

**HOPEWELL TOWNSHIP COMMITTEE SPECIAL MEETING
VIA ZOOM VIDEO COMMUNICATIONS**

Thursday, June 11, 2020 – 5:11 p.m.

PROPER STATEMENT OF NOTICE – Mayor McLaughlin 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 June 8, 2020, 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, Kuchinski, Peters-Manning, Ruger, Mayor McLaughlin

ABSENT: None

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

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

MINUTES SUBMITTED FOR APPROVAL

Motion by Blake, seconded by Ruger to approve April 2, 2020 Special and Executive Session Meeting Minutes and April 6, 2020 Regular and Executive Session Meeting Minutes.

MOTION UNANIMOUSLY CARRIED

PRESENTATION – PROCLAMATION DECLARING JUNE 2020 AS LESBIAN, GAY, BISEXUAL, TRANSGENDER, AND QUEER PRIDE MONTH IN HOPEWELL TOWNSHIP
Read into the record by Committee Members.

PROCLAMATION

**DECLARING JUNE 2020 AS LESBIAN, GAY, BISEXUAL,
TRANSGENDER, AND QUEER PRIDE MONTH IN HOPEWELL TOWNSHIP**

WHEREAS, Hopewell Township residents recognize the human rights of all citizens and support an end to all forms of prejudice and discrimination; and

WHEREAS, the members of the Hopewell Township Committee are committed to promoting equality and fostering a welcoming and supportive environments for all; and

WHEREAS, Lesbian, gay, bisexual, transgender and queer residents have made important contributions to the history and quality of life of our nation; and

WHEREAS, lesbian, gay, bisexual, transgender and queer individuals and families across the United States continue to face significant forms of oppression and discrimination; and

WHEREAS, this June 2020 is the fifty-first anniversary of the Stonewall Inn demonstrations, which are regarded as a catalyst in the fight for lesbian, gay, bisexual, transgender and queer rights.

NOW, THEREFORE, BE IT RESOLVED, that Mayor Kristin L. McLaughlin of the Township of Hopewell, with the support of the Hopewell Township Committee, hereby recognizes June 2020 as lesbian, gay, bisexual, transgender and queer pride month in Hopewell Township and urges all of our residents to celebrate diversity and inclusion; promote equality; acknowledge the

achievements and contributions of lesbian, gay, bisexual, transgender and queer people; and strive to eliminate prejudice everywhere that it exists; and

BE IT FURTHER RESOLVED, that the Hopewell Township Clerk shall send a copy of this Proclamation to each municipality in the County of Mercer and to the Mercer County Board of Chosen Freeholders.

ADDITIONAL ITEMS FOR MEETING AGENDA

Ms. Gompf advised that there were two additional items for the meeting agenda, a resolution for professional services for a hearing officer and an additional Bill List.

COMMITTEE MEMBERS AND STAFF REPORTS

Mr. Kataryniak reported that the tree seedling giveaway was a success and that the Township distributed many trees; thanked the public for coming to the event; thanked Rob and Norm from Public Works for making the event a success; road repair work continues with base repair and chip seal work; and reminded everyone to be cautious while construction workers are in the area.

Ms. Borges reported that all employees will return to work on June 17; the building will not be open to the public at that time; and the health officer will do a facility tour before the employees return to ensure all is in order.

Ms. Gompf reported on changes to the July 7, 2020 Primary Election; it will be a mostly vote-by-mail election; vote-by-mail ballots have begun being mailed out; vote-by-mail applications have also begun to be mailed; you may fill out your vote-by-mail ballot and send it by mail; you may hand deliver it to the Board of Elections office; or drop it off at a local drop box; A minimal amount of polling locations will be open; and you may only vote provisionally at the polls.

Mayor McLaughlin stated that this has been a very challenging time and that at the last meeting, which was abruptly ended, the Chief of Police was invited to discuss the Police Department's reaccreditation; however, the presentation has been deferred to another time in order to hear from the public on their thoughts, concerns, experiences and questions; announced that tonight is intended to be part of an on-going conversation, not a one-time opportunity; acknowledged that many attended this evening's meeting in order to address specific concerns regarding members of the police department and civilian employees; announced that there is an ongoing investigation; an independent investigator has been hired to investigate the civilian cases; that hiring an independent hearing officer to address the police department is on the agenda this evening; declared that the Hopewell Township Committee deplores and condemns racism and understands the urgency of action; the first public comment section will be for those concerns; and that the Chief and the County Prosecutor are in the process of setting up a community forum so the community may ask questions and receive answers.

Committee Member Peters-Manning reported that the Senior Advisory Board is continuing meal pick-up and delivery; another Senior Activity Book went out this month; the Environmental Commission's seedling giveaway was a great success; and they are striving to find a way to reduce single-use plastics.

Committee Member Blake reported on the activities of Public Works; announced brush collection is two weeks behind schedule; thanked the Community for their patience; and the COVID-19 status has moved from a daily reporting schedule to a weekly report.

Committee Member Kuchinski reported that the Recreation Advisory Committee will hold its June meeting via Zoom and is working to open sports safely when and where they can; that the school system is offering staff facility discussion on race relations; and there are resolutions on the agenda this evening allowing outdoor dining on a temporary basis in conjunction with the Governor's executive order.

Committee Member Ruger reported that the Open Space Committee Meeting needed to be moved to accommodate other meetings on Zoom; provided an update on the Census response; and encouraged citizens to respond to the Census.

PUBLIC SECTION

The following members of the public spoke during public comment:

Sheila Reynertson, voiced her opposition to the statement of Black Lives Matter (BLM) being described as a terrorist group; stated that it is a white supremacist, propaganda talking point; stated it dismays her that the Hopewell Township Police Department has been exposed for its overly anti-black work culture; believes there is a failure of leadership; and asked for Chief Maloney's resignation.

Jon Edwards, a resident of Pennington Harbourton Road, stated that wearing a badge on the police force is an honor and reflects who we are but what was disturbing was the number of likes on Facebook that supported the statement; believes the Township should rebuild the department in a new way; opined what he did when he was Mayor; called for an investigation of the department with regard to the tickets they write and investigate what percentage of the tickets are written to African Americans; and spoke of the imprisoning of a large rate of African Americans in this country.

Linda Wyckoff, a resident of Wrick Avenue, was disturbed at what she saw on Facebook recently; has noticed what she described as racial profiling by the police department; spoke of defunding the police force; suggested officers should be made to reapply for their positions; suggested social workers be utilized for drug use arrests; and asserted that the Township is noted as being a place to not drive through because of the police force, especially if you are African American.

Annette Earling, a resident of Trimmer Avenue, described that she was given a speeding summons and went to court and when she went to court she was the only white person there except for the judge and clerks; that this prompted her to write to the Mayor and Chief Maloney; she stated that Chief Maloney called her and discussed it with her; that the incident on Facebook made her realize that this is a much bigger issue; and stated she wants to see this imbalance addressed.

Patty Cronheim, a resident of Penn View Drive, was saddened to see these issues come to Hopewell Township; alleged that she has noticed racial profiling in Hopewell Township; urged the Township to restructure the police department; suggested that members of the police department be retrained; and suggested addressing racism wherever it can be addressed and move towards a better society.

Catherine Fulmer-Hogan, a resident of Ingleside Avenue, announced that she felt compelled as a woman of color to speak; stated that she lives with a target on her back; asserted that the fact that she was identified by a police officer in her community as a terrorist is utterly dangerous; stated that she has friends that worship in the community that are afraid to drive through Hopewell Township because they are afraid of the police; she has been to court and alleged there are mostly black people in the court; and stated that she couldn't find uses of force policy on the website which she believes should be placed there.

Clare Doyle, a resident of Hessian Hill Drive, requested to cede her time to Jon Edwards.

Daniel Roken, owner of Wildflowers; stated that Mercer Oaks already had outdoor dining which he said seemed unfair to him; alleged the Township is making him jump through hoops for a permit for outdoor dining; asked the Committee to be fair with them; and criticized how the Township reached out to them regarding outdoor seating.

Thomas Van Essen, a resident of North Greenwood Avenue, would like the use of force policies for the Township police available to everyone; and urged the Township to adopt reforms so that communities can gain control of the way the police officers use force.

Laurie Cleveland, a resident of Van Dyke Road, alleged that Hopewell Township is notorious for being racist; stated that the attitudes that have been coming forth on Facebook breaks her heart; that something needs to be done about it; that everything needs to be examined; urged the restructuring of the police department; stated hate should have no home here; and suggested fixing the problem and urged the Committee to take the first step.

Dave Deifer, a resident of Trimmer Avenue, questioned if the protest would be safe to attend; stated that the police should be serving all citizens; and suggested reforming the department.

Heidi Wilenius made certain comments regarding a police officer's comments on Facebook; suggested rebuilding the department from the ground up; and requested looking at defunding the police.

Amy Pearlmutter, a resident of Hopewell Wertsville Road, stated that everyone needs to be reexamining themselves; suggested looking at the Police Chief of Princeton's statement which she believed held some very good comments.

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

RESOLUTION #20-189 and #20-190. Read by title.

Motion by Kuchinski, seconded by Blake to adopt Resolutions #20-189 and #20-190.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #20-189

A RESOLUTION DIRECTING THE HOPEWELL TOWNSHIP ZONING OFFICER TO ISSUE A TEMPORARY ACTIVITIES PERMIT TO WILDFLOWERS INN, INC.

WHEREAS, restaurants are an integral part of the local economics and social fabrics of municipalities; and

WHEREAS, policies regarding restaurants established by the State of New Jersey through law, regulation and executive order rightfully prioritize public health; and

WHEREAS, the proper adherence of measures to mitigate the spread of the COVID-19 virus has greatly affected the business model of restaurants; and

WHEREAS, the Township wishes to help its local businesses through this difficult time; and

WHEREAS, many restaurants are owned and operated by local families that depend upon continued economic activity; and

WHEREAS, the Township has promoted the take-out and home delivery services of restaurants as residents have quarantined at home; and

WHEREAS, the Township supports and follows the recommendations of health care professionals to continue proactive measures such as social distancing to curtail the spread of the COVID-19 virus; and

WHEREAS, the Township supports temporary, practical measures that enable restaurants to augment their dining capabilities as a means to boost customer activity; and

WHEREAS, Kenneth Mather, Victoria Mather and Jacquelyn Mather seek permission to offer temporary outdoor dining and beverages utilizing a portion of the existing parking area of their restaurant, Wildflowers Inn, to serve lunch and dinner in compliance with all Executive Orders issued to date by the Governor of New Jersey, including the most recent Executive Order dated June 1, 2020, specifically setting forth requirements with respect to outdoor restaurant operations during the return to restaurant dining under the COVID-19 phasing schedule as of June 15, 2020; 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 Municipal Construction Office, 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 11th day of June 2020, 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 Kenneth Mather, Victoria Mather and Jacquelyn Mather for temporary outdoor dining and beverages utilizing a portion of the existing parking area of their restaurant, Wildflowers Inn. Operation will be in compliance with all Executive Orders issued by the Governor of New Jersey with respect to outdoor restaurant operations under the COVID-19 phasing schedule, subject to receipt of all final approvals and comments from the Municipal Construction Office, 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, including;

This Temporary Activities Permit approval is granted for the configuration depicted on the plan/sketch attached to this Resolution and is subject to the following conditions:

1. Reservations are strongly encouraged; however, if reservations are not mandatory, there must be a way to ensure that customers waiting to be seated are social distancing or waiting in their vehicles. All distance separations shall comply with all applicable Executive Orders issued by the Governor of New Jersey, as well as any other requirements, conditions and/or limitations in the Governor’s Executive Orders required as of June 15, 2020.
2. Policy (with signage) should require customers to wear masks until they are seated and at any time they are not seated at their table.
3. The consumption of alcoholic beverages will continue to be regulated by the New Jersey Alcoholic Beverage Control Commission; therefore, all applicants are responsible for verifying that their liquor license permits the serving of alcohol outdoors. Applicants are required to obtain a COVID-19 Expansion permit from the Division of Alcoholic Beverage Control for a one-time fee of \$75.00, the term of which shall be from date of issuance until November 30, 2020, the expiration date of seasonal consumption licenses.
4. Permissible operating hours for the outdoor dining area are:
 - a. Sunday through Wednesday: 11:00 a.m. to 8:00 p.m. (last seating 7:30 p.m.)
 - b. Thursday through Saturday: 11:00 a.m. to 10:00 p.m. (last seating 9:30 p.m.)
5. Barriers establishing the perimeter of the designated outdoor dining area shall remain in place for the duration of this Temporary Activities Permit. Removal and replacement of the outdoor dining area on a daily basis to coincide with operating hours shall not be permitted.
6. For perimeter barriers within existing parking lot areas, barriers shall be a minimum of 42 inches in height and contain high-visibility / reflectorized materials to enhance visibility for vehicles within the active parking lot.
7. Temporary lighting used to illuminate the outdoor dining area shall not be directed to shine into or across existing parking areas or adjacent roads. Temporary lighting may be used during the permissible operating hours for the outdoor dining area only.
8. No temporary outdoor dining area shall be located within an approved delivery area, loading zone or fire lane.
9. No temporary outdoor dining area shall impact the effective functioning of the prior approved site plan, except for the specific mitigating measures depicted on the approved plan contained within this permit.
10. Tents shall not be permitted within temporary outdoor dining areas. Awnings or umbrellas may be used.
11. All temporary outdoor dining areas shall maintain the existing ground conditions with no changes in grade. Temporary flooring or mats are not permitted.
12. Any expansion or changes to the outdoor dining area to enlarge or alter the configuration of the occupied footprint shall invalidate this permit.
13. This permit shall be valid through November 30, 2020. The Permittee may apply for an extension to this permit provided such request is received no later than close of normal municipal business hours five business days prior to the expiration date of the permit.

R E S O L U T I O N #20-190

**A RESOLUTION DIRECTING THE HOPEWELL TOWNSHIP ZONING OFFICER
TO ISSUE A TEMPORARY ACTIVITIES PERMIT TO
HOPEWELL VALLEY ENTERPRISES LLC**

WHEREAS, restaurants are an integral part of the local economics and social fabrics of municipalities; and

WHEREAS, policies regarding restaurants established by the State of New Jersey through law, regulation and executive order rightfully prioritize public health; and

WHEREAS, the proper adherence of measures to mitigate the spread of the COVID-19 virus has greatly affected the business model of restaurants; and

WHEREAS, the Township wishes to help its local businesses through this difficult time; and

WHEREAS, many restaurants are owned and operated by local families that depend upon continued economic activity; and

WHEREAS, the Township has promoted the take-out and home delivery services of restaurants as residents have quarantined at home; and

WHEREAS, the Township supports and follows the recommendations of health care professionals to continue proactive measures such as social distancing to curtail the spread of the COVID-19 virus; and

WHEREAS, the Township supports temporary, practical measures that enable restaurants to augment their dining capabilities as a means to boost customer activity; and

WHEREAS, Hopewell Valley Enterprises LLC seeks permission to offer temporary outdoor dining and beverages utilizing a portion of their property, Hopewell Valley Vineyards, to serve light-fare and wine in compliance with all Executive Orders issued to date by the Governor of New Jersey, including the most recent Executive Order dated June 1, 2020, specifically setting forth requirements with respect to outdoor restaurant operations during the return to restaurant dining under the COVID-19 phasing schedule as of June 15, 2020; 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 Municipal Construction Office, 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 11th day of June 2020, 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 Hopewell Valley Enterprises for temporary outdoor dining and beverages utilizing a portion of their property, Hopewell Valley Vineyards. Operation will be in compliance with all Executive Orders issued by the Governor of New Jersey with respect to outdoor restaurant operations under the COVID-19 phasing schedule, subject to receipt of all final approvals and comments from the Municipal Construction Office, 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, including;

This Temporary Activities Permit approval is granted for the configuration depicted on the plan/sketch attached to this Resolution and is subject to the following conditions:

1. Reservations are strongly encouraged; however, if reservations are not mandatory, there must be a way to ensure that customers waiting to be seated are social distancing or waiting in their vehicles. All distance separations shall comply with all applicable Executive Orders issued by the Governor of New Jersey, as well as any other requirements, conditions and/or limitations in the Governor's Executive Orders required as of June 15, 2020.
2. Policy (with signage) should require customers to wear masks until they are seated and at any time they are not seated at their table.
3. The consumption of alcoholic beverages will continue to be regulated by the New Jersey Alcoholic Beverage Control Commission; therefore, all applicants are responsible for verifying that their liquor license permits the serving of alcohol outdoors. Applicants are required to obtain a COVID-19 Expansion Permit from the Division of Alcoholic Beverage Control for a one-time fee of \$75.00, the term of which shall be from date of issuance until November 30, 2020, the expiration date of seasonal consumption licenses.
4. Food preparation, storage, cooling or refrigeration, or associated equipment is prohibited within the outdoor dining area.
5. External sound systems in the outdoor dining area are prohibited.
6. Permissible operating hours for the outdoor dining area are 1:00 p.m. to 6:00 p.m., Friday, Saturday and Sunday.
7. A barrier is required at the end of the driveway to ensure vehicles do not enter the seating area.
8. Barriers establishing the perimeter of the designated outdoor dining area shall remain in place for the duration of this Temporary Activities Permit. Removal and replacement of the outdoor dining area on a daily basis to coincide with operating hours shall not be permitted.

9. For perimeter barriers within existing parking lot areas, barriers shall be a minimum of 42 inches in height and contain high-visibility / reflectorized materials to enhance visibility for vehicles within the active parking lot.
10. A minimum space of at least 4 feet of unrestricted pedestrian pathway shall be maintained at all times so as not to interfere with, impede, slow, divert or in any way prevent pedestrians from freely passing along the sidewalk or ingress and egress to the establishment at any time.
11. Temporary lighting used to illuminate the outdoor dining area shall not be directed to shine into or across existing parking areas or adjacent roads. Temporary lighting may be used during the permissible operating hours for the outdoor dining area only.
12. No temporary outdoor dining area shall be located within an approved delivery area, loading zone or fire lane and shall not block any municipal sign, public bench, planter, fire hydrant or any other public amenity.
13. No temporary outdoor dining area shall impact the effective functioning of the prior approved site plan, except for the specific mitigating measures depicted on the approved plan contained within this permit.
14. Tents shall not be permitted within temporary outdoor dining areas. Awnings or umbrellas may be used. Outdoor dining furniture, including awnings, umbrellas and any other decorative material shall be fire-retardant or manufactured of fire-resistant material and shall be constructed of weather resistant and durable materials able to sustain typical wind gusts. In the event of unusually strong inclement weather, furniture shall be secured or moved to a secure place.
15. All temporary outdoor dining areas shall maintain the existing ground conditions with no changes in grade. Temporary flooring or mats are not permitted.
16. Space heaters are not permitted.
17. Any expansion or changes to the outdoor dining area to enlarge or alter the configuration of the occupied footprint shall invalidate this permit.
18. This permit shall be valid through November 30, 2020. The Permittee may apply for an extension to this permit provided such request is received no later than close of normal municipal business hours five business days prior to the expiration date of the permit.

ORDINANCE – FINAL READING, PUBLIC HEARING AND ADOPTION

Mayor McLaughlin read by title the introduced ordinance:

ORDINANCE OF THE TOWNSHIP OF HOPEWELL ESTABLISHING A
PRIVATE DRIVEWAY EASEMENT WITHIN THE EXISTING RIGHT OF
WAY OF BUTTERFOSS AVENUE

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

MOTION UNANIMOUSLY CARRIED

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

ROLL CALL VOTE:

AYES: Blake, Peters-Manning, Kuchinski, Ruger, Mayor McLaughlin

NOES: None

ORDINANCE ADOPTED

O R D I N A N C E N O . 20-1728

**ORDINANCE OF THE TOWNSHIP OF HOPEWELL
ESTABLISHING A PRIVATE DRIVEWAY EASEMENT WITHIN THE
EXISTING RIGHT OF WAY OF BUTTERFOSS AVENUE**

WHEREAS, the owners of property known as 16 Butterfoss Avenue, a/k/a Block 130, Lots 87 through 92 inclusive, as shown on the Hopewell Township Tax Map seek to construct a single family home on their property in conformance with the current established zoning requirements; and

WHEREAS, said lots are bordered on the north by Butterfoss Avenue, a right of way under Hopewell Township jurisdiction, with the portion adjacent to said lots presently unimproved; and

WHEREAS, the Township is not prepared at the present time to extend the paved cartway of Butterfoss Avenue or otherwise improve the portion of the public right of way within the limits of the said lots; and

WHEREAS, the property owners are not prepared at the present time to construct a paved cartway within the unimproved portion of Butterfoss Avenue to Township standards; and

WHEREAS, the property owners are desirous of using a portion of the unimproved right of way of Butterfoss Avenue as a private driveway to service a dwelling to be constructed on their lands; and

WHEREAS, in accordance with NJSA 40A:12-13, the establishment of an easement within a portion of the municipally owned right of way of Butterfoss Avenue requires an Agreement with the property owners desirous of obtaining access by way of a private driveway easement; and

WHEREAS, the property owners have agreed to the terms and conditions outlined in the Agreement attached hereto to this Ordinance.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey that the attached Agreement to establish a driveway easement in the right of way of Butterfoss Avenue for the purpose of creating a private access drive to the property located on Block 130, Lots 87 through 92, inclusive.

Ordinance advertised May 22, 2020, Hopewell Valley News. Posted municipal bulletin board as required by law.

ORDINANCE – FINAL READING, PUBLIC HEARING AND ADOPTION

Mayor McLaughlin read by title the introduced ordinance:

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXI,
“TOWING AND STORAGE” OF THE REVISED GENERAL
ORDINANCES OF THE TOWNSHIP OF HOPEWELL

Mayor McLaughlin declared public hearing open. No comments from the public.

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

MOTION UNANIMOUSLY CARRIED

Motion by Peters-Manning, seconded by Kuchinski to adopt the introduced ordinance.

ROLL CALL VOTE:

AYES: Blake, Kuchinski, Peters-Manning, Ruger, Mayor McLaughlin

NOES: None

ORDINANCE ADOPTED

Ordinance advertised May 22, 2020, Hopewell Valley News. Posted municipal bulletin board as required by law.

ORDINANCE NO. 20-1729

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXI, “TOWING AND STORAGE” OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF HOPEWELL

Explanation: Material underlined _____ is added
Material bracketed [] is deleted

21-1 PURPOSE.

To establish rules and regulations, pursuant to N.J.S.A. 40:48-2.49, N.J.A.C. 13:45A-31 and N.J.A.C. 17:33-47 and 48, for the towing and storage of motor vehicles damaged in accidents, utilized in the commission of crimes, recovered after being stolen, or otherwise impounded by the police department, from public roadways by operators engaged in the business of towing and storing motor vehicles. (Ord. #93-952, § 1; Ord. #11-1526)

21-2 SCOPE.

The provisions of this chapter shall apply to those businesses that engage in the towing and storage of motor vehicles within the township through the police department. (Ord. #93-952, § 2; Ord. #11-1526)

21-3 DEFINITIONS.

Abandoned vehicle shall mean a vehicle which the owner or operator leaves on a public roadway and fails to notify the police and does not attempt to repair and remove the same within a reasonable period of time.

Accident vehicle shall mean a motor vehicle which has been involved in an accident.

Basic tow shall mean private property towing and other nonconsensual towing as defined in this section and other ancillary services that include the following: arriving at the site from which a motor vehicle will be towed; 15 minutes waiting time; hooking a motor vehicle to, or loading a motor vehicle onto, a tow truck; transporting a motor vehicle to a storage facility; unhooking or unloading a motor vehicle from the tow truck; and situating the motor vehicle in the space in which it will be stored. "Basic tow" also includes issuing documents for the release of a motor vehicle to its owner or other person authorized to take the motor vehicle; issuing an itemized bill; three trips to the motor vehicle in storage, which, if applicable, include making a vehicle available to an insurance appraiser or adjuster; issuing documents for the release of a motor vehicle to its owner or other person authorized to take the motor vehicle; and retrieving a motor vehicle from storage during the hours in which the storage facility is open.

Consensual towing shall mean towing a motor vehicle when the owner or operator of the motor vehicle has consented to have the towing company tow the motor vehicle.

Consumer shall mean a natural person.

Decoupling shall mean releasing a motor vehicle to its owner or operator when the motor vehicle has been, or is about to be, hooked to or lifted by a tow truck, but prior to the motor vehicle actually having been moved or removed from the property.

Disabled vehicle shall mean any motor vehicle which is unable to operate under its own power.

Flatbed tow truck shall mean a tow truck designed to transport a motor vehicle by means of raising the motor vehicle from road level up onto a hydraulic bed for transporting purposes.

Heavy-duty recovery shall mean that recovery of any motor vehicle over 10,000 pounds gross vehicle weight which requires the vehicle to be up righted or recovered from either on or off the traveled portion of a public roadway.

Heavy-duty towing shall mean the towing of any motor vehicle over 10,000 pounds gross vehicle weight.

Impounded vehicle shall mean a vehicle which, at the direction of the police department is taken into police custody because the operator of the vehicle was engaged in a violation of the law, including but not limited to the operator being arrested on a DWI charge; operator has been arrested for driving without registration or insurance; the operator has been arrested for stealing the motor vehicle; vehicle involved in a serious accident, e.g.; death by auto.

Light-duty towing shall mean the towing of any motor vehicle up to 10,000 pounds gross vehicle weight.

Motor vehicle [shall mean and] includes all vehicles propelled other than by muscular power, excepting such vehicles as run only upon rails or tracks and motorized bicycles, motorized scooters, motorized wheelchairs and motorized skateboards.

Nonconsensual towing shall mean the towing of a motor vehicle without the consent of the owner or operator of the vehicle. "Nonconsensual towing" includes towing a motor vehicle when law enforcement orders the vehicle to be towed whether or not the owner or operator consents.

Person shall mean an individual, sole proprietorship, partnership, corporation, limited liability company or any other business entity.

Private property towing shall mean nonconsensual towing from private property or from a storage facility by a motor vehicle of a consumer's motor vehicle that is parked illegally, parked during a time at which such parking is not permitted or otherwise parked without authorization or the immobilization of or preparation for moving or removing of such motor vehicle, for which a service charge is made, either directly or indirectly. This term shall not include the towing of a motor vehicle that has been abandoned on private property in violation of N.J.S.A. 39:4-56.5, provided that the abandoned vehicle is reported to the appropriate law enforcement agency prior to removal and the vehicle is removed in accordance with N.J.S.A. 39:4-56.6.

Private property towing company shall mean a person offering or performing private property towing services.

Secure storage facility shall mean a storage facility that is either completely indoors or is surrounded by a fence, wall or other manmade barrier that is at least six feet high and is lighted from dusk to dawn.

Site clean-up shall mean the use of absorbents to soak up any liquids from a motor vehicle at the site from which a motor vehicle will be towed.

Storage facility shall mean a space at which motor vehicles that have been towed are stored.

Storage rates shall mean fees charged for the storage of motor vehicles.

Tarping shall mean covering a motor vehicle to prevent weather damage.

Tow truck shall mean a motor vehicle equipped with a boom or booms, winches, slings, tilt beds or similar equipment designed for the towing or recovery of motor vehicles.

Towing shall mean the moving or removing from public or private property or from a storage facility by a motor vehicle of a consumer's noncommercial motor vehicle that is damaged as a result of an accident or otherwise disabled, recovered after being stolen or is parked illegally or otherwise without authorization, parked during a time at which such parking is not permitted or otherwise parked without authorization or the immobilization of or preparation for moving or removing of such motor vehicle, for which a service charge is made, either directly or indirectly. Dues or other charges of clubs or associations, which provide towing services to club or association members, shall not be considered a service charge for purposes of this definition.

Towing company shall mean a person offering or performing towing services.

Towing list shall mean a rotating list of all towing services registered with the township kept by the township chief of police. When the police require the towing and storage of a motor vehicle from public roadways, they shall contact the towing service on the top of the rotating towing list as determined by this chapter.

Towing rates shall mean fees charged by a towing service for removal and transportation of the vehicle.

Towing service shall mean a business engaged in the towing or storing of motor vehicles which has been approved for the towing list.

Towing vehicle shall mean a motor vehicle employed by the towing service for the purpose of towing, transporting, conveying or removing of motor vehicles from public roadways.

Transmission disconnect shall mean manipulating a motor vehicle's transmission, so that the motor vehicle may be towed.

Vehicle shall mean any device in, upon or by which a person or property is or may be transported upon a highway.

Waiting time shall mean any time a towing company spends at the site from which a motor vehicle will be towed, during which the towing company is prevented from performing any work by another individual, beyond the time included as part of a basic tow.

Winching shall mean the process of moving a motor vehicle by the use of chains, nylon slings or additional lengths of winch cable from a position that is not accessible for direct hook up for towing a motor vehicle. "Winching" includes recovering a motor vehicle that is not on the road and righting a motor vehicle that is on its side or upside down, but does not include pulling a motor vehicle onto a flatbed tow truck.

Window wrap shall mean any material used to cover motor vehicle windows that have been damaged.

(Ord. #93-952, § 3; Ord. #11-1526)

21-4 TOWING SERVICE REGISTRATION.

- a. No towing service shall be placed upon the towing list for the towing or storing of motor vehicles within the township, unless the towing service shall first register with the township. In order to be placed upon the towing list for light-duty towing, a towing service must be located within five miles of the geographic center of Hopewell Township or within Hopewell Township, Pennington Borough or Hopewell Borough. Registration applications shall be made available by the township police department. A towing service that has met all the specifications and requirements of this chapter and has registered with the township shall be placed on the towing rotation list by the chief of police. No towing service on the Hopewell Township police department towing rotation list shall exceed the fees set forth in the attached fee schedule, established in [2011] 2020, and adjusted according to section 21-6b. The fee schedule may be found at the end of this chapter.
- b. The towing service owner or its authorized representative shall sign the registration application form indicating that the full requirements of this chapter have been met by the towing service applicant.
- c. If any information provided by a towing service in its registration application changes, the towing service is responsible for notifying the police department of the change in the

registration information within 30 days of such change. Failure to comply with this provision will be deemed a violation of the chapter.
(Ord. #93-952, § 4; Ord. #11-1526)

21-5 INSURANCE.

- a. The minimum amounts of insurance a towing company shall secure and maintain are:
 1. Motor vehicle liability for a tow truck capable of towing a motor vehicle that is up to 26,000 pounds, for the death of, or injury to, persons and damage to property for each accident or occurrence in the amount of seven hundred fifty thousand (\$750,000.00) dollars, single limit; and
 2. Motor vehicle liability for a tow truck capable of towing a motor vehicle that is more than 26,000 pounds, for the death of, or injury to, persons and damage to property for each accident or occurrence in the amount of one million (\$1,000,000.00) dollars single limit.
- b. A towing company shall also secure and maintain, for every tow truck, insurance that covers garage keeper legal liability in the amount of one hundred thousand (\$100,000.00) dollars, and "on-hook" coverage, either as an endorsement on the insurance required by (a) above or in the amount of one hundred thousand (\$100,000.00) dollars.
- c. The insurance required by paragraphs a. and b. above shall be obtained from an insurance company authorized to do business in New Jersey.

(Ord. #93-952, § 5; Ord. #11-1526)

21-6 RATES AND FEES.

- a. Fees and rates for towing and storage of motor vehicles damaged in accidents, utilized in the commission or crimes, recovered after being stolen, or otherwise impounded by the police department shall not exceed the limits set forth in the attached fee schedule established in [2011] 2020, and adjusted according to section 21-6b.
- b. All fee limits set by this section shall be increased or decreased by an amount equal to the annual percentage rate as determined by the U.S. Department of Labor, Consumer Price Index (CPI) for the Philadelphia Metropolitan Area. The first adjustment shall be made on July 1, [2012] 2021 and each year thereafter.
- c. Fees and services covered by this chapter:
 1. Basic tow, which shall be a flat fee; and
 2. In the case of a motor vehicle involved in an accident the following additional services, if actually performed:
 - (a) Waiting time in excess of 15 minutes, which shall be calculated based upon each 15 minutes spent at the site from which a motor vehicle will be towed, with fewer than 15 minutes rounded up to 15;
 - (b) Brush cleaning, including collection of debris that can be picked up by hand, which shall be a flat fee;
 - (c) Site cleanup, which shall be calculated based upon the number of bags of absorbent used;
 - (d) Winching, which shall be based upon each one-half hour spent performing winching;
 - (e) The use of window wrap, which shall be a flat fee;
 - (f) Tarping, which shall be a flat fee;
 - (g) Transmission disconnect, a flat fee, which shall be charged only if a motor vehicle is locked and the towing company is unable to obtain the keys for the motor vehicle;
 - (h) Use of a flatbed tow truck, a flat fee, which shall be charged if a motor vehicle can be transported only by a flatbed tow truck;
 - (i) Use of special equipment other than the first tow truck to recover a motor vehicle that cannot be recovered by winching or pieces of a motor vehicle that cannot be moved by hand, which may be both a labor and an equipment charge billed in half-hour increments;
 - (j) Decoupling;
 - (k) Storage at a towing company's storage facility;
 - (l) More than three trips to the motor vehicle in storage, which may be invoiced as an administrative fee, which shall be a flat fee; and
 - (m) Releasing a motor vehicle from a towing company's storage facility after normal business hours or on weekends, which shall be a flat fee.
- d. A towing company that engages in private property towing or other nonconsensual towing shall not charge for the use of a flatbed tow truck if a motor vehicle can safely be towed in

an upright position by another type of tow truck, even if the private property towing company chooses to use a flatbed tow truck for the tow.

- e. A towing company that engages in private property towing or other nonconsensual towing shall calculate storage fees based upon full 24-hour periods a motor vehicle is in the storage facility. For example, if a motor vehicle is towed to a storage facility at 7:00 p.m. on one day and the owner of the motor vehicle picks up the motor vehicle before 7:00 p.m. the next day, the towing company shall charge the owner of the motor vehicle only for one day of storage. If a motor vehicle is stored for more than 24 hours, but less than 48 hours, the towing company may charge for two days of storage.
- f. A towing company shall not charge any fee for private property towing or other nonconsensual towing and related storage services not included in paragraph c. above.
- g. If a towing company charges a consumer a fee for a private property or other non-consensual towing service that is disputed by the consumer, the parties shall use good faith efforts to resolve the dispute. If the parties are unable to resolve the dispute and the township administrator determines the fee to be unreasonable under this chapter or N.J.A.C. 13:45A-31.5, the township administrator may order the towing company to reimburse the consumer for an amount equal to the difference between the charged fee and a reasonable fee, plus interest, as calculated pursuant to paragraph h. below.
- h. The interest rate imposed pursuant to paragraph g. above shall be based on the average rate of return, to the nearest whole or one-half percent, for the corresponding preceding fiscal year terminating on June 30, of the State of New Jersey Cash Management Fund (State accounts) as reported by the Division of Investment of the Department of the Treasury.
- i. A towing company performing a private property tow or other nonconsensual tow shall take the motor vehicle being towed to the towing company's storage facility having the capacity to receive it that is nearest to the site from which the motor vehicle is towed.
- j. A bill for a private property tow or other nonconsensual tow shall include the time at which a towed motor vehicle was delivered to a towing company's storage facility.
- k. *Unreasonable fees.*
 1. A fee for private property towing or other nonconsensual towing services, and storage services, shall be presumed unreasonable if it is:
 - (a) More than 25 percent higher than the fee charged by the towing company or storage facility for the same services when provided with the consent of the owner or operator of the motor vehicle; or
 - (b) More than 50 percent higher than the fee charged for such other non-consensual towing or related storage service by other towing companies or storage facilities operating in the municipality from which the vehicle was towed.
 2. Notwithstanding paragraph k,1. above, a fee will be presumed unreasonable if it exceeds the maximum amount that may be charged for the service according to a schedule of fees set forth in this ordinance adopted pursuant to section 1 of P.L. 1979, c. 101 (N.J.S.A. 40:48-2.49).

(Ord. #11-1526)

21-7 RULES AND REGULATIONS.

- a. All towing services placed on the police department towing list shall be available to respond to a police request for a tow 24-hours a day, seven days a week, including holidays.
- b. All towing companies shall respond to a call in any part of the township within 30 minutes. If a towing company does not respond within 30 minutes of a call, the towing company next on the list shall be called and entitled to provide services as needed, and the first towing company shall lose any claim to compensation.
- c. All drivers and operators of towing vehicles shall be properly licensed to operate a motor vehicle within the State of New Jersey and are subject to driver's license checks by the township police department at the time of registration and at least on an annual basis thereafter. All drivers and operators of towing vehicles shall be Certified Towing Operators by one of the two nationally recognized towing safety organizations — WreckMaster or Towing and Recovery Association of America. All towing vehicles shall be properly registered and inspected in accordance with any applicable law.
- d. All applicants and/or agents must submit to a criminal history check in compliance with the New Jersey State Police Criminal Information Unit, State Bureau of Identification (SBI form 212B). The applicant or agent shall not have received a criminal conviction within the last seven years for any indictable offense or any offense involving stolen or embezzled vehicles, fraud relating to the towing business, stolen property, or any other offense of similar nature.
- e. All vehicles must be towed in a safe manner.

- f. All towing companies shall be capable of providing reasonable roadside services to disabled vehicles such as, but not limited to, jump-starting, changing of flat tires and providing fuel. Such services will only be performed if they can be done so safely, as determined by the police officer on the scene.
- g. All towing companies shall make available a copy of its basic rates and a business card to all owners and operators of motor vehicles which will be towed.
- h. Towing companies shall not remove any motor vehicle which has been abandoned or involved in an accident in any public roadway without first notifying the township police department.
- i. The police department shall not call a towing company to remove a vehicle from private property. The police department shall provide the property owner with all available information regarding the ownership of the motor vehicle on their property, and the property owner will then be responsible for making their own arrangements to remove the vehicle.
- j. The towing company shall notify the police department of all vehicles found by the towing company to have been abandoned and not claimed within 14 days after being stored. The police department shall, upon notification, expeditiously process the vehicle in accordance with the New Jersey Motor Vehicle Code concerning abandoned and unclaimed motor vehicles.
- k. The Chief of Police may promulgate an application and minimal requirements for vehicular towing, which requirements shall not be inconsistent with this chapter and which shall be enforced pursuant to the procedures set forth in this chapter.
- l. *Violations.* In addition to the procedures and penalties set forth in Section 21-13, a violation of any of the rules in this shall be considered an unlawful practice under P.L. 1960, c. 39 (N.J.S.A. 56:8-1 et seq.).
(Ord. #93-952, § 7; Ord. #11-1526)

21-8 TOWING LIST: ROTATION.

- a. A towing list will be kept with the chief of police. The towing list shall include all towing companies which have registered with the township. A towing company shall be placed on the bottom of the towing list upon registration with the township. The towing list shall be a rotating list as provided for in paragraphs b, c. and d.
- b. When the need arises, the police department will call the towing company on the top of the list. The towing company called, if it shall perform any of the services covered by this chapter, shall be placed on the bottom of the towing list and not called again until all other towing companies on the towing list have been called.
- c. If a towing company is unavailable to perform required services when called by the police department, for whatever reason, said towing company shall be charged with a call and placed on the bottom of the towing list, and the next available towing company shall be called. The towing company that responds in its place shall remain at the top of the list.
- d. If a towing company, after being dispatched, is recalled and does not perform any duties or services covered by this chapter, the towing company shall remain on the top of the towing list. However, if a towing company arrives at the scene of an incident in which its services are required and cannot perform said services, it shall lose its place on the towing list, and the next towing company on the list shall be called.
(Ord. #93-952, § 8; Ord. #11-1526)

21-9 STORAGE FACILITIES.

- a. All storage facilities operated or used by towing companies shall meet requirements of the commission of insurance set forth in N.J.A.C. 11:3-38.1 et seq., as well as all local zoning and code requirements, and must be located within five miles of the geographic center of Hopewell Township or within Hopewell Township.
- b. All towing companies shall have an indoor storage facility at its disposal for motor vehicles which have been involved in criminal activity and impounded by the police department.
- c. All storage facilities shall have a business office open to the public between 8:00 a.m. and 4:00 p.m. at least five days a week, excluding holidays.
- d. All towing companies shall have secure storage facilities.
- e. A towing company that engages in private property towing or other nonconsensual towing shall provide or arrange for after-hours release of stored motor vehicles.
- f. A towing company that does not release a stored motor vehicle to its owner, or other person authorized to take the motor vehicle, during normal business hours when requested, as required by paragraph c. above, shall not charge a fee for after-hours release of the stored motor vehicle.

- g. *Recordkeeping.* All towing companies shall keep accurate records of all motor vehicles towed and stored at the direction of the township police department. A copy of such records shall be provided to the township upon request.
- (a) A towing company that performs private property or other nonconsensual towing shall retain, for three years, the following records:
 - (1) Invoices for both consensual towing and nonconsensual towing services;
 - (2) Job orders;
 - (3) Documentation of waiting time;
 - (4) Logs, which shall include the time when a towed motor vehicle was delivered to the towing company's storage facility from a private property or other non-consensual tow and the date and purpose of each trip to the motor vehicle in storage;
 - (5) Documents relating to private property and other nonconsensual towing services performed and rates charged for services; and
 - (6) Any contracts under which the private property towing company is authorized to perform private property towing services.
 - (b) A towing company that engages in private property towing or other non-consensual towing shall make records retained pursuant to paragraph (a) above available for review by the police department upon request.
- (Ord. #11-1526)

21-10 TOWING AND VEHICLE EQUIPMENT SPECIFICATIONS.

- a. All towing companies engaged in light-duty towing shall have at least one rollback truck and one wrecker, with necessary brooms and equipment to do the complete removal. Each truck must have a manufacturer's capacity of at least 10,000 pounds, gross vehicle weight and a manufacturer's boom capacity of four tons. Proof of capacity must be supplied to the police department at the time of registration.
 - b. All towing companies engaged in heavy-duty towing shall have one heavy-duty wrecker with a manufacturer's capacity of not less than 33,000 pounds gross vehicle weight and a boom capacity of not less than 12 tons independently or 24 tons jointly; air brakes so constructed as to lock rear wheels; heavy-duty underreach.
 - c. All towing companies engaged in heavy-duty recovery shall have two heavy-duty wreckers with manufacturer's capacity of not less than 33,000 pounds gross vehicle weight and boom capacity of not less than 12 tons independently or 24 tons jointly; two power winches with pulling capacity of not less than 12 tons each; at least 200 feet of cable at least nine-sixteenths of an inch diameter on each drum; double boom to permit splitting, or single boom hydraulically elevated and extendible with a 360 degree swivel on the end of the boom; air brakes so constructed as to lock rear wheels; heavy-duty underreach; two snatch blocks with a 12 ton rating and two scotch blocks.
 - d. All towing vehicles must have radio equipment with a 24-hour dispatch service or a cellular telephone for the purpose of maintaining communications with the police department radio desk.
 - e. All towing vehicles must be equipped with at least one five-pound ABC-type fire extinguisher, safety chains, substances for application to small liquid spills, and stiff push brooms to clean up debris at scene.
 - f. Proof of towing vehicle and equipment specifications shall be provided to the township with the registration application.
 - g. All towing vehicles are to conform with all applicable State and Federal laws and shall be subject to inspection by township officials during normal business hours at the time of registration and on an annual basis thereafter.
- (Ord. #93-952, § 10; Ord. #11-1526)

21-11 RIGHTS OF OWNERS/OPERATORS OF MOTOR VEHICLES REQUIRED TO BE TOWED.

- a. If a motor vehicle operator or owner wishes to have his vehicle towed by a particular towing company, their request shall be honored, providing the police officer in charge at the scene has not already dispatched a towing company or the police officer has determined that the motor vehicle in question will not be removed in an expeditious or safe manner and will jeopardize the public safety, in which case the motor vehicle operator or owner shall be required to utilize a compensated dispatched towing company.
- b. The owner or operator of any motor vehicle required to be towed or stored shall have the right to remove all personal items and effects from the motor vehicle unless the police department has placed a police hold on any such items.

- c. The motor vehicle owner or his representative shall have the right to take photographs of any stored vehicles for insurance purposes.
- d. Upon request of the motor vehicle owner or his representative, a towing company shall provide a detailed and itemized bill for all services rendered.
(Ord. #93-952, § 11; Ord. #11-1526)

21-12 COLLECTION OF FEES.

All towing companies shall be responsible for collection of all fees for services rendered. (Ord. #93-952, § 12; Ord. #11-1526)

21-13 COMPLAINTS; VIOLATIONS; HEARINGS.

- a. All violations of this chapter and all complaints by the public or police departments against any towing company shall be forwarded to the township administrator.
- b. The township administrator shall determine if any complaint or violation against a towing company is of such a serious nature as to warrant a hearing and possible disciplinary measures. If the township administrator decides that a hearing is required, he shall upon proper notice to all interested parties, conduct a hearing in which all parties may present evidence. If, after a hearing, the township administrator finds that a towing company has violated any provision of this chapter, the administrator may, depending on the seriousness of the offense:
 - 1. Fine the violating party not more than one thousand (\$1,000.00) dollars;
 - 2. Suspend the violating party from the towing list for not more than three months for a first offense; not more than six months for a second offense; not more than one year for a third offense.
 - 3. Permanently remove the violating party from the list for any violation after its third offense.
- c. The violating party shall have the right to appeal a decision of the township administrator to the Hopewell Township Committee or its designee.
(Ord. #93-952, § 13; Ord. #11-1526)

FEE SCHEDULE

Light Duty Towing

Basic fee	\$120.00	
Night/weekend basic fee	\$120.00	
	\$35.00	
[Storage outside] <u>Outdoor Storage</u>	<u>per day</u>	
	[<u>\$35.00</u>]	
	<u>\$50.00</u>	
[Secure storage] <u>Indoor Storage</u>	<u>per day</u>	
Road service day	\$70.00	
Road service night	\$70.00	
Spill cleanup per 40 bag of absorbent	\$35.00	
After hours pick up of vehicle	\$85.00	
Rollback – additional fee	\$20.00	
Winching fee per hour	\$100.00	
Standby fee per hour	\$80.00	
Brush cleanup	\$40.00	
Tarp/wrap	\$40.00	
Transmission disconnect	\$40.00	
Extra man	\$70.00	
Decoupling		\$60.00
Administrative fee, more than 3 trips, per		\$15.00

Heavy Duty Towing / Heavy Duty Recovery

Basic tow fees

7,000-14,500 lbs.	\$225.00
14,501-29,999 lbs.	\$300.00
30,000-49,999 lbs.	\$400.00
50,000-80,000 lbs.	\$500.00

Additional services

Disconnect drive shaft	\$50.00	
Connect airlines	\$80.00	
Caging brakes, per axle	\$40.00	Additional fee for pins if left \$10 per
Use of brake assist unit	\$90.00	

Winching/recovery

includes all services necessary to clean up scene, and remove damaged unit, such as secure loose parts, load and transport parts or cargo, etc.

70,000-29,999 lbs.	\$300.00	Hour, charged in 1/2 hour increments
30,000-80,000 lbs.	\$600.00	Hour, charged in 1/2 hour increments

Storage Fees

<u>Outdoor Storage</u>	<u>\$100.00</u>	<u>Per day</u>
<u>Indoor Storage</u>	<u>\$200.00</u>	<u>Per day</u>

ORDINANCE – INTRODUCTION AND FIRST READING

Mayor McLaughlin read by title the ordinance for introduction.

AN ORDINANCE ESTABLISHING A COMPREHENSIVE SALARY AND WAGE PLAN FOR THE TOWNSHIP OF HOPEWELL, MERCER COUNTY, NEW JERSEY, AND TO PROVIDE FOR ITS ADMINISTRATION IN 2020

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

ROLL CALL VOTE:

AYES: Blake, Kuchinski, Ruger, Mayor McLaughlin

NOES: Peters-Manning

ORDINANCE INTRODUCED

Second reading, public hearing date June 22, 2020 at 5:00 p.m.

CONSENT AGENDA ITEMS

RESOLUTIONS #20-191 THROUGH #20-194. Read by title.

Motion by Kuchinski, seconded by Ruger to adopt Resolution #20-191 through #20-194.

MOTION UNANIMOUSLY CARRIED**RESOLUTION #20-191****A RESOLUTION TO APPROVE PROGRAM FEES**

WHEREAS, the Hopewell Township Parks and Recreation Department will sponsor a variety of Virtual Summer Camps and Activities for youth this summer due to COVID-19; and

WHEREAS, the Recreation Director is recommending the following 2020 Program Fees for these Virtual Camps:

2020 PROGRAM/ACTIVITY FEES

	<u>Program Fee</u>	<u>Twp. Res. Fee</u>
<u>Virtual Summer Camps per week</u>		
Science Camps with Mad Science (2.5 hours per day)	\$145	\$145
Theater Camp with Rex Arts (2.25 hours per day)	\$100	\$100
Theater Camp with Rex Arts (5 hours per day)	\$250	\$250
Musical Theater Intensive Camp (high school students- 5.5 hours per day for two weeks)	\$750	\$750
Art Camp with Katelyn Liepins Studio (2 hours per day)	\$115	\$115
Art Camp with Katelyn Liepins Studio (2 hours per day)		

For two-week camp) \$200 \$200

NOW, THEREFORE, BE IT RESOLVED, on this 11th day of June, 2020, that the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, approves the above 2020 Program/Activity Fee Schedule.

RESOLUTION #20-192

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 11th day of June 2020 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:

Table with 4 columns: Name, Address, City, NJ Zip, and Amount. Rows include Kathy Como (\$216.00), Maureen Kimball (\$144.00), Amy Smith (\$246.00), Jesse Swanson (\$416.00), Jayesh Bindra (\$340.00), Trish Mikita (\$150.00), Wendy Smith (\$175.00), Pat Wojciechowski (\$86.00), Lynn Ebeling (\$75.00), and Joan Adler (\$161.00).

RESOLUTION #20-193

A RESOLUTION DIRECTING THE HOPEWELL TOWNSHIP ZONING OFFICER TO ISSUE A TEMPORARY ACTIVITIES PERMIT TO HOPEWELL VALLEY ENTERPRISES FOR A WEDDING EVENT AT THE HOPEWELL VALLEY VINEYARD

WHEREAS, the Henri/Gangi families received permission to use the Hopewell Valley Enterprises property located at 46 Yard Road on June 20, 2020 for a "Wedding Event" from 6:00 p.m. – 11:00 p.m.; and

WHEREAS, the families seek to amend the date of the "Wedding Event" to now be held on June 19, 2021 from 6:00 p.m. - 11:00 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 11th day of June 2020, 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 Hopewell Valley Enterprises for the “Henri/Gangi Wedding Event” on June 19, 2021 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:

R E S O L U T I O N #20-194

**A RESOLUTION DIRECTING THE HOPEWELL TOWNSHIP ZONING OFFICER
TO ISSUE A TEMPORARY ACTIVITIES PERMIT TO
HOPEWELL VALLEY ENTERPRISES
FOR A WEDDING EVENT AT THE HOPEWELL VALLEY VINEYARD**

WHEREAS, the Arias/Hall families received permission to use the Hopewell Valley Enterprises property located at 46 Yard Road on September 26, 2020 for a “Wedding Event” from 6:00 p.m. – 11:00 p.m.; and

WHEREAS, the families seek to amend the date of the “Wedding Event” to now be held on September 25, 2021 from 6:00 p.m. - 11:00 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 11th day of June 2020, 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 Hopewell Valley Enterprises for the “Arias/Hall Wedding Event” on September 25, 2021 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:

RESOLUTION #20-195. Read by title.

Motion by Blake, seconded by Ruger to adopt Resolution #20-195 as amended.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #20-195

**A RESOLUTION APPROVING
THE JOB DESCRIPTIONS FOR SCHOOL
CROSSING GUARD**

WHEREAS, it is necessary to create and/or update the job description for the following job title: School Crossing Guard; and

WHEREAS, the attached job description has been reviewed and adequately covers the scope and duties for: School Crossing Guard in the Police Department and;

WHEREAS, the Township Administrator be authorized to update this job description as needed, to reflect new tasks, responsibilities and skills that are required of the job title mentioned above in the future.

NOW, THEREFORE, BE IT RESOLVED, on this 11th day of June 2020, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey that this job description be and are hereby approved.

RESOLUTION #20-196. Read by title.

Motion by Blake, seconded by Ruger to adopt Resolution #20-196.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #20 -196

A RESOLUTION AMENDING THE TOWNSHIP OF HOPWELL PERSONNEL POLICIES AND PROCEDURES MANUAL

WHEREAS, a policy has been added and required the Township of Hopewell to revise their Policy and Procedure Manual to reflect the change.

NOW, THEREFORE, BE IT RESOLVED, on the 11th day of June, 2020, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that the Township of Hopewell Personnel Policies and Procedures Manual be and is hereby amended as follows:

<u>Title</u>	<u>Proposed Change</u>
<u>Table of Contents</u>	<u>Page numbers needed to be updated</u>
Workplace Practices Policy During COVID-19 Pandemic	This policy outlines requirement that employees will need to adhere to sustain a healthy and safe workplace.
COVID -19 Health Screening Procedure	This procedure outlines the steps being taken to ensure that employees work in a safe environment and they are healthy to work.
COVID – 19 Health Screening Questionnaire	The questionnaire that will be asked to be completed and submitted to the appropriate designee, prior to entering the Township building.

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the Mid-Jersey Municipal Joint Insurance Fund Administrator’s Office.

RESOLUTIONS #20-197 and #20-198. Read by title.
 Motion by Kuchinski, seconded by Ruger to adopt Resolutions #20-196 and #20-197.
MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #20-197

RESOLUTION FOR APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR ROADWAY IMPROVEMENTS TO CHERRY VALLEY ROAD

NOW, THEREFORE, BE IT RESOLVED that Committee of Hopewell Township formally approves the grant application for the above stated project; and

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2021-Roadway Improvements Cherry Valley Road - 00177 to the New Jersey Department of Transportation on behalf of Hopewell Township; and

BE IT FURTHER RESOLVED that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Hopewell Township and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

R E S O L U T I O N #20-198

RESOLUTION FOR APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR ROADWAY IMPROVEMENTS TO HARBOURTON-ROCKTOWN ROAD

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of Hopewell Township formally approves the grant application for the above stated project; and

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2021-Roadway Improvements Harbourton-Rocktown Road - 00176 to the New Jersey Department of Transportation on behalf of Hopewell Township; and

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Hopewell Township and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

RESOLUTION #20-199. Read by title.

Motion by Peters-Manning, seconded by Blake to adopt Resolution #20-199.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #20-199

**A RESOLUTION PROVIDING FOR THE INSERTION OF
ANY SPECIAL ITEM OF REVENUE IN THE BUDGET OF
ANY COUNTY OR MUNICIPALITY PURSUANT TO
N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1985)
(2020 GREEN TEAM SUSTAINABLE NJ GRANT)**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount; and

WHEREAS, the Township of Hopewell has received a grant in the amount of \$2,000.00 from Sustainable New Jersey and wishes to amend its 2020 Budget by \$2,000.00 to include the amount received as revenue.

NOW, THEREFORE, BE IT RESOLVED on this 11th day of June 2020, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that the Township of Hopewell hereby requests the Director of the Division of Local Government Services to approve the insertion of items of revenue in the budget of the year 2020 in the sum of \$2,000.00 which item is now available as a revenue from:

2020 Sustainable NJ Green Team Grant	\$2,000.00
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BE IT FURTHER RESOLVED that a like sum of \$2,000.00 be and the same is hereby appropriated as follows:

2020 Sustainable NJ Green Team Grant	\$2,000.00
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RESOLUTION #20-200. Read by title.

Motion by Peters-Manning, seconded by Blake to adopt Resolution #20-200.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #20-200

**A RESOLUTION TO INCREASE THE BID
THRESHOLD TO \$44,000.00**

WHEREAS, effective July 1, 2020 the Governor of the State of New Jersey has adjusted the bid threshold for awarding contracts under the Local Public Contracts Law. The change in the bid threshold allows municipalities with a Qualified Purchasing Agent to increase their bid threshold up to \$44,000; and

WHEREAS, N.J.S.A. 40A:11-3a, permits an increase in the bid threshold if a Qualified Purchasing Agent is appointed as well as granted the authorization to negotiate and award such contracts below the bid threshold; and

WHEREAS, N.J.A.C. 5:34-5 et seq. establishes the criteria for qualifying as a Qualified Purchasing Agent; and

WHEREAS, Sean P. Canning of The Canning Group was appointed the Township of Hopewell's Qualified Purchasing Agent by the adoption of Resolution #20-51 and possesses the

qualifications and designation of Qualified Purchasing Agent as issued by the Director of Local Government Services in accordance with N.J.A. C. 5:34-5 et seq.; and

WHEREAS, the Township of Hopewell desires to take advantage of the increased bid threshold.

NOW, THEREFORE, BE IT RESOLVED, that we the Mayor and Township Committee of the Township of Hopewell, in the County of Mercer, in the State of New Jersey hereby increase its bid threshold from \$40,000 to \$44,000 effective July 1, 2020.

RESOLUTION #20-201. Read by title.
Motion by Kuchinski, seconded by Blake to adopt Resolution #20-201.
MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #20-201

A RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE STONY BROOK REGIONAL SEWERAGE AUTHORITY, JAMES MILSOM, AND THE TOWNSHIP OF HOPEWELL FOR SEWER SERVICE FOR PROPERTY AT 224 PENNINGTON ROCKY HILL ROAD

BE IT RESOLVED, on this 11th day of June 2020, by the Township Committee of the Township of Hopewell that the Mayor and Clerk of the Township and/or their designees are hereby authorized to execute the attached agreement between the Stony Brook Regional Sewerage Authority, James Milsom, and the Township of Hopewell relating to sewerage treatment for the residential property located at 224 Pennington Rocky Hill Road, Pennington, NJ, and designated on the Hopewell Township Tax Maps as Block 39.02, Lot 9.02.

RESOLUTION #20-202. Read by title.
Motion by Blake, seconded by Ruger to adopt Resolution #20-202.
MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #20-202

A RESOLUTION AUTHORIZING TEMPORARY RIGHT OF ENTRY FOR CONSTRUCTION OF DRAINAGE IMPROVEMENTS LOCATED AT 5 BEECHWOOD DRIVE (BLOCK 72, LOT 6.04)

WHEREAS, the Township of Hopewell has determined that certain repairs to existing township-owned drainage structures located at 5 Beechwood Drive in Hopewell Township, further identified as Block 72, Lot 6.04 on the Hopewell Township Tax Maps are needed; and

WHEREAS, the Township of Hopewell has determined the drainage repairs necessary for the integrity of the township’s stormwater collection system; and

WHEREAS, the township of Hopewell has further determined the drainage improvements necessary to further ensure the integrity of the roadway pavement as part planned pavement milling and resurfacing project on Beechwood Drive as part of the Township’s current roadway improvement projects; and

WHEREAS temporary access is necessary across lands of the following properties identified as:

- 5 Beechwood Drive, Tax Map Block 72, Lot 6.04, and
- 3 Beechwood Drive, Tax Map Block 72, Lot 6.03,

to access the existing stormwater infrastructure and complete the required repairs; and

WHEREAS, construction of the required drainage improvements will be performed by a licensed contractor under the supervision of Hopewell Township representatives;

NOW, THEREFORE, BE IT RESOLVED, on this 11th day of June 2020, by the Township Committee of the Township of Hopewell that the Mayor and Clerk of the Township and/or their designees are hereby authorized to execute the attached agreement between the current owners of the properties located at 5 Beechwood Drive (Block 72 Lot 6.04), and 3 Beechwood Drive (Block 72 Lot 6.03) and the Township of Hopewell for temporary right of entry to construct repairs to the township-owned stormwater collection system.

RESOLUTION #20-203. Read by title.

Motion by Ruger, seconded by Blake to adopt Resolution #20-203.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #20-203

**A RESOLUTION AMENDING
PROFESSIONAL SERVICES AGREEMENTS**

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

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

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

NOW, THEREFORE, BE IT RESOLVED on this 11th day of June, 2020 by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that the Professional Services Agreements be and are hereby amended as follows:

<u>FIRM</u>	<u>CURRENT MAXIMUM</u>	<u>PROPOSED MAXIMUM</u>	<u>CURRENT TERM EXPIRES</u>	<u>PROPOSED TERM EXPIRES</u>
Parker McCay, P.A. (Affordable Housing) X-14-20-927-028	\$5,000.00	\$8,000.00	12/31/20	No Change

RESOLUTION #20-204. Read by title.

Motion by Peters-Manning, seconded by Ruger to adopt Resolution #20-204.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #20-204

**RESOLUTION OF THE TOWNSHIP OF HOPEWELL,
COUNTY OF MERCER, STATE OF NEW JERSEY, AUTHORIZING THE
QUALIFIED PURCHASING AGENT TO RECEIVE CERTAIN BIDS
IN ACCORD WITH N.J.A.C. 5:34-5.1, E- PROCUREMENT**

WHEREAS, the Township of Hopewell has appointed a Qualified Purchasing Agent in accord with N.J.S.A. 40A:11-9; and

WHEREAS, the State of New Jersey in Administrative Code in response to the Covid 19 crisis has promulgated rules to allow for electronic receipt of bids with the rules at N.J.A.C. 5:34-1 et. Seq.; and

WHEREAS, Sean P. Canning, QPA has recommended the use of BidNet e-procurement platform which complies with all the administrative rule as required by the New Jersey Administrative Rules; and

WHEREAS, the electronic procurement platform is available to other officials as required to virtually observe bid openings in a transparent manner and provide for bids available for public inspection; and

WHEREAS, the cost to the Township and to the Vendors wishing to conduct business with the Township is a zero cost.

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

1. That Sean P. Canning QPA of The Canning Group LLC is hereby authorized to conduct bid openings and procurement in accord with N.J.S.A.40A:11-9 through E-Procurement in accord with N.J.A.C. 5:34-1 et. Seq., through BidNet at a zero cost to the Township and to vendors for bid response.

RESOLUTION #20-205. Read by title.

Motion by , seconded by to adopt Resolution #20-205.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #20-205

A RESOLUTION APPOINTING TEMPORARY EMPLOYEES IN HEALTH DEPARTMENT

WHEREAS, there is a need for temporary help in the Department of Health;

NOW, THEREFORE, BE IT RESOLVED, on this 11th of June by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey that the following individuals be and are hereby appointed as temporary employees in the Hopewell Township Health Department:

- 1. Kristin Tunkel – Part-time Contract Tracer
- 2. Courtney Riseborough – Part-time Contact Tracer

BE IT FURTHER RESOLVED that the above individuals be compensated at the hourly rate of \$25.00 per hour, not to exceed 25 hours per week (unless deemed necessary).

BE IT FURTHER RESOLVED that this appointment is effective June 8, 2020.

RESOLUTION #20-206. Read by title.

Motion by Blake, seconded by Ruger to adopt Resolution #20-206.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #20-206

A RESOLUTION APPOINTING TEMPORARY EMPLOYEES IN HEALTH DEPARTMENT

WHEREAS, there is a need for temporary help in the Department of Health.

NOW, THEREFORE, BE IT RESOLVED, on this 11th of June by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey that the following individuals be and are hereby appointed as temporary employees in the Hopewell Township Health Department:

- 1. Felicity Toto - Surge Nurse

BE IT FURTHER RESOLVED that the above individuals be compensated at the hourly rate of \$38.00 per hour, not to exceed 25 hours per week (unless deemed necessary); and

BE IT FURTHER RESOLVED that this appointment is effective June 8, 2020.

RESOLUTION #20-207. Read by title.

Motion by Blake, seconded by Kuchinski to adopt Resolution #20-207.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #20-207

RESOLUTION APPROVING THE APPLICATION OF PAUL PIERSON/ JENNIFER M. PIERSON TO CONDUCT A DEMONSTRATION

WHEREAS, application has been made by Paul Pierson/Jennifer M. Pierson to conduct a demonstration in the Township of Hopewell at the Hopewell Township Police Department, Titusville, New Jersey, on June 13, 2020, between the hours of 1:00 p.m. and 3:00 p.m.; and

WHEREAS, the Hopewell Township Health Officer, the Hopewell Township Police Department and the Hopewell Township Bureau of Fire Safety have reviewed the application and granted their approval to conduct the exhibition 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 an outdoor demonstration in accordance with the application submitted by Paul Pierson/Jennifer M. Pierson, which public demonstration is to be held June 13, 2020, at the Hopewell Township Police Department.

2. Paul Pierson/Jennifer M. Pierson shall be exempted from the several provisions of 4-3, et seq. (4-3.8 Exemptions. g. Events which will benefit the health, morals safety, welfare of the community and which, in the reasonable opinion of the Township Committee, will not involve or attract 200 persons or more as participants or spectators.)

3. The use of face masks is strongly encouraged. Chalk marks with 6-foot spacing marked out in the parking lot is encouraged.

4. No open flames or flame producing devices are permitted.

5. The Municipal Clerk is directed to forward a certified copy of this resolution to Paul Pierson/Jennifer M. Pierson, 256 4th Street, Fieldsboro, NJ 08505

RESOLUTION #20-208. Read by title.

Motion by Blake, seconded by Ruger to adopt Resolution #20-208 as amended.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #20-208

R E S O L U T I O N F O R P R O F E S S I O N A L S E R V I C E S

WHEREAS, there exists a need in the Township of Hopewell for a Special Hearing Officer; and a Fit for Duty Evaluation; and

WHEREAS, the cost of the contract is not to exceed \$5,000.00 (0-01-25-240-028) for Special Hearing Officer services; and \$1,000.00 (0-01-25-240-028); and funds are available in the 2020 budget appropriations for this purpose certified by the local finance officer; and

WHEREAS, N.J.S.A. 40A:11.1 *et seq.* requires that the resolution authorizing the award of contracts for professional services without competitive bids must be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey that it hereby appoints the following individuals:

Brian Trelease, Esq. for Special Hearing Officer
Rainone Coughlin Minchello, LLC
555 U.S. Highway One South, Suite 440
Iselin, New Jersey 08830
Rate: \$220 per hour

Best Med Consultants, PA for Fit for Duty Evaluation
55 E Rte 70, #3
Marlton, NJ 08053

BE IT FURTHER RESOLVED that the above appointments be approved and the Township Administrator be authorized to process payment for services.

RESOLUTION #20-209. Read by title.

Motion by Ruger, seconded by Kuchinski to adopt Resolution #20-209.

ROLL CALL VOTE:

AYES: Blake, Kuchinski, Peters-Manning, Ruger, Mayor McLaughlin

NOES: None

R E S O L U T I O N #20-209

B I L L S & C L A I M S

BE IT RESOLVED, that the list of cash disbursements authorized for approval of bills for payment date June 11, 2020 in the following amounts:

Bills and Claims	\$	413,269.86
Payroll	\$	403,511.42
Total Disbursements	\$	816,781.28

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

RESOLUTION #20-210. Read by title.

Motion by Blake, seconded by Ruger to adopt Resolution #20-210.

ROLL CALL VOTE:

AYES: Blake, Kuchinski, Peters-Manning, Ruger, Mayor McLaughlin

NOES: None

R E S O L U T I O N #20-210

BILLS & CLAIMS

BE IT RESOLVED, that the list of cash disbursements authorized for approval of bills for payment date June 11, 2020 in the following amounts:

Bills and Claims	\$	1,000.00
Payroll	\$	0.00
Total Disbursements	\$	1,000.00

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

FUTURE AGENDA ITEMS – AS LISTED ON THE TOWNSHIP WEBSITE ON THE CLERK’S PAGE.

PUBLIC SECTION

The following members of the public spoke during public comment:

Jennifer Pierson, a resident of Fieldsboro, made certain comments regarding the police department related to racism; questioned if the Mayor believes that there is a problem with racial discrimination within the Township; demanded action; stated that her family organized the upcoming protest and are not inciting looting or terrorism; invited the Township Committee to the protest; requested that the people of Hopewell Township continue to speak up.

Melanie Phillips, a resident of Washington Crossing-Pennington Road, requested that the process to be approved to join the meeting be streamlined.

Jon Edwards alleged that racism is alive and well in Hopewell Township at the prison; commented on the crowding and number of COVID cases at the prison; reminisced about his visit 20 years ago; encouraged the Committee to take a tour of the prison; and encouraged the Committee to join in the protest on Saturday.

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

EXECUTIVE SESSION RESOLUTION. Read into the record.

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

Motion by Kuchinski, 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 #20-211

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
 - Hunt Lake
- Personnel
 - Health Department
- Legal
 - BMS

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 11th day of June, 2020 by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that the Township Committee shall forthwith conduct an executive session to discuss the above.

At 7:24 p.m. the Executive Session was held.

At 7:50 p.m. the Regular meeting reconvened no action was taken and the meeting was adjourned due to lack of quorum.

At 7:56 p.m. the Executive Session reconvened.

At 9:02 p.m., motion by Kuchinski, seconded by Blake to adjourn the Executive Session meeting.

MOTION UNANIMOUSLY CARRIED

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

LAURIE E. GOMPF
MUNICIPAL CLERK