

TOWNSHIP COMMITTEE MEETING
August 14, 2006

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: Richard Stannard, Pari Stave, David Stout and Wayne Wittman. Mayor Panconi was absent. Ms. Stave served as the Deputy Mayor. Also present was: Trishka Waterbury, Esquire, Attorney, Cathleen Marcelli, Engineer, Thomas C. Witt, Administrator and Kathleen R. Cunningham, Clerk. Deputy Mayor Stave led in the salute to the flag and Ms. Cunningham gave the following Open Public Meetings Act statement:

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

- (1) Posted on December 7, 2005 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 7, 2005.
- (3) Was filed on December 7, 2005 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 July 24, 2006

On motion by Mr. Stout, seconded by Mr. Wittman, and unanimously carried, the Regular Committee Minutes of July 24, 2006 were adopted.

On motion by Mr. Wittman, seconded by Mr. Stout and unanimously carried, the Closed Session Minutes of July 24, 2006 were adopted.

Reports and Communications

--Mayor

--Members of Committee

--Subcommittees

Ms. Stave reported, as a member of the Barn subcommittee, the Township and Lions Club had come to an agreement as to the use and occupancy of the two barns on the former Updike property. Ms. Stave explained the Resolution to adopt the Agreement would be on the Agenda for the meeting of August 28th as Messrs. Stannard and Stout could not vote on the Ordinance as members of the Lions Club and with Mayor Panconi absent, there would not be a quorum. Once the Township Committee votes and adopts the Ordinance the barns can then be repaired (the wagon house and corn crib). Ms. Stave also mentioned the Cranbury Historical and Preservation Society were actively seeking funds for the restoration and repair of the barns.

Ms. Stave also reported a meeting of the Recreation subcommittee had been held to preliminary look at the comments and statistics that had come from the public meeting held in July. Ms. Stave stated the subcommittee would wait until there was more clarity and facts of the input before presenting everything to the Township Committee and indicated one item that had been presented throughout the meeting had been a desire to have all types of recreation provided for all age groups. Ms. Stave indicated the subcommittee would go back to the Planning Board with that recommendation to get the process moving.

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--Subcommittees (Continued)

Ms. Stave reported she had attended a Human Services meeting a few weeks ago at which Peg Chester, Middlesex County, addressed the members. Ms. Chester presented some of the County programs which were available to seniors living in the Township. Ms. Stave explained, without a community senior center it was difficult for the Township to utilize those services and recommended that a specific room be designated in Town Hall for use by the seniors. Ms. Stave asked for the Township Committee's approval to designate the Recital Room in the lower level of Town Hall for use every day and possibly weekends for use by the seniors. Ms. Stave stated some of the uses would be: one-half day per month for free counseling, another round of consulting for seniors for Medicaid Part B Prescription Drug Plan, senior exercise programs, Motor Vehicles to do a presentation on safety and conduct a course on safe driving so that seniors could get a reduction in their car insurance as well as to provide picture I.D.s to those without driver's licenses and to have the County Surrogate's Office conduct a seminar on wills and livings wills. The Township Committee unanimously supported Ms. Stave's recommendation. Ms. Stave also stated the Human Services Commission would be having a table at Cranbury Day near the Township Committee's table and would be distributing information to seniors on counseling and other issues. Ms. Stave reported the Township had not been using the allocated hours for counseling services available from the Social Services Director, who is shared by Plainsboro Township. The hours do accumulate so the Township will not lose them. Ms. Stave added, John Ritter would be working with the Clerk, to improve the data base on the Township's web site for seniors.

Mr. Stout reported he and Mr. Dietrich Wahlers, E.C. member, had attended a D.E.P. Seminar. Mr. Stout stated he had attended several sessions--beneficial uses of landfills, funding and how funding mechanisms and reimbursements occur when the cleanup of brown fields are involved and "brown fields to green fields".

Mr. Stout also reported the Township had received a letter on August 4th from the Attorneys for the owners of the former Unexcelled property, asking the Township to amend the 208 Sewer District. Mr. Stout asked that this item be a Work Session item on September 11th and asked that Ms. Marcelli be present to discuss this with the Township Committee and to let them know the process, whether or not there is a regulatory clock involved and what the response options would be for the Township. Mr. Wittman recommended that the Township look at expanding the service in that area as well to others. Ms. Stave recommended the Township address the issue of changing the zoning to exclude the wetlands from the calculation of the F.A.R. Ms. Waterbury, Township Attorney, indicated Mr. Van Hise, who had substituted for her at the Township Committee meeting in which this issue had been discussed, had a note indicating he had been asked by the Township Committee to track down an Ordinance from Hillsborough Township and was unable to locate it. Mr. Stout indicated he had a copy and had provided both Tom Harvey, Planning Board Chairman and Joe Stonaker, Planning Board Attorney, a draft copy of an Stream Corridor Ordinance, prepared by the Stony Brook Millstone Water Shed, which incorporated the Hillsboro Ordinance into it. Mr. Stout recommended the Township move forward in the adoption of the Stream Corridor Ordinance which had been prepared by the Water Shed.

Agenda Additions/Changes

There were no additions/changes.

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Ordinances
First Reading

Cranbury Township Ordinance # 08-06-21

An Ordinance entitled, "Cranbury Township Ordinance # 08-06-21, AN ORDINANCE REAPPROPRIATING \$297,205.52; 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 introduced for first reading. On motion by Mr. Stannard, seconded by Mr. Wittman, the Ordinance was passed on first reading by vote:

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

Nays: (None

Public Hearing: August 28, 2006

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CRANBURY, IN THE COUNTY OF MIDDLESEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. Pursuant to N.J.S.A.40A:2-39, it is hereby determined that the following proceeds of obligations originally made available pursuant to the various bond ordinances listed below are no longer necessary for the following purposes:

Ordinance No. reappropriated	Description	Amount to be
02-00-10	Computer/Telephone System	\$108.36
06-02-09	Wright South Design	\$1,942.92
04-02-06	Millstone Park Cleanup	\$2,006.54
04-03-03	By-Pass Pump Port	\$13,500.00
01-04-02	Open Space E. Barclay	\$130,367.43
03-98-06	Renovate Old School-Misc	\$5,447.15
04-00-16	Sewer System Study	\$559.21
04-02-03	Park Side Site-Legal	\$4,010.21
04-03-03	Paving Parking Lot	\$25,000.00
03-98-06	Renovate Old School-Construction	\$65,163.31
04-02-03	Park Side Site-Planning	\$4,475.63

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Cranbury Township Ordinance # 08-06-21
(Continued)

03-98-06	Renovate Old School-Project Mgmt	\$11,051.02
04-02-03	Park Side Site-Engineering	\$8,158.28
04-03-03	Toro Grounds Master Mower	\$2,522.00
07-00-24	Renovate Old School	\$5,429.25
04-02-03	Park Side Site-Construction	\$1,094.67
03-04-12	Police Building	\$7,481.34
04-05-09	Police Moving Expenses	\$558.00
04-05-09	Police Building Comcast	\$5,200.00
04-05-09	Truck Bay Exhaust System	\$3,130.20

Section 2. Pursuant to N.J.S.A.40A:2.39, it is hereby determined that \$297,205.52 of the proceeds of obligations referred to above are hereby reappropriated to provide for the third round of affordable housing.

Section 3. The capital budget of the Township of Cranbury is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith.

Section 4. This ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Resolution
Consent Agenda

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

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

Nays: (None

Cranbury Township Resolution # R 08-06-111

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 08-06-112

GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

TOWNSHIP OF CRANBURY
COUNTY OF MIDDLESEX

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Cranbury Township Resolution # R 08-06-112

(Continued)

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2005 has been filed by a Registered Municipal Accountant with the Municipal Clerk, pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations, and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Township Committee of the Township of Cranbury, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

CERTIFICATION

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON AUGUST 14, 2006.

Kathleen R. Cunningham, Clerk

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Cranbury Township Resolution # R 08-06-113

RESOLUTION OF THE TOWNSHIP OF CRANBURY, NJ

A RESOLUTION AUTHORIZING THE REDUCTION OF A PERFORMANCE GUARANTEE FOR GORDON EXIT 8A

WHEREAS, by letter dated July 17, 2006, The Elms of Cranbury has requested the reduction of their performance guarantee previously posted with the Township in accordance with Planning Board approval and

WHEREAS, the Township Engineer has, in a letter dated July 27, 2006 (attached hereto as "Exhibit A") recommended that the performance guarantee be reduced and the amount that shall be released is as follows :

Performance Bond	\$ 131,429.52
Cash Deposit	\$ 14,603.28

WHEREAS, the amount that shall be retained until all bonded items are complete as follows:

Performance Bond	\$ 444,946.61
Cash Deposit	\$ 49,438.51

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

1. It has reviewed, agrees with and hereby accepts all recommendations of the Township Engineer as set forth in "Exhibit A".
2. It hereby authorizes the reduction of performance guarantees set forth in the Township Engineer's letter referenced above.
3. The Township hereby accepts the public improvements, if any so designated pursuant to the Planning Board's approval.

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

- (a) Township Engineer
- (b) Township Chief Financial Officer
- (c) Daniel Siegel, Gordon Exit 8A 1436 E. Elizabeth Ave Linden, NJ 07036
- (d) Township Attorney

CERTIFICATION

I, Kathleen R. Cunningham do hereby certify that the foregoing is a true copy of a Resolution passed by the Township of Cranbury at a meeting duly held on August 14, 2006.

Kathleen R. Cunningham Clerk

Reports from Township staff and professionals

Ms. Waterbury, Township Attorney, reported the cell tower bid specifications had been issued on Friday, August 11, 2006 and the bid opening was scheduled for September 8th at 2:00 p.m., the Millstone Park Deed Notice that the Township had approved and Mr. Stout had requested be reviewed by the Attorney did not have a conflict and was sent for recording by the County Clerk, the Outdoor Dining Ordinance had had a lot of changes from the Planning Board and Ms. Waterbury recommended re-introducing the Ordinance at the 28th's meeting, hold the public hearing, announcing the changes recommended by

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Reports from Township staff and professionals (Continued)

the Planning Board, and if in agreement with the Planning Board's recommendations re-introduce the Ordinance with the changes and schedule the public hearing for September 11th's meeting. Ms. Waterbury also indicated she had a draft copy of the updated R.O.S.I. and passed out a Draft copy and asked if there should be any changes, the members should get back to her before Friday. Ms. Waterbury also reported the decision from the Appellate Court on Danser vs. Township of Cranbury had been decided in favor of the Township and the Court's finding rendered the Township had conducted the Auction properly and had done nothing wrong.

Reports from Township Boards and Commissions

There were no reports.

Work Session

There were no items.

Public Comment (For those items not on the Agenda)

Mr. Richard Kallan, Wynnewood Drive, asked about the Ordinance which had been introduced earlier, in particular, what the total sum of monies represented. Mr. Witt explained the funds were left over monies from projects and needed to be put back in the Township's Capital Budget.

Mr. Dietrich Wahlers, E.C. Member, reported on the Hillsborough Ordinance question raised earlier in the meeting and suggested someone speak to Hillsboro's Attorney as Hillsborough had the Ordinance for a number of years and had not had any problem with it.

Mayor's Notes

Ms. Stave indicated Mayor Panconi had asked that she appoint, as Deputy Mayor, Nancy Chambers to the Municipal Alliance for the unexpired term vacated by Angie Cook. Ms. Stave appointed Ms. Chambers, with an expiration date of 12/31/08.

Ms. Stave also recommended Mel Lehr (K-Hov) be appointed to the traffic subcommittee. The Township Committee members unanimously agreed with her recommendation.

Ms. Stave recommended David Stout be appointed to the cell tower subcommittee for the vacancy created when Mayor Beauregard left. The Township Committee unanimously agreed.

Ms. Stave reported at the Recreation Master Plan subcommittee meeting there had been a need expressed for more representation for seniors' needs and asked Mr. Ritter to go back to the Human Services Board and ask them to appoint an individual to the subcommittee as their representative.

Resolution

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

Ayes:

(Stannard
(Stave
(Stout
(Wittman

Abstain: (None

Absent: (Panconi

Nays: (None

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Cranbury Township Resolution # R 08-06-114

TOWNSHIP OF CRANBURY
COUNTY OF MIDDLESEX

RESOLUTION TO CLOSE MEETING TO THE PUBLIC

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

The general nature of the subject to be discussed in this session is as follows:

--- Litigation; Matters Requiring Confidential Advice of Counsel.

It is unknown at this time precisely when the matters discussed in this session will be disclosed to the public. Matters involving contract negotiations or the acquisition of land will be disclosed upon conclusion of the negotiations or upon approval of the acquisition. Matters involving personnel will be disclosed when the need for confidentiality no longer exists. Matters concerning litigation will be announced upon the conclusion of trial or settlement of that litigation or when the need for confidentiality no longer exists.

Date: August 14, 2006

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

Ayes:

(Stannard
(Stave
(Stout
(Wittman

Abstain: (None

Absent: (Panconi

Nays: (None

On motion by Mr. Stannard, seconded by Mr. Stout and unanimously carried, the meeting adjourned at 7:54p.m.

Kathleen R. Cunningham, Clerk