

SPECIAL TOWNSHIP COMMITTEE MEETING  
July 7, 2008

A Special Meeting of the Township Committee of the Township of Cranbury was held at 6:30 p.m. in the Town Hall Meeting Room. Answering present to the roll call were: Township Committee Members: Thomas Panconi, Richard Stannard, Pari Stave and Wayne Wittman. Mayor Stout was absent. Ms. Stave acted as Mayor. Also present were: Paul Adezio, Esquire, Attorney, Christine Smeltzer, Administrator and Kristen Hamilton, Deputy Clerk. Ms. Stave led in the salute to the flag and Ms. Hamilton 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 July 2, 2008, 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 July 2, 2008.
- (3) Was filed on July 2, 2008, 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.

On motion offered by Mr. Wittman, seconded by Mr. Panconi, the following Resolution was adopted by vote:

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

Nays: (None

Cranbury Township Resolution # R 07-08-115

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:

- Reviewing the Township's participation in certain affordable housing litigation, including entering into a Shared Services Agreement related to the litigation.

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: July 7, 2008

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On Motion by Mr. Wittman, seconded by Mr. Panconi, and unanimously carried, the meeting returned to Open Session:

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

Nays: (None

Mr. Adezio, Esquire, Township Attorney, explained the purpose of the Closed Session, was to address certain Affordable Housing litigation. The municipalities of Clinton, Greenwich, Union and Montgomery are currently participants in this specific challenge and approximately sixteen (16) other municipalities are expected to join in.

Ms. Stave expressed her desire to give the Township Committee the opportunity to comment before adopting the Resolution resulting from the Closed Session. Ms. Stave feels that part of the strategy must be to investigate all challenges available.

Mr. Wittman stressed the fact that everything is happening fast and there was only one week to review this specific challenge. This is one of many opportunities to challenge the COAH rules and not the only mechanism.

Mr. Stannard said that this challenge only addresses some of our concerns and, if necessary, we can join in other challenges at a later date.

Mr. Panconi noted his agreement with the above comments.

The Mayor (Ms. Stave substituted for the Mayor who was absent) opened the meeting to public questions and comments on those items not on the agenda:

John Ritter, 101 Plainsboro Road, questioned if this challenge was sponsored by the League of Municipalities. Ms. Stave responded that was a different challenge that was already signed onto. Mr. Ritter asked for a better understanding of the basis of this challenge as compared to past challenges. Mr. Adezio, Esquire, advised that the League's present challenge addresses the Third Round regulations already adopted. The League was looking at the overall impact to every municipality. This challenge deals with individual situations.

On motion by Mr. Wittman, seconded by Mr. Panconi, the following resolution was adopted by vote:

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

Nays: (None

Cranbury Township Resolution # R 07-08-116

TOWNSHIP OF CRANBURY  
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY

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Cranbury Township Resolution # R 07-08-116  
(Continued)

**A RESOLUTION AUTHORIZING THE TOWNSHIP OF CRANBURY TO ENTER INTO A  
SHARED SERVICES AGREEMENT CONCERNING CERTAIN AFFORDABLE HOUSING  
LITIGATION; N.J.S.A.40A:65-1 et seq.**

WHEREAS, the Township of Cranbury has reviewed certain affordable housing requirements as proposed by the State's Council on Affordable Housing (COAH); and

WHEREAS, the Township has determined that it would be in the best interests of the Township's citizens to participate in certain litigation being commenced by, and on behalf of, several New Jersey municipalities to challenge COAH's third round regulations; and

WHEREAS, pursuant to N.J.S.A. 40A:65-1 et seq., the Uniform Shared Services and Consolidation Act, the Township may, by resolution, enter into a shared services agreement with other local units for said purpose; and

WHEREAS, the Township will be required to contribute an initial sum of \$8,000.00 for litigation expenses, said sum payable to the Township of Clinton as the lead agency under the subject shared services agreement; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available for said purpose in the following accounts:

C-05-55-910-035

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranbury that the appropriate municipal officials be and hereby are authorized to sign all necessary documentation, including a shared services agreement, so that the Township can participate in the litigation challenging COAH's third round regulations, with the Township of Clinton as the lead agency; and

BE IT FURTHER RESOLVED that Trishka Waterbury, Esquire, Mason, Griffin & Pierson, P.C., 101 Poor Farm Road, Princeton, New Jersey 08540, be and hereby is designated as the Township of Cranbury's contact person for the purposes of reviewing and discussing the litigation with the lead agency and its designated contact person; and

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded to the Township's Chief Financial Officer.

**Public Comment**

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

Ms. Stave reported Mark Berkowsky has put together a history of CHA and Affordable Housing in Cranbury which will be posted on the Township's website. There will be a public discussion regarding COAH at the July 28, 2008 Township Committee Meeting.

Winn Cody, Adams Drive, requested the Township consider the fact that since it can no longer collect fees from commercial properties to help pay for COAH, one argument should be that it is not taxpayers' responsibility to build affordable housing based on commercial development and it should be up to the new Committee who is collecting the revenue to decide where building should occur.

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Ms. Stave responded that there are many critical issues, with this being one of them. Mr. Wittman added that all challenges are being looked at. Ms. Stave asked what constitutes a challenge. Mary Beth Lonergan indicated that in this case, a challenge is an appeal to overturn the COAH rules.

Ms. Stave stated that talking points and suggestions will be addressed at the 28<sup>th</sup> meeting.

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

On Motion by Mr. Stannard, seconded by Mr. Wittman, and unanimously carried, the meeting adjourned at 7:30 p.m.

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Kristen Hamilton, Deputy Clerk