

TOWNSHIP COMMITTEE MEETING
June 13, 2016

The Township Committee Meeting 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: Dave Cook, Glenn Johnson, Jay Taylor and Mayor Dan Mulligan. Susan Goetz was absent. Also present were Kevin Van Hise, Esq., Township Attorney for Affordable Housing; Denise Marabello, Township Administrator/Director of Finance; and Kathleen Cunningham, Municipal Clerk/Assistant Administrator. Mayor Mulligan led in the salute to the flag, and Ms. Cunningham gave the following Open Public Meetings Act statement:

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

- (1) Posted on December 1, 2015 on the Bulletin Board of the Municipal Office at 23-A North Main Street, Cranbury, New Jersey and remains posted at that location.
- (2) Communicated to the Cranbury Press, Home News Tribune and Trenton Times on December 1, 2015.
- (3) Filed on December 1, 2015 at the Cranbury Municipal Office, 23-A North Main Street, Cranbury, New Jersey, posted on the Township's web site and remains on file for public inspection.
- (4) Sent to those individuals who have requested personal notice.

Swearing in of new Police Officer and new Sergeant

Mayor Mulligan issued the Oath of Office to Cranbury's new Police Officer, Kenneth Pace, and new Sergeant, Matthew Schneider. Mayor Mulligan congratulated Officer Pace and Sergeant Schneider, and thanked all the Police present at the meeting.

Citing the recent tragedy in Orlando, Mr. Cook thanked the Police, First Aid Squad and Office of Emergency Management for serving the public in Cranbury.

Township Committee Minutes of May 23, 2016

On motion by Mr. Taylor, seconded by Mr. Johnson and unanimously carried (with Ms. Goetz being absent and Mr. Cook abstaining due to absence), the Township Committee Minutes of May 23, 2016 were adopted.

Closed Session Minutes (Set 1) of May 23, 2016

On motion by Mr. Johnson, seconded by Mr. Taylor and unanimously carried (with Ms. Goetz being absent and Mr. Cook abstaining due to absence), the Closed Session Minutes (Set 1) of May 23, 2016 were adopted.

Closed Session Minutes (Set 2) of May 23, 2016

On motion by Mr. Taylor, seconded by Mr. Johnson and unanimously carried (with Ms. Goetz being absent and Mr. Cook abstaining due to absence), the Closed Session Minutes (Set 2) of May 23, 2016 were adopted.

Release of Various Closed Session Minutes

On motion by Mr. Taylor, seconded by Mr. Johnson and unanimously carried (with Ms. Goetz being absent), various Closed Session Minutes were released.

Appointment to Board of Recreation Commissioners

Ms. Kathleen Cunningham, Municipal Clerk, issued the Oath of Office to Kevin McConnell, who will serve as a member on the Board of Recreation Commissioners with a term ending on December 31, 2018.

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Reports and Communications

--Members of Committee

--Mr. Taylor

Mr. Taylor reminded the public that Public Works will be chipping branches this week. He also reported the paving on Cranbury Neck Road has been completed.

--Mr. Cook

Mr. Cook stated he was at a meeting last Tuesday concerning the permit to do work to stop the erosion of Brainerd Lake's shoreline. He stated after 2-1/2 years of trying to obtain the permit, it should be received soon. Mayor Mulligan stated he appreciated Mr. Cook's hard work.

--Mr. Johnson

Mr. Johnson reported he attended a Board of Health meeting where the new Health Officer was introduced. He reported he and Mayor Mulligan met with a developer who may want to do a project in the Township, and he met with another developer as well.

Reports and Communications

--Mayor Mulligan reported he was contacted by the Cranbury Greene Association concerning the work being done with the warehouse and the construction on the highway. He stated some of the equipment is being parked on the Cranbury Greene's common ground. Ms. Marabello addressed the issue.

Mayor Mulligan reported an Evans Drive resident contacted the Township Police questioning if jack hammering on the highway was permitted from 1:00 to 3:00 a.m. Mayor Mulligan stated it was permitted because the DOT wanted the roadwork done during the night hours. Mayor Mulligan requested the Township's ordinances be looked at to see if the problem could be avoided in the future.

Mayor Mulligan stated last Friday night there were many cars parked on the grass in Heritage Park. Ms. Marabello stated there was a prom, and Mayor Mulligan stated cars cannot park on the grass. He stated he spoke with Mr. Tom Weidner, Parks Chair, to have the issue discussed at the next Parks meeting. He requested the Township's ordinances be looked at to see if there is a current ordinance that deals with parking on the grass.

Mayor Mulligan reported he attended a ceremonial groundbreaking of Applewood Court. He stated he feels within the next month site work will commence.

Mayor Mulligan reported long-time resident, Mark Madden, passed away. He stated he was a good friend, long time Teddy's patron, and former Board of Education member. He stated Mr. Madden will be missed.

Mayor Mulligan proposed, if the Committee agrees, adding to the agenda a "Follow-Up Items" after Reports and Communications. The Committee agreed to the addition.

Reports and Communications

--Subcommittees

There were no reports from Subcommittees.

Reports and Communications

--Department Heads

There were no reports from Department Heads.

Agenda Additions/Changes

Ms. Cunningham reported she will need to read a communication from the Township Attorney concerning an amendment being added to the Ordinance being read on Second Reading. Ms. Cunningham explained although the Ordinance will be slightly amended, it will not have to be re-advertised.

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Public Comment - For Agenda Items

Mayor Mulligan opened the meeting to public questions and comments for items on the Agenda. There being no comments, he closed the public portion of the meeting.

Ordinance

Second Reading

CRANBURY TOWNSHIP ORDINANCE # 05-16-09

A motion to enter an Ordinance entitled # 05-16-09, "AN ORDINANCE VACATING, RELEASING AND EXTINGUISHING ANY AND ALL PUBLIC RIGHTS IN AND TO OLD HIGHTSTOWN ROAD BOUNDED BY OLD CRANBURY ROAD AND OLD TRENTON ROAD (ROUTE 535) IN THE TOWNSHIP OF CRANBURY, COUNTY OF MIDDLESEX AND STATE OF NEW JERSEY IN ORDER TO FACILITATE REDEVELOPMENT OF BLOCK 19, LOTS 1, 2, 3 AND 4 AND BLOCK 20.16, LOTS 7, 8, 9, 10 AND 20 AS SO DESIGNATED ON THE TAX MAP OF THE TOWNSHIP OF CRANBURY," was presented for second reading and final adoption. The Ordinance was published in the Cranbury Press, posted on the Township's website, posted on the Township Bulletin Board and copies were available to the public. Ms. Cunningham stated she has a communication from the Township Attorney, Mr. Steven Goodell, Esq. with the following language amending the Ordinance:

"4. HPD shall file this Ordinance with Exhibit A appended hereto with the Clerk of the County of Middlesex within sixty (60) days after the Ordinance becomes effective, but not before HPD has acquired the title to the Property. Upon the filing of this Ordinance with the Clerk of the County of Middlesex, title to the vacated area shall vest in HPD, but shall revert to the Township of Cranbury in the event the Redevelopment Plan is not effectuated.

8. This Ordinance shall take effect immediately upon its passage and publication, as required by law, but not before HPD has acquired title to the Property."

Mayor Mulligan asked if the Committee had any comments, and hearing none, he opened the public hearing on the Ordinance. No one present wished to speak, so the hearing was declared closed. On motion by Mr. Johnson, seconded by Mr. Taylor, the Ordinance was adopted by a vote:

Ayes: (Cook	Abstain: (None
(Johnson	Absent: (Goetz
(Taylor	
(Mulligan	

Nays: (None

Resolutions

Consent Agenda

Mayor Mulligan asked the Township Committee if there were any questions or comments on the Consent Agenda. Mr. Taylor stated he would like to address Item (e.) separately. Hearing no further questions or comments, Mayor Mulligan requested a motion to adopt Items (a.) through (d.) on the Consent Resolutions. On a motion by Mr. Taylor seconded by Mr. Cook and unanimously carried, the following Resolutions were passed by vote:

Ayes: (Cook	Abstain: (None
(Johnson	Absent: (Goetz
(Taylor	
(Mulligan	

Nays: (None

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Cranbury Township Resolution # R 06-16-103

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 06-16-104

WHEREAS, New Jersey American Water has made an adjustment to Anthony and Janet DeFrancis' meter reading.

WHEREAS, the adjustments made created a credit balance on the customer's sewer account.

WHEREAS, a refund for the credit balance should be issued for the following Cranbury Township Resident:

<u>Block</u>	<u>Lot</u>	<u>Street Address</u>	<u>Resident Name</u>	<u>Refund \$\$</u>
18.03	5	3 McKnight Court	Anthony & Janet DeFrancis	\$114.67

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranbury, the above Sewer overpayment be refunded to Anthony and Janet DeFrancis.

Cranbury Township Resolution # R 06-16-105

A RESOLUTION AUTHORIZING THE RELEASE
OF A PERFORMANCE GUARANTEE FOR CRANSUD TWO

WHEREAS, by letter dated December 8, 2015, Cransud Two, LLC 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 December 9, 2015 (attached hereto as "Exhibit A") recommended that the following performance guarantee be released:

Cash	\$678,507.77 (\$798,244.44 less \$119,736.67 for Two Year Maintenance Bond)
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NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranbury as follows:

It has reviewed, agrees with and hereby accepts all recommendations of the Township Engineer as set forth in "Exhibit A".

1. It hereby authorizes the release of performance guarantees set forth in the Township Engineer's letter referenced above.
2. 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) Steven Spinweber, Cransud Two, LLC

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Cranbury Township Resolution R 06-16-106

A RESOLUTION AUTHORIZING THE RELEASE OF ESCROW

WHEREAS, Cransud Two LLC has deposited engineering escrow with Cranbury Township

WHEREAS, Cransud Two has requested the release of the balance of said escrow in the amount of \$25,286.00.

NOW, THEREFORE, BE IT RESOLVED that 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 Engineer
- (b) Township Director of Finance

Resolution

Mr. Taylor requested Cranbury Township Resolution # R 06-16-107 pertain only to the Cranbury Inn and Buy-Rite Liquor Licenses and that Staybridge Suite Liquor License be on a separate Resolution # R 06-16-112, citing he wants to support the Cranbury Inn and Buy-Rite Liquor Licenses, but wants to vote against the Staybridge Liquor License.

On motion by Mr. Johnson, seconded by Mayor Mulligan and unanimously carried (with Ms. Goetz being absent), the following Resolution was adopted by vote:

Cranbury Township Resolution # R 06-16-107

Resolution Authorizing the Renewal of
Plenary Retail Consumption Alcoholic Beverage Licenses and
Alcoholic Beverage Plenary Distribution Licenses for 2016-2017

WHEREAS, all of the following applicants have applied for renewal of existing licenses for the year 2016-2017:

- Gloria and Thomas Ingegneri
The Cranbury Inn
21 South Main Street
Cranbury, New Jersey 08512
(1202-32-002-004)
- JK Mart, Inc.
Buy-Rite Liquors
Route 130
Cranbury, New Jersey 08512
(1202-32-001-010)

WHEREAS, all applicants for Plenary Retail Consumption Alcohol Beverage Licenses and applicants for Alcoholic Beverage Plenary Distribution Licenses have submitted applications to the Division of ABC and the Township Clerk, which forms are complete in all requests; and

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Cranbury Township Resolution # R 06-16-107
(Continued)

WHEREAS, these applicants are qualified to be licensed according to all statutory, regulatory and local governmental Alcoholic Beverage Control laws; and

NOW, THEREFORE, BE IT RESOLVED on this 13th day of June, 2016, by the Township Committee of the Township of Cranbury, County of Middlesex, State of New Jersey, that:

Each of the aforesaid applications is hereby approved and the Township Clerk is authorized and directed to issue the appropriate licenses applied for by each of said applicants.

Resolution

On a motion by Mr. Johnson seconded by Mr. Cook and unanimously carried, the following Resolution was passed by vote:

Ayes:	(Cook Johnson Taylor Mulligan)	Abstain: (None Absent: (Goetz
Nays:	(None	

Resolution

On a motion by Mr. Johnson seconded by Mr. Cook and unanimously carried (with Ms. Goetz being absent), the following Resolution was passed by vote:

Ayes:	(Cook Johnson Mulligan)	Abstain: (None Absent: (Goetz
Nays:	(Taylor	

Cranbury Township Resolution # R 06-16-112

Resolution Authorizing the Renewal of
Alcoholic Beverage Plenary Distribution License for 2016-2017

WHEREAS, the following applicant has applied for renewal of existing license for the year 2016-2017:

- Riya Cranbury LLC
Stay Bridge Suites
Route 130
Cranbury, New Jersey 08512
(1202-36-004-001

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Cranbury Township Resolution # R 06-16-112
(Continued)

WHEREAS, the applicant for Alcoholic Beverage Plenary Distribution License has submitted application to the Division of ABC and the Township Clerk, which forms are complete in all requests; and

WHEREAS, this applicant is qualified to be licensed according to all statutory, regulatory and local governmental Alcoholic Beverage Control laws; and

NOW, THEREFORE, BE IT RESOLVED on this 13th day of June, 2016, by the Township Committee of the Township of Cranbury, County of Middlesex, State of New Jersey, that:

The aforesaid application is hereby approved and the Township Clerk is authorized and directed to issue the appropriate license applied for by said applicant.

Resolution

Mr. Kevin Van Hise, Esq., Township Affordable Housing Attorney, explained this Resolution that will authorize the entry of an agreement. He stated there are still some additional comments that were submitted today, which were non-substantive in nature; however, he stated it is prudent to keep the Resolution on the agenda to authorize the settlement agreement and to keep in line with the Court's expectations. He explained if there are any substantive changes, he will come back to Committee. He stated the Resolution is stating the Township is agreeing to the development of up to 174 senior age-restricted units on the Protinick property. In exchange, the Protinicks will drop any challenges to the Township's Affordable Housing Plan and will make a contribution in lieu for affordable housing purposes of up to \$3 million. Mr. Van Hise stated the changes included some development types of comments pertaining to the ordinances. Mr. Richard Kallan, Wynnewood Drive, asked how the amount of money contributed is determined. Mr. Van Hise explained if 174 units are developed, a contribution of \$3 million will be made. He stated since the site has not yet been engineered and if less units will be developed, the amount of money will be pro-rated.

On a motion by Mr. Johnson seconded by Mr. Cook and unanimously carried (with Ms. Goetz being absent), the following Resolution was passed by vote:

Ayes: (Cook	Abstain: (None
(Johnson	Absent: (Goetz
(Taylor	
(Mulligan	

Nays: (None

Cranbury Township Resolution #R 06-16-108

RESOLUTION AUTHORIZING MOUNT LAUREL SETTLEMENT AGREEMENT
WITH MICHAEL & ANNA PROTINICK AND TOLL BROS, INC.

WHEREAS, the Township of Cranbury ("Township") received Third Round Substantive Certification of its Housing Element and Fair Share Plan from the New Jersey Council on Affordable Housing ("COAH") on April 21, 2010; and

WHEREAS, following COAH's grant of substantive certification to the Township, the New Jersey Supreme Court invalidated COAH's third round rules and ordered COAH to adopt new rules based upon its prior round rules and methodologies, see In re Adoption of N.J.A.C. 5:96 and 5:97, 215 N.J. 578 (2013); and

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CRANBURY TOWNSHIP RESOLUTION #R 06-16-108
(Continued)

WHEREAS, COAH failed to adopt new rules, and on March 10, 2015, the Court issued a decision entitled *In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97*, 221 N.J. 1 (2015) ("Mount Laurel IV"), in which it: (1) found that COAH had violated its March 14, 2014 Order by failing to adopt new Round 3 regulations by October 22, 2014, (2) held that, without new Round 3 regulations, COAH could not process petitions for substantive certification for the municipalities currently under COAH's jurisdiction, (3) for municipalities that had received substantive certification under COAH's third round rules, additional court review of such towns' housing plans will be necessary; (4) directed trial courts to be an alternative forum to COAH, (5) authorized municipalities under COAH's jurisdiction to file a Declaratory Judgment Action along with a motion for Temporary Immunity by July 8, 2015, or risk exposure to exclusionary zoning lawsuits, and (6) ruled that municipalities would have up to five months to prepare and file a Housing Element and Fair Share Plan with the trial court for review; and

WHEREAS, pursuant to the Court's Mount Laurel IV decision, the Township instituted a declaratory judgment action in the Superior Court of New Jersey, entitled *In the Matter of the Application of the Township of Cranbury in Middlesex County*, bearing Docket No. MID-L-3960-15, seeking a judgment of immunity and repose pursuant to N.J.S.A. 52:27D-313 and a judicial declaration that the Township's housing plan is presumptively valid because it presents a realistic opportunity for providing its fair share of the regional need for low- and moderate- income housing (the "DJ Action"); and

WHEREAS, on motion and by Order dated December 2, 2015, Michael and Anna Protinick, the owners of certain real property located on Dey Road known and designated as Lot 1 in Block 25 on the Cranbury Township Tax Map (the "Protinick property"), were granted leave to intervene in the DJ Action to address, among other issues, the affordable housing obligations of the Township; and

WHEREAS, Toll Bros., Inc. is the contract purchaser of the Protinick property; and

WHEREAS, the Township, Protinicks and Toll engaged in mediation and good faith negotiations in an effort to resolve the claims raised by Protinicks regarding the Township's compliance with its affordable housing obligations; and

WHEREAS, with the assistance of the court-appointed special master, the Parties worked to address and amicably resolve the challenges brought by Protinicks and the parties now desire to enter into a written agreement that will result in the settlement of the pending litigation; and

WHEREAS, settlement of the claims brought by Protinicks present an opportunity to resolve the various matters pending between the Parties, will provide certainty regarding the Township's ability to satisfy its affordable housing obligations, and will result in a significant contribution in lieu payment being made by the developer to the Township's affordable housing trust fund to be used for affordable housing purposes; and

WHEREAS, on April 18, 2016, the Court conducted a Fairness Hearing on the proposed settlement and determined that the terms of the settlement are fair and reasonable to low and moderate income households; and

WHEREAS, in compliance with the requirements of the Fairness Hearing, the parties now seek to enter into an agreement memorializing the terms of the settlement.

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

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CRANBURY TOWNSHIP RESOLUTION #R 06-16-108
(Continued)

1. The Mayor and Township Clerk are hereby authorized and directed to sign on behalf of the Township the above referenced settlement Agreement, a copy of which is on file in the Township Clerk's Office, or such other substantially similar agreement, the terms and form of which shall have been reviewed and approved by Township counsel in consultation with the Township Administrator.
2. The Mayor, Township Administrator, Clerk, Attorneys, Planners, and other appropriate officers, employees and professionals, are hereby authorized and directed to prepare and execute any and all documents and undertake any and all acts necessary to effectuate the above-referenced settlement.
3. This Resolution shall take effect immediately.

Resolution

Mr. Van Hise explained this is almost a verbatim Resolution that authorizes the settlement agreement with Fair Share Housing Center. Mr. Van Hise stated the Township is agreeing that the Township's affordable housing number prospective for the Third Round is 260 units, and includes some administrative language concerning the Court functioning as COAH and the Township agreeing to fulfill its monitoring obligations with the Court.

On a motion by Mr. Johnson seconded by Mr. Cook and unanimously carried (with Ms. Goetz being absent), the following Resolution was passed by vote:

Ayes: (Cook (Johnson (Taylor (Mulligan	Abstain: (None Absent: (Goetz
Nays: (None	

Cranbury Township Resolution #R 06-16-109

RESOLUTION AUTHORIZING MOUNT LAUREL SETTLEMENT AGREEMENT
WITH FAIR SHARE HOUSING CENTER

WHEREAS, the Township of Cranbury ("Township") received Third Round Substantive Certification of its Housing Element and Fair Share Plan from the New Jersey Council on Affordable Housing ("COAH") on April 21, 2010; and

WHEREAS, following COAH's grant of substantive certification to the Township, the New Jersey Supreme Court invalidated COAH's third round rules and ordered COAH to adopt new rules based upon its prior round rules and methodologies, see In re Adoption of N.J.A.C. 5:96 and 5:97, 215 N.J. 578 (2013); and

WHEREAS, COAH failed to adopt new rules, and on March 10, 2015, the Court issued a decision entitled In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) ("Mount Laurel IV"), in which it: (1) found that COAH had violated its March 14, 2014 Order by failing to adopt new Round 3 regulations by October 22, 2014, (2) held that, without new Round 3 regulations, COAH could not process petitions for substantive certification for the municipalities currently under COAH's jurisdiction, (3) for municipalities that had received substantive certification under COAH's third round rules, additional court

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Cranbury Township Resolution #R 06-16-109
(Continued)

review of such towns' housing plans will be necessary; (4) directed trial courts to be an alternative forum to COAH, (5) authorized municipalities under COAH's jurisdiction to file a Declaratory Judgment Action along with a motion for Temporary Immunity by July 8, 2015, or risk exposure to exclusionary zoning lawsuits, and (6) ruled that municipalities would have up to five months to prepare and file a Housing Element and Fair Share Plan with the trial court for review; and

WHEREAS, pursuant to the Court's Mount Laurel IV decision, the Township instituted a declaratory judgment action in the Superior Court of New Jersey, entitled *In the Matter of the Application of the Township of Cranbury in Middlesex County*, bearing Docket No. MID-L-3960-15, seeking a judgment of immunity and repose pursuant to N.J.S.A. 52:27D-313 and a judicial declaration that the Township's housing plan is presumptively valid because it presents a realistic opportunity for providing its fair share of the regional need for low- and moderate- income housing (the "DJ Action"); and

WHEREAS, Fair Share Housing Center ("FSHC") is an interested party in the action; and

WHEREAS, the Township and FSHC engaged in mediation and good faith negotiations in an effort to resolve the claims raised by FSHC regarding the Township's compliance with its affordable housing obligations; and

WHEREAS, settlement of the claims brought by FSHC present an opportunity to resolve the various matters pending between the Parties and will provide certainty regarding the Township's ability to satisfy its affordable housing obligations; and

WHEREAS, on April 18, 2016, the Court conducted a Fairness Hearing on the proposed settlement and determined that the terms of the settlement are fair and reasonable to low and moderate income households; and

WHEREAS, in compliance with the requirements of the Fairness Hearing, the parties now seek to enter into an agreement memorializing the terms of the settlement.

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

1. The Mayor and Township Clerk are hereby authorized and directed to sign on behalf of the Township the above referenced settlement Agreement, a copy of which is on file in the Township Clerk's Office, or such other substantially similar agreement, the terms and form of which shall have been reviewed and approved by Township counsel in consultation with the Township Administrator.
2. The Mayor, Township Administrator, Clerk, Attorneys, Planners, and other appropriate officers, employees and professionals, are hereby authorized and directed to prepare and execute any and all documents and undertake any and all acts necessary to effectuate the above-referenced settlement.
3. This Resolution shall take effect immediately.

Resolution

On a motion by Mr. Johnson seconded by Mr. Cook and unanimously carried (with Ms. Goetz being absent), the following Resolution was passed by vote:

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Resolution (continued)

Ayes: (Cook
(Johnson
(Taylor
(Mulligan

Abstain: (None
Absent: (Goetz

Nays: (None

Cranbury Township Resolution # R 06-16-110

WHEREAS, Ingerman Development Company, LLC and its assigns (hereinafter referred to as the "Sponsor") proposes to construct and operate two (2) separate housing projects, described as follows: (i) a 66-unit special needs and senior affordable rental housing project, together with such other improvements as may be necessary in connection therewith, such as leasing offices, community meeting space, landscaping, curbing, and paving, and (ii) a 24-unit family affordable rental housing project, together with such other improvements as may be necessary in connection therewith, such as leasing offices, community meeting space, landscaping, curbing, and paving (hereinafter collectively referred to as the "Projects"), all pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended (N.J.S.A. 55:14K-1 et seq.), the rules promulgated thereunder at N.J.A.C. 5:80-1 et seq., and all applicable guidelines (the foregoing hereinafter referred to as the "HMFA Requirements") within the Township of Cranbury (hereinafter referred to as the "Municipality") on a site described as Block 33, Lot 13.04 as shown on the Official Assessment Map of the Township of Cranbury, Middlesex County, New Jersey; and

WHEREAS, the Projects will be subject to the HMFA Requirements and the mortgage and other loan documents executed between the Sponsor and the New Jersey Housing and Mortgage Finance Agency (hereinafter referred to as the "Agency"); and

WHEREAS, pursuant to the HMFA Requirements, the governing body of the Municipality has determined that there is a need for this housing project in the Municipality; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranbury (the "Committee") that the Committee hereby authorizes and directs the Mayor of the Township of Cranbury to execute, on behalf of the Municipality, the Affordable Housing Agreement in substantially the form annexed hereto as Exhibit "A."

Resolution

On a motion by Mr. Johnson seconded by Mr. Cook and unanimously carried (with Ms. Goetz being absent), the following Resolution was passed by vote:

Ayes: (Cook
(Johnson
(Taylor
(Mulligan

Abstain: (None
Absent: (Goetz

Nays: (None

TOWNSHIP COMMITTEE MEETING
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Cranbury Township Resolution # R 06-16-111

WHEREAS, Ingerman Development Company, LLC and its assigns (hereinafter referred to as the "Sponsor") proposes to construct and operate two (2) separate housing projects, described as follows: (i) a 66-unit special needs and senior affordable rental housing project, together with such other improvements as may be necessary in connection therewith, such as leasing offices, community meeting space, landscaping, curbing, and paving, and (ii) a 24-unit family affordable rental housing project, together with such other improvements as may be necessary in connection therewith, such as leasing offices, community meeting space, landscaping, curbing, and paving (hereinafter collectively referred to as the "Projects"), all pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended (N.J.S.A. 55:14K-1 et seq.), the rules promulgated thereunder at N.J.A.C. 5:80-1 et seq., and all applicable guidelines (the foregoing hereinafter referred to as the "HMFA Requirements") within the Township of Cranbury (hereinafter referred to as the "Municipality") on a site described as Block 33, Lot 13.04 as shown on the Official Assessment Map of the Township of Cranbury, Middlesex County, New Jersey; and

WHEREAS, the Projects will be subject to the HMFA Requirements and the mortgage and other loan documents executed between the Sponsor and the New Jersey Housing and Mortgage Finance Agency (hereinafter referred to as the "Agency"); and

WHEREAS, pursuant to the HMFA Requirements, the governing body of the Municipality hereby determines that there is a need for this housing project in the Municipality; and

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

1. The Committee finds and determines that the proposed Projects will meet or meet an existing housing need; and
2. The Committee does hereby adopt the within Resolution and makes the determination and findings herein contained by virtue of, pursuant to, and in the conformity with, the provisions of the HMFA Requirements with the intent and purpose that the Agency shall rely thereon in making a mortgage loan to the Sponsor, which shall construct, own and operate the Projects.

Work Session

- a). Amendment to the Township's Master Plan Discussion
Mr. Johnson discussed with the Township Committee permitted uses in the Highway Commercial Zone. Mr. Johnson confirmed the list is the same as previously discussed. Mayor Mulligan thanked Mr. Johnson for the time expended on this project to attract and develop business in the Township.

Reports from Township Staff and Professionals

--Administrator's Report

Ms. Marabello stated she had a couple of items; however, the items concerned Shade Tree, and Ms. Goetz, the liaison, was not present this evening.

Ms. Marabello reported the Environmental Commission was working on EIS mapping, which would cost approximately \$1,500 to \$2,000 in engineering costs and inquired if the Township Committee was agreeable to helping with the cost. Mayor Mulligan stated he would like more information before making a decision. Mr. Bill Tanner, Township Engineer, stated he will initially meet with the EC before charging them. Mayor Mulligan stated Committee will follow up with the issue at the next meeting.

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Reports from Township Staff and Professionals

--Administrator's Report (cont'd.)

Ms. Marabello reported emerald ash borer is now taking over the ash trees in Four Seasons.

Ms. Bonnie Larson, member of the Shade Tree Commission, reported three (3) Shade Tree members went to a Rutgers workshop on emerald ash borers. She stated the Commission thought there was one (1) ash tree in the Township, which they had been watching. However, they subsequently discovered all the ash trees in Four Seasons had emerald ash borer. Ms. Larson stated the small green bug was brought in from Asia to Minnesota or Wisconsin and is spreading east. Ms. Larson stated there was a special meeting today to discuss the issue, and experts were at the Four Seasons to look at the trees. She stated even the trees in the development that look fine also have the ash borer, which will cause the trees to die. She reported all of the ash trees in Four Seasons will have to be removed, and most of them are street trees. Mr. Cook inquired how many trees are involved, and Ms. Larson stated two (2) of the Shade Tree Commissioners will do a survey. She stated she believes there are approximately 40 ash trees in Four Seasons and stated the State Forestry people have been working with the Township on the issue. She stated that unfortunately the \$5,000 that was allotted to plant new trees will probably have to go towards planting new trees. She stated the ash trees will have to be removed and chipped by special chippers. The chips must be disposed but cannot be transported outside of the state. Ms. Larson stated special permits may be necessary to burn the chips.

Ms. Larson stated West Windsor Township has a ten (10) minute video on the emerald ash borer, which the Shade Tree will borrow and show at the Library for interested residents to view. Ms. Marabello stated the trees in Four Seasons are not large and will not be as expensive to remove as larger trees. She stated a plan has to be developed to determine how many trees are affected and prioritize which trees need to come out first based on the amount of available money. Ms. Marabello stated once the trees die, they will rot within two (2) to three (3) years and that is when they become a liability. She stated the larger trees must be removed first and then smaller ones. Ms. Larson stated the Shade Tree will be consulting with Ms. Marabello concerning proper disposal of the trees. She stated the State is taking this issue very seriously. Ms. Marabello stated these trees will not be replaced. Ms. Larson stated some of the trees in Four Seasons are already dead, and even the trees that look healthy have the ash borer. Ms. Larson stated the Shade Tree has been meeting every couple of weeks to develop a plan.

Mr. Taylor inquired why the Township is responsible for the trees, and Ms. Marabello stated the trees are in the right-of-way. Mayor Mulligan stated since Mr. Taylor has raised a concern, the Township Attorney should be consulted and the issue can be further discussed at the next meeting. Mr. Taylor stated he does not want to rush in and take on the liability of the trees. Ms. Larson stated homeowners also must be made aware of the problem.

Mr. Richard Kallan, Wynnewood Drive, asked if the access channel could play the video; however, the access channel does not have the capability to run the video.

The Township Committee thanked Ms. Larson for providing the information.

--Assistant Administrator's Report

Ms. Cunningham stated she had nothing to report.

Reports from Township Boards and Commissions

There were no reports from Township Boards and Commissions

TOWNSHIP COMMITTEE MEETING
June 13, 2016

Public Comment

Mayor Mulligan opened the meeting to public comment. Mr. Bill Bauder, Petty Road, stated he would like to address several issues involving the Township Committee. He stated he has spoken to other residents and he feels his opinions are very similar to others in the Township. Mr. Bauder stated he was sickened by some of the Township Committee's comments in last week's Cranbury Press concerning the affordable housing obligation. He stated he knows dealing with affordable housing has not been an easy process, and he knows the Committee has spent a lot of time to have a good outcome for the taxpayers, adjoining property owners and for the people who will utilize the affordable housing. Mr. Bauder stated he doesn't doubt the Township Committee did not work very hard to get the best deal for the Town. However, Mr. Bauder stated, the comments in the Cranbury Press were not respectful.

Mr. Bauder stated his second concern is the way applications are handled at Planning and Zoning Board meetings. He stated he felt Township Committee members were very pro-applicant and against the Environmental Commission and the professionals on those Boards by recommending that the Verde application be approved. Mr. Bauder stated in all of the years he has attended meetings he has never seen a Committee person or Chairperson make those types of comments in a public meeting or to chastise the Board for spending too much time on landscaping. He stated the Verde application is in an environmentally-sensitive area, and reported one (1) of the EC members who does this for a living, wrote to the Zoning Board stating the gas station part of this application should be denied. He stated he is concerned that pressure is being placed on Zoning and Planning Board members and feels the Committee Members are overstepping their bounds. Mr. Bauder stated he was interested in hearing the Township Committee's responses.

Mr. Cook responded that he did attend one (1) meeting to state he was interested in the Project and the reasons why. He stated it is important to attend meetings, both the Zoning and EC, to hear the concerns, and be better informed before making decisions. He stated he was not present to influence any decisions.

Mr. Johnson stated he wanted to clarify that he never chastised the Board; however, he stated he did take the professionals to task because they spent 30 minutes discussing the placement of a tree. Mr. Johnson stated when he was elected to the Township Committee, he did not lose his right to speak at other public meetings. He stated he does not have the right to vote at the Township Committee Meeting should the applicant appeal (as the Township Committee would hear the appeal). Mr. Bauder stated he understood and agreed with Mr. Johnson's concern with the professionals; however, Mr. Bauder said Mr. Johnson's comments as presented were taken personally. Mr. Bauder stated telling the Zoning Board to vote "yes" on an application, although it may be in the realm of legality, gives the appearance of influence that should not be there. He stated it may be the Committee members right to speak; however, it is not something he has seen before and it concerns him.

Mayor Mulligan stated he wanted to respond concerning his comments at the previous meeting. He stated he would not take back any of his comments because the actions of the long-time family could have put Cranbury in a position to build out to such an extent that it would have drastically and fundamentally changed the Township, making Cranbury into another Plainsboro or South Brunswick. Mayor Mulligan stated many people worked very hard to get the Protinick property into Farmland Preservation. He stated he does his best to represent the Township and did not mean to offend anybody. Mr. Bauder stated he did not doubt that Mayor Mulligan and others worked very hard and acknowledged the impact and burden it could have placed on the Town. Mr. Bauder stated he was concerned about the image portrayed.

Mr. Richard Kallan, Wynnewood Drive, stated he has been a resident for 47 years and has learned that whether someone is here ten (10) years or three (3) generations does not influence one's love for the Township. He stated when it comes to money, family and allegiances all fall to the wayside. He stated it is unfortunate; however, it is human nature. Mr. Kallan stated he understood some comments at the last meeting were made during the heat of the moment; he did not believe they were inappropriate and felt they were truthful. Mayor Mulligan stated he did receive positive feedback from his comments; although, he also heard some of his comments could have been said nicer, and for that he apologized.

TOWNSHIP COMMITTEE MEETING
June 13, 2016

Public Comment (continued)

Mr. Taylor stated his family has been in Cranbury for a long time, but that it means nothing unless you give back to the community. Mr. Taylor cited Mr. Gordy Stults for donating land to the Township and Mr. Richard Hutchison for volunteering on the Fire Company for 53 years. He stated those types of actions help the community for future generations. The Committee recognized the many farmers who opted to participate in Farmland Preservation. Mayor Mulligan stated decisions made by the Township Committee take into consideration any long-term effects on the Township. Mayor Mulligan added that ratables are critical to the Township's future and enables the Town to pay for farmland preservation, affordable housing, lake dredging, etc. There being no additional comments, the Mayor closed the public portion of the meeting.

Township Committee Members' Notes

The Township Committee Members had no additional comments.

Mayor's Notes

Mayor Mulligan stated he had no additional comments.

On motion by Mr. Taylor, seconded by Mr. Johnson, and unanimously carried (with Ms. Goetz being absent), the meeting adjourned at 8:24 p.m.

Kathleen R. Cunningham, RMC
Municipal Clerk