

TOWNSHIP COMMITTEE MEETING
OCTOBER 8, 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 were: Township Committee members: Richard Stannard, Pari Stave, Wayne Wittman and Mayor David J. Stout. Also present was: Trishka Waterbury, Esquire, Attorney, Cathleen Marcelli, Engineer and Kathleen R. Cunningham, Clerk. Mr. Panconi was absent. 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.

Regular Committee Minutes of September 10, 2007

On motion by Mr. Stannard, seconded by Ms. Stave and unanimously carried (with Mr. Wittman abstaining), the Regular Committee Minutes of September 10, 2007 were adopted.

Reports and Communications

--Mayor

Mayor Stout expressed he wanted to get in the habit of giving a "safety moment" at the meetings and reminded everyone that it is getting darker earlier in the evening and residents should be a little more cautious with activity on the streets. Mayor Stout reported on September 21, 2007 he had attended a Mayors' Roundtable Meeting on site remediation in Trenton, sponsored by the New Jersey State League of Municipalities and the State Department of Environmental Protection. The key "take away message" related to the new N.J. D.E.P. policies regarding municipal notifications to better inform stakeholders on activities relating to remediation of contaminated sites. The new process will provide municipalities with more information than received previously. Mayor Stout also reported he had attended the last Shade Tree Commission meeting and was happy to report a few volunteers had stepped forward to get their certifications. On Tuesday, October 2, 2007, Christine Smeltzer, Township Administrator and Mayor Stout had met with Mr. John Haney and a few staff members of The Cranbury School, concerning safety on Cranbury Neck Road. Mayor Stout noted this would be part of the Work Session discussion later on in the meeting. The School is asking the Township Committee to adopt a Resolution which would extend the No Passing lines between Symmes Court and Wynnewood Drive.

--Members of Committee

Mr. Stannard reported the Planning Board had met and approved the Master Plan Open Space and Recreation Plan. Mayor Stout added he had attended the meeting. The strength of the document will make the process of applying for and obtaining grant monies easier.

Agenda Additions/Changes

Ms. Cunningham, Clerk, announced item #c was being added to the Work Session, Discussion of School's Letter Requesting an Extension of the No Passing Zone on Cranbury Neck Road.

Work Session

a) Awards Program

The Township Committee discussed with the Township Attorney, Ms. Waterbury, and the establishment of an AdHoc Awards Program for volunteers. Ms. Waterbury explained a request had been made by the Board of Recreation Commissioners to honor two (2) individuals who had volunteered and worked on the "Cranbury Hoops Program", as well as other Recreation Programs. She had been asked to research if the Township could put such a plan in place. Ms. Waterbury reported there is a specific statutory authority for setting up awards programs for officers and employees. Based on her research, she was comfortable in saying the Statute also includes volunteers. Ms. Waterbury stated the Township Committee, if they should desire to implement such a program, would need to adopt a Resolution to set up the awards program. Ms. Waterbury added the awards could be in the form of cash (if a nominal sum), medals or plaques. Ms. Waterbury recommended the monies come out of the particular Department's Budget. Ms. Stave requested time to think about the issue stating the Township had a history of many volunteers and asked how certain individuals could be recognized and not others. Mr. Wittman responded the request had been suggested as a token of appreciation for two students who had performed Herculean volunteer work. Mr. Stannard raised his concern of turning a program into cash rewards for volunteer work could present problems. Mayor Stout asked Ms. Waterbury to research specific programs other municipalities have and report back to the Township Committee at the next meeting.

b) Discussion of Moving Millstone Park Driveway

The Township Engineer, Cathleen Marcelli, discussed with the Township Committee the re-location of the driveway at Millstone Park on Old Trenton Road. Mayor Stout led the discussion, explaining this was part of the Township's on-going efforts to improve safety along Old Trenton Road. Mayor Stout noted the importance of maintaining a dialogue with the County, through other Departments and thanked Cathy Marcelli and Ms. Smeltzer, Township Administrator, "for trying to get things done for less". Ms. Marcelli explained the Traffic Consultant, Andrew Feranda, had recommended re-aligning the driveway entrance to Millstone Park to be consistent with Washington Drive, making that a four-way intersection. She stated she did not know if the County would be willing to do anything more than just the curb-cut and driveway re-location and asked permission from the Township Committee to put that particular item on the table. Ms. Marcelli also stated it is more cost effective to have the County prepare the plan even if they will not pay for the complete project. Ms. Marcelli estimated it would most likely cost the Township \$40,000.00 to do the project without County assistance. Ms. Waterbury, Township Attorney, stated if the Township Committee wished to approve this plan, she needed to check with Green Acres to make sure there was no problem, explaining the regulations had been revised. Ms. Marcelli added legally there may have to be some type of easement granted as the County would be working on private property as opposed to their right-of-way. Mayor Stout asked Ms. Waterbury, Township Attorney, to please get back to Ms. Marcelli this week concerning The Green Acres issue, stating time was of the essence.

(Ms. Marcelli mentioned that Andrew Feranda had submitted plans to the County showing that by providing left-hand turn slots for both Eastbound and Westbound vehicles, traffic on Old Trenton Road would be slowed down. Since then the County has agreed and has offered to do the striping at not cost to the Township).

Work Session (Continued)

c) Discussion of Letter From The Cranbury School Requesting an Extension of the No Passing Zone on Cranbury Neck Road

The Township Committee discussed a letter from The Cranbury School's Chief School Administrator, John Haney, requesting an extension of the No Passing Zone on Cranbury Neck Road. Mayor Stout asked that a Resolution be prepared for the next Township Committee meeting asking the County to make a No Passing Zone from Symmes Court to Wynnewood Drive, using the previous Old Trenton Road No Passing Zone Resolution as a model.

Ordinance

Second Reading

Cranbury Township Ordinance # 09-07-11

A motion to enter an Ordinance entitled, Cranbury Township Ordinance # 09-07-11," 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. 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 Ms. Stave, the Ordinance was adopted by a vote:

Ayes: (Stannard
(Stave
(Stout
(Wittman

Abstain: (None
Absent: (Panconi

Nays: (None

Resolutions

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

Ayes: (Stannard
(Stave
(Stout
(Wittman

Abstain: (None
Absent: (Panconi

Nays: (None

Ms. Waterbury, Township Attorney, explained there had been a memo sent to the Township Committee members from Clarke Caton Hintz, COAH Consultants to the Township, explaining the grant process. The Resolution was to seek reimbursement from the State of New Jersey for acquisition of the Route 130-D Site. Ms. Waterbury stated by adopting this Resolution, the Township will need to re-zone the Route 130-D site for affordable housing, sooner than later. Ms. Waterbury added the reimbursement application would only be for the land acquisition costs and not the construction costs of the affordable housing units.

Cranbury Township Resolution # R-10-07-164

TOWNSHIP OF CRANBURY
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY

**A RESOLUTION TO APPLY FOR AND ACCEPT MUNICIPAL LAND ACQUISITION FUNDS VIA THE
BALANCED HOUSING PROGRAM**

WHEREAS, the Township of Cranbury desires to apply for and obtain funds from the New Jersey Department of Community Affairs, Neighborhood Preservation Balanced Housing Program for an amount not to exceed the maximum amount allowed in accordance with *NJAC 5:43-1* and FF for the purpose of acquiring land for the Route 130 D Affordable Housing Site.

NOW THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Cranbury, in the County of Middlesex, does hereby authorize the application for and the execution of a contract for the receipt of such funds from the New Jersey Department of Community Affairs, Neighborhood Preservation Balanced Housing Program and acknowledge that they are an eligible municipality in accordance with *NJAC 5:43-1.3(b) (c) (d)*. The municipality will upon the execution of such a contract, authorize the expenditure of such funds pursuant to the terms of said contract between the Township of Cranbury and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED, that the persons whose names, titles and signatures appear below are authorized to sign the application and that they or their successors in said titles are authorized to sign the contract and any other documents necessary in connection therewith:

Kathleen R. Cunningham, RMC, Clerk

Hon. David J. Stout, Mayor

Resolutions

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

Ayes: (Stannard
(Stave
(Stout
(Wittman

Abstain: (None
Absent: (Panconi

Nays: (None

Ms. Waterbury, Township Attorney, stated the Resolution was being adopted to utilize one (1) RCA Credit the Township had. Perth Amboy has agreed to purchase the one (1) credit at the same price it purchased the other credits from the Township and Clarke Caton Hintz, COAH Consultants have recommended the Township take advantage of utilizing the credit.

Cranbury Township Resolution # R 10-07-165

TOWNSHIP OF CRANBURY
MIDDLESEX COUNTY, NEW JERSEY

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN ADDENDUM TO THE AUGUST 15, 2005
REGIONAL CONTRIBUTION AGREEMENT BETWEEN
THE TOWNSHIP OF CRANBURY AND THE CITY OF PERTH AMBOY TO ADD ONE (1) ADDITIONAL
PRIOR ROUND RCA UNIT AT \$35,000 A UNIT FOR A TOTAL OF 81 UNITS (1 PRIOR ROUND AND
80 THIRD ROUND)**

Cranbury Township Resolution # R 10-07-165
(Continued)

AT A TOTAL COST OF \$2,835,000

WHEREAS, the Township of Cranbury has a fair share obligation to provide housing opportunities to households of low and moderate income as established by the New Jersey Supreme Court and by the New Jersey Fair Housing Act, N.J.S.A. 52:27d-301, *et seq.*; and

WHEREAS, the Fair Housing Act provides that municipalities within the same region, as defined by the New Jersey Council on Affordable Housing (COAH), may meet up to 50 percent of that obligation through a regional contribution agreement (RCA), under which the sending municipality makes a cash payment to another municipality, known as the receiving municipality, which undertakes to provide low and moderate income housing which is credited toward the sending municipality's fair share obligation; and

WHEREAS, the Township of Cranbury and the City of Perth Amboy entered into an 80-unit Third Round RCA dated August 15, 2005 (hereinafter "Agreement") which has not yet been approved by the Council on Affordable Housing (COAH); and

WHEREAS, the Township of Cranbury desires to transfer one (1) additional Prior Round RCA unit at a cost of \$35,000 per unit to the City of Perth Amboy; and

WHEREAS, with this one additional unit the Township of Cranbury proposes to transfer 81 units of its fair share obligation (one Prior Round unit and 80 Third Round units) at a cost of \$35,000 per unit for payments totaling \$2,835,000 in the form of an RCA with the City of Perth Amboy; and

WHEREAS, the Township of Cranbury and the City of Perth Amboy are in the same region as defined by COAH; and

WHEREAS, the City of Perth Amboy desires to provide affordable housing for low and moderate income residents of the region, which action will be furthered by funds made available through the RCA; and

WHEREAS, the RCA is in the best interests of the Township of Cranbury in helping the Township satisfy its fair share affordable housing obligation.

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranbury, that the Mayor and Clerk of the Township of Cranbury are hereby authorized to execute such documents and exhibits and to undertake or direct any and all such acts as may be necessary to effectuate an RCA between the Township of Cranbury and the City of Perth Amboy.

Resolutions

Consent Agenda

Mayor Stout explained, Resolution # 166 was to pay bills, # 167 to appoint Jerry Thorne to the position of Interim Public Works Manager, at a yearly rate of \$4,800.00, effective June 1, 2007, #168 for endorsement of the Green Acres Farmland / Blue Acres and Historic and Preservation Bond Act of 2007 and Mayor Stout added Cranbury Township had benefited over time from State funding for the acquisition of open space park land and the acquisition of development rights to purchase farmland. In addition, the Resolution would show Cranbury Township's support to continue this critical funding mechanism. Blue Acres is to pay and buy back homes that are located in flood plains to give residents affected in those areas fair market value for their homes.

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

Ayes: (Stannard
(Stave
(Stout
(Wittman

Abstain: (None
Absent: (Panconi

Nays: (None

Cranbury Township Resolution # R 10-07-166

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 10-07-167

NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CRANBURY, that Jerry Thorne be appointed to the position of Interim Public Works Manager, at a yearly rate of \$4,800.00, effective June 1, 2007.

Cranbury Township Resolution # R 10-07-168

RESOLUTION ENDORSING THE “GREEN ACRES, FARMLAND, BLUE ACRES, AND HISTORIC PRESERVATION BOND ACT OF 2007”

WHEREAS, continued investment in open space, farmland and historic preservation is vitally important to the state, as it enhances New Jersey’s economy, safeguards its remaining natural, agricultural, recreational and cultural resources and preserves its character; and

WHEREAS, New Jersey continues to face incredible pressure from development, losing over 40 acres of open space daily to new development projects; and

WHEREAS, protecting open spaces and improving community parks throughout the State, including urban areas, supports New Jersey state and local economies by stabilizing local property taxes and revitalizing communities; and

WHEREAS, the Garden State Preservation Trust, the financing authority for the Green Acres, Farmland, and Historic Preservation programs, is virtually depleted despite the continued need for the programs it makes possible; and

WHEREAS, on November 6, 2007, the voters of New Jersey will be asked to approve the Green Acres, Farmland, Blue Acres, and Historic Preservation Bond Act of 2007, which authorizes the state to issue \$200 million in bonds to fund New Jersey’s preservation programs for one year and the Blue Acres program to purchase flood prone properties; and

WHEREAS, passage of the Bond Act is desperately needed to fund the continued protection of New Jersey’s natural areas and cultural sites while a long-term funding solution for the Garden State Preservation Trust is determined and secured; and

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Township of Cranbury, in the County of Middlesex and State of New Jersey as follows:

1. The municipality encourages the voters of New Jersey to vote yes on the Green Acres, Farmland, Blue Acres, and Historic Preservation Bond Act of 2007 on November 6, 2007.

Cranbury Township Resolution # R 10-07-168
(Continued)

2. The Municipal Clerk is hereby authorized to provide a copy of this Resolution to the following:

Duly authenticated copies of this Resolution shall be transmitted to:
The Honorable Jon Corzine, Office of the Governor, PO Box 001, Trenton, NJ 08625

State Senators

State Assemblypersons

Keep It Green c/o NJ Audubon Society, 142 W. State Street, 4th Floor, Trenton, NJ 08608

Daily and Weekly Newspapers

Reports from Township Staff and Professionals

Police Chief's Report

Captain Ed Kahler gave the Police Department Report for the month of September. Captain Kahler reported 130 summonses were issued--22 for speeding; 19 in the Village area for speeding. The Bike Patrol had been dispensed for a total of one week during the month of September. Captain Kahler reported there had been no incidents in any of the parks. Ms. Stave stated the lack of bike patrol not going out more was unacceptable. Captain Kahler responded the two new patrol officers were still in training and once the training was complete there would be two additional officers available to assist with bike patrol and other duties.

Township Attorney's Report On Upcoming Ordinances

Ms. Waterbury, Township Attorney, reported the Township Committee will be asked, as part of the application to the State for COAH, to demonstrate to the State the Route 130-D site is zoned for affordable housing. Because the Township is applying for funding for the project from the State, the re-zoning of the property needs to be done now, rather than before the concept plan is done. Mr. Preiss, Township Planner, has prepared a basic ordinance for the new zoning of the site. Ms. Waterbury then asked the Township Committee members how they wished to proceed in the process; have the Planning Board informally review the proposed ordinance first and then introduce it or just introduce it and then refer it to the Planning Board. Mayor Stout directed the Clerk, Ms. Cunningham, to send the proposed ordinance to the Planning Board Secretary/Administrative Officer, Josette Kratz, the following morning. Mr. Wittman asked if the Township should start addressing all properties to be zoned in the future for affordable housing. Mayor Stout recommended the COAH subcommittee meet to discuss the issue.

Ms. Waterbury, Township Attorney, stated she had prepared some changes to the Zoning Ordinance to the standards section which were minor adjustments to bring the land use requirements in conformance with "Best Management Practices". The changes are not required to be made to the regulations and she stated the Township has done everything it was required to do in compliance with recent new State regulations. Mayor Stout indicated he wished to facilitate what the Township had committed to doing and what had been recommended by the Environmental Commission. Ms. Waterbury explained the adoption of the Ordinance would give the Township more flexibility and better management practices. Ms. Waterbury reported another ordinance which would be coming up in the future would deal with yard waste explaining two (2) additional changes needed to be made in the current Ordinance.

Engineer's Report (Wright South, Four Seasons)

Ms. Cathleen Marcelli, Township Engineer, gave a progress report on The Four Seasons at Cranbury Developer's punch list. Ms. Marcelli stated the majority of the pipe repairs had been completed by the subcontractor, I.C.S. and final completion was scheduled for the end of the week. Four Seasons had committed both her office and the

Engineer's Report (Wright South, Four Seasons)

Homeowners' Association to the asphalt being paved in October. Ms. Marcelli indicated she was still waiting for information on the D&R Canal easement at the Development. She had asked for additional topography grading information and had just received the additional information this week. Ms. Marcelli will be reviewing the topography and grading and get back to the Township Committee. Mayor Stout expressed how appreciative the Homeowner's Association is for all of the work Ms. Marcelli has been assisting the Homeowner's Association with.

Ms. Marcelli also reported last week, Larry Plevier, of her Office had been working on the removal of the poles on the Wright South property. He had met with PSE&G and discussed the removal of the poles and the relocation. PSE&G had indicated it would take approximately 1 ½ week to 2 weeks to get a cost estimate to the Township and once they receive payment, the poles would be removed within four (4) to six (6) weeks. Ms. Marcelli indicated she would be in a position to advertise the bid on Friday, October 10, 2007 with the approval of the Township Committee. The Township Committee gave Ms. Marcelli approval to do so.

Clerk's Report

Ms. Cunningham, Clerk, reported she had represented the Township at a luncheon meeting, given by PSE&G, on September 14, 2007. Ms. Cunningham reported the meeting was a "meet and greet" type of meeting with various Departments at PSE&G explaining their respective roles and they had distributed a grid sheet of various Departments with contract names and phone numbers. Sgt. Frank Dillane represented the Cranbury Police Department.

Ms. Cunningham also reported she had conducted a survey concerning a proposed meeting on November 1st Township Committee meeting and members, with the exception of one, were "ok" with the date. Ms. Cunningham then asked permission to notice the meeting for 6:00 p.m. on November 1st and was instructed to do so.

Reports from Township Boards and Commissions

There were no reports.

Public Comment

The Mayor opened the meeting to public questions and comments on those items not on the agenda. There being no comments, the Mayor closed the public part of the meeting.

Mayor's Notes

Mayor Stout appointed Patricia Scott as an Alternate Member to the Parks Commission with a term ending December 31, 2007.

On motion by Mr. Stannard, seconded by Ms. Stave and unanimously carried the meeting adjourned at 8:20 p.m.

Kathleen R. Cunningham, Clerk