

TOWNSHIP COMMITTEE MEETING

February 22, 2010

The regular meeting of the Township Committee of the Township of Cranbury was held at 7:00 p.m. in the Large Group Room of the Cranbury School. 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: 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:

Ms. Cunningham, Clerk, announced the location of the meeting had been noticed on February 16, 2010.

- (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 January 25, 2010

On motion by Mr. Stannard, seconded by Mr. Cody and unanimously carried, the Regular Township Committee Minutes of January 25, 2010 were adopted.

Closed Session Committee Minutes of January 25, 2010

On motion by Mr. Cody, seconded by Mr. Stannard and unanimously carried, the Closed Session Minutes of January 25, 2010 were adopted.

Special Township Committee Budget Meeting Minutes of January 16, 2010

On motion by Mr. Cody, seconded by Mr. Cook and unanimously carried, the Special Township Committee Budget Meeting Minutes of January 16, 2010 were adopted.

Special Township Committee Budget Meeting Minutes of January 23, 2010

On motion by Mr. Stannard, seconded by Mr. Cody and unanimously carried, the Special Township Committee Budget Minutes of January 23, 2010 were adopted.

Special Township Committee Budget Meeting Minutes of February 13, 2010

On motion by Mr. Cody, seconded by Mr. Cook and unanimously carried, the Special Township Committee Budget Meeting Minutes of February 13, 2010 were adopted.

Reports and Communications

--Mayor

Mayor Stout reported he had attended the "Turnpike Tree subcommittee" meeting and distributed the subcommittee's final report to Township Committee members. This report is attached at the end of the minutes ("Attachment A").

Mayor Stout also reported he had received the Clerk's Office monthly report for January, 2010 and over \$1,000 in revenue was collected for dog and cat licenses, marriage license

TOWNSHIP COMMITTEE MEETING
February 22, 2010

Reports and Communications
--Mayor (Continued)

applications, certified death certificates, marriage license certified copies as well as copying charges.

He also reported from the Finance Department the Tax Collector had reported 94% of tax payments in Cranbury Township are made on time and the Finance Department took in \$85,000 in revenues during January.

--Members of Committee

Mr. Taylor reported he had met with the Construction Official, Greg Farrington, and between the Planning Board, Zoning Board and DRC there are eight (8) potential permit fees of \$3.3 million. This amount does not include the Solar Panel project with Prologis.

Mr. Taylor also reported he is working with the Construction Official and reviewing the problems and issues with the concrete walk in front of the police station to determine the potential cause of the scaling. He reported he has having the bid specs pulled and plans to sit down this week with the Construction office to review the bid specs and some other information to determine if the specs for the concrete were appropriate to the use. Mr. Taylor added the replacement of the walkway will require approximately 13 yards of concrete.

Mr. Taylor reported he had met with the Fire Official. Back in June 2009 an ordinance was adopted (05-09-11) creating a penalty if a contractor working on an alarm system does not notify the Township and ends up creating a false alarm. He stated it is his understanding that the fine itself was to be split between the fire company and the fire official. However, because the ordinance does not state that is the case the fine must remain in the general fund. It cannot be sent to the fire official or fire department. There has only been one false alarm since the ordinance was passed, and Mr. Taylor recommended discussion of the intent of the ordinance.

The Fire Company raised a question about the display of building addresses on some of the warehouses. He reported he raised the question to the Fire Official and to the Zoning Officer who are researching the Township's Codes. Mr. Taylor will be sitting down with the fire company to discuss if there is an issue and if so what recommendation should be made. He also reported on March 1st there is a meeting between the Fire Company, Ms. Smeltzer, Township Administrator; and Jerry Thorne, Public Works Director to review the policy for public works employees responding to calls and stated there is no issue at this time.

Mr. Taylor reported both the Fire Company and First Aid Squad expressed their appreciation and town support for the LOSAP Program and for the Township Committee approving the contribution be made in the first quarter this year.

Mr. Taylor reported he had met with Tom Weidner, Chairperson of the Parks Commission and asked him to come before the Township Committee to present the Parks Commission end-year report and actions.

Mr. Taylor had met with Jerry Thorne, Public Works Director and for the month his Department had plowed snow (overtime amounted to \$6,500), worked on various trucks, installed snow fencing, chipped brush, filled potholes and emptied public recycle/trash cans.

Mr. Cook reported he had attended a meeting at the New Jersey League of Municipalities on COAH. Mike Ceara of the League explained there is no real definition yet on what the three (3) tiers of government are doing to do. A Judge put a stay on the Governor's recent Executive Order concerning COAH and everyone should know the outcome of the COAH issue by the middle of March.

TOWNSHIP COMMITTEE MEETING
February 22, 2010

--Members of Committee (Continued)
Mr. Cook (cont'd)

Mr. Cook also reported he had met with the Library and they conveyed they have a significant interest with working with the Township in assisting with various Township-sponsored programs such as Recreation and Seniors.

Mr. Cody reported he had met with the Recreation Board and they will be making recommendations on dugouts, etc. for the new ball field at the Township Committee meeting of March 22, 2010.

Mayor Stout reported he had received the "Recycling Shed Report" from Linda Scott, Recycling Coordinator.

Agenda Additions/Changes
There were none.

Ordinance
First Reading

An Ordinance entitled, "CRANBURY TOWNSHIP ORDINANCE # 02-10-01, AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK", was introduced for first reading. On motion by Mr. Cody, seconded by Mr. Taylor, the Ordinance was passed on first reading by vote:

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

Nays: (None

Public Hearing: March 8, 2010

Cranbury Township Ordinance # 02-10-01

**CALENDAR YEAR 2010
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the governing body of the Township of Cranbury in the County of Middlesex finds it advisable and necessary to increase its CY 2010 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

TOWNSHIP COMMITTEE MEETING
February 22, 2010

Cranbury Township Ordinance # 02-10-01

(Continued)

WHEREAS, the governing body hereby determines that a 1 % increase in the budget for said year, amounting to \$70,384 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the governing body hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the governing body of the Township of Cranbury, in the County of Middlesex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2010 budget year, the final appropriations of the Township of Cranbury shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 1 %, amounting to \$70,384.00, and that the CY 2010 municipal budget for the Township of Cranbury be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Resolution

Mayor Stout reported this resolution is Cranbury Township's proposed 2010 operating budget. This year the Township is using less surplus than in 2009 with the assumption of receiving State Aid. The Township does not know that amount as of now. The Township Committee reduced the proposed budget by over \$600,000 which resulted in no increase in the Township's tax rate for this year. Mayor Stout reported according to the Township's Tax Assessor, the assessed value is eroding and recommended the Township increase its tax rate. Mayor Stout stated in future years the residents should plan for an increase in their taxes. He reported letters will go out once the budget is adopted explaining to residents their taxes did not increase this year and also letting them know to plan for an increase for next year.

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

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

Abstain: (None
Absent: (None

Nays: (None

**CRANBURY TOWNSHIP RESOLUTION R-02-10-034-A
2010 MUNICIPAL BUDGET**

of the Township of Cranbury, County of Middlesex for the fiscal year 2010.

TOWNSHIP COMMITTEE MEETING
February 22, 2010

CRANBURY TOWNSHIP RESOLUTION R-02-10-034-A
2010 MUNICIPAL BUDGET
(Continued)

Revenue and Appropriation Summaries

Summary of Revenues	2010	Anticipated 2009
1. Surplus	\$1,146,000.00	\$1,580,350.00
2. Total Miscellaneous Revenues	\$3,148,055.05	\$3,120,326.50
3. Receipts from Delinquent Taxes	\$128,691.00	\$151,600.00
4. a) Local Tax for Municipal Purposes	\$6,365,360.00	\$6,707,954.80
b) Addition to Local District School Tax		
Tot Amt to be Raised by Taxes for Mun Budget	\$6,365,360.00	\$6,707,954.80
Total General Revenues	\$10,788,106.05	\$11,560,231.30
Summary of Appropriations	2010 Budget	2009 Budget
1. Operating Expenses: S&W	\$3,209,201.13	\$3,197,983.00
Other Expenses	\$5,048,125.29	\$5,660,968.60
2. Deferred Charges & Other Appropriations	\$646,976.00	\$621,118.00
3. Capital Improvements	\$40,000.00	\$50,000.00
4. Debt Service (include for School Purposes)	\$1,694,377.83	\$1,814,161.70
5. Reserve for Uncollected Taxes	\$149,425.80	\$216,000.00
Total General Appropriations	\$10,788,106.05	\$11,560,231.30
Total Number of Employees	73	74

Balance of Outstanding Debt

Interest	\$ 394,800.82
Principal	\$1,299,577.01
Outstanding Balance	\$ 22,072,419.00
(12/31/09)	

Notice is hereby given that the budget and tax resolution was approved by the Township Committee of the Township of Cranbury, County of Middlesex on February 22, 2010.

A hearing on the budget and tax resolution will be held in the Committee Meeting Room, Town Hall, 23A North Main St, on March 22, 2010 at 7:00 o'clock PM at which time and place objections to the Budget and Tax Resolution for the year 2010 may be presented by taxpayers or other interested persons.

Copies of the budget are available in the office of the Township Clerk at the Municipal Building, 23A North Main St., Cranbury, NJ, and (609) 395-0900 ext 234 during the hours of 8:00 AM to 4:00 PM, Monday through Friday.

TOWNSHIP COMMITTEE MEETING
February 22, 2010

Resolutions
Consent

Mr. Taylor recommended holding the bills from the Township's former engineering firm, as there is a bill for 8.7 hours for an inspection (this seems too many hours), a bill for speaking with The Cranbury Press and a bill for speaking with the Township Planner. Mr. Cody also inquired why the Township was charged for sidewalk construction for the Griggs Tract when the Township received a grant for this project. The Township Committee members unanimously agreed to hold these particular bills until the Township Administrator can speak with the former engineer.

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

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

Nays: (None

Cranbury Township Resolution # R 02-10-030-A

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 02-10-031-A

TOWNSHIP OF CRANBURY
MIDDLESEX COUNTY, NEW JERSEY

A RESOLUTION AWARDING PROFESSIONAL SERVICES AGREEMENT

WHEREAS, the Township wishes to hire the following individual ("Professional") to provide professional auditing services to the Township during the calendar year 2010 as follows:

- (a) Ronald A. Ghrist, C.P.A., R.M.A. – Auditing Services

WHEREAS, the costs for the services to be provided by the Professional are set forth in the respective proposal submitted to the Township, which is 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 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

WHEREAS, the Cranbury Township Chief Financial Officer has certified that sufficient funds are available for these purposes and that the value of each Agreement will not exceed \$17,500.00;

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

TOWNSHIP COMMITTEE MEETING

February 22, 2010

Cranbury Township Resolution # R 02-10-031-A
(Continued)

1. The Township of Cranbury hereby approves the following individual to provide professional auditing services to the Township during the calendar year 2010:

(a). Ronald A. Ghrist, C.P.A., R.M.A. – Auditing Services
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 to practice a recognized profession and whose practice is regulated by law.
3. A copy of this Resolution and the executed Agreement and insurance certificate 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 02-10-032-A

**RESOLUTION AUTHORIZING REFUND OF REDEMPTION
MONIES TO OUTSIDE LIEN HOLDER**

WHEREAS, at the Municipal tax sale held on December 22, 2008, a lien was sold on Block 18 Lot 44.08, C2206, known as 201 Bergen Dr. for 2007 delinquent sewer; and

WHEREAS, this lien, known as Tax Sale Certificate #227 was sold to CCTS Capital LLC for a redemption fee; and

WHEREAS, Lereta LLC has effected redemption of Certificate #227 in the amount of \$679.36

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$679.36, payable to CCTC Capital LLC, 1415 Route 70 East Suite # 504, Cherry Hill, N.J. 08034

Reports from Township Staff and Professionals

Administrator's Report

There were no reports.

Work Session

- a). Discussion Concerning Cranbury Historical & Preservation Society's Request to Use Cranbury Township Logo

Ms. Audrey Smith, President of The Cranbury Historical and Preservation Society requested the Society be allowed to use the Township's Seal on a flag they will be selling. Ms. Smith showed two (2) different samples of the flag and stated once the flags are designed are made she will come back to the Township Committee for its final approval. On motion by Mr. Cody, seconded by Mr. Taylor, the Township Committee unanimously gave its permission for the Society to use the Township Seal on the flag.

TOWNSHIP COMMITTEE MEETING
February 22, 2010

Work Session (Continued)

b). Discussion Concerning Latest Status of Affordable Housing Requirements for Cranbury Township(cont'd)

Mayor Stout led the discussion by explaining the Township has been asked by the State to provide answers to the Council on Affordable Housing (COAH). Mr. Cody, COAH subcommittee, stated the Township's Plan for the Third Round was submitted at the end of 2008. Originally on the Plan were between 29-48 units to be built at the Route 130-D site with 35-54 family units at a future site and a future site for senior housing only. Mr. Cody reported in January the Township received its Conditional Substantive Certification and now COAH needs the exact number of units for the Route 130-D site. The deadline to respond to COAH is March 13, 2010, and the deadline to start building on the site is not later than December, 2010. Mr. Cody reported the COAH subcommittee had met this evening and discussed how many units for the Route 130-D site. Mr. Cody stated there was no discussion whatsoever on Ryan Road being opened to traffic, and the latest revision is to have four (4) buildings instead of five (5) buildings with nine (9) units in each building. The consensus of the subcommittee is to have no more than a total of 36 units at the Route 130-D site. Mr. Cody reported a decision needs to be made this evening and a resolution needs to be adopted at the next Township Committee meeting on March 8. He stated the Township is obligated to build the difference between 36-83 units and if the RCAs (Regional Contribution Agreements) come back due to a proposed Senate Bill by Senator Raymond Lesniak, then the Township would be "grandfathered" and not have to build any more units as it has an RCA Agreement with Perth Amboy for 80 affordable housing units. Mr. Cook reported the Township cannot build its entire obligation with COAH at the Route 130-D site and explained that site would end up having the same density as the Township's current senior housing. Mr. Taylor inquired if the zoning is the same if there are 29 or 36 units and if the end of Ryan Road can be permanently designated as open space. Mr. Cook responded the State and County cannot come in and install a road, therefore, that section of Ryan Road will not be a paved road. Mr. Cody reported the subcommittee had discussed the traffic patterns and agreed the Township will need to seek a jug handle approval from the State Department of Transportation for residents to access the development. Mr. Mark Berkowsky, President, Cranbury Housing Associates, gave his assurance there will be no road built at the end of Ryan Road. He stated the paved area will be for pedestrian traffic into the Village area and emergency vehicles only. **Mayor Stout reported several residents had sent in emails prior to the meeting and directed the Clerk to make those emails part of the minutes (please see emails after "Attachment A" at the end of the minutes.** At this time Mayor Stout opened the discussion to the public:

Mr. Ken Ellsworth, 17 Griggs Road, asked what the footprint of the buildings will be. Mr. Mark Berkowsky, President, C.H.A. responded each building will be two (2) stories with a third floor studio unit. The buildings are a little larger than the senior village housing project which is on Park Place and a little smaller than Plainsboro's new affordable housing buildings. Mr. Ellsworth stated these buildings will be 30% denser than any existing Township affordable housing and one-third higher and asked why the Township did not settle for seven (7) to eight (8) units instead of the nine (9). Mr. Cody responded the units will be similar to the senior housing. Mr. Berkowsky added this site was more of a square-shaped area so it was made to be similar to the senior housing site.

Mr. Greg DeAngelis, 22 Ryan Road, stated he is not opposed, however, the density is an issue. Mr. DeAngelis also requested the Ryan Road area should be made permanent open space to block out light from Route 130. Mr. Berkowsky responded there was a similar issue with light at the Old Cranbury Road site and it was addressed by ordering certain fixtures. Mr. Berkowsky recommended the Turnpike Tree subcommittee plant more trees to help alleviate the issue.

TOWNSHIP COMMITTEE MEETING
February 22, 2010

Work Session (Continued)

b). Discussion Concerning Latest Status of Affordable Housing Requirements for Cranbury Township(cont'd)

Mr. Dave Mauger, 26 Griggs Road, asked the actual outcome of preserving the area at the end of Ryan Road as open space. Mr. Cook responded the Township cannot preserve the area under the State Green Acres nor under the D&R Greenway rules as the area does not qualify. Ms. Waterbury, Township Attorney, reported the property owner will control the property and the best guarantee the public can have is C.H.A.s word (which Mr. Berkowsky earlier in the meeting indicated there would be no open road). Mr. Cook suggested when the application from C.H.A. goes before the Planning Board for approval the issue concerning Ryan Road could be made a condition of approval (not being open to traffic). Mr. Berkowsky cautioned if the issue is raised at the Planning Board level, it will recommend putting a road in. Mr. Berkowsky stated C.H.A. will advise the Planning Board it does not want a road put in. Mr. Cook asked if someone could research what was done when the "Cranbury Walk" development was built. Mayor Stout stated someone can look at the language and see what it is to understand what a deed restriction can or cannot do. Mr. Mauger apologized to the Township Committee, stating there was never any mal intent on the neighbors' part about the road issue. He asked why the Route 130-D site has the highest number of bedrooms and density of any of the affordable houses in the Township. He suggested moving forward with a lower number of units and density. Mr. Cody clarified the Township has to respond to COAH by March 13, 2010 and the two (2) new buildings will have 47 & 67 units and land will have to be acquired. Mr. Francis Staples, 3 Griggs Road, stated he feels the density for the Route 130-D site is inappropriate and raised his concern with turnover being too great. Mr. Staples urged the Township Committee to go lower with the number of units (he recommended having 24 units) and thanked the Township Committee for not opening the road to traffic. He also raised his concern with traffic pulling on to Route 130. Mr. Dan Mulligan, Old Cranbury Road, stated not having a road accessible to traffic needs to be memorialized. Mr. Mulligan also requested the Township build only 29 units and also raised his concern with traffic issues on Route 130. Mr. Mulligan asked the time frame for the Township to build out the project, and Mr. Berkowsky responded 17 months. Mayor Stout took a straw vote of the Township Committee members. Mr. Cook-29 units or lower, Mr. Taylor 29-32 units, Mr. Stannard-32 units, Mr. Cody-32 units and Mayor Stout -32 units. The final consensus of the Township Committee is 32 units to be built at the Route 130-D site.

Reports from Township Boards and Commissions

Ms. Cunningham, Clerk, reported she had received and placed at every Township Committee member's desk, the Annual Report for the Historic Preservation Commission.

Public Comment

The Mayor opened the meeting to public questions and comment.

Mr. Greg DeAngelis, 22 Ryan Road, mentioned there is an issue with parking at the end of O'Brien and Plainsboro Roads. Cars that belong to either staff or visitors from The Elms of Cranbury facility are blocking the site triangle, and in addition, emergency vehicles will not be able to access the development. Mr. DeAngelis requested the Township speak to the police concerning this issue.

Mr. Dave Mauger, 26 Griggs Road, thanked the Township Committee stating he appreciates everyone's work on the Route 130-D issue and also expressed his thanks to Mark Berkowsky, President, C.H.A.

TOWNSHIP COMMITTEE MEETING
February 22, 2010

Public Comment (Continued)
Mr. Dan Mulligan(cont'd)

Mr. Dan Mulligan, Old Cranbury Road asked the Township Administrator if she knew of the former Township Engineer billing the Township for speaking with the Cranbury Press. Ms. Smeltzer responded she will check as she believes it was her request for the Engineer to speak with them. There being no further comments, the Mayor closed the public part of the meeting.

Mayor's Notes

Mayor Stout appointed Linda Scott to the Solid Waste Advisory Council for 2010 with a term expiring 12/31/2010.

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 02-10-033-A

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 and matters falling within the attorney-client privilege"): Status of potential resolution of a contract dispute in connection with the Babe Ruth Baseball field construction; discussion of advice and opinion of Township Attorney regarding that matter";

---- "N.J.S.A. 10:4-12b (4) – Status of Collective Bargaining Agreement with F.O.P. # 68 Negotiations";

----"N.J.S.A. 10:4-12(b)(5)/Acquisition of real property: Discussion regarding potential right-of-way 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: February 22, 2010

TOWNSHIP COMMITTEE MEETING
February 22, 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 9:56 p.m.

Kathleen R. Cunningham, Clerk

Addendum A

**New Jersey Turnpike Expansion Project
No Net Loss Reforestation Plan
Cranbury Township, Middlesex County, New Jersey
February 2010**

UNDERSTANDING

The New Jersey Turnpike Authority expansion project will impact 50 acres of forest in Cranbury Township, Middlesex County, New Jersey. The No Net Loss Reforestation Act requires the NJ Turnpike through the Division of Parks and Forestry to administer off-site compensatory tree planting for reforestation. The Turnpike will remediate two of the 50 acres on the project site. The balance of 48 forested acres is available to Cranbury. Each acre of forest is the equivalent of 204 trees which results in 9,800 available trees. The trees to be replaced will be approximately 10 feet tall, 2-2 ½ inches in diameter at six inches above the root ball. Cranbury Township will have 3 years to self-implement reforestation after the acceptance of the grant request outlined herein.

Cranbury Township formed a Turnpike Tree Subcommittee with active public participation to develop a reforestation plan. Cranbury Township also held several public meetings with the Township Committee to achieve consensus on a reforestation plan. The properties selected for reforestation consist of municipal lands owned by Cranbury Township or the Cranbury Township Board of Education. The following outlines the reforestation plan developed through this open public process.

PROPOSED REFORESTATION PROPERTIES

Fisher Property (Old Cranbury Road and South Main Street) - 53.334 acres, Block 19, Lots 11 & 12. – Currently, 28 acres support agriculture; balance supports forest. **Cranbury Township proposes reforestation of 18 acres to achieve a contiguous forest along the Millstone River, resulting in the planting of 3,672 trees.**

Hagerty Property (Old Cranbury Road) – 21.6 acres, Block 20, Lot 14 – The property has 39 large Oak trees along the street line and forested edges along its western boundary that abuts the Millstone River. 1,876 trees would be added. They would replace 4 trees along Old Cranbury Road, add a second row of 36 trees and 204 trees along the western tree line. The balance of 1,632 trees would be added to the southern end of the property. **Cranbury Township proposes reforestation to achieve a contiguous forest along the Millstone River, including a meadow transition with understory trees, resulting in planting of 1,876 trees.**

Uptake Property (Liedtke Drive and Old Trenton Road) – 32.64 acres, Block 21, Lot 4 – Future recreational use of this property requires a 200-foot-wide dense landscape buffer. **Cranbury Township proposes reforestation to achieve a landscape buffer, resulting in the planting of 816 trees.**

Cranbury Brook Preserve (North Main Street) – 22.351 acres, Block 23, Lot 60.01 – Two areas proposed for planting: north of the gravel road, west of second entrance into Preserve, and successional field within where Boy Scouts plan to remove the invasive multiflora rose. **Cranbury Township proposes planting 50 trees North of Gravel Road and 50 understory trees following invasive species control.**

Wright South Property (Adjacent to School Parking Lot) – 14.19 acres, Block 23, Lot 14.03 – Two rows of trees (30 foot spacing) are proposed along the parking lot side of the property. **Cranbury Township proposes planting 27 trees.**

Board of Education Property (North Main Street) – 22.351 acres, Block 23, Lot 63.01. **Cranbury Township proposes planting 400 trees to shade school facilities.**

Affordable Housing Route 130 D Property (Route 130) – 4 acres, Block 26, Lot 3 – The Amended Third Round Housing Element and Fair Share Plan includes this property. Planting will involve two staggered rows of evergreens spaced 10-15 feet apart. **Cranbury Township proposes planting 112 trees.**

Village Park (Maplewood Avenue) - 18.836 acres, Block 33, Lots 64 & 65. The Park Commission recommended replacing trees. **Cranbury Township proposes planting 15 trees.**

Old Trenton Road Extension (Between South Main Street and Route 130) – Replace dead and sick trees in median. **Cranbury Township proposes planting 16 trees.**

Village Streets and Roads - Replace dead and sick trees and plant open spaces. **Cranbury Township proposes planting 50 trees.**

Liberty Way - right-of way along three sections of road east of Route 130. **Cranbury Township proposes planting 202 trees.**

Barn Park – (Cranbury Neck Road) – 0.978 acre, Block 21, Lot 4.11 - **Cranbury Township proposes planting 6 trees.**

SUMMARY

Cranbury Township proposes reforestation of municipal land with 7,292 trees received through funding granted by the No Net Loss Reforestation Act.

2/22/10

1 inch = 190 feet



Approximately 14.0 acres
are open/unwooded.

Total 21.6

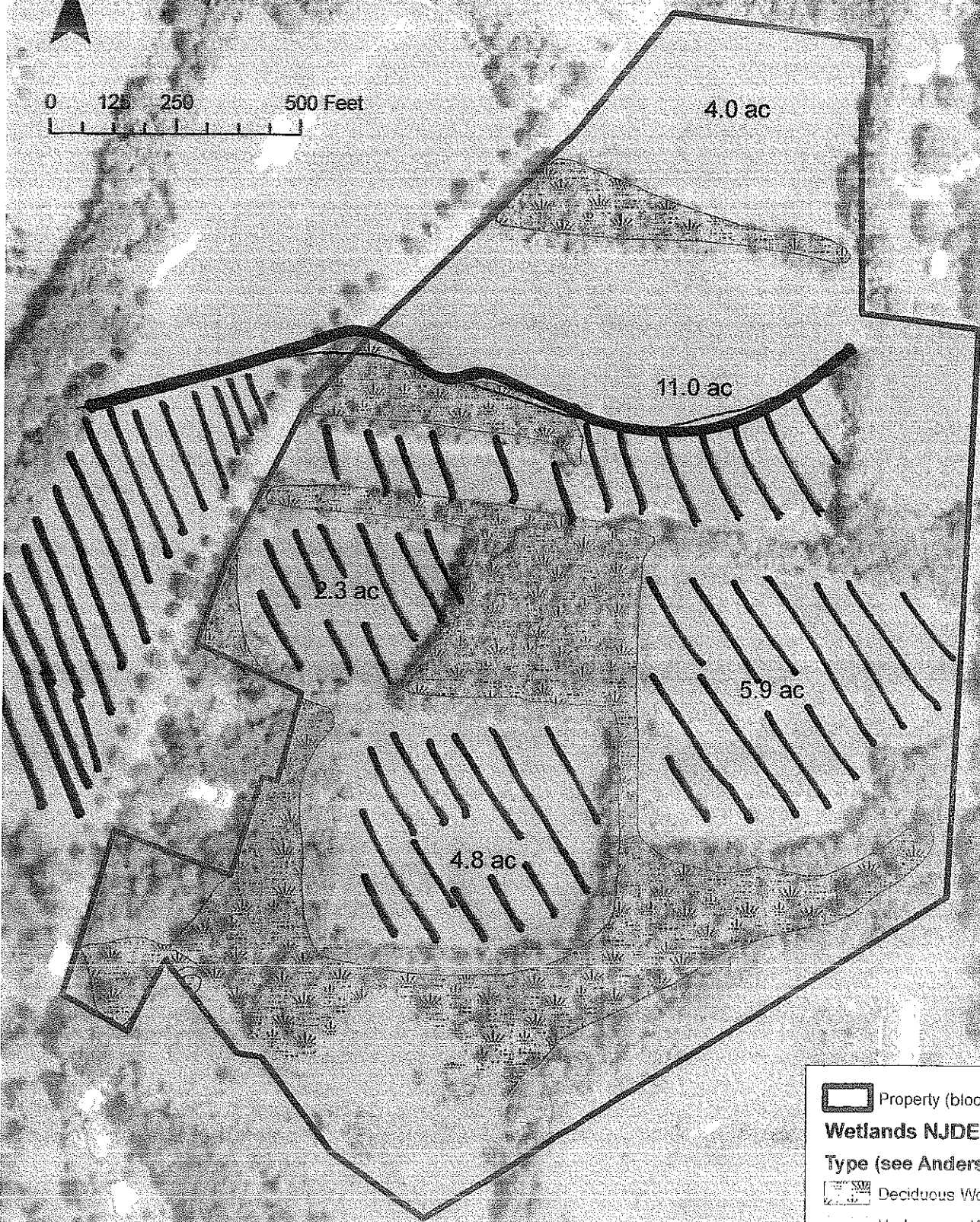
Approximate outline of lot is shown
in red. Lot boundary was digitized
using 2003 tax maps. Aerial
photography is from the summer
of 2008 and was released by
the USDA/NRCS.


Prepared by
Middlesex County Planning Dept.
Div. of Data Mgmt. & Tech. Services






0 125 250 500 Feet




 Property (block 19; lots 11, 12)

Wetlands NJDEP 2002 LU/LC

Type (see Anderson 2000)

 Deciduous Wooded Wetlands

 Herbaceous Wetlands

57 acres in total

28.0 acres of cleared agricultural land
26.6 acres wooded (includes wetland & upland)
13.2 acres of Deciduous wooded wetlands
2.4 acres of Herbaceous wetlands



Prepared by:
Middlesex County Planning Department
November 2009

The following emails were sent to the Township Committee members and by attaching said copies of these emails please note that the Township Committee is not endorsing the opinions of the individuals.

Kathy Cunningham

From: Josh Kohut [kohut@marine.rutgers.edu]
Sent: Saturday, February 20, 2010 8:04 PM
To: RStannard@cranbury-nj.com; wcody@alum.mit.edu; dcook@cranbury-nj.com;
jtaylor@cranbury-nj.com; csmeltzer@cranbury-nj.com; Twpclerk@cranbury-nj.com
Subject: Input for the TC meeting - February 22

Dear Township Committee Members,

My name is Josh Kohut. I live with my wife and two young children at 19 Ryan road. We purchased our home three years ago and have been so happy to be part of the Cranbury community. Ever since my wife first drove down Main Street 12 years ago we knew that this was where we wanted to raise our family.

Prior to purchasing our home, we asked the township about the 130D site. We were told that it was slated for affordable housing that might start in the not to distant future. While this raised initial concern for us and the investment we were about to make, we were told that this was not the first development. The township assured us that previous developments have been carefully planned to be consistent with the surrounding neighborhoods and the town. Based on the impressive precedence that had been set, we were confident that this site, if developed, would be done to the same standard and we went forward with the purchase.

I have been involved in the discussion over the last 18 months. I have been very impressed with the open communication and forum to host these discussions. Over that time, I have heard very different views on how and when the RT 130D site should be developed. I attended the CHA meeting in January and the TC meeting earlier this month. At both those venues I saw a presentation by CHA on the history and future vision for affordable housing in Cranbury. I was impressed with the presentation and happy to see the obvious link CHA has had with both the TC and the residents of Cranbury. Mr. Berkowski reinforced that it is CHA's mission to seek input from the neighbors in the planning process of new developments and that this would be continued with the 130D site.

In the spirit of that input, I would like to use this forum to tell you about two high priorities.

1) Keep Ryan road closed to vehicular traffic. I know that you have said over and over that it will not be opened and I know that you are probably frustrated with the continued request from the residents. The importance of this issue cannot be understated. The fact that myself and other residents bring it up is a testament to how important it is for us all. If the road is opened anytime in the future it will fundamentally change the neighborhood and risk the safety of our children. I ask that you take serious consideration of the request put forward by Mr. Mauger at the last TC meeting. I would like to get a sense from you what the pros and cons are for a designated open space area between the end of Ryan Road and the 130D site. I do not see a downside to such a designation as it will provide open space for the new and existing neighbors and ensure that the road will not be opened. Please seriously consider this request as part of the 130D development discussion.

2) Vote to keep the density of the 130D site to no more than 29 units: Last year, our neighborhood organized a petition that now serves, I believe, as the input CHA requested in their presentation. Mr. Mauger presented the petition to the TC last year. The petition, signed by 75% of the residents of Cranbury Estates and a few from other neighborhoods around town, requested the TC to be consistent with previous affordable housing and ensure that no more than 29 units be considered for the 130D site. As my family did when we originally signed the petition, we ask that the TC accept that petition as the voice of many in the neighborhood. This is not an unreasonable request and simply helps maintain the high standards that have already been implemented at the other developments around town. In fact even at the upper limit of 29 units, the density at the 130D site would be greater than any other affordable housing development in town. Larger densities move the design toward buildings that no longer fit with the surrounding

neighborhood. These 3 story apartment complexes, simply by their design no longer look and feel like a home and segregate the new residents from the neighborhood. It is unfair to both the new and existing residents to overdevelop the 130D site. Cranbury Estates should not be treated any differently than other neighborhoods that have adjacent affordable housing developments.

While these are not the only issues to consider, at this time in the process they are the highest priority for me and my family. My family and the neighborhood have made considerable effort to organize our input. This is to your benefit as you now understand the concerns of the neighborhood and can make informed decisions based on this input.

I wish that I could attend the meeting on February 22 to participate in this important conversation, but I will be out of the state for work.

Please take these request seriously as the decisions you make will impact not just the immediate neighbors in Cranbury Estates but the entire town.

I have lived within site of the 130D site for 3 years, the issues I raise are not selfish, they come from my concern for the safety of my family and friends and the great quality of life that Cranbury provides. My thoughts are also based on a sense of fairness. As my wife and I first learned of the 130D site, we were confident that the township would continue to base their decisions consistent with the proven success of previous developments. We are not asking for anything contrary to what has been done before. I simply want my family to be treated in the same way other families have been treated in previous projects. It would be unfair to consider this site any different than the others.

I am confident that you will consider the input from the neighbors and the presentation by CHA in your discussion Monday night.

In my mind they both make your decision easy. CHA seeks input from the neighbors, the neighbors have organized and responded and that response is consistent to the high standards that have be done since the first development. With all the uncertainty in Trenton, it seems to me the one thing you can ensure is this project maintains the high standards set by the great work that has been done by the town and CHA.

Thank you for your consideration of these important issues, Josh, Courtney, Evan and Riley Kohut
19 Ryan Road

Kathy Cunningham

From: dave mauger [davejakemauger@yahoo.com]
Sent: Friday, March 05, 2010 9:01 AM
To: twpclerk@cranbury-nj.com
Subject: RE: Meeting Minutes

Thanks Kathy!

Kathy Cunningham wrote:

> Dave,
> Your email (this one) will appear at the end of the meeting minutes
> as part of the minutes along with the other emails we previously
> received from residents prior to the meeting of the 22 nd .
> No; I haven't even started those
> minutes yet.
> Kathy
>
> From: dave mauger
> [mailto:davejakemauger@yahoo.com]
> Sent: Thursday, March 04, 2010
> 8:42 PM
> To: Kathy Cunningham
> Subject: Re: Meeting Minutes
>
> Hi Kathy,
> A friend of mine suggested I make one small
> correction to my meeting notes. If it is not too late, I made the correction
> below. Thanks for your help.
> Dave
> From: dave mauger
> <davejakemauger@yahoo.com>
> Subject: Meeting Minutes
> To: "Kathy Cunningham" Twpclerk@cranbury-nj.com
> Since most of what I said at the meeting I've said
> before, I would just like to make sure the meeting minutes reflect the
> following...
>
> 1. Mr. Berkowsky gave his personal guarantee as
> the President of CHA, the soon-to-be private property holder of the
> 130 D Site, that Ryan Road
> will not be open to vehicular traffic to and from the 130 D Site, except
> for emergency vehicles.
>
> 2. The Township committed to researching the
> language used in the construction permit for Cranbury Walk (
> Silvers Lane)
> pertaining to the emergency vehicle access.
>
> 3. The Township Committee Attorney indicated that
> it may be possible to include a deed restriction limiting access
> to Ryan Road to
> emergency vehicles only on the 130 D Site property at the time the
> land is conveyed to CHA.
>
> 4. Residents, including myself, requested a
> memorializing decision in writing, limiting the access between
> Ryan Road and
> the 130 D Site to emergency vehicles.
>
> 5. The Township Committee agreed that 32 units of
> affordable housing would be planned for the 130 D Site.
>
>

> Thanks for your help.
>
> Dave Mauger
> 26 Griggs
> Road
>
>
>
>

Kathy Cunningham

From: schillingab@comcast.net
Sent: Monday, February 22, 2010 9:19 AM
To: RStannard@cranbury-nj.com; dstout@cranbury-nj.com; wcody@alum.mit.edu; schilling@aesop.rutgers.edu; dcook@cranbury-nj.com; jtaylor@cranbury-nj.com; Twpclerk@cranbury-nj.com
Cc: davejakemauger@yahoo.com; schillingab@comcast.net
Subject: Route 130D discussion

Members of the Township Committee,

I regret that I cannot attend this evening's meeting as I am out of town with my family. I wish you well during your deliberations regarding how to respond to COAH regarding the township's Round 3 obligation. I ask that you please accept this note, which I have asked my neighbor Dave Mauger to read on my family's behalf, into the record of this evening's discussion.

It is clear to many that the current approach to accommodating affordable housing needs in New Jersey is one marred by failure. It is fiscally irresponsible and does little to enhance the affordability of our state to families across the income spectrum. I have commented publically that I see the current approach embodied under COAH as antithetical to good planning, a fact that comes into sharp contrast in a town such as Cranbury which, in my opinion, has "gotten it right." We value and protect the historic and agricultural nature of the community, embrace fiscal responsibility, and strive to maintain a school and community worthy of our children. COAH's approach to unfounded (if not debunked) levels of new and unplanned development threaten all which this community has long sought to maintain. And let me be clear, I am not weighing in with an opinion or my ideology regarding affordable housing - this is an issue of poor planning and a scale of state-mandated new development that is ignorant of, and insensitive to, the realities of our town - and many small towns statewide. Rightfully, our community has attempted to address the impacts of Round 3 obligations on our town. The ubiquitous concern and outrage over COAH throughout countless communities has given our current Governor pause - I am hopeful that a new approach will be adopted.

It is in the same spirit that I urge the Committee to consider the impacts of placing a large new development at the "130D site" adjacent to Ryan Road in Cranbury Estates. My comments on this proposal are in the public record, but I summarize them here. If our town is required to build new units under current Round 3 policies, then I urge that the development at the 130D site be advanced in a manner consistent with past affordable housing projects in Cranbury. This includes comparable density, bulk, and composition. Initial site plans I reviewed, with neighbors, were not consistent with past projects. Mr. Mauger's analysis has clearly shown marked differences. If new development is required - a fact that I cannot yet support in light of current policy discourse in Trenton - I can only support a 29-unit design. This has been outlined in a petition signed by the large majority of my neighbors. Secondly, the opening of the Ryan Road cul-de-sac to through traffic from Route 130 is absolutely not acceptable to me, nor any resident of Cranbury Estates. The opening of Ryan Road must be avoided now, and in the future. This has been the basis of many public comments on the 130D site proposal. What factors beyond local control - again, now or in the future - could result in pressure to open this road? I have not received adequate assurance that we collectively have this answer.

3/10/2010

Lastly, please allow me to place my comments in perspective. I was dismayed during Candidates' Night last fall, when an individual with involvement in affordable housing development in Cranbury expressed the sentiment that concerns over the 130D site development were derived from a "vocal minority with no concern in the community." This is an issue I would prefer to address in person. Suffice for now to say that this is an irresponsible statement. Impugning the character of Cranbury Estate residents, or more specifically those that make time to participate in planning and local governance, is simply inappropriate. I ask that this body of elected officials embrace public participation, and not view feedback on the 130D site in the same regard.

Comments provided tonight represent continued engagement of interested residents in an issue of importance to our neighborhood and community. Countless neighbors have expressed outrage at the thought of Ryan Road being opened to through traffic. Residents from Cranbury Estates, and many neighbors throughout town with knowledge of the proposed project, do not believe the current site plan is anywhere near consistent with past CHA projects. Many, myself included, feel the site is poorly suited for residential development of any form. However, I understand the challenge before the Committee in terms of filing our proposal with COAH. I simply urge consistency in our approach to affordable housing development and respect for the concerns of residents.

Thank you for considering my comments.

Regards,

Brian J. Schilling, Ph.D.
Adriane E. Schilling

Kathy Cunningham

From: jtaylor@cranbury-nj.com
Sent: Friday, February 19, 2010 3:10 PM
To: twpclerk@cranbury-nj.com
Subject: Fw: route 130 affordable housing development
 For the file...

Sent via BlackBerry by AT&T

From: linteach23@aol.com
Date: Fri, 19 Feb 2010 12:35:03 -0500
To: <jtaylor@cranbury-nj.com>
Subject: Re: route 130 affordable housing development

Hi Jay

Thank-you for your response. I appreciate hearing your thoughts on this matter. Carol Lindenfeld

-----Original Message-----

From: James M. Taylor <jtaylor@cranbury-nj.com>
To: linteach23@aol.com
Cc: Cunningham, Kathy <twpclerk@cranbury-nj.com>
Sent: Sat, Feb 13, 2010 1:37 pm
Subject: RE: route 130 affordable housing development

Hi Mrs. Lindenfeld,

Thank you very much for taking the time to email me regarding the 130D site and outlining your concerns.

First, please know that no action has been taken on 130D, no presentation has been made proposing a final development number and no plan has been submitted to the TC to be acted on or adopted. Thus, receiving your email is very valuable as it comes prior to any action occurring.

On Monday, February 8th CHA attended a Township Committee meeting and presented an overview of their organization. At the conclusion of the presentation, they presented a very preliminary site plan for the 130D development. It showed how the physical layout would look, but it did not state a final number of units (that must be decided at some point by the TC.) The plan calls for a tree lined buffer and a walkway between the two neighborhoods, there was no access road and CHA stated their opposition to such a road. While I cannot speak for the Township Committee, I can verify that I have yet to hear any committee member raise the prospect of opening the road.

It may also be comforting to know that the preliminary site plan has an open retention basin bordering the Estates which provides an additional area of open space.

In terms of COAH which is the driving force behind the 130D build, we recently received some good news Governor Christie has signed a 90 day hold on all COAH actions. We are presently verifying what this means specific to our compliance plan, but we are all hoping for the best.

I thank you again for your email and please rest assured that I share all of those same concerns. The Estates is an established family neighborhood which has tremendous value to the residents who live within and to the town as a whole. I am always available to answer any questions on this or other matters that may arise.

Sincerely,

2/19/2010

Jay Taylor

From: linteach23@aol.com [<mailto:linteach23@aol.com>]
Sent: Saturday, February 13, 2010 11:31 AM
To: jtaylor@cranbury-nj.com
Subject: route 130 affordable housing development

Dear Jay

Congratulations on your election to township committee. It is comforting to have a long time Cranbury resident on the committee.

I am writing to you to support the ideas of my neighbor,Dave Maugher, to keep the density of the proposed route 130 affordable housing development as low as possible. I also would like to request the committees help in assuring the residents of the Cranbury Estates development that Ryan Rd. would never be opened. Many years ago when the houses on Silvers Lane were developed, I circulated a petition with my neighbor ,Nate Doughty,to oppose creating a road between the two developments. The committee at that time was respectful of our neighborhood's wishes and worked with us to preserve the safety and integrity of our neighborhood. It is my sincere hope that this will happen again. Unfortunately I will be out of state when the next meeting occurs Please feel free to share my e-mail with the rest of the committee. Best wishes to you and your family. Carol Lindenfeld

2/19/2010

Kathy Cunningham

From: Richard Stannard [rhstannard@gmail.com]
Sent: Thursday, February 18, 2010 9:07 AM
To: Kathy Cunningham
Subject: Re: FW: open space ryan rd

Dear Mr. Brian:

Thank you for your message.

I oppose opening the road (through the cul-de-sac) and have voted against same before.

I look forward to seeing you at the upcoming public hearing.

Sincerely,

Richard Stannard

On Mon, Feb 15, 2010 at 7:09 AM, Kathy Cunningham <twpclerk@cranbury-nj.com> wrote:

From: moonbay92@aol.com [mailto:moonbay92@aol.com]
Sent: Sunday, February 14, 2010 9:49 AM
To: Twpclerk@cranbury-nj.com
Subject: open space ryan rd

lets keep the end of Ryan rd as open space let's not create problems with cars going through our neighborhood which is now filled with young children there is no reason not to protect this space please keep this area open Brian S

Kathy Cunningham

From: James M. Taylor [jtaylor@cranbury-nj.com]
Sent: Monday, February 15, 2010 6:38 PM
To: moonbay92@aol.com
Cc: Stout, DAVID; rstannard@cranbury-nj.com; wcody@alum.mit.edu; dcook@cranbury-nj.com; Cunningham, Kathy
Subject: [Fwd: open space Ryan rd]

Brian,

Thank you for your email and being proactive in raising this concern to the Township Committee.

At the meeting last Monday, CHA presented an overview of their organization. They concluded their presentation with a very preliminary site plan for the 130D property. In the site plan they showed a walkway between the neighborhood with a tree lined buffer. Mark was very clear that they do not have an intention to open the roadway. In addition they showed an open retention area bordering the Estates as an additional buffer.

I hope to see you at the meeting next Monday evening. However, as you're already aware I am at your disposal for any questions or concerns you may have on this or other matters.

Regards,

Jay Taylor

----- Original Message -----

Subject: open space ryan rd
From: moonbay92@aol.com
Date: Sun, February 14, 2010 7:48 am
To: Twpcclerk@cranbury-nj.com

lets keep the end of Ryan rd as open space let's not create problems with cars going through our neighborhood which is now filled with young children there is no reason not to protect this space please keep this area open Brian S