

TOWNSHIP COMMITTEE MEETING  
JUNE 23, 2008

The regular meeting of the Township Committee of the Township of Cranbury was held at 7:30 p.m. in the Town Hall Meeting Room. Answering present to the roll call were: Township Committee members: Thomas F. Panconi, Jr., Richard Stannard, Wayne Wittman and Pari Stave. Mayor Stout was absent; Ms. Stave acted as the Mayor. Also present was: Paul Adezio, Esquire, Attorney, Christine Smeltzer, Administrator and Kathleen R. Cunningham, Clerk. Ms. Stave 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, 2007 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, 2007.
- (3) Was filed on December 3, 2007 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 Meeting Minutes of June 9, 2008

On motion by Mr. Stannard, seconded by Mr. Panconi and unanimously carried, the Regular Committee Meeting Minutes of June 9, 2008 were adopted.

Reports and Communications

--Mayor

Ms. Stave reported, in the absence of the Mayor, Assembly Bill A-500/S-1783 had passed the State Senate by a vote of 21-16 and explained this is the legislation pertaining to the COAH Affordable Housing Third Round Rules. Ms. Stave thanked Senator Bill Baroni for all of his help and stated within the next few weeks the Township Attorneys would be taking a look at the legislation which was enacted and its contents and will then have a public meeting to inform the residents how the Township will move forward on the issue.

Ordinances

First Reading

Cranbury Township Ordinance 06-08-16

An Ordinance entitled, "Cranbury Township Ordinance 06-08-16, AN ORDINANCE TO AMEND VARIOUS PROVISIONS OF CHAPTER 5, ENTITLED "POLICE DEPARTMENT", OF THE CODE OF THE TOWNSHIP OF CRANBURY", was introduced for first reading. On motion by Mr. Stannard, seconded by Mr. Wittman, the Ordinance was passed on first reading by vote:

Ayes: (Panconi	Abstain: (None
(Stannard	Absent: (Stout
(Stave	
(Wittman	

Nays: (None

Public Hearing: July 14, 2008

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Cranbury Township Ordinance 06-08-16

**TOWNSHIP OF CRANBURY  
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY**

**AN ORDINANCE TO AMEND VARIOUS PROVISIONS OF CHAPTER 5, ENTITLED "POLICE  
DEPARTMENT", OF THE CODE OF THE TOWNSHIP OF CRANBURY**

**BE IT ORDAINED** by the Township Committee of the Township of Cranbury that Chapter 5, Police Department, of the Cranbury Township Code is hereby amended as follows [additions underlined; deletions ]:

**Section 1.** Section 5-1, Establishment of Department, is hereby amended to read as follows:

§ 5-1. Establishment of Department.

There is hereby established and continued in and for the Township a Department of Police, also known as the Cranbury Police Department, consisting of a Chief of Police, up to two Captains, up to two Lieutenants, up to six Sergeants and up to 20 patrol officers as shall be determined from time to time by the Township Committee. All sworn officers, i.e., the Chief, Lieutenants, Captain, Sergeants and patrol officers (probationary and permanent), may be referred to as "members." New members are sworn officers who are serving during the first year of their initial appointment. In addition, the Police Department may be supported by civilian employees, including police dispatchers, a public safety technician, up to two administrative assistants, a police records Clerk, a secretary and a Clerk/typist. The responsibilities of the members and civilian employees shall be as set forth in this chapter and the rules and regulations adopted pursuant to § 5-6 of this chapter. Any member or civilian employee (if applicable) of the Police Department may be assigned to patrol, investigative, traffic, detective/plainclothes, administrative or other tasks as determined by the Chief of Police.

**Section 2.** Section 5-4, Appointment of members; qualifications; residency; duties; compensation, is hereby amended to read as follows:

§ 5-4. Probationary appointment of new members and candidates for promotion ; qualifications; residency; duties; compensation; promotion to sergeant, lieutenant and captain

- A. New members shall be initially appointed and all candidates for any office shall be appointed by the Township Committee to serve in a probationary capacity for a period of one year from the date of appointment except when, pursuant to N.J.S.A. 52:17B-69, said one-year limit may be exceeded. For the purpose of this chapter, members who have probationary appointments shall not be considered to have been permanently appointed to the new office until their appointment has been made permanent by further resolution of the Township Committee.
- B. Candidates shall be drawn from an eligibility list established through applications, review, interviews and thorough background investigations conducted by the Chief of Police. Candidates for and members of the Police Department shall have all other qualifications prescribed by law, including but not limited to N.J.S.A. 40A:14-122.
- C. Every member of the Police Department shall be a resident of the State of New Jersey while serving in such position, as required by N.J.S.A. 40A:14-122.8. New members appointed shall

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be residents of the State of New Jersey at the time of their appointment and thereafter, unless otherwise qualified by reason of service in the armed services of the United States as provided by N.J.S.A. 40A:14-123.1.

- D. Members of the Police Department shall have the powers and duties prescribed by law and shall be subject to the rules and regulations of the Department and all other applicable ordinances of the Township.
- E. Members shall be paid in accordance with the annual Salary Resolution within the guidelines set forth in the Salary Ordinance, or any applicable collective bargaining agreement.
- F. No person shall be appointed or promoted to a command or supervisory position above patrol officer unless he or she shall have demonstrated an aptitude for such position. Notices of promotional opportunities to sergeant, lieutenant and captain shall be posted and promulgated by the Chief of Police in accordance with procedures set forth in the Police Rules and Regulations.

Successful candidates for these positions shall be assigned by the Chief to perform the duties of the new position for a trial period of up to six months, as determined by the Chief. There shall be no title or compensation change during the trial period.

Before or at the end of the trial period, the Chief will determine whether or not to recommend the candidate to the Township Committee for promotion. If the Township Committee promotes the candidate, the promotion shall be subject to a 12- month probationary status under which the officer shall be given the title and compensation of the office and during which the Chief may return the officer to the lesser rank without notice or hearing. A promotion shall be made permanent by the Township Committee after successful completion of the probationary period.

**Section 3.** Paragraph A of Section 5-7, Removal; suspension; reduction in rank; disciplinary action is hereby amended to read as follows:

§ 5-7. Removal; suspension; reduction in rank; disciplinary action.

- A. In accordance with N.J.S.A. 40A:14-147 et seq., no permanent member or officer of the Police Department shall be removed, suspended or reduced in rank from or in office, employment or position, or fined for political reasons or for any cause other than incapacity, misconduct or disobedience of the rules and regulations established for the government of the Department, and then only upon action by the appropriate authority and written complaint setting forth the charge or charges against each member, which shall be signed by the Chief or designee. This complaint shall be filed in the office of the Chief of Police, and a copy thereof shall be served upon such member with notice of a designated hearing thereon by the appropriate authority. The hearing shall be not less than 10 nor more than 30 days after the service of the complaint; the appropriate authority and the member may agree to reasonable postponements. The member against whom a complaint is made shall be given every reasonable opportunity to make any defense the member has or chooses to make during the hearing by the appropriate authority.

**Section 4.** **Repealer.** All ordinances and resolutions or parts thereof inconsistent with this Ordinance are repealed.

**Section 5.** **Severability.** If any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall only apply to the section, paragraph, subsection, clause, or provision so

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adjudged and the remainder of this Ordinance shall be deemed valid and enforceable.

**Section 6.**     **Effective date.** This Ordinance shall take effect upon final adoption and publication in accordance with law.

Ordinance  
Second Reading

Cranbury Township Ordinance # 04-08-09

A motion to enter an Ordinance entitled, 'Cranbury Township Ordinance 05-04-09, AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, MIDDLESEX COUNTY, NEW JERSEY, AMENDING CHAPTER 150 OF THE CODE OF THE TOWNSHIP OF CRANBURY, ENTITLED,"LAND DEVELOPMENT ", TO IMPLEMENT LOW IMPACT DEVELOPMENT NONSTRUCTURAL BEST MANAGEMENT PRACTICES FOR STORMWATER RUNOFF", 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. 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. Wittman, seconded by Mr. Stannard, the Ordinance was adopted by a vote:

Ayes: (Panconi	Abstain: (None
(Stannard	Absent: (Stout
(Stave	
(Wittman	

Nays: (None

Ordinance  
Second Reading

Cranbury Township Ordinance 06-08-14

A motion to enter an Ordinance entitled, "Cranbury Township Ordinance 06-08-14, "AN ORDINANCE OF THE TOWNSHIP OF CRANBURY AMENDING "AN ORDINANCE FIXING THE SALARIES, WAGES AND BENEFITS FOR VARIOUS OFFICIALS AND EMPLOYEES OF THE TOWNSHIP OF CRANBURY PROVIDING FOR THE MANNER OF PAYMENT THEREOF, AND RATIFYING SALARIES AND PAYMENTS TO EMPLOYEES AND OFFICIALS PREVIOUSLY PAID", 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. The Mayor opened the public hearing on the Ordinance. Ms. Cunningham, Clerk, indicated the Ordinance pertains to the "LOSAP" for volunteers. No one present wished to speak, so the hearing was declared closed. On motion by Mr. Stannard, seconded by Mr. Wittman, the Ordinance was adopted by a vote:

Ayes: (Panconi	Abstain: (None
(Stannard	Absent: (Stout
	Cranbury Township 06-08-14
	(Continued)

(Stave  
(Wittman

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Nays: (None)

Resolutions

Consent Agenda

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

Ayes: (Panconi	Abstain: (None
(Stannard	Absent: (Stout
(Stave	
(Wittman	

Nays: (None)

Cranbury Township Resolution # R 06-08-107

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 06-08-108

TOWNSHIP OF CRANBURY  
COUNTY OF MIDDLESEX

WHEREAS, the Township Committee of the Township of Cranbury has authorized certain renovations, notably doors, handrails, flooring, cupola and roof improvements; and

WHEREAS, the Township Committee of the Township of Cranbury wishes to apply for a grant from the Garden State Historic Preservation Trust Fund, Capital Preservation Grant Level I, to help finance additional expenses related to preserving historic features of the Old School Building, as well as costs related to preserving its structural integrity; and

WHEREAS, the grant application has been submitted for review;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Cranbury that the application for the Garden State Historic Preservation Grant Preservation Grant Level I project is hereby approved;

BE IT FURTHER RESOLVED, that the Township Administrator is authorized to submit the application to the Garden State Historic Preservation Trust Fund.

Cranbury Township Resolution # R 06-08-109

TOWNSHIP OF CRANBURY  
COUNTY OF MIDDLESEX

WHEREAS, the Township of Cranbury presently has an Agreement with Reilly Sweeping, Inc., New Jersey to perform street sweeping services throughout the Township of Cranbury; and

Cranbury Township Resolution # R 06-08-109  
(Continued)

WHEREAS, pursuant to State storm water regulations there is a need to have additional streets swept on a regular basis; and

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WHEREAS, the Chief Financial Officer has hereby certified funds are available; and

WHEREAS, two (2) quotes were obtained by the Public Works Director for said services;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranbury that the following streets be swept: Corporate Drive, Security Drive and Liberty Drive, for a cost not-to-exceed \$5,100 per year; and

BE IT FURTHER RESOLVED that this Addendum to the present Agreement be advertised within 10 days.

Cranbury Township Resolution # R 06-08-110

A Resolution Approving a Liquor License for 2008-2009 for The Cranbury Inn

WHEREAS, the Township Committee of the Township of Cranbury has received an application from The Cranbury Inn for the renewal of Alcoholic Beverage License No. 1202-32-002-004; and

WHEREAS, the applicant has complied with all of the statutory requirements,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranbury that the application of The Cranbury Inn for the renewal of Alcoholic Beverage License No. 1202-32-002-004 be and is hereby approved.

Cranbury Township Resolution # R 06-08-111

A Resolution Approving a Liquor License for 2008-2009 for Vimal Trading Co., Inc.

WHEREAS, the Township Committee of the Township of Cranbury has received an application from Vimal Trading Co., Inc. for the renewal of Alcoholic Beverage License No. 1202-32-001-009; and

WHEREAS, the applicant has complied with all of the statutory requirements,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranbury that the application of Vimal Trading Co., Inc. for the renewal of Alcoholic Beverage License No. 1202-32-001-009 be and is hereby approved.

Cranbury Township Resolution # R 06-08-112

A Resolution Approving a Liquor License for 2008-2009 for 2008-2009 for Riya Cranbury, LLC

WHEREAS, the Township Committee of the Township of Cranbury has received an application from Riya Cranbury, LLC for the renewal of Alcoholic Beverage License No. 1202-36-004-001; and

WHEREAS, the applicant has complied with all of the statutory requirements,

Cranbury Township Resolution # R 06-08-112  
(Continued)

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranbury that the application of Riya Cranbury, LLC for the renewal of Alcoholic Beverage License No. 1202-36-004-001 be and is hereby approved.

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CRANBURY TOWNSHIP RESOLUTION 06-08-113

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 2008 in the sum of \$100,000.00 which item is now available as a revenue from the County of Middlesex pursuant to the provision of statute, and

Section 2

BE IT FURTHER RESOLVED that a like sum of \$100,000.00 is hereby appropriated under the caption Sustainable Economic Growth Fund.

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) Township Chief Financial Officer

Cranbury Township Resolution # R 06-08-114

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the township of Cranbury that the following salaries, wages and fees shall be paid to the various Township Officials and employees of the Township of Cranbury effective January 1, 2008 unless otherwise noted:

<u>POSITION</u>	<u>SALARY OR HOURLY RATE</u>
Chief of Police (effective June 1, 2008)	\$118,150.00

I hereby certify that the above is a true copy of a resolution adopted by the Township Committee of the Township of Cranbury at a regular meeting held on June 23, 2008.

Kathleen R. Cunningham, Clerk

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Reports from Township Staff and Professionals

Ms. Smeltzer reported the bear, which had been seen on North Main Street on Sunday, had now moved over to Hightstown.

Mr. Panconi indicated at the last meeting, the Township Attorney was going to check on what recourse the Township would have regarding the overhanging bushes on Old Trenton Road which are obstructing the sidewalk. Mr. Paul Adezio, Esquire, Township Attorney, filling in for Ms. Waterbury, indicated the Township does not have an Ordinance in place which would allow the Township, in the case of a property owner who does not comply, to go out and remove the shrubs. Mr. Adezio added, the Township could draft an ordinance, and once it is adopted would be able to do so. Mr. Panconi explained presently three (3) home owners are not complying. Mr. Adezio stated the other option would be for the Township to have the Zoning Officer issue a violation and have the Court handle the matter. Ms. Smeltzer stated she had sent out letters last week and referenced in the letter there is a requirement of a four feet clearance on the sidewalk and then recommended sending out certified letters before taking the final step of issuing a violation.

Mr. Adezio, Township Attorney, indicated he had been informed by Ms. Cunningham, Clerk, that an issue had come up regarding Cranbury Day and the addition of a "Farmer's Market". Ms. Cunningham had inquired if a "one-day waiver" could be issued as the Township Code (Chapter 113) requires vendors be licensed to sell any fruits, vegetables, etc. The Township Committee unanimously decided to not require any licensing for any of the vendors for Cranbury Day.

Mayor's Notes

Ms. Stave stated the Township owes a lot of gratitude to many of its residents who worked very hard to try to oppose and organize opposition behind the affordable housing bills which were enacted. First and foremost, Kelly Lehman, who did a lot of the leg work in organizing people to write letters, John Ritter, who did a lot of the background research and worked closely with Kelly, Dietrich Wahlers and Karen Finigan, who, along with Kelly, John and many of Cranbury's residents, went to Trenton to make public appearances. Ms. Stave thanked everyone else who helped out with the issue. Ms. Stave added, even though the efforts failed, the fight continues and the Township will call on the volunteers again to rally.

Public Comment

The Mayor opened the meeting to public questions and comments on those items not on the agenda:

Bill Bauder, 57 Petty Road, stated he was asking the Township Committee for some guidance as to how it can improve communication for its residents and explained he had been trying to get some answers since April 3, 2008 regarding two (2) issues. The first issue is a Zoning Board variance and completion of the conditions of approval. The second issue is the Petty Road Bridge repair and the unsatisfactory conditions which now exist. As Mr. Bauder had not received a response or acknowledgement, he asked the Township Committee if they could improve the process. Ms. Smeltzer responded to Mr. Bauder, stating she believed the problem was he had e-mailed her with some questions regarding the Planning and Zoning Boards and she had reached out to the Township Engineer to find out what she could about the issues. Ms. Smeltzer added, she thought part of the problem is Mr. Bauder has a zoning issue with the Zoning Officer and also there was a large "lag time" due to one of the Township's Consultants (who reviews landscape

Public Comment (Continued)

Mr. Bauder (cont'd)

plans) not able to be at work for a certain amount of time which had slowed everything down. Ms. Smeltzer stated she did not realize the issue had not been reviewed or resolved and apologized to Mr. Bauder. Mr. Bauder indicated he never received an acknowledgment from the Zoning



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Officer and indicated he should have at least received a courtesy call. Mr. Bauder reported in reference to the Petty Road Bridge issue, both he and Mr. Protinick had come to the Township on April 3, 2008 and after 27 days, Mr. Protinick came back with his father who was very upset (Mr. Bauder could not come with them) because they had still received no feed back since April. The Township Engineer had indicated back in April she would provide information to them and no information had ever been given to them. Mr. Bauder reported the conditions still exist and previously the Township Engineer had verified, from the photographs, that there is a condition that exists since the Bridge repair that is not acceptable for the upstream property owners. Ms. Smeltzer responded she did not believe the Township Engineer agrees there is a problem. She stated he and Mr. Protinick felt there is a problem that when the Bridge was repaired there exist a difference in the height of about ten (10 inches), however, the Township Engineer feels if there is a height difference it is very minimal and not ten (10) inches. Ms. Smeltzer reminded Mr. Bauder the repair had been an "emergency repair" and now every time there is a heavy rainfall water flows over the Bridge. Ms. Smeltzer explained the Township's Public Works Department often has to work with Plainsboro when logs, etc. get stuck under the bridge and Plainsboro will come out to remove whatever debris is under the Bridge so it again flows properly. Mr. Bauder stated the elevation at the present time is considerably higher than it was prior to the collapse of the Bridge and causes a backup of everything upstream and explained when the dam blew out it compromised the Bridge, causing it to blow out. Mr. Bauder added no one has addressed the dam at all, which has led to "nitrification" of the stream with the materials. Mr. Wittman asked whose dam it was—was it private. Mr. Bauder indicated it was. Ms. Smeltzer stated where all the material is coming from is not necessarily within the municipality's control. Mr. Bauder asked if the two pipes had been cleaned out as the only short-term remedy would be to remove the debris in the two (2) pipes. Ms. Smeltzer indicated Mr. Thorne, Public Works Manager, had addressed the issue. Mr. Wittman and Ms. Stave reported this was the first time they were hearing of the problem. Ms. Stave asked the Township Administrator to speak with the Township Engineer and get back to the Township Committee. Ms. Smeltzer stated she had spoken with the Zoning Officer during the day and he should be getting back to Mr. Bauder. She reported the issue with the landscape plan is "hung up" at this point. Ms. Smeltzer reported she had made a call into the professional who reviews the landscape plan and had not received an answer yet. Ms. Smeltzer stated she will get back to Mr. Bauder once she hears back from the consultant. Mr. Bauder recommended the system for tracking applications and conditions of approval be "spruced up". Ms. Smeltzer agreed because if the applicant does not move forward, someone who is interested in the application would not know the status and indicated she will recommend to the staff that a chart be maintained to serve the public better. Mr. Wittman asked that Ms. Marcelli let the Township Committee know the Petty Road Bridge status at the next meeting.

Mr. John Ritter, Plainsboro Road, stated in addition to thanking Senator Bill Baroni for his efforts on behalf of the Township concerning A-500/S-1793, the Township needs to thank Assemblywoman Linda Greenstein. Assemblywoman Greenstein had sent a letter to COAH on Cranbury's behalf and had made a last-ditch effort a week before the vote to get three (3) amendments made to the Bill, unfortunately to no avail. Assemblywoman Greenstein indicated she would like to hear from the Township what she can do to assist in getting the Township's COAH numbers reduced to a rationale and reasonable number.

There being no further comments, the Mayor closed the public part of the meeting.

On motion by Mr. Stannard, seconded by Mr. Panconi and unanimously carried, the meeting adjourned at 8:12 p.m.

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Kathleen R. Cunningham, Clerk