution # R 01-10-024

WHEREAS, Elizabeth Kerr was hired on July 22, 2002 by Cranbury Township as the "Assessing Clerk/Sewer Collector"; and

WHEREAS, Elizabeth later was promoted to the "Assistant to the Assessor/Payroll Supervisor"; and

WHEREAS, Elizabeth has demonstrated throughout her career her unwavering commitment to Cranbury Township; and

WHEREAS, Elizabeth has always gone "above and beyond" in performing any tasks assigned to her as well as assisting Cranbury's residents and her co-workers;

WHEREAS, Cranbury relies on a volunteer spirit to make it a special place and Elizabeth's readiness to step up to help others embodies that spirit; and

WHEREAS, Elizabeth and her husband, Ray, have now decided it is time to move on to another chapter in their lives---retirement;

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Cranbury, that Elizabeth and her husband Ray, are wished many healthy and happy years of retirement; and

BE IT FURTHER RESOLVED that a duly authenticated copy of this resolution is presented to Elizabeth with best wishes and congratulations on her retirement and special thanks from Cranbury Township for setting such a fine example to her co-workers.

Resolution

On motion offered by Mr. Stannard, seconded by Mr. Taylor, the above Resolution was adopted by vote:

Ayes: (Cody  
(Cook

Abstain: (None

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Cranbury Township Resolution # R 01-10-024  
(Continued)

(Stannard  
(Taylor  
(Stout

Absent: (None

Nays: (None

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

Cranbury Township Resolution # R 01-10-025

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 01-10-026

TOWNSHIP OF CRANBURY  
MIDDLESEX COUNTY, NEW JERSEY

A RESOLUTION AWARDING PROFESSIONAL SERVICES AGREEMENT

WHEREAS, the Township wishes to hire the following individual and firm ("Professional") to provide a professional service to the Township during the calendar year 2010 and as follows:

- a). John J. Maley, C.P.A./R.M.A. – Township Auditor (1-year term)

WHEREAS, the costs for the services to be provided by the Professional are set forth in the respective proposal submitted to the Township, which are incorporated herein as if fully restated; and

WHEREAS, the Township has a need to acquire the foregoing services without a "fair and open process" as defined by P.L. 2004, c. 19, the "Local Unit Pay-to-Play Law"; and

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

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

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Cranbury Township Resolution # R 01-10-026  
(Continued)

WHEREAS, the Cranbury Township Chief Financial Officer has certified that sufficient funds are available for these purposes.

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 the following individual and firm to provide professional services to the Township during the calendar year 2010:
  - a). John J. Maley, CPA – Township Auditor (1-year term).
2. The Mayor and Clerk are hereby authorized and directed to enter into a Professional Services Agreement with the aforementioned professional 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 Agreement under the provisions of the aforementioned law because a service will be rendered or performed by a person authorized by law to practice a recognized profession and whose practice is regulated by law.
3. A copy of this Resolution, the pay to play forms, and the executed Agreement shall be placed on file in the office of the Township Clerk.
4. A brief notice of this action shall be published in a newspaper of general circulation in the Township of Cranbury within ten (10) days of its passage.

Cranbury Township Resolution # R 01-10-027

**A RESOLUTION ESTABLISHING A NEW CHANGE FUND**

WHEREAS, it is the desire of the Township of Cranbury, County of Middlesex to establish a change fund for the Cranbury Township Clerk's Office in the amount of \$100.00; and

WHEREAS, the custodian for this fund is Kathleen Cunningham; such custodian shall maintain records for this fund in a manner conducive to proper accounting and auditing procedures;

NOW, THEREFORE, BE IT RESOLVED that the Township of Cranbury, County of Middlesex hereby authorizes such action and that two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

Cranbury Township Resolution # R 01-10-028

**RESOLUTION OF THE TOWNSHIP OF CRANBURY, NJ**

**A RESOLUTION AUTHORIZING THE RELEASE OF A MAINTENANCE BOND FOR INCE  
PUBLIC IMPROVEMENTS**

WHEREAS, Company has requested the release of their Maintenance Bond previously posted with the Township in accordance with Planning Board approval and

WHEREAS, the Township Engineer has, in a letter dated January 25, 2010 (attached hereto as "Exhibit A") recommended that the remaining \$7,598.20 maintenance bond be released:

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Cranbury Township Resolution # R 01-10-028  
(Continued)

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.
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 Chief Financial Officer
- c. Jaffar Naqvi, INCE
- d. Township Attorney

Work Session

a) Discussion by Township Committee on the "Turnpike Tree Subcommittee's" Recommendations.

Mayor Stout led the discussion explaining there are two types of mitigation that are owed to the Township due to the Turnpike widening project. Under the Flood Hazard Control Act anytime construction encroaches upon a stream and a bridge is built or widened, vegetative communities are impacted. Whenever a State Agency (Turnpike) undertakes a project that causes a loss of trees (deforestation), they have to replace under the "Net Loss Reforestation Act". Mr. Wahlers has headed up a subcommittee to recommend where the Township may want to place the 9,800 trees that will become available to the Township. The Turnpike has to replace 207 trees for each acre it takes from the Township. East Windsor Township has a letter of intent for 17,000 trees and plans to ask for more. Mayor Stout reported the Turnpike will give the Township \$ 300.00 to purchase and install each tree and will insure the trees' survival for a period of two (2) years. Mr. Craig Hanlon, Principal Environmental Scientist from the Louis Berger Group, Inc. gave the background on the "No Net Loss Reforestation Act". He explained the trees have to be planted on ½ acre on a one-to-one ratio on State lands or public lands within the municipality first, or if there is no land within a municipality, then the trees would go to an adjoining municipality or state wide. Mr. Hanlon reported within the Township there is approximately 50 acres of deforestation. Of those 50 acres, the Turnpike will plant on two (2) acres of its own property thus leaving 48 acres within Cranbury to be planted. The trees need to be planted on property having public access such as schools, open space, green acres, etc. and not private lands. Mr. Hanlon stated the deadline is next month to have the plan submitted to the Turnpike as to how many trees and the locations where they will be planted. Mayor Stout reviewed the recommendation of the subcommittee stating the first site is on the Fischer property which is owned by the Township and on the Township's Recreation Open Space Inventory ("ROSI") listed as funded park land. Presently part of the land is being farmed, which is contrary to what the land was purchased for. The subcommittee has recommended planting 5,000 trees on the site. The Hagerty property which is opposite (across from the Fischer site) is a 20 acre parcel and the subcommittee has recommended planting 204 trees on it. The subcommittee recommended no additional trees on the "Pin Oak" site. The Updike

TOWNSHIP COMMITTEE MEETING  
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Work Session

b) Discussion by Township Committee on the "Turnpike Tree Subcommittee's" Recommendations (cont'd)

property has a parcel of 30+ acres which is also on the Township's ROSI, and if at some point this is to be used for recreational purposes, an agreement exists for a "windbreak" to be planted as a buffer to separate the homes from the open space. The Cranbury Brook Preserve was recommended to have 50 trees and Wright South to have 27 trees. Mayor Stout asked if the Board of Education has gotten back to the subcommittee as to how many trees they may want. Mr. Wahlers indicated he will follow up with the School as he has not heard back from them yet. The subcommittee recommended placing 112 trees on the Route 130-D property, 15 trees in Village Park, Old Trenton Road extension- 16 trees, and along village streets and roads, 50 trees to replace diseased trees. Trees on sections of Liberty Road that have already been built – 202 trees (where the Township has the right-of-way). Mr. Wahlers reported there are a total of 6,500 trees. Mr. Hanlon indicated the Township can plant trees at additional locations (16 acres to use up the total 9,800 trees the Township can be given) should it desire to do so as long as it is on public lands. Mr. Cook recommended finding the additional 16 acres to make up the total. Mr. Cook recommended only reforesting a portion of the Fischer property and suggested Hagerty be completely reforested and asked how many trees would be used. Mr. Wahlers reported 4,000+ trees. Mr. Stannard urged the Township not to take trees just for the purpose of taking trees. Mayor Stout opened the discussion for public comment. Mr. Brian Schilling, Holmes Road, read a letter from his neighbors, Mary and Thomas Reilly, requesting trees be planted behind Route 130 at Cranbury Estates to act as a buffer to the highway, and Mr. Schilling urged the Township to still keep some of its agriculturally used land. Mr. Dale Smith, 8 Maplewood Avenue, asked if the Township signs a "letter of intent" and then decides not to plant trees in certain locations, is there a penalty. Mr. Hanlon responded he would have to check with D.E.P. Mr. Smith stated he feels it is more important for Cranbury to maintain its "view shed" of open space rather than plant a lot of trees on those particular parcels. Ms. Connie Bauder, Petty Road, congratulated the subcommittee for doing an outstanding job and spoke in favor of foresting Fischer and raised her concern about the wetlands on the property and the effects of the chemicals being used for the farming. Ms. Bauder recommended planting some trees along Petty, Old Trenton and Plainsboro Roads as this area is very windy and trees will help keep soils from blowing away. She also stated she is in favor of planting trees as a buffer on the Updike parcel. Mr. Dave Mauger, 26 Griggs Road, stated he is in favor of trees on Plainsboro Road and also in favor of trees buffering Route 130 (at the end of Ryan Road to act as a buffer to Route 130 due to truck traffic noise). Mr. Dan Mulligan, Old Cranbury Road, requested the Township keep a nice balance by allowing farming to continue on the Fischer property. Mr. Mulligan reported he heard many years ago the Fischer property was the site of one of the first Baptist Churches in the area. He suggested putting a community garden on a portion of Fischer and plant trees on the Hagerty property or possibly farming the Hagerty property. Ms. Barbara Rogers, member of the tree subcommittee, stated the intent of the subcommittee's plan is to reforest and not just "piecemeal" the planting of trees at various sites throughout the Township. Ms. Joan Smith, 8 Maplewood Avenue, stated the Township should leave its options open for a little while longer and commented that Cranbury has always been known for its beautiful open vistas. Ms. Norma Swale, Ryan Road, stated the Hagerty property needs to be cut every two (2) years and spoke in favor of having a meadow on the site. Ms. Swale urged the Township to forest the Fischer property to "create our own woodland". Ms. Swale also stated trees can be planted on Route 130 and can be planted on public land. Mr. Dave Mauger, 26 Griggs Road, asked if there is a requirement legally for the Turnpike to notice residents in reference to notice residents. Mr. Hanlon stated once the Plan is completed and submitted to D.E.P., the Turnpike is then required to notify the public and publish notices on the hearings. The public is urged to attend, and the plans

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Work Session

c) Discussion by Township Committee on the "Turnpike Tree Subcommittee's" Recommendations (cont'd)

will be made available for them to review. Mayor Stout stated in addition, the Township can post a notice of the public hearings on its web site. Mayor Stout reported if the Township Committee agrees a request should be made to plant trees on both Petty and Plainsboro Roads. The Township Committee agreed. Mayor Stout asked the Township Committee members if they are in favor of planting 800 trees as a buffer on the Updike parcel. The Township Committee was in unanimous agreement. Mr. Cody stated he is in favor of having a community garden on the Fischer property and also planting some trees on both the Fischer and Hagerty properties. Mr. Stannard stated he is in favor of foresting Hagerty, however, raised his concern with losing the vistas on both properties and recommended planting some trees on Fischer. Mr. Cook stated he recommends planting trees fully on the Hagerty property and not reforesting completely the Fischer property. He is in favor of having a community garden. Mr. Taylor stated he is in favor of a "hybrid approach" with both properties and is in favor of having a community garden. Mayor Stout stated he believes a hybrid approach works well and a community garden is a good idea. Mayor Stout asked the Township Committee members to think about their final decision before the next meeting on February 8, 2010 at 7:00 p.m.

Reports from Township Board and Commissions

Mr. Stannard reported the Planning Board had met for the purpose of discussing the new Master Plan for next year. It is going to be expensive but is a requirement to be done every six (6) years. He reported the Planning Board is looking at combining changing the commercial district in town with this updated Master Plan.

Public Comment

The Mayor opened the meeting to public questions and comments. Mr. Dan Mulligan, Old Cranbury Road stated he is volunteering to serve on a subcommittee down the road for the community garden. He asked if the Township has a monthly fee from the Township Attorney for deeding the property to the School recently. Mayor Stout reported on the report it is listed as 4.8 hours and explained a subdivision had to be done, perfect the survey and file the deed with the County Clerk's Office. Ms. Connie Bauder, Petty Road, stated on Thursday, February 4, 2010 H1N1 flu shots are going to be given at the Plainsboro Municipal Building from 12:00 to 4:00 p.m. and asked if the Township could post this notice on its web site to "get the word out". Mr. Dave Mauger, 26 Griggs Road, stated he had attended the Cranbury Housing Associates' Open House on Sunday and it seems a lot of decisions on the Route 130-D site still need to be made as to how many affordable housing units will be built there. There being no further comments, the Mayor closed the public part of the meeting.

Mayor's Notes

Mayor Stout read a letter from State Senator Raymond Lesniak concerning his introduction of Senate Bill-1 which would allow Cranbury Township to utilize the "Regional Contribution Agreement" (RCAs) which were prohibited when A-500 was signed into law as well as re-structure COAH as it is known today. Senator Lesniak also requested the Township respond to him as to its intentions concerning the RCAs. Mayor Stout suggested stating Cranbury Township has a history of doing RCAs and would like to continue to do so. Mr. Cook suggested expanding the statement stating Cranbury has a history of having RCAs for the past thirty years which has allowed Cranbury to manage its affordable housing obligations. The Township Committee members agreed, and Mayor Stout indicated he will send a letter on behalf of the Township Committee to Senator Lesniak.

Mayor Stout appointed to the Human Services Board, Catherine Frohbeiter, with a term expiring 12/31/14 and Shirley Batesdo to a term expiring 12/31/11 (filling the vacancy).

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Mayor's Notes (Continued)

Mayor Stout stated the next appointment is a Township Committee appointment and asked if everyone agrees with this appointment. All members endorsed the appointment of Cheryl McCormack to the Municipal Alliance Commission with a term expiring 12/31/12 to fill a vacancy.

Resolution

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

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

Nays: (None

Cranbury Township Resolution # R 10-10-029

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 (5) (Land Acquisition): Discussion of possible land acquisition."

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 25, 2010

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

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

Nays: (None

On motion by Mr. Stannard, seconded by Mr. Cody and unanimously carried, the meeting adjourned at 9:52 p.m.

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Kathleen R. Cunningham, Clerk