

TOWNSHIP COMMITTEE MINUTES
DECEMBER 10, 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, Wayne Wittman and Mayor David J. Stout. Ms. Stave was absent. Also present was: Trishka Waterbury, Esquire, Attorney, Christine Smeltzer, 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.

Reports and Communications

--Mayor

Mayor Stout reported the Township had received an application for the 2009 Local Safety and High Risk Rural Roads Program and recommended the Township pursue the application. Mayor Stout stated the Program has a cap of over \$1-million and he noted most of the roads were in other counties. Mayor Stout reported the deadline to file an application is December 31, 2007. Mayor Stout asked the Township Administrator, Ms. Smeltzer, to review the application with the Township Engineer, Ms. Marcelli. Mayor Stout also reported he had received a telephone call from Freeholder Jim Polos, inquiring if the Township was interested in applying for an energy sustainability grant through the County, based on the Township's energy audit. Mayor Stout stated since the energy audit was not before the Township Committee yet, he would speak with the working energy group to determine if they could recommend some ideas. Freeholder Polos requested having the information by the end of the year. Messrs. Panconi and Wittman recommended doing something about the doors to Town Hall, noting they are not insulated doors. Ms. Smeltzer mentioned the heating system in the Fire House is ready to break down. Mayor Stout asked Mr. Panconi, liaison to the Fire Company, to research the issue and obtain any supporting data on the status of the heating system. Mayor Stout reported the paving is almost complete at The Four Seasons at Cranbury K-Hov Development.

Agenda Additions/Changes

Ms. Cunningham, Clerk, announced under Item # 10 on the Agenda, "Reports from Township Professionals and Staff", she had two items to report on: the first one being the recent General Election and the second, 2008 Mayor and Township Committee appointments to Township Board, Committees and Commissions. Also, three Resolutions were being added to the regular Resolution list: Cranbury Township Resolution # R 12-07-187, 188 and 189. Ms. Cunningham stated these Resolutions were to thank individuals for years of serving Cranbury Township in various capacities and will be read at upcoming Holiday events and should be added on the Agenda under the regular resolutions and not the Consent Agenda Resolutions.

Regular Committee Minutes for November 26, 2007

On motion by Mr. Wittman, seconded by Mr. Stannard and unanimously carried (Ms. Stave being absent), the Regular Committee minutes for November 26, 2007 were adopted.

Resolution

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

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

Nays: (None

Cranbury Township Resolution # R-12-07-190

TOWNSHIP OF CRANBURY
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY

**A RESOLUTION AUTHORIZING THE ISSUANCE OF A NEW ALCOHOLIC BEVERAGE LICENSE
FOR 2006-2007 RIYA CRANBURY, LLC (STAYBRIDGE SUITES) PURSUANT TO N.J.S.A. 33:1-12.20
(HOTEL/MOTEL EXCEPTION)**

WHEREAS, the Township of Cranbury has received an application from Riya Cranbury, LLC (Staybridge Suites) for a new alcoholic beverage license for pursuant to the hotel/motel exception set forth at N.J.S.A. 33:1-12.20; and

WHEREAS, a criminal history background check was performed and it has been determined that at the present time, Riya Cranbury, LLC is eligible to own the requested alcoholic beverage license; and

WHEREAS, Riya Cranbury, LLC has complied with all of the statutory requirements for obtaining said license; and

WHEREAS, Riya Cranbury, LLC has provided the Township with a payment one thousand, two hundred and ninety dollars and sixty-eight cents (\$1290.68), which represents the pro-rated amount due for said license;

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranbury, that the application by Riya Cranbury, LLC (Staybridge Suites) for an Alcoholic Beverage License pursuant to N.J.S.A. 33:1-12.20 be and is hereby approved.

Resolution

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

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

Nays: (None

Cranbury Township Resolution # R-12-07-194

Mayor Stout reported this contract was being awarded to allow the Township to use materials to pre-treat wastewaters to convey to the Middlesex County Utilities Authority. Ms. Smeltzer, Township Administrator reported the Township had asked for references and due to a clerical error, they had not provided them. Counsel determined that had not been material to the awarding of the bid and Siemens did later on provide ten (10) references.

TOWNSHIP OF CRANBURY
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY

A RESOLUTION AWARDDING CONTRACT NO. 291A TO SIEMENS WATER TECHNOLOGY CORP
FOR THE SUPPLY OF BIOXIDE

WHEREAS, pursuant to a duly advertised notice to bidders, one bid was received on November 21, 2007 for Contract No. 291A, a contract for the supply of bioxide; and

WHEREAS, one bid was received from Siemens Water Technology Corp., of Sarasota Florida, with a bid of one hundred twenty three thousand dollars (\$123,000); and

WHEREAS, the Township desires to award Contract No. 291A to Siemens Water Technology Corp, the sole bidder; and

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

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

1. Contract No. 291A for the supply of bioxide is hereby awarded to Siemens Water Technology Corp. of Sarasota, Florida.
2. The Mayor and Clerk are hereby authorized and directed to execute an agreement with Siemens Water Technology Corp. consistent herewith.

Resolution

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

Ayes: (Panconi
(Stannard
(Stout
(Wittman

Abstain: (None
Absent: (Stave

Nays: (None

TOWNSHIP OF CRANBURY
COUNTY OF MIDDLESEX

Cranbury Township Resolution # R 12-07-187

WHEREAS, Howard Zogott was hired on December 6, 1999 as the Director of the Cranbury Public Library; and

Cranbury Township Resolution # R 12-07-187
(Continued)

WHEREAS, library services to the Community have been expanded, increased and improved under Howard's direction; and

WHEREAS, book circulation has increased from 26,294 in 1999 to almost 40,000 in 2007; and

WHEREAS, Howard has increased various Programs at the Library to include, children, teen, adults and seniors; and

WHEREAS, Howard has also expanded non-print media services to include audio visual items such as movie, microfilm, videos, audios, and CD's; and

WHEREAS, during the eight years Howard has been the Director of the Cranbury Library, hours of operation have increased to include Sundays and Wednesday evenings, allowing Cranbury's residents more access; and

WHEREAS, Howard has improved communications with both the Township and School District personnel; and

WHEREAS, Howard has introduced special programs such as Global Warming and the like; and

WHEREAS, Howard is known by many of Cranbury's children as instituting and hosting story time; and

WHEREAS, under Howard's wonderful direction, the Cranbury Free Public Library has been the recipient of many awards by the Middlesex County Library Officials for outstanding service; and

WHEREAS, Howard and his lovely wife have decided it is time to retire;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Cranbury that Howard is thanked for his many years of excellent service to the residents of Cranbury Township; and

BE IT RESOLVED, Howard is wished many healthy and happy years of retirement; and

BE IT FURTHER RESOLVED, a copy of this Resolution be presented to Howard Zogott.

Resolution

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

Ayes: (Panconi
(Stannard
(Stout
(Wittman

Abstain: (None
Absent: (Stave

Nays: (None

TOWNSHIP OF CRANBURY
COUNTY OF MIDDLESEX

Cranbury Township Resolution # R 12-07-188

WHEREAS, Thomas B. Harvey ("Tom") served on the Cranbury Township Planning Board for 25 years; serving as its Chairman for 21 years; and

WHEREAS, the **real** story was nobody wanted the job for the first twelve years; and

WHEREAS, Tom worked assiduously to incorporate aesthetic design standards in the Land Development Ordinance before allowing warehouse development in the Township; and

WHEREAS, the **real** story was he wanted all warehouses to have cupolas, clock towers and shutters, but was talked out of it by the other members of the Planning Board; and

WHEREAS, on public issues before the Planning Board, he made sure that all present had the opportunity to be heard; and

WHEREAS, the **real** story was when the custodian stepped into the School Cafeteria to check on the thermostat, Tom insisted he be heard on the matter before the Board; and

WHEREAS, Tom insists that he read all technical reports by applicant's engineers, planners and traffic experts; and

WHEREAS, the **real** story was most doctors agree that admitting to reading all technical reports is an early sign of dementia; and

WHEREAS, before every meeting, Tom, Cathleen Marcelli, Township Engineer and Joe Stonaker, Planning Board Attorney would feast on a Turkey Club Sandwich at Teddy's Luncheonette; and

WHEREAS, Tom Harvey has been duly honored and recognized for distinguished planning leadership by the New Jersey Chapter of the American Institute of Certified Planners and the Smart Plan Regional Planning Group (formerly MSM Regional Planning Group); and

WHEREAS, under Tom Harvey's leadership, the Planning Board prepared and adopted a new Master Plan guiding the future development and preservation of land in the Township, revised a comprehensive Historic Preservation Ordinance, revised the Land Development Ordinance and provided important contributions to the Housing Element, overhauled the development application process, and implemented programs that resulted in the permanent preservation of over 80 % of the land in the Agricultural Preservation Zone; and

WHEREAS, AND THAT'S THE **REAL** STORY!

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Cranbury, that Tom Harvey is sincerely thanked for the dedication and service that he has provided as Chairman of the Cranbury Township Planning Board; and

BE IT FURTHER RESOLVED that a duly authenticated copy of this Resolution is presented to Tom Harvey.

Resolution

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

Cranbury Township Resolution # R 12-07-189

Ayes: (Panconi
(Stannard
(Stout
(Wittman

Abstain: (None
Absent: (Stave

Nays: (None

TOWNSHIP OF CRANBURY COUNTY OF MIDDLESEX

WHEREAS, Joseph Stonaker, Esquire ("Joe") was hired in 1982 as Counsel to the Cranbury Township Planning Board; and

WHEREAS, during his tenure Joe prepared hundreds of resolutions for Board approval or denial of development applications; and

WHEREAS, Joe participated, along with members of the Planning Board, technical staff and Township Attorney, in the comprehensive review and revision of the Township's Land Development Ordinance and Housing Plan Element; and

WHEREAS, Joe worked with the Township Attorney and Planner on revisions to the Township's Historic Preservation Ordinance, reducing a 90-page draft to approximately 45 pages that was subsequently adopted by the Township Committee; and

WHEREAS, Joe provided guidance and legal advice to the Planning Board on all matters coming before the Planning Board; and

WHEREAS, most importantly, in his usual calm, thorough, and competent manner, Joe served as an advisor and "rudder" to the Planning Board during meetings and public hearings; and

WHEREAS, before every meeting, Joe would meet the Township Engineer, Cathleen Marcelli and then, Planning Board Chair, Tom Harvey for a Turkey Club Sandwich at Teddy's Luncheonette and he will be missed by his comrades; and

WHEREAS, Joe served as a friend and ever-available source of common sense to all that were privileged to work with him during his tenure serving the citizens of Cranbury Township; and

WHEREAS, Joe and his lovely wife, Julia, have now decided to retire and travel;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Cranbury that Joe is thanked for his many years of excellent service to the residents of Cranbury Township; and

BE IT FURTHER RESOLVED, a copy of this Resolution be presented to Joe with thanks and appreciation and wishing him a very healthy and happy retirement.

Resolutions
Consent

Mayor Stout reported the Consent Agenda consisted of four items: Cranbury Township Resolution # R 12-07-185 for the payment of bills, Cranbury Township Resolution # R 12-07-191, which was a refund of overpaid property taxes, Cranbury Township Resolution # R 12-07-192, which authorized a Budget Transfer for 2007 in the amount of \$10,400. These monies would allow the Township to utilize monies which were in the Master Plan Budget for Zoning and the Township's Road Department, where they are needed in 2007 and finally, Cranbury Township Resolution # R 12-07-193, which would allow the Township to move certain overpaid property taxes with a value under \$10.00 into the Township's Surplus Account the total amount being \$19.62.

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

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

Nays: (None

Cranbury Township Resolution # R 12-07-185

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 12-07-191

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

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
20.02	16	Sarah & Mitchell Kleiman	\$ 1,864.52

Cranbury Township Resolution # R 12-07-192

RESOLUTION OF THE TOWNSHIP OF CRANBURY, NJ

A RESOLUTION AUTHORIZING YEAR 2007 BUDGET TRANSFERS.

WHEREAS, there are 2007 Budget Accounts which require more funding due to circumstances not known at the beginning of the year; and

WHEREAS, there will be excess balances in budget accounts in which the expenditures will be less than projected at the beginning of the year,

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Cranbury, that the following year 2007 Budget Transfers be authorized and made on the records and accounts of the Township:

Cranbury Township Resolution # R 12-07-192
(Continued)

<u>Budget Account</u>	<u>From</u>	<u>To</u>
7-01-21-181-310 Master Plan O&E	\$12,400.00	
7-01-21-185-025 Zoning O&E		\$3,000.00
7-01-26-290-012 Roads OT		\$4,000.00
7-01-26-315-765 Vehicle Maintenance – Roads		\$5,000.00
7-01-21-185-011 Zoning S&W		\$100.00
7-01-22-205-011 HPC S&W		\$100.00
7-01-27-335-011 Environmental Commission S&W		\$100.00
7-01-27-360-011 Human Services S&W		\$100.00
	\$12,400.00	\$12,400.00

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

- (a) Township Auditor
- (b) Township Chief Financial Officer
- (c) Township Administrator

Cranbury Township Resolution # R 12-07-193

WHEREAS, the Tax Collector has determined the following 2007 property taxes were overpaid; and

WHEREAS, the overpaid amounts were all under \$10.00;

Block	Lot	Assessed To	Amount
2	1	Henry Realty Co.	\$ 1.00
5	12	Anna Stachurski	.90
18.07	15	Jonathan Goldstein	.40
20.06	32	Nicola Kadar	.50
20.06	39	Eugene & Marna McDermott	2.01
20.11	6	Sheldon Marshall	.40
22	6.01	Robert & Annabelle Barnes	3.21
22	13	Arthur Peterson	.90
23	65	Alexander Realty Partners	.01
26	29.06	Tom & Lisa Sulkowski	4.00
34	14	Wesley Costa	.03
35	1.01	Edgar Lawson	6.26

NOW, THREFORE, BE IT RESOLVED, by the Township Committee of the Township of Cranbury, that the above overpaid amounts be transferred into surplus.

Ordinance
Second Reading

Cranbury Township Ordinance # 11-07-13

Ms. Waterbury, Township Attorney, explained at the Township Committee meeting held on November 26, 2007, the Ordinance had been scheduled for a public hearing. At that time a decision had been made to table the Ordinance and in the interim the Professionals went back

Cranbury Township Ordinance # 11-07-13

(Continued)

and further reviewed the Ordinance. Ms. Waterbury stated, more significantly however, it was only one week away from the anticipated release of new rules by the Council on Affordable Housing dealing with Third Round Obligations for municipalities. She added, no one knows yet what the new rules will be, however, it was rumored there will be significant changes. Ms. Waterbury indicated it may be more appropriate to re-visit the Ordinance at the beginning of 2008. Ms. Waterbury recommended not taking any action on the Ordinance at the present time. Ms. Waterbury added, the reason for changing the zoning on the Route 130-D site was due to the Township's application to the State and delaying the Ordinance would not jeopardize the pending application.

A motion to enter an Ordinance entitled, "Cranbury Township Ordinance # 11-07-13, AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, MIDDLESEX COUNTY, NEW JERSEY, AMENDING CHAPTER 150 OF THE CODE OF THE TOWNSHIP OF CRANBURY TO ADD A NEW R-ML III RESIDENTIAL MT. LAUREL II ZONE", was present for second reading and final adoption. The Ordinance was published in the Cranbury Press, posted on the Township Bulletin Board and website and copies were available to the public. The Mayor opened the public hearing on the Ordinance. Mr. Mark Berkowsky, representing Cranbury Housing Associates, stated there were details in the Ordinance he would be discussing with Professionals outside of a public forum and would be recommending some changes to the Ordinance. No one else present wished to speak, so the hearing was declared closed. On motion by Mr. Stannard, with no one seconding the motion, the Ordinance did not pass, due to lack of a motion.

Reports from Township Staff and Professionals

Report on Hazardous Route Evaluation: Ms. Waterbury, Township Attorney, reported she had reviewed the matter of developing a hazardous route evaluation further with the Township Administrator, Ms. Smeltzer. Ms. Smeltzer gave a brief summary, explaining the Township had been approached by the School to evaluate a hazardous route and she and Ms. Waterbury had determined the decision was not up to the Township. The Township's role would be to assist the School in determining a hazardous route. Ms. Smeltzer indicated the Statute, Title 18-A: 39-1.5, gives a number of ways of evaluating a hazardous route: population density, traffic volume, average vehicle velocity, existence or absence of sufficient sidewalk space, roads or highways that are winding or that have blind curves, roads and highways with steep inclines or declines, drop offs that are in close proximity to a sidewalk, bridges or overpasses that must be crossed to reach the School and busy roads or highways that must be crossed to reach the School. Ms. Smeltzer reported the Statute does re-iterate directly after giving the examples, "A school district must work with municipal officials in determining the criteria necessary for the designation of a hazardous route. Ms. Smeltzer added, she had spoken with Chief Hansen concerning the criteria listed in the State Statutes and he felt they were adequate and sufficient and recommended asking the School if they had any items they wished to add. Ms. Smeltzer offered to work with Ms. Waterbury and draft a letter to the School. Ms. Waterbury added, statutorily the Township does not have the authority to designate a hazardous route, rather it is the School Board's responsibility to come up with a hazardous route, as indicated in the Statutes. Ms. Waterbury suggested in addition, the letter state that homeowners had come to the Township Committee meeting to voice his displeasure concerning the lack of the School Board addressing the busing issue and safety of the children living on Cranbury Neck Road.

Report from Township Clerk

Report on recent General Election, November 6, 2007:

Ms. Cunningham, Clerk, reported on November 6, 2007 the General Election had been held. There were two (2) three-year seats up for election. Messrs. Stout, Stannard and Hasselbach were the three candidates for the two (2) seats. Mr. Stout received 578 votes, Mr. Stannard 548

Reports from Township Staff and Professionals

Report from Township Clerk (Continued)

Report on recent General Election, November 6, 2007:

and Mr. Hasselbach 553. However, when the absentee and provisional ballot votes were counted, Mr. Stout received 24 absentee and 3 provisional, for a total of 605, Mr. Stannard received 28 absentee votes and two (2) provisional votes, for a total of 578 and Mr. Hasselbach received 15 absentee votes and one (1) provisional vote for a total of 569, making Messrs. Stout and Stannard the winners. Mr. Hasselbach filed for a re-count on November 21, 2007 and a re-count was taken at Middlesex County on Thursday, November 29, 2007. The County declared Mr. Stannard the winner. Ms. Cunningham reported she received the Official Election Returns from the County Clerk's Office on December 3, 2007. Ms. Cunningham noted, there are 2,519 registered voters in the Township and at the General Election 1,107 had voted; a little over 43% of the electorate.

Report on 2008 Appointments to Board, Committees, Commissions and Professionals

Ms. Cunningham, Clerk, reported on the 2008 Township Committee and Mayoral Appointments:

Ms. Cunningham reported on October 2, 2007 she had mailed out letters to all the Board, Committee and Commission Chairs requesting they let her know if any of their members did not wish to serve and if so, his/her recommendation to replace that person. To date all of the Chairs had responded. Ms. Cunningham also passed out charts showing the vacancies, chairs recommendations, etc. as well as a Draft Resolution for the re-organization meeting of Professional appointments which are usually made at that meeting (this year falling on January 7, 2008). Ms. Cunningham requested Township Committee members get back to her no later than December 28, 2007 with the information concerning appointments so she has enough time to prepare the Resolution for the re-org meeting.

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 reminded everyone to be aware of safety while driving as this being a very busy Season, drivers are not always paying attention.

On motion by Mr. Wittman, seconded by Mr. Stannard and unanimously carried, the meeting adjourned at 7:40 p.m.

Kathleen R. Cunningham, Clerk