

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

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**Monday, April 9, 2018 – 7:16 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:** Blake, Hart, McLaughlin, Ruger, Mayor Kuchinski

**ABSENT:** None

**STAFF PRESENT:** Administrator/CFO Borges, Municipal Clerk Gompf, Director of Community Development Kataryniak, 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 Blake, Seconded by McLaughlin to approve October 2, 2017 Regular and Executive Session Meeting Minutes.

**ABSTAIN:** Hart, Ruger

**MOTION CARRIED**

Motion by Blake, Seconded by McLaughlin to approve October 23, 2017 Regular and Executive Session Meeting Minutes (2).

**ABSTAIN:** Ruger

**MOTION CARRIED**

Motion by Blake, Seconded by McLaughlin to approve November 13, 2017 Regular and Executive Session Meeting Minutes.

**ABSTAIN:** Ruger, Mayor Kuchinski

**MOTION CARRIED**

Motion by Blake, Seconded by McLaughlin to approve November 27, 2017 Regular and Executive Session Meeting Minutes (2).

**ABSTAIN:** Ruger

**MOTION CARRIED**

Motion by McLaughlin, Seconded by Kuchinski to approve December 7, 2017 Special Meeting Minutes.

**ABSTAIN:** Blake, Hart, Ruger

**MOTION CARRIED**

Motion by McLaughlin, Seconded by Blake to approve December 11, 2017 Regular and Executive Session Meeting Minutes (2) as amended.

**ABSTAIN:** Ruger

**MOTION CARRIED**

Motion by McLaughlin, Seconded by Blake to approve December 19, 2017 Special and Regular Meeting Minutes.

**ABSTAIN:** Hart, Ruger

**MOTION CARRIED**

Motion by McLaughlin, Seconded by Blake to approve January 2, 2018 Reorganization Meeting Minutes.

**MOTION UNANIMOUSLY CARRIED**

Motion by Blake, Seconded by McLaughlin to approve January 8, 2018 Regular and Executive Session Meeting Minutes.

**MOTION UNANIMOUSLY CARRIED**

Motion by McLaughlin, Seconded by Blake to approve January 16, 2018 Special Meeting Minutes.

**MOTION UNANIMOUSLY CARRIED**


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**PRESENTATION – KENNETH ZELDIS – COMMUNITY CENTER SURVEY METHODOLOGY**

Mr. Zeldis explained why the survey was conducted and provided a slide show report of the results containing the following information:

- Reasons survey was conducted
- Survey conducted on Hopewell Valley residents age 30 and over.
- Number of surveys conducted on-line and on paper from May 9, 2018 to June 6, 2018
- Number of seniors responding to the survey.
- 66% responded they had some level of interest in a new Senior/Community Center.
- 84% desired a multi-use facility with or without a pool which included a dedicated entrance and space for seniors.
- 75% of seniors desired a multi-use facility with a separate entrance that did or did not have a pool with the largest percentage of respondents wanting a pool.

Mr. Zeldis explained that the type of sample taken was a convenience sample and the methodology behind the creation and implementation of the sample. He explained that most polls nationwide do not use more than 1,000 people because it yields a small error rate, therefore, the number of people surveyed in the Senior/Community Center survey, which was 508, would have an approximate 6% error range.

Mr. Zeldis also added that he had run a focus group for the Municipal Alliance in 2009 and of the teens, parents and grandparents who participated in the focus group, they desired a gathering place that offered programs that they could avail themselves of and they liked the idea of inter-generational mingling so people could learn from each other. As a result, Mr. Zeldis' company conducted a survey which confirmed the study groups' desires. He emphasized that this newest survey is nothing different than surveys that have been done in the past. Mayor Kuchinski added that Mercer County required the survey update in order to qualify for grant money for the project.

Mayor Kuchinski asked Mr. Zeldis to speak about his professional qualifications in the research field to which Mr. Zeldis cited his professional history.

Committee Member Hart asked Mr. Zeldis if he had performed comparisons in other municipalities similar to the size of Hopewell Township. Mr. Zeldis replied he had not and explained that his task was to compile the data and analyze it. Committee Member Hart reported that he had visited similar municipalities such as Lawrence, Montgomery, and Hillsborough and explained what he had seen in each location and stated he believed that a

pool would be too expensive for the Township to provide.

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## **PRESENTATION – YMCA – COMMUNITY CENTER BUILDING LEARNINGS**

Ryan Kennedy, President of the Board of Directors of the Hopewell Valley YMCA and resident of Hopewell Borough, introduced Douglas Pszczolkowski, the CEO of the YMCA. Mr. Kennedy and Mr. Pszczolkowski presented the following:

- Future programs will include a 5K Run, CPR Classes, Mental Health, and First Aid Training.
- Presented a chart of the core studies in which the YMCA has participated, which is consistent with the most recent studies conducted regarding the Senior/Community Center.
- Provided information from a study the YMCA conducted 8 years ago regarding a project which did not see fruition, but might assist with the current discussion regarding the Senior/Community Center.
- Stated the YMCA is part of a national organization which assists them in the planning process for a community facility.
- Review of an in-depth Community needs assessment from 2008.
- Review of a design plan which was selected in 2008.
- Review of site planning for the proposed 2008 project.
- Demand for warm water and cool water pools.
- Possible expansion of proposed facility.
- Review of concept design for multi-use, warm water pool.

Committee Members affirmed their support for a Senior/Community Center and their commitment to meeting the community's wants and needs in a fiscally responsible way.

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## **COMMITTEE MEMBERS AND STAFF REPORTS**

Mr. Kataryniak reported on the receipt of two notices from Mercer County regarding the upcoming bridge closing at Pleasant Valley Road over Moore's Creek later in the month and the road resurfacing of Washington Crossing Road from Bear Tavern Road to River Road beginning April 23.

Ms. Galella reported that Hopewell Township would have been assigned a higher number of 1,235 affordable housing units by Judge Jacobson if it hadn't settled before the trial. The Township had settled for 1,041, saving the Township a total of 94 units.

Ms. Gompf announced that the County Clerk's Office will be holding a Passport Day in the Municipal Auditorium on April 12.

Ms. Borges reported on the brief closing of the Quick Chek due to a hazardous material spill; that Township employees will be receiving Cyber Threat Awareness education which is recommended by the Joint Insurance Fund; and provided the status of the construction within the municipal building.

Committee Member Hart reported on the Agricultural Advisory Committee meeting; and requested that Committee Member Ruger ask Public Works to address the brush accumulation throughout the Township caused by the many storms. Committee Member Ruger replied that Public Works is taking measures to address the brush issues and also collecting the snow fences.

Committee Member Blake reported that she has been meeting with community members surrounding the BMS site and received valuable feedback from them.

Mayor Kuchinski reported that JCP&L will be appearing at a special meeting to address the recent storm events and restoration process; that he and Committee Member McLaughlin met with Assemblywoman Muoio regarding affordable housing and possible actions the Legislature may take; that they will also follow up with Assemblyman Gusciora and Senator Turner regarding the formula for affordable housing calculations; and provided an update on the PennEast Pipeline hearings.

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## **PUBLIC SECTION**

The following members of the public spoke during public comment.

**Harvey Lester**, a resident of Continental Lane, commented on the Washington Crossing Estates water utility Bond Ordinance, expressed his desire to utilize surplus funding instead of bonding and suggested amending the ordinance to allow the payment of cash.

**Donna D'Anna**, a resident of Nathaniel Green Road, thanked the Committee for providing the residents with good, high quality, water and asked the Committee to use the surplus the Washington Crossing Estates utility currently possesses in an effort to keep costs down for residents.

**Robert Dobrowolski**, a resident of Continental Lane, requested utilizing the Washington Crossing Estates utility surplus instead of bonding.

Ms. Borges explained that her discussion with Mr. Jaroni, of the Homeowners' Association, was to borrow the money on a short-term basis through notes, payoff the agreed to amount to keep the payment schedule level, so at the end of a 3 or 4 year period, the debt would be fully paid off and it would never go to bond. Ms. Borges added that the Bond Ordinance being introduced is required to be able to issue notes.

Mayor Kuchinski also explained that Mr. Snyder, the Director of Public Works, has expressed concern over the aging pipe infrastructure and suggested a capital program to begin replacement of some of the pipe infrastructure. Mayor Kuchinski suggested that Mr. Snyder make a public presentation regarding his concerns and suggestions.

**Michael Delehanty**, a resident of State Park Drive, questioned what the surplus is invested in; questioned borrowing the money; and suggested utilizing the existing surplus money instead of borrowing.

**Melanie Philips**, a resident of Washington Crossing-Pennington Road, questioned proceeding with building a Community Center; questioned the location of the Center; and suggested supporting local businesses, such as the swim club she belongs to and the local quarry.

**Jon Edwards**, a resident of Pennington Harbourton Road, asked if ShopRite was approached to provide a sewer infrastructure for the area behind it and if they were contacted, how far did those discussions go; questioned if there will be a meeting with Comcast; how much money has been allocated in the budget for discussions with the Legislature over Assembly Bill 1648; and made certain comments about surveys and processes the Committee undertakes.

**James Burd**, a resident of Nursery Road, questioned if property owners behind the ShopRite were notified of any changes taking place; asked if Bruce Meyer, Director of Global Real Estate Services met with the Township and what conversation took place with him; and asked the current situation with the Community Center.

**Robert Kecskes**, a resident of Pennington-Rocky Hill Road, spoke of affordable housing on the BMS property to which Mayor Kuchinski advised that the Committee will be taking comments from the public regarding the subject later in the meeting.

**John Muscente**, a resident of Crest Avenue, called attention to an error published on the back of the 2018 Municipal Calendar this year regarding leaf clean up.

**Todd Brant**, a resident of Overlook Road, expressed his desire to ask Mr. Zeldis questions about his presentation; however, Mr. Zeldis had left the meeting; made comments regarding Mr. Zeldis’ presentation and sampling and asked when JCP&L will be attending a meeting.

**Harvey Lester** reminded the Township Committee of actions taken from replacing the roof at Washington Crossing Estates and again requested that the pipe replacement not be bonded, but allow surplus to be used. Ms. Borges explained that the homeowners’ associations were met with and bonding was agreed to by the association.

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 SUPPLEMENTING CHAPTER II, “ADMINISTRATION” OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF HOPEWELL IN THE COUNTY OF MERCER, STATE OF NEW JERSEY, BY ESTABLISHING THE POSITION OF “TOWNSHIP HISTORIAN”

Mayor Kuchinski declared public hearing open.

**Jim Waltman**, Executive Director, Stony Brook-Millstone Watershed Association, strongly endorsed Mr. Blackwell for the position.

**Jon Edwards** endorsed Mr. Blackwell, thanked the Committee for appointing him and congratulated him.

**Todd Brant** congratulated Mr. Blackwell and stated he learned much from him when he was on the Historic Preservation Commission.

Committee Members praised Mr. Blackwell and his knowledge of the Township’s rich history.

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

**MOTION UNANIMOUSLY CARRIED**

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

**ROLL CALL VOTE:**

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

**NOES:** None

**ORDINANCE ADOPTED**

Ordinance advertised March 30, 2018, Hopewell Valley News. Posted municipal bulletin board as required by law.

**ORDINANCE NO. 18-1689**

AN ORDINANCE SUPPLEMENTING CHAPTER II, “ADMINISTRATION” OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF HOPEWELL IN THE COUNTY OF MERCER, STATE OF NEW JERSEY, BY ESTABLISHING THE POSITION OF “TOWNSHIP HISTORIAN”

**WHEREAS**, the purpose of this Ordinance is to establish the position of “Township Historian” within the Township of Hopewell, Mercer County, New Jersey in order to preserve and perpetuate the history and culture of Hopewell Township.

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

### **Section I**

Chapter 2 of the Revised General Ordinances of the Township of Hopewell is supplemented by adding a new Subsection 2-38, as follows (new section is underlined):

#### **2-38 TOWNSHIP HISTORIAN**

##### **2-38.1 Position Created and Qualifications:**

There is hereby created within the Township of Hopewell the position of Township Historian. The Historian shall serve without compensation and at the pleasure of the Township Committee.

- A. The Historian shall have demonstrated a substantial knowledge of Hopewell Township History and possess sufficient ability for writing and public speaking to present historical knowledge to the public.
- B. The Historian will not be required to live within the Township but must be readily available for meetings and activities.

##### **2-38.2 Powers and Duties:**

The Historian shall have the following powers and duties while serving in the position:

- A. The Historian shall be empowered to solicit and collect on behalf of Hopewell Township such objects, photographs, archives, and publications as deemed fit to demonstrate the history and culture of the Township; catalogue and store the same according to reasonably professional standards in a secure facility. All items thus collected will be turned over to Hopewell Township with a catalogue at the end of the Historian’s tenure.
- B. The Historian shall endeavor to keep the history of the Township before the public eye, by means of no fewer than two public talks, and two newspaper publications per year.
- C. The historian will cooperate with the Township Committee in conducting any commemorative event, or placement of monuments, markers or signs as the Committee shall deem fit.
- D. The Historian shall be an appointed member of the Township Preservation Commission, and fully participate in all duties under the Preservation Commission Ordinance.
- E. The Historian shall make an annual report to the Mayor and Committee and cooperate with the Preservation Commission in reporting to agencies of the State as required.
- F. The Historian may research and write and caused to have published for his/her own account, a municipal history. The Historian may recommend to the Township appropriate historical material for publication by the Township.

##### **2-38.3 Expenses:**

The Historian may employ such clerical assistants as may be necessary in order to carry out the duties and responsibilities set forth in this act, within the limits of such funds as may be made available in the budget of the Township of Hopewell for such purposes. Additionally, said Historian may be reimbursed for expenses incurred and vouchered in the performance of his or her duties and responsibilities. Said reimbursement shall be limited to the amount set forth in the annual budget and shall be paid only after necessary vouchers have been submitted and approved by the governing body.

### **Section II**

**Repealer:** This ordinance repeals any inconsistent ordinance or ordinances or parts thereof.

### **Section III**

**When Effective:** This ordinance shall become effective immediately upon final passage and publication as required by law.

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**RESOLUTION #18-127.** Read by title.

Motion by McLaughlin, seconded by Blake to adopt Resolution #18-127.

**MOTION UNANIMOUSLY CARRIED**

Mr. Blackwell announced he looked forward to working as the Township Historian and outlined his future plans.

**RESOLUTION #18-127**

**A RESOLUTION APPOINTING DAVID BLACKWELL  
AS HOPEWELL TOWNSHIP HISTORIAN**

**BE IT RESOLVED**, on this 9<sup>th</sup> day of April, 2018 by the Township of Hopewell, County of Mercer, State of New Jersey, that David Blackwell be and is hereby appointed as Hopewell Township Historian.

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

Mayor Kuchinski read by title the introduced ordinance:

AN ORDINANCE AMENDING THE RO RESEARCH OFFICE ZONE TO PERMIT INCLUSIONARY RESIDENTIAL DEVELOPMENT AND AMENDING CHAPTER XVII, “LAND USE AND DEVELOPMENT,” TO THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF HOPEWELL (**BMS**) (Introduced March 12, 2018)

No motion made to adopt the introduced ordinance.

**ORDINANCE DIES**

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**RESOLUTION #18-128.** Read by title.

Motion by Blake, seconded by McLaughlin to adopt Resolution #18-128.

**NOES:** Hart

**MOTION CARRIED**

**RESOLUTION #18-128**

**A RESOLUTION SUPPORTING PRESERVATION OF SENSITIVE  
ENVIRONMENTAL RESOURCES ON REMAINING UNDEVELOPED LANDS  
WITHIN BLOCK 46, LOT 8.01 (BMS SITE)  
IN HOPEWELL TOWNSHIP, MERCER COUNTY, NJ**

**WHEREAS**, the Township of Hopewell is required to amend several provisions of its ordinances established in the Code of the Township of Hopewell to facilitate the production of low and moderate housing pursuant to third round affordable housing proceedings in the Law Division of the Superior Court encaptioned In the Matter of the Application of the Township of Hopewell, Docket No. MER-L-1557-15 (Mount Laurel); and

**WHEREAS**, the Township of Hopewell is amending specific provisions of Chapter XVII of the Code of the Township of Hopewell entitled the Hopewell Township “Land Use and Development Ordinance” as it relates to establishing provisions for the development of affordable and inclusionary housing on RO-1 zoned land, more specifically identified as Block 46, Lot 801 (also known as the BMS site); and

**WHEREAS**, the provisions adopted in the ordinance permitting affordable and inclusionary housing units on the aforementioned property include specific requirements for limiting impacts of development on the sensitive environmental resources existing within the undeveloped portions of the subject property; and

**WHEREAS**, the Township wishes to reinforce the importance of preserving the integrity of the environmental resources on the site, and reaffirms that any residential development proposed on the subject site shall not degrade existing sensitive environmental resources; and

**WHEREAS**, the Township acknowledges that any environmental resources of

significance regulated by federal and/or state agencies applicable to the site shall be strictly adhered to.

**NOW THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Hopewell, Mercer County, that the Planning Board of the Township of Hopewell take pains to ensure that any application for development on the subject site, as with all applications, satisfy all state and local environmental standards within its jurisdiction; and

**BE IT FURTHER RESOLVED** that any application for development demonstrate compliance with all applicable regulations pertaining to federal or state regulated environmental resources and that any development prevent the degradation of such resources.

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

Mayor Kuchinski read by title the introduced ordinance:

AN ORDINANCE OF THE TOWNSHIP OF HOPEWELL AMENDING CHAPTER XVII (ARTICLE IX, 17-168) OF THE CODE OF THE TOWNSHIP OF HOPEWELL ENTITLED THE HOPEWELL TOWNSHIP “LAND USE AND DEVELOPMENT ORDINANCE” (RO-1, 2 AND 3 DISTRICTS: RESEARCH/OFFICE DISTRICTS) (**BRISTOL MYERS-SQUIBB**) (Introduced March 26, 2018)

Mr. Kataryniak explained the changes to the Ordinance amendment.

Mayor Kuchinski declared public hearing open.

**Jim Waltman** thanked Committee Member Blake for reaching out to the Association and local residents to discuss the proposed Ordinance and thanked the Committee for adopting the previous resolution. Mr. Waltman stated that the Stony Brook-Millstone Watershed Association is not opposed to locating housing on the Bristol-Myers Squibb (BMS) property, but are strongly opposed to reversing protections of the open space that was established in the 2005 general development plan for the campus. He stated that their concern with the proposed ordinance is that it allows for a violation of the 2005 agreement and urged the language concerning environmental constraints in the resolution be included in the ordinance. Additionally, Mr. Waltman brought to the Committee’s attention that section 4, paragraph 3.2 allows for a maximum tract size of up to 50 acres which exceeds the size of the developable area within the ring road and asked it to be reduced to 30 acres with no minimum tract size.

**Sharyn Magee**, President, Washington Crossing Audubon Society, stated that endangered bald eagles utilize the Stony Brook corridor to fish and move between the lakes; therefore, high density development within the area would impair the ability of the eagles to feed themselves and raise their young. Ms. Magee also stated that 12 birds on the New Jersey Threatened and Endangered Species List and 23 species of New Jersey special concerns have been documented to use the preserves connected by the Stony Brook corridor. Ms. Magee observed that the 2005 agreement between the Township and Bristol-Myers Squibb (BMS) was designed to protect the Stony Brook corridor and its wildlife and urged the Committee not to change the agreement and give the 75 acres bordering the Stony Brook corridor permanent protection. Ms. Magee announced that the Audubon Society agreed with the Stony Brook-Millstone Watershed Association that no housing should be built outside the ring road if environmental conditions inside the ring include housing development and that the language in the proposed ordinance should be changed to prioritize environmental protection.

**Pat Silvestrov**, a resident of Diverty Road, asked if the Township knows of any interest in purchasing the BMS property; when the public will know the environmental constraints for BMS; and said she hoped BMS can help alleviate some of the public housing. Mayor Kuchinski replied that BMS asked for housing to be included on the site in an effort to remarket the site; BMS has indicated they will continue to inhabit the site into 2019-2020 and have to the mid-point of the reporting period of affordable housing to finalize.

**Jon Edwards** asked what would be the status of the general development plan and if it would be

extended.

**Melanie Philips**, a resident of Washington Crossing-Pennington Road, requested an answer to her previous questions and questioned conflicting language in various ordinances.

**Robert Kecskes**, a resident of Pennington Rocky Hill Road, stated he was an affordable housing advocate but was concerned over the unintended consequences of providing sewer service; asked that the ordinance be worded to state that the existing sewer infrastructure on the BMS property must be used for the affordable housing.

Mayor Kuchinski asked Ms. Philips to reiterate her questions she would like answered to which she complied. Committee Members and Mr. Kataryniak addressed Ms. Philips', Mr. Kecskes' and Mr. Edwards' questions.

Each of the Committee Members made comments regarding the ordinance.

Motion by McLaughlin, 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 March 30, 2018, Hopewell Valley News. Posted municipal bulletin board as required by law.

**ORDINANCE NO. 18-1690**

**ORDINANCE OF THE TOWNSHIP OF HOPEWELL AMENDING CHAPTER XVII (Article IX, 17-168) OF THE CODE OF THE TOWNSHIP OF HOPEWELL ENTITLED THE HOPEWELL TOWNSHIP "LAND USE AND DEVELOPMENT ORDINANCE" (RO-1, 2 AND 3 DISTRICTS: RESEARCH/OFFICE DISTRICTS) (BMS)**

**WHEREAS**, the Township of Hopewell is required to amend certain provisions of Chapter XVII of the Code of the Township of Hopewell entitled the Hopewell Township "Land Use and Development Ordinance" to facilitate the production of low and moderate housing pursuant to third round affordable housing proceedings in the Law Division of the Superior Court encaptioned In the Matter of the Application of the Township of Hopewell, Docket No. MER-L-1557-15 (Mount Laurel); and

**WHEREAS**, the purpose of this Ordinance is to accomplish the foregoing as required by judicial mandate; and

**WHEREAS**, the intent of this ordinance is to provide a reasonable opportunity for affordable housing on RO-1 zoned land through the use of conditional use standards because such standards afford the land owner the maximum opportunity to utilize its site in accordance with the RO-1 non-residential standards while permitting a defined number of affordable and inclusionary housing units; and

**WHEREAS**, conditional use standards are not considered to be principal use standards and principal use standards are the preferred method for creating reasonable opportunity; and

**WHEREAS**, because Hopewell Township has determined that conditional use standards will be the method for providing a reasonable opportunity in the RO-1 zone, the township is also required to provide an alternative location to provide the required number of affordable units on an alternative site; and

**WHEREAS**, Hopewell Township, in conjunction with the designated redeveloper, will designate a reserved area on Block 85 Lot 3, also known as the Zaitz tract, upon which it will be possible to provide an additional 30 affordable units, with said units to be constructed on the Zaitz tract only in the event that residential units are not constructed on RO-1 zoned lands.

**NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED** by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey that Chapter

XVII of the Code of the Township of Hopewell entitled the Hopewell Township “Land Use and Development Ordinance” be amended, modified and supplemented as follows:

#### **SECTION I.**

Chapter 17-168.a. entitled “Purpose” of the RO-1, RO-2 and RO-3 Zoning Districts is repealed as currently stated and is replaced by the following new Chapter 17-168.a. in its place and stead:

#### **17-168 RO-1, 2 AND 3 DISTRICTS: RESEARCH/OFFICE DISTRICTS.**

- a. *Purpose.* The purpose of these districts is to provide for research/office uses by single owners with one or more tenant occupants on large parcels within the township. A neighborhood of inclusionary housing is also deemed appropriate in the RO-1 District when arranged on undeveloped portions of the property, and adequately buffered from manufacturing buildings and activities. It is also intended that the provision for assisting in the development of lower income housing as set forth below be a required portion of any new development in the RO-1 District.

#### **SECTION II.**

Chapter 17-168.d entitled “Conditional Uses” is supplemented to add a new Paragraph 2 as follows:

2. Inclusionary affordable housing development pursuant to the requirements in §17-168(g).

#### **SECTION III**

Chapter 17-252 entitled “Applicability of Growth Share”, Chapter 17-253 entitled “Residential Growth Share Provisions”, and Chapter 17-254 entitled “Nonresidential Growth Share Provisions” are repealed inasmuch as the “Growth Share” rules adopted by the New Jersey Council on Affordable Housing (“COAH”) upon which they were based have been invalidated by the Courts.

#### **SECTION IV**

A new section 17-168(g) entitled “Conditional Use Inclusionary Development in the RO-1 District” is added as follows:

17-168(g). Conditional Use Inclusionary Development in the RO-1 District.

1. Principal permitted uses.
  - (a) Garden apartments.
  - (b) Townhouses.
2. Permitted accessory uses.
  - (a) Off-street parking
  - (b) Any use or structure customarily incidental to a principal permitted use.
  - (c) Private garages and carports.
  - (d) Recreational and cultural facilities for the sole use of the residents of the community and their guests, including but not limited to a clubhouse, jogging and bike trails, swimming pool, library, media center, court games, picnic areas and other typical active and passive recreation facilities.
  - (e) Sales office of a temporary nature not to extend beyond the occupancy of the last dwelling
3. Area and Yard Requirements – Relief required by this section shall be considered according to the standards in N.J.S.A. 40:55D-70 (c):

The following bulk standards apply to all tracts proposed for inclusionary residential development within the RO-1 District:

- i. Minimum tract size: thirty (30) contiguous acres

- ii. Maximum tract size: fifty (50) contiguous acres
- iii. Minimum front yard for townhouse structures: 25 feet to private road/100 feet to public road
- iv. Minimum front yard for apartment buildings: 75 feet to private road/100 feet to public road
- v. Minimum tract width: 750 feet
- vi. Minimum setbacks to tract boundary-Principle Structure:
  - a. Minimum Side Yard: 50 feet
  - b. Minimum Rear Yard: 100 feet
- vii. Minimum distance between apartment buildings 50 feet
- viii. Minimum distance between townhouse buildings 25 feet
- ix. Minimum setbacks to tract boundary - Accessory Buildings:
  - a. Minimum Side Yard: 25 feet
  - b. Minimum Rear Yard: 50 feet
- x. Maximum coverage: 60 percent, including private roadways
- xi. Maximum building height: 4 stories and 55 feet, if Constructed within the ring road; 3 stories and 40 feet, if constructed outside the ring road.

**Multi-Family Building Setbacks.**

- a. Building face to local street curb or pavement: 25 feet.
- b. Building face to collector street curb or pavement: 40 feet.
- c. Building face to arterial street curb or pavement: 50 feet.
- d. Building face to common parking area:
  - 1. Front building face: 20 feet.
  - 2. Rear or side building face: 15 feet.

**Multi-Family Building Spacing.**

The following separation of buildings shall be provided:

<b>Dimension</b>	<b>Separation of Buildings (feet)</b>
Long side to long side	75
Front to rear	50
Front to end	45
Rear to rear	50
Rear to end	40
End to end	30

**Multifamily building requirements:**

(1) Garden apartments.

- (a) The maximum length of structures shall be 200 feet. Maximum density shall be 25 dwelling units per acre.
- (b) Garden apartment structures should be grouped in clusters, with architectural design consistent in each cluster.
- (c) Recreation facilities, such as swimming pools and tennis courts, should be encouraged but carefully located to avoid problems of noise, light and similar nuisance elements affecting residential units. They shall be located not less than 100 feet from any tract boundary.
- (d) No front yard shall be used for service such as clothes drying and/or outdoor storage.
- (e) Where townhouses or garden apartments abut a residential zone or use, there shall be a landscaped strip not less than 15 feet in width or depth, which strip shall not be utilized for roadway or parking and which shall be so planted as to form an effective visual screen.
- (f) All utilities and their service lines, including electric and telephone, shall be installed underground and subject to approval of the appropriate utility. Wherever

the utility is not installed in a public right-of-way, an appropriate utility easement shall be provided.

(g) All streetlights and all lighting along pedestrian walks and in parking areas shall be downward-directed and shaded and installed on ornamental standards of the appropriate utility. They shall be of a style and design compatible with the architectural style of the project and shall be approved by the Planning Board and the utility company.

(h) Adequate provision shall be made for the storage, recycling and removal of garbage, which shall be at the sole cost and expense of the owner.

(i) Adequate provision shall be made for snow removal on all sidewalks, streets, roads, driveways and parking areas within the project, which shall be at the sole cost and expense of the owner.

(j) Minimum roof pitch shall be 4:12 unless flat roofs are employed, in which case green roof design or solar collectors shall be employed.

(k) Landscape or rooftop screening shall be provided for all a/c units, meters, connections, etc.

(2) Townhouses.

(a) Maximum of eight units in a single row. Minimum width of unit, 18 feet. Offset of at least four feet between every two units.

(b) Townhouses should be grouped in clusters, with a maximum of 30 per cluster. Private parking areas should be located near the unit entrances and outdoor living areas or patios adjoining open space or paths leading to open space.

(c) Townhouses in each cluster should be consistent in terms of architectural style and major design elements such as materials, windows, rooflines, roof designs, etc. Design approval shall rest with the Planning Board.

(d) Each dwelling unit in a townhouse building shall be completely separated from all other dwelling units in the same building by a fire wall subject to the requirements of the Uniform Construction Code.

(e) Adequate safe and sanitary provisions shall be made for the recycling and storage of solid waste and garbage in compliance with all applicable ordinance requirements of the Township of Hopewell.

(f) Minimum roof pitch shall be 4:12.

(g) Landscape or rooftop screening shall be provided for all a/c units, meters, connections, etc.

**6) Development Requirements for Inclusionary Housing in the RO-1 District:**

a. **Infrastructure** - All development shall be connected to public sewers and public water.

b. **Residential Use**

- 1) There shall be a maximum of 250 dwelling units,
- 2) Pursuant to COAH's second round rules at N.J.A.C. 5:93-1, et seq., at least 15% of all rental units and 20% of all for-sale units shall be deed-restricted for occupancy by low and moderate income households and the affordable housing units shall be dispersed among the residential buildings rather than concentrated in a few buildings.
- 3) Low and moderate income units shall meet the following bedroom distribution requirements:
  1. The combination of efficiency and one bedroom units shall be at least 10 % and no greater than 20 % 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; and
- 4) 3. At least 20 percent of all low and moderate income units shall be three bedroom units. Residential units shall be afforded the following activities within the redevelopment area: fitness room, community room, convenient recycling and trash receptacle area and multipurpose pedestrian/bicycle trail.
- 5) At least 50% of all affordable units shall be made available to low income households of which at least 13% shall be available to very low income households as required by P.L. 2008, c.46.

- c. **Site Design** - Relief required by this section shall be considered according to the standards in N.J.S.A. 40:55D-70 (c)
- 1) The location and arrangement of buildings, uses, parking areas and street setbacks shall be designed to minimize conflicts with non-residential uses in the RO-1 District.
  - 2) The buildings shall be located, arranged and designed to maximize opportunities for active and/or passive solar energy collection.
  - 3) Each dwelling unit and combined complex of dwelling units shall have a compatible architectural theme with variations in design to provide attractiveness to the development which shall include consideration of landscaping techniques, building orientation to the site and to other structures, topography, natural features and individual dwelling unit design such as varying unit widths, staggering unit setbacks, providing different exterior materials, changing roof lines and roof designs, altering building heights and changing types of windows, shutters, doors, porches, colors and vertical or horizontal orientation of the facades, singularly or in combination for each dwelling unit.
  - 4) The dwelling unit mix shall be such that no more than 65% of the total number of dwelling units shall have the same number of bedrooms.
  - 5) No townhouse building shall contain more than eight dwelling units.
  - 6) A minimum of 20% of the total land area of the inclusionary development tract, shall be designated as active and passive open space. Pedestrian and bike paths, ball fields, playgrounds and other areas for active or passive recreation shall be included in the calculation of required open space.
  - 7) A dense landscape buffer screen of 75 feet in width shall be installed where the development abuts any non-residential use or public street.
  - 8) Pedestrian and bicycle circulation shall be provided and shall be separated from motor vehicle circulation wherever possible, and, where applicable, shall be consistent with the Township's master plan for bikeways, utilizing the connections to the Lawrence Hopewell Trail and other existing trails.
  - 9) Pedestrian facilities shall include a perimeter loop pathway around the inclusionary development.
  - 10) An integrated sidewalk system shall be provided throughout the development which encourages pedestrian movements.
  - 11) Residential uses shall be located within the existing ring road. Residential uses may be located between the ring road and site perimeter only if the developer demonstrates to the planning board that environmental constraints preclude residential development within the ring road. Any development located between the ring road and site perimeter, if the planning approves said demonstration, shall protect existing views from the perimeter through site grading, landscaping or other means acceptable to the planning board.
  - 12) Any residential development constructed on the site shall also include a requirement that the Owner relinquish a portion of its development rights under previously authorized General Development Plan approvals, to compensate for the intensification of development for both on-site and off-site impacts. The Owner, by way of written declaration to the Planning Board at the time of application for such residential development, shall relinquish 1,000 Square Feet of Gross Floor Area of Office and Research Development for each residential unit proposed.
  - 13) The stormwater management designs shall employ naturalized/green infrastructure techniques to promote water quality, minimize maintenance and provide for ground water recharge.
- d. **Parking** - Relief required by this section shall be considered according to the standards in N.J.S.A. 40:55D-70 (c):
- 1) Parking facilities shall be at least 75' feet from the right-of-way line of any public road, and at least 50' from any private road
  - 2) Parking facilities and driveways shall be at least ten feet from District lines.
  - 3) Bicycle racks shall be provided on site at a rate of one bicycle storage space for every 30 automobile parking spaces.

- 4) Where abutting a residential zone or residential use, accessory buildings, accessory structures or accessory uses shall not be closer than 75 feet to any side or rear property line.

e. **Traffic**

- 1) Traffic studies shall be prepared to project the development-generated traffic volumes affecting the roadways serving the development. In addition, an updated study for on-site parking usage for each development phase shall be submitted.
- 2) Provisions for traffic improvements shall be made and strategies for traffic control shall be provided to ensure that the levels of service are maintained or improved.

**SECTION V**

A new Chapter 17-253 entitled “Mandatory Affordable Housing Set-aside in Future Rezonings or the Grant of Variances Authorizing Multi-Family Housing” is added as follows:

17-253. Mandatory Affordable Housing Set-aside in Future Rezonings or the Grant of Variances Authorizing Multi-Family Housing.

- a. Pursuant to directives of the Superior Court in the third round affordable housing proceedings encaptioned In the Matter of the Township of Hopewell, Docket No. MER-L-1557-15 (Mount Laurel), if the Township or its land use Boards permit, either through future rezonings or the grant of variances, multi-family or single family attached development that is “approvable” and “developable” as defined in N.J.A.C. 5:93-1, et seq. at a gross density of 6 units to the acre or more, the Township and/or its land use Boards shall require that an appropriate percentage of the residential units shall be set-aside for low and moderate income households in accordance with N.J.A.C. 5:93-1, et seq. This requirement shall apply to any multi-family or single-family attached residential development, including the residential portion of a mixed-use project which consists of six (6) or more new residential units, whether permitted by a zoning amendment, a variance granted by the Township’s land use Boards, or adoption of a Redevelopment Plan or amended Redevelopment Plan in areas in need of redevelopment or rehabilitation. Nothing herein precludes the Township from imposing an affordable housing set-aside in a development not required to have a set-aside pursuant to the provisions hereof consistent with N.J.S.A. 52:27D-311(h) and other applicable law. Consistent with N.J.A.C. 5:93-1, et seq., for inclusionary projects in which low and moderate income units are to be offered for “sale”, the appropriate set-aside percentage is 20 percent; for inclusionary projects for which the low and moderate income units are to be offered for “rent”, the appropriate set-aside percentage is 15 percent. This requirement does not create any entitlement for a property owner or applicant for a zoning amendment, variance, or adoption of a Redevelopment Plan or amended Redevelopment Plan in areas in need of redevelopment or rehabilitation, or for approval of any particular proposed project. This requirement does not apply to any sites or specific zones otherwise identified in judicially approved Settlement Agreements under Docket No. MER-L-1557-15 (Mount Laurel) or the Township’s judicially approved third round Housing Element and Fair Share Plan (collectively “Compliance Plan”), for which density and set-aside standards shall be governed by the specific standards set forth therein. A property shall not be

permitted to be subdivided so as to avoid meeting the above affordable housing requirement.

**SECTION VI**

Chapter 17-254 is reserved for future use now that the previously adopted Chapter 17-254 has been repealed.

**SECTION VII. SEVERABILITY.**

If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect or invalidate the remainder of this Ordinance, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

**SECTION VIII. INCONSISTENT ORDINANCES REPEALED.**

All Ordinances or parts of Ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed, but only to the extent of such inconsistencies.

**SECTION IX. EFFECTIVE DATE.**

This Ordinance shall take effect immediately upon final adoption and publication in the manner prescribed by law and the filing of same with the Mercer County Planning Board pursuant to N.J.S.A. 40:55d-16.

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**ORDINANCE – INTRODUCTION AND FIRST READING**

Mayor Kuchinski read by title the ordinance for introduction.

ORDINANCE RE-APPROPRIATING \$196,967.11 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO PROVIDE FOR THE 2018 ROAD PROGRAM IN AND BY THE TOWNSHIP OF HOPEWELL, IN THE COUNTY OF MERCER, NEW JERSEY

Motion by Hart, 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 April 23, 2018 at 7:00 p.m.

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**ORDINANCE – INTRODUCTION AND FIRST READING**

Mayor Kuchinski read by title the ordinance for introduction.

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF HOPEWELL, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$3,581,887 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,358,144 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

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 April 23, 2018 at 7:00 p.m.

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**ORDINANCE – INTRODUCTION AND FIRST READING**

Mayor Kuchinski read by title the ordinance for introduction.

BOND ORDINANCE PROVIDING FOR THE ACQUISITION AND INSTALLATION OF WATER TREATMENT PLANT CONTROLS FOR THE WATER UTILITY IN AND BY THE TOWNSHIP OF HOPEWELL, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$37,925 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$36,030 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE COST THEREOF (**WASHINGTON CROSSING ESTATES**)

Ms. Borges explained that the ordinance, if introduced, would be adopted after the budget was adopted.

Motion by Blake, seconded by McLaughlin to introduce ordinance.

Motion by Blake, seconded by McLaughlin to table the ordinance.

**MOTION UNANIMOUSLY CARRIED**

**ORDINANCE TABLED**

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**RESOLUTION #18-129.** Read by title.

Motion by McLaughlin, seconded by Blake to adopt Resolution #18-129.

**MOTION CARRIED**

**NOES:** Hart

Mr. McManimon explained the revisions to the Resolution.

**R E S O L U T I O N #18-129**

**RESOLUTION OF THE TOWNSHIP OF HOPEWELL AUTHORIZING THE EXECUTION OF A REDEVELOPMENT AGREEMENT WITH U.S. HOME CORPORATION D/B/A LENNAR IN CONNECTION WITH THE REDEVELOPMENT OF A PORTION OF THE ZAITZ REDEVELOPMENT AREA**

**WHEREAS**, the New Jersey Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the "**Redevelopment Law**") authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and

**WHEREAS**, the Redevelopment Law confers certain contract, planning and financial powers upon a redevelopment entity, as defined at Section 3 of the Redevelopment Law, in order to implement redevelopment plans adopted pursuant thereto; and

**WHEREAS**, the Township of Hopewell (the "**Township**") has elected to exercise these redevelopment entity powers directly, as permitted by Section 4 of the Redevelopment Law; and

**WHEREAS**, in accordance with the criteria set forth in the Redevelopment Law, the Township Committee (the "**Township Committee**") identified and designated the area consisting of Block 85, Lots 3, 4, 5.01, 7, 24 and 30, and Block 86, Lots 32, 33, 34 and 130, as set forth on the tax maps of the Township, as an "area in need of redevelopment" (the "**Redevelopment Area**"); and

**WHEREAS**, the Township Committee adopted a redevelopment plan for the Redevelopment Area, entitled "*Redevelopment Plan for Block 85, Lots 3, 4, 5.01, 7, 24 and 30, and Block 86, Lots 32, 33, 34 and 130*" (the "**Redevelopment Plan**"); and

**WHEREAS**, the Township is the fee simple owner of the portion of the Redevelopment Area consisting of Block 85, Lot 3 (the "**Property**"); and

**WHEREAS**, U.S. Home Corporation d/b/a Lennar (the "**Redeveloper**") and the Township have entered into that certain Agreement for Purchase and Sale of Real Estate dated

December 11, 2017 for the conveyance of the Property, less an approximately seven (7) acre portion thereof that will be subdivided from the Property and retained by the Township (the “**Community Area**”; the Property less the Community Area will hereinafter be referred to as the “**Project Area**”); and

**WHEREAS**, on July 7, 2015, the Township filed an action in the Superior Court of New Jersey, Mercer County, bearing Docket No. MER-L-1557-15, seeking a declaration of its compliance with the Mount Laurel doctrine and Fair Housing Act of 1985, *N.J.S.A. 52:27D-301 et seq.*, in accordance with In re N.J.A.C. 5:96 and 5:97 and a Judgment of Compliance and Repose approving its Housing Element and Fair Share Plan (“**Affordable Housing Plan**”), in addition to related reliefs, including temporary immunity from all Mount Laurel lawsuits; and

**WHEREAS**, the Project Area is included in the Township’s Affordable Housing Plan; and

**WHEREAS**, the Redeveloper is the contract-purchaser of the Project Area, and is a developer with resources and experience suitable for the proposed redevelopment thereof; and

**WHEREAS**, Redeveloper proposes to redevelop the Project Area by constructing thereon an inclusionary residential development project, consisting of seventy-eight (78) non-age restricted residential units affordable to very low, low and moderate income households, potentially an additional thirty (30) rental units affordable (which may or may not be age-restricted, in the Township’s discretion) to very low, low and moderate income households, and not more than three hundred one (301) market rate units, consisting of condominiums, townhomes and stacked townhomes, together with a recreation area and related amenity and infrastructure improvements (collectively, “the “**Project**”)

**WHEREAS**, on December 19, 2017, the Township adopted a resolution conditionally designating the Redeveloper as the redeveloper of the Redevelopment Area, subject to the successful negotiation and execution of a redevelopment agreement; and

**WHEREAS**, the undertaking of the Project will help the Township satisfy a portion of its affordable housing obligation, while preparing the Community Area for the construction of a community center thereon, including the construction of infrastructure improvements necessary therefor, and an improved traffic circulation network in the area, of approximately \$16,200,000 of value to the Township; and

**WHEREAS**, the Township has determined that the Redeveloper meets all necessary criteria, including financial capabilities, experience and expertise, and, as a result, has determined to designate the Redeveloper as the redeveloper for the Project Area and to enter into an agreement (in the form attached hereto as Exhibit A, the “**Redevelopment Agreement**”), which specifies terms of the redevelopment of the Project Area and the rights and responsibilities of the Township and the Redeveloper with respect to the Project.

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. U.S. Home Corporation d/b/a Lennar is hereby designated as redeveloper of the Project Area, pursuant to the Redevelopment Law, for purposes of carrying out the Project, in accordance with the terms of the Redevelopment Agreement.
3. (a) The Mayor is hereby authorized and directed to execute the Redevelopment Agreement, and any associated project agreement referenced therein, in the substantially the same form as that on file with the Township Clerk.  
(b) The Clerk of the Township is hereby authorized and directed, upon the execution of the Redevelopment Agreement or other related project agreement, to attest to the signature of the Mayor upon such document and is hereby further authorized and directed to thereupon affix the corporate seal of the Township.
4. If any part(s) of this Resolution shall be deemed invalid, such part(s) shall be severed and the invalidity thereof shall not affect the remaining parts of this Resolution.
5. This Resolution shall take effect immediately.

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**CONSENT AGENDA ITEMS**

**RESOLUTIONS #18-130 THROUGH #18-136**, Read by title.

Motion by Hart, seconded by McLaughlin to adopt Resolution #18-130 through #18-136

**MOTION UNANIMOUSLY CARRIED**

**R E S O L U T I O N 18-130**

**A RESOLUTION AUTHORIZING REFUNDS FOR  
HOPEWELL TOWNSHIP RECREATION DEPARTMENT  
PROGRAM PARTICIPANTS**

**WHEREAS**, registration fees were paid for participation in a variety of programs sponsored by the Hopewell Township Recreation Department; and

**WHEREAS**, some participants have requested a refund in accordance with department policy.

**NOW, THEREFORE, BE IT RESOLVED**, on this 9<sup>th</sup> day of April, 2018 by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that the following program refunds be and are hereby authorized:

Robert Dobrowolski 35 Continental Lane Titusville, NJ 08560 \$700.00

**R E S O L U T I O N #18-131**

**A RESOLUTION PERMITTING A FIREWORKS DISPLAY BY THE  
HOPEWELL VALLEY VETERAN'S ASSOCIATION – JUNE 24, 2018**

**WHEREAS**, The Hopewell Valley Veteran's Association (HVVA) has made application for permission to hold a fireworks display on Sunday, June 24, 2018 in conjunction with the 63<sup>rd</sup> Army Band Concert to be conducted at Woolsey Park, Washington Crossing-Pennington Road, Titusville, NJ at 9:00 p.m. with a rain date of Sunday, July 8, 2018; and

**WHEREAS**, the Uniform Fire Code (NJAC 5:70 et seq.) and the New Jersey Fireworks Act (NJS.A. 21:2-1 et. seq.) provides that the Governing Body of the Municipality may, upon application in writing, grant permission for a public display of fireworks by organizations or groups of individuals;

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Hopewell, County of Mercer and State of New Jersey does hereby grant permission to the HVVA to hold a fireworks display Sunday, June 24, 2018 in conjunction with the 63<sup>rd</sup> Army Band Concert to be conducted at Woolsey Park, Washington Crossing-Pennington Road, Titusville, NJ at 9:00 p.m. with a rain date of Sunday, July 8, 2018; subject to the following conditions:

- (1) Submission to the Township Fire Official, Andrew J. Fosina, Jr., an application pursuant to and meeting the specifications of the Uniform Fire Code and the New Jersey Fireworks Act;
- (2) Approval of the location of the storage place for said fireworks by the Township Fire Official, Andrew J. Fosina, Jr.;
- (3) Submission of Certificate of Insurance by the Vendor covering the fireworks; and
- (4) Submission of Surety as per N.J.S.A. 21:3-5.

**R E S O L U T I O N #18-132**

**A RESOLUTION TO ENTER INTO AN AGREEMENT WITH  
INTERNATIONAL FIREWORKS MFG, INC. AND THE  
HOPEWELL VALLEY VETERAN'S ASSOCIATION  
FOR A FIREWORKS DISPLAY ON JUNE 24, 2018**

**WHEREAS**, The Township of Hopewell and the Hopewell Valley Veteran's Association (HVVA) has been granted permission to hold a fireworks display on Sunday, June 24, 2018 in conjunction with the 63<sup>rd</sup> Army Band Concert to be conducted at Woolsey Park, Washington Crossing-Pennington Road, Titusville, NJ at 9:00 p.m.; and

**WHEREAS**, The Township of Hopewell and the Hopewell Valley Veteran’s Association must enter into an agreement with International Fireworks Mfg. Inc. to permit the display of fireworks at Woolsey Park; and

**WHEREAS**, The Township of Hopewell has agreed to furnish the necessary police protection at all times during the preparation of the exhibition and firing of same and also agreed to procure any and all necessary permits and licenses that may be required; and

**WHEREAS**, The Hopewell Valley Veteran’s Association shall be responsible for paying the contract price with International Fireworks Mfg. Inc.;

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Hopewell, County of Mercer and State of New Jersey does hereby grant permission for the Mayor to sign and enter into agreement with International Fireworks Mfg. Inc. for a fireworks display on Sunday, June 24, 2018 in conjunction with the 63<sup>rd</sup> Army Band Concert to be conducted at Woolsey Park, Washington Crossing-Pennington Road, Titusville, NJ at 9:00 p.m.

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**RESOLUTION #18-133**

**A RESOLUTION DIRECTING THE HOPEWELL TOWNSHIP ZONING OFFICER TO ISSUE A TEMPORARY ACTIVITIES PERMIT TO ANNE NIXON-ELLERY FOR A WEDDING EVENT AT THE GLENMOORE FARM**

**WHEREAS**, Anne Nixon-Ellery seeks permission to use her own property, “The Glenmoore Farm” located at 105 Pennington Hopewell Road on May 12, 2018 for a Wedding Event from 5:00 p.m. – 10:30 p.m.; and

**WHEREAS**, this proposal has been reviewed by the Hopewell Township Attorney who has advised that this proposal can be authorized under a Temporary Activities Permit issued by the Hopewell Township Zoning Officer; and

**WHEREAS**, this request has been reviewed by the Hopewell Township Health Department, Hopewell Township Police Department and Hopewell Valley Fire Safety who have raised no objections;

**NOW, THEREFORE, BE IT RESOLVED**, on this 9<sup>th</sup> day of April 2018, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that the Hopewell Township Zoning Officer be directed to issue a Temporary Activities Permit to Anne Nixon-Ellery for a Wedding Event on May 12, 2018 subject to receipt of all final approvals and comments from the Hopewell Township Health Officer, Hopewell Township Police, Hopewell Valley Fire Safety and Zoning Officer, and subject to any relevant restrictions on use, noise, signs, etc. or other permits as may be required.

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**RESOLUTION #18-134**

**A RESOLUTION DIRECTING THE HOPEWELL TOWNSHIP ZONING OFFICER TO ISSUE A TEMPORARY ACTIVITIES PERMIT TO ANNE NIXON-ELLERY FOR A WEDDING EVENT AT THE GLENMOORE FARM**

**WHEREAS**, Anne Nixon-Ellery seeks permission to use her own property, “The Glenmoore Farm” located at 105 Pennington Hopewell Road on June 23, 2018 for a Wedding Event from 5:00 p.m. – 10:30 p.m.; and

**WHEREAS**, this proposal has been reviewed by the Hopewell Township Attorney who has advised that this proposal can be authorized under a Temporary Activities Permit issued by the Hopewell Township Zoning Officer; and

**WHEREAS**, this request has been reviewed by the Hopewell Township Health Department, Hopewell Township Police Department and Hopewell Valley Fire Safety who have raised no objections;

**NOW, THEREFORE, BE IT RESOLVED**, on this 9<sup>th</sup> day of April 2018, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that the Hopewell Township Zoning Officer be directed to issue a Temporary Activities Permit to

Anne Nixon-Ellery for a Wedding Event on June 23, 2018 subject to receipt of all final approvals and comments from the Hopewell Township Health Officer, Hopewell Township Police, Hopewell Valley Fire Safety and Zoning Officer, and subject to any relevant restrictions on use, noise, signs, etc. or other permits as may be required.

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**RESOLUTION #18-135**

**RESOLUTION APPROVING THE APPLICATION OF  
THE STONY BROOK-MILLSTONE WATERSHED  
ASSOCIATION TO CONDUCT A 2018 TRAIL RUN AND FESTIVAL**

**WHEREAS**, application has been made by the Stony Brook-Millstone Watershed Association to conduct a 2018 Trail Run and Festival in the Township of Hopewell at the Watershed Reserve, 31 Titus Mill Road on May 20, 2018, between the hours of 12:00 p.m. and 3:00 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 festival 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 2018 Trail Run and Festival in accordance with the application submitted by the Stony Brook-Millstone Watershed Association, which festival is to be held on May 20, 2018 at the Watershed Reserve, 31 Titus Mill Road in Hopewell Township.

2. The Stony Brook-Millstone Watershed Association 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. The Municipal Clerk is directed to forward a certified copy of this resolution to the Stony Brook-Millstone Watershed Association, 31 Titus Mill Road, Pennington, NJ 08534.

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**RESOLUTION #18-136**

**RESOLUTION APPROVING THE APPLICATION OF  
THE STONY BROOK-MILLSTONE WATERSHED  
ASSOCIATION TO CONDUCT A BUTTERFLY FESTIVAL**

**WHEREAS**, application has been made by the Stony Brook-Millstone Watershed Association to conduct a Butterfly Festival in the Township of Hopewell at 31 Titus Mill Road on August 4, 2018, between the hours of 10:00 a.m. and 4:00 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 festival 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 Butterfly Festival in accordance with the application submitted by the Stony Brook-Millstone Watershed Association, which festival is to be held on August 4, 2018 at 31 Titus Mill Road in Hopewell Township.

2. The Stony Brook-Millstone Watershed Association shall be exempt 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. The Municipal Clerk is directed to forward a certified copy of this resolution to the Stony Brook-Millstone Watershed Association, 31 Titus Mill Road, Pennington, NJ 08534.

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**RESOLUTION #18-137.** Read by title.  
Motion by Hart, seconded by McLaughlin to adopt Resolution #18-137.  
**MOTION UNANIMOUSLY CARRIED**

**R E S O L U T I O N # 18-137**

**A RESOLUTION APPROVING THE TRANSFER OF  
WILLIAM MULLEN, III FROM DISPATCHER  
TO THE POSITION OF PUBLIC SAFETY TECHICIAN/  
IT COORDINATOR IN THE POLICE DEPARTMENT**

**BE IT RESOLVED** on this 9<sup>th</sup> day of April, 2018 by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that the transfer of William Mullen III, Dispatcher in the Police Department to the position of Public Safety Technician/IT Coordinator in the Hopewell Township Police Department be and is hereby approved, effective April 17, 2018.

**BE IT FURTHER RESOLVED** that William Mullen, III be compensated at an annual salary of \$80,104.00 (Grade 8 Step 2 on the 40 hour step system chart for CWA).

**BE IT FURTHER RESOLVED** that William Mullen, III's accrued benefits will transfer to his new position.

**RESOLUTION #18-138.** Read by title.  
Motion by Blake, seconded by McLaughlin to adopt Resolution #18-138.  
**MOTION UNANIMOUSLY CARRIED**

**R E S O L U T I O N #18-138**

**A RESOLUTION APPOINTING ADAM C. LIOTTA  
AS PATROL OFFICER IN POLICE DEPARTMENT**

**NOW, THEREFORE, BE IT RESOLVED,** on this 9<sup>th</sup> day of April, 2018, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey that Adam C. Liotta be and is hereby appointed as Patrol Officer in the Hopewell Township Police Department.

**BE IT FURTHER RESOLVED** that Adam C. Liotta is to be compensated at an annual salary of \$50,652 (Step 1 on the Twelve Step Chart for 2017).

**BE IT FURTHER RESOLVED** that this appointment is effective April 23, 2018.

**RESOLUTION #18-139.** Read by title.  
Motion by Hart, seconded by Ruger to adopt Resolution #18-139.  
**MOTION UNANIMOUSLY CARRIED**

**R E S O L U T I O N #18-139**

**A RESOLUTION APPOINTING PHILIP FAZIO  
AS CUSTODIAN IN PUBLIC WORKS DEPARTMENT**

**NOW, THEREFORE, BE IT RESOLVED,** on this 9<sup>th</sup> day of April, 2018 by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey that Philip Fazio be and is hereby appointed as Custodian in the Hopewell Township Public Works Department; and

**BE IT FURTHER RESOLVED** that Philip Fazio be compensated at an annual salary of \$35,000.00; and

**BE IT FURTHER RESOLVED** that this appointment is effective April 16, 2018.

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**RESOLUTION #18-140.** Read by title.

Motion by Ruger, seconded by McLaughlin to adopt Resolution #18-140.

**MOTION UNANIMOUSLY CARRIED**

**R E S O L U T I O N #18-140**

**A RESOLUTION APPOINTING A MEMBER  
TO THE HOPEWELL TOWNSHIP  
ENVIRONMENTAL COMMISSION**

**BE IT RESOLVED**, on this 9<sup>th</sup> day of April, 2018 that I, Kevin D. Kuchinski, Mayor of the Township of Hopewell, County of Mercer, State of New Jersey, do hereby appoint Andrew Plunkett as Alternate No. 2 Member to the Hopewell Township Environmental Commission for an unexpired term expiring on December 31, 2018.

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**RESOLUTION #18-141.** Read by title.

Motion by McLaughlin, seconded by Blake to adopt Resolution #18-141.

**MOTION UNANIMOUSLY CARRIED**

**R E S O L U T I O N #18-141**

**A RESOLUTION APPOINTING A MEMBER  
TO THE PARKS & RECREATION ADVISORY COMMITTEE**

**BE IT RESOLVED**, on this 9<sup>th</sup> day of April, 2018 that the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, does hereby appoint Rob Marino as a member of the Parks & Recreation Advisory Committee to a three-year unexpired term expiring December 31, 2019.

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**RESOLUTION #18-142.** Read by title.

Mayoral appointment. No votes needed.

**R E S O L U T I O N #18-142**

**A RESOLUTION APPOINTING A  
MEMBER TO THE HOPEWELL VALLEY  
GREEN TEAM**

**BE IT RESOLVED** that I, Kevin D. Kuchinski, Mayor of the Township of Hopewell, County of Mercer, on this 9<sup>th</sup> day of April 2018, do hereby appoint Carol Meyer as a member of the Hopewell Valley Green Team.

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**RESOLUTION #18-143.** Read by title.

Motion by Blake, seconded by Hart to adopt Resolution #18-143.

**ROLL CALL VOTE:**

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

**NOES:** None

**R E S O L U T I O N #18-143**

**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 \$3,337,788.84

**NOW, THEREFORE, BE IT RESOLVED**, on this 9th day of April 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:

**	Executive O/E	44,500.00
	Clerk O/E	200.00
	Assessor O/E	50.00

Total 44,750.00

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.

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**RESOLUTION #18-144.** Read by title.

Motion by Blake, seconded by McLaughlin to adopt Resolution #18-144.

**MOTION UNANIMOUSLY CARRIED**

**RESOLUTION #18-144**

**A RESOLUTION IN SUPPORT OF NEW JERSEY ASSEMBLY BILLS A-3352, A-3353 AND A-3354 INTENDED FOR IMPROVEMENT OF PUBLIC WATER SYSTEM OPERATIONS**

**WHEREAS**, Assembly Bills A-3352, A-3353 and A-3354 were introduced by Assemblyman Wayne DeAngelo and Assemblyman Daniel Benson on February 12, 2018; and

**WHEREAS**, Assembly Bill A-3352 would establish specific guidelines to notify municipal officials and the public in emergency cases or other incidences that cause the issuance of a boil water notice; and

**WHEREAS**, beginning ninety days after enactment Assembly Bill A-3352 would require a public water system to notify its affected customers of a boil water notice via the preferred means of direct contact, consisting of telephone, electronic mail, or text message of each customer; and

**WHEREAS**, Assembly Bill A-3352 would further require public water systems to notify specified public officials any time the public water system violates any drinking water quality standard; and

**WHEREAS**, Assembly Bill A-3352 would supplement the “Water Quality Accountability Act” and require certain public water systems to develop and maintain a website or webpage on the municipality’s or county’s website in which it provides increased public access to information concerning operations and activities of the water purveyor; and

**WHEREAS**, Assembly Bill A-3354 would amend the “Water Supply and Wastewater Operators’ Licensing Act” to permit professional engineers to take the water supply and wastewater treatment systems operator licensing examination without meeting additional experience and course requirements; and

**WHEREAS**, the requirements and policies incorporated in Assembly Bills A-3352, A-3353 and A-3354 will help protect the health, safety and general welfare of the residents of Hopewell Township.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Hopewell, County of Mercer and State of New Jersey, that the Committee supports the adoption of Assembly Bills A-3352, A-3353, and A-3354; and

**BE IT FURTHER RESOLVED**, that copies of this resolution be forwarded to Assemblyman Wayne DeAngelo; Assemblyman Daniel Benson; Governor Phil Murphy; Lieutenant Governor Sheila Oliver; Congresswoman Bonnie Watson Coleman; Senator Shirley Turner; Assemblyman Reed Gusciora; Assemblywoman Verlina Reynolds-Jackson; and the New Jersey State League of Municipalities.

**RESOLUTION #18-145.** Read by title.

Motion by Blake, seconded by McLaughlin to adopt Resolution #18-145.

**MOTION UNANIMOUSLY CARRIED**

### **R E S O L U T I O N #18-145**

#### **A RESOLUTION AUTHORIZING THE APPOINTMENT OF A HEARING OFFICER**

**WHEREAS**, a personnel matter has arisen within the Police Department of the Township of Hopewell and a Hearing Officer will be retained for the handling of the aforesaid personnel matter; and

**WHEREAS**, the compensation for professional services to be rendered may exceed the maximum permissible amounts specified in the Public Contracts Law, but said services constituting "professional services" are exempt from public bidding pursuant to N.J.S.A. 40A:11-5(10)(a) of the Public Contracts Law because said services are rendered or performed by a person authorized by law to practice a recognized profession, rendered or performed by a person whose practice is regulated by law, and the performance thereof requires knowledge of an advanced type in the field of learning required by a prolonged formal course of specialized instruction and study as distinguished from general academic training, instruction or apprenticeship; and

**WHEREAS**, the Township Committee of the Township of Hopewell is desirous of appointing a Hearing Officer.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Hopewell that Carol F. Laskin, Esq. 2090 Marlton Pike E, Cherry Hill, NJ 08003, is hereby appointed to act as hearing officer regarding this personnel matter and make a decision in writing, with findings of fact and conclusions in the matter; and

**BE IT FURTHER RESOLVED**, that the Hearing Officer will be compensated at a daily rate of \$1,800 for the hearing, plus expenses, and an hourly rate of \$250 for any services required related to the hearing; and

**BE IT FURTHER RESOLVED**, that the Township Clerk be and hereby is authorized and directed to forward certified copies of the within Resolution to the Hearing Officer appointed by the Township Committee upon final approval of such Hearing Officer; and

**BE IT FURTHER RESOLVED**, that the Mayor is hereby authorized to sign an Employment Agreement for Professional Services of Hearing Officer on behalf of the Township.

A Notice in accordance with the Local Public Contracts Law shall be published in the Hopewell Valley News as required by law.

A copy of this Resolution as well as the contract shall be placed on file with the Clerk of the Township.

**RESOLUTION #18-146.** Read by title.

Motion by Blake, seconded by McLaughlin to adopt Resolution #18-146.

**ROLL CALL VOTE:**

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

**NOES:** None

### **R E S O L U T I O N #18-146**

**BILLS & CLAIMS**

**BE IT RESOLVED**, that the list of cash disbursements authorized for approval of bills for payment date April 9, 2018 in the following amounts:

Bills and Claims	\$ 299,184.15
Payroll	\$ 346,725.32
Total Disbursements	\$ 645,909.47

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:

**Melanie Philips** asked if the majority of Seniors who responded to the Senior/Community Center survey preferred the Scotch Road site, why is the Zaitz tract still being considered and has the Township allocated money in the budget to support legislative measures, such as Assembly Bill 1648, regarding changing the affordable housing requirements.

**James Burd** commented on his conversation with Senator Sweeney regarding affordable housing and suggested members of the Township Committee contact him.

**Todd Brant** reported six tractor trailers being parked on the Penntown Property on Friday night and asked what measures residents should take when that occurs. Mr. Brant was counseled to call the police department.

**John Muscente** questioned if Crest Avenue, Plymouth and Orchard are within the sewer service area, and if not, what may residents do to be added to the system.

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 will not reconvene following the Executive Session.

Motion by Blake, 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 #18-147**

**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:

- Contract Negotiations
  - Bargaining Units
- Personnel
  - JIF Fund Commissioner Appointments
- Litigation
  - Deer Valley

**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 9<sup>th</sup> day of April, 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 10:35 p.m. the Executive Session was held.

At 11:08 p.m. the Regular meeting reconvened.

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At 11:08 p.m., Motion by McLaughlin, seconded by Hart 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