

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 Panconi, Jr., Richard Stannard, David J. Stout, Pari Stave and Mayor Beauregard. Also present were: Trishka Waterbury, Esquire, Attorney, Thomas C. Witt, Acting Administrator and Kathleen R. Cunningham, Clerk. Mayor Beauregard 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 6, 2004 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 6, 2004.
- (3) Was filed on December 6, 2004 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 August 15, 2005.

On motion by Ms. Stave, seconded by Mr. Stannard and unanimously carried (with Mr. Panconi abstaining), the minutes of August 15, 2005 were adopted.

#### Reports and Communications

##### --Mayor

Mayor Beauregard reported a staff member, Ms. Joanne Raczynski's husband, Robert Raczynski, had passed away after a brief illness. Mayor Beauregard also reported the "Mayor's Cup Golf Tournament" had been held on Monday, August 22, 2005 and commended Mr. Thomas Witt for all his years of running the golf tournament and recognized the following individuals for helping out: Josette Kratz, Kathy Wasson, Kristen Hamilton, Jerry Thorne, Bruno Bertucci and Retired Police Lieutenant Bill Maxwell. Ms. Cathleen Marcelli, Township Engineer also volunteered her time and helped out. The money raised was \$10,200 and will be used to fund the new bike patrol—bikes, uniforms and training. Mayor Beauregard reported she had married over the weekend, Mr. John Prior and Ms. Elizabeth Kugler, in the Gazebo at the Four Seasons development. Mayor Beauregard mentioned she had e-mailed all members of the Township Committee and Acting Administrator, Mr. Witt, a copy of the "Draft Pending Issues list" and encouraged all to add to it and make any recommendations and review it before the Budget process.

##### --Members of Committee

Mr. Stout reported he had attended a Green Acres Seminar in Trenton and it had been very informative and worthwhile. Mr. Stout also complimented the new sidewalk on Evans Drive.

#### Reports and Communications

##### --Members of Committee (Continued)

Ms. Stave reported over the weekend the Township Committee had been informed that a young resident of Cranbury had been hit while riding her bicycle on Plainsboro Road. Ms. Stave indicated the Township Committee

had been asked by the family to please address the on-going problem of traffic speed enforcement on Plainsboro Road and how bicycle riders may be better protected when riding on a Township road with no shoulder area. Ms. Stave indicated she and Mr. Stout sit on the Traffic Study subcommittee and they had already discussed getting together with the Police and traffic consultant to analyze what problems exists and address those problems with hast.

#### --Subcommittees

Ms. Stave also reported there had been two (2) subcommittee meetings earlier in the evening—one regarding the “parsonage barn” on the Howarth property which had been dismantled and placed in storage. The purpose of the meeting was to familiarize the new Planner, Richard Preiss, with the barn and have Mr. Preiss discuss with the subcommittee and the Township Engineer, putting together a process for how the Township might site the barn. Ms. Stave indicated the first step in the process would be to convene a group of people from various groups in the community, including the Historical Society, Parks and Recreation, H.P.A.C. and the Environmental Commission to “brainstorm” about possible community uses. The group would then explore sites which would be available. Ms. Stave also indicated there would still exist the possibility of siting the barn on the Updike property where the Updike barn is located.

Ms. Stave reported the second subcommittee meeting had been with Bob Brown, Planner on the Wright South property and Paul Mills, Landscape Architect and Recreational Planner of EDAW, to meet with the new Township Planner, Mr. Preiss to familiarize Mr. Preiss with the design and design history of Wright South and more immediately to determine what would be needed to complete the design and construction of the Babe Ruth Baseball field. Ms. Stave reported, provided the remediation project goes as planned, the site would not be sodded until March of next year and would most likely not be ready to play on by the Spring of 2007.

Mr. Panconi reported the Personnel subcommittee had met on August 23, 2005. A decision had been made to move forward on the advertising of the Administrator position. Mr. Panconi indicated the position would be advertised in the Sunday edition of the Trenton Times, the New Jersey League of Municipalities Magazine and web site and “Monster.com”.

#### Agenda Additions/Changes

Ms. Cunningham, Clerk, announced under Closed Session, Land Acquisition, COAH3rd Round Affordable Housing Obligation and potential acquisition of sites to satisfy same was being removed, adding an item under Contracts: Police Collective Bargaining Agreement, adding under Land Acquisition: DuFour request and adding an item under Personnel: Employee Contract. Ms. Stave raised the question as to why the COAH item was being removed from the Closed Session. Mr. Kevin Van Hise, Esquire, filling in for the Township Attorney, explained it had been the recommendation of the COAH subcommittee, who had met earlier in the day to move this item to the next Township Committee meeting, when the Professionals would be available to discuss the item.

#### Ordinances

##### First Reading

Cranbury Township Ordinance # 08-05-22

An Ordinance entitled, “Cranbury Township Ordinance # 08-05-22, AN ORDINANCE OF THE TOWNSHIP OF CRANBURY IN MIDDLESEX COUNTY, NEW JERSEY, AMENDING CHAPTER 150 OF THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF CRANBURY TO

ADD NEW SECTIONS 150-110, et seq., ENTITLED "REQUIRED GROWTH SHARE AFFORDABLE HOUSING OBLIGATION", was introduced for first reading. On motion by Mr. Stannard, seconded by Ms. Stave, the Ordinance was passed on first reading by vote:

Ayes:	(Beauregard (Panconi (Stannard (Stave (Stout	Absent: (None  Abstain: (None
Nays:	None	

Public Hearing: October 10, 2005

**WHEREAS**, the New Jersey Supreme Court and New Jersey Legislature have recognized and mandated in So. Burl. Co. NAACP v. Mount Laurel, 92 N.J. 158 (1983) ("Mount Laurel II") and the Fair Housing Act, N.J.S.A. 52:27D-301, et seq. ("FHA") that every municipality in New Jersey has an affirmative obligation to facilitate the provision of low and moderate income housing; and

**WHEREAS**, the New Jersey Council on Affordable Housing ("COAH") is the State administrative agency created pursuant to the FHA vested with primary jurisdiction for the administration of affordable housing obligations in accordance with sound regional planning considerations in this State (N.J.S.A. 52:27D-304(a)); and

**WHEREAS**, COAH'S Third Round Substantive Rules (N.J.A.C. 94-1, et seq.) implement a "growth share" approach to affordable housing production which requires affordable housing to be produced in conjunction with market-priced residential and non-residential growth and development within the Township; and

**WHEREAS**, the Township of Cranbury desires to implement the "growth share" policies promulgated and adopted by COAH in its Third Round Substantive Rules, effective December 20, 2004, in an effort to foster the production of affordable housing opportunities for qualified low and moderate income households through the third housing cycle which extends from 2000 to 2014 pursuant to N.J.A.C. 5:94 et seq. and N.J.A.C. 5:95 et seq.;

**NOW THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Cranbury, Middlesex County, New Jersey, that:

1. The Land Development Ordinance of the Township of Cranbury, as codified in Chapter 150 of the "Code of the Township of Cranbury" ("Code"), entitled "Land Development", shall be amended to add a new Article X, to read as follows:

**ARTICLE X**  
**Required Growth Share Affordable Housing Obligation.**

**' 150-110. Authority and purpose.**

Cranbury Township Ordinance # 08-05-22  
(Continued)

Pursuant to the provisions of the Third Round Substantive Rules promulgated and adopted by the New Jersey Council on Affordable Housing, N.J.A.C. 5:94 et seq. and N.J.A.C. 5:95 et seq., it is hereby declared that the purpose of this Article is to help the Township fulfill its affirmative obligation to facilitate the provision of affordable housing.

**' 150-111. Definitions.**

As used in this Article, words and phrases shall have the same meanings they have pursuant to N.J.A.C. 5:94-1.4, as said provision may from time to time be amended.

**' 150-112. Uniform Affordable Housing Production Obligation Based Upon "Growth Share".**

A. Residential Development.

- (1) Except as otherwise provided below, any market-rate residential development in any zoning district in the Township proposing five (5) or more lots or units shall set aside eleven point one percent (11.1%) of said units (rounded to the next higher number if 0.5 or greater) for affordable housing as said term is defined under the Fair Housing Act of 1985 ("FHA"), P.L. 1985, c.222 (N.J.S.A. 52:27D-301, *et seq.*) and the Substantive and Procedural Rules of the New Jersey Council on Affordable Housing ("COAH") for the Period Beginning December 20, 2004, N.J.A.C. 5:94 *et seq.* and 5:95 *et seq.* ("COAH Rules"), as said Rules may from time to time be amended.
- (2) Residential development in any zoning district in the Township proposing four (4) or fewer lots or units shall be required to pay an Affordable Housing Development Fee pursuant to the Township's Development Fee Ordinance, Chapter 76 of this Code.
- (3) For the purposes of this Article, "residential development" shall include new market-rate residential units created from the conversion of a non-residential building to residential unit(s) requiring the issuance of a certificate of occupancy.

B. Nonresidential Development - Warehouse. Any warehouse development in the Township shall be required to pay an Affordable Housing Development Fee pursuant to the Township's Development Fee Ordinance, Chapter 76 of this Code, unless the affordable housing obligation is constructed on-site as permitted by the Land Development Ordinance of the Township of Cranbury, Chapter 150 of this Code.

C. Nonresidential Development - Other.

- (1) All nonresidential development, other than warehouse development, proposing the construction of net new floor area in any zoning district shall be required to provide affordable housing constructed at the ratio of one affordable unit (rounded to the next higher number if 0.5 or greater) for every twenty-five (25) new jobs created as a result of the proposed net new nonresidential floor area.
- (2) Nonresidential development creating an obligation of less than twelve and one-half (12.5) new jobs (an obligation of less than 0.5) shall be required to pay an Affordable Housing Development Fee pursuant to the Township's Development Fee Ordinance, Chapter 76 of this Code.

Cranbury Township Ordinance # 08-05-22  
(Continued)

- (3) The calculation of the number of jobs and employment opportunities created shall be in accordance with Appendix E of N.J.A.C. 5:94-1, *et seq.*, entitled "UCC Use Groups for Projecting and Implementing Nonresidential Components of Growth Share."

D. Exemptions. The following types of development shall be exempt from the requirements of this Article:

- (1) Development by the Township or any of its instrumentalities; and

- (2) Houses of worship, excluding any buildings or structures associated therewith that are deemed by COAH to trigger a growth share obligation.

**' 150-113. Satisfaction of Affordable Housing Production Obligation.**

With the prior written approval of the Township Committee, and except as provided in Section 150-112.B above, the applicant may choose to satisfy its affordable housing growth share obligation through the mechanisms permitted in COAH'S Rules, including (a) on-site affordable housing production; (b) off-site affordable housing production in the Township; (c) the purchase of an existing market rate home(s) at another location in the community and its conversion to an affordable price-restricted home in accordance with COAH'S Rules; (d) participation in gut rehabilitation and/or buy-down/write-down, buy-down/rent-down programs; (e) payment of a contribution in lieu of construction; and/or (f) any other compliance mechanism permitted by COAH'S Rules.

**' 150-114. Compliance Mechanisms.**

**A. Construction of Affordable Housing On Site.**

- (1) Affordable housing units may be provided within single-family detached buildings, duplex buildings, triplex buildings or quadriplex buildings designed to resemble as nearly as possible the single-family homes otherwise beings constructed within the development to accommodate the market units. Duplex, triplex and quadriplex buildings containing low and moderate income housing units only shall be deemed to be permitted uses in the underlying zone when created for the purpose of meeting a growth share obligation on-site.
- (2) No density increase shall be granted for the construction of the affordable housing units on-site.
- (3) All required setbacks, building height, open space requirements and coverage limits for the zone shall be met on all lots.
- (4) All applicable Board of Health and NJDEP regulations for water supply and sewage treatment shall be met.

**B. Creation of Affordable Housing Units Off Site But Within the Township.**

- (1) Applicants electing to create affordable housing units elsewhere within the Township of Cranbury may do so with the prior written approval of the Township Committee, and may do so within existing buildings, whether converted,

Cranbury Township Ordinance # 08-05-22  
(Continued)

reconstructed or purchased for buy down, in any residential zone of Cranbury Township, as set forth and regulated herein.

- (2) All such units shall meet or shall be improved to meet UCC requirements and shall be certified to be in standard condition prior to their conveyance or occupancy.
- (3) All required setbacks, building height and impervious coverage limits for the zone shall be met on the lot, except that existing setback deficiencies

and other non-conformities of the lot and / or building(s) located thereon may be continued for as long as the buildings remain on site, without the need for additional variances.

C. Low and Moderate Income Split and Compliance with COAH Rules.

- (1) If only one affordable unit is required to be produced pursuant to this Section, said unit shall be made available to a qualified low income individual or household. Where more than one affordable unit is produced, the designation of units shall be evenly split between low and moderate income individuals and households. If an odd number of low and moderate income housing units are required to be provided, the majority of the units shall be designated for low-income individuals or households.
- (2) Where there are an insufficient number of affordable units provided to meet the bedroom distribution requirements of COAH'S Rules, the first unit shall be a two-bedroom unit, the second unit shall be a three-bedroom unit, and the third unit shall be a one-bedroom unit. Otherwise, the bedroom distribution shall be in strict accordance with COAH'S Rules.
- (3) All affordable units created pursuant to this Section shall comply with COAH'S Rules pertaining to the phasing, integration, low/moderate income split, controls on affordability, bedroom distribution, affirmative marketing, heating source and administration of the affordable units, as set forth in N.J.A.C. 5:94-4 and/or as otherwise provided for by COAH'S Rules.
- (4) It shall be the developer's responsibility, at its sole cost and expense, to ensure full COAH compliance and to timely file such certifications, reports and/or monitoring forms as may be required by COAH to verify COAH compliance of each affordable unit.
- (5) Residential developments that have been zoned to produce an affordable housing set-aside or that include only low and moderate income housing units
- (6) shall be exempt from the growth share obligations of this Article and shall be exempt from payment of Development Fees pursuant to the Development Fee Ordinance set forth at Chapter 76 of this Code.

D. Payments in Lieu of Construction. Payments in lieu of the construction of affordable housing shall be based upon a proportionate share of the total project cost embodied in one or more pro-forma statements ("pro-forma(s)") for the construction of an affordable housing development elsewhere within the Township of Cranbury, which pro-forma(s) shall be on file in the office of the Township Clerk. The payment in lieu of construction to be made by the developer may be subject to negotiation with the Township based upon

Cranbury Township Ordinance # 08-05-22  
(Continued)

E. the following considerations: the actual cost of buying down or subsidizing one or more existing or planned market priced dwelling units to achieve an average rent level affordable to a household earning 52.0% of median income; the actual land cost of site(s) earmarked for off-site affordable housing construction within the Township of Cranbury, or reasonable and acceptable offers to substitute land, site preparation and/or construction services for all or a portion of the monetary payment otherwise required.

**' 150-115. Severability.**

If any paragraph, section, subsection, sentence, clause, phrase or portion of this Article is for any reason held invalid or unconstitutional by any Court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining paragraphs or sections hereof.

**' 150-116. Inconsistency.**

In the event that any provision of this Article is inconsistent with any other provision of this Code, the terms of this Article shall govern.

2. Severability. If any portion of this Ordinance is found to be invalid for any reason by any court of competent jurisdiction, such judgment shall be limited in its effect to that portion of the ordinance actually found to be invalid and shall not be deemed to affect the operation of any other portion hereof.

3. Effective Date. This ordinance shall take effect upon passage and publication and submission to the Middlesex County Planning Board, as provided for by law.

Ordinance  
First Reading

Cranbury Township Ordinance # 08-05-23

An Ordinance entitled, "Cranbury Township Ordinance # 08-05-23, AN ORDINANCE OF THE TOWNSHIP OF CRANBURY IN MIDDLESEX COUNTY, NEW JERSEY, AMENDING SECTIONS 76-24 AND 76-25 OF CHAPTER 76, "DEVELOPMENT FEES" OF THE CODE OF THE TOWNSHIP OF CRANBURY", was introduced for first reading. On motion by Mr. Panconi, seconded by Ms. Stave, the Ordinance was passed on first reading by vote:

Ayes:	(Beauregard (Panconi (Stannard (Stave (Stout	Absent: (None  Abstain: (None
Nays:	None	

TOWNSHIP OF CRANBURY  
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY

**WHEREAS**, the Township of Cranbury has previously adopted an ordinance pursuant to N.J.A.C. 5:92-18 *et seq.* creating an affordable housing trust fund and establishing an affordable housing development fee schedule, which ordinance was codified as Chapter 76, Article II of the "Code of the Township of Cranbury" ("Code"); and

Cranbury Township Ordinance # 08-05-23  
(Continued)

**WHEREAS**, said ordinance was duly approved by the New Jersey Council on Affordable Housing ("COAH"), the State administrative agency created pursuant to the provisions of the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, *et seq.* ("FHA"), which agency is vested with primary jurisdiction for the administration of affordable housing obligations in accordance with sound regional planning considerations in this State (N.J.S.A. 52:27D-304(a)); and

**WHEREAS**, COAH'S Third Round Substantive Rules (N.J.A.C. 94-1, *et seq.*) implement a "growth share" approach to affordable housing production which requires affordable housing to be produced in conjunction with market-priced residential and non-residential growth and development within the Township; and

**WHEREAS**, the Township of Cranbury has adopted an ordinance amending Chapter 150 of the Land Development Ordinance of the Township of Cranbury to add new Sections 150-110, *et seq.*, entitled "Required Growth Share Affordable Housing Obligation" ("Growth Share Ordinance") to implement such a "growth share" approach to affordable housing production; and

**WHEREAS**, the adoption of the Growth Share Ordinance necessitates amending the Township's affordable housing development fee schedule to ensure its consistency with the new growth share provisions;

**NOW THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Cranbury, Middlesex County, New Jersey, that:

1. Existing Section 76-24.A of the Code, entitled "Affordable Housing Development Fees", is hereby amended to read as follows (additions are underlined; deletions are in [brackets]):

A. Residential development.

(1) Residential development fees shall be a maximum of 1% of the equalized assessed value for residential development, provided no increased density is permitted.

(2) Where there is a zoning change that permits increased residential development that total less than five new lots or units, the Township may impose a development fee of up to 6% of the equalized assessed value for each additional unit that may be realized as a result of the rezoning. For example, if a rezoning allowed two extra units to be constructed, the fees could equal 1/2 of [.5] 1% of equalized assessed value on the first unit(s) and 6% of equalized assessed value on the two incremental units. Residential development that totals five or more new lots or units shall be subject to the provisions of the Required Growth Share Affordable Housing Obligation, Chapter 150, Article X of this Code.

(3) [The Township may allow developers of sites zoned for inclusionary development to pay a fee in lieu of building low and moderate income units, provided the Council determines the Township's housing element and fair share plan provides a realistic opportunity for addressing the Township's fair share obligation. The fee may equal the cost of subsidizing the low and moderate income units that are replaced by the development fee. For example, an inclusionary development may include a 20% set-aside, no set-aside, and a fee that is the equivalent of a 20% set-aside or a combination of a fee and set-aside that is the equivalent of a 20% set-aside.]

[(4)] The Township may collect fees exceeding those permitted in this section, provided the Township enters into agreements with developers that offer a financial incentive for paying higher fees. The financial incentive may be in the form of a tax abatement. No agreement may provide for a voluntary development fee without also providing for a comparable offsetting incentive. All agreements are subject to a Council approval.

Cranbury Township Ordinance # 08-05-23

(Continued)

2. Existing Section 76-25.E of the Code, entitled "Affordable Housing Development Fees", is hereby amended to read as follows (additions are underlined; deletions are in [brackets]):

E. The Township exempts the following types of development from the imposition of development fees:

(1) Development by the Township or any of its instrumentalities; and



(2) [Development by charitable or not-for-profit entities formed and legally established in accordance with the laws of the State of New Jersey.] Development required to provide affordable housing units or a contribution in lieu of construction thereof pursuant to Cranbury Township's Growth Share Ordinance, Section 150-110, et seq., of this Code.

(3) Severability. If any portion of this Ordinance is found to be invalid for any reason by any court of competent jurisdiction, such judgment shall be limited in its effect to that portion of the ordinance actually found to be invalid and shall not be deemed to affect the operation of any other portion hereof.

(4) Effective Date. This ordinance shall take effect upon passage and publication and approval by the New Jersey Council on Affordable Housing, as provided for by law.

Public Hearing: October 10, 2005

Ordinance  
Second Reading

Cranbury Township Ordinance # 08-05-20

A motion to enter an Ordinance entitled, "Cranbury Township Ordinance # 08-05-20, AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AUTHORIZING THE MAYOR AND CLERK TO EXECUTE AN AMENDED AGREEMENT WITH THE NEW JERSEY BARN COMPANY, INC. FOR THE ACQUISITION AND STORAGE OF THE "HOWARTH", a/k/a "PARSONAGE", BARN", 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 Ms. Stave, seconded by Mr. Panconi, the Ordinance was adopted by a vote:

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

Ordinance  
Second Reading

Cranbury Township Ordinance # 08-05-21

A motion to enter an Ordinance entitled, "Cranbury Township Ordinance # 08-05-21, A BOND ORDINANCE OF THE TOWNSHIP OF CRANBURY, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, PROVIDING FOR THE WRIGHT SOUTH SOIL REMEDIATION PROJECT IN

Cranbury Township Ordinance # 08-05-21  
(Continued)

AND BY THE TOWNSHIP OF CRANBURY, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$157,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$150,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF", 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 Ms. Stave, seconded by Mr. Stout, the Ordinance was adopted by a vote:

Ayes:	(Beauregard (Panconi (Stannard (Stave (Stout	Absent: (None	Abstain: (None
Nays:	None		

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. The improvement described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Township of Cranbury, New Jersey as a general improvement. For the improvement or purpose described in Section 3, there is hereby appropriated the sum of \$157,500, including the sum of \$7,500 as the down payment required by the Local Bond Law.

The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$150,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is for the Wright South soil remediation including all work and materials necessary therefore and incidental thereto.

b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

c) The estimated cost of the improvement or purpose is equal to the amount of the appreciation herein made thereof.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to

Cranbury Township Ordinance # 08-05-21  
(Continued)

time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. 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. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose that the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$150,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$31,500 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 8. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Cranbury Township Ordinance # -08-05-21

(Continued)

Section 9. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 10. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Resolutions  
Consent Agenda

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

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

Nays: None

Cranbury Township Resolution # 08-05-166

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 08-05-167

#### **RESOLUTION OF THE TOWNSHIP OF CRANBURY, NJ**

##### **A RESOLUTION AUTHORIZING THE RELEASE OF K HOVNANIAN'S WINTERIZATION BOND RELEASE**

WHEREAS, K Hovnanian has deposited with Cranbury Township a \$1,000.00 escrow deposit each for the following Block and Lots:

<u>Lot/Block</u>	<u>Address</u>	<u>Amount</u>
20.14/5	31 Hagerty Lane	\$1,000.00
20.14/8	87 Labaw Drive	\$1,000.00
20/10.86	2 Labaw Drive	\$1,000.00
Total To be Released:		\$3,000.00

WHEREAS, K. Hovnanian has requested the release of said deposit.

WHEREAS, Hatch, Mott, MacDonald, Township Engineers, has authorized the release of the said deposit for all locations listed above;

Cranbury Township Resolution # R 08-05-167  
(Continued)

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranbury authorizes the release of the above escrow deposit.

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 Attorney
- (b) Township Chief Financial Officer
- (c) Bob Julian, K Hovnanian

(d) Township Engineer

CERTIFICATION

I 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 29, 2005.

\_\_\_\_\_  
Kathleen R. Cunningham, Clerk

Cranbury Township Resolution # R 08-05-168

TOWNSHIP OF CRANBURY  
COUNTY OF MIDDLESEX

CRANBURY TOWNSHIP RESOLUTION # R 08-05-168

RESOLUTION TO AUTHORIZE DEMOLITION OF THE "UPDIKE POTATO BARN"

WHEREAS, there is presently an old barn, referred to as the "potato barn," located on a portion of Block 21, Lot 4QFARM (formerly the Updike farm); and

WHEREAS, Township staff and consultants have determined that said potato barn is in a state of disrepair and have recommended that the barn be demolished for the public's safety and welfare of ;

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranbury that the Township be and is hereby authorized and directed to demolish the potato barn as soon as is feasible; and

BE IT FURTHER RESOLVED, that the Township shall take all steps necessary to ensure that any debris resulting from the demolition is promptly and appropriately disposed of; and

BE IT FURTHER RESOLVED, that the Township shall further ensure that appropriate measures are taken with respect to the foundation of the barn; in particular, the foundation must be filled in; and

BE IT FURTHER RESOLVED, that the Township is authorized and directed to undertake any and all other acts to effectuate the purposes hereof.

CERTIFICATION

I, Kathleen R. Cunningham, Clerk, hereby certify that this is a true copy of a resolution which was adopted by the Township Committee on August 29, 2005.

\_\_\_\_\_  
Kathleen R. Cunningham, Clerk  
Cranbury Township Resolution # R 08-05-169

TOWNSHIP OF CRANBURY  
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY

A RESOLUTION APPROVING A DEVELOPER'S AGREEMENT BETWEEN THE TOWNSHIP OF CRANBURY, CHURCH & DWIGHT CO., INC. AND ROCK-IDI LLC FOR BLOCK 8, LOTS 1.01, 1.02, 1.03, 1.04, AND 2

WHEREAS, the Township Attorney and Township Engineer have reviewed the attached Developer's Agreement ("Agreement") between the Township of Cranbury, Church & Dwight Co., Inc. and Rock-IDI Cranbury LLC for property designated or to be designated as Block 8, Lots 1.01, 1.02, 1.03, 1.04, and 2 on the Cranbury Township Tax Map; and

WHEREAS, the Attorney and Engineer have recommended that said agreement be approved;

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranbury that the Agreement be and is hereby approved; and

BE IT FURTHER RESOLVED, that the Mayor and Clerk be and are hereby authorized to execute the Agreement on behalf of the Township of Cranbury.

CERTIFICATION

I, Kathleen R. Cunningham, Clerk of the Township of Cranbury, do hereby certify that the foregoing is a true and correct copy of a resolution passed by the Township Committee of the Township of Cranbury at its meeting held on August 29, 2005.

\_\_\_\_\_  
Kathleen R. Cunningham, Clerk

Cranbury Township Resolution # R 08-05-170

RESOLUTION OF THE TOWNSHIP OF CRANBURY  
MIDDLESEX COUNTY, NEW JERSEY

A RESOLUTION APPROVING CHANGE ORDER NOS. 17, 18, 19, 20, 21, 22 AND 23 IN CONNECTION  
WITH THE POLICE BUILDING CONSTRUCTION

WHEREAS, a contract for construction of a new Township police building was awarded to M&K Contracting, LLC for \$3,241,875.00 by resolution dated August 30, 2004 ("Contract"); and

WHEREAS, since execution of the Contract, nine (9) change orders have been approved by the Township Committee by Resolutions #R 04-05-084 and R 05-05-109, resulting in a contract increase of \$31,058.00 and extension of time for contract completion of 21 days; and

WHEREAS, the Acting Township Administrator has requested the Committee's approval of Change Order Nos. 17, 18, 19, 20, 21, 22 and 23 in connection with the above project; and

WHEREAS, the work comprising Change Order Nos. 18, 19, 20, 21, 22 and 23 would increase the contract amount by another \$16,573.00 and extend the contract completion date by another 21 days; and

WHEREAS, the change set forth in Change Order No. 17 would reduce the contract amount payable to the Contractor by \$16,209.38; and

WHEREAS, the approval of Change Orders No. 17 through 23, inclusive, would result in a net increase of \$363.62 above the contract amount; and

Cranbury Township Resolution # R 08-05-170  
(Continued)

WHEREAS, the Construction Manager, Architect and Chief of Police, in consultation with the Acting Township Administrator, have recommended approval of Change Order Nos. 17 through 23, inclusive; and

WHEREAS, sufficient funds are available for this purpose as set forth on the attached Certification of Availability of Funds, prepared by the Chief Financial Officer;

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

1. Change Order Nos. 17, 18, 19, 20, 21, 22 and 23 are hereby approved.

2. This Resolution, when counter-signed by M&K Contracting, LLC, shall serve as a contract amendment to the original Contract for the purpose of confirming a net increase of \$363.62 for a total contract amount of \$3,273,296.62 and extending the contract completion date by 21 days.

CERTIFICATION

I, Kathleen R. Cunningham, 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 August 29, 2005.

\_\_\_\_\_  
Kathleen R. Cunningham,

Clerk

AGREED to this \_\_\_\_\_ of \_\_\_\_\_, 2005

ATTEST:

M & K CONTRACTING, LLC

\_\_\_\_\_ By:\_\_\_\_\_

The Mayor read the following Resolution into the record and presented the Resolution to Mrs. Kenneth Logan:

Cranbury Township Resolution # R 08-05-171

TOWNSHIP OF CRANBURY  
COUNTY OF MIDDLESEX

WHEREAS, Kenneth Logan served the Cranbury Township Police Department from 1961 through 1991;and

WHEREAS, Kenneth Logan served as Cranbury Township's Police Chief from 1964 through 1991; and

WHEREAS, Chief Kenneth Logan served unselfishly, the residents of Cranbury for 30 years, exemplifying his sense of integrity, professionalism and good humor; and

WHEREAS, the fond remembrances, legends and lessons of Chief Logan are still inspiring residents; and

WHEREAS, a street dedicated in honor of Chief Logan serves as a constant reminder of its historical beginning;

Cranbury Township Resolution # R 08-05-171  
(Continued)

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Cranbury that Police Drive be re-named Logan Drive.

BE IT FURTHER RESOLVED, a duly authenticated copy of this Resolution be given to Mrs. Kenneth Logan, upon its adoption.

CERTIFICATION

I, Kathleen R. Cunningham, hereby certify that this is a true copy of a Resolution, which was adopted by the Township Committee on August 29, 2005.

\_\_\_\_\_  
Kathleen R. Cunningham, Clerk

Reports from Township staff and professionals

Mr. Thomas Witt, Acting Administrator, reported the Environmental Commission and the Township Committee would be having a table for Cranbury Day, September 10, 2005, across from School House Lane. Mr. Witt indicated the Environmental Commission planned on having information about the Wright South remediation project to pass out to the public and the Township would be giving out information on the upcoming re-valuation, open space maps and other information. Mr. Witt indicated the Township Committee members also planned on attending. In addition, Mr. Witt reported the new Cranbury Township Bike Patrol will also be there. Mr. Witt reported at the next Township Committee meeting, Mr. Steve Benner, Tax Assessor, will speak on the upcoming revaluation and present to the Township Committee the draft bid packet for their review. Mr. Witt reported the revaluation process is moving along on schedule.

#### Reports from Township Boards and Commissions

There were no reports.

#### Work Session

##### a. Police Station Update

Mark Berkowsky of Berkowsky and Associates, Inc., updated the Township Committee on the current status of the construction of the new Police Building. Mr. Berkowsky indicated there had been a minor change to the heating system. Mr. Berkowsky also reported there had been a problem with Public Service Electric and Gas bringing power to the building, however, Chief Hansen intervened and power was installed. Mr. Berkowsky reported all the finishes were being installed and the costs remained stable. Mr. Berkowsky indicated the past month, however, a number of cost items had occurred—mostly minor items and modifications to the heating system. Mr. Berkowsky indicated the Affirmative Action Training Fund cost had been paid by the contractor due to the fact he had not met his requirements. The Township actually paid the State and the contractor reimbursed the Township. Mr. Berkowsky also indicated the contractor had requested an extension date for the completion to October 9, 2005, due to circumstances beyond his control and the move-in date would most likely be November 1, 2005.

#### Public Comment

The Mayor opened the meeting to public questions and comments on those items not on the agenda. Mr. Peter Sibley, 8 Wynnewood Drive, asked what the Updike potato barn was and why was there a need to have it demolished? Ms. Stave responded there were three barns on the site of the Updike park, the potato barn being the largest of the three barns and the furthest south. The potato barn was the barn the Lions' Club had been considering leasing from the Township. However, over time had deteriorated and the New Jersey Barn Company indicated it was just not worth saving. A decision had been made to demolish the barn. Mayor Beauregard thanked Ms. Linda Scott for helping out with the Mayor's Golf Tournament and apologized for omitting her

#### Public Comment (Continued)

earlier in the meeting from the list of individuals who had helped. There being no further comments, the Mayor closed the public part of the meeting.

#### Resolution

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

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

Nays: None



Cranbury Township Resolution # R 08-05-165

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:

1. --Personnel: Township Clerk Performance Review;  
--Personnel: Employee Contract;
2. --Review of Closed Session minutes for August 15, 2005;
3. --Land Acquisition: Update re: MGD potential open space acquisition;  
--Land Acquisition: DuFour request.

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 29, 2005

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

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

Nays: (None

On motion Mr. Stannard, seconded by Mr. Panconi and unanimously carried, the meeting adjourned at 9:15 p.m.

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Kathleen R. Cunningham, Clerk