

TOWNSHIP COMMITTEE MEETING
JUNE 11, 2007

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 was Township Committee members Thomas F. Panconi, Jr., Richard Stannard, Pari Stave, Wayne Wittman and Mayor David J. Stout. Also present was Trishka Waterbury, Esquire, Attorney, Cathleen Marcelli, Engineer, Jack Coughlin, Interim Administrator and Kathleen R. Cunningham, Clerk. Mayor Stout led in the salute to the flag and Ms. Cunningham gave the following Open Public Meetings Act statement:

In accordance with Section 5 of the Open Public Meetings Act, it is hereby announced and shall be entered into the minutes of this meeting that adequate notice of this meeting has been provided:

- (1) Posted on December 1, 2006 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 1, 2006.
- (3) Was filed on December 1, 2006 with a Deputy Municipal Clerk at the Cranbury Municipal Office, 23-A North Main Street, Cranbury, New Jersey and remains on file for public inspection, and
- (4) Sent to those individuals who have requested personal notice.

Committee Minutes of May 21, 2007

On motion by Mr. Stannard, seconded by Mr. Panconi and unanimously carried (with Ms. Stave abstaining), the Regular Committee Minutes of May 21, 2007 were adopted.

Reports and Communications

—Mayor

Mayor Stout thanked the Cranbury Lions Club for organizing and hosting the 2007 Memorial Day Parade as well as the Township's Public Works Department and Chief Jay Hansen and the Police Department.

Mayor Stout reported on Thursday, May 24, 2007, he had met with Tom Witt and Cathleen Marcelli, Township Engineer, to look over the Petty Road Bridge and to discuss a number of various drainage concerns in the Township. Ms. Marcelli will give an update later on in the meeting during the Work Shop.

On Saturday, June 3rd, Mayor Stout reported he, along with members of the Stony Brook Millstone Water Shed Association, several members of the Environmental Commission and several residents had held a clean up of the stream corridors along Brainerd Lake and Cranbury Brook. A lot of trash had been removed and Mayor Stout thanked everyone involved.

On Thursday, June 7th, members of the traffic subcommittee had met. The subcommittee plans to have Andrew Feranda, Traffic Consultant, give a presentation at the next Township Committee meeting on June 25, 2007. The focus of Mr. Feranda's presentation will be the results of the traffic study completed on Old Trenton Road as well as recommendations to improve safety along the road.

Mayor Stout also reported following conversations with Mr. Mel Lehr of The Four Seasons at Cranbury. Ms. Marcelli, Township Engineer, will be updating the Township Committee on the status of several "punch list" items at The Four Seasons.

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Reports and Communications (Continued)

--Mayor (cont'd)

Mayor Stout reported Ms. Marabello, C.F.O. had attended at his request, the Mayor's Summit on Pension and Health Benefits for Public Employees on May 30th. Ms. Marabello sent to the Township Committee a memo highlighting some of the items discussed (copy of said memo attached as Addendum B) and suggested the Township Committee members look at the memo as well as use the memo as a 'touchstone' for the 2008 Budget. Mayor Stout stated in the past the Township had been playing 'catch up' with pension contributions at a significant cost to the Township. Ms. Marabello indicated in 2008 the Township would still have to play catch up with the contributions.

--Members of Committee

Mr. Panconi reported he had held his monthly meeting on Sunday with the Fire Company. During May the Fire Company had responded to 19 calls: 9 between 6:00 a.m. - 6:00 p.m., 8 between 6:00 p.m. and 6:00 a.m. and 7 between 7:00 a.m. and 3:00 p.m., responded to one false alarm at Prospect Plains Realty and indicated the property owner had been a problem, due to part of this location (2/3) being in Monroe and a portion in Cranbury (1/3) and both fire companies have to respond. The Cranbury Fire Company indicates the building falls under the jurisdiction of Monroe Township and if anyone wishes to have something done about it, they would have to go to Monroe. The problem was caused by contractors setting off the fire alarm in March (2 calls) April (1 call) and May (1 call). Mr. Panconi asked Mr. Coughlin to get together with Mr. Joseph Seip, Fire Official to work on resolving the problem at the site. Mr. Panconi reminded everyone that the Ordinance passed last year by Cranbury Township indicates after six (6) false alarms they may be fined, however, he did not know if Monroe Township had adopted such an Ordinance. Mr. Coughlin indicated he would find out and pursue the matter. Mr. Panconi reported that Chief Sam DiStasio had indicated he would be going out to Wisconsin to bring the new pumper/rescue truck to New Jersey to be fitted by a company in Piscataway and should have delivery in Cranbury of the truck some time in July. Chief DiStasio also indicated he had been in touch with a fire company in Louisiana to take the old fire truck and will report back to Mr. Panconi on the status.

Mr. Stannard reported he and Mr. Wittman had attended on Sunday an Eagle Scout Award ceremony for Emery Long. Mr. Stannard also mentioned thus far there had been four (4) or five (5) young men who had achieved the honor of Eagle Scout in Cranbury Township this year.

--Subcommittees

Agenda Additions/Changes

Ms. Cunningham, Clerk, announced Cranbury Township Resolution # R 06-07-113 was being added to the Agenda and would be considered separately after the two Ordinances on Second Reading. Ms. Cunningham indicated Ms. Waterbury, Township Attorney would give a brief explanation of the need for the Resolution. Mr. Wittman asked if there were any updates on the Barclay farm sale. Ms. Waterbury explained everything seemed to be going smoothly and the auction is scheduled for 1:00 p.m. on Friday, June 15, 2007.

Ordinance

Second Reading

Cranbury Township Ordinance # 05-07-07

A motion to enter an Ordinance entitled, Cranbury Township Ordinance # 05-07-07, AN ORDINANCE REAPPROPRIATING \$20,000.00 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN VARIOUS CAPITAL ORDINANCES IN AND BY THE TOWNSHIP OF CRANBURY, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, was presented.

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Cranbury Township Ordinance # 05-07-07
(Continued)

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 Ms. Stave, the Ordinance was adopted by a vote:

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

Nays: (None)

Ordinances
Second Reading

Cranbury Township Ordinance # 05-07-08

A motion to enter an Ordinance entitled, "Cranbury Township Ordinance # 05-07-08, AN ORDINANCE OF THE TOWNSHIP OF CRANBURY AMENDING "AN ORDINANCE FIXING THE SALARIES AND WAGES 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. Ms. Cunningham, Clerk, explained the Ordinance was for the new Township Administrator with a salary up to \$108,001.00. The Mayor opened the public hearing on the Ordinance. No one else present wished to speak, so the hearing was declared closed. On motion by Mr. Stannard, seconded by Ms. Stave, the Ordinance was adopted by a vote:

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

Nays: (None)

Resolution

Ms. Waterbury, Township Attorney, stated Mr. Mark Berkowsky, Cranbury Housing Associates was in the audience should anyone have any questions concerning the following Resolution. Ms. Waterbury explained CHA is constructing 20 affordable units near The Four Seasons at Cranbury. CHA is in the process of obtaining a construction loan from their lender. Some time next year a portion of the loan will convert into a mortgage and the lender is requiring a confirmation from the Township that it will be able to fund the balance (\$1.6-million approximately). Ms. Waterbury added the Resolution is not any new action because the Affordable Housing Plan allocated monies toward this project and the project at the Route 130-D site as well. Mr. Berkowsky, President, Cranbury Housing Associates, added, back in January Cranbury Housing Associates had presented a budget with the cash flow and expenditures anticipated. At that time construction contracts were signed and the Township made a commitment. On motion offered by Ms. Stave, seconded by Mr. Wittman, the following resolution was adopted by vote:

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

Absent: (None

Nays (None

Cranbury Township Resolution # R-06-07-113

TOWNSHIP OF CRANBURY
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY

**A RESOLUTION CONFIRMING COMMITMENT TO FUND CONSTRUCTION OF
MUNICIPALLY-SPONSORED AFFORDABLE HOUSING DEVELOPMENT IN CONNECTION
WITH CRANBURY TOWNSHIP'S THIRD ROUND AFFORDABLE HOUSING PLAN**

WHEREAS, on December 7, 2005, the Township of Cranbury petitioned the New Jersey Council on Affordable Housing (COAH) for substantive certification of its Housing Element and Fair Share Plan (third round plan), adopted by the Cranbury Township Planning Board on November 3, 2005, and

WHEREAS, as set forth in said plan, the Township intends to satisfy its third round obligation by constructing low and moderate income housing on one or more sites located in the Township, including a site located on Old Cranbury Road and designated as Block 20, Lot 10.01 on the Cranbury Township tax maps (site or "CHA at Four Seasons site"), and

WHEREAS, the Township's third round plan includes a commitment by the Township in attachment "H", entitled "Spending Plan", to dedicate \$5.580 million to its municipally-sponsored construction programs, including the CHA at Four Seasons site, through a combination of development fees, payments in lieu of construction, other funding sources, and, if necessary, general revenue or bonding; and

WHEREAS, on June 12, 2006, the Township entered into a Memorandum of Understanding (MOU) with Cranbury Housing Associates, Inc. ("CHA"), a nonprofit corporation of the State of New Jersey organized for the purposes of constructing and administering housing for low and moderate income persons or families, pursuant to which CHA agreed to construct the Township's municipally-sponsored affordable housing projects as set forth in the Township's third round plan; and

WHEREAS, in paragraph 11 of said MOU, the Township agreed to meet any shortfall between CHA's costs of construction and any funding CHA is able to obtain from outside sources or and/or through financing; and

WHEREAS, CHA has indicated that it anticipates a \$1.6 million funding shortfall, and seeks a commitment from the Township to address that shortfall;

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranbury, in Middlesex County, New Jersey, that the Township does hereby confirm its commitment set forth in Attachment "H" to its third round plan to dedicate \$5.580 million to its municipally-sponsored construction programs, including the CHA at Four Seasons site, through a combination of development fees, payments in lieu of construction, other funding sources, and, if necessary, general revenue or bonding; and

BE IT FURTHER RESOLVED, that the Township does hereby also confirm its commitment set forth in paragraph 11 of the Memorandum of Understanding entered into on June 12, 2006 by the Township and Cranbury Housing Associates, Inc., whereby the Township agreed that if CHA is

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Cranbury Township Resolution # R 06-07-113
(Continued)

unable to obtain the necessary funding for all or part of the municipally-sponsored construction projects that are the subject of the MOU, including the CHA at Four Seasons project, the Township will provide funding from its affordable housing trust fund or use its best efforts to issue bonds and make the proceeds of such bonds available to CHA, and

BE IT FURTHER RESOLVED, that the Township Clerk will provide a certified copy of this Resolution to Cranbury Housing Associates and/or any lending institutions or other entities requiring confirmation of the Township's above-referenced commitments.

CERTIFICATION

I, Kathleen R. Cunningham, RMC, Clerk of the Township of Cranbury, do hereby certify that the foregoing resolution is a true copy of a Resolution passed by the Township of Cranbury at a meeting duly held on June 11, 2007

Kathleen R. Cunningham, Township Clerk

Resolutions
Consent Agenda

Mayor Stout indicated he believed the Township Committee needed to treat Cranbury Township Resolution # R 06-07-112 separately as several members of the Township Committee were conflicted. The Resolution concerns tax credits for designated historic homes. Ms. Waterbury, Township Attorney, stated she did not know enough details of the pending legislation to decide whether members were or were not conflicted, however, the legislation is pretty general State wide and it would be up to the individual members of the Township Committee whether to vote on the Resolution or not. Ms. Waterbury advised if a member felt he/she could not be objective then that person should abstain from voting on the Resolution. Ms. Stave made a recommendation that Cranbury Township Resolution # R 06-07-112 be sent to Congressman Rush Holt with a request it be read in to the Congressional Record. Mr. Wittman announced he was voting no on Resolution # 06-07-110.

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

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

Nays: ***(Mr. Wittman on Resolution # R 06-07-110)***

Cranbury Township Resolution # R 06-07-107

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 06-07-108

WHEREAS, the Tax Collector has determined, there were erroneous paid taxes which caused an overpayment on a parcel for the 2007 property taxes,

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Cranbury Township Resolution # R 06-07-108
(Continued)

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Cranbury that the following 2007 erroneously paid property taxes be refunded:

BLOCK	LOT	ASSESSED TO	AMOUNT
20.11	17	Craig & Janice Townsend	\$ 1,603.20

CERTIFICATION

I, Kathleen R. Cunningham, Township Clerk of the Township of Cranbury, hereby certify that this is a true copy of a Resolution which was adopted at a regular meeting on June 11, 2007.

Kathleen R. Cunningham, Clerk

Cranbury Township Resolution # R 06-07-109

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 2007 in the sum of \$1,760.00 which item is now available as a revenue from the State of New Jersey pursuant to the provision of statute, and

Section 2

BE IT FURTHER RESOLVED that a like sum of \$1,760.00 is hereby appropriated under the caption HOMELAND SECURITY GRANT.

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

CERTIFICATION

I, Kathleen R. Cunningham, Clerk of the Township of Cranbury, NJ, hereby certify that the above is a true of a Resolution adopted by the Township Committee of the Township of Cranbury at a regular meeting held on June 11, 2007.

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Cranbury Township Resolution # R 06-07-109
(Continued)

Kathleen R Cunningham, Clerk

Cranbury Township Resolution # R 06-07-110

**RESOLUTION OF THE TOWNSHIP OF CRANBURY
MIDDLESEX COUNTY, NEW JERSEY**

**A RESOLUTION AWARDING A PROFESSIONAL SERVICES AGREEMENT FOR MUNICIPAL
ENGINEERING CONSULTING SERVICES TO CATHLEEN F. MARCELLI, PE, CME, AND
HATCH MOTT MACDONALD LLC**

WHEREAS, N.J.S.A. 40:55D-71(b) authorizes the Township of Cranbury (Township) to employ, contract for and fix the compensation of its experts and staff as it deems appropriate for the period January 1, 2007 to December 31, 2007; and

WHEREAS, Township wishes to contract for the services of a professional municipal engineer to provide all necessary engineering consulting services to the Township for the calendar year 2007, without a "fair and open process" as defined by P.L. 2004, c. 19, the "Local Unit Pay-to-Play Law"; and

WHEREAS, Cathleen F. Marcelli, PE, CME and Hatch Mott MacDonald LLC ("Engineer") have offered to provide the above-referenced professional services in accordance with the rates and costs set forth in the contract attached hereto; and

WHEREAS, Township has determined and certified in writing that the value of the contract over the above-referenced period will exceed \$17,500.00; and

WHEREAS, Engineer has completed and filed with the Township a Campaign Contributions Affidavit as required by N.J.S.A. 19:44A-20.2 et seq. certifying that Engineer has not made any prohibited contributions to a candidate committee or municipal committee representing the elected officials of the Township of Cranbury; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., authorizes the award of this contract without public or competitive 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 this purpose;

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

1. The Township of Cranbury hereby appoints Cathleen F. Marcelli, PE, CME and Hatch Mott MacDonald LLC ("Engineer") to provide professional municipal engineering consulting services to the Township from January 1, 2007 to December 31, 2007.

2. The Mayor and Clerk are hereby authorized and directed to enter into a Professional Services Agreement with Engineer 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 Contract under the provisions of the

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Cranbury Township Resolution # 06-07-110
(Continued)

aforementioned law because a service will be rendered or performed by a person or persons authorized by law to practice a recognized profession and whose practice is regulated by law.

3. A copy of this Resolution, the Certification of Contract Value, the Campaign Contributions Affidavit, and the executed Agreement shall be placed on file in the office of the Township Clerk.

4. A brief notice of this action shall be published in a newspaper of general circulation in the Township of Cranbury within ten (10) days of its passage.

CERTIFICATION

I, Kathleen R. Cunningham, RMC, Clerk of the Township of Cranbury, do hereby certify that the foregoing resolution is a true copy of a Resolution passed by the Township Committee of the Township of Cranbury at a regular meeting duly held on June 11, 2007.

Kathleen R. Cunningham, Clerk

Cranbury Township Resolution # R 06-07-111

TOWNSHIP OF CRANBURY
COUNTY OF MIDDLESEX

WHEREAS, the U.S. Conference of Mayors has previously adopted strong policy resolutions calling for cities, communities and the federal government to take actions to reduce global warming pollution; and

WHEREAS, the Inter-Governmental Panel on Climate Change (IPCC), the international community's most respected assemblage of scientists, has found that climate disruption is a reality and that human activities are largely responsible for increasing concentrations of global warming pollution; and

WHEREAS, recent, well-documented impacts of climate disruption include average global sea level increases of four to eight inches during the 20th century; a 40 percent decline in Arctic sea-ice thickness, and nine of the ten hottest years on records occurring in the past decade; and

WHEREAS, climate disruption of the magnitude now predicted by the scientific community will cause extremely costly disruption of human and natural systems throughout the world including: increased risk of floods or droughts; sea-level rises that interact with coastal storms to erode beaches, inundate land, and damage structures; more frequent and extreme heat waves; more frequent and greater concentrations of smog; and

WHEREAS, on February 16, 2005, the Kyoto Protocol, an international agreement to address climate disruption, went into effect in the 141 countries that have ratified it to date; 38 of those countries are now legally required to reduce greenhouse gas emissions on average 5.2 percent below 1990 levels by 2012; and

WHEREAS, the United States of America, with less than five percent of the world's population, is responsible for producing approximately 25 percent of the world's global warming pollutants; and

WHEREAS, the Kyoto Protocol emissions reduction target for the U.S. would have been 7 percent below 1990 levels by 2012; and

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Cranbury Township Resolution # R 06-07-111
(Continued)

WHEREAS, many leading US companies that have adopted greenhouse gas reduction programs to demonstrate corporate social responsibility have also publicly expressed preference for the US to adopt precise and mandatory emissions targets and timetables as a means by which to remain competitive in the international marketplace, to mitigate financial risk and to promote sound investment decisions, and

WHEREAS, state and local governments throughout the United States are adopting emission reduction targets and programs and that this leadership is bipartisan, coming from Republican and Democratic governors and mayors alike; and

WHEREAS, many cities throughout the nation, both large and small, are reducing global warming pollutants through programs that provide economic and quality of life benefits such as reduced energy bills, green space preservation, air quality improvements, reduced traffic congestion, improved transportation choices, and economic development and job creation through energy conservation and new energy technologies; and

WHEREAS, mayors from around the nation have signed the U.S. Mayors Climate Protection Agreement which, as amended at the 73rd Annual U.S. Conference of Mayors meeting, reads:

The U.S. mayors Climate Protection Agreement

- A We urge the federal government and state governments to enact policies and programs to meet or beat the target of reducing global warming pollution levels to 7 percent below 1990 levels by 2012, including efforts to: reduce the United States' dependence on fossil fuels and accelerate the development of clean, economical energy resources and fuel-efficient technologies such as conservation, methane recovery for energy generation, waste to energy, wind and solar energy, fuel cells, efficient motor vehicles, and biofuels;
- B We urge the U.S. Congress to pass bipartisan greenhouse gas reduction legislation that includes 1) clear timetables and emissions limits and 2) a flexible, market-based system of tradable allowances among emitting industries; and
- C We will strive to meet or exceed Kyoto Protocol targets for reducing global warming pollution by taking actions in our own operations and communities such as
 - 1. Inventory global warming emission in Township operations and in the community, set reduction targets and create an action plan;
 - 2. Adopt and enforce land-use policies that reduce sprawl, preserve open space, and create compact, walk able communities;
 - 3. Promote transportation options such as bicycles trails, commute trip reduction programs, incentives for car pooling and public transit;
 - 4. Increase the use of clean, alternative energy by, for example, investing in 'green tags', advocating for the development of renewable energy resources, recovering landfill methane for energy production, and supporting the use of waste to energy technology;

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Cranbury Township Resolution # R 06-07-111
(Continued)

5. Make energy efficiency a priority through building code improvements, retrofitting Township facilities with energy efficient lighting and urging employees to conserve energy and save money;
6. Purchase only Energy Star equipment and appliance for Township use;
7. Practice and promote sustainable building practices using the U.S. Green Building Council's LEED program or a similar system;
8. Increase the average fuel efficiency of municipal fleet vehicles; reduce the number of vehicles; launch an employee education program including anti-idling messages; convert diesel vehicles to bio-diesel;
9. Evaluate opportunities to increase pump efficiency in water and wastewater systems; recover wastewater treatment methane for energy production;
10. Increase recycling rates in Township operations and in the community;
11. Maintain healthy Township forests; promote tree planting to increase shading and to absorb CO₂; and
12. Help educate the public, schools, other jurisdictions, professional associations, business and industry about reducing global warming pollution.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Committee of the Township of Cranbury, County of Middlesex, State of New Jersey, hereby endorses the U.S. Mayors Climate Protection Agreement as amended by the 73rd annual U.S. Conference of mayors meeting and urges mayors from around the nation to join this effort.

BE IT FURTHER RESOLVED the Mayor and Township Committee of the Township of Cranbury, County of Middlesex, and State of New Jersey will work in conjunction with the ICLEI Local Governments for Sustainability and other appropriate organizations to track progress and implementation of the U.S. Mayors Climate Protection Agreement as amended by the 73rd annual U.S. Conference of Mayors meeting.

CERTIFICATION

I, Kathleen R. Cunningham, Clerk, hereby certify that this is a true copy of a resolution which was adopted by the Township Committee of the Township of Cranbury at a regular meeting held on June 11, 2007.

Kathleen R. Cunningham, Clerk

Resolution

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

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

Cranbury Township Resolution # R 06-07-112

TOWNSHIP OF CRANBURY
COUNTY OF MIDDLESEX

WHEREAS, the historic buildings, neighborhoods and places in New Jersey villages, towns and cities distinguish each community and provide character and a sense of place that contribute significantly to the quality of life and the market "edge" enjoyed in and by each community; and

WHEREAS, the preservation and rehabilitation of historic buildings, places and neighborhood contributes to the beauty, character and economic vitality of New Jersey communities; and

WHEREAS, the labor intensive nature of historic rehabilitation creates jobs and investment in local businesses and has been proven to generate more economic activity and GDP than equivalent investment in new construction; and

WHEREAS, demolition or destruction of historic buildings creates costs to New Jersey and its communities by destroying the embodied energy present in each structure and adding significantly to landfills, whose makeup is estimated to be more than 40 per cent building materials and waste; and

WHEREAS, development and redevelopment within established villages, towns and cities is encouraged to help fulfill New Jersey's goals for Smart Growth; and

WHEREAS, the rehabilitation and revitalization of historic buildings and neighborhoods is an environmentally sound way to reduce the need to consume open spaces and natural resources, but instead to reuse embodied energy, in-place building materials and existing neighborhood and community infrastructure; and

WHEREAS, many public policies and financial and lending practices and policies create disincentives or barriers to the preservation, renovation and rehabilitation of historic buildings and resources and create a preferential financial environment for new construction; and

WHEREAS, twenty-eight states have enacted state historic rehabilitation tax credit incentive programs to encourage and support private sector efforts to renovate, rehabilitate and revitalize historic buildings, places and neighborhoods; and

WHEREAS, many such states have measured the economic impacts of the state historic tax credit programs and seen significant positive direct impacts on neighborhood and community revitalization, affordable and market-rate housing preservation and creation, local skilled jobs creation and additional private investment in areas surrounding tax-credit-driven revitalization projects; and

WHEREAS, those states have measured the fiscal impacts of the state historic tax credit programs on the relevant state treasuries and seen significant positive direct impacts on state tax revenues, with tax credits returning as much as \$3.00 to state treasuries for every dollar of credit given; and

WHEREAS, the New Jersey Legislature is presently considering legislation, A-896, the Historic Properties Revitalization Act (HPRA), that would create a 25 per cent investment tax credit for owners of historic residential and commercial properties who substantially rehabilitate their properties;

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Cranbury Township Resolution # R 06-07-112
(Continued)

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Cranbury that it endorses and supports the Historic Properties Revitalization Act (A-896/S-2030) and calls upon the New Jersey Legislature to pass this important legislation and Governor Corzine to sign it, in order to stimulate appropriate development and redevelopment; protect the historic character and quality of life in our communities; create jobs, new or revitalized housing and commercial and retail facilities; improve property values; generate revenue for our communities and for the State of New Jersey; and make New Jersey a more affordable place to live and do business

CERTIFICATION

I, Kathleen R. Cunningham, Clerk, hereby certify that this is a true copy of a resolution adopted by the Township Committee of the Township of Cranbury at a regular meeting held on June 11, 2007.

Kathleen R. Cunningham, Clerk

Reports from Township staff and professionals

Ms. Cunningham, Clerk, announced she had Fed'xd a letter to Keep Middlesex Moving, dictated by Mr. Witt, former Township Administrator, to obtain the check for the \$5,000.00 grant Cranbury Township had received. Ms. Cunningham also reported she had received an e-mail from Joanne Meehan, Business and Professional Association, asking if the Township Committee still would like a table, along with other Township Boards, etc. for Cranbury Day on September 8, 2007. Ms. Cunningham indicated she will put together and coordinate a schedule of volunteers to man the tables for the day.

Ms. Waterbury, Township Attorney, announced the Township was now the "proud owner" of the Route 130-D site as of Friday, June 8, 2007. This site is designated to be used for the Township's Third Round Affordable Housing units.

Ms. Marcelli, Township Engineer, reported on the Petty Road Bridge issue, indicating on April 15, 2007 there had been a Nor'easter which caused the bridge on Petty Road to collapse. Ms. Marcelli indicated she had met with Tom Witt, former Administrator, a contractor doing local work in Cranbury Township (Dumor) and the Director of Public Works in Plainsboro to discuss repair of the bridge. At that meeting a quote was requested from the contractor. The contractor had broken down the quote as to Cranbury's responsibility, Plainsboro's responsibility and the County's responsibility. It was then decided perhaps the County should be responsible for the repairs and the County was contacted. The County then determined it was a shared responsibility between the two municipalities. The group again met on June 5, 2007 along with the Plainsboro Township Engineer who reminded her that $\frac{3}{4}$ of the line is in Cranbury Township and $\frac{1}{4}$ in Plainsboro Township. Since then, Chief Hansen met with FEMA and went out to the site to evaluate the bridge. FEMA had determined the bridge is eligible for monies from FEMA for the repair as Middlesex County was declared a disaster area after the storm. Both municipalities must adopt a Resolution giving full lead to Cranbury Township for the repair. The Township Committee will adopt the Resolution at its meeting of June 25, 2007.

Ms. Marcelli reported and updated the Township Committee on "punch list" items at The Four Seasons at Cranbury Development. Ms. Marcelli stated a lot of replacement repairs had been performed by KHov since the Township Committee had held the meeting back in December, 2006. However, as of last week, the contractor was at the site doing the work on one section of twelve sections that still needed to be done. Ms. Marcelli indicated KHov was "picking away at the repairs" and not moving in a timely manner. Ms. Marcelli reported she would be meeting with

TOWNSHIP COMMITTEE MEETING
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Reports from Township staff and professionals (Continued)

Ms. Marcelli (conf'd)

a representative of KHov on Tuesday, June 12th to get a better understanding of what progress had been made and what they intended to do moving forward. Mr. Panconi stated he believed the Township really needed to put pressure in KHov as it is now June. Many residents from the Development were present. The Township Committee members asked the Township Attorney to research calling the Performance Bonds in and also asked Ms. Marcelli to report back to the Township Committee with a summary of her meeting with KHov's engineer on Tuesday, June 12th.

Mr. John Battles, resident at 76 Labaw Drive and trustee of the Board of Directors of the Homeowners Association at KHov read a statement he had prepared (attached herewith as Attachment "A") and then stated one of the area of concerns is that the Township Engineer has never received a response to her letter which was sent 15 months ago to KHov addressing concerns she had with the drainage and how the construction had been done on the D&R canal right-of-way. Mr. Battles indicated he had spoken with a gentleman from KHov on Friday concerning the trellises falling apart at the community pool. The structures have since been removed. The sewer repairs which had been stalled for several months had been started and after one day the contractor left indicating he only had a partial work order. Ms. Marcelli added without these repairs the street paving cannot be completed. Mr. Battles also mentioned the backflow preventors were leaking and KHov has never fixed them there is constant leaking. Mayor Stout stated the next step would be for the Township Engineer to meet on Tuesday as scheduled and Ms. Waterbury, Township Attorney, would be doing research on the Performance Bonds being recalled. Mayor Stout thanked Mr. Battles and the other residents for coming to the meeting. Ms. Waterbury indicated she had checked her notes and the intention of the Township back in December, 2006 had been to have the outstanding items addressed quickly or the Township was going to have the Performance Bonds called in.

Reports from Township Boards and Commissions

There were no reports.

Work Session

a Monthly Report From Police Chief Jay Hansen

Police Jay Hansen updated the Township Committee for the month of May, 2007. Chief Hansen reported the firearms training had taken up most of the overtime for the month of May, 2007; followed closely by schools and training and finally, shift coverage. Chief Hansen reported there had been 426 summonses issued: 17-Village area for speeding; 38 for other violations; Route 130- 0 speeding violations and 357 other violations; East of Route 130- 0 speeding and 14 for other violations. In cooperation with State and Federal authorities, Cranbury Townships Police Department participated in the "Click It or Ticket" Program as well as the "Aggressive Driver Campaign". Chief Hansen stated included in the 426 summonses, four (4) drivers charged with reckless driving, three (3) with careless driving, two (2) revoked drivers were taken off the road as well as one (1) drunk driver. The bike patrol had been a little more active during the month of May-4 occasions in the Village area and intend to be out more often as summer progresses. Chief Hansen reported there had been twelve C.E.R.T. members who assisted with traffic on Memorial Day and thanked them for their invaluable help. Chief Hansen stated the "pig patrol" had begun and would continue throughout the Summer and early Fall. Applications had been reviewed for the two new officer positions and interviews would begin this week. The radar had been enforced on 113 occasions: Ancil Davison 1, Cranbury Neck Road-19, Dey Road-5, Half Acre Road-1, Maplewood Avenue-7, North Main Street-29, Old Trenton Road-5, Plainsboro Road-11, Prospect Plains Road-1, Route 130-5, South Main Street-11, South River Road-3, Station Road-9 and 6 non-disclosed locations. The patrol vehicle with the radar trunk-mounted device had

TOWNSHIP COMMITTEE MEETING
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Work Session (Continued)

- a. Monthly Report From Police Chief Jay Hansen (cont'd)
been deployed on 24 occasions: Cranbury Neck Road-3, Maplewood Avenue-3, North Main Street-4, Old Cranbury Road-5, Plainsboro Road-2, Prospect Street-1, South Main Street-4, Station Road-2. Mr. Stannard asked the significance of the "pig patrol" given earlier in the Chiefs report. Chief Hansen reported in the past there had been incidences of pigs being butchered in Village Park and at the request of the Township Committee; officers have been patrolling the area. The slaughtering of pigs is prohibited under the Township's Code.
- b. Discussion of Various Drainage Issues
The Township Engineer, Cathleen Marcelli, P.E., discussed with the Township Committee various drainage issues throughout the Township. Ms. Marcelli stated on May 24th she had met with Tom Witt, former Administrator and Mayor Stout to look at various locations throughout the Township that had drainage issues. In addition, they had reviewed the damage caused to the Petty Road bridge by the recent storm. One of the locations they visited was a resident's property on Halsey Reed Road. The resident had appeared before the Township Committee on numerous occasions to complain of flooding of his basement believed to be due from recent construction activity at the adjacent Monroe Township Development on the East side of Halsey Reed Road. Ms. Marcelli reported they had noticed some deficiencies in the storm sewer system within Halsey Reed Road. However, prior to that, Ms. Marcelli had also met with the Monroe Township Engineer. Ms. Marcelli stated she believed Monroe had come up with a good solution to make the necessary repairs to correct the resident's problem and Monroe had offered a draft plan which appeared to be a good plan. Ms. Marcelli requested once the plan becomes final, it be given to Cranbury Township. Ms. Marcelli reported the group had also visited Plainsboro Road at Wheatfield Road to review a drainage issue at the site. Residents in the area had been complaining of backyard flooding and believed it was caused by a recently-built home. Ms. Marcelli checked to see if the drainage patterns had changed since the construction of the home and reported they had not. Swales direct the runoff from that property to the Barclay property and Ms. Marcelli did not see any change. She also noted there were no obstructions to the swales. Also reviewed had been a complaint from a resident on Plainsboro Road having a problem with driveway flooding. Ms. Marcelli reported there was no lip on the driveway and recommended the resident consider constructing a lip. In addition, Public Works had been asked to clean up nearby storm drains on Plainsboro Road which were completely filled. Ms. Marcelli reported the last location reviewed was the culvert crossing on Old Trenton Road going from the KHov development to the Sharbell development. Ms. Marcelli had previously made a request to KHov concerning the drainage system that runs North from one side of the KHov development down to the Millstone River and had not been constructed in accordance with the initial plan. Ms. Marcelli stated it appears the elevations on the South side of Old Trenton Road are higher than the North side, causing a backup at the culvert crossing. Ms. Marcelli indicated KHov, as asked in her letter previously sent, needs to provide her office with a detailed as-built plan for the drainage swale. Ms. Marcelli stated she needed to look at the as-built plan before making a recommendation concerning the flooding.

Mayor Stout opened the discussion to the public:

Mr. William Bauder, Petty Road, presented a letter (dated September 22, 1995) concerning drainage issues he had brought before the Township. Mr. Bauder reported the residents on Petty Road are still having the same drainage issues. Mr. Bauder also presented numerous newspaper articles concerning the flooding throughout the years and expressed the articles reflected the inaction by the Township Committees to deal with an issue he had addressed in the letter concerning silt contamination which occurred the storm drain due to failure to insure the filter had been installed properly and stated

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Reports from Township staff and professionals (Continued)
Ms. Marcelli (conf'd)

because of the silt the drainage had been compromised. Mr. Bauder indicated he had sent the letter prior to the Performance Bond being signed off, however, the Performance Bond had been returned to the contractor. Mr. Bauder expressed his concern is not only the same drainage problem not being repaired but has been exasperated by the partial repairs and the lack to oversee those repairs by members of the Committee who have not resolved the issues. Mr. Bauder requested the Township Committee in the 2008 Budget allocate funds for the reconstruction of Petty Road as well as the drainage on Petty Road as the flooding has now become a driving safety issue. Mr. Bauder stated he felt bad for the residents of KHov and hoped they would not have to wait twelve years for a resolution for there drainage issues.

Mr. Bob Dillon, 32 Hightstown-Cranbury Station Road, spoke concerning a proposed ordinance dealing with the distance to the tributaries running into the Millstone River in the Township. Mr. Dillon stated Cranbury Development presently has an application with the State Department of Environmental Protection for the fence they recently installed and is blocking one of the tributaries. Mr. Dillon indicated he had sent pictures showing the flooding that occurred from Mr. Stults' property to Mr. Dillon's property on Brickyard Road all the way up to the farmland preservation side. Mr. Dillon asked if the proposed Township storm corridor ordinance would address enough of the area along Indian Run and all of the other tributaries going to the Millstone River and added, in his opinion, it did not. Mayor Stout responded, the ordinance had not even been introduced yet and then explained, what Mr. Dillon was referring to was the ordinance that will be prepared to protect what is known as the "riparian zones" along the streams; they are areas that may or not be in the flood area and the proposed ordinance would protect those areas from certain types of encroachment. Mayor Stout added, there are State rules that address those issues and then referenced the recent application filed by Cranbury Development. Mayor Stout stated under the flood hazard rules an entity must obtain a permit which would allow them to build a structure in a stream, i.e. fence and the Township would not have jurisdiction over such a request. Mr. Dillon responded the flooding has nothing to do with the fence, the flooding problem was there before the fence went up and will continue to be there and asked if the ordinance would address this issue and when the ordinance would be introduced and adopted. Mayor Stout responded he could not speak as to when the ordinance would be introduced and passed, however, the ordinance is not about flooding, rather about buffers along streams and added flooding is only one function the other is that as drainage goes over land and heads towards the stream, these areas filter to maintain stream quality. Mayor Stout explained in the Township's Master Plan there are greenway plans which have to extend into the Township's streams. The purpose of the proposed ordinance is to bring closure or connectivity to some of those items. At the same time the Township is doing this, the State is reviewing flood hazard rules and would make the Township's proposed ordinance moot. Mr. Dillon stated he wanted to come before the Township Committee to make them aware of the situation before Cranbury Development comes before the Township Planning Board.

Mr. Frank Marlowe, North Main Street, presented a visual presentation concerning the recent flooding of Main Street during the Nor'easter storm on April 15th. Mr. Marlowe started his presentation explaining his concern was the flooding at Main Street. Mr. Marlowe explained he was giving his presentation to show what had occurred on Main Street during the recent storm and to show what could be done to make sure it does not happen again. Mr. Marlowe gave a schematic presentation of Brainerd Lake showing how the lake looks during normal times, above water level and below water level. Mr. Marlowe stated the dam is not wide enough and referenced how wide the Carnegie Lake Dam is in Princeton----explaining Carnegie Lake's Dam spans the entire width of the Lake and Carnegie Lake never rises more than a few feet nor has a flooding problem.

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Reports from Township staff and professionals (Continued)
Ms. Marcelli (cont'd)

Mr. Marlowe stated the measurement from the top of the spillway to the road is about three and a half feet and at the northern end of the Lake is a seawall, adjacent to the Meyer's property. Mr. Marlowe explained as the water rises in the Lake it is the first place it leaves the Lake and runs out in to the roadway. During the last storm the water rose about one foot above the road surface. The water was about four and a half feet above the Dam's surface. Mr. Marlowe indicated if the Dam were wider the water would come on to the roadway. Mr. Marlowe stated some questions that needed to be answered before a new dam could be built would be who would pay for it, the cost of replacing the present Dam and if it is a County or Township problem? Mr. Marlowe indicated there were a few small things that could be done to alleviate the flooding problem in the interim and referenced the existing entrance in to the West property being depressed (lower than the road). Mr. Marlowe explained Main Street slopes uphill from the homes on the right behind the West property and the yards behind the homes slope downwards. Mr. Marlowe reported there is a six-inch drop at the sidewalk going in to the West property and recommended raising the apron along with the sidewalk to help alleviate the flooding problem, along with fixing the existing spillway and the curb along Main Street. Mayor Stout explained what Mr. Marlowe referred to as the "Dam" is really the spillway (which regulates the water) and not the Dam. Mayor Stout stated any time you plan to re-route flood water it gets sent somewhere else; the solution is larger than it seems. Ms. Marcelli added the entire structure is regulated by the Department of Environmental Protection Dam Safety and approval must be given by the State to do any work on the Dam. Ms. Marcelli also stated there is a 600-page report on the hydraulic system of the Dam, the 100-year flood plan, as well as recommended improvements. Mayor Stout explained the Township has a responsibility to report any issues with the Dam to the State and from time to time they make requests of the Township concerning the Dam. Ms. Marcelli added to do any repairs or updates to the Dam the Township would have to partner with the County. Mr. Stannard asked if the Township were to pursue the re-design of the Dam would the State pay for it. Ms. Marcelli added the State usually does not allocate a lot of monies to municipalities to repair or re-design dams. Ms. Stave cautioned everyone to be careful; pursuing repairs or re-designing the Dam could lead to having to have the entire structure re-done. Mayor Stout stated once that door is open, it would not be as simple as it seems.

Public Comment

Ms. Claire Maselli, 5 North Main Street, stated she had never been aware she was living in a flood district and therefore had never pursued obtaining flood insurance it from her carrier. After the recent flooding had occurred, however, she called her insurance company and added the flood insurance to her policy for a cost of \$ 342.00 per year. Ms. Maselli indicated the area is listed as a C-risk Zone under F.E.M.A. and wanted to pass the information along to others. Mr. Dietrich Wahlers, 33 Hagerty Lane, stated in 2005 the Township had adopted a 20-page report, "The Municipal Storm Water Management Plan" which has some very interesting goals and recommendations. Mr. Wahlers indicated several of the goals were: "the reduction of flood damage to life and property", minimization of the increase in storm water runoff volume from new development, the reduction of soil erosion and sedimentation of water course from developments, investigation and determination of adequacy of existing and proposed culverts, bridges and other in-stream structures, maintenance of groundwater re-charge, prevention of non-point source solution, the maintenance of the integrity of stream channels for their biological function as well as drainage, protection of public safety in regard to storm water basin facilities and the reduction of storm water pollution for new and existing development. Mr. Wahlers indicated there are a lot of recommendations some of which have and have not been adopted and urged the Township Committee and public to look over those recommendations and follow-up on the recommendations which have not

TOWNSHIP COMMITTEE MEETING
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Public Comment (Continued)

been adopted. Mayor Stout stated the goals mentioned are statutory and line up with what the State requires and agreed the recommendations need to be re-visited. Mr. William Palagyi, 182 Plainsboro Road, spoke concerning flooding in his yard and indicated two or three years ago the Township had addressed flooding on the Eastern side of Plainsboro Road and created a swale. Mr. Palagyi stated the last storm the water flooded over the swale and went in to his driveway and raised his concern with the problem and requested the Township Committee address the problem. Ms. Marcelli responded the drainage system under the driveways had been completely clogged and caused the system to not work. Since then, Public Works has cleaned out the drains along the road. Ms. Marcelli indicated there should be an improvement. Ms. Marcelli also stated no drainage system could handle the magnitude of rain that had occurred with the Nor'easter in April. Mr. Palagyi also raised his concern with the Verizon fiber optic installation which is going on in the area and how the swale may be affected. Ms. Marcelli explained Verizon has posted a Bond with the Township and she had already expressed her displeasure to them with the trench that was dug in the area. Ms. Marcelli has put Verizon on notice the Bond will not be returned until the matter is taken care of properly.

Ms. Robin Maramag 135 Plainsboro Road, spoke concerning her driveway flooding and asked if the storm drain that was recently cleaned out was attached anywhere. Ms. Maramag asked Ms. Marcelli how she, as the homeowner, would go about putting a 'lip' on their driveway. Ms. Marcelli recommended starting with the driveway to redirect the water runoff and indicated after the lip is installed she would take another look at the property.

Mr. Tim Henner, 51 Petty Road, stated he has lived on Petty Road for the past twenty-five years. Since that time, four (4) homes have been built and since that time, he has to run his sump pump when it rains. Since the recently-built development on Nicola Court, his water from the sump pump is running into his neighbor's yard and asked if he could pump the water directly in to the storm drain. Mayor Stout responded the Township would take a look at the drainage easement.

Mr. Wittman spoke, concerning flooding out on Cranbury Neck Road and Plainsboro Road and stated the Township needed to come up with a 10-year plan and stressed ongoing flooding problems need to be addressed. Mr. Wittman suggested working with the County to see if any funds are available through the County. Mayor Stout responded the discussion this evening was a first step and the purpose of having the item as a Work Session item was as a result of residents' complaints. First, the Township must have an understanding of what the problems are and come up with a solution that will affect everyone. Mayor Stout added, he sees this as a first step and not as a step backwards and agreed some monies need to be put aside in next year's budget for drainage issues.

Mr. Robert Dillon, Hightstown-Cranbury Road, spoke concerning a coyote on his property and urged residents to be aware. Mr. Dillon indicated he had spoken to the Police Chief about the problem and he had in turn reported it to the New Jersey Fish and Game. Mr. Dillon also asked about activity occurring at the old Unexcelled site and asked should Cranbury Development be successful in obtaining water and sewer from Monroe Township would they need to come to Cranbury Township as well. Mayor Stout responded they would. Mayor Stout also indicated one year ago they had sent the Township a letter and the Township responded by adopting a Resolution to not allow them to utilize the Township's water and sewer systems.

Mayor's Notes

Mayor Stout announced, on behalf of Max Spann Auctioneers, the auction of the Barclay property would be held on Friday, June 15 2007 at 2:00 p.m. and urged individuals to attend.

TOWNSHIP COMMITTEE MEETING
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Mayor's Notes (Continued)

Mayor Stout appointed Dr. Mort Shakun, a resident of The Four Seasons at Cranbury, to the Board of Health (for the unexpired term vacated by Ms. Bernice Shapiro) with a term ending December 31, 2007, and thanked Mr. Panconi for recommending Dr. Shakun. Mayor Stout also announced the Township had received the 2006 Annual Report from the Middlesex County Board of Health.

Mr. Jack Coughlin, Interim Administrator, asked if there was anything he should be doing concerning the Senior Center. Mayor Stout responded the subcommittee should be meeting and if any decisions need to be made they should be brought back to the Township Committee. Mr. Wittman indicated he is the subcommittee. Mr. Coughlin asked about a contract for Mr. Witt and Mayor Stout indicated he and Mr. Stannard needed to meet to discuss the matter. Mr. Coughlin also asked about the Geese Police and if he should be talking to anyone about the Agreement between them and the Township. Mayor Stout recommended speaking with the Environmental Commission and for them to put the matter on their Agenda.

On motion by Mr. Stave, seconded by Mr. Stannard and unanimously carried, the meeting adjourned at 9:25 p.m.

Kathleen R. Cunningham, Clerk

FOUR SEASONS AT CRANBURY

CRANBURY, NEW JERSEY

HISTORY OF PROPERTY DEVELOPMENT

There are 136 housing units in the complex on Old Trenton and Old Cranbury Roads. The first unit was occupied in September, 2003. Fifty percent occupancy occurred in September, 2004. The last unit received a CO in August of 2005. The Trustees and homeowners of Four Seasons addressed the Town Board on December 6, 2006 about the lack of progress.

Introduction

I am John Battles, 76 Labaw Drive. I address you as a trustee who has responsibility for transition from the developer, K. Hovnanian Enterprises and the home owner association. To provide for the appropriate inspections, we employed an engineering firm to assist us in developing a comprehensive transition report. The forty-five page report was submitted to the developer in May of this year. Tonight, I am here to address you about on going problems which continue to plague the homeowners association outside of the transition process.

Progress Report

I will highlight six major areas of concern:

#1 - As a positive much of the landscaping has been replaced. The community looks better but many of the trees and shrubs have died as a result of winter planting. They will need to be replaced in the early fall.

#2 - The town engineer has never received a response to her letter of concern that was sent fifteen months ago. That letter enumerated the concerns about drainage and construction of the D & R Canal right of way. Engineers for KHov resurveyed the area in the late fall of 2006.

#3 - There was a number of trip hazards in the community caused by initial repairs to the storm sewers. After repeated requests, the sidewalks were repaired but the property is littered with caution tape because the lawns remain unrepaired.

#4- The trellises and shade at the community pool is literally falling apart and should be removed for safety reasons. The trustees need permission from KHov to dismantle the structures. After repeated requests the trellis and wood structure was taken down today.

#5 - The sewer repairs which stalled for many months appeared to take a positive turn when a repair company appeared two weeks ago to make highly technical repairs that had been authorized by the town engineer. They were here one day with a partial work order. They were gone at the end of the day and have not returned. Without completion of the sewer repairs and inspection by the town, clean up and street paving cannot move forward.

#6 - When we attempted to open our irrigation system in the spring, we were shut down by the American Water Co. because five of the nine backflow preventors violate the provisions of the Clean Water Act. These devices were buried in berms making them unusable and permitting irrigation water to possibly infiltrate the city water system. These devices were promptly repaired by KHov but in lifting the devices major leaks were created in three of the back flow preventors. Although we have made numerous requests, the plumber for KHov has not returned to repair the extensive leakage.

My fellow trustees and I are prepared to answer any questions. Thank you for the opportunity to address the Town Board. We appreciate your interest and concern.

Dated: June 11, 2007

On May 30, 2007 I attended the Mayor's Summit on Pensions and Benefits per Mayor Stout's request. This session was basically a panel discussion addressing the current issues affecting the pension system. The panel consisted of three Division of Pensions and Benefits members as well as Marc Pfeiffer, Deputy Director of the Division of Local Government Services Department of Community Affairs.

The question on everyone's mind was how the pension system has come to be in the poor position that it is in. Unfortunately, this question was never directly answered. However, the panel did offer some information on what may happen in the future.

1. If the stock market continues on an upward trend then the State anticipates putting \$1 billion dollars into the pension system in 2008 just as they did in 2007.
2. At this time the State has no estimate of what 2008 pension payments will be for the municipalities but keep in mind that we are continuing to play catch up in order to get PERS to 80% and PERS to 100%. In addition to this there is the need to cover normal growth. This is increasing with the amount of people retiring increasing, the life expectancy of these people is getting longer and there is also an increase in those filing for disability retirement.
3. Municipalities will not see stabilization of the pension contributions until the second year after the catch up phase is complete.
4. Chapter 92 is a law which has been proposed but is not yet in effect. Some components of this law will hopefully keep our future pension contributions down. Two key points are increasing the pension loan interest rate from 4% to a current market interest rate which would change every January 1st and implementing a Defined Contribution Retirement Plan to replace PERS for certain employees hired after July 1, 2007. In this plan the employee would contribute 5% of his/her salary and the municipality would contribute 3%. This would be set up like a 401K plan and treated as such at retirement time.

During the question and answer period several Mayors commented that they would like to see the health and pension benefits to government employees be more in line with private industry. They asked the State how this could be done. The panels' response was that all elected officials should go to the League of Municipalities and pressure them to enact legislation that would accomplish this.