

TOWNSHIP COMMITTEE MEETING
SEPTEMBER 26, 2005

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: Thomas Panconi, Jr., David J. Stout, Pari Stave and Mayor Beauregard. Mr. Stannard was absent. Also present were: Trishka Waterbury, Esquire, Attorney, Cathleen Marcelli, Engineer, 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 September 12, 2005

On motion by Ms. Stave, seconded by Mr. Stout and unanimously carried, the minutes of September 12, 2005 were adopted.

Reports and Communications

--Mayor

Mayor Beauregard reported she had participated in a meeting held by the Preservation and Historical Society at the new Four Seasons development. Mayor Beauregard indicated the Society gave a presentation on the role of the Society and its role in the Township. Attendance was good, members of The Four Seasons Board of Trustees attended as well as the Homeowners' Association. Mayor Beauregard offered to speak to the Board of Trustees and residents at a later date the role of the Township Committee and some of the pending issues facing the Township.

--Members of Committee

Ms. Stave reported earlier in the evening the subcommittee on the H.P.A.C. Ordinance had met with members of the Preservation and Historical Society to go over with them their comments on the new Ordinance. Ms. Stave indicated she would be forwarding their comments on the Ordinance to the Township Attorney. Ms. Stave announced the Ordinance could be downloaded from the Township's web site and encouraged individuals to comment on the Ordinance. All questions and answers will be made available at the Public Hearing on the Ordinance which will be held at 7:00 p.m. on November 14, 2005.

--Subcommittees

Mr. Panconi reported the Personnel subcommittee had met the previous week and had reviewed the resumes received for the position of Township Administrator. Mr. Panconi indicated the Township Committee members would be given a loose -leaf binder with the resumes. Mr. Panconi asked the members to review the resumes and let the subcommittee know by October 3rd any individuals they wished to interview.

--Subcommittees (Continued)

Mr. Panconi also reported, earlier in the evening, he had sat down with the Fire Company, in reference to their request to purchase a new rescue/pumper truck. Mr. Panconi explained the Township would be facing some really tough budget issues for next year, and would like to delay the purchase of a new truck. See Work Session Item # c.

Agenda Additions/Changes

Ms. Cunningham, Clerk, announced there would be one Consent Resolution added, Cranbury Township Resolution # R 09-05-189 and Mr. Thomas Witt, Acting Administrator would be speaking concerning this Resolution, pertaining to the E. Barclay auction. Mr. Witt indicated the E. Barclay parcel, on Ancil Davison Road, had been sold for \$1.3 million to a Mr. Joseph Bartonek. Mr. Bartonek is the contiguous land owner of the E. Barclay parcel and a nursery farmer. Mr. Witt commended Max Spann Auctioneers on the great job with the advertising and auction. Mr. Witt reported there had been 30 bidders registered for the auction. Mr. Witt also reported he had spoken with Mr. Dan Knox, from the State Agricultural Development Commission, who indicated the monies the Township would be getting from the Farmland Preservation Program had been entered into their system, however, was not at liberty to disclose how much the Township would be receiving from the State. Mr. Witt indicated as soon as he is notified, he would be reporting back to the Township Committee. Mayor Beauregard indicated the Township hoped to settle the sale of the E. Barclay property by the end of this year. Mr. Witt added the Township would be using both checks to pay down some of the Township's debt. Mayor Beauregard also reported in addition to preserving the farmland on the E. Barclay property, the parcel was property in which the Township was able to place a conservation easement on the stream corridor.

Resolutions

Consent Agenda

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

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

Cranbury Township Resolution # R 09-05-180

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 09-05-181

Township of Cranbury
County of Middlesex

RESOLUTION AWARDING A MASTER CONTRACT FOR ROCK SALT

WHEREAS, The Township of Plainsboro as Lead Agency for the Cooperative Pricing System of Mercer/Middlesex County # 61 has advertised for bids for supplying of Rock Salt in two area newspapers:

Cranbury Township Resolution # R 09-05-181
(Continued)

Princeton Packet	8/2/05
Trenton Times	8/2/05

And

WHEREAS, seven packets of specifications were distributed upon request; and

WHEREAS, five bids were received at the bid opening; and

WHEREAS, two bids stated no bid; and

WHEREAS, three qualified bids were received at the bid opening held on Tuesday, August 16, 2005, at 11:00 A.M., Conference Room F in the Municipal Center, 641 Plainsboro Road, Plainsboro, New Jersey; and

WHEREAS, The lowest responsible bidder was Atlantic Salt, Inc. 130 Plain Street, Lowell, Massachusetts 01851; and

WHEREAS, Atlantic Salt, Inc. has agreed to extend its prices to the other members of the Cooperative Pricing System of Mercer/Middlesex County # 61; and

WHEREAS, the Purchasing Officer has recommended that a master contract be awarded to Atlantic Salt, Inc. at a cost of \$42.13 per ton for the Cooperative Pricing System of Mercer/Middlesex County # 61 for the benefit of the registered participants with the responsibility for payment for commodities received by each participant being borne by each participant separately; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the 2005 Municipal Budget under 5-01-26-290-410.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Cranbury that the master contract for Rock salt is hereby awarded to Atlantic Salt, Inc.

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized to execute the necessary contracts and the Purchasing Officer is hereby authorized to issue purchase orders on an as needed basis per bid proposal and specifications on behalf of the Township.

CERTIFICATION

I, Kathleen R. Cunningham, Clerk, hereby certify the above to be a true copy of a Resolution adopted by the Township Committee of the Township of Cranbury at a meeting held on September 26, 2005.

Kathleen R. Cunningham, Clerk

Cranbury Township Resolution # R 09-05-182

RESOLUTION OF THE TOWNSHIP OF CRANBURY MIDDLESEX COUNTY, NEW JERSEY

A RESOLUTION MEMORIALIZING APPROVAL OF CHANGE ORDER NO. 25 IN CONNECTION WITH THE POLICE BUILDING CONSTRUCTION

Cranbury Township Resolution # R 09-05-182
(Continued)

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, sixteen (16) change orders have been approved by the Township Committee by Resolutions #R 04-05-084, R 05-05-109 and R 08-05-170, resulting in a net contract increase of \$31,421.62 and extension of time for contract completion of 42 days; and

WHEREAS, at its meeting on September 12, 2005, the Committee approved Change Order No. 25 in connection with the above project, the work underlying which would increase the contract amount by another \$3,312.00; 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 No. 25 is approved, effective September 12, 2005.
2. This Resolution, when countersigned by M&K Contracting, LLC, shall serve as a contract amendment to the original Contract for the purpose of confirming an increase of \$3,312.00 for a total contract amount of \$3,276,608.62.

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 September 26, 2005.

Kathleen R. Cunningham, Clerk

AGREED to this _____ of _____, 2005

ATTEST: M & K CONTRACTING, LLC

_____ By:_____

Cranbury Township Resolution # R 09-05-183

WHEREAS, the Tax Collector has determined, there were erroneous paid taxes from various mortgage companies, which caused overpayments on some parcels for the 2005 property taxes,

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Cranbury that the following 2005 erroneously paid property taxes be refunded:

Block	Lot	Amount
10	19	\$ 6,965.76
32	20	1,021.29
36	1	50.04

**Cranbury Township Resolution # R 09-05-183
(Continued)**

CERTIFICATION

I Kathleen R. Cunningham, Township Clerk of the Township of Cranbury, hereby certify that this is a true copy of a Resolution which was adopted at a regular meeting on September 26, 2005.

Kathleen R. Cunningham, Clerk

Cranbury Township Resolution # R 09-05-184

WHEREAS, paying for rising fuel costs under Cap law restrictions will force local officials to under-fund essential services; and

WHEREAS, coming together with budget-busting public employee pension and benefit bills, these fuel costs threaten to undermine the ability of municipalities to adequately protect the public's health, safety and welfare; and

WHEREAS, fuel costs affect virtually every municipal service, especially public safety, and including homeland security activities; and

WHEREAS, with no flexibility because of Cap limitations, any service cuts will jeopardize the public's safety and security; and

WHEREAS, faced with a 2.5% Cap, these vital services will be under-funded if municipalities are forced to finance them without the flexibility provided by a Cap exception; and

WHEREAS, Hurricane Katrina's devastation all along the Gulf Coast will only further exacerbate this problem,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranbury does hereby ask Governor Codey to direct the Local Finance Board to grant a one-year exception to all municipalities for these unanticipated costs, retroactive to July 1, 2005, which retroactivity is necessary in order to allow fiscal year municipalities to apply the exception in their current budgets; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be forwarded to Governor Codey, to our State Senator, to our Representatives in the General Assembly and to the New Jersey League of Municipalities.

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 September 26, 2005.

Kathleen R. Cunningham, Clerk

Cranbury Township Resolution # R 09-05-186

COUNTY OF MIDDLESEX, STATE OF NEW JERSEY

A RESOLUTION AWARDING CONTRACT NO. 32 FOR THE WRIGHT SOUTH SOIL REMEDIATION PROJECT.

Cranbury Township Resolution # R 09-05-186
(Continued)

WHEREAS, pursuant to a duly advertised notice to bidders, bids were received for completion of the Wright South Soil Remediation Project ("Project") on September 23, 2005; and

WHEREAS, the apparent low bidder is EnviroCraft Corporation, located in Bellmawr, New Jersey, with a bid to complete the Project for \$99,373.00; and

WHEREAS, the Township Engineer recommends that the contract be awarded to EnviroCraft Corporation as the lowest responsible and responsive 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. The contract for the Wright South Soil Remediation Project be and hereby is awarded to EnviroCraft Corporation of Bellmawr, New Jersey, as the lowest responsible and responsive bidder, for a contract amount of \$99,373.00.

2. The Mayor and Clerk are hereby authorized and directed to execute an agreement with EnviroCraft Corporation consistent herewith.

CERTIFICATION

I, Kathleen R. Cunningham, Clerk of the Township of Cranbury, do hereby certify that the foregoing resolution is a true copy of a resolution passed by the Township of Cranbury at a meeting duly held on September 26, 2005

Kathleen R. Cunningham, Clerk

Cranbury Township Resolution # R 09-05-187

TOWNSHIP OF CRANBURY
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY

A RESOLUTION AUTHORIZING THE PURCHASE OF COMPUTER EQUIPMENT FROM DELL, INC.
UNDER STATE CONTRACT NO. 81247, INDEX NO. T-0483 AND RELATED SERVICES AND
EQUIPMENT

WHEREAS, the Township of Cranbury, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase goods or services under the State of New Jersey Cooperative Purchasing Program for any State contract(s) entered into on behalf of the State by the Division of Purchase and Property in the New Jersey Department of the Treasury; and

WHEREAS, the Township seeks to purchase computer equipment and related software for use in the new Township Police Building from a vendor subject to a State contract for same; and

WHEREAS, Dell, Inc. has submitted a proposal ("Proposal # 1") to provide the sought-after equipment and software to the Township under a currently effective State contract, identified as Contract No. 81247, Index No. T-0483, for a total not-to-exceed cost of \$34,953.75; and

Cranbury Township Resolution # R 09-05-187

(Continued)

WHEREAS, subject to the Township's receipt of confirmation that the pricing contained within Purchase Order 1 is consistent with and covered under the currently effective State contract for same, the Township intends to enter into a contract with Dell, Inc. through this Resolution, which shall be subject to all of the conditions applicable to State Contract No. 81247, Index No. T-0483; and

WHEREAS, Dell, Inc. has also submitted a second proposal ("Proposal # 2") to the Township to provide installation and training services and servers for the support of Dell, Inc.'s proprietary computer hardware and software for \$15,092.18; and

WHEREAS, although the goods and services set forth in Proposal # 2 are not covered by Contract No. 81247, Index No. T-0483 they are exempt from bidding under N.J.S.A. 40A:11-5(1)(dd), which allows the Township to purchase goods and services "for the support or maintenance of proprietary computer hardware and software" without public bidding for same; and

WHEREAS, the Township also seeks to purchase from Dell, Inc. the goods and services described in Proposal # 2 for the not-to-exceed contract cost of \$15,092.18; and

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

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

1. The preamble to this Resolution shall be incorporated herein as if fully restated.
2. Upon the Township's confirmation that Proposal # 1 is consistent with the pricing and terms of the currently effective State contract for same, the Township Purchasing Agent shall be authorized and directed to execute such Purchaser Orders as necessary for the purchase of computer equipment and related software more particularly described in Proposal # 1, for the not-to-exceed cost of \$34,953.75. The parties shall be bound by the terms and conditions governing State Contract No. 81247, Index No. T-0483.
3. Upon the above-referenced confirmation, the Purchasing Agent shall also be authorized and directed to execute such Purchase Orders as necessary for the procurement of services and additional equipment as described Proposal # 2 for the not-to-exceed cost of \$15,092.18.
4. In the event the pricing and terms of Dell, Inc.'s written proposal for the purchase of items under State Contract No. 81247, Index No. T-0483 (Proposal # 1) is not consistent with the currently effective State contract for same, this Resolution shall automatically become null and void and of no force or effect without further action on the part of this body.

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 September 26, 2005.

Kathleen R. Cunningham,

Clerk

Reports from Township staff and professionals

Ms. Cathleen Marcelli, Township Engineer, reported on the award of the contract (Resolution # R 09-05-186) for the Wright South Soil Remediation Project. Ms. Marcelli indicated she had distributed earlier in the evening, the report on the bids received. Four (4) individuals actually submitted bids, the lowest responsible bidder coming in at \$99,373.00 and the highest bidder at \$ 498,500.00. Ms. Marcelli reported she had an opportunity to check the low bidder's references and had spoken with him and he indicated he was very anxious to get started on the project. Ms. Marcelli indicated prior to him being on the site, everyone would be notified and a pre-construction meeting would be held with members of the subcommittee and the representative from the School Board, Ms. Weidner. Ms. Marcelli also reported earlier in the day she had attended a meeting in South Brunswick on behalf of the Township regarding a \$4-million Federal grant recently awarded to South Brunswick. South Brunswick had received the grant for a program called, "Intra-Municipal Transit System" (IMTS), put together by Matt Watkins, the Township Administrator, for South Brunswick. The purpose of the grant would be to provide for more park and ride facilities within the Township and more shuttle services. South Brunswick would like to better utilize their senior shuttle service, realizing it is only being used for a short period of time throughout the day. They plan to increase the amount of times the shuttle service would run, running commuters to places of interest, i.e. the train station or bus station from the park and ride facilities. South Brunswick is trying to get surrounding municipalities involved and indicated they would be willing to entertain ideas. Mayor Beauregard mentioned she had spoken a week ago with the Administrator of East Brunswick regarding providing transportation to seniors in Cranbury Township and asked if this had been mentioned at the meeting. Ms. Marcelli responded "Keep Middlesex Moving" had been present at the South Brunswick meeting and nothing had been mentioned, however, KMM would be shepherding the inter-municipality cooperation for the project and even though the monies were earmarked for South Brunswick they do want other municipalities to be able to utilize the services. Ms. Marcelli offered to call the new Director of KMM, who is also the Mayor of East Brunswick and inquire about the senior transportation. Ms. Marcelli also indicated the plan was to have a period of time, namely, between 9:00 a.m. until 3:00 p.m.

Mr. Tom Witt, Acting Administrator, reported he had received an e-mail from a Cranbury Neck Road resident, regarding the safety issues at the crosswalk at Symmes Court and Cranbury Neck Road, coming out of the Sharbell development. Mr. Witt reported he had referred this complaint to the traffic safety subcommittee and it would be addressed at the Township's next meeting. In the interim, Mr. Witt contacted Captain Edward Kahler of the Police Department who would be addressing several issues while waiting for the subcommittee to make further recommendations. The Police Safety Officer, Sgt. Dillane, will be surveying the roadway to make sure the proper road markings and signage are in place at the intersection. Sgt. Owens teaches a bicycle safety course at the Cranbury School and will be incorporating into his lessons the proper way to cross a cross walk with a bicycle. Mr. Witt stated he would be getting back to the resident the following day to let him know where the Township is with the process. Ms. Stave added The Cranbury Press had done an article with reference to the "Cranbury Crawl" initiative and commended the Police Department for responding so quickly to meet and following up with solutions to take action immediately and added as a result of the article, she had received a lot of positive feedback from residents.

Reports from Township Boards and Commissions

There were no reports.

Work Session

a. Police Station Update (Mark Berkowsky)

Mark Berkowsky discussed with the Township Committee the new Police Station and the ongoing construction project. Mr. Berkowsky reported progress had been good and the final paving would take place shortly. Exterior brick cleaning had been performed, the grass planted, above-ceiling inspections had taken place and passed and the ceiling tiles had been installed. Mr. Berkowsky also reported the heating and air conditioning system were fully operational. Mr. Berkowsky made reference to a recent issue, that being the issue of the

State Affirmative Action Training Fund. By State statute if a contractor is in violation the fine monies must be paid by the municipality. The Township paid over \$16,0000 for a violation for M&K contractors. However, those monies were obtained back from the contractor. The net impact to the Township was zero. Mr. Berkowsky indicated a preliminary "punch list" meeting would take place on Friday in order to give the contractor time to get everything done and the move in date would most likely be the end of October.

b. Presentation of Eagle Scout Project by George Conley V

George Conley V gave a presentation to the Township Committee on his proposed project for a "Message Center". Ms. Stave thanked Mr. Conley for an excellent presentation and for taking one of the projects the Environmental Commission had on a list of projects which needed to be done, thus saving the Township a lot of money. On motion by Ms. Stave, seconded by Mr. Panconi and unanimously carried, the project was approved by the Township Committee.

c. Cranbury Fire Company Presentation (Apparatus Evaluation)

Mr. Charles Smith, President, Cranbury Fire Company give a presentation to the Township Committee on the Apparatus Evaluation and discussed their previous request to purchase a new rescue/pumper truck. Mr. Smith gave a history of the request for the new rescue/pumper vehicle and the recommendations that had been prepared in the Apparatus Evaluation performed Mr. William Peters. Mr. Smith expressed, on behalf of the Fire Company, its disappointment and concerns with not being able to obtain the new vehicle this year. Mr. Smith cited increasing prices, along with changed vehicle designs being made to the vehicle should the Fire Company have to wait to order the vehicle. Mr. Sam DiStasio, Chief of Cranbury Fire Company, asked the Township Committee to at least "explore" the leasing of a new vehicle before coming back and telling the Fire Company "no". Mr. Panconi indicated he had gone through the report prepared by Mr. William Peters and called attention to the percentage of calls –58% of the annual calls are automatic alarm calls and asked Mr. Witt to try to determine where there are ongoing problems with alarms, work with the companies to alleviate the problem and if not, institute fines through the Fire Official. Mr. Panconi indicated he did not want to just deny the Fire Company the rescue/pumper truck, and suggested trying to find a way to work with their request even though the Township has to start "tightening its belt" with the upcoming budget items. Mayor Beauregard added the Township really did not want to commit itself at the present, not having a clear picture of what the 2006 budget would look like. Ms. Stave requested the Fire Company, at the next budget cycle meeting with the Fire Company, bring information concerning the leasing of new fire vehicles. Mr. Witt, Acting Administrator, offered to help work with the Fire Company, perhaps exploring contacting the Middlesex County Improvement Authority to seek some funding help with the acquisition. Mr. Panconi asked if there were any Homeland Security grants available to help out. Mr. Witt indicated he would look into it.

d. Fire Station – Cell Tower Site

Trishka Waterbury, Esquire, Township Attorney, presented to the Township Committee, the bid spec information for construction of a cell tower at the Fire

Work Session (Continued)

d. Fire Station – Cell Tower Site

Station. Ms. Waterbury gave a brief history of the cell tower issue, indicating Sprint had contacted the Township about the feasibility of placing a new cell tower on the Fire House, replacing the present tower. Ms. Waterbury indicated Sprint had completed its due-diligence and the Resolution before the Township Committee this evening was to lay out the very basic conditions of a bid and authorize the cell tower professionals of the cell tower subcommittee to prepare the bids specs for distribution. The bidding would allow for any carrier to come in, take down the existing tower and build a new lattice tower 130 feet tall in the same location as the existing tower. Ms. Waterbury mentioned Sprint proposed (and the subcommittee was in favor of) any equipment, rather than being housed in the traditional

equipment compound surrounded by stockade fencing, would be housed in an addition adjacent to the fire station and would be designed to look like an extension of the fire station. Initially the addition would be a one-story addition, but designed to add another level if there were additional carriers on the tower. Ms. Waterbury explained the successful bidder would be responsible for obtaining both State and local approvals and would pay an annual rental fee to the Township, with a yearly built-in increase in the lease. Ms. Stave added there is a Federal Communications law which permits cell carriers to locate where they need to and in fact, two carriers, Sprint and Omni Point had come into the Township and expressed a desire to various private landowners to place a tower on their property, which is located in the western end of the Township. The cell tower subcommittee had felt it important if it could try to find a site that would service that end of the Township and be on Township-owned land, the Township could have a certain degree of control, not only where it was located and how it would look, but to encourage carriers to co-locate so as to have one pole instead of several poles scattered around the community. Furthermore, in looking at the western end of the Township, there is no suitable Township-owned land. The height would be the same and the design of the structure which would house the equipment would be sympathetic to the design of the fire station and there will be a provision for temporary interim service for the fire house. Ms. Waterbury reported the installation would take approximately six (6) weeks. Ms. Waterbury explained the proposed Resolution was consistent with what is outlined in the Township Code. The tower would be 20 feet lower than what is allowed in the Code. Ms. Stave reported the communications experts who were on the Sprint end of the discussions stated that over time (10-15 years) the technology will be such instead of needing more of these, the Township would need less to maintain the same type of coverage, indicating in the future no tower at all would be needed.

Mayor Beauregard opened up the discussion for public comment:

Mr. Jack Ziegler, 9 Prospect Street, asked where the building to house the equipment would be located and why the tower could not be placed at the other end of the fire house, raising his concern no building should encroach on Memorial Park. Ms. Stave responded the subcommittee had looked into the possibility of locating the building on the other side of the fire house but discovered there are utilities located at that end. Ms. Stave also reported the building would be placed to the northeast of the fire house, behind of where the tower is presently located.

Mr. Charles Smith, President, Fire Company, asked if the building would be attached to the fire house. Ms. Waterbury, responded the building would be a free-standing building which would blend in with the existing fire house. Mr. Smith asked if any consideration were given to the First Aid Squad's tower on Maplewood Avenue. Ms. Waterbury indicated it was her understanding that every available site was looked at.

Public Comment on Cell Tower Issue (Continued)

Mr. Richard Kallan, Wynnewood Drive, mentioned a few months ago when the cell tower issue came up, he had suggested using a cell tower style similar to the ones along the Garden State Parkway (made to simulate pine trees). Mr. Kallan raised his concern over the Township's replacement of one "eye sore" lattice tower with another "eye sore" lattice tower and his displeasure with the Resolution mentioning the words "lattice tower". Ms. Waterbury, Township Attorney, asked the Township Planner, Mr. Richard Preiss, what the State Historic Preservation Office (SHPO)'s feelings were concerning the appearance of a cell tower. Ms. Betty Wagner, North Main Street, suggested trying to "soften the view of the cell tower". Mr. Charles Smith, Fire Company, stated there had always been a tower on that particular site and replacing the tower with the same tower should not make any difference and asked for assurance that the Fire Company's radio system would work just as well once the new tower is installed. Mayor Beauregard indicated once the bid specs are put together

there would be a discussion with the Fire Company to insure its needs are met. Mr. Tom Witt, Acting Administrator, indicated Chief Hanson, his communications specialist and Mr. Witt had met earlier in the week at the present tower's site to review the feasibility of how many carriers it would hold. Mr. Witt indicated all the municipal antennas will be going higher, giving all of the emergency services better reception. Mayor Beauregard asked how large the footprint was at the base of the tower. Mr. Preiss responded it was not that large, certainly not twice the size it is now. It was the suggestion of Mr. Preiss, that the word "lattice" be deleted from the proposed Resolution to leave more flexibility. Ms. Stave indicated in Sprint's investigations, it had been discovered the existing tower was not structurally sound, therefore, necessitating for a new tower.

Resolution

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

Ayes: (Beauregard
(Panconi
(Stave
(Stout

Absent: (Stannard

Abstain: (None

Nays: None

Cranbury Township Resolution # R 09-05-185

COUNTY OF MIDDLESEX, STATE OF NEW JERSEY

A RESOLUTION AUTHORIZING THE LEASE OF A PORTION OF TOWNSHIP-OWNED PROPERTY LOCATED ADJACENT TO THE FIRE STATION ON SOUTH MAIN STREET, FOR THE PURPOSE OF REPLACING THE EXISTING LATTICE TOWER WITH A NEW WIRELESS TELECOMMUNICATIONS TOWER.

WHEREAS, the Township of Cranbury presently owns property located at 2-4 South Main Street and designated as Block 23, Lots 72 and 73 on the Township tax map (the "fire station site" or "site"), on which there currently exists a lattice tower adjacent to the fire station that is used by the Township's emergency services; and

WHEREAS, Sprint PCS, a provider of wireless telecommunications, wishes to lease a portion of said property in order to remove the existing tower and replace it with a taller, stronger structure designed to accommodate one or more carriers, plus the Township's antennas; and

Cranbury Township Resolution # R 09-05-185
(Continued)

WHEREAS, on July 11, 2005, the Township Committee of the Township of Cranbury passed Resolution # R-07-05-146, which stated that should it prove feasible to locate the proposed facility and attendant equipment shelter on the site, the Township would auction the right to construct and sublet space on said tower; and

WHEREAS, Sprint has completed its due diligence and confirmed that it is feasible to construct the above-referenced tower and facilities on the site;

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

1. The preambles to this Resolution and Resolution # R-07-05-146 shall be incorporated herein as if fully restated.
2. The Township is hereby authorized and directed to auction the right to lease a portion of Township-owned property located at 2-4 South Main Street and designated on the Cranbury Township Tax Map as Block 23, Lots 72 & 73 (the "site" or "fire station site") and to construct thereon a new wireless telecommunications facility. Said lease shall be subject to the following essential terms:
 - a. The successful bidder will be required to remove the existing lattice tower and fully restore the area on which said tower is located;
 - b. The existing tower will be replaced with a single new tower that will be at
 - c. least 130 feet tall, or the maximum height permitted by the State Historic Preservation Office ("SHPO"), whichever is greater;
 - d. The new tower will be designed to accommodate as many carriers as
 - e. possible, but in no fewer than two;
 - f. The new tower will also be designed to accommodate any antennas employed by the Township or its agents, including the police, first aid and rescue squad, and fire company, in the provision of emergency services;
 - g. All attendant equipment will be housed in a separate single-story structure to be constructed adjacent to the fire station and designed to resemble as much as possible the appearance of the fire station. Said structure shall further be
 - h. designed to accommodate a second story should such prove necessary to house additional carriers' equipment.
 - i. The successful bidder will provide all such buffering, including landscaping, as reasonable and necessary to mitigate the visual impact of the tower on the surrounding Village;
 - j. It will be the sole responsibility of the successful bidder to obtain all applicable
Cranbury Township Resolution # R 09-05-185
(Continued)
 - k. and necessary State, County and/or local approvals;
 - l. The successful bidder will be required to sublet space on the new tower to as many additional carriers as the tower can reasonably accommodate.
3. The Cell Tower subcommittee and Township staff and professionals are hereby authorized and directed to prepare all necessary bid documents and other materials consistent with the terms hereof and to bid the above-described lease no later than 30 days from the date of this Resolution. The subcommittee, staff and professionals are expressly authorized to include any additional terms and conditions as they deem necessary and appropriate to effectuate the terms and intent hereof.

4. The Township Committee hereby reserves the right to reject any and all bids submitted. The decision to award the lease to the highest bidder or reject all bids will be made no later than its second regularly scheduled meeting following the date on which bids are received.

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 September 26, 2005.

Kathleen R. Cunningham, Clerk

Public Comment

The Mayor opened the meeting to public questions and comments on those items not on the agenda. Mr. Jack Ziegler, 9 Prospect Street, spoke concerning H.P.A.C. and the excessive authority they have as well as his displeasure with members serving on the Commission not having to reside in the Township. Mr. Ziegler also raised his concern with contractors being allowed to serve on the H.P.A.C. and stated this would be a conflict of interest. Mr. Ziegler also spoke concerning the Dansers having to move from their farmland and the ongoing law suit against the Township by the Dansers. Mr. Ziegler expressed he believed the Dansers should be able to continue to live on the property. Mr. Ziegler spoke concerning the proposed Babe Ruth baseball field and the construction and costs to maintain the field being in excess. Mr. Ziegler also spoke concerning the high cost of having the fire works in July, citing the costs to be in excess of \$10,000.00 every year and stated the Township should not continue to have the fire works. Mr. Ziegler stated the sale of the Barclay property was a fiasco, the homes built on the Updike property are not keeping with Cranbury and the Township seems to have a problem keeping Administrators. Mr. Ziegler spoke concerning the presentation which had been given by the Fire Company for the new rescue/pumper truck and expressed that he had raised his concern in the past over not having an adequate number of volunteers to respond to fire calls. Mr. Ziegler also stated the new rescue/pumper truck would take the place of two pieces of equipment and require less manpower to do the job. 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
(Stannard
(Stout

Absent: (Stannard

Abstain: (None

Nays: None

Cranbury Township Resolution # R 09-05-188

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:

--Review of Closed Session Minutes from September 12, 2005;

- Land Acquisition: COAH 3rd Round Affordable Housing obligation and acquisition of sites to satisfy same;
- Contract Negotiations: Sewer, South Brunswick Township;
- Potential Litigation: Owens' sidewalk.

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: September 26, 2005

On motion by Ms. Stave, seconded by Mr. Stout and unanimously carried, the meeting returned to Open Session:

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

Nays: (None

On motion by Ms. Stave, seconded by Mr. Stout and unanimously carried, the Closed Session minutes of September 12, 2005 were approved.

On motion by Ms. Stave, seconded by Mr. Stout and unanimously carried, the meeting adjourned at 10:25 p.m.

Kathleen R. Cunningham, Clerk