

TOWNSHIP COMMITTEE MEETING
JUNE 14, 2004

The regular meeting of the Township Committee of the Township of Cranbury was held at 7:30 p.m. in the Town Hall Meeting Room. Answering present to the roll call were: Township Committee members: Becky Beauregard, Michael Mayes, Thomas Panconi, Jr., Pari Stave and Mayor Stannard. Also present were: Trishka Waterbury, Esquire, Attorney, Cathleen Marcelli, Engineer, Frederick C. Carr, Administrator and Kathleen R. Cunningham, Clerk. Mayor Stannard 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 2, 2003 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 2, 2003.
- (3) Was filed on December 2, 2003 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.

Resolution

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

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

Nays: None

Cranbury Township Resolution # R 06-04-116

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 Township Committee will now convene in a closed session that will be limited only to consideration of items with respect to which the public may be excluded pursuant to Section 7B of the Open Public Meetings Act, P.L. 1975, c. 231.

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

----Personnel: Police Chief Update

----Litigation: DC McBride, Inc. Condemnation

Cranbury Township Resolution # R 06-04-116
(Continued)

Acquisition ----Land Acquisition/Negotiations: Shein Sewer Easement
(Dey Road Force Main Project)
----Closed Session Committee Minutes of May 24, 2004.
the ----K. Hovnanian/Four Seasons at Cranbury: Matters related to
and conservation easement falling within the attorney-client privilege
requiring confidential advice of counsel.

2. 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: June 14, 2004

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

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

Nays: (None

Reports and Communications from Committee

--Committee Minutes 24 May 2004 and 7 June 2004

On motion by Ms. Stave, seconded by Mr. Mayes and unanimously approved, the minutes for May 24, 2004 and June 7, 2004 were adopted.

--Sub Committee Reports - Maplewood Access

Ms. Beauregard gave a report on the status of the Subcommittee's work on the Village Park access issue with Cranbury Housing Associates. It is recommended that the Township sign a two-year lease, which Ms. Beauregard will have a draft of shortly, with Cranbury Housing Associates, to allow access to Village Park.

Agenda Additions/Changes

Ordinance
Second Reading

Cranbury Township Ordinance # 05-04-13

A motion to enter an Ordinance entitled, "Cranbury Township Ordinance # 05-04-13 , A BOND ORDINANCE PROVIDING FOR SIDEWALK IMPROVEMENTS IN AN BY THE TOWNSHIP OF CRANBURY, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$192,000 THEREFOR, AUTHORIZING THE ISSUANCE OF \$182,800

Cranbury Township Ordinance # 05-04-13
(Continued)

BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE COST THEREOF AND DIRECTING THE SPECIAL ASSESSMENT 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 public hearing on this Ordinance was held on May 24, 2004. The vote was held over, due to the fact that Mr. Stannard was conflicted and Mr. Mayes was absent. On motion by Ms. Stave, seconded by Mr. Mayes, the Ordinance was adopted by a vote:

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

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 local improvement. For the improvement or purpose described in Section 3, there is hereby appropriated the sum of \$192,000, including the sum of \$9,200 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 \$182,800 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 to fund Emergency Appropriation Resolution # 05-04-097, adopted by the Township Committee on May 3, 2004 which is for the improvements to Village sidewalks, including all work and materials necessary therefor 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 appropriation herein made therefor.

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 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

(Continued)

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 improvement described in Section 3 of this ordinance shall be undertaken as a sidewalk improvement and the cost thereof shall be assessed in the following manner. An accurate account of the cost of construction of the sidewalks shall be kept, and such cost shall be assessed upon the several properties fronting on the improvement in proportion to their respective frontage thereon pursuant to and in accordance with N.J.S.A. 40:65-1 *et seq.*

Section 6. Unless notice of the pendency of this ordinance is given in accordance with N.J.S.A. 40:65-6, the Township Clerk shall cause Notice of the proposed sidewalk improvement to be given to the owner or owners of real estate affected thereby prior to the making of the sidewalk improvement described in Section 3 hereof or the awarding of any contract for such sidewalk improvement. The Notice shall contain a description of the property affected sufficient to identify it, a description of the improvement and a statement that unless the owner or owners complete the improvement within 30 days after service thereof, the Township will make the improvement at the expense of the owner or owners. Such Notice shall be served in accordance with the provisions of N.J.S.A. 40:65-2 to N.J.S.A. 40:65-5, and the proof of service shall be filed with the officer of the Township in charge of the records of tax liens of the Township within ten days after service thereof.

Section 7. The owner of any land upon which any assessment for the local improvement shall have been made may pay such assessment in the number of equal yearly installments herein determined, with legal interest on the unpaid balance of the assessment. The first of the installments shall be due and payable two months after the confirmation of the assessment, and each subsequent annual installment and interest shall be payable in each successive year thereafter at such time as the governing body shall by resolution determine, provided that any owner of land so assessed shall have the privilege of paying the whole of any assessment or of any balance of installments with accrued interest thereon at any time. Whenever any such installment shall remain unpaid for thirty (30) days from and after the time it shall become due and payable, the whole assessment or balance thereof shall become and be immediately due and payable and shall draw interest at the rate imposed upon the arrearage of taxes in the Township and shall be collected in the same manner as provided by law for other past-due assessments. Such assessment shall remain a lien upon the land described herein until the assessment with all installments and accrued interest thereon shall be paid and satisfied. Notwithstanding anything herein to the contrary, the Township shall have the right to waive default as may be permitted by law.

Section 8. 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 local improvement, the cost of which shall be specially assessed in the manner provided herein.

(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 bond ordinance, is 10 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 \$182,800, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$30,000 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 improvement or purpose.

(e) The number of annual installments within which the special assessments are to be levied on the lots and parcels of real estate affected by the improvement is 10.

(f) The Township will not contribute to the payment of any part of the cost of the improvement.

(g) The estimated maximum aggregate amount of the special assessments is \$192,000.

Section 9. The capital budget of the Township of Cranbury is hereby amended to conform with the provisions of this bond 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 10. 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 11. 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.

Section 12. 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 13. 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

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

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

Cranbury Township Resolution # R 06-04-117

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 06-04-118

A Resolution Approving A Liquor License For 2004-2005 For The Cranbury Inn

WHEREAS, the Township Committee of the Township of Cranbury has received an application from Thomas C. and Gloria A. Ingegneri for the renewal of Alcoholic Beverage License No. 1202-32-002-003, and

WHEREAS, the applicant has complied with all of the statutory requirements,

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Cranbury that the application of Thomas C. and Gloria A. Ingegneri for the renewal of Alcoholic Beverage License No. 1202-32-002-003 be and is hereby approved.

CERTIFICATION

I, Kathleen R. Cunningham, Clerk, hereby certify the above to be a true copy of a Resolution adopted by the Township of Cranbury at a regular meeting held on June 14, 2004.

Kathleen R. Cunningham, Clerk

Cranbury Township Resolution # R 06-04-119

A Resolution Approving A Liquor License For 2004-2005 For Vimal Trading Co. Inc.

WHEREAS, the Township Committee of the Township of Cranbury has received an application from Vimal Trading Company for the renewal of Alcoholic Beverage License No. 1202-32-001-007, and

WHEREAS, the applicant has complied with all of the statutory requirements.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Cranbury that the application of Vimal Trading Company for the renewal of Alcoholic Beverage License No. 1202-32-001-007 be and is hereby approved.

CERTIFICATION

I, Kathleen R. Cunningham, Clerk, hereby certify the above to be a true copy of a Resolution adopted by the Township of Cranbury at a regular meeting held on June 14, 2004.

Kathleen R. Cunningham, Clerk

Cranbury Township Resolution # R 06-04-120

RESOLUTION OF THE TOWNSHIP OF CRANBURY, NJ

**A RESOLUTION AUTHORIZING THE RELEASE OF K HOVNANIAN'S FOUR SEASONS
WINTERIZATION ESCROW**

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

BI 20.15	Lot 10	\$1,000.00	BI 20	Lot 10.23	\$1,000.00
BI 20.15	Lot 2	\$1,000.00	BI 20	Lot 10.74	\$1,000.00
BI 20	Lot 10.53	\$1,000.00	BI 20	Lot 10.72	\$1,000.00
BI 20	Lot 10.51	\$1,000.00	BI 20	Lot 10.71	\$1,000.00
BI 20	Lot 10.50	\$1,000.00	BI 20	Lot 10.07	\$1,000.00
BI 20	Lot 10.49	\$1,000.00	BI 20	Lot 10.06	\$1,000.00
BI 20	Lot 10.42	\$1,000.00	BI 20	Lot 10.03	\$1,000.00
BI 20	Lot 10.38	\$1,000.00	BI 20.12	Lot 2	\$1,000.00
BI 20	Lot 10.36	\$1,000.00	BI 20.11	Lot 1	\$1,000.00
BI 20	Lot 10.35	\$1,000.00	BI 20.11	Lot 2	\$1,000.00
BI 20.15	Lot 9	1,000.00			

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 except Block 20.15 Lot 9 and the amount to be **retained is \$1,000.00**.

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) K Hovnanian's Four Seasons; 27 Hagerty Lane, Cranbury, NJ 08512
- (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 June 14, 2004.

Kathleen R. Cunningham, Clerk

Cranbury Township Resolution # R 06-04-121

RESOLUTION OF THE TOWNSHIP OF CRANBURY, NJ

A RESOLUTION AUTHORIZING THE RELEASE OF A PERFORMANCE GUARANTEE FOR APPLGATE SUBDIVISION BLOCK 21 LOT 1

Cranbury Township Resolution # R 06-04-121
(Continued)

WHEREAS, by letter dated May 4, 2004 Cranbury Heights Estates, LP has requested the release 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 May 28, 2004 (attached hereto as "Exhibit A") recommended that the following performance guarantee be released:

Surety Bond	\$34,754.83
Cash Deposit	\$ 3,861.65

WHEREAS, the Township Engineer has stated a maintenance guarantee shall be posted with the Township for a period not to exceed two (2) years after final acceptance of the improvements in an amount not to exceed 15% of the cost of the improvement. The amount of the required maintenance guarantee to be posted with the Township is \$16,090/20, and the maintenance period shall be for a period of two years from June 14, 2004.

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 release 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) Cranbury Heights Estates, LP 897 Route 130 East Windsor, NJ 08520
- (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 June 14, 2004.

Kathleen R. Cunningham, Clerk

Cranbury Township Resolution # R 06-04-122

WHEREAS, the Tax Assessor has recommended that the following COAH payments be refunded:

<u>Block</u>	<u>Lot</u>	<u>Street Address</u>	<u>Assessed to</u>	<u>COAH Amnt</u>
5	16.02	1274 South River Rd	Staybridge Suites	\$7,927.00

Cranbury Township Resolution # R 06-04-122

(Continued)

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranbury, that the above 2004 COAH overpayment be refunded to Staybridge Suites (Riya Cranbury, LLC).

CERTIFICATION

I, Kathleen R. Cunningham, Township Clerk of the Township of Cranbury, hereby certify that this is a true copy of a resolution adopted at a regular meeting on June 14, 2004.

Kathleen R. Cunningham, Clerk

Cranbury Township Resolution # R 06-04-123

WHEREAS, the Tax Assessor has recommended that the following COAH payments be refunded:

<u>Block</u>	<u>Lot</u>	<u>Street Address</u>	<u>Assessed to</u>	<u>COAH Amnt</u>
23	108.15	29 Shady Brook La	Toll N.J. I, LLC	\$150.00

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranbury, the above 2003 COAH overpayments are refunded to Toll Brothers N.J., LLC.

CERTIFICATION

I, Kathleen R. Cunningham, Township Clerk of the Township of Cranbury, hereby certify that this is a true copy of a resolution adopted at a regular meeting on June 14, 2004.

Kathleen R. Cunningham, Clerk

Cranbury Township Resolution # R 06-04-124

RESOLUTION OF THE TOWNSHIP OF CRANBURY, NJ

STATE OF NEW JERSEY, DEPARTMENT OF ENVIRONMENTAL PROTECTION, GREEN ACRES
ENABLING RESOLUTION AND AUTHORIZING AMENDMENT TO PROJECT AGREEMENT

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program ("State") provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Township of Cranbury desires to further the public interest by obtaining a grant of eight hundred thousand dollars (\$800,000.00) from the State to fund the following project(s): "Cranbury Township Acquisition";

NOW THEREFORE, the Township Committee of the Township of Cranbury resolves that Richard H. Stannard in his capacity as Mayor of the Township of Cranbury, or any successor to the office of Mayor, is hereby authorized to:

- (a) make application for such a grant;
- (b) provide additional application information and furnish such documents as may be required;

Cranbury Township Resolution # R 06-04-124

(Continued)

- (c) act as the authorized correspondent of the above-named applicant; and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State's funds in accordance with such rules, regulations and application statutes, and is willing to enter into an agreement with the State for the above named project;

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

1. That the Mayor of the Township of Cranbury is hereby authorized to execute an agreement and any amendment thereto with the State for the project known as "Cranbury Township Acquisition"; and,

2. That the applicant has its matching share of the project, if a match is required, in the amount of eight hundred thousand dollars (\$800,000.00); and

3. That, in the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project; and

4. That the applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and

5. That this resolution shall take effect immediately.

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 June 14, 2004.

Kathleen R. Cunningham, Clerk

Cranbury Township Resolution # R 06-04-125

New Jersey Department of Transportation
Resolution, Application, and Agreement for
State Aid to Counties and Municipalities
Under the New Jersey Transportation Trust Fund Authority Act

(Department of Transportation Use Only)

Fund:

Fiscal Year:

Job Number:

Account Number:

State Funds:

Cranbury Township Resolution # R 06-04-125
(Continued)

Certification of Funds _____ By _____

Date _____ Director, Division of Accounting and Auditing

Name of Sponsor: Township of Cranbury

Mailing Address: 23A North Main Street

Cranbury, NJ 08512

Federal Tax Identification Number 22-169-2208

Program County Aid _____ Municipal Aid _____ Discretionary Aid_X _____
Centers of Place _____ Pedestrian Safety _____ Bikeway _____

Sponsor Priority No 1

BE IT RESOLVED, that application is hereby made to the Commissioner of Transportation for an allotment of aid for the improvement of:

Cranbury Neck Road Sidewalk Installation (North Side)

From: 145 Ft West of South Main Street

To: 20 Ft East of Wynnewood Drive

in the Municipality of: Cranbury Township

County of: Middlesex

State of New Jersey for a distance of 0.32 miles (or such portion thereof as may be approved by the Commissioner of Transportation). The total cost estimate for this improvement is \$79,473.75. The Sponsor requests \$39,000.00 in State funds and anticipates contributing \$0.00, AND BE IT RESOLVED that any aid received as a result of this application will only be used for eligible costs for the project.

Type of Improvement (Check only major type of work)

<input type="checkbox"/> Resurfacing	<input type="checkbox"/> Culvert (Less than 20 foot span)
<input type="checkbox"/> Roadway Reconstruction	<input type="checkbox"/> Bridge (20 foot span or greater)
<input type="checkbox"/> Surface Treatment	<input type="checkbox"/> Safety Improvement
<input type="checkbox"/> Traffic Signal Installation	<input checked="" type="checkbox"/> Safe Streets to Schools
<input type="checkbox"/> Intersection Improvement	<input type="checkbox"/> Other (Describe Below)
<input type="checkbox"/> Bikeway	<input type="checkbox"/>

Scope of Work (Provide a detailed written description of the project – use additional sheets (if necessary))

Installation of a five (5) foot wide concrete sidewalk along the north side of Cranbury Neck Road from an existing sidewalk 145 ft west of South Main Street to an existing sidewalk 20 ft east of Wynnewood Drive.

Cranbury Township Resolution # R 06-04-125
(Continued)

(SUBMIT 3 ORIGINALS OF THIS FORM ALONG WITH 3 LOCATION MAPS AND FOR CENTERS OF PLACE SUBMIT 6 ORIGINALS OF THIS FORM ALONG WITH 6 LOCATION MAPS TO THE DIVISION OF LOCAL AID AND ECONOMIC DEVELOPMENT)

“Appendix SS”
Safe Streets to Schools Data Sheet

Project – Cranbury Neck Road Sidewalk Installation (North Side)

Municipality – Cranbury Township

County – Middlesex

Project: Classification

☒ New Sidewalk
☐
☐ Pedestrian Walkway
☐ Pedestrian Overpass

☐ Pedestrian Underpass
☐ Pedestrian Bridge
☐ Crosswalks
☐ Traffic Signals
☐ Pedestrian Signs
☐ Warning Devices
☐ Traffic Calming
☐ Intersection Improvements
☐ Other _____

	<u>YES</u>	<u>NO</u>	<u>N/A</u>
Is the project in an Urban Coordinating Council neighborhood?			X
Has the sponsor undertaken other pedestrian improvements utilizing their own resources to which this project is linked?		X	
Is the project on a walking route (within 2 miles to a school? (show on location map)		X	
If yes, will it improve the safety of that route (explain below)		X	
<u>School children could walk on sidewalk as opposed to edge of Roadway (school busing not provided in the subject area)</u>			
Number of accidents related to the school route reported over the last five (5) years			_____
Number of students served by the proposed project (walkers)			_____
% of students within community that are not bused			_____

(Attach a map and list of streets involved in the project)

Total Estimated Cost of Improvement **(Attach a detailed cost estimate)**

Construction Cost (From attached estimate) ***From attached Contractor's bid**

Cranbury Township Resolution # R 06-04-125
(Continued)

Section & Cranbury Township Resolution of Award	\$ 79,473.75
Design Engineering (List only if eligible for Urban Aid or as a Depressed Rural Center)	N/A

Cranbury Township Resolution # R 06-04-125
(Continued)

Right-of-Way (List only if eligible for Urban Aid or as a Depressed Rural Center)	N/A
Construction Inspection and Material Testing if requesting (10% of the final allowable construction cost maximum)	\$ 0.00

Total Estimated Cost	\$79,473.75
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Project Information

Is utility work planned within the project limits over the next five years? - Yes____No X
 Is the purchase of right-of-way required before the start of the project construction? Yes____No X
 Does the project intersect a State Highway? Yes____No X If yes, which highway?____

If Yes, is the intersection signalized? Yes____No X
Is there a railroad crossing within the project limits? Yes____No X
Is there a railroad crossing 100 feet outside of the project limits? Yes____No X
Will the construction impact traffic across a railroad crossing outside the project limits? Yes____No X

ADDITIONAL FORMS OR DOCUMENTS REQUIRED – ATTACH ONLY THOSE FORMS APPLICABLE TO THE PROJECT

Traffic Signal and/or Channelization – Attach a copy of the “Authorization to Design or Install”

Roadway Project – Attach a copy of “Appendix RD”

Bridge Project –Attach a copy of “Appendix BR” and Appendix RD”

Bikeway Project – Attach a copy of “Appendix BW”

Safe Streets to Schools Project – Attach a copy of “Appendix SS”

Location map – 8 1/2” x 11” only, showing project limits (all information must be clear and legible with street names labeled)

AND BE IT FURTHER RESOLVED that if this application is approved and accepted by the New Jersey Department of Transportation (“the Department”), the Sponsor agrees that:

- a. It shall arrange for financing of the total cost of the project provided for in this Agreement.
- b. It recognizes and agrees that continuation of funding under this Agreement is expressly dependent upon the availability to the Department of funds appropriated by the State Legislature from State revenues or such other funding sources as may be applicable. The Department shall not be held liable for any breach of this Agreement because of the absence of available appropriation.
- c. In the event that the Department approves funds in an amount less than requested, the Sponsor, at its option, 1) may either rescind this Agreement or 2) continue with the project and assume the entire difference between the total cost of the project and the allotment of State funds or 3) reevaluate the project limits or scope and submit a revised Resolution, Application and

Cranbury Township Resolution # R 06-04-125
(Continued)

Agreement for Department approval. In the event the Sponsor rescinds the Agreement, the allotted funds shall revert to the Transportation Trust Fund.

d. The Sponsor must notify the Department of its rescission of this Agreement within sixty (60) days of its receipt of notification of the amount allocated by the Department.

e. Any purported transfer or assignment of the written obligations of the Sponsor contained herein without prior approval of the Department shall be void.

f. New Jersey Office of Management and Budget, Circular Letter 89-19, Grant Agreements – Agency Contracts and any supplemental compliance statements by the Department, must be complied with by the Sponsor.

g. The work to be performed by the Sponsor under this Agreement shall include but not be limited to the following:

1. Preparation of contract drawings and supplementary specifications.
2. The acquisition of all necessary right-of-way, easements, slope rights and permits.
3. Construction of the above referenced improvement.
4. Monitoring and supervising compliance with all provisions of this Agreement.

h. It shall defend, indemnify, protect and save harmless the State and its officers, agents, servants and employees from and against any and all suits, claims, demands or damages of whatsoever kind and nature arising out of, or claimed to arise out of, any act, error or omission of the Sponsor, its consultants, contractors, agents, servants and employees in the performance of the work of the project including, but

not limited to, expenditures for and costs of investigations, hiring of expert witnesses, court cost, counsel fees, settlements and judgments.

- i. It shall engage a Professional Engineer, registered in the State of New Jersey, for design services on the project. In its agreement for professional services, the Sponsor shall require the provision of professional liability insurance or errors and omissions insurance sufficient to protect against liabilities arising out of the professional obligations performed pursuant to the agreements.
- j. In its agreements for professional and non-professional services, the Sponsor shall require the provisions of public liability insurance and every such policy shall include the Sponsor and State as additional named insureds.
- k. All design work shall conform to the applicable American Association of State Highway and Transportation Officials (AASHTO) design criteria and the Department's Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines. The design of traffic barriers and drainage systems shall conform to the Department's Roadway Design Manual. No deviation shall be allowed without three knowledge of the Department. If there is deviation from those standards, the Sponsor shall accept any and all responsibility for any injury or damage by such deviation to any person or property and shall indemnify the State as outlined in this Agreement. All design shall also conform to the current "Manual on Uniform Traffic Control Devices" published by Federal Highway Administration.
- l. It shall provide maps, reports, detailed plans, supplementary specification and contract documents required by the Department.
- m. All workmanship and materials shall conform to current "New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction" as amended for State Aid.
- n. It is the responsible authority, without recourse to the State, regarding the settlement and satisfaction of all contractual and administrative issues arising out of the procurement entered in support of this funding.
- o. Prior to advertising for bids, the Sponsor shall notify the Department if it intends to substantially change the scope of the project proposed in the Resolution, Application and Agreement. No substantial change shall be included in the project unless it has been approved by the Department.
- p. Any changes in work after the award of contract shall be documented with a Department approved change order.

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(Continued)

- q. Fifteen (15) calendar days prior to advertisement, the Sponsor shall submit the following to the Division of Local Government Services and Economic Development:
 - 1. One (1) copy of the contract plans, specifications, engineer's estimate, and engineer's design certification.
 - 2. Other documents as required.
- r. It shall advertise and award the contract in accordance with the provisions of the Local Public Contracts Law, N.J.S.A. 40 A:11-1 et. Seq.
- s. It shall comply with all applicable Federal, State and Local laws, rules, ordinances and regulations.
- t. Within thirty (30) calendar days of construction bids, unless the Department grants and extension of this time, the sponsor shall submit the following to the Division of Local Government Services and Economic Development:
 - 1. Two (2) copies of the summary of construction bids.
 - 2. A resolution awarding the contract to the lowest responsible bidder submitting a responsive bid, subject to the approval of the Department.
- u. It shall award a construction contract for the project within twelve (12) months of approval of this Resolution, Application and Agreement by the Department. The Department in its sole discretion may grant an extension of this twelve (12) month period after receiving a fully documented request from the Sponsor. The Department may cancel the funds allotted to the project if the Sponsor does not award the construction contract within the specified time.
- v. Upon prior approval of the Department, it may elect to undertake the work through the use of its own forces when it is deemed applicable and appropriate.

w. Neither design costs, the costs for acquisition of all necessary right-of-way, easements, slope rights, and permits nor utility costs shall be considered costs of the project for purposes of computation of the allocation of State aid funds under this Agreement except in special hardship cases as approved by the Department.

x. State participation in the cost of the project shall not exceed the lesser of either 100 percent of the cost of the completed construction work including eligible construction supervision, inspection and material testing, or the original allotment. State participation in inspection and material testing costs shall be limited to 10 percent of the eligible construction work cost. The State shall not participate in costs that the Department determines to be beyond the scope of the purposes of the allotment, excessive or otherwise unallowable. The Sponsor will be afforded an opportunity to challenge this determination at an informal hearing.

y. At the discretion of the Commissioner of Transportation, payment of the allotted funds may be made to the project Sponsor in the form of a grant. Grant payments will be made as follows:

1. For programs administered by the Division of Local Aid and Economic Development, a specified percentage, of the lesser of the eligible award amount or allotment amount shall be paid at the time of concurrence in the award of contract by the Department or the full amount of the allotment shall be paid upon approval of this Agreement as determined by the Commissioner. The remaining percentage or balance of funds shall be paid upon submission of a final voucher with supporting information as required by the Department. The final voucher must be submitted to the Department within six (6) months of project completion.

2. For County Aid and the Local Bridge Bond Act, the full amount of the annual allotment amount shall be paid upon approval of the Annual Transportation Plan (ATP) and the execution of this Agreement.

3. If the Sponsor request, progress payments shall be on a reimbursement basis. It shall request reimbursement from the Department by submitting vouchers supplied by the Department with supporting information as required by the Department. Progress payments of not less than \$50,000 may be made.

Cranbury Township Resolution # R 06-04-125
(Continued)

z. The Sponsor hereby certifies that all allotted funds will only be spent on eligible costs for the approved project(s) as described in this Agreement.

In the event allotted funds remain after completion of the work, the remaining funds shall revert to the source of the funding and shall be reallocated by the Department in a manner determined solely by the Commissioner of Transportation.

In the event that the Department determines that it has reimbursed the Sponsor in an amount in excess of the funds actually due under this Agreement, the Sponsor shall, "upon notice from the Department, make timely repayments to the State. Upon failure of the Sponsor to timely repay such funds, the State is hereby authorized by this Agreement to deduct those funds from any monies due the Sponsor under the terms of any agreement between the State, its Departments and Agencies and the Sponsor or to gain reimbursement through any other remedies available at law or equity.

It shall provide cost certification and maintain financial records relating to all costs for the project in accordance with N.J.A.C. 16:20A or 16:20B, as applicable, and comply with State of New Jersey audit requirements specified therein.

It shall maintain complete documentation of the project for a period of three (3) years after receiving final reimbursement or payment by the State.

It shall maintain the completed project in a manner satisfactory to the Department.

AND BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to execute and attest this application and agreement.

It will comply with title VI of the 1964 Civil Rights Act.

Failure to comply with all provisions contained in this Resolution, Application and Agreement may result in the suspension and/or termination of funding.

Approval as to Form By Certification Process.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to execute and attest this Resolution, Application and Agreement.

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 June 14, 2004.

Kathleen R. Cunningham, Clerk

Cranbury Township Resolution # R 06-04-126

TOWNSHIP OF CRANBURY
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY

A RESOLUTION CONCERNING THE ACQUISITION OF TEMPORARY CONSTRUCTION AND PERMANENT UTILITY EASEMENTS ACROSS BLOCK 31.01, LOT 29.16 IN THE TOWNSHIP OF SOUTH BRUNSWICK AND AUTHORIZING PAYMENT THEREFOR, FOR THE PURPOSE OF FACILITATING THE CONSTRUCTION OF THE ROUTE 130 FORCE MAIN EXTENSION.

WHEREAS, on December 22, 2003, the Township Committee of the Township of Cranbury adopted Ordinance 12-03-21, which authorizes the acquisition for public use, by purchase, gift, or

Cranbury Township Resolution # R 06-04-126

(Continued)

condemnation, of permanent utility easements and other property interests in Block 31.01, Lot 29.16 among others, located on the South Brunswick Township Tax Map; and

WHEREAS, the Township has since agreed to compensate the owner of the above-referenced property, D.C. McBride, Inc., \$9,500.00 in exchange for the executed deed of easement; and

WHEREAS, there is presently on deposit with the Clerk of the Superior Court \$8,753.00 as a result of condemnation proceedings filed in this matter, which amount will be released for payment to D.C. McBride, Inc.; and

WHEREAS, the balance of the amount of compensation, which is \$747.00, is now due and owing to D.C. McBride, Inc.

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

1. The Mayor and Clerk are hereby authorized and directed to execute the deed of easement for acquisition of the permanent utility and temporary construction easements across Block 31.01, Lot 29.16 on the South Brunswick Township Tax Map.

2. Compensation in the amount of \$9,500.00 is hereby approved and authorized for the acquisition of the above-referenced easements.

3. Payment shall be made to D.C. McBride for the balance of the \$9,500.00, which is \$747.00.

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 June 14, 2004.

Kathleen R. Cunningham, RMC
Clerk

Work Session

a. Change in Township Committee Meeting Schedule

The Township Committee is currently scheduled to meet on 9 August 2004 at 7:30 PM. This meeting will conflict with the 16th Annual Cranbury Mayor's Golf Tournament. This event was originally scheduled for 23 August 2004 but due to scheduling conflicts had to be rescheduled.

MOTION: A motion was made by Ms. Stave, seconded by Mr. Mayes and unanimously approved to move the meeting of the Township Committee from August 9, 2004 to August 16, 2004.

Ms. Beauregard did not participate in the following discussion:

b. Sale of Wright and Barclay Properties

The Township Committee reviewed and approved bid documents to be used in the marketing and selling of the Barclay (North and South) and Wright (North and South) properties along with the options available for the preservation of

Work Session (Continued)

b. Sale of Wright and Barclay Properties (cont'd)

the existing farmhouse located as part of the Barclay South. The Township Committee agreed 3-1 to sell, on its own, the one parcel at the same time as the others. Voting in the affirmative were: Mr. Mayes, Mr. Stannard and Ms. Stave. Mr. Panconi voted in the negative.

Mayor's Notes

- a. HPAC Vacancy - Committee Appointment
- b. ZBA Vacancy - Committee Appointment
- c. Municipal Alliance - Mayor's Appointment

Mayor Stannard announced that there are several vacancies on the above committees and the Township Committee is presently working on a process by which to fill these vacancies as they come up in the future.

Resolution

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

Ayes: (Beauregard
(Mayes
(Panconi
(Stannard

Absent: (None

Abstain: (None

(Stave

Nays: None

Cranbury Township Resolution # R 06-04-116

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 Township Committee will now convene in a closed session that will be limited only to consideration of items with respect to which the public may be excluded pursuant to Section 7B of the Open Public Meetings Act, P.L. 1975, c. 231.

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

Acquisition
the
and

----Personnel: Police Chief Update
----Litigation: DC McBride, Inc. Condemnation
----Land Acquisition/Negotiations: Shein Sewer Easement
(Dey Road Force Main Project)
----Closed Session Committee Minutes of May 24, 2004.
----K. Hovnanian/Four Seasons at Cranbury: Matters related to
conservation easement falling within the attorney-client privilege
requiring confidential advice of counsel.

2. 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
Cranbury Township Resolution # R 06-04-116
(Continued)

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: June 14, 2004

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

Ayes: (Beauregard
(Mayes
(Panconi
(Stannard
(Stave

Absent: (None
Abstain: (None

Nays: (None

On motion by Ms. Stave, seconded by Ms. Beauregard and unanimously carried, the Closed Session Minutes of May 24, 2004 were adopted.

On motion by Mr. Panconi, seconded by Ms. Beauregard and unanimously approved, the meeting adjourned at 9:26 p.m.

Kathleen R. Cunningham, Clerk