

TOWNSHIP COMMITTEE MEETING  
November 22, 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: Christine Smeltzer, Administrator, Denise Marabello, Assistant Administrator/Director of Finance 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.

Reports and Communications

--Mayor

Mayor Stout reported the Planning Board had worked on the Master Plan revision that was first drafted in 1993 and mentioned the subcommittee had met again this evening. There will be another meeting to finalize everything before year end.

Mayor Stout raised his concern with residents not keeping their dogs on a leash when walking through Heritage Park and asked that a sign be erected to remind residents.

--Members of Committee

Mr. Cody reported he had attended the New Jersey State League of Municipalities' Convention last week and had attended the Joint Insurance Fund's Seminar ("J.I.F.") as well as a few sessions on COAH. He stated while attending the J.I.F. Seminar, he learned one of the most dangerous jobs in a municipality is that of a School Crossing Guard. Mr. Cody reported Assemblyman Jerry Green gave one of the sessions. Assemblyman Green is the Chairman of the Assembly Housing Committee and the sponsor of new COAH legislation. Chairman Green reported something should be finalized within one (1) month and there will be the 10% ruling as well as a big push for rehabilitation of existing housing. Mr. Cody reported a resident received a letter concerning the Liberty Way Bridge Project Application and asked how the Township could find out about the letter. Mr. Cook reported he and Mr. Tanner attended a meeting a few weeks ago and it was reported the Project "was not dead yet however, a decision had not been made to move forward with the Project. Mr. Tanner added the letter would have come out of the Middlesex County Engineer's Office and he had attended a pre-meeting on the Project a few weeks ago.

Mr. Taylor reported he had attended the Fraternal Order of Police #68 "Comedy Night" and it was a "good time".

Agenda Additions/Changes

Ms. Cunningham reported several resolutions are added to the Agenda, Cranbury Township Resolution # R 11-10-194 which the Mayor will read shortly, # R 11-10-195, the award for the Griggs Tract Phase II, # R 11-10-196 appointing Greg Pfremmer, Jr. to the position of

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Agenda Additions/Changes (Continued)

Sergeant and Cranbury Township Ordinance # 11-10-18 which is a re-appropriation ordinance and deleting the first item from the Work Session # a). "Discussion of Cranbury Historical and Preservation Society's request to have Cranbury Township pay the New Jersey Barn Company". Ms. Cunningham reported she had received today a communication from Mr. Mark Berkowsky indicating that he still had not been given the supporting documents needed to discuss this. In addition, before the Work Session, Mr. Tanner, Township Engineer and Mr. Jacobs, Director of Recreation, will be giving a report on the well and irrigation project for the ball field.

Resolution

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

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

Nays: (None

Cranbury Township Resolution # R 11-10-194

WHEREAS, Christine Smeltzer ("Chris") was hired as the Township's first Administrator and Municipal Clerk on June 25, 1990 thereafter establishing a high level of professionalism, expertise, and leadership in the management of Township business; and

WHEREAS, Chris became the Township's Chief Financial Officer bringing sound, transparent, fiscal practices to the Township's financial administration; and

WHEREAS, Chris worked for Cranbury Township until June 3, 2000 leaving to pursue a career as Administrator for Hopewell Township and then as Administrator in Pennsylvania; and

WHEREAS, Chris was rehired as Township Administrator on August 13, 2007; where she has served for nearly four years; and

WHEREAS, Chris served as the Township's Commissioner to the Joint Insurance Fund for many years during her career with Cranbury Township; and

WHEREAS, Chris was instrumental in assisting the Township Committee in its acquisition of preserved farmland throughout the Township; and

WHEREAS, Christine Smeltzer, throughout her years of service to Cranbury Township, has played a pivotal role in the renovation of Town Hall, the construction of the new police station and acquiring open space and preservation for the Township's beautiful vista; and

WHEREAS, in serving as the public face for Cranbury Township in all of her interactions – with staff, residents, business people, visitors, and officials at the local, County, and State levels, in both government and other agencies – Chris garnered the respect of everyone for her hard work, dedication, fairness, integrity and poise; and

WHEREAS, Cranbury Township's reputation as a friendly and expertly-managed town has greatly benefited from the high esteem in which Chris is held by all; and

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Cranbury Township Resolution # R 11-10-194  
(Continued)

WHEREAS, Chris has now decided to retire to spend time with her family and enjoy her many hobbies;

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Cranbury, Chris is wished a very healthy and happy retirement and thanked for her dedication and many years of service to Cranbury Township.

Ordinances  
First Reading

Cranbury Township Ordinance # 11-10-18

An Ordinance entitled, "Cranbury Township Ordinance # 11-10-18, ORDINANCE RE-APPROPRIATING \$26,000.00 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN A CAPITAL ORDINANCE IN AND BY THE TOWNSHIP OF CRANBURY, IN THE COUNTY OF MIDDLESEX, NEW JERSEY", was introduced for first reading. On motion by Mr. Taylor, seconded by Mr. Cook, the Ordinance was passed on first reading by vote:

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

Nays: (None

Public Hearing: December 6, 2010

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

Section 1. Pursuant to N.J.S.A.40A:2-39, it is hereby determined that the following proceeds of obligations originally made available pursuant to the bond ordinance listed below are no longer necessary for the following purpose:

Ordinance No.	Description	Amount to be re-appropriated
04-02-07	Firehouse Sprinkler System	\$26,000.00

Section 2. pursuant to N.J.S.A.40A:2.39, it is hereby determined that \$26,000.00 of the proceeds of obligations referred to above are hereby re-appropriated to provide for the Equipment and Vehicle Washing Compliance Ordinance No. 04-09-07.

Section 3. The capital budget of the Township of Cranbury is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith.

Section 4. This ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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Ordinance  
Second Reading

Cranbury Township Ordinance # 10-10-17

A motion to enter an Ordinance entitled, "Cranbury Township Ordinance # 10-10-17, AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, MIDDLESEX COUNTY, NEW JERSEY, AMENDING CHAPTER 150 OF THE CODE OF THE TOWNSHIP OF CRANBURY TO ADD A NEW R-ML III-RESIDENTIAL MT. LAUREL III ZONE", was presented for second reading and final adoption. The Ordinance was published in the Cranbury Press, posted on the Township Bulletin Board and copies were available to the public. Ms. Cunningham, Clerk, reported the Planning Board had sent a communication, dated November 19, 2010, stating they were approving the Ordinance and releasing it back to the Township Committee with no changes. Mayor Stout reported this ordinance is for the Route 130-D affordable housing site putting the zoning in place. The Mayor opened the public hearing on the Ordinance. No one present wished to speak, so the hearing was declared closed. On motion by Mr. Stannard, seconded by Mr. Cody, the Ordinance was adopted by a vote:

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

Nays: (None

AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, MIDDLESEX COUNTY, NEW JERSEY, AMENDING CHAPTER 150 OF THE CODE OF THE TOWNSHIP OF CRANBURY TO ADD A NEW R-ML III-RESIDENTIAL MT. LAUREL III ZONE.

Report From Mr. Tanner And Mr. Jacobs On A New Well

Mr. Tanner, Township Engineer, and Mr. Ken Jacobs, Recreation Director, gave a report on the status of the Township Committee's directive to put in a well to irrigate the baseball field. Mr. Jacobs reported Mr. Tanner has been getting prices on wells and the drilling of the well. Mr. Tanner gave his estimate on the Engineer's cost of the project. Mr. Jacobs stated the bid documents for the well should be done immediately. Mr. Tanner explained (from his report) the \$30,000 cost is basically for a "test well" with a pump test. Mr. Tanner checked with a local company, Pickwick, and they indicated they will need to go approximately 120 feet. Mr. Tanner expressed his concern anything further than 120 feet is going to cost the Township \$30.00 per linear foot. However, Mr. Tanner checked with another driller who he has confidence in and the driller recommended Pickwick. Mr. Cody raised the question if the well were installed closer to the School would the price decrease and Mr. Tanner responded it would however, he does not know by how much as it is only 300+ feet. In addition, it is his understanding the School did not want it near due to possible expansion in the future. Mayor Stout asked what the life of a pump is. Mr. Tanner responded ten (10) years+. Mr. Cody questioned the estimate of a shed of \$9,000. Mr. Tanner responded he put three (3) different options in the estimate. The first option is a plain shed such as a wooden shed one could purchase at Lowe's (of course not costing \$9,000 and raised his concern with children being able to access the wooden shed), the second option would be to use "traffic cabinets" which could be winterized and usually cost approximately \$4,000 per shed. Mr. Tanner reported two (2) of these sheds would be needed; one for the sprinkler system and one (1) for the electrical power. The last option would be a "super deluxe shed" which is a steel unit and cannot be broken into and will cost approximately \$20,000. Ms. Marabello indicated the Township has about \$106,000 left in the base ball field grant and \$42,000 left from the soccer irrigation field bond ordinance; totaling almost \$150,000. Mr. Cody requested this plan be reviewed by Jeff Graydon, the Township's Director of Fields. The Township

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Report From Mr. Tanner and Mr. Jacobs on a New Well (Continued)

Committee members unanimously agreed for Mr. Tanner to move forward in preparing the bid specs for the well and irrigation.

Work Session

a). Discussion of RFPs for Professional Services

Ms. Marabello led the discussion explaining the purpose of this discussion is for the Township Committee to make a decision if they want to proceed with the exiting professionals or go out for an RFP to seek their services: Township Engineer for a three (3)-year term—all members mentioned being impressed with the financial considerations Van Cleef has demonstrated and all members agreed to retain their services for another three (3) years. Township Attorney for a one (1) year term-all agreed to retain Steven P. Goodell, Esquire and mentioned how pleased they are with his services. Municipal Auditor – John P. Maley, C.M.A./C.P.A. – everyone agreed to keep Mr. Maley as they have no issues with his services. Clarke Caton & Hintz- Mary Beth Lonergan- everyone agreed the Township has “the best there is” and to retain the firm. Bond Counsel – McManimon & Scotland – Everyone agreed to keep the firm. Mr. Ronald Ghrist – C.P.A./R.M.A./C.F.O. – He prepares the actual audit sheets and assists Ms. Marabello as the Auditor cannot prepare them. He will also be looking at the Township’s sewer rates again. The Township Committee discussed the web site master’s agreement (City Connections) and the fact that he will be contracted on a quarterly basis as the Township works on a re-design of its web site. Mr. Mulligan reported feedback he has received is the web site is not very “user friendly” and should have the convenience of making payments on line. The Township Committee also agreed to retain the firm of Ruderman & Glickman, P.C. as Labor Counsel (Mr. Mark Ruderman, Esquire).

Resolutions

Consent Agenda

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 11-10-184

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

TOWNSHIP OF CRANBURY  
COUNTY OF MIDDLESEX

Cranbury Township Resolution # R 11-10-185

A RESOLUTION OF THE TOWNSHIP OF CRANBURY AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE TOWNSHIP OF CRANBURY AND THE COUNTY OF MIDDLESEX FOR THE STRIPING OF 11 MUNICIPAL CROSSWALKS IN THE TOWNSHIP OF CRANBURY

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Cranbury Township Resolution # R 11-10-185  
(Continued)

WHEREAS, the Township of Cranbury has a need for the striping of 11 municipal crosswalks; and

WHEREAS, the Middlesex County Department of Public Works, Division of Highways, North Brunswick Complex has agreed to install striping, utilizing Thermoplastic, on 11 municipal crosswalks in the Township; and

WHEREAS, the County shall have the right to enter upon the Township's right-of-way for the purpose of performing the work described in the paragraph above; and

WHEREAS, the County shall, at the Township's expense, perform the work described in the aforementioned paragraph; and

WHEREAS, it is recognized that the final total cost will be based on costs incurred; and

WHEREAS, compensation to the County shall include, without limitation, direct labor, retroactive wage adjustments when paid, any other payments the County is obligated to pay under union agreements, materials, rental of equipment and payments to others incurred in performance of work; and

WHEREAS, the Township shall be responsible for providing notification of the work to the property owners along the roadway and to businesses and emergency services as determined appropriate by the Township;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranbury that the Mayor and Clerk be authorized to execute an Agreement with the County of Middlesex to perform the striping of 11 crosswalks.

TOWNSHIP OF CRANBURY  
COUNTY OF MIDDLESEX

Cranbury Township Resolution # R 11-10-186

RESOLUTION SUPPORTING THE "OVER THE LIMIT UNDER ARREST 2010 YEAR END  
STATEWIDE CRACKDOWN"

WHEREAS, impaired drivers on our nation's roads kill someone every 30 minutes, 50 people per day, and almost 18,000 people each year; and

WHEREAS, 26% of motor vehicle fatalities in New Jersey are alcohol-related; and

WHEREAS, an enforcement crackdown is planned to combat impaired driving; and

WHEREAS, the season at the end of the year is traditionally a time of social gatherings which often include alcohol; and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the State to participate in the "Over the Limit Under Arrest 2010 Year End Statewide Crackdown"; and

WHEREAS, the project will involve increased impaired driving enforcement from December 6, 2010 through January 2, 2011; and

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Cranbury Township Resolution # R 11-10-186  
(Continued)

WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways;

THEREFORE, BE IT RESOLVED that the Township of Cranbury declares its support for the "Over the Limit Under Arrest 2010 Year End Statewide Crackdown" from December 6, 2010 through January 2, 2011 and pledges to increase awareness of the dangers of drinking and driving.

Cranbury Township Resolution # R 11-10-187

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

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

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

Section 1

NOW, THEREFORE, BE IT RESOLVED that the Township Committee hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2010 in the sum of \$5,000.00 which item is now available as a revenue from State of New Jersey pursuant to the provision of statute, and

Section 2

BE IT FURTHER RESOLVED that a like sum of \$5,000.00 is hereby appropriated under the caption Over the Limit Under Arrest Year End.

Section 3

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

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

Cranbury Township Resolution # R 11-10-188

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH CITY CONNECTIONS, LLC.

WHEREAS, the Township of Cranbury requires the services of a consultant to host and maintain its website; and

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Cranbury Township Resolution # R 11-10-188  
(Continued)

WHEREAS, the Township entered into contract with City Connections, LLC to provide those service during the calendar years 2007, 2008, 2009 and 2010; and

WHEREAS, the Township wishes to enter into an agreement with City Connections, LLC to provide these services from January 1, 2011 – March 31, 2011; and

WHEREAS, City Connections, LLC has offered to provide these services to the Township for cost of \$2,446.00; and

WHEREAS, the Local Public Contracts law, N.J.S.A. 40A:11-1 *et seq.*, authorizes the award of a services contract without competitive bids when the cost of the contract does not exceed the applicable bid threshold; and

WHEREAS, the Chief Financial Officer has certified that there are sufficient funds for this contract;

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

1. The Mayor and Clerk are hereby authorized and directed to execute an agreement with City Connections, LLC to host and maintain Cranbury Township's Web Site for January 1, 2011 – March 31, 2011;
2. A copy of this agreement will be made available for public inspection in the Township Clerk's Office during regular business hours.

Cranbury Township Resolution # R 11-10-189

WHEREAS, Christine Smeltzer was appointed by the Township Committee as the Joint Insurance Fund Commissioner on January 4, 2010 with her term ending on December 31, 2010; and

WHEREAS, Christine Smeltzer will retire on November 30, 2010 and will not be eligible to serve as Cranbury Township's Joint Insurance Fund Commissioner;

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Cranbury, Kathleen R. Cunningham, Municipal Clerk/Registrar, hereby be appointed (with a term expiring 12/31/10) to replace Christine Smeltzer as the Joint Insurance Fund Commissioner; and

BE IT FURTHER RESOLVED, a certified copy of this resolution be sent to the Mid-Jersey Joint Insurance Fund.

Cranbury Township Resolution # R 11-10-190

WHEREAS, it is recommended that the net amount of grants be cancelled to Fund Balance:

	<u>Description</u>	
2004	Municipal Alliance	\$ 984.78
2007	Clean Communities	\$ 704.96



2005 Click It or Ticket \$ 4,000.00  
Cranbury Township Resolution # R 11-10-190  
(Continued)

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Cranbury Township Resolution # R 11-10-193

**TOWNSHIP OF CRANBURY**

**RESOLUTION AWARDING CONTRACT FOR CLEANING SERVICES TO ABLE CLEANING SERVICE AND SUPPLY**

WHEREAS, the Township of Cranbury requires the services of a company to clean Town Hall and the Police Station; and

WHEREAS, after legal proper notice and publication, 11 bids were received on November 4, 2010; and

WHEREAS, the lowest responsible bid was submitted by Able Cleaning Service and Supply, 1313 Neck Road, Burlington, New Jersey 08016, in the total lump sum amount of \$ 21,500.00; and

WHEREAS, the Township Attorney has reviewed the qualifications of Able Cleaning Service and Supply, and has recommended that the contract be awarded to Able Cleaning Service and Supply; and;

WHEREAS, the 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 as follows:

1. The Mayor and Clerk are hereby authorized and directed to execute an agreement with Able Cleaning Service and Supply, 1313 Neck Road, Burlington, New Jersey 08016 for cleaning services at Town Hall and Police Station, for an amount not to exceed \$21,500.00.

TOWNSHIP OF CRANBURY  
COUNTY OF MIDDLESEX

Cranbury Township Resolution # R 11-10-195

**RESOLUTION AWARDING CONTRACT FOR GRIGGS TRACT ROADWAY IMPROVEMENTS,  
PHASE II**

WHEREAS, the Township of Cranbury has determined that it is necessary to make improvements to the Griggs Tract Roadway (Phase II), and to advertise for bids for the performance of the work; and

WHEREAS, after legally proper notice and publication, five bids were received on October 20, 2010; and

WHEREAS, the lowest responsible bid was submitted by S. Brothers, Inc., P.O. Box 317, South River, New Jersey 08882, in the total lump sum amount of \$167,574.00; and

WHEREAS, the Township Engineer has reviewed the qualifications of S. Brothers, Inc., and has recommended that the contract be awarded to S. Brothers, Inc., and;

WHEREAS, the Township Attorney has reviewed S. Brothers' documents and has determined that they are acceptable; and

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Cranbury Township Resolution # R 11-10-195  
(Continued)

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

WHEREAS, the Mayor is authorized to execute the contract, upon advice of counsel, subsequent to bidder's timely compliance with all post award requirements, and the Township's receipt of the approval of this contract award by the New Jersey D.O.T. in accordance with grant conditions or any amendments thereto;

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

1. The above preamble is incorporated herein as if set forth at length.
2. The Mayor and Clerk are hereby authorized and directed to execute an agreement with S. Brothers, Inc., for the Griggs Tract Roadway Improvements, Phase II, in the total lump sum amount of \$167,574.00.
3. A copy of this Resolution and the executed Agreement shall be placed on file in the office of the Township Clerk.

TOWNSHIP OF CRANBURY  
COUNTY OF MIDDLESEX

Cranbury Township Resolution # R 11-10-196

NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CRANBURY, that the following individual be appointed as Cranbury Township Police Sergeant, effective November 21, 2010:

Gregory G. Pfremmer, Jr.

BE IT FURTHER RESOLVED that a copy of this Resolution, certified by the Township Clerk to be a true copy, is forwarded to Gregory G. Pfremmer, Jr.

Resolution

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

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

Abstain: (None  
Absent: (None

Nays: (None

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TOWNSHIP OF CRANBURY  
COUNTY OF MIDDLESEX

Cranbury Township Resolution # R 11-10-197

WHEREAS, Gregory Matthew Carroll ("Greg") planned and supervised a 5K Run for the town of Cranbury in honor of his classmate and good friend, Helene Cody, who tragically passed away from a brain aneurysm on her 16<sup>th</sup> birthday; and

WHEREAS, Greg held meetings for one year prior to the Race and coordinated all the details with Township officials, Police and the First Aid Squad; and

WHEREAS, Greg also ordered all supplies for the race including T-shirts, trophies, food and prizes; and

WHEREAS, the Race was an uplifting, well-planned event, attended by more than 500 runners; and

WHEREAS, Greg organized 100 volunteers for the Race, demonstrating his maturity and leadership skills, and in addition, brought joy to the grieving family of his classmate and friend; and

WHEREAS, proceeds from the Race were donated to his classmate's charitable fund, the Helene Cody Foundation, which inspires youth to volunteer, to better their community and themselves;

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Cranbury it hereby congratulates Greg on achieving the rank of Eagle Scout and on being a true example of youth who through his actions made an impact on his community and in doing so, has selflessly improved himself; and

BE IT FURTHER RESOLVED, a duly authenticated copy of this resolution be presented to Greg with gratitude and thanks.

Reports from Township Staff and Professionals

Administrator's Report

Ms. Smeltzer, Township Administrator, asked the new Commissioner of the Joint Insurance Fund and Clerk, Ms. Cunningham, to make sure that the Police Department is training the School Crossing Guards. Ms. Smeltzer also stated she really enjoyed working for Cranbury Township again and thanked everyone and offered to assist if needed.

Assistant Administrator's Report

Ms. Marabello, Assistant Administrator, reported the Township is moving along with the Budget process and wants to schedule the first meeting for January 15<sup>th</sup> at 9:00 a.m. and asked everyone to check their calendars. If necessary, the second meeting will be in February. Mr. Cody asked that a second meeting be scheduled for Saturday, January 22<sup>nd</sup> and if not needed, won't meet. All members were in agreement.

Ms. Marabello reported she had spoken with the Township Attorney for COAH, Trishka Waterbury, Esquire concerning utilizing the apartment above the "Gristmill's House" as an affordable housing unit. Ms. Waterbury indicated the way to do so is to come up with two (2) separate leases, one for the Historical Society for the first floor and the second for the affordable housing apartment. Mr. Berkowsky, Historical Society and President of Cranbury Housing

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## Assistant Administrator's Report (Continued)

Ms. Marabello (cont'd)

Associates reported since the lease is already in place with the Historical Society, the Society agreed to amend the lease to allow the unit to be used for affordable housing with all of the costs and income from the apartment go to the Historical Society to maintain the building. C.H.A. will manage the unit. Ms. Marabello reported a deed restriction will need to be done. Mr. Berkowsky indicated the Society has agreed to reduce the price of the rental. A motion was made by Mr. Cook, seconded by Mr. Cody to begin discussions between the Historical Society, Cranbury Housing Associates and the Township to facilitate this unit becoming an affordable housing unit for the Township:

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

Abstain: (None  
Absent: (None

Nays: (None

Ms. Cunningham, Clerk gave the revenue reports for the months of September and October reporting in September there was one (1) dog license issued, (0) cat license issued, one (1) Raffle License issued, OPRA Requests – four (4), Death Certificates – 33 certified copies were issued, 17 certified copies of marriage licenses issued, genealogy copies – three (3), marriage licenses – two (2) for a total revenue of \$660.85.

During the month of October, two (2) dog licenses issued, (0) cat licenses issued, four (4) OPRA requests processed, Death Certificates – 85 certified copies were issued, ten (10) certified copies of marriage licenses issued for a total of \$992.83.

## Public Comment

The Mayor opened the meeting to public questions and comment. Mr. Robert Diamond, 60 Old Trenton Road, read a letter (attached hereto as "Addendum A") to the Township Committee in reference to the condemnation by the County of Middlesex against a portion of his property for the widening of Old Trenton Road. Mr. Diamond expressed his displeasure with the County with this action and indicated he will be in Court next Tuesday for a hearing. He reported the County will be cutting down many trees, some of great historical value and urged the Township Committee to write a letter on his behalf against the action. Mr. Diamond stated the County is ignoring the Township Code by pursuing the removal of his trees. Mr. Cody stated the Township is not in a position to ask for an injunction however it could ask a Judge to ask the County to follow Cranbury's land-use laws and make a proper application to the Zoning Board and subsequently make an application to the Historic Preservation Commission to remove Mr. Diamond's trees and to follow the Township's Land-Use Code. Mayor Stout stated he cannot speak as an attorney and has no knowledge of who would have jurisdiction in this matter and cannot rule on this matter. Mr. Cook stated he does not know if the Township has the ability to change anything. Mayor Stout reported the entire issue began due to an outcry from residents on Old Trenton Road complaining about the safety of Old Trenton Road i.e. lowering the speed limit and installing turning lanes. Mr. Cody suggested writing a letter indicating what the Township Code mandates. Mayor Stout responded he would not be comfortable writing a letter without Counsel approving it. Mr. Taylor stated he is fine with the Township going to Counsel to get some clarity on the issue of whether or not the Township can send a letter. Mr. Cody was in agreement with Mr. Taylor in seeking Counsel's opinion. Mayor Stout requested Ms. Marabello call the Township Attorney. There being no further comments, the Mayor closed the public part of the meeting.

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Mayor's Notes

Mayor Stout appointed Wendy Borg as a regular member of the Board of Recreation Commissioners to fill vacancy left by Bob O'Meara (who resigned) with a term expiring on December 31, 2013. Mayor Stout also appointed Lynne Fox to the Board of Recreation Commissioners as a 1<sup>st</sup> Alternate Member with a term expiring on December 31, 2014.

On motion by Mr. Stannard, seconded by Mr. Taylor, the meeting adjourned at 8:25 p.m.

Kathleen R. Cunningham, Clerk

## Robert Diamond

60 Old Trenton Road  
Cranbury, NJ 08512

T 609-395-9944

rob@robdiamond.com

November 22, 2010

Cranbury Township Committee  
23-A North Main Street  
Cranbury, NJ 08512

To the Committee:

On Tuesday, November 30th, at 9AM, the Middlesex County Court will be authorizing the County of Middlesex to condemn a portion of my property to facilitate the widening of Old Trenton Road. On that date or shortly thereafter, the county will be cutting down approximately 14 trees that are currently on my property, some of which are historic oaks, probably over 100 years old. The county will be taking approximately a 20 foot strip of land along my 515 feet of Old Trenton Road frontage.

In the 1993 Cranbury Township Master Plan, my property is designated as a "Historic Site" (Page App X-2, key number 14), described as an "Late 1800's L-Plan Victorian Vernacular" house, along with site comments of "Important landscape context of mature trees".

Also, the Master Plan states in the "Historic Preservation" section, that one of the objectives is to "Protect the integrity of the Township's historic structures and the agricultural setting in which they exist". It further states, "These standards protect the site features which form the setting for designated historic sites, which may include the farm structures, trees, hedgerows, landscaping, and pastures that are located within proximity of a historic site."

Although the Master Plan is not legally binding, Cranbury's Township Code is. The Township Code Chapter 93 uses the Master Plan's inventory of Historic Sites as a determination for what is considered a "Historic Site" for the purposes of land use, zoning, and other legal matters.

The proposed revision of the Master Plan succinctly summarizes the Township Code in this regard:

*"The Township's Zoning Code states that when a application for development in the A-100, RLD-1, RLD-3, R-LI, and V/HR zones contains historic sites noted in the Cranbury Township Master Plan, the structure shall be retained and the setting of these historic sites shall be maintained by preserving the area surrounding the structure as required. These standards are intended to protect the site features which form the setting for designated sites, which may include the farm structures, trees, hedgerows, landscaping, and pastures that are located within proximity of a historic site." (Page 7-6)*

The relevant Township Code is Chapter 93, "Historic Preservation". In this chapter, a "Historic Site" is defined as follows:

*Any real property, man-made structure, natural object or configuration or any portion or group of the foregoing of historical, archaeological, cultural, scenic or architectural significance. For the purposes of this chapter, "historic site" shall further mean such sites as have been designated in the Master Plan as meeting the above-listed criteria.*

Chapter 93, Section 5, states:

*A certificate of approval issued by the Commission shall be required before a permit is issued or before work can begin for any of the following activities within a historic district or historic buffer area or on a historic site:*

...

*Change in the exterior appearance of any building, improvement, site, place or structure by addition, reconstruction, alteration or repair; other than ordinary maintenance and repair as defined herein and set forth below.*

Clearly, Cranbury Township considers the historic farmstead to be an important part of Cranbury's history, and Cranbury's laws intend to protect the property's appearance. It is also clear that the intent is to preserve the farmstead setting as a whole - not just the house. I have personally invested a significant amount of time and money on improving the appearance of the property as a historic setting. As a board member of the Cranbury Historic and Preservation Society, I understand the value that properties such as this have to the community of Cranbury, as well as at the state and national levels.

Last week, I asked Denise Marabello to ask the Township Attorney if the County may disregard Cranbury's Laws regarding this issue. The Township Attorney replied that County Laws always supersede Local Laws. While this may be true for conflicting laws (for instance, if Cranbury had a law that made DWI legal, that law would be superseded by state law), this is not a case of conflicting laws. This is a case of a county action that disregards Cranbury's laws.

Westlaw, a legal database used by attorneys to research case law, statutes, legislation, etc. summarizes this issue as follows:

*"In New Jersey it is only rarely that local and county governments have locked horns on the issue of governmental immunity. Under the State's governmental hierarchy, counties and municipalities may exercise only those powers specifically granted to them by the Legislature. In this context, the New Jersey Supreme Court has stated that dual control is an "unrealistic conception of the legislative scheme." Therefore, either the municipality controls land use, or governmental immunity is granted for a particular tract-- there can be no middle ground."*

In the discussion of a particular case (Township Committee of Denville v. Morris County Board of Education), a judge stated:

*"The view that a county is presumably immune from local zoning ordinances is not absolute." Instead, several factors must be taken into consideration:*

*... the nature and scope of the instrumentality seeking immunity, the kind of function or land use involved, the extent of the public interest to be served thereby, the effect local land use regulation would have upon the enterprise concerned and the impact upon legitimate local interests."*

Regarding the Old Trenton Road project, I particularly question "the extent of the public interest to be served". I do not understand the efficacy of widening a 35MPH road, and believe the permanent damage to a historic farmstead property far outweighs any benefit that could possibly result from a widened roadway.

Therefore, I ask the Township Committee to inform the county that by condemning my property and removing the trees thereon, they are violating Cranbury Township Code, and that according to state law, Cranbury Township's laws control the land use in this case, since government immunity to the county has not been granted for my property. I also ask that an injunction be put in place to prevent the removal of any trees from my property by the county on or after November 30th.

Sincerely yours,



Robert Diamond