

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

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**Monday, February 26, 2018 – 7:09 p.m.**

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**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:** Hart, McLaughlin, Ruger, Mayor Kuchinski

**ABSENT:** Blake

**STAFF PRESENT:** Administrator/CFO Borges, Municipal Clerk Gompf, Director of Community Development Kataryniak, Township Attorney Goodell, Attorney Galella

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

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**MINUTES SUBMITTED FOR APPROVAL**

Motion by McLaughlin, seconded by Hart to approve January 23, 2017 Executive Session Meeting Minutes (2).

**ABSTAIN:** Ruger

**MOTION CARRIED**

Motion by Hart, seconded by McLaughlin to approve February 6, 2017 Executive Session Meeting Minutes.

**ABSTAIN:** Ruger

**MOTION CARRIED**

Motion by Hart, seconded by McLaughlin to approve February 27, 2017 Special, Regular and Executive Meeting Minutes (2).

**ABSTAIN:** Ruger

**MOTION CARRIED**

Motion by Hart, seconded by McLaughlin to approve March 13, 2017 Special and Regular Meeting Minutes.

**ABSTAIN:** Ruger

**MOTION CARRIED**

Motion by Hart, seconded by McLaughlin to approve March 20, 2017 Special Meeting Minutes.

**ABSTAIN:** Ruger

**MOTION CARRIED**

Motion by Hart, seconded by McLaughlin to approve March 27, 2017 Regular and Executive Meeting Minutes (2).

**ABSTAIN:** Ruger

**MOTION CARRIED**

Motion by McLaughlin, seconded by Kuchinski to approve April 12, 2017 Regular and Executive Meeting Minutes.

**ABSTAIN:** Hart, Ruger

**MOTION CARRIED**

Motion by Hart, seconded by McLaughlin to approve April 17, 2017 Executive Meeting Minutes.

**ABSTAIN:** Ruger

**MOTION CARRIED**

**PRESENTATION – UPDATE ON AFFORDABLE HOUSING AT ZAITZ/DIVERTY ROAD IMPROVEMENTS**

Mr. Kataryniak presented a recap of affordable housing elements and an in-progress summary which included the following:

- Background information with respect to qualifications for affordable housing in the Mercer, Monmouth and Ocean County housing area, which is the region in which Hopewell Township is included.
- Types of salaries which would qualify for affordable housing.
- Builders remedy lawsuit risks.
- Regional Contribution Agreements are no longer permissible.
- Development of Third Round Housing Plan which allows Hopewell Township to maintain control of its Master Plan and Zoning.
- Trial and Court ruling effect on costs to litigate and settlement agreement details.
- Explanation of preparation for final compliance hearing.
- Maintain ability to pressure the Legislature to take action in the future has been placed in the settlement agreement.
- Protections against if further litigation of other municipalities result in a higher obligation for Hopewell Township.
- Zoning and development impediments were required to be removed from the laws and requirements within the Township to allow for affordable housing as part of the settlement agreement.
- Also, as part of the settlement agreement, intervenors were given some status and allowed to provide affordable housing on behalf of Hopewell Township as part of inclusionary development. This means the developers assume the risk of the real estate market and require them to absorb all the costs for the infrastructure to bring those developments to fruition such as water, sewer, etc.
- If the Township is noncompliant with the court order for affordable housing, it would lose immunity for builders' remedy.
- If a builders' remedy is imposed upon the Township, the municipality loses all control for maintaining any type of compatibility with the Master Plan and zoning regulations. The developers would be allowed to develop anywhere in the Township unchecked.
- Market factors' impact on the timing of building affordable housing.
- Progression of development once final compliance has advanced through the Courts.
- Achieving realistic, achievable and practical affordable housing development.
- Builders' immunity extended by Court to April 2018.
- There were 17 specific conditions cited in the general compliance conditions rendered by the Court.
- Review of the conditions required on the Zaitz tract.
- Explanation of reduction of units at Zaitz tract.
- Review of neighborhood roadway improvement meetings as related to the Zaitz tract.
- Review of key concerns.
- Alternate means of access of Zaitz tract.
- Discussion of paper road existence.

Mayor Kuchinski requested certain information on the Weidel Tract be discussed at a future meeting. Mr. Kataryniak suggested that the planners also look at the feasibility of an alternative access road through the Weidel tract.

Mr. Kataryniak continued his presentation addressing the following:

- Expansion of the redevelopment area on Route 31 in an effort to control the property frontage to enable planning and possible relocation of vehicular ingress/egress access

- points along the area to address congestion.
- Require traffic studies done by developer.
  - Future items to be included in redevelopment plan would be the requirement to provide an internal connection between the residential and commercial development within the Zaitz redevelopment area and require a comprehensive traffic study.
  - Each project would be required to be reviewed and evaluated by a third party, licensed professional.
  - Addressed the concern of linking the site to Diverty Road by stating that the road would be required to be circuitous and have traffic calming devices employed.
  - Require in the redevelopment plan that the circulation alignment be designed specifically to discourage cut-through traffic.
  - Impact to emergency services with the closing of Diverty Road at Route 31 and solutions.
  - Existing speeding cut-through traffic on Diverty Road solutions.
  - Effects of development on the aquifer and septic systems of the surrounding properties and the inclusion of water and sewer systems in that area.
  - Requirements for storm water and water quality.
  - Lighting requirements in the development.
  - Construction noise and disturbance compliance.
  - Wastewater management plan.

Mr. Kataryniak stated that the surveys his department receives will continue to be processed and with the information, adjust and define the concept demands developed to date. The public will then be shown what was changed and give them another opportunity to review and discuss it and afterward summarize that information then bring it back to the Township Committee with a formal set of recommendations and options for going forward with the project.

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#### **ADDITIONAL ITEMS FOR MEETING AGENDA**

Mayor Kuchinski advised of one additional item for the agenda: A Resolution Authorizing the Evaluation of Access Alternatives Associated with the Redevelopment of the Zaitz Area in Need of Redevelopment.”

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#### **COMMITTEE MEMBERS AND STAFF REPORTS**

Mr. Goodell reported that the petition for rehearing regarding the PennEast Pipeline was filed with FERC before the filing deadline and advised that the Township had been served with a series of federal eminent domain actions and an attorney has been hired to represent the Township to defend those actions.

Ms. Galella reported on the litigation with Fair Share Housing Center and Hopewell Township.

Ms. Borges reported the Annual Financial Statement was filed on time and thanked Julie Troutman for her good work; the Township received two grants this year, one for Bull Run Road and the other for Van Brunt Road; thanked Teresa Castellon for her hard work on the Township calendar. Ms. Borges also reported that she contacted Comcast in response to a resident’s complaint at a past meeting. Comcast stated that there were no problems in the area and offered to act as a go-between for that resident and Comcast if the resident wished to pursue it further.

Mayor Kuchinski questioned Ms. Borges if the speed monitor was placed near Pennytown, to which Ms. Borges replied it was.

Ms. Borges also reported on the replacement of pipe within the Washington Crossing Estates and stated it was a serious break and required quite a bit of time to for Public Works to repair. Mayor Kuchinski suggested meeting with the Homeowner’s Association in an effort to create a plan moving forward.

Committee Member Ruger reported on the Environmental Commission meeting and remarked that the Resolution Supporting a Sustainable New Jersey Grant Application which was on the meeting this night was needed in order for the Environmental Commission to apply for that grant.

Committee Member Hart reported that there will be a Deer Symposium held at the Elks Club; asked for clarification on status of Economic Development and Tourism Committee and the Deer Management Committee.

Mayor Kuchinski reported on the progress of the budget process and the redevelopment of Pennytown. A discussion ensued regarding aspects of the redevelopment. Mayor Kuchinski continued reporting on the 2018 road program and Capital Health renewing their agreement to help co-fund the Senior Coordinator position.

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## PUBLIC SECTION

The following members of the public spoke during public comment.

**Harvey Lester**, a resident of Continental Drive, made disparaging remarks about the Township Committee, asked if the Committee will amend Ordinance B and Resolution H to include the phrase “non-condemnation” before every phrase on areas in need of redevelopment; will the Committee obtain critical studies before voting; and questioned meeting minutes for approval. Mr. Goodell and Ms. Galella addressed Mr. Lester’s questions.

**Jon Edwards**, a resident of Pennington Harbourton Road, asked the status of the Executive Session Meeting minutes and when they will be released; have efforts been made to contact the Princeton Housing Commission; commented on the information meeting for Diverty Road; addressed traffic calming methods; commented on the redevelopment of Pennytown; and related his displeasure with Comcast.

Mayor Kuchinski asked Ms. Borges to invite Comcast to a future meeting. Ms. Gompf responded to Mr. Edwards question regarding meeting minutes by stating that in 2017 there were 32 regular/special meeting and 31 executive sessions and the previous Deputy Clerk worked on those minutes as well as Planning and Zoning Board minutes which put the Clerk’s office far behind in Committee meeting minutes. The previous Deputy Clerk left in June and no one was hired until October. Once the new Deputy Clerk was hired, Ms. Gompf explained that she and her new Deputy Clerk worked after hours, weekends and holidays to ensure the minutes were caught up.

Mr. Kataryniak explained the Township is following the local housing redevelopment law requirements which fall under the fact that there is a County Housing Authority and the Affordable Housing Committee serves in an oversight role. Ms. Borges added that the Township will be hiring an Affordable Housing Liaison and the CMT is updated but needs documentation added to it.

Mayor Kuchinski responded to Mr. Edwards’ comments regarding Pennytown and stated he would put a list online of how each past member of the Committee voted in the past on issues regarding Pennytown.

**Steven Erickson**, a resident of Reed Road, questioned if the website was a good source to find out when meetings are; who made the final determination of the ratio of affordable housing units; asked about the difference in the builders’ remedy on different tracts; is there a chance of pursuing anything with the Weidel tract; and when did the settlement hearings negotiations end.

Mr. Goodell stated that the Weidel tract was originally purchased with open space funds in anticipation of using it for affordable housing but in later years the Zaitz tract was determined to be a better fit for the redevelopment resulting in the Weidel tract becoming preserved open space, which isn’t available for redevelopment, and the Zaitz tract being designated for affordable housing. Additionally, the Zaitz tract was named as a redevelopment area by the judge as part of the order of compliance which means it is judicially obligated as part of the affordable housing redevelopment plan. Mr. Goodell then explained the benefits of the settlement agreement with respect to a builders remedy and also explained sewer service as it relates to the Zaitz tract. Mr. Kataryniak referred Mr. Erickson to the calendar on the Township website and stated all public meetings are posted there.

**Tracy Zarodnansky**, a resident of George Washington Drive, stated her husband owns the Exxon station in the redevelopment area and asked for the specific plan for those small businesses in the area of redevelopment and if it is zoned to take her husband’s business. Mr. Kataryniak stated that the area was designated as an area of redevelopment however it does not speak to a specific site plan improvement project and the businesses that are there today could

conceivable exist in their current form going forward in the future, but this opens up the opportunities for the commercial developers to redevelop those properties under the terms of the redevelopment agreement by improving them or redeveloping them as they see fit. Mr. Kataryniak also stated that those properties were designated as areas in need of redevelopment so as to have the ability to reconfigure the driveways in order to ease traffic issues and that those properties are not under the same timeline and implementation schedule that the affordable housing settlement requires. Committee Member Hart explained that the Committee's intent is to keep all of those businesses intact.

**Pat Silvestrov**, a resident of Diverty Road, stated her concerns regarding the Zaitz tract and a proposed cut-through road to Diverty Road; asked if people familiar with the Weidel tract will go with the professionals to survey the property; and asked about the condemnation process. Mr. Goodell explained the non-condemnation meaning and what it means for the area. Mayor Kuchinski and Mr. Kataryniak spoke to the traffic issues related to Diverty Road.

**Victor Silvestrov**, a resident of Diverty Road, thanked the Mayor for coming to his home and speaking to him and spoke about his concerns over having a large building behind his house and his support for redeveloping the Weidel property; and questioned the removal of the Weidel and Hutchinson tracts from the sewer service area.

**Melanie Philips**, a resident of Washington Crossing-Pennington Road, stated her objections of the process for the affordable housing plan and litigation and questioned the survey for Diverty Road.

**Dorina Frizzera**, a resident of Diverty Road, stated that she had previously tried to sell her property to the Township, questioned the contract with Lennar, which indicates condemnation, and asked if the developer is required to provide infrastructure for their development. Mr. Kataryniak explained different solutions being explored regarding the Zaitz tract traffic and sewer issues, Lennar and the purchase of property.

**Kim Johnson**, a resident of Orchard Avenue, asked if the geological area at the Zaitz tract is different than the geological area across Route 31 at Hopewell Grant; has anyone consulted the US Geological Survey to determine the direction the ground water comes from the Diverty Road properties; could oils and salts from the parking lots and sidewalks end up in the groundwater after passing through the detention basins; will well water be effected by oils from cars and asked how Lennar was picked as a developer.

**Peter Sandford**, a resident of Chickory Lane, commended the efforts of the Township Committee with regard to the affordable housing settlement. He asked if the settlement decision was unanimous when it was presented and accepted. Mr. Sandford stated that the Township Committee has reduced the density on the Zaitz tract by 25% of the number that was originally proposed by a previous Township Committee; he believes that this settlement agreement makes sense; and thanked the Committee again. The Township Clerk read into the record that the agreements voted upon on May 8, 2017 were unanimous and a subsequent authorization for the Mayor to sign a letter of settlement on July 10, 2017 was also unanimous.

**Todd Brant**, a resident of Overlook Road, read a statement from his daughter who had attended the Planning Board meeting in order to obtain information for a paper she was writing for a high school course. Mr. Brant explained why the redevelopment was switched from the Weidel Tract to the Zaitz tract based upon his service with the Planning Board at the time, took exception to certain verbiage in the Ordinance and asked that the Township Committee ensure that escrow fees are in place to sufficiently address mass development.

**Andrew Borders**, a resident of Hilton Court, commented that Hopewell Township should embrace smart growth akin to the King of Prussia Town Center in an effort to attract young people to Hopewell Township and make it a destination for people to come to. Committee Member Hart suggested Mr. Borders should become a member of the Economic Development Committee.

**James Taylor**, a resident of Washington Crossing-Pennington Road, made statements regarding the proposed Senior/Community Center and its cost as it relates to the Zaitz tract. Committee Member McLaughlin responded to Mr. Taylor's comments and supported the decision for a Senior/Community Center.

**Cheryl Edwards**, a resident of Pennington Harbourton Road, stated her objection to an Ordinance on the agenda not being identified by the street name.

**Robert Warznak**, a resident of Ingleside Avenue, questioned the amount of units and the need to create a development on the Zaitz tract; asked the Township Committee to reconsider using the Zaitz tract for the development and instead use the Weidel tract; that the impact of the development on the water and groundwater runoff for the older neighborhoods be studied; and asked if providing the homes would put the Township in a vicious cycle of having to provide more affordable housing.

**Victor Silvestrov**, asked what represents very low income and questioned how the Township will make up lost property value to the homeowners effected by the development. Ms. Galella stated that it is someone who earns 30% or less of the median income in a given area. Mr. Goodell replied that there is no legal way the Township can compensate homeowners if property value is lost.

**David Avery**, a resident of Crest Avenue, remarked that his belief is the southern end of Hopewell Township will bear the price for affordable housing and asked if the developers will be making payments for increased Township resources which will be needed to fulfill the projects and if not, questioned how those costs will be offset.

**John Muscente**, a resident of Crest Avenue, asked if there was sewer capacity available to support the additional housing; offered his opinion on increased traffic on Route 31 and the price paid for the Zaitz tract.

**James Burd**, a resident of Nursery Road, asked the status of the solar plan and questioned which lot would be used on Diverty Road for road access to Denow Road. Mr. Kataryniak provided the lot numbers which would be used on Diverty Road.

The detailed public comment may be viewed at [www.hopewelltp.org](http://www.hopewelltp.org) in the video library.

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## **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 16-12, INDIVIDUAL SEWAGE DISPOSAL CODE OF THE REVISED GENERAL ORDINANCES 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 Hart, seconded by McLaughlin to adopt the introduced ordinance.

**ROLL CALL VOTE:**

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

**NOES:** None

**ABSENT:** Blake

**ORDINANCE ADOPTED**

Ordinance advertised February 2, 2018, Hopewell Valley News. Posted upon municipal bulletin board as required by law.

### **ORDINANCE NO. 18-1683**

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER XVI, "HEALTH" SECTION 16-12, INDIVIDUAL SEWAGE DISPOSAL CODE 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 16-12 "Individual Sewage Disposal Code" Shall be amended as follows:**

**16-12.3 Lot Area Requirements.\***

- a. In addition to meeting the requirements for minimum lot size set forth in the land use and development ordinance in effect at the time of approval, lot area required for on-site sewage disposal systems and water supply wells shall meet the net square footage or acreage requirements as indicated in Table One. Net lot acreage for on-site sewage disposal systems and water supply wells shall consist of that portion of the property where the realty improvements, including the buildings and any accessory structures and the well and sewage disposal systems are located. Minimum lot acreage must be contiguous acreage which does not contain any utility or conservation easements, and which is located outside of any watercourses, wetlands, wetlands buffers, State open waters, or areas of steep slopes (see N.J.A.C. 7:9A-4.4 Slopes, which defines slopes as follows "(a) The disposal field or seepage pit shall not be located in an area where the slope is greater than 25%. (b) Where the slope is greater than 10%, no disposal field or seepage pit shall be placed less than 50 feet upslope of any bedrock outcrop where signs of ground water seepage can be detected. (c) Modification of slopes by regrading shall meet the requirements of N.J.A.C. 7:9A-10.3(b)"). Further, any areas of land restricted against development by State, Federal or local approvals shall be excluded from the net lot area necessary for on-site sewage disposal systems and water supply wells. Minimum net lot area for various types of disposal systems is set forth in Table One below.

**Table One: On-site Individual Systems Lot Area & Design Criteria**

<i>Type of Disposal System Design</i>	<i>Minimum Net Lot Area</i>
Conventional	1 acre (40,000 sq. ft.)
Conventional/Soil Replacement	1 acre (40,000 sq. ft.)
Water Conservation System with DEP Approval and/or Grey/Black Water Systems	2 acres (80,000 sq. ft.)
<i>Type of Disposal System Design</i>	
Mounded Systems, Mounded Soil Replacement, Mounded Fill Enclosed (Shallow Groundwater and/or Bedrock)	2 acres (80,000 sq. ft.)
Innovative Designs Meeting Individual NJDEP Approval	5 acres (220,000 sq. ft.)

- b. [*Waivers for Reduction of Lot Area*] Requirements for Pre Existing Undersized Lots:
  - [ 1. Approval of on-site disposal systems on existing lots with less than the minimum net lot area will only be considered by the board if the waiver being requested is for not less than 80 percent of the net area requirements from Table One. The applicant must seek approval of the zoning board of adjustment, only after receiving conditional approval for the design from the board of health. The board of health will review the design to assure it meets all other township and NJDEP site and technical design conditions.]
  - 1. Pre existing lots with less than the minimum lot area defines in section 16-12.3(a) shall meet all other applicable health ordinance requirements pertaining to septic and wells and include the following:
    - a. New wells shall incorporate a minimum of one hundred (100) feet of steel casing meeting requirement of NJAC 7:9D (Well Construction and Maintenance; Sealing of abandoned wells)
    - b. Individual subsurface sewage disposal system design shall incorporate the use of advanced treatment unit (ATU)
  - 2. Applicant must present proof that additional land is not available for purchase at fair market value to increase net lot area. Adjoining lots under common ownership or family ownership are to be considered as one parcel and must be consolidated.
- c. *Potable Water Supply.* In areas within or close to an area of known microbiological or chemical contamination of ground water, the board of health may require an alternative water supply or public water if an on-site safe water supply cannot be assured. (Ord. #BH:2000-1, § 2; Ord. #BH:2004-1, § 1)

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**ORDINANCE – FINAL READING, PUBLIC HEARING AND ADOPTION**

Mayor Kuchinski read by title the introduced ordinance:

AN ORDINANCE TO AMEND AND SUPPLEMENT 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

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

**MOTION UNANIMOUSLY CARRIED**

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

**ROLL CALL VOTE:**

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

**NOES:** None

**ABSENT:** Blake

**ORDINANCE ADOPTED**

Ordinance advertised February 2, 2018, Hopewell Valley News. Posted municipal bulletin board as required by law.

**ORDINANCE NO. 18-1684**

**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**

**Explanation: Material Bracketed [ ] is deleted  
Material Underlined \_\_\_\_\_ is added**

**BE IT ORDAINED** by the Township Committee of the Township of Hopewell, Mercer County, New Jersey that Section 10-5, "Health," Sub-Section 10-5.2(h), "Aquifer Test and Analysis," of the Revised General Ordinances of the Township of Hopewell is hereby amended as follows:

**10-5.2 Water**

a. through g. unchanged

h. *Aquifer Test and Analysis.*

[1. Review of Design of Aquifer Test.

(a) Residential subdivisions and site plans: \$1,000.00. These fees do not apply to existing dwelling units.

(b) Nonessential well and well uses: \$1,000.00 for the first 1,000 gallons of average daily demand and \$100.00 for each additional 1,000 gallons of average daily demand.

2. Hydrologic Report Review.

(a) Nonessential well and well uses: \$2,000.00 for the first 1,000 gallons of average daily demand and \$200.00 for each additional 1,000 gallons of average daily demand.]

1. Each applicant shall be required to reimburse the Township for all reasonable and necessary professional fees related to the review of aquifer test designs, septic system test designs and hydrogeological report reviews. An applicant shall be required to establish an escrow in the form of a development application fee in minimum amounts as set forth below, to be used for professional review fees and inspection fees. The minimum amount of the development application fee/escrow will be determined as set forth below. Each applicant shall agree in writing to pay for all reasonable costs for professional review fees incurred in excess of the minimum escrow amount. Any unused portion of the escrow fee or escrow amount shall be returned to the applicant.

(a) Applicants for aquifer test designs, septic system test designs and report reviews required by section 16-6 et seq. of Hopewell Township's Health Ordinance, section 17-149 et seq. of Hopewell Township's Municipal Land Use and Development Ordinance, or review of hydrogeological reports in association with septic system design or evaluations shall pay a minimum development application fee/escrow as follows:

1. Review Aquifer or Septic System Test Design.

(a) Residential subdivisions and site plans: \$1,000.00. These fees do not apply to existing dwelling units.

(b) Nonessential well and well uses: \$1,000.00 for the first 1,000 gallons of average daily demand and \$100.00 for each additional 1,000 gallons of average daily demand.

- (c) Reviews for septic system design or septic system suitability: \$1000.00
- 2. Hydrologic Report Review.
  - (a) Residential subdivisions and site plans: \$1,000.00. These fees do not apply to existing dwelling units.
  - (b) Nonessential well and well uses: \$2,000.00 for the first 1,000 gallons of average daily demand and \$200.00 for each additional 1,000 gallons of average daily demand.
  - (c) Reviews for septic system design or septic system suitability: \$1000.00

**BE IT FURTHER ORDAINED** that this Ordinance shall take effect upon final adoption and publication in accordance with law.

**ORDINANCE – FINAL READING, PUBLIC HEARING AND ADOPTION**

Mayor Kuchinski read by title the introduced ordinance:

CALENDAR YEAR 2018 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

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 McLaughlin, seconded by Ruger to adopt the introduced ordinance.

**ROLL CALL VOTE:**

**AYES:** McLaughlin, Ruger, Mayor Kuchinski

**NOES:** Hart

**ABSENT:** Blake

**ORDINANCE ADOPTED**

Ordinance advertised February 2, 2018, Hopewell Valley News. Posted municipal bulletin board as required by law.

**ORDINANCE NO. 18-1685**

**CALENDAR YEAR 2018 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S.A. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and

**WHEREAS**, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

**WHEREAS**, the Township Committee of the Township of Hopewell in the County of Mercer finds it advisable and necessary to increase its CY 2018 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

**WHEREAS**, the Township Committee hereby determines that a 1.0% increase in the budget for said year, amounting to \$144,909.10 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

**WHEREAS**, the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated, as part of the final budget shall be retained as an exception to its final appropriations in either of the next two succeeding years.

**NOW, THEREFORE BE IT ORDAINED**, by the Township Committee of the Township of Hopewell, in the County of Mercer, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2018 budget year, the final appropriations of the Township of Hopewell shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.15a be increased by 1.0% amounting to \$144,909.10 and that the CY 2018 municipal budget for the

Township of Hopewell be approved and adopted in accordance with this ordinance; and

**BE IT FURTHER ORDAINED**, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within five days of introduction; and

**BE IT FURTHER ORDAINED** that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within five days after such adoption.

## **ORDINANCE – INTRODUCTION AND FIRST READING**

Mayor Kuchinski read by title the ordinance for introduction.

AN ORDINANCE AMENDING THE COMPREHENSIVE SALARY  
AND WAGE PLAN FOR THE TOWNSHIP OF HOPEWELL, MERCER  
COUNTY, NEW JERSEY

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

### **ROLL CALL VOTE:**

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

**NOES:** None

**ABSENT:** Blake

### **ORDINANCE INTRODUCED**

Second reading, public hearing date March 12, 2018 at 7:00 p.m.

### **RESOLUTION #18-77.** Read by title.

Motion by McLaughlin, seconded by Ruger to adopt Resolution #18-77 as amended.

### **ROLL CALL VOTE:**

**AYES:** McLaughlin, Ruger, Mayor Kuchinski

**NOES:** Hart

**ABSENT:** Blake

## **R E S O L U T I O N #18-77**

### **RESOLUTION ACCEPTING RECOMMENDATION OF TOWNSHIP PLANNING BOARD AND DESIGNATING THE SITE SPECIFICALLY DESCRIBED AS BLOCK 85, LOT 30 AND BLOCK 86, LOTS 32, 33, 34 & 130 AS NON CONDEMNATION AREAS IN NEED OF REDEVELOPMENT PURSUANT TO THE NEW JERSEY LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 et seq., (ZAITZ )**

**WHEREAS**, the Local Redevelopment and Housing Law (“Redevelopment Law”), N.J.S.A. 40A:12A-1 et seq., grants broad powers to municipalities to create and implement redevelopment plans for areas determined to be in “need of redevelopment,” and

**WHEREAS**, by Resolution No. 18-28, adopted January 8, 2018, the Township Committee of the Township of Hopewell authorized and directed the Hopewell Township Planning Board to conduct a preliminary redevelopment investigation to determine whether certain properties within the municipality qualified under the statutory criteria as “Areas in Need of Redevelopment”, or alternatively, “Areas in Need of Rehabilitation” within the meaning and intendment of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “Study Area”); and

**WHEREAS**, the property in question, and comprising the Study Area, includes Block 85, Lot 30 and Block 86, Lots 32, 33, 34 & 130; and

**WHEREAS**, the Hopewell Township Planning Board, pursuant to all notices required by law, conducted a public hearing on February 22, 2018 to determine whether the Study Area meets the statutory criteria of an area in need of redevelopment and considered any public comments and objections thereto; and

**WHEREAS**, as the result of the hearing, the Planning Board made recommendations to the Township Committee regarding the property within the Study Area, which recommendations

were memorialized in Hopewell Township Planning Board Resolution No. 18-10 adopted by the Planning Board on February 22, 2018; and

**WHEREAS**, the Township Committee reviewed this Resolution, as well as the report of the Township Planner Banisch Associates, Inc. entitled, "Preliminary Investigation for Designation of an Area in Need of Redevelopment Block 85, Lot 30 and Block 86, Lots 32, 33, 34 and 130, Hopewell Township Mercer County, New Jersey" and dated February 2018 for the area specified in the Resolution; and

**WHEREAS**, said report recommended the designation of "Redevelopment Area" for the property identified by the Township Committee in its Referral Resolution; and

**WHEREAS**, the area recommended for determination as redevelopment or rehabilitation is more specifically described in said report, and the boundaries of same are shown on the maps and exhibits included within said "Preliminary Investigation"; and

**WHEREAS**, the Township Committee reviewed said report and based upon same, expressed its belief that the recommendation should be adopted and accepted; and

**WHEREAS**, the Township Committee has further determined that a program of redevelopment as defined in N.J.S.A. 40A:12A-3 may be necessary to prevent further deterioration and promote overall development of the above described area within the municipality; and

**WHEREAS**, as a result of said review and consideration, the Township Committee accepts the Planning Board's recommendations set forth in Hopewell Township Planning Board Resolution No. 18-10, and accepts the designation of Block 85, Lot 30 and Block 86, Lots 32, 33, 34 and 130 as "an area in need of redevelopment"; pursuant to the Redevelopment Law and

**WHEREAS**, the Local Redevelopment and Housing Law provides for supplementary procedures to establish a Redevelopment Plan for the municipality, and the Township Committee has determined that it will embark upon the preparation of such a Redevelopment Plan.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, as follows:

1. The foregoing Recitals are incorporated herein and adopted hereby as the factual predicate, along with those set forth below, for the adoption of this resolution.
2. In accordance with the provisions of N.J.S.A. 40A:12A-6(b)(5), the Township Committee, as the governing body of this municipality, hereby accepts the factual findings set forth in the Planner's reports adopted by the Hopewell Township Planning Board in its Resolution No. 18-10.
3. The Township Committee hereby declares its desire to invite and encourage the participation and involvement of land owners, private investors, private developers and the general public in the process of advancing the interest of the municipality in redeveloping and rehabilitating the area in question.

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded to the Hopewell Township Planning Board, to the Mercer County Planning Department, to the Department of Community Affairs of the State of New Jersey; and that a copy be posted on the municipal bulletin board, and that a copy be published in the *Hopewell Valley News* within fourteen (14) days of the date of the adoption of this resolution.

**BE IT FURTHER RESOLVED** that a true and correct copy of this resolution so designating any Area in Need of Redevelopment be immediately forwarded to the Commissioner of the New Jersey Department of Community Affairs, and that a copy of same also be forwarded to the owner of the redevelopment property as well as all interested parties who have submitted written objections to the Redevelopment Area designation during the Land Use Board process, pursuant to the Redevelopment Law.

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**RESOLUTION #18-78.** Read by title.

Motion by Ruger, seconded by McLaughlin to adopt Resolution #18-78 as amended.

**MOTION UNANIMOUSLY CARRIED.**

#### **R E S O L U T I O N   N O . 1 8 - 7 8**

**A RESOLUTION AUTHORIZING THE EVALUATION OF ACCESS ALTERNATIVES ASSOCIATED WITH THE REDEVELOPMENT OF BLOCK 85, LOTS 3, 4, 5.01, 7, 24, AND 30 AND BLOCK 86, LOTS 32, 33, 34 AND 130, KNOWN AS THE ZAITZ NON CONDEMNATION AREA IN NEED OF REDEVELOPMENT**

**WHEREAS**, the Township Committee of the Township of Hopewell, County of Mercer, has identified the above properties as an Area in Need of Redevelopment associated for the purposes of complying with the Township's Affordable Housing Settlement Agreement; and

**WHEREAS**, the preliminary review of the anticipated redevelopment has identified the need to address access to and from the existing roadway network; and

**WHEREAS**, the township has presented conceptual modifications to the neighboring road network in the vicinity of the Zaitz tract, which includes an extension of an access road from the Zaitz tract to Denow Road; and

**WHEREAS**, the township has received concerns from neighborhood residents regarding the potential impacts associated with the construction of such an access road; and

**WHEREAS**, it is appropriate to further evaluate properties surrounding and adjacent to the Zaitz tract for potential means of alternate access.

**NOW, THEREFORE, BE IT RESOLVED** on this 26<sup>th</sup> day of February 2018 by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey that the Mayor and Clerk be authorized to direct the Township Planner and Township Attorney to evaluate the areas surrounding the aforementioned Area in Need of Redevelopment for the potential of providing an alternative means of accessing the subject site.

**BE IT FURTHER RESOLVED**, that the Township Planner and Township Attorney be directed to provide a formal scope of work for the anticipated work associated with this request.

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At 11:41 p.m. Mayor Kuchinski called for a recess

At 11:45 p.m. the meeting reconvened

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## **ORDINANCE – INTRODUCTION AND FIRST READING**

Mayor Kuchinski read by title the ordinance for introduction.

AN ORDINANCE ADOPTING A REDEVELOPMENT PLAN FOR BLOCK 85, LOT 30 AND BLOCK 86, LOTS 32, 33, 34 AND 130, 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 24 TO THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF HOPEWELL

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

### **ROLL CALL VOTE:**

**AYES:** McLaughlin, Ruger, Mayor Kuchinski

**NOES:** Hart

**ABSENT:** Blake

### **ORDINANCE INTRODUCED**

Second reading, public hearing date March 12, 2018 at 7:00 p.m.

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## **CONSENT AGENDA ITEMS**

**RESOLUTIONS #18-79 THROUGH #18-84**, Read by title.

Motion by Hart, seconded by McLaughlin to adopt Resolution #18-79 through #18-84.

**MOTION UNANIMOUSLY CARRIED**

## **R E S O L U T I O N #18-79**

### **A RESOLUTION AUTHORIZING REFUND OF TAX OR SEWER OVERPAYMENTS**

**WHEREAS**, the Tax Collector has determined that overpayments of taxes and/or utility charges have been made; said overpayments are caused by duplicated payments from owners, title agencies and mortgage companies who have been contacted by the Collector for proper settlement; tax appeals; or utility overpayments.

**NOW, THEREFORE, BE IT RESOLVED**, on this 26<sup>th</sup> day of February 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 overpayment of taxes. Further, a copy of this approved resolution shall be forwarded to the Collector and to the Finance Officer.

<u>BLOCK/LOT</u>	<u>REFUND TO</u>	<u>REASON</u>	<u>LOCATION</u>	<u>AMOUNT</u>
69/14	Kearny Bank	Double payment Of 1 <sup>st</sup> Qtr Tax	1 Wash Cross Penn Rd	\$7,642.22
5/12.02	CoreLogic	Double payment Of 1 <sup>st</sup> Qtr Tax	103 Stony Brook Rd	\$6,510.76
78.01/1	Greater Harvest Church Worldwide Mi	1 <sup>st</sup> Qtr Tax Paid Exempt	2356 Pennington Rd	\$2,835.60

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**R E S O L U T I O N #18-80**

**RESOLUTION FOR REDEMPTION  
OF TAX SALE CERTIFICATES**

**WHEREAS**, on June 4, 2014 TWR Cust- Ebury Fund 1NJ LLC purchased Tax Sale Certificate 14-00009, for property located at Block 62 Lot 1.02 known as 1300 Bear Tavern Road, assessed to Fedor Timothy & Rachel; and redeemed by Timothy Fedor, as owner, on February 21, 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 26<sup>th</sup> day of February 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>
62/1.02	Fedor Timothy & Rachel	\$129,882.59	TWR Cust- Ebury Fund 1 NJ LLC	\$71,600.00

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

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**R E S O L U T I O N #18-81**

**A RESOLUTION TO AUTHORIZE THE  
TOWNSHIP OF HOPEWELL TO CONTRACT WITH  
THE COUNTY OF MERCER FOR THE PROVISION  
OF EMERGENCY MEDICAL SERVICES (EMS) DISPATCH SERVICES**

**WHEREAS**, it is the desire of the Governing Body of the Township of Hopewell to contract with the County of Mercer for the provision of EMS Dispatch Services; and

**WHEREAS**, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq. permits local units of the State to enter into a contract with any other local unit for the joint 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 26<sup>th</sup> day of February 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 County of Mercer for the provision of EMS Dispatch Services. Said services shall be furnished and rendered by the County of Mercer pursuant to an agreement in a form similar to that which is attached hereto.

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**RESOLUTION #18-82**

**A RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT  
BETWEEN THE TOWNSHIP OF HOPEWELL, BOROUGH OF  
HOPEWELL AND BOROUGH OF PENNINGTON FOR SENIOR  
CENTER SERVICES**

**WHEREAS**, there exists a community need to provide a location in which senior activities serving Hopewell Borough, Hopewell Township, and Pennington Borough may occur; and

**WHEREAS**, the Hopewell Valley Senior Advisory Board and other community organizations are currently evaluating needs and alternatives for developing new facilities to meet future needs; and

**WHEREAS**, in the interim senior activities are provided in a building and site amenities ("SITE") owned by Pennington Borough located on Reading Street in Pennington Borough; and

**WHEREAS**, Hopewell Borough, Hopewell Township and Pennington Borough's use of the SITE is provided through a shared services agreement which sets forth responsibilities as being representative of each community's pro-rata use of the SITE; and

**WHEREAS**, the Interlocal Services Act, 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 26<sup>th</sup> day of February, 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 Borough of Hopewell and the Borough of Pennington for Senior Center Services. Said services shall be furnished and rendered pursuant to an agreement, in a form similar to that which is attached hereto.

**RESOLUTION #18-83**

**RESOLUTION OF SUPPORT FROM HOPEWELL TOWNSHIP COMMITTEE  
AUTHORIZING SUSTAINABLE JERSEY GRANT APPLICATION**

**WHEREAS**, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

**WHEREAS**, Hopewell Township strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

**WHEREAS**, Hopewell Township is participating in the Sustainable Jersey Program; and

**WHEREAS**, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created a grant program called the Sustainable Jersey Grants Program; and

**WHEREAS**, the Hopewell Township Environmental Commission has established conceptual agreements and developed preliminary plans with several local and regional environmental and arts organizations regarding partnership in the subject of the proposed grant; and

**WHEREAS**, the Township Committee of Hopewell Township has determined that Hopewell Township should apply for the aforementioned Grant.

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of Hopewell Township, Mercer County, State of New Jersey, authorize the submission of the aforementioned Sustainable Jersey Grant.

**RESOLUTION #18-84**

**RESOLUTION APPROVING THE APPLICATION OF  
GOOD DAY FOR A RUN, LLC  
TO CONDUCT A 5K RUN/POST RUN PARTY  
AND DIRECTING THE ISSUANCE OF A TEMPORARY ACTIVITIES PERMIT  
TO THE HOPEWELL VALLEY VINEYARD FOR THIS EVENT**

**WHEREAS**, application has been made by Good Day for a Run, LLC to conduct a 5K Run and Post Run Party in the Township of Hopewell at the Hopewell Valley Vineyards, 46 Yard Road on May 27, 2018, between the hours of 8:00 a.m. and 12:00 p.m.; and

**WHEREAS**, the Hopewell Township Health Officer, the Hopewell Township Police Department, and Hopewell Township Bureau of Fire Safety have reviewed the application and granted their approval to conduct the event and recommend the granting of a permit pursuant to the Revised General Ordinances of the Township of Hopewell, Chapter IV, Section 4-3 Festivals and Large Assemblies;

**NOW, THEREFORE, BE IT RESOLVED** that:

1. This Resolution shall constitute a permit to conduct a 5K Run/Post Run Party in accordance with the application submitted by Good Day for a Run, LLC, which event is to be held on May 27, 2018 at the Hopewell Valley Vineyards, 46 Yard Road in Hopewell Township.
2. Good Day for a Run, LLC shall be exempted from the several provisions of 4-3, et seq. (4-3.8 Exemptions. a. Charitable or non-profit organizations) except those provided by 4-3.4, Insurance Requirement.
3. Good Day for a Run shall provide area residents notification of the date, time and location of the race 30 days prior in the event that it could affect vehicular traffic during the course of the 5K run.
4. The Municipal Clerk is directed to forward a certified copy of this resolution to Good Day for a Run, LLC, 506 Macintosh Drive, Mullica Hill, NJ 08062.
5. The Hopewell Township Zoning Officer be directed to issue a Temporary Activities Permit to Hopewell Valley Vineyard for the "Good Day for a Run" event to be held on May 28, 2017.

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**RESOLUTION #18-85.** Read by title.

Motion by McLaughlin, seconded by Ruger to adopt Resolution #18-85.

**MOTION UNANIMOUSLY CARRIED**

#### **R E S O L U T I O N 18#-85**

##### **A RESOLUTION APPOINTING KEVIN OSWALD AS MUNICIPAL CONSTRUCTION OFFICIAL**

**NOW, THEREFORE, BE IT RESOLVED**, on this 26<sup>th</sup> day of February 2018, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey that Kevin Oswald be and is hereby appointed as Municipal Construction Official in the Hopewell Township Public Municipal Construction Office.

**BE IT FURTHER RESOLVED** that this appointment is effective January 1, 2011.

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**RESOLUTION #18-86.** Read by title.

Motion by McLaughlin, seconded by Ruger to adopt Resolution #18-86 as amended.

**MOTION UNANIMOUSLY CARRIED**

#### **R E S O L U T I O N #18-86**

##### **A RESOLUTION AUTHORIZING THE TOWNSHIP OF HOPEWELL TO ENTER INTO A COOPERATIVE PRICING AGREEMENT**

**WHEREAS**, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

**WHEREAS**, the County of Bergen, hereinafter referred to as the "Lead Agency " has offered voluntary participation in # CK04-BERGEN a Cooperative Pricing System for the purchase of goods and services;

**WHEREAS**, on February 26, 2018 the governing body of the TOWNSHIP OF HOPEWELL, County of MERCER, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

**NOW, THEREFORE BE IT RESOLVED** as follows:

**TITLE**

This RESOLUTION shall be known and may be cited as the Cooperative Pricing Resolution of the TOWNSHIP OF HOPEWELL.

**AUTHORITY**

Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the PURCHASING AGENT is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

**CONTRACTING UNIT**

The Lead Agency shall be responsible for complying with the provisions of the *Local Public Contracts Law* (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey.

**EFFECTIVE DATE**

This resolution shall take effect immediately upon passage.

**RESOLUTION #18-87.** Read by title.

Motion by Hart, seconded by McLaughlin to adopt Resolution #18-87.

**ROLL CALL VOTE:**

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

**NOES:** None

**ABSENT:** Blake

**R E S O L U T I O N #18-87**

**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 \$1,104,990.00

**NOW, THEREFORE, BE IT RESOLVED**, on this 26<sup>th</sup> day of February 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:

**	Motor Fuels O/E	\$50,000.00
	Admin O/E	\$ 8,600.00
	Total for PSA's	\$ 58,600.00

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 #18-88.** Read by title.

Motion by McLaughlin, seconded by Ruger to adopt Resolution #18-88.

**MOTION UNANIMOUSLY CARRIED**

**R E S O L U T I O N #18-88**

**A RESOLUTION AUTHORIZING  
PROFESSIONAL SERVICES AGREEMENTS**

**WHEREAS**, there exists a need for professional services for the following: engineering services related to Princeton Farms Pump Station improvements; and Open Space Legal Affairs; and

**WHEREAS**, the estimated cost of the contract is \$20,720.17 (X-08-00-426-312) for engineering services related to Princeton Farms Pump Station improvements; and \$10,000.00 (X-12-00-925-234); 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 agreements with:

Van Cleef Engineering Associates for Princeton Farms Pump Station Improvements;  
Parker McCay, P.A. for Open Space Legal Affairs

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 #18-89.** Read by title.

Motion by McLaughlin, seconded by Ruger to adopt Resolution #18-89.

**MOTION UNANIMOUSLY CARRIED**

### **R E S O L U T I O N # 18-89**

#### **A RESOLUTION AUTHORIZING CHANGE ORDER #1 TO THE CONTRACT WITH B & H CONTRACTING, INC. FOR PRINCETON FARMS PUMP STATION REHABILITATION**

**WHEREAS**, on October 2, 2017 the Township Committee of the Township of Hopewell authorized a contract with B & H Contracting, Inc. for in the amount of \$222,600.00 for Princeton Farms Pump Station Rehabilitation (B17-04); and

**WHEREAS**, the Township Engineer recommends that Change Order #1 which increases the total contract amount by \$28,034.00 be approved.

**NOW, THEREFORE, BE IT RESOLVED** on this 13<sup>th</sup> day of February, 2018 by the Township Committee of the Township of Hopewell, County of Mercer and State of New Jersey:

1. That Change Order #1 representing an increase in the amount of \$28,034.00 be and is hereby approved with respect to the contract for Princeton Farms Pump Station Rehabilitation.
2. That the amount of the change order is an 12.59% increase to the total contract amount, for a new contract amount with B & H Contracting, Inc. of \$250,634.00.

**RESOLUTION #18-90.** Read by title.

Motion by Hart, seconded by McLaughlin to adopt Resolution #18-90.

**MOTION UNANIMOUSLY CARRIED**

### **R E S O L U T I O N #18-90**

#### **A RESOLUTION AUTHORIZING THE EXECUTION OF A MORTGAGE SUBORDINATION AGREEMENT FOR 110 SHREWSBURY COURT IN THE TOWNSHIP OF HOPEWELL, COUNTY OF MERCER, STATE OF NEW JERSEY**

**WHEREAS**, 110 Shrewsbury Court is a unit that is deed restricted as a part of the Hopewell Township Affordable Housing Program; and

**WHEREAS**, as a requirement of said program, the owner of said unit executed a repayment mortgage dated October 3, 1995 which was recorded in the Office of the Mercer County Clerk in Deed Book 3474, Page 086-087; and

**WHEREAS**, the owner of said unit wishes to obtain a home equity line of credit; and

**WHEREAS**, said owner's request to obtain a home equity line of credit has been reviewed and approved under the provisions of the New Jersey Fair Housing Act, *N.J.S.A. 52:27D-301 et seq.* by the Hopewell Township Municipal Housing Liaison; and

**WHEREAS**, the owner of said affordable housing unit has requested that the Township

of Hopewell subordinate its existing Repayment Mortgage as referenced above to a new Mortgage which the owner is about to place on the property with Santander Bank., its successors and/or assigns, as their interests may appear for a sum of \$15,000.00.

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

1. The Mayor and Clerk of the Township of Hopewell are hereby authorized and directed to enter into a Postponement of Mortgage Agreement concerning 110 Shrewsbury Court, Hopewell Township, New Jersey. The Postponement of Mortgage Agreement authorized by this Resolution is on file in the Office of the Township Clerk and may be inspected during regular office hours.
2. A certified true copy of this Resolution shall be furnished upon its adoption by the Hopewell Township Clerk to the Township's Municipal Housing Liaison; and to Santander Bank, its successors and/or assigns.

**RESOLUTION #18-91.** Read by title.

Motion by McLaughlin, seconded by Ruger to adopt Resolution #18-91.

**NOES:** Hart

**MOTION CARRIED**

### **R E S O L U T I O N # 1 8 - 9 1**

#### **RESOLUTION ENDORSING SECOND AMENDED THIRD ROUND HOUSING ELEMENT AND FAIR SHARE PLAN**

**WHEREAS**, the Township of Hopewell filed a declaratory judgment action with the Superior Court of Mercer County to have the Court review and approve its third round affordable housing initiatives pursuant to N.J.S.A. 52:27D-313 in the matter encaptioned In the Matter of the Application of the Township of Hopewell, Docket No. MER-L-1557-15 (Mount Laurel); and

**WHEREAS**, the Township entered into four (4) separate Mount Laurel Settlement Agreements with several property owners and developers who desire to produce affordable housing during the third round and with Fair Share Housing Center (FSHC) which was designated by the Supreme Court as an interested party and acknowledged representative of the Mount Laurel beneficiaries in all third round affordable housing proceedings throughout the state; and

**WHEREAS**, the four Settlement Agreements were approved by the Superior Court after the Court conducted a Fairness Hearing upon adequate notice to the public and require that the Township and the Planning Board adopt a third round Housing Element and Fair Share Plan to implement the terms of the settlements. These Settlement Agreements were also the subject of a Compliance Hearing before the Court on December 14, 2017; and

**WHEREAS**, the Third Round Housing Element and Fair Share Plan (which included the Spending Plan) was approved and endorsed by the Hopewell Township Planning Board at a hearing on November 16, 2017. Pursuant to the terms of the settlements and the rules adopted by the New Jersey Council on Affordable Housing, on November 13, 2017, the Township Committee of the Township of Hopewell adopted Resolution # 17- 369 formally endorsing the Third Round Housing Element and Fair Share Plan.

**WHEREAS**, an amended Third Round Housing Element and Fair Share (which included the Spending Plan) was approved and endorsed by the Hopewell Township Planning Board at a hearing on December 7, 2017. Pursuant to the terms of the settlements and the rules adopted by the New Jersey Council on Affordable Housing, the Township Committee of the Township of Hopewell adopted Resolution # 17- 411 formally endorsing the amended Third Round Housing Element and Fair Share Plan.

The Township Committee of the Township of Hopewell is required under the terms of the settlements and the rules adopted by the New Jersey Council on Affordable Housing to adopt a Resolution formally endorsing the second amended Third Round Housing Element and Fair Share Plan.

**WHEREAS**, the purpose of this Resolution is to accomplish the foregoing.

**NOW THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Hopewell that it herewith endorses the second amended Third Round Housing Element and Fair Share Plan and directs that a certified copy of this Resolution be filed with the Court and forwarded to all parties on the Court's Service List.

**RESOLUTION #18-92.** Read by title.

Motion by Hart, seconded by McLaughlin to adopt Resolution #18-92.

**ROLL CALL VOTE:**

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

**NOES:** None

**ABSENT:** Blake

**R E S O L U T I O N #18-92**

**BILLS & CLAIMS**

**BE IT RESOLVED**, that the list of cash disbursements authorized for approval of bills for payment date February 13, 2018 in the following amounts:

Bills and Claims	\$ 5,363,752.26
Payroll	\$ 328,173.90
Total Disbursements	\$ 5,691,926.16

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

**PUBLIC SECTION**

The following members of the public spoke during public comment:

**Jon Edwards** made certain comments regarding civility at the meeting and made suggestions regarding the Pennington Circle.

**Todd Brant** commented on certain resolutions passed during the meeting and on the Senior Center survey.

**Andrew Borders** complimented the Township Committee members, commented on the negativity and nasty remarks made by members of the public and reminded everyone that they are all neighbors and should be civil.

**Harvey Lester**, made comments about the meeting minutes; made derogatory remarks about a member of the public who commented during the meeting; gave his opinion of the report by Mr. Kataryniak on the Zaitz tract; made derogatory remarks towards the Mayor and Committee Members; and made derogatory remarks about the Pennytown information on the Township website. Mayor Kuchinski took exception and rebutted Mr. Lester’s derogatory remarks. Mr. Goodell commented that the only reason Ms. Gompf was able to provide so many meeting minutes was because she has been working with her associate for several months to be able to provide them.

The detailed public comment may be viewed at [www.hopewelltp.org](http://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 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 #18-93**

**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:

- Legal

- Woodward & Curran
  - Kooltronic
  - PennEast
  - BMS
  - MLUL
- Personnel
    - Tax Assessor
    - Registered Environmental Health Specialist
    - Police Staffing

**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 26<sup>th</sup> day of February, 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.

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At 12:27 a.m. the Executive Session was held.  
At 1:25 a.m. the Regular meeting reconvened.

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At 1:25 a.m., Motion by McLaughlin, seconded by Ruger to adjourn the meeting.  
**MOTION UNANIMOUSLY CARRIED**

The detailed public meeting may be viewed at [www.hopewelltp.org](http://www.hopewelltp.org) in the video library.

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LAURIE E. GOMPF  
MUNICIPAL CLERK