

**HOPEWELL TOWNSHIP COMMITTEE REGULAR MEETING
HOPEWELL TOWNSHIP MUNICIPAL BUILDING AUDITORIUM**

Monday, January 29, 2018 – 7:03 p.m.

PROPER STATEMENT OF NOTICE – Mayor Kuchinski called the meeting to order stating that notice of the meeting had been posted on the municipal bulletin board and forwarded to the Hopewell Valley News, The Times, the Trentonian and the Hopewell Express (the official newspapers) on January 3, 2018, in accordance with the Open Public Meetings Act, Chapter 231, P.L. 1975.

ROLL CALL: Those answering the roll call of the Municipal Clerk:

COMMITTEE MEMBERS PRESENT: Blake, Hart, McLaughlin, Ruger, Mayor Kuchinski

ABSENT: None

STAFF PRESENT: Administrator/CFO Borges, Municipal Clerk Gompf, Director of Community Development Kataryniak, Health Officer English, Attorney Galella, Attorney Goodell

PLEDGE OF ALLEGIANCE TO THE FLAG - Mayor Kuchinski led those in attendance in the Pledge of Allegiance to the flag.

ADDITIONAL ITEMS FOR MEETING AGENDA

Mayor Kuchinski advised of the removal of Agenda Item XI-C which relates to an easement. He also advised that there were 4 additional items for the agenda: A Resolution Approving Payment of Unused Vacation and Sick Time; A Resolution Expressing Concern About the Operation of Trenton Water Works; and two Resolutions Regarding the Annual Arbor Day Proclamation and Annual Arbor Day Events.

PRESENTATION – PUBLIC WORKS DEPARTMENT – EMPLOYEE RECOGNITIONS FOR OUTSTANDING PERFORMANCE

George Snyder, Director of Public Works, explained that three employees from the Department of Public Works assisted a resident who had fallen in the snow and that David Guerard, General Foreman, composed a letter recognizing the employees for assisting the resident. Mr. Snyder called Dave Stokes, Mike Martin and Kasey Self-Gomes forward to be recognized. Mr. Guerard acknowledged the employees by stating they went above and beyond, demonstrating care and compassion to a resident of Hopewell Township and explained the circumstances which occurred on January 10, 2018 when they assisted a resident who had fallen on ice. He then presented Messrs. Stokes, Martin and Self-Gomes with Letters of Recognition for their efforts of going above and beyond.

Mayor Kuchinski thanked Messrs. Stokes, Martin and Self-Gomes on behalf of the Committee not only for the special recognition but for what they do on behalf of the Committee and the residents every day.

COMMITTEE MEMBERS AND STAFF REPORTS

Mr. Kataryniak reported on the transitioning of all engineering duties to his department; that affordable housing continues to take up the bulk of his time; and the public information meeting for Diverty Road.

Ms. Galella reported that the Twin Pines Cell Tower lease with SBA was finalized at the end of the year and the proceeds were paid to both Lawrence and Hopewell Townships.

Ms. Borges reported on the most recent budget meeting; employee training; employee medical benefits; and year-end accomplishments in the Human Resources department.

Committee Member Ruger thanked Ms. Borges, Mr. Snyder, and Chief Maloney for their courtesies over the past week and that it has been his pleasure to meet the Township employees and learn about what they do and how the Township operates. Mr. Ruger also reported that the Environmental Commission recommended the Township update its Shade Tree Ordinance.

Committee Member McLaughlin commended and thanked Mr. Snyder for his presentation to the Youth Advisory Board at their meeting.

Committee Member Hart asked the status of the Deer Management Committee and commented on the increased traffic on Scotch Road due to the closures on the Scudder Falls Bridge and suggested that there be more traffic control.

Committee Member Blake reported on the PennEast and Trenton Water Works meetings; the enforcement of the settlement agreements with Trenton Water Works; date of the next public meeting by Trenton Water Works; attendance at the Historic Preservation Commission, their interest in preserving the Harts Corner School House and their request for grant money.

Mayor Kuchinski reported on the meeting regarding Trenton Water Works and the Committee's intentions to address issues with Trenton Water Works; PennEast Pipeline and the permits that are still lacking in order to build it; and easement offers and how to respond to those offers. Mayor Kuchinski suggested impacted homeowners seek out groups that are opposing the pipeline. He noted the Committee will not be taking formal action on Diverty Road at this meeting and advised of the public information session Mr. Kataryniak will be holding; and also advised about the Planning Board meeting which will be addressing Diverty Road.

Mayor Kuchinski announced that the Executive Session will be postponed until after the first section of Public Comment.

PUBLIC SECTION

The following members of the public spoke during public comment:

Harvey Lester, a resident of Continental Drive, made certain allegations regarding the introduction of the Diverty Road Right-of-Way Ordinance; urged those present to attend the Planning Board meeting regarding the Right-of-Way; suggested a traffic study; suggested an economic impact study; and asked Committee Members if they would vote to have a traffic study and an economic impact study.

Jon Edwards, a resident of Pennington Harbourton Road, made certain allegations regarding the affordable housing decisions; stated a traffic study is essential for the area; thanked Committee Member Hart for his work in delaying the Ordinance; and urged the public to stay informed and involved.

Jeff Tistan, a resident of Washington Crossing Pennington Road, read a statement in support of the Ordinance waiving lot size revisions. Robert English, Hopewell Township Health Officer, explained the Ordinance which will be coming before the Committee for introduction.

Melanie Philips, a resident of Washington Crossing-Pennington Road, asked if a water study has been done on the proposed affordable housing sites since the one done in 2001; stated she

believes that the Committee cannot responsibly make any decisions regarding development until the study is redone; and stated her opposition to the development.

James Burd, a resident of Nursery Road, asked the Committee not to sign the contract for affordable housing which was up for adoption at the meeting.

Mr. Goodell explained the Township's mandate to provide affordable housing and the repercussions of non-compliance.

Michael Kiernan, a resident of Pennington-Hopewell Road, itemized traffic problems on the corner where he lives; proposed changes to the guard rail to protect the Marshall House; asked the Committee to come up with better options to prevent the accidents which have been occurring; asked Mr. Kataryniak to explain his definition of a working waste water system in Hopewell Township; and asked if the Township had any contracts with Natural Systems Utilities or Applied Water Management in 2018.

Ms. Borges replied that, to her knowledge, the Township does not have contracts with either organization. Mr. Kataryniak supplied his definition of a working waste water system and added all systems must meet the requirements of the Department of Environmental Protection and/or the Health Department. Mayor Kuchinski stated that, with regard to the traffic issues, special duty police patrols have been deployed to that area due to the concerns Mr. Kiernan had raised previously and he will discuss what further measures can be taken with Mr. Kataryniak.

James Peyton, a resident of Diverty Road, asked for clarification regarding clauses in the agreement with regard to providing assistance to low income residents in the form of helping to pay association fees and other items to avoid foreclosure; and asked about drainage from the density which will occur from the proposed housing development.

Elton Clark, a resident of Diverty Road, stated he is looking forward to the meeting on February 15th and also looking to obtain data before that meeting regarding traffic, water, impact, etc. so he may come to the information session as informed as possible in order to have questions ready and requested that information be released prior to the meeting itself. Mr. Clark also remarked about the people who cannot attend the meeting due to other obligations and asked that the information be conveyed in ways other than through the meeting so that other Township residents have access to it. Mr. Clark asked if the plot plan from Lennar could be provided in a CAD format.

Sena Secilmis, a resident of Washington Crossing-Pennington Road, expressed her concerns regarding the values of existing homes being lowered when the affordable housing is built and asked how it will impact market rate values, quality of life, and how long will the construction last.

Erwin Harbat, a resident of Woosamonsa Road, advocated for the Township to match the \$15,000 for the rehabilitation of the old municipal building, Harts Corner Schoolhouse.

Michael Warren, a resident of Mine Road, asked the requirement for selling a \$9 million property for \$10,000 as it relates to the Zaitz and Hutchinson tracts. Mayor Kuchinski replied that the purchase covered both the Zaitz and the Hutchinson tracts; the Hutchinson tract has been permanently preserved as open space; 16% of the Zaitz tract is being retained by the Township and there are a number of improvements that will benefit the Township and residents. Mr. Kataryniak explained the improvements and requirements for the parcels and also explained the benefits of the developer making improvements in lieu of a cash transaction.

Tracy Zarodnansky, a resident of George Washington Drive, made a statement that new stores are not needed because stores across the country are closing and many will be left vacant; stated that it was her understanding that the affordable housing number is only 600 homes, not 3,000; asked how the Committee proposes to help the small business owners in the community; and stated millennials will not want to live in Hopewell Township for various reasons.

John Muscente, a resident of Crest Avenue, stated he spent approximately ten years working with former Administrator/Engineer, Paul Pogorzelski, attempting to improve traffic flow to improve safety between Interstate 95 and the Route 31 circle and suggested painting arrows in the roads that say “No Left Turn.” Mr. Muscente cited several issues with traffic on Route 31 and correlated the proposed development with more traffic problems on the road.

Elton Clark asked if there were any contingencies if a developer defaults on the process that the property could revert back to the Township.

Erwin Harbat stated that it was his opinion that many people move to Hopewell Valley for the superb schools offered and asked how many children each of the 400 units would produce. Mr. Harbat asked if new school facilities would need to be built after the affordable housing units were finished.

Joshua Clemente, a resident of Diverty Road, suggested that it would be a good idea to have the February 15th meeting at the High School; asked why the affordable housing was condensed in one area; and asked what the Committee is doing to protect the residents as far as taxes and businesses are concerned.

Caitlin Stratuik, a resident of Diverty Road and a school teacher, stated that it is not a matter of the schools being at capacity, if you max the schools out, the school’s rating will go down, test scores will go down, and that the ratio of students to teacher is what makes the schools great. Mrs. Stratuik explained that the reason she moved to Hopewell Township is because her children will attend the Hopewell Township school system.

John Muscente, questioned the capacity of water and sewer service in the affordable housing areas and asked to be offered water and sewer service if there is capacity in his own neighborhood.

James Taylor, a resident of Washington Crossing-Pennington Road, shared the sentiment that Hopewell Township should welcome people to the community who otherwise could not afford to live here, however, he alluded to studies over the past 20 years that showed fair share housing with large scale dense municipality developments increase taxes in a non-linear fashion, namely, the more a Township becomes dense, the more the taxes increase. Mr. Taylor explained that this means that the value of a house decreases as a result of the increased property taxes and suggested going to the New Jersey State Legislature to fix the broken system of Fair Share Housing.

he detailed public comment may be viewed at www.hopewelltp.org in the video library.

EXECUTIVE SESSION RESOLUTION. Read into the record.

Mayor Kuchinski stated that the regular meeting would reconvene following the Executive Session.

Motion by McLaughlin, seconded by Hart to go to Executive Session to discuss contract negotiations, real estate, legal and personnel matters.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #18-33

EXECUTIVE SESSION RESOLUTION

WHEREAS, it is necessary for the Township Committee to discuss contract negotiations, real estate, legal, and/or personnel matters; and

WHEREAS, N.J.S.A. 10:4-12 permits the Township Committee to conduct a meeting from which the public is excluded in order to discuss such matters; and

WHEREAS, the Township Committee wishes to discuss the following:

- Litigation – Affordable Housing
 - Deer Valley
 - Kooltronic

- Affordable Housing – Zaitz Tract
- Contract Negotiations
 - Professional Services Contracts
- Personnel
 - Retiree Payout
- Legal
 - Local Finance Notice

WHEREAS, the time when and circumstances under which discussion conducted in executive session may be disclosed to the public is when appropriate.

NOW, THEREFORE, BE IT RESOLVED, on this 29th day of January, 2018 by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that the Township Committee shall forthwith conduct an executive session to discuss the above.

At 9:28 p.m. a recess was held.
 At 9:45 p.m. the Executive Session was held.
 At 10:27 p.m. the Regular meeting reconvened.

PERSONNEL DISCUSSION

Ms. Borges explained that the employee, Nelson Hixon, was Rice Noticed regarding a personnel matter and chose for the matter to be discussed in public session. Ms. Borges read the specifications set forth against Mr. Hixon, an employee of the Department of Public Works, and recommended his immediate suspension without pay and to terminate Mr. Hixon’s employment immediately. Ms. Galella explained that Mr. Hixon would have a determined amount of time to request a disciplinary hearing which would be conducted by Ms. Borges. A majority of Committee Members authorized Ms. Borges to take all necessary steps in the disciplinary process up to and including immediate suspension and termination.

ORDINANCE – FINAL READING, PUBLIC HEARING AND ADOPTION

Mayor Kuchinski read by title the introduced ordinance:

ACCEPTING DEED FOR BLOCK 39, LOT 53.01 AND DEED OF DEDICATION FOR A PART OF BLOCK 39, LOT 53.02 FROM PINNACLE TOWERS, LLC

Mayor Kuchinski declared public hearing open. No comments from the public. Motion McLaughlin, seconded by Blake to close public hearing.

MOTION UNANIMOUSLY CARRIED

Motion by Hart, seconded by Blake to adopt the introduced ordinance.

ROLL CALL VOTE:

AYES: Blake, Hart, McLaughlin, Ruger, Mayor Kuchinski

NOES: None

ORDINANCE ADOPTED

Ordinance advertised January 12, 2018, Hopewell Valley News. Posted municipal bulletin board as required by law.

ORDINANCE NO. 18-1678

ACCEPTING DEED FOR BLOCK 39, LOT 53.01 AND DEED OF DEDICATION FOR A PART OF BLOCK 39, LOT 53.02 FROM PINNACLE TOWERS, LLC

WHEREAS, Pinnacle Towers, LLC is the owner of certain real property located at

Block 39, Lots 53.01 and 53.02; and

WHEREAS, On June 1, 2016, the Township of Hopewell Zoning Board of Adjustment approved a Minor Subdivision and created Block 39, Lots 53.01 and 53.02 from the former Block 39, Lot 53; and

WHEREAS, the Township desires to officially authorize accept the Deed between the Township and Pinnacle Towers, LLC, dated January__, 2018 for the property located at Block 39, Lot 53.02; and

WHEREAS, the Township also desires to accept a Deed of Dedication from Pinnacle Towers, LLC, dated January__, 2018, concerning a portion of Block 39, Lot 53.01 which will be a dedicated right of way; and

WHEREAS, it is necessary for the Township to accept the deeds for the purposes of promoting and protecting open space and for right of way purposes; and

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that:

Section One: The Township of Hopewell hereby accepts the Deed from the Pinnacle Towers, LLC for the property located at Block 39, Lot 53.02, and corresponding legal descriptions, incorporated by reference as if set forth fully herein. The Mayor and/or Township Administrator are hereby authorized to execute any documents necessary for the execution and filing of the Deed.

Section Two: The Township of Hopewell hereby accepts the Deed of Dedication from the Pinnacle Towers, LLC for a Right of Way on a portion of for the property located at Block 39, Lot 53.01, and corresponding legal descriptions, incorporated by reference as if set forth fully herein. The Mayor and/or Township Administrator are hereby authorized to execute any documents necessary for the execution and filing of the Deed of Dedication.

Section Three: All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Section Four: If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this ordinance shall be deemed valid and effective.

Section Four: This ordinance shall become effective upon final passage and publication according to law.

RESOLUTION #18-34. Read by title.

Motion by Blake, seconded by McLaughlin to adopt Resolution #18-34.

ROLL CALL VOTE:

AYES: Blake, McLaughlin, Ruger, Mayor Kuchinski

NOES: Hart

MOTION CARRIED

RESOLUTION #18-34

RESOLUTION RECOMMENDING ADOPTION OF A REDEVELOPMENT PLAN FOR THE CF HOPEWELL AREA IN NEED OF REDEVELOPMENT FOR BLOCK 91, LOTS 3.11, 3.14, 3.161, 3.181, 3.191, 3.22, 3.95, 3.961 AND BLOCK 93, LOT 3.01, 5.01, 5.02 AND 6.01 IN ACCORDANCE WITH N.J.S.A. 40A:12A-7 AND AMENDING CHAPTER XVII, "LAND USE AND DEVELOPMENT," ARTICLE VIII, "ZONING-GENERAL PROVISIONS," SECTION 17-138.b., "ZONING DISTRICTS" TO ADD SUB-PARAGRAPH 23 TO THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF HOPEWELL

WHEREAS, the Township Committee of the Township of Hopewell has prepared a "Redevelopment Plan for Block 91, Lots 3.11, 3.14, 3.161, 3.181, 3.191, 3.22, 3.95, 3.961 and Block 93, Lot 3.01, 5.01, 5.02 and 6.01 Hopewell Township, Mercer County that creates a mixed use inclusionary housing zone that provides affordable housing and the plan is dated January 2018 (hereinafter the "Plan" or "Redevelopment Plan");

WHEREAS, with the exception of Lot 5.02, all of the above Blocks and Lots had been determined an area in need of redevelopment per Resolution 17-297. With the exception of Lot 5.02, all of the above Blocks and Lots were the subject of a Redevelopment Plan adopted by Ordinance #17-1669 and by Resolution 17-376 on November 27, 2017. However, it was determined that a redevelopment determination for additional Lot 5.02 would be beneficial for the redevelopment area which surrounds it.

WHEREAS, on November 13, 2017 by Resolution # 17-367, the Township Committee of the Township of Hopewell, County of Mercer, also directed the Planning Board to undertake a preliminary investigation as to whether Block 93, lot 5.02 also met the statutory criteria for declaring the land an area in need of redevelopment; and

WHEREAS, the Planning Board of the Township of Hopewell, County of Mercer conducted the preliminary investigation to determine if Block 93, Lots 5.02 met one or more of the criteria for such designation pursuant to N.J.S.A. 40A:12A-5; and

WHEREAS, the Planning Board, after the conclusion of a public hearing held on December 7, 2017, adopted Resolution No. 17-027 finding and concluding that Block 93, lot 5.02 also satisfies the criteria for redevelopment area designation set forth in N.J.S.A. 40A: 12A-5c, 5d, 5e and 5h and recommending to the Township Committee that the study area was an area in need of redevelopment; and

WHEREAS, On December 11, 2017, the Township Committee favorably received the recommendation of the Planning Board and accepted the recommendation of the Planning Board that Block 93, lot 5.02 be declared an area in need of redevelopment pursuant to the New Jersey Redevelopment Law; and

WHEREAS, a Redevelopment Plan was prepared by Banish Associates, Inc., this redevelopment plan included all previously reviewed Blocks and Lots as well as Lot 5.02 and

WHEREAS, at its meeting on January 8, 2018, the Township Committee referred the Plan and Ordinance to the Hopewell Township Planning Board for its review and recommendation; and

WHEREAS, under N.J.S.A. 40A:12A-7e, the Plan must be referred to the Planning Board for identification of any provisions in the proposed Redevelopment Plan which are inconsistent with the Master Plan and recommendation concerning these inconsistencies and any other matters as the Board deems appropriate; and

WHEREAS, at its January 11, 2018 special meeting, the Hopewell Township Planning Board reviewed the Plan, the Memorandum dated January 9, 2018 prepared by Banish Associates, Inc and heard the testimony of Frances Banisch of Banisch Associates, Inc.; and

WHEREAS, the Planning Board compared the proposed ordinance to the Land Use Plan Element of the 2002 Master Plan and the 2011 Housing Plan Element and found that the intent of the proposed ordinance advances the goal for a balanced land use plan that can meet the constitutional mandate to provide for the Township's fair share of the regional need for affordable housing. Nonetheless, the Planning Board found that the specific proposal to construct a neighborhood of multi-family apartments within the OP zone is inconsistent with the nonresidential land uses programmed for this site in the Land Use Plan.

WHEREAS, Notwithstanding this inconsistency, in Planning Board Resolution No. 18-6, the Planning Board recommended that the Township Committee adopt the proposed ordinance and Redevelopment Plan.

WHEREAS, on January 29, 2018, the Hopewell Township Committee held a public hearing on the CF Hopewell Redevelopment Plan and Ordinance.

WHEREAS, the Hopewell Township Committee reviewed the Hopewell Township Planning Board Resolution No. 18-6 and all public comments;

WHEREAS, the Hopewell Township Committee found that the CF Hopewell Redevelopment Plan and Ordinance advances the following objectives:

- To provide for a reasonable balance among various land uses that respects and reflects the interaction and synergy of community life.
- To provide for a variety of housing types which respond to the needs of households of varying size, age, and income, persons with disabilities and emerging demographic characteristics.
- To promote and support the development and redevelopment of affordable housing intended to address the Township's fair share of the region's lower income housing, particularly in areas served by public transportation which connect to areas of employment.
- To provide a range of housing opportunities within the Township with densities and lot sizes that respond to the capabilities and limitations of natural systems and available infrastructure.
- The proposed rezoning results in an appropriate use of land which contributes to the general welfare of the community and state, and is an appropriate response to the mandate to provide affordable housing through municipal zoning.
- The proposed rezoning does not conflict with the development or general welfare of any

neighboring municipality, the county or the state as a whole and it provides a reasonable development option to address local affordable housing goals.

- The proposed rezoning provides affordable housing through inclusionary development without the expenditure of public funds and results in the efficient use of the available public infrastructure while curtailing the extension of such infrastructure.
- The proposed rezoning provides zoning requirements and standards that produce the opportunity to utilize creative development techniques in order to produce good civic design and arrangements, which are subject to further Planning Board review during the development application process.
- The procedure followed in developing the proposed ordinance combines public and private procedures that result in an efficient use of land.
- The proposed ordinance improves the balance of land uses sought in the Master Plan.
- The proposed development contemplated by the proposed zoning standards should result in a compact building layout and design.
- The housing and mixed uses will diversify the employment node at Scotch Road and improve its long term viability.
- With the nonresidential zoning which the proposed ordinance amends is consistent with the Master Plan, the proposed rezoning will advance the goal of diversifying the housing stock and providing affordable housing to meet the constitutional obligation.

NOW, THEREFORE, BE IT RESOLVED, that on this 29th day of January, 2018, that the Hopewell Township Committee, County of Mercer, State of New Jersey- hereby adopts the Ordinance and Redevelopment Plan for Block 91, Lots 3.11, 3.14, 3.161, 3.181, 3.191, 3.22, 3.95, 3.961 and Block 93, Lot 3.01, 5.01, 5.02 and 6.01, dated January of 2018 and prepared by the Hopewell Township Committee with the assistance from Banish Associates, Inc. It is hereby adopted for all of the above reasons pursuant to N.J.S.A. 40:55D-62(a) and Willoughby v Planning Board of the Twp. Of Deptford, 326 N.J.Super.158, 165-66 (App. Div. 1999).

ORDINANCE – FINAL READING, PUBLIC HEARING AND ADOPTION

Mayor Kuchinski read by title the introduced ordinance:

AN ORDINANCE ADOPTING A REDEVELOPMENT PLAN FOR BLOCK 91, LOTS 3.11, 3.14, 3.161, 3.181, 3.191, 3.22, 3.95 AND 3.961 AND BLOCK 93, LOTS 3.01, 5.01, 5.02 AND 6.01 , KNOWN AS THE CF HOPEWELL AREA IN NEED OF REDEVELOPMENT, IN ACCORDANCE WITH N.J.S.A. 40A:12A-7 AND AMENDING CHAPTER XVII, “LAND USE AND DEVELOPMENT,” ARTICLE VIII, “ZONING-GENERAL PROVISIONS,” SECTION 17-138.b, “ZONING DISTRICTS” TO ADD SUB-PARAGRAPH 23 TO THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF HOPEWELL

Mayor Kuchinski declared public hearing open.

James Burd, a resident of Nursery Road, requested the Committee table the Ordinance and not adopt it.

Harvey Lester, a resident of Continental Drive, stated that in 2015 the west side of Scotch Road was “off the table” and suggested keeping the west side off the table by not voting in favor of the Ordinance.

Motion by Hart, seconded by Blake to close public hearing.

MOTION UNANIMOUSLY CARRIED

Motion by McLaughlin, seconded by Blake to adopt the introduced ordinance.

ROLL CALL VOTE:

AYES: Blake, McLaughlin, Ruger, Mayor Kuchinski

NOES: Hart

ORDINANCE ADOPTED

Ordinance advertised January 12, 2018, Hopewell Valley News. Posted municipal bulletin board as required by law.

ORDINANCE NO. 18-1679

AN ORDINANCE ADOPTING A REDEVELOPMENT PLAN FOR BLOCK 91, LOTS 3.11, 3.14, 3.161, 3.181, 3.191, 3.22, 3.95 AND 3.961 AND BLOCK 93, LOTS 3.01, 5.01, 5.02 AND 6.01 , KNOWN AS THE CF HOPEWELL AREA IN NEED OF REDEVELOPMENT, IN ACCORDANCE WITH N.J.S.A. 40A:12A-7 AND AMENDING CHAPTER XVII, "LAND USE AND DEVELOPMENT," ARTICLE VIII, "ZONING-GENERAL PROVISIONS," SECTION 17-138.b, "ZONING DISTRICTS" TO ADD SUB-PARAGRAPH 23 TO THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF HOPEWELL

WHEREAS, the Township Committee of the Township of Hopewell, County of Mercer, directed the Planning Board to undertake a preliminary investigation as to whether certain areas within the municipality met the statutory criteria for declaring the lands an area in need of redevelopment on May 8, 2017 as memorialized in Resolution No. 17-173; and

WHEREAS, the Planning Board of the Township of Hopewell, County of Mercer conducted the preliminary investigation to determine if Block 91, Lots 3.11, 3.14, 3.161, 3.181, 3.191, 3.22, 3.95 and 3.961 and Block 93, Lots 3.01, 5.01 and 6.01 the "CF Hopewell Area" met one or more of the criteria for such designation pursuant to N.J.S.A. 40A:12A-5; and

WHEREAS, the Planning Board, after the conclusion of a public hearing held on July 27, 2017, adopted Resolution No. 17-012 finding and concluding that the CF Hopewell Area satisfies the criteria for redevelopment area designation set forth in N.J.S.A. 40A: 12A-5c, 5d, 5e and 5h and recommending to the Township Committee that the study area was an area in need of redevelopment; and

WHEREAS, the Township Committee favorably received the recommendation of the Planning Board and accepted the recommendation of the Planning Board by Resolution No. 17-297; and

WHEREAS, Resolution No. 17-012 also authorized the preparation of a redevelopment plan for any portion or the entirety of the area in need of redevelopment; and

WHEREAS, on November 13, 2017 by Resolution # 17-367, the Township Committee of the Township of Hopewell, County of Mercer, also directed the Planning Board to undertake a preliminary investigation as to whether Block 93, lot 5.02 also met the statutory criteria for declaring the land an area in need of redevelopment; and

WHEREAS, the Planning Board of the Township of Hopewell, County of Mercer conducted the preliminary investigation to determine if Block 93, Lots 5.02 met one or more of the criteria for such designation pursuant to N.J.S.A. 40A:12A-5; and

WHEREAS, the Planning Board, after the conclusion of a public hearing held on December 7, 2017, adopted Resolution No. 17-027 finding and concluding that Block 93, lot 5.02 also satisfies the criteria for redevelopment area designation set forth in N.J.S.A. 40A: 12A-5c, 5d, 5e and 5h and recommending to the Township Committee that the study area was an area in need of redevelopment; and

WHEREAS, On December 11, 2017, the Township Committee favorably received the recommendation of the Planning Board and accepted the recommendation of the Planning Board that Block 93, lot 5.02 be declared an area in need of redevelopment pursuant to the New Jersey Redevelopment Law; and

WHEREAS, the Township Committee finds that the redevelopment plan adopted herein is designed to implement a comprehensive redevelopment strategy to overcome blighting conditions in the CF Hopewell Area and is intended to improve the quality of life of the residents, landowners, business owners and visitors thereto to the Township of Hopewell through new investment for business and job creation; and

WHEREAS, the Township Committee desires to adopt the Redevelopment Plan for Block 91, Lots 3.11, 3.14, 3.161, 3.181, 3.191, 3.22, 3.95 and 3.961 and Block 93, Lots 3.01, 5.01, 5.02 and 6.01 dated January of 2018, attached hereto and known as the CF Hopewell Redevelopment Plan which is designated as Block 91, Lots 3.11, 3.14, 3.161, 3.181, 3.191, 3.22, 3.95 and 3.961 and Block 93, Lots 3.01, 5.01, 5.02 and 6.01 on the tax assessment maps of the municipality.

NOW, THEREFORE BE IT ORDAINED, that the Township Committee of the

Township of Hopewell adopts the following provisions:

Section 1. Adoption of the CF Hopewell Redevelopment Plan. The Township Committee hereby adopts the CF Hopewell Redevelopment Plan, dated January 2018, prepared by Francis J. Banisch AICP/PP, and hereby adopted by reference and incorporated into this ordinance as if sent forth at length.

Section 2. Establishment of the Redevelopment Ordinance Title. This ordinance may be known and cited as, “The CF Hopewell Redevelopment Ordinance of the Township of Hopewell, Mercer County, New Jersey”.

Section 3. Purpose and Intent. The purpose and intent of this ordinance is to further the following goals and objectives.

- A. To return the property to productive use through the efforts of private capital and ownership.
- B. To provide appropriate development standards to guide and facilitate the redevelopment of the CF Hopewell Area in a manner consistent with the overall redevelopment goal;
- C. To encourage high quality architectural design and construction of new buildings within the redevelopment area;
- D. To utilize “green” building techniques and sustainable design features in both the site design and commercial building design consistent with the goals and objectives of the Hopewell Township Master Plan

Section 4. Redevelopment Authority. The Township Committee shall act as the “Redevelopment Authority” pursuant to N.J.S.A. 40A-12A-4.c for purposes of implementing the CF Hopewell Redevelopment Plan and carrying out redevelopment projects. In doing so, the Township Committee shall have all of the powers set forth in N.J.S.A. 40A:12A-8 to effectuate its duties and responsibilities in the execution and implementation of the redevelopment plan.

Section 5. Annual Reports. Pursuant to the requirements of N.J.S.A. 40A:12A-43, the municipality shall submit an annual report to the Commissioner of the Department of Community Affairs of the State of New Jersey indicating the name, location and size of all projects undertaken in the redevelopment area.

Section 6. Section 17-138.b of the Land Use and Development Ordinance of the Revised General Ordinances of the Township of Hopewell shall be amended to add paragraph 23, as follows:

23. The official zoning map of the Township of Hopewell was amended on January 29, 2018 [such date being the date of the final passage of this ordinance] to designate Block 91, Lots 3.11, 3.14, 3.161, 3.181, 3.191, 3.22, 3.95 and 3.961 and Block 93, Lots 3.01, 5.01 5.02 and 6.01 known as the CF Hopewell Redevelopment Area pursuant to N.J.S.A. 40A:12A-7.c.

Section 7. Continuation. In all other respects, the Code of the Township of Hopewell shall remain unchanged.

Section 8. Severability. If any portion of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole, or any other part thereof. Any invalidation shall be confined in its operation to the section, paragraph, sentence, clause, phrase, term, or provision or part there of directly involved in the controversy in which such judgment shall have been rendered.

Section 9. Interpretation. If the terms of this Ordinance shall be in conflict with those of another Ordinance of the Code of the Township of Hopewell, then the restriction which imposes the greater limitation shall be enforced.

Section 10. Repealer. All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency only.

Section 11. Enactment. This Ordinance shall take effect after final passage and publication in the manner prescribed by law.

ORDINANCE – FINAL READING, PUBLIC HEARING AND ADOPTION

Mayor Kuchinski read by title the introduced ordinance:

AN ORDINANCE OF THE TOWNSHIP OF HOPEWELL, COUNTY OF
MERCER AND STATE OF NEW JERSEY, AMENDING CHAPTER

XVII OF THE CODE ENTITLED “LAND USE AND DEVELOPMENT” TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE TOWNSHIP’S AFFORDABLE HOUSING OBLIGATIONS

Mayor Kuchinski declared public hearing open.

John Muscente, a resident of Crest Avenue, questioned how the Ordinance protects the Township if the developer files for bankruptcy.

Motion by Blake, seconded by McLaughlin to close public hearing.

MOTION UNANIMOUSLY CARRIED

Motion by McLaughlin, seconded by Blake to adopt the introduced ordinance.

ROLL CALL VOTE:

AYES: Blake, McLaughlin, Ruger, Mayor Kuchinski

NOES: Hart

ORDINANCE ADOPTED

Ordinance advertised January 12, 2018, Hopewell Valley News. Posted municipal bulletin board as required by law.

ORDINANCE NO. 18-1680

AN ORDINANCE OF THE TOWNSHIP OF HOPEWELL, COUNTY OF MERCER AND STATE OF NEW JERSEY, AMENDING CHAPTER XVII OF THE CODE ENTITLED “LAND USE AND DEVELOPMENT” TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE TOWNSHIP’S AFFORDABLE HOUSING OBLIGATIONS

BE IT ORDAINED by the Township Committee of the Township of Hopewell, Mercer County, New Jersey, that the Code of the Township of Hopewell is hereby amended to include provisions addressing Hopewell’s constitutional obligation to provide for its fair share of low- and moderate-income housing, as directed by the Superior Court and consistent with N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985.

The Hopewell Township Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. This Ordinance implements and incorporates the adopted and endorsed Housing Element and Fair Share Plan and addresses the requirements of N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C.5:80-26.1, et seq. as amended and supplemented, and the New Jersey Fair Housing Act of 1985.

Section 1. Monitoring and Reporting Requirements

The Township of Hopewell shall comply with the following monitoring and reporting requirements regarding the status of the implementation of its Court-approved Housing Element and Fair Share Plan:

1. Beginning on February 1, 2018, and on every anniversary of that date through February 1, 2025, the Township agrees to provide annual reporting of its Affordable Housing Trust Fund activity to the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center (FSHC) and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs (NJDCA), Council on Affordable Housing (COAH), or Local Government Services (NJLGS). The reporting shall include an accounting of all Affordable Housing Trust Fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.

2. Beginning on February 1, 2018, and on every anniversary of that date through February 1, 2025, the Township agrees to provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to Fair Share Housing Center, using forms previously developed for this purpose by COAH or any other forms endorsed by the Special Master and FSHC.
3. By July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Township will post on its municipal website, with a copy provided to FSHC, a status report as to its implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether any mechanisms to meet unmet need should be revised or supplemented. Such posting shall invite any interested party to submit comments to the municipality, with a copy to FSHC, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether any mechanisms to meet unmet need should be revised or supplemented. Any interested party may by motion request a hearing before the Court regarding these issues.
4. By March 1, 2020, and every third year thereafter, as required by N.J.S.A. 52:27D-329.1, the Township will post on its municipal website, with a copy provided to FSHC, a status report as to its satisfaction of its very low income requirements, including its family very low income requirements. Such posting shall invite any interested party to submit comments to the municipality and FSHC on the issue of whether the municipality has complied with its very low income and family very low income housing obligations.

Section 2. Definitions

The following terms when used in this Ordinance shall have the meanings given in this Section:

“Act” means the Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.)

“Adaptable” means constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

“Administrative agent” means the entity designated by the Township to administer affordable units in accordance with this Ordinance, N.J.A.C. 5:93, and UHAC (N.J.A.C. 5:80-26).

“Affirmative marketing” means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

“Affordability average” means the average percentage of median income at which new restricted units in an affordable housing development are affordable to low- and moderate-income households.

“Affordable” means, a sales price or rent level that is within the means of a low- or moderate-income household as defined within N.J.A.C. 5:93-7.4, and, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

“Affordable housing development” means a development included in or approved pursuant to the Housing Element and Fair Share Plan or otherwise intended to address the Township's fair share obligation, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable housing development.

“Affordable housing program(s)” means any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality's fair share obligation.

“Affordable unit” means a housing unit proposed or created pursuant to the Act and approved for crediting by the Court and/or funded through an affordable housing trust fund.

“Agency” means the New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1, et seq.).

“Age-restricted unit” means a housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development wherein the unit is situated are 62 years of age or older; or 2) at least 80 percent of the units are occupied by one person who is 55 years of age or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as “housing for older persons” as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

"Alternative living arrangement" means a structure in which households live in distinct bedrooms, yet share kitchen and plumbing facilities, central heat and common areas. Alternative living arrangements include, but are not limited to: transitional facilities for the homeless; Class A, B, C, D and E boarding homes as regulated by the State of New Jersey Department of

Community Affairs; residential health care facilities as regulated by the New Jersey Department of Health; group homes for the developmentally disabled and mentally ill as licensed and/or regulated by the New Jersey Department of Human Services; and congregate living arrangements.

“Assisted living residence” means a facility that is licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

“Certified household” means a household that has been certified by an Administrative Agent as a low-income household or moderate-income household.

“COAH” means the Council on Affordable Housing, as established by the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, *et seq.*).

“DCA” means the State of New Jersey Department of Community Affairs.

“Deficient housing unit” means a housing unit with health and safety code violations that requires the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

“Developer” means any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land included in a proposed development including the holder of an option to contract to purchase, or other person having an enforceable proprietary interest in such land.

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to N.J.S.A. 40:55D-1, *et seq.*

“Inclusionary development” means a development containing both affordable units and market rate units. This term includes, but is not limited to: new construction, the conversion of a non-residential structure to residential use and the creation of new affordable units through the gut rehabilitation or reconstruction of a vacant residential structure.

“Low-income household” means a household with a total gross annual household income equal to 50 percent or less of the regional median household income by household size.

“Low-income unit” means a restricted unit that is affordable to a low-income household.

“Major system” means the primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and load bearing structural systems.

“Market-rate units” means housing not restricted to low- and moderate-income households that may sell or rent at any price.

“Median income” means the median income by household size for the applicable housing region, as adopted annually by COAH or a successor entity approved by the Court.

“Moderate-income household” means a household with a total gross annual household income in excess of 50 percent but less than 80 percent of the regional median household income by household size.

“Moderate-income unit” means a restricted unit that is affordable to a moderate-income household.

“Non-exempt sale” means any sale or transfer of ownership other than the transfer of ownership between spouses; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor’s deed to a class A beneficiary and the transfer of ownership by court order.

“Random selection process” means a process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

“Regional asset limit” means the maximum housing value in each housing region affordable to a four-person household with an income at 80 percent of the regional median as defined by duly adopted Regional Income Limits published annually by COAH or a successor entity.

“Rehabilitation” means the repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

“Rent” means the gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

“Restricted unit” means a dwelling unit, whether a rental unit or an ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as amended and supplemented, but does not include a market-rate unit financed under UHORP or MONI.

“UHAC” means the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26, et seq.

“Very low-income household” means a household with a total gross annual household income equal to 30 percent or less of the regional median household income by household size.

“Very low-income unit” means a restricted unit that is affordable to a very low-income household.

“Weatherization” means building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for purposes of a rehabilitation program.

Section 3. Applicability

1. The provisions of this Ordinance shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created within the Township of Hopewell pursuant to the Township's most recently adopted Housing Element and Fair Share Plan.

2. Moreover, this Ordinance shall apply to all developments that contain low-and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

Section 4. Alternative Living Arrangements

1. The administration of an alternative living arrangement shall be in compliance with N.J.A.C. 5:93-5.8 and UHAC, with the following exceptions:

a. Affirmative marketing (N.J.A.C. 5:80-26.15), provided, however, that the units or bedrooms may be affirmatively marketed by the provider in accordance with an alternative plan approved by the Court;

b. Affordability average and bedroom distribution (N.J.A.C. 5:80-26.3).

2. With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, alternative living arrangements shall have at least 30 year controls on affordability in accordance with UHAC, unless an alternative commitment is approved by the Court.

3. The service provider for the alternative living arrangement shall act as the Administrative Agent for the purposes of administering the affirmative marketing and affordability requirements for the alternative living arrangement.

Section 5. Phasing Schedule for Inclusionary Zoning

In inclusionary developments the following schedule shall be followed:

Maximum Percentage of Market-Rate Units Completed	Minimum Percentage of Low- and Moderate-Income Units Completed
25	0
25+1	10
50	50
75	75
90	100

Section 6. New Construction

1. Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:

a. The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low income unit. At least 13 percent of all restricted rental units shall be very low income units (affordable to a household earning 30 percent or less of regional median income by household size). The very low income units shall be counted as part of the required number of low income units within the development.

b. In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be very low or low-income units.

c. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:

1) The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total low- and moderate-income units;

2) At least 30 percent of all low- and moderate-income units shall be two bedroom units;

3) At least 20 percent of all low- and moderate-income units shall be three bedroom units; and

4) The remaining units may be allocated among two and three bedroom units at the discretion of the developer.

d. Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. This standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

2. Accessibility Requirements:

a. The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free SubCode, N.J.A.C. 5:23-7 and the following:

b. All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:

1) An adaptable toilet and bathing facility on the first floor; and

2) An adaptable kitchen on the first floor; and

3) An interior accessible route of travel on the first floor; and

4) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and

5) If not all of the foregoing requirements in b.1) through b.4) can be satisfied, then an interior accessible route of travel must be provided between stories within an individual unit, but if all of the terms of paragraphs b.1) through b.4) above have been satisfied, then an interior accessible route of travel shall not be required between stories within an individual unit; and

6) An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a, et seq.) and the Barrier Free SubCode, N.J.A.C. 5:23-7, or evidence that Hopewell has collected funds from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:

a) Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.

b) To this end, the builder of restricted units shall deposit funds within the Township of Hopewell's Affordable Housing Trust Fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.

c) The funds deposited under paragraph 6)b) above shall be used by the Township of Hopewell for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.

d) The developer of the restricted units shall submit a design plan and cost estimate to the Construction Official of the Township of Hopewell for the conversion of adaptable to accessible entrances.

e) Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier

Free SubCode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Township's Affordable Housing Trust Fund in care of the Township Treasurer who shall ensure that the funds are deposited into the Affordable Housing Trust Fund and appropriately earmarked.

6) Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is "site impracticable" to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free SubCode, N.J.A.C. 5:23-7.

3. Design:

a. In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.

b. In inclusionary developments, low- and moderate-income units shall have access to all of the same common elements and facilities as the market units.

4. Maximum Rents and Sales Prices:

a. In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC, utilizing the most recently published regional weighted average of the uncapped Section 8 income limits published by HUD and the calculation procedures set forth in the Consent Order entered on December 16, 2016, by the Honorable Douglas K. Wolfson, JSC, in In the Matter of the Township of East Brunswick for a Judgment of Compliance of its Third Round Housing Element and Fair Share Plan, Docket No.: MID-L-004013-15.

b. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of median income, and the average rent for restricted rental units shall be affordable to households earning no more than 52 percent of median income.

c. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 13 percent of all low- and moderate-income rental units shall be affordable to very low-income households, which very low-income units shall be part of the low-income requirement.

d. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income, and each affordable development must achieve an affordability average of 55 percent for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different sales prices for each bedroom type, and low-income ownership units must be available for at least two different sales prices for each bedroom type.

e. In determining the initial sales prices and rent levels for compliance with the affordability average requirements for restricted units other than assisted living facilities and age-restricted developments, the following standards shall be used:

- 1) A studio shall be affordable to a one-person household;
- 2) A one-bedroom unit shall be affordable to a one and one-half person household;
- 3) A two-bedroom unit shall be affordable to a three-person household;
- 4) A three-bedroom unit shall be affordable to a four and one-half person household; and
- 5) A four-bedroom unit shall be affordable to a six-person household.

f. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted developments, the following standards shall be used:

- 1) A studio shall be affordable to a one-person household;
- 2) A one-bedroom unit shall be affordable to a one and one-half person household; and
- 3) A two-bedroom unit shall be affordable to a two-person household or to two one-person households.

g. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided,

however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.

h. The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate size household, including an allowance for tenant paid utilities, as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.

i. The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the Administrative Agent be lower than the last recorded purchase price.

j. The rents of very low-, low- and moderate-income units may be increased annually based on the permitted percentage increase in the Housing Consumer Price Index for the Northeast Urban Area. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low- income housing tax credit regulations shall be indexed pursuant to the regulations governing low- income housing tax credits.

Section 7. Utilities

1. Affordable units shall utilize the same type of heating source as market units within an inclusionary development.

2. Tenant-paid utilities included in the utility allowance shall be set forth in the lease and shall be consistent with the utility allowance approved by the NJDCA for its Section 8 program.

Section 8. Occupancy Standards

In referring certified households to specific restricted units, the Administrative Agent shall, to the extent feasible and without causing an undue delay in the occupancy of a unit, strive to:

1. Provide an occupant for each bedroom;
2. Provide children of different sexes with separate bedrooms;
3. Provide separate bedrooms for parents and children; and
4. Prevent more than two persons from occupying a single bedroom.

Section 9. Control Periods for Restricted Ownership Units and Enforcement Mechanisms

1. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Ordinance for a period of at least thirty (30) years, until Hopewell takes action to release the unit from such requirements; prior to such action, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented.

2. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.

3. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Administrative Agent shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.

4. At the time of the initial sale of the unit, the initial purchaser shall execute and deliver to the Administrative Agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.

5. The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.

6. A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all Code standards upon the first transfer of title following the removal of the restrictions provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

Section 10. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices

Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:

1. The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.

2. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.

3. The master deeds of inclusionary developments shall provide no distinction between the condominium or homeowner association fees and special assessments paid by low- and moderate-income purchasers and those paid by market purchasers.

4. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom. See Section 13.

Section 11. Buyer Income Eligibility

1. Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50 percent of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80 percent of median income.

2. Notwithstanding the foregoing, the Administrative Agent may, upon approval by the Township Committee, and subject to the Court's approval, permit a moderate-income purchaser to buy a low-income unit if and only if the Administrative Agent can demonstrate that there is an insufficient number of eligible low-income purchasers in the housing region to permit prompt occupancy of the unit and all other reasonable efforts to attract a low income purchaser, including pricing and financing incentives, have failed. Any such low-income unit that is sold to a moderate-income household shall retain the required pricing and pricing restrictions for a low-income unit.

3. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year.

4. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33 percent of the household's eligible monthly income.

Section 12. Limitations on Indebtedness Secured by Ownership Unit; Subordination

1. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Administrative Agent for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the Administrative Agent shall issue such determination prior to the owner incurring such indebtedness.

2. With the exception of First Purchase Money Mortgages, neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95 percent of the maximum allowable resale price of the unit, as such price is determined by the Administrative Agent in accordance with N.J.A.C.5:80-26.6(b).

Section 13. Capital Improvements To Ownership Units

1. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements made since the purchase of the unit. Eligible capital improvements shall be those that render the unit suitable for a larger household or that add an additional bathroom. In no event shall the maximum sales price of an improved housing unit exceed the limits of affordability for the larger household.

2. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrative Agent at the time of the signing of the agreement to purchase. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price, which shall be subject to 10-year, straight-line depreciation, has been approved by the Administrative Agent. Unless otherwise approved by the Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The owner and the purchaser must personally certify at the time of closing that no unapproved

transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

Section 14. Control Periods for Restricted Rental Units

1. Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance for a period of at least 30 years, until Hopewell takes action to release the unit from such requirements. Prior to such action, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented.

2. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Mercer. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.

3. A restricted rental unit shall remain subject to the affordability controls of this Ordinance despite the occurrence of any of the following events:

a. Sublease or assignment of the lease of the unit;

b. Sale or other voluntary transfer of the ownership of the unit; or

3. The entry and enforcement of any judgment of foreclosure on the property containing the unit.

Section 15. Rent Restrictions for Rental Units; Leases

1. A written lease shall be required for all restricted rental units and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.

2. No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.

3. Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.

4. No rent control ordinance or other pricing restriction shall be applicable to either the market units or the affordable units in any development in which at least 15% of the total number of dwelling units are restricted rental units in compliance with this Ordinance.

Section 16. Tenant Income Eligibility

1. Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:

a. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of the regional median household income by household size.

b. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of the regional median household income by household size.

c. Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of the regional median household income by household size.

2. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income household, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:

a. The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;

b. The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;

c. The household is currently in substandard or overcrowded living conditions;

- d. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
 - e. The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.
3. The applicant shall file documentation sufficient to establish the existence of the circumstances in 1.a. through 2.e. above with the Administrative Agent, who shall counsel the household on budgeting.

Section 17. Municipal Housing Liaison

1. The Township of Hopewell shall appoint a specific municipal employee to serve as a Municipal Housing Liaison responsible for overseeing the Township's affordable housing program, including overseeing the administration of affordability controls on the affordable units and the affirmative marketing of available affordable units in accordance with the Township's Affirmative Marketing Plan; fulfilling monitoring and reporting requirements; and supervising Administrative Agent(s). Hopewell shall adopt an Ordinance creating the position of Municipal Housing Liaison and a Resolution appointing the person to fulfill the position of Municipal Housing Liaison. The Municipal Housing Liaison shall be appointed by the governing body and may be a full or part time municipal employee. The Municipal Housing Liaison shall be approved by the Court and shall be duly qualified through a training program sponsored by Affordable Housing Professionals of New Jersey before assuming the duties of Municipal Housing Liaison.
2. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for Hopewell, including the following responsibilities which may not be contracted out to the Administrative Agent:
 - a. Serving as Hopewell's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
 - b. Monitoring the status of all restricted units in Hopewell's Fair Share Plan;
 - c. Compiling, verifying, submitting and posting all monitoring reports as required by the Court and by this Ordinance;
 - d. Coordinating meetings with affordable housing providers and Administrative Agents, as needed; and
 - e. Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing at least annually and more often as needed.
3. Subject to the approval of the Court, the Township of Hopewell shall designate one or more Administrative Agent(s) to administer and to affirmatively market the affordable units constructed in the Township in accordance with UHAC and this Ordinance. An Operating Manual for each affordable housing program shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body and subject to approval of the Court. The Operating Manual(s) shall be available for public inspection in the office of the Township Clerk, in the office of the Municipal Housing Liaison, and in the office(s) of the Administrative Agent(s). The Municipal Housing Liaison shall supervise the work of the Administrative Agent(s).

Section 18. Administrative Agent

An Administrative Agent shall be an independent entity serving under contract to and reporting to the municipality. *The fees of the Administrative Agent shall be paid by the owners of the affordable units for which the services of the Administrative Agent are required.* The Administrative Agent shall perform the duties and responsibilities of an Administrative Agent as set forth in UHAC, including those set forth in Sections 5:80-26.14, 16 and 18 thereof, which includes:

1. Affirmative Marketing:
 - a. Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the Township of Hopewell and the provisions of N.J.A.C. 5:80-26.15; and
 - b. Providing counseling or contracting to provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
2. Household Certification:
 - a. Soliciting, scheduling, conducting and following up on interviews with interested households;
 - b. Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;

- c. Providing written notification to each applicant as to the determination of eligibility or non-eligibility;
 - d. Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et seq.;
 - e. Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located;
 - f. Employing a random selection process as provided in the Affirmative Marketing Plan of the Township of Hopewell when referring households for certification to affordable units; and
 - g. Notifying the following entities of the availability of affordable housing units in the Township of Hopewell: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, NORWESCAP, the Supportive Housing Association, and the Central Jersey Housing Resource Center.
3. Affordability Controls:
- a. Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
 - b. Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
 - c. Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the Mercer County Register of Deeds or Mercer County Clerk's office after the termination of the affordability controls for each restricted unit;
 - d. Communicating with lenders regarding foreclosures; and
 - e. Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.
4. Resales and Rerentals:
- a. Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or rental; and
 - b. Instituting and maintaining an effective means of communicating information to low- (or very low-) and moderate-income households regarding the availability of restricted units for resale or re-rental.
5. Processing Requests from Unit Owners:
- a. Reviewing and approving requests for determination from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership that the amount of indebtedness to be incurred will not violate the terms of this Ordinance;
 - b. Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems;
 - c. Notifying the municipality of an owner's intent to sell a restricted unit; and
 - d. Making determinations on requests by owners of restricted units for hardship waivers.
6. Enforcement:
- a. Securing annually from the municipality a list of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
 - b. Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
 - c. Posting annually, in all rental properties (including two-family homes), a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent or other charges can be made;
 - d. Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;
 - e. Establishing a program for diverting unlawful rent payments to the municipality's Affordable Housing Trust Fund; and

f. Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent, to be approved by the Township Committee and the Court, setting forth procedures for administering the affordability controls.

7. Additional Responsibilities:

a. The Administrative Agent shall have the authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.

b. The Administrative Agent shall prepare monitoring reports for submission to the Municipal Housing Liaison in time to meet the Court-approved monitoring and reporting requirements in accordance with the deadlines set forth in this Ordinance.

c. The Administrative Agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

Section 19. Affirmative Marketing Requirements

1. The Township of Hopewell shall adopt by resolution an Affirmative Marketing Plan, subject to approval of the Court, that is compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.

2. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs marketing activities toward Housing Region 4 and is required to be followed throughout the period of restriction.

3. The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in Housing Region 4, comprised of Mercer, Monmouth and Ocean Counties.

4. The municipality has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Program, including initial sales and rentals and resales and rerentals. The Administrative Agent designated by the Township of Hopewell shall implement the Affirmative Marketing Plan to assure the affirmative marketing of all affordable units.

5. In implementing the Affirmative Marketing Plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

6. The Affirmative Marketing Plan shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Plan, the Administrative Agent shall consider the use of language translations where appropriate.

7. The affirmative marketing process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.

8. Applications for affordable housing shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the municipal administration building and the municipal library in the municipality in which the units are located; and the developer's rental office. Applications shall be mailed to prospective applicants upon request.

9. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner.

Section 20. Enforcement of Affordable Housing Regulations

1. Upon the occurrence of a breach of any of the regulations governing an affordable unit by an Owner, Developer or Tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, a requirement for household recertification, acceleration of all sums due under a mortgage, recuperation of any funds from a sale in violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.

2. After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the municipality may take the following action(s) against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:

a. The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation or violations of the regulations governing the affordable housing unit. If the Owner,

Developer or Tenant is adjudged by the Court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the Court:

1) A fine of not more than \$500.00 per day or imprisonment for a period not to exceed 90 days, or both, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;

2) In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Township of Hopewell Affordable Housing Trust Fund of the gross amount of rent illegally collected;

3) In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.

b. The municipality may file a court action in the Superior Court seeking a judgment that would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any such judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- or moderate-income unit.

1) The judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating Owner shall have his right to possession terminated as well as his title conveyed pursuant to the Sheriff's sale.

2) The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating Owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the Owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the Owner shall make a claim with the municipality for such. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the Owner or forfeited to the municipality.

3) Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.

4) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the First Purchase Money Mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.

5) Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the municipality,

with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.

6) The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.

Section 21. Appeals

Appeals from all decisions of an Administrative Agent appointed pursuant to this Ordinance shall be filed in writing with the Court.

REPEALER

All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

EFFECTIVE DATE

This Ordinance shall take effect upon passage and publication as provided by law.

ORDINANCE – FINAL READING, PUBLIC HEARING AND ADOPTION

Mayor Kuchinski read by title the introduced ordinance:

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER XVI,
“HEALTH” SECTION 16-4 ENVIRONMENTAL HEALTH PROGRAMS
OF THE REVISED GENERAL ORDINANCE OF THE TOWNSHIP OF
HOPEWELL (1978)

Mayor Kuchinski declared public hearing open. No comments from the public.
Motion by McLaughlin, seconded by Ruger to close public hearing.

MOTION UNANIMOUSLY CARRIED

Motion by Blake, seconded by McLaughlin to adopt the introduced ordinance.

ROLL CALL VOTE:

AYES: Blake, McLaughlin, Ruger, Mayor Kuchinski

NOES: Hart

ORDINANCE ADOPTED

Ordinance advertised January 12, 2018, Hopewell Valley News. Posted municipal bulletin board as required by law.

ORDINANCE NO. 18-1681

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER XVI, “HEALTH”
SECTION 16-4 ENVIRONMENTAL HEALTH PROGRAMS OF THE REVISED
GENERAL ORDINANCE OF THE TOWNSHIP OF HOPEWELL (1978)**

**EXPLANATION: Words in brackets [...] to be deleted
Words underlined _____ to be added**

BE IT ORDAINED, by the Township Committee of the Township of Hopewell as follows:

Section 1. Chapter XVI, "Health," Section 16-14 "Environmental Health Programs" shall be amended as follows:

16-4 ENVIRONMENTAL HEALTH PROGRAMS.

16-4.1 Retail Food Establishments.*

a. *License Required.* It shall be unlawful for any person to conduct a retail food establishment, as defined in and governed by Chapter XII, N.J.A.C. 8:24-1 "Sanitation in

- Retail Food Establishment and Food and Beverage Vending Machines", provisions of this section, all other State and Federal regulations, and all revisions thereto, without first having procured a license from the local Board of Health or without complying with any or all of the provisions concerning operation and maintenance of the same as contained in the aforementioned Administrative Code.
1. Changes in owner or operator shall require a new license.
 2. Licenses shall be issued annually and expire June 30.
 3. Fees shall be determined by size of facility and/or extent of food service provided.
 4. Fees shall be collected according to the schedule established in Chapter X of the Revised General Ordinance of the Township of Hopewell 1978.
- b. Retail food establishment owners and/or managers shall attend annually a food-handling program offered by the township health department, another health department, Mercer County Health Officers Association and/or any other program approved by the State Department of Health and Senior Services. Proof of attendance must be provided at time of license renewal.
- c. Owner or manager shall offer and/or conduct for all employees an annual program on the basic principles of proper food handling, storage, preparation and sanitation methods as defined by State regulations and/or the FDA Food Code. Training documentation must be provided at time of license renewal.
- d. Menus and floor and equipment plans shall be submitted and reviewed by the health department in conjunction with any new facilities, renovations, repair or alteration of all existing facilities and the issuance of any permits by the municipal construction office for said construction, renovation, repair or alteration.
1. Changes in owner or operator shall be considered a new facility and must comply with this provision. Renovations or alterations may be required.
- e. All facilities shall have at a minimum the following sinks: one 3-compartment sink with dual drain boards, a separate pre-scrub/soak sink, at least one food preparation sink per food preparation area to prevent cross contamination of raw and cooked foods, one maintenance/utility sink, hand sink with paddle or foot operation and soap and towel dispenser located within each food preparation area, food service line, customer self-service areas/counters and in dishwasher/manual cleaning areas, and no greater than 15 feet from any person positioned within the station. The specific number and location will be determined by the magnitude of the food services being provided. Dishwashers when included do not replace the required sinks necessary for manual wash, rinse and sanitize operations. Chemical sanitizers or gloves may not be substituted.
- f. Potable water reports must be provided to the Hopewell Township Health Department by the facility operator and/or laboratory on a quarterly basis or at a frequency determined by the health department or by the safe drinking water regulations based on population served or quality issues.
- [g. Septic tank and grease tank pump out and maintenance reports must be submitted annually with the license renewal.]
- [h.] g. All retail establishments shall post hand-washing signs in all toilet facilities and in areas of food preparation. Signs must provide information on acceptable hand-washing procedures. Unless provided by the health department, the department must approve all other signs.
- [i.] h. Display of Fetal Alcohol Syndrome (FAS) Warning Signs. All licensees under this section who sell alcoholic beverages shall prominently post on their premises a warning of the dangers to the unborn children of women who consume alcoholic beverages while pregnant. The nature and type of warning signs shall be those prepared and distributed by the Mercer Council on the Alcoholism and Drug Addiction.
- i. Management of Fats, Oils, and Grease (FOG). Retail food establishments involved in food preparation activities that generate FOG, including but not limited to frying, grilling, charbroiling, rotisserie cooking, or utilization of griddles or woks; shall meet the following requirements:
1. Facilities Served by Public Sewers
 - i. Internal grease traps shall be completely emptied a minimum of every ninety (90) days.
 - ii. Reports shall be furnished to the local health department detailing the dates of grease trap cleaning, provide the name of the person who cleaned trap, and how many inches of grease were removed.

- iii. Reports shall be provided annually with license renewal application.
- iv. Reports shall be maintained on premise and shall be made available for inspection upon request.
- 2. Facilities Served by Individual Onsite Sewage Disposal System
 - i. External grease traps shall be completely emptied a minimum of every 180 days by a New Jersey Department of Environmental Protection licensed waste hauler.
 - ii. At time of pumping, tank shall be visually assessed for amount of FOG in tank, tank water tightness, and baffle integrity. Volumes of FOG and tank deficiencies shall be noted on receipt.
 - iii. Reports shall be provided annually with license renewal application.
 - iv. Reports shall be maintained on premise and shall be made available for inspection upon request.
- 3. The Health Officer shall have the authority to modify maintenance requirements of grease traps. The Health Officer shall report retail food establishments grease maintenance requirements to the Hopewell Township Engineer annually.

16-4.2 through 16-4.7 Remain Unchanged

[16-4.8 Reserved]

16-4.8 Massage and Bodywork Establishments

- a. License Required. It shall be unlawful for any person to conduct a Massage and Body Work Therapy Establishment, as defined in and governed by N.J.S.A. 45:11, provisions of this section, all other State and Federal regulations, and all revisions thereto, without first having procured a license from the local Board of Health or without complying with any or all of the provisions concerning operation and maintenance of the same as contained in the aforementioned regulations.
 - 1. Changes in owner or operator shall require a new license.
 - 2. Licenses shall be issued annually and expire June 30.
 - 3. Fees shall be collected according to the schedule established in Chapter X of the Revised General Ordinance of the Township of Hopewell 1978.
- b. Plan Review. The following documentation shall be submitted for review by the health department in conjunction with any new Massage and Body Work facilities:
 - 1. A detailed floor plan showing all floors of the facility locating the following:
 - i. Waiting Areas
 - ii. Restrooms
 - iii. Changing Rooms
 - iv. Massage Rooms / Treatment Areas
 - v. Entrances & Exits
 - vi. Storage Areas
 - vii. Plumbing Layout
 - 2. Finish materials plan for all floors, walls and ceilings.
 - 3. Licensed Professional Engineer's certification of septic system size and function for proposed business (if applicable).
 - 4. Well water analysis report from a New Jersey Department of Environmental Protection certified laboratory for all New Jersey Private Well Test Act (NJAC 7:9E) parameters (if applicable).
- c. Minimum Facility Requirements. Each massage and bodywork therapy establishment shall meet the following requirements at all times during operation:
 - 1. All massage tables, bathtubs, shower stalls, steam or bath areas and floors shall be constructed of material with surfaces which are smooth, non-absorbent, and which may be readily disinfected.
 - 2. A public restroom shall be available to clients and employees during all business hours.
 - 3. Water closets and lavatories shall be in conformance with the regulations set forth in the New Jersey Uniform Construction Code, N.J.A.C. 5:23.
 - 4. If bathing, dressing and locker facilities are provided for the patrons and male and female patrons are served simultaneously, separate bathing, dressing, locker and massage room facilities shall be provided.
 - 5. The premises shall have adequate equipment for disinfecting non-disposable instruments and materials used in administering massages. Such non-disposable instruments and materials shall be disinfected after use on each patron.
 - 6. Adequate hand washing facilities shall be conveniently located to each treatment area to maintain clean hands and arms of all employees before, after and during

treatments. Each individual massage and body work room or station shall be provided with hand wash sink, towels and waste receptacle with self-closing lid.

7. Hand sinks shall be provided with hot and cold water capable of delivering running water under pressure at a temperature of 90-110 degrees Fahrenheit.

d. Operating Requirements. Each massage and body work therapy establishment shall operate in compliance with N.J.A.C. 13:37A-1.1 et seq., commonly known as "New Jersey Board of Massage and Bodywork Therapy."

16-4.9 Remains Unchanged

16-4.10 General Provisions.

a. *Enforcement.* Whenever the health officer or his/her designee reasonably believes [there exists] a violation of this section exists, he/she may issue a summons [and complaint not later than 30 days] after discovery of the violation. The complaint shall be written and shall state with reasonable particularity the nature of the violation, including reference to the article and section violated. [The complaint shall be delivered by the police or sent by certified mail to the owner or operator.]

The health officer or his/her designee charged with enforcement of this section after giving proper identification may inspect any matter, thing, premises, place, person, record, vehicle, incident or event as necessary.

b. *Suspension or Revocation of License.* Any license issued under the terms and provisions of this section may be suspended or revoked by the board of health of this township for the violation by the licensee of any provisions of this section.

Grounds for revocation shall include but not be limited to:

1. A licensee being issued three evaluations of conditionally satisfactory as defined in N.J.A.C. 8:24-9.11 within a 12-month period.
2. A licensee being issued two or more summonses within a 12-month period for similar violations of State law or local ordinances and found guilty of the offense on two or more incidents.
3. A licensee failing to adhere to an order (as defined by N.J.A.C. 8:24-9.6) issued by the health department requiring the establishment to be closed in order to protect the public health.
4. A licensee failing to adhere to an order (as defined by N.J.A.C. 8:24-9.6) issued by the health department requiring any employee of the retail food establishment suspected of being ill or infected with a disease, or suspected of being a carrier of a disease, which may be transmitted through food, to leave the establishment and refrain from returning to work in or about such establishment until permission is granted by the health department.
5. A licensee failing to adhere to an order to embargo in accordance with N.J.S.A. 24 any food, drug, device or cosmetic.
6. A licensee selling or providing tobacco or alcohol to any person in violation of State law or local ordinance.
7. Whenever it shall appear that the business, trade, calling, profession or occupation of the person to whom such license was issued is conducted in a disorderly or improper manner or in violation of any law of the United States, the State of New Jersey or any ordinance of this municipality.

c. *Hearing.* A license issued under the terms and provisions of this section shall not be revoked, cancelled or suspended until the board of health thereon shall have had a hearing. Written notice of the time and place of such hearing shall be served upon the licensee at least three business days prior to the date set for such hearing. Such notice shall also contain a brief statement of the grounds to be relied upon for revoking, canceling or suspending such license. Notice shall be given either by personal delivery thereof to the person to be notified or be deposited in the United States Post Office in a sealed envelope, postage prepaid, addressed to such person to be notified at the business address appearing on said license. At the hearing before the board of health the person aggrieved shall have an opportunity to answer and may thereafter be heard, and upon due consideration and deliberation by the board of health, the complaint may be dismissed, or if the board of health concludes that the charges have been sustained and substantiated, it may revoke, cancel or suspend the license held by the licensee. If any such license shall have been revoked, neither the holder thereof nor any person acting for him, directly or indirectly, shall be entitled to another license to carry on the same business within the city unless the application for such license shall be approved by the board of health.

- d. *Applicability.* No provision of this section shall be applied so as to impose any unlawful burden on either interstate commerce or any activity of the State or Federal Government.
- e. *Severability.* If any chapter, section, subsection or paragraph of this section is declared to be unconstitutional, invalid, or inoperative, in whole or in part by a court of competent jurisdiction, such determination shall be deemed not to invalidate the remaining chapters, sections, subsections or paragraphs of this section.
- f. *Application.* This section shall be liberally construed for the protection of the health, safety and welfare of the people of Hopewell Township.
- g. *Penalty.* [Violations and penalties shall be prescribed per subsection 16-10.1 of this chapter.]
 - a. Penalties for violation of this section shall be as provided in Chapter III Law Enforcement Regulations of the Revised General Ordinances of the Township of Hopewell and payable to the treasury of the municipality.
 - b. Except as otherwise provided, each and every day in which a violation of any provision of this section continues shall constitute a separate violation.

ORDINANCE – INTRODUCTION AND FIRST READING

Mayor Kuchinski read by title the ordinance for introduction.

ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER XVI, “HEALTH” SECTION 16-12, INDIVIDUAL SEWAGE DISPOSAL CODE OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF HOPEWELL (1978)

Motion by Blake, seconded by McLaughlin to introduce the ordinance on first reading.

ROLL CALL VOTE:

AYES: Blake, Hart, McLaughlin, Ruger, Mayor Kuchinski

NOES: None

ORDINANCE INTRODUCED

Second reading, public hearing date February 13, 2018 at 7:00 p.m.

ORDINANCE – INTRODUCTION AND FIRST READING

Mayor Kuchinski read by title the ordinance for introduction.

AN ORDINANCE AMENDING CHAPTER X “FEES AND PERMITS,” SECTION 10-5 “HEALTH” SUB-SECTION 10-5.2(h), “AQUIFER TEST AND ANALYSIS” OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF HOPEWELL

Motion by Blake, seconded by McLaughlin to introduce the ordinance on first reading.

ROLL CALL VOTE:

AYES: Blake, Hart, McLaughlin, Ruger, Mayor Kuchinski

NOES: None

ORDINANCE INTRODUCED

Second reading, public hearing date February 13, 2018 at 7:00 p.m.

ORDINANCE – INTRODUCTION AND FIRST READING

Mayor Kuchinski read by title the ordinance for introduction.

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XV, “STREETS AND SIDEWALKS,” SECTION 15-5, “SNOW AND ICE

REMOVAL,” OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF HOPEWELL, NEW JERSEY (1978)

Motion by McLaughlin, seconded by Blake to introduce the ordinance on first reading.

ROLL CALL VOTE:

AYES: Blake, Hart, McLaughlin, Ruger, Mayor Kuchinski

NOES: None

ORDINANCE INTRODUCED

Second reading, public hearing date February 13, 2018 at 7:00 p.m.

CONSENT AGENDA ITEMS

RESOLUTIONS #18-35 THROUGH #18-40, Read by title.

Motion by McLaughlin, seconded by Ruger to adopt Resolution #18-35 through #18-40

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #18-35

A RESOLUTION APPROVING THE PAYMENT OF UNUSED VACATION, SICK AND COMPENSATORY TIME TO THOMAS COOK

WHEREAS, Thomas Cook retired January 1, 2018 from employment with the Hopewell Township Public Works Department; and

WHEREAS, the Agreement between the Township of Hopewell and the Hopewell Township Public Works AFSCME Local 3867 provides to employees who retires from service the payment of unused sick, vacation and compensatory time at their current hourly rate.

NOW, THEREFORE, BE IT RESOLVED on this 29th day of January, 2018 by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that the Township Committee hereby approves the payout of accumulated vacation, sick and compensation time as calculated by the Human Resources Director in the amount of **\$17,819.31** to Thomas Cook.

R E S O L U T I O N #18-36

A RESOLUTION AUTHORIZING REFUND OF PET LICENSING FEE

WHEREAS, a licensing fee was paid in advance for a pet license for 2018; and

WHEREAS, the dog suddenly passed away shortly thereafter payment of the fee.

NOW, THEREFORE, BE IT RESOLVED, on this 29th day of January, 2018 by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that the following licensing fee refund be and is hereby authorized:

Al Fittipaldi 26 Blue Ridge Road Titusville, NJ 08560 \$22.20

R E S O L U T I O N #18-37

RESOLUTION FOR PAYMENT OF PREMIUM TO TOWNSHIP TREASURER

WHEREAS, on June 5, 2013 Tax Lien Certificate #12-00037 was sold to US Bank Cust- BV001 Trust & Creditors (this Certificate was subsequently assigned to Trystone Capital Assets LLC) on property located on Block 87 Lot 3, known as 2465 Pennington Road, assessed to Johnson Lottie c/o Walker V, and

WHEREAS, the Certificate was sold at a premium of \$3,800.00, and

WHEREAS, on August 24, 2017 Trystone Capital Assets LLC foreclosed on the above property known as Block 87 Lot 3, and the Township of Hopewell was notified of this foreclosure on January 3, 2018; and

WHEREAS, NJ Statute 54:5-33 states that premiums are to be turned over to the Treasurer of the municipality if redemption is not made within five (5) years from date of sale; due to foreclosure this lien will not be redeemed; and

WHEREAS, the Tax Collector may now release the premiums to the Township Treasurer in accordance with NJ Statute 54:5-33.

NOW, THEREFORE, BE IT RESOLVED, on this 29th day of January 2018, that the Township Committee of the Township of Hopewell, Mercer County, State of New Jersey, hereby authorize the Tax Collector to release the premium to the Township Treasurer.

BE IT FURTHER RESOLVED that a copy of this approved resolution is forwarded to the Tax Collector and Chief Financial Officer.

R E S O L U T I O N #18-38

**RESOLUTION FOR REDEMPTION
OF TAX SALE CERTIFICATES**

WHEREAS, on June 1, 2016 US Bank Cust- BV Trust 2015-1 purchased Tax Sale Certificate 16-00022, for property located at Block 78.37 Lot 1 C335 known as 335 Watkins Road, assessed to Mindish Anna Maria; and redeemed by Foundation Title Agency, at closing, on January 9, 2018; and

WHEREAS, the Township can now release the principal and interest received, and premium(s) if applicable.

NOW, THEREFORE, BE IT RESOLVED, on this 29th day of January 2018, that The Township Committee of the Township of Hopewell, Mercer County, State of New Jersey, hereby authorize the Tax Collector to release the amounts listed to the Lien Holder(s) or other party as specified below:

<u>BLOCK/LOT</u>	<u>OWNERS' NAME(S)</u>	<u>AMOUNT</u>	<u>LIEN HOLDER</u>	<u>PREMIUM</u>
78.37/1 C335	Mindish Anna Maria	\$34,799.76	US Bank Cust- BV Trust 2015-1	\$44,100.00

BE IT FURTHER RESOLVED that a copy of this approved resolution is forwarded to the Tax Collector.

R E S O L U T I O N # 18-39

**A RESOLUTION AUTHORIZING
REFUNDS FROM HOPEWELL TOWNSHIP
PLANNING & ZONING TRUST ACCOUNTS**

BE IT RESOLVED, on this 29th day of January 2018, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that the individuals and/or corporations so specified below be refunded the account balance shown as their respective Planning Board or Zoning Board applications have been finalized:

<u>A/C#</u>	<u>NAME</u>	<u>AMOUNT</u>
09734	BRICK FARM PROPERTIES LLC (FKA HOPEWELL GARAGE) 20 LONG WAY HOPEWELL, NJ 08525 14/15.01-ENGR/INSPEC (BRICK FARM REST/TAV)	1,598.70
48616	BRICK FARM PROPERTIES LLC 20 LONG WAY HOPEWELL, NJ 08525	175.63

14/15.01-AMENDED USE, SITE WAIVER
(DISTILLERY)

48856	CARMINE DICOCCO PO BOX 465 PENNINGTON, NJ 08534 85/23-USE/BULK VARIANCE (GARAGE/APT)	234.80
48955	ANDREAS SCHOLTZ 55 DIVERTY ROAD PENNINGTON, NJ 08534 87/80,81 & 88/1.01-USE VARIANCE	250.19
38397	THOMAS JAMIESON 20 TIMBERLANE DRIVE PENNINGTON, NJ 08534 48.01/5-HARDSHIP (WITHDRAWN)	307.50

RESOLUTION #18-40

**A RESOLUTION AUTHORIZING
THE TOWNSHIP OF HOPEWELL TO
CONTRACT WITH THE TOWNSHIP OF LAWRENCE
FOR CHILD HEALTH CARE SERVICES FOR 2018**

WHEREAS, it is the desire of the Governing Body of the Township of Hopewell to contract with the Township of Lawrence for provision of Child Health Care Services for the term January 1, 2018 through December 31, 2018; and

WHEREAS, N.J.S.A. 40:8A-1 et seq. permits local units of the State to enter into a contract with any other local unit for the provision of any service which any party to the agreement is empowered to render within its own jurisdiction.

NOW, THEREFORE, BE IT RESOLVED, on this 29th day of January 2018, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey that the Mayor and Clerk be and hereby are authorized to enter into a Shared Services Agreement with the Township of Lawrence for Child Health Care Services for 2018. Said services shall be furnished and rendered by the Township of Lawrence pursuant to a contract, a copy of which is annexed hereto.

RESOLUTION #18-41 and #18-42. Read by title.

Motion by Hart, seconded by Blake to adopt Resolution #18-41 and #18-42.

ROLL CALL VOTE:

AYES: Blake, Hart, McLaughlin, Ruger, Mayor Kuchinski

NOES: None

RESOLUTION #18-41

**A RESOLUTION FOR AN
EMERGENCY TEMPORARY APPROPRIATION**

WHEREAS, an emergent condition has arisen with respect to the below listed items and no adequate provision has been made in the 2018 Water Utility temporary appropriations for the aforesaid purpose, and N.J.S.A. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned; and

WHEREAS, the total emergency temporary resolutions for the Water Utility adopted in the year 2018 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total \$3,000.00

NOW, THEREFORE, BE IT RESOLVED, on this 29th day of January 2018, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S.A. 40A:4-20:

1. An emergency temporary appropriation be and the same is hereby made for:

**	Other Expense	\$ 3,000.00
	Total for PSA's	\$ 3,000.00

2. That said emergency temporary appropriation has been provided for in the 2018 Water Utility budget under the title of:

As listed in 1 above

3. That one certified copy of this resolution be filed with the Director of Local Government Services.

R E S O L U T I O N #18-42

**A RESOLUTION FOR AN
EMERGENCY TEMPORARY APPROPRIATION**

WHEREAS, an emergent condition has arisen with respect to the below listed items and no adequate provision has been made in the 2018 temporary appropriations for the aforesaid purpose, and N.J.S.A. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned; and

WHEREAS, the total emergency temporary resolutions adopted in the year 2018 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total \$438,940.00

NOW, THEREFORE, BE IT RESOLVED, on this 29th day of January 2018, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S.A. 40A:4-20:

1. An emergency temporary appropriation be and the same is hereby made for:

**	Administration O/E	37,000.00
**	Legal O/E	233,350.00
**	Engineering O/E	34,000.00
**	Comm. Dev. O/E	60,500.00
**	Clerk O/E	5,000.00
**	Enviro. Commission	2,590.00

	Total for PSA's	\$ 372,440.00
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2. That said emergency temporary appropriation has been provided for in the 2018 budget under the title of:

As listed in 1 above

3. That one certified copy of this resolution be filed with the Director of Local Government Services.

RESOLUTION #18-43 and #18-44. Read by title.

Motion by Hart, seconded by Ruger to adopt Resolution #18-43 and 18-44.

ROLL CALL VOTE:

AYES: Blake, Hart, McLaughlin, Ruger, Mayor Kuchinski

NOES: None

R E S O L U T I O N #18-43

2017 BUDGET TRANSFER RESOLUTION #6

BE IT RESOLVED on this 29th day of January, 2018, by the Township Committee of the

Township of Hopewell, County of Mercer and State of New Jersey, that a transfer be made in the 2017 Budget appropriations as follows:

From:

Police S/W	\$	38,016.78
Total	\$	38,016.78

To:

Legal O/E	\$	38,016.78
Total	\$	38,016.78

R E S O L U T I O N #18-44

**A RESOLUTION AMENDING 2017
PROFESSIONAL SERVICES AGREEMENTS**

WHEREAS, the Township entered into Professional Services Agreements with the firm noted below; and

WHEREAS, it is necessary to amend this agreement to change the amount and/or the term of the contract; and

WHEREAS, the Chief Financial Officer has certified that the funds are available.

NOW, THEREFORE, BE IT RESOLVED on this 29th day of January, 2018 by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that the Professional Services Agreements be and are hereby amended as follows:

<u>FIRM</u>	<u>CURRENT MAXIMUM</u>	<u>PROPOSED MAXIMUM</u>	<u>CURRENT TERM EXPIRES</u>	<u>PROPOSED TERM EXPIRES</u>
Parker McCay, P.A. (Affordable Housing Legal) 7-01-20-115-028	\$140,249.31	\$168,664.29	12/31/17	No Change
Parker McCay, P.A. (Open Space Legal) (X-12-00-925-234	\$6,015.06	\$10,336.93	12/31/17	No Change
Parker McCay, P.A. (Township Attorney) 7-01-20-115-028	\$106,240.08	\$115,938.38	12/31/17	No Change
Van Cleef Engineering Associates (Engineering Planning Matters) 7-01-21-190-028	\$1,000.00	\$0.00	12/31/17	No Change
Francis P. Linnus, Esq. (Legal Planning Board) 7-01-21-190-028	\$16,000.00	\$17,173.50	12/31/17	No Change

Mark S. Ruderman, Esq. Ruderman, Horn & Esmerado, P.C. (Labor Attorney) 7-01-20-115-028	\$26,000.00	\$25,080.00	12/31/17	No Change
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RESOLUTION #18-45. Read by title.

Motion by Blake, seconded by McLaughlin to adopt Resolution #18-45.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #18-45

**A RESOLUTION AUTHORIZING
PROFESSIONAL SERVICES AGREEMENTS**

WHEREAS, there exists a need for professional services for the following: Special Counsel for Auer Farm Preservation, Block 95, Lot 2; Township Attorney Services; assistance with Affordable Housing Legal Affairs; assistance with engineering as it relates to legal matters; planning services to assist with Affordable Housing legal matters; legal services relating to tax appraisals and tax appeals; Labor Attorney Services; legal services for hydrogeologic consulting; policy revision and training services; general engineering services; assistance with engineering affairs as it relates to wastewater management matters; assistance with engineering affairs as it relates to Stormwater matters; assistance with computer/network affairs; assistance with legal affairs for the Hopewell Township Planning Board; assistance with engineering affairs as it relates to planning matters; assistance with general planning services; assistance with legal affairs for the Hopewell Township Zoning Board of Adjustment; assistance with engineering affairs as it relates to zoning matters; planning services to assist with zoning matters; assistance with testimony relating to tax appeals; assistance with engineering related to affordable housing matters; assistance with engineering affairs as it relates to Open Space matters; assistance with engineering affairs as it relates to water matters; assistance with engineering affairs as it relates to sewer matters in the ELSA Sewer Service Area; and assistance with engineering affairs as it relates to sewer matters in the SBRSA Sewer Service Area; and

WHEREAS, the estimated cost of the contract is \$3,500.00 (X-12-00-925-234) for Special Counsel for Auer Farm Preservation, Block 95, Lot 2; \$115,000.00 (8-01-20-115-028) for Township Attorney Services; \$50,000.00 (8-01-20-115-028) for assistance with Affordable Housing Legal Affairs; \$1,000.00 (8-01-20-115-028) for assistance with engineering as it relates to legal matters; \$36,300.00 (8-01-20-115-028) for planning services to assist with Affordable Housing legal matters; \$40,000.00 (8-01-20-115-028) for legal services relating to tax appraisals and tax appeals; \$40,000.00 (8-01-20-115-028) for Labor Attorney Services; \$2,000.00 (8-01-20-115-028) for legal services for hydrogeologic consulting; \$5,850.00 (8-01-20-115-028) for policy revision and training services; \$50,000.00 (8-01-20-165-028) for general engineering services; \$1,500.00 (8-01-20-165-028) for assistance with engineering affairs as it relates to wastewater management matters; \$7,500.00 (8-01-20-165-028) for assistance with engineering affairs as it relates to Stormwater matters; \$37,000.00 (8-01-20-100-028) for assistance with computer/network affairs; \$25,000.00 (8-01-21-190-028) for assistance with legal affairs for the Hopewell Township Planning Board; \$1,000.00 (8-01-21-190-028) for assistance with engineering affairs as it relates to planning matters; \$15,000.00 (8-01-21-190-028) for assistance with general planning services; \$7,500.00 (8-01-21-190-028) for assistance with legal affairs for the Hopewell Township Zoning Board of Adjustment; \$1,000.00 (8-01-21-190-028) for assistance with engineering affairs as it relates to zoning matters; \$6,000.00 (8-01-21-190-028) for planning services to assist with zoning matters; \$2,500.00 (8-01-20-150-028) for assistance with testimony relating to tax appeals; \$1,000.00 (X-14-18-927-028) for assistance with engineering related to affordable housing matters; \$1,000.00 (Z-12-00-925-234) for assistance with engineering affairs as it relates to Open Space matters; \$3,000.00 (8-05-55-502-028) for assistance with engineering affairs as it relates to water matters; \$7,200.00 (8-07-55-52-028) for assistance with engineering affairs as it relates to sewer matters in the ELSA Sewer Service Area; and \$7,200.00 (8-10-55-502-028) for assistance with engineering affairs as it relates to sewer matters in the SBRSA Sewer Service Area; and funds will be available in the 2018 budget appropriations for this purpose certified by the local finance officer encumbered in the accounts referenced above; and

WHEREAS, the Local Public Contracts Law (N.J.S.A.40A:11-1 et seq.) requires that a resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection.

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

1. The Mayor and Clerk are hereby authorized and directed to execute the attached agreement with:

- Mason, Griffin, Pierson, PC. For Special Counsel for Auer Farm Preservation Block 95, Lot 2;
- Steven P. Goodell, Esq. of Parker McCay, P.A. for Township Attorney Services;
- Parker McCay, P.A. for assistance with Affordable Housing Legal Affairs;
- Van Cleef Engineering Associates for engineering affairs as it relates to Legal matters;
- Banisch Associates, Inc. for planning services to assist the Township with Affordable Housing legal matters;
- Harry Haushalter for legal services relating to tax appraisals and tax appeals;
- Mark S. Ruderman, Esq. of Ruderman, Horn & Esmerado, P.C. for Labor Attorney Services;
- M2 Associates, Inc. for legal services for hydrogeologic consulting;
- Ellen M. Horn, Esq. of Ruderman, Horn & Esmerado, P.C. for Policy Revision And Training Services;
- Van Cleef Engineering Associates for general engineering services;
- Van Cleef Engineering Associates for engineering affairs as it relates to Wastewater management matters;
- Van Cleef Engineering Associates for engineering affairs as it relates to Stormwater matters;
- RnD Consulting for computer/network affairs;
- Francis P. Linnus, Esq. for legal services for the Hopewell Township Planning Board;
- Van Cleef Engineering Associates for engineering affairs as it relates to Planning matters;
- Banisch Associates, Inc. for general planning services;
- Mason, Griffin & Pierson for assistance with legal affairs for the Hopewell Township Zoning Board of Adjustment;
- Van Cleef Engineering Associates for assistance with engineering affairs as It relates to zoning matters;
- Banisch Associates, Inc. for planning services to assist with zoning matters;
- Deborah Fox for assistance with testimony relating to tax appeals;
- Van Cleef Engineering Associates for engineering related to affordable housing Matters;
- Van Cleef Engineering Associates for engineering relate to Open Space affairs;
- Van Cleef Engineering Associates for engineering affairs as it relates to water Matters;
- Van Cleef Engineering Associates for engineering affairs as it relates to sewer Matters in the ELSA Sewer Service Area;
- Van Cleef Engineering Associates for engineering affairs as it relates to sewer Matters in the SBRSA Sewer Service Area;

2. The contracts are awarded without competitive bidding as a "Professional Service" under the provisions of the Local Public Contracts Law N.J.S.A.40A:11-5 (1)(a) as a contract for services to be performed by persons authorized by law to practice recognized professions that are regulated by law and it is not possible to obtain competitive bids.

3. A notice of this action shall be published once in the official newspaper as required by law.

RESOLUTION #18-46. Read by title.

Motion by Blake, seconded by Ruger to adopt Resolution #18-46.

MOTION UNANIMOUSLY CARRIED

RESOLUTION #18-46

RESOLUTION URGING THE STATE LEGISLATURE TO EXTEND THE 2% CAP ON POLICE AND FIRE ARBITRATION CONTRACT AWARDS

WHEREAS, local municipalities require specific tools to address the rising cost of municipal government; and

WHEREAS, in July 2010 the Governor and New Jersey State Legislature enacted a permanent 2% cap on municipal and school board tax levies with limited exceptions that did not include police and fire arbitration contract awards; and

WHEREAS, salary costs, to a great extent, drive property tax increases; and

WHEREAS, in December 2010 the Legislature unanimously approved and the Governor enacted a temporary 2% cap on police and fire arbitration contract awards in an effort to control increasing salary costs and provide a solution to assist local governments in keeping property taxes down and cost under control; and

WHEREAS, the December 2010 legislation included an April 1, 2014 sunset on the 2% arbitration cap while the 2% property tax levy remained permanent for municipalities and school boards; and

WHEREAS, in June 2014 the Legislature unanimously approved and the Governor enacted an extension to December 31, 2017 for the 2% arbitration cap, however, the 2% property tax levy cap continues to remain permanent, without an exemption for police and fire arbitration contract awards; and

WHEREAS, municipalities continue efforts to contain costs and provide vital services to residents within the 2% property tax levy while the New Jersey economy remains sluggish and taxpayers struggle to keep their homes and pay their taxes; and

WHEREAS, we recognize that this change in arbitration reform needs a longer time to mature in order to see the benefits of the legislation and its actual impact on the cost of local government budgets and the impact on taxpayers; and

WHEREAS, the final report and recommendations of the Police and Fire Public Interest Arbitration Impact Task Force, which was established in the December 2010 legislation, was due the same day as the expiration of the cap on interest arbitration awards, December 31, 2017; and

WHEREAS, we recognize it is now time for our taxpayers to benefit directly from these cost saving measures as many police and fire contracts will come due for negotiation after the sunset date, and

WHEREAS, if the cap on interest arbitration expires while the 2% levy cap remains in effect, municipalities will be forced to reduce or eliminate municipal services in order to fund interest arbitration awards;

NOW, THEREFORE, BE IT RESOLVED, that the governing body of Hopewell Township urges the State Legislature to extend the 2% cap on Police and Fire Arbitration Contract Awards for 5 more years at which time the Legislature will have hard data to examine and then make a final decision as to whether this law should be made permanent; and

BE IT FURTHER RESOLVED, that a copy of this Resolution is forwarded to Assembly Representative Reed Gusciora, State Senator Shirley K. Turner, Senate President, Assembly Speaker, the Lieutenant Governor and the Governor of State of New Jersey and the League of Municipalities.

RESOLUTION #18-47. Read by title.

Motion by Blake, seconded by McLaughlin to adopt Resolution #18-47.

MOTION UNANIMOUSLY CARRIED

RESOLUTION #18-47

RESOLUTION URGING THE LEGISLATURE TO CLARIFY LOCAL AFFORDABLE HOUSING BURDENS AND PROVIDE DEFINED RULES AND RELIEF IN PROVIDING THEREOF

WHEREAS, the New Jersey's municipalities support the provision of affordable housing in a reasonable, rational and achievable way, consistent with economic realities and sound planning; and

WHEREAS, the Council of Affordable Housing (COAH) has not adopted regulations to establish the methodology for determining municipal affordable housing obligations since 1999; and

WHEREAS, COAH’s inability to adopt regulations resulted in hundreds of municipalities being forced to seek declaratory judgements in the courts in order to comply with the State imposed municipal affordable housing obligations; and

WHEREAS, since 1999 both COAH and the State Legislature have restricted or abolished municipal compliance tools while failing to create new tools and means of compliance to facilitate the construction of affordable housing; and

WHEREAS, the Legislature and Administration need to partner with municipalities to facilitate municipal compliance by enabling new tools which generate funding, provide flexibility, promote transparency, provide incentives for municipalities and further the provision of affordable housing; and

WHEREAS, many municipalities have collected affordable housing trust funds while at the same time tax credits and other financial incentives for construction or rehabilitation have been significantly reduced, impeding the ability of local governments and their partners to advance affordable housing projects; and

WHEREAS, hundreds of municipalities statewide must address significant state and court imposed housing obligations as a result of the State’s inability to enact a reasonable statewide policy; and

WHEREAS, it is the responsibility of the state and the legislature to assist municipalities and enact a rational housing policy with achievable obligations, sufficient compliance tools and appropriate financial resources; and

WHEREAS, on April 17, 2017 the Township of Hopewell adopted Resolution #17-140 urging the State Legislature to pass A4666/S3080, enacting a short-term moratorium on all affordable housing litigation; and A4667/S3081 establishing the “Affordable Housing Obligation Study Commission” to assist in finding solutions to the affordable housing crisis foisted upon municipalities; and

WHEREAS, in June 2017 Bills A4666/S3080 and A4667/S3081 were tabled by a majority vote in the Assembly and the Senate.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Hopewell, Mercer County, New Jersey again urges the State Legislature to partner with municipalities to reach a solution to affordable housing in New Jersey; and

BE IT FURTHER RESOLVED, that certified Copies of this resolution be distributed to the Governor, the Lieutenant Governor, the President of the New Jersey Senate, the Speaker of the New Jersey General Assembly, Congresswoman Bonnie Watson Coleman, Members of the 15th Legislative District, the Assembly Housing and Community Development Committee, the Senate Community and Urban Affairs Committee, the New Jersey Conference of Mayors and the New Jersey League of Municipalities.

RESOLUTION #18-48. Read by title.
Motion by Ruger, seconded by Blake to adopt Resolution #18-48.
MOTION UNANIMOUSLY CARRIED

RESOLUTION #18-48

A RESOLUTION AUTHORIZING THE TOWNSHIP ADMINISTRATOR TO EXECUTE A 2018 JOINT FUNDING AGREEMENT FOR NEW JERSEY WATER SCIENCE CENTER WATER RESOURCES INVESTIGATIONS BY THE U.S. GEOLOGICAL SURVEY, DEPARTMENT OF THE INTERIOR WITH THE TOWNSHIP OF HOPEWELL

BE IT RESOLVED, that the Township Administrator is hereby authorized and directed to execute a 2018 Joint Funding Agreement for New Jersey Water Science Center Water Resources Investigations by the U.S. Geological Survey, United States Department of the Interior with the Township of Hopewell.

RESOLUTION #18-49. Read by title.

Motion by Blake, seconded by McLaughlin to adopt Resolution #18-49.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #18-49

**A RESOLUTION APPROVING THE PAYMENT OF
UNUSED VACATION AND SICK
TIME TO PAUL E. POGORZELSKI**

WHEREAS, Paul E. Pogorzelski retired January 1, 2018 from employment with the Hopewell Township Administration Department;

NOW, THEREFORE, BE IT RESOLVED on this 29th day of January, 2018 by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that the Township Committee hereby approves the payout of accumulated vacation and sick time as calculated by the Human Resources Director in the amount of \$26,678.62 to Paul E. Pogorzelski.

RESOLUTION #18-50. Read by title.

Motion by Blake, seconded by Kuchinski to adopt Resolution #18-50.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #18-50

**A RESOLUTION EXPRESSING CONCERN ABOUT
THE OPERATION OF TRENTON WATER WORKS**

WHEREAS, Trenton Water Works is a utility that provides drinking water to several municipalities in Mercer County and has a service area located in Hopewell Township; and

WHEREAS, Trenton Water Works has recently been plagued by problems and inefficiencies that have caused the Commissioner of the Department of Environmental Protection to require the City of Trenton to retain an independent engineering firm to assist in operating the utility and have further caused the Trenton City Council to ask the Department of Environmental Protection to investigate the operation of the utility; and

WHEREAS, in 2008, Hopewell Township joined Ewing Township, Lawrence Township and Hamilton Township in filing suit against the City of Trenton alleging various causes of action related to Trenton's operation of the Trenton Water Works utility; and

WHEREAS, in 2012, the lawsuit was settled with a requirement that representatives of the City of Trenton "meet annually with the Plaintiff Municipalities to review the water utility's specific list of improvement projects both inside and outside the City within 30 days after the budget has been introduced to City Council...."; and

WHEREAS, such meetings have not occurred; and

WHEREAS, the Township Committee is concerned about the operation of Trenton Water Works and its ability to provide safe drinking water to the citizens of Hopewell Township.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that the Mayor of Trenton, the management of Trenton Water Works, the Department of Environmental Protection, and all those with administrative authority over the operation of Trenton Water Works, take all steps necessary and proper to ensure that the utility provides safe and affordable drinking water within its service area; and

BE IT FURTHER RESOLVED, that the City of Trenton act in accordance with the requirements of the 2012 settlement agreement, and meet annually with the municipalities within its service area to discuss infrastructure improvements required for the system; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the Commissioner of the Department of Environmental Protection, the Mayor and Council of the City of Trenton, the Mercer County Executive, the executive officers of each of the municipalities that were parties to the 2012 settlement agreement, and to the state legislators who represent the municipalities within the service area.

RESOLUTION #18-51 and 18-52. Read by title.

Motion by Ruger, seconded by Hart to adopt Resolution #18-51 and 18-52.

MOTION UNANIMOUSLY CARRIED

RESOLUTION #18-51

**A RESOLUTION RECOGNIZING ANNUAL ARBOR DAY PROCLAMATION AND
ACKNOWLEDGING THE RECOGNITION OF THE 2017 ARBOR DAY EVENTS**

WHEREAS, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our township increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal; and

WHEREAS, in recognition of events held on Friday, April 28, 2017, which included the planting of the Ted Stiles Memorial Tree at Woolsey Park, Washington Crossing Pennington Road.

NOW, THEREFORE, BE IT RESOLVED, that the Hopewell Township Committee does hereby declare Friday April 28, 2017 as Arbor Day in the Township of Hopewell; and

BE IT FURTHER RESOLVED, that the Township of Hopewell encourages all of its citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands.

Dated this 29th Day of January, 2018

RESOLUTION #18-52

**A RESOLUTION RECOGNIZING AN ARBOR DAY PROCLAMATION FOR
APRIL 27, 2018**

WHEREAS, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our township increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal.

NOW, THEREFORE, BE IT RESOLVED, that the Hopewell Township Committee does hereby declare Friday April 27, 2018 as Arbor Day in the Township of Hopewell; and

BE IT FURTHER RESOLVED, that the Township of Hopewell encourages all of its citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands.

Dated this 29th Day of January, 2018

RESOLUTION #18-53. Read by title.

Motion by McLaughlin, seconded by Ruger to adopt Resolution #18-53.

ROLL CALL VOTE:

AYES: Blake, Hart, McLaughlin, Ruger, Mayor Kuchinski

NOES: None

RESOLUTION #18-53

BILLS & CLAIMS #1

BE IT RESOLVED, that the list of cash disbursements authorized for approval of bills for payment date January 29, 2018 in the following amounts:

Bills and Claims	\$ 13,745,578.19
Payroll	\$ 636,058.88
Total Disbursements	\$ 14,381,637.07

Itemized and listed on the submitted schedule are hereby approved and filed as a record as part of the minutes of this meeting.

RESOLUTION #18-54. Read by title.

Motion by McLaughlin, seconded by Ruger to adopt Resolution #18-54.

ROLL CALL VOTE:

AYES: Blake, McLaughlin, Ruger, Mayor Kuchinski

NOES: None

ABSTAIN: Hart

RESOLUTION #18-54

BILLS & CLAIMS #2

BE IT RESOLVED, that the list of cash disbursements authorized for approval of bills for payment date January 29, 2018 in the following amounts:

Bills and Claims	\$ 42.10
Payroll	\$ 0.00
Total Disbursements	\$ 42.10

Itemized and listed on the submitted schedule are hereby approved and filed as a record as part of the minutes of this meeting.

FUTURE AGENDA ITEMS

Committee Members proposed the following:

An Ordinance to establish an Economic Development and Tourism Committee; Proposal for the lease for the Hart's Corner School House as well as a discussion on the matching \$15,000; and Re-establishment of the Deer Management Advisory Committee.

PUBLIC SECTION

The following members of the public spoke during public comment:

Harvey Lester, a resident of Continental Drive, made remarks regarding the Zoning Board giving PSE&G an easement and the Diverty Road plan. Mr. Lester questioned why there was no Senior Advisory Board meeting for the month of January.

The detailed public comment may be viewed at www.hopewelltp.org in the video library.

EXECUTIVE SESSION RESOLUTION. Read into the record.

Mayor Kuchinski stated that the regular meeting may reconvene following the Executive Session.

Motion by McLaughlin, seconded by Ruger to go to Executive Session to discuss contract negotiations, real estate, legal and personnel matters.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #18-55

EXECUTIVE SESSION RESOLUTION

WHEREAS, it is necessary for the Township Committee to discuss contract negotiations, real estate, legal, and/or personnel matters; and

WHEREAS, N.J.S.A. 10:4-12 permits the Township Committee to conduct a meeting from which the public is excluded in order to discuss such matters; and

WHEREAS, the Township Committee wishes to discuss the following:

- Real Estate
 - SADC Gillespie Farm
 - SADC Regan Farm
 - Pennytown
- Legal
 - PennEast Pipeline

WHEREAS, the time when and circumstances under which discussion conducted in executive session may be disclosed to the public is when appropriate.

NOW, THEREFORE, BE IT RESOLVED, on this 29th day of January, 2018 by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that the Township Committee shall forthwith conduct an executive session to discuss the above.

At 11:50 p.m. the Executive Session was held.
At 12:10 a.m. the Regular meeting reconvened.

At 12:10 a.m., Motion by Blake, seconded by McLaughlin to adjourn the meeting.
MOTION UNANIMOUSLY CARRIED

The detailed public meeting may be viewed at www.hopewelltp.org in the video library.

LAURIE E. GOMPFF
MUNICIPAL CLERK