

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

Thursday, June 22, 2020 – 5:12 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 January 3, 2020, and amended on June 19, 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 Peters-Manning, seconded by Ruger to approve April 20, 2020 Special, Regular and Executive Session Meeting Minutes and May 4, 2020 Regular and Executive Session Meeting Minutes.

MOTION UNANIMOUSLY CARRIED

PRESENTATION – HOPEWELL TOWNSHIP POLICE DEPARTMENT PRESENTATION ON TRAFFIC STOPS AND USE OF FORCE DATA

Chief Lance Maloney presented the following regarding traffic stops and use of force:

- The members of the Hopewell Township Police Department condemn racism and understand that it has no place in our society.
- As the department continues to investigate a recent Facebook post, Chief Maloney expressed his sorrow for the hurt this incident has caused the community. He stated that they understand that our officers police in a manner that is fair to the community.
- A large part of the department's interaction with citizens is through traffic stops.
- The department is very aware of the issues concerning the use of force occurring nationally and continues to review policies and training curriculum to ensure the force is well trained and in compliance with use of force standards.
- Use of force is not taken lightly and it is understood that it should only be used when absolutely necessary after de-escalation techniques have been exhausted or would be impractical for a given situation.
- The department understands and respects the sanctity of human life and the application of deadly force is a measure only to be employed under the most extreme circumstances.
- The department will continue to be trained on the proper use of force, bias awareness and de-escalation techniques.
- The Hopewell Township Police Department patrols 58 to 60 square miles which

includes Hopewell Township and Hopewell Borough.

- Thousands of motorists including drivers from outside Hopewell Valley travel the roadways on a daily basis.
- Due to the number of motor vehicles on our roadways and the need for safety, traffic enforcement is one of the main priorities of the department.
- Certain data is collected when an officer is cleared from a traffic stop such as, race, gender and ethnicity of the driver and its passengers.
- The officer does not inquire about this information from the driver or passenger(s) during the stop. The officer uses their best judgement in determining this information.
- Between 2014 and 2019 a combined total of over 58,000 motor vehicle stops were made by Hopewell Township officers.
- A concern during past Township Committee meetings was that there was a perception of a disproportionate amount of stops involving minority drivers.
- Data shows 83% of stops involved white drivers; 12% involved black drivers; and the remainder consisted of American Indian and Asian/Pacific Islander drivers.
- Data also shows that 86% of the stops involved non-Hispanic drivers.
- Officers have discretion when it comes to traffic enforcement which includes what violations they will stop a motorist for and when they will issue a summons.
- Officers are trained to understand that racial profiling is prohibited, which is covered in police academy training, field training, on-going departmental training and also covered in the racially influenced policing standard operating procedure which prohibits racial profiling.
- Police Supervisors are responsible for conducting periodic in-car and body-worn camera videos of officers to ensure officers are following policies and procedures.
- Any deficiencies are addressed through counseling, training or disciplinary action. Serious infractions may result in the initiation of an internal affairs investigation.
- A monthly report concerning police activity is prepared for the Hopewell Township and Hopewell Borough Committees.
- In an effort of transparency, the monthly report will be shown on the Hopewell Township Police Department's webpage.
- Tonight's presentation will be posted on the Police Departments webpage.
- Monthly traffic stop data will be posted on the Police webpage as well.
- Through training, policies and procedures and adherence to rules and regulations the Hopewell Township Police Department follows the safeguards of the "8 Can't Wait" initiative.
- The 8 Can't Wait techniques include:
 - The use of de-escalation techniques
 - Banning chokeholds and strangleholds
 - Banning shooting at moving vehicles
 - Exhausting all alternatives before shooting
 - Requiring a warning before shooting
 - Requiring officers to stop another officer from using excessive force.
 - Limiting the types of force and/or weapons that can be used to respond to specific types of resistance.
 - Requiring that all use of force be reported.
- Every use of force incident involving a Hopewell Township police officer requires a meaningful review by an officer or supervisor which includes the review of investigation reports, use of force reports, body-worn cameras, in-car cameras video footage.
- An additional review is performed by a command staff officer to ensure that all policies and procedures were followed.
- Any deficiencies noted during review are addressed with training, counseling, or some form of disciplinary action, if warranted.
- The findings of the review are then posted in the department's electronic personnel early warning system.
- The Mercer County Prosecutor's Office and the New Jersey Division of Criminal Justice will conduct investigations into the use of force whenever an incident results in serious bodily injury or death.
- The Hopewell Township Police Department's Use of Force Policy prohibits a

chokehold or stranglehold unless deadly force is authorized and necessary.

- The Use of Force Policy can be found on the Department's webpage.
- The Use of Force Policy states that officers must exhaust all other reasonable means before resorting to use of force including de-escalation.
- De-escalation techniques include communicating with an agitated person in order to understand, manage and resolve his/her concerns.
- Through bi-annual firearms training officers are taught to announce commands such as stop, put your hands up, etc. before discharging a weapon in a deadly force situation.
- The use of force policy states that officers shall not resort to the use of deadly force if they reasonably believe that alternative to the use of deadly force will avert or eliminate an imminent danger of death or serious bodily harm and achieve the law enforcement purpose at no increased risk to themselves or no other person.
- The use of force policy reinforces the responsibility of actors to prevent or stop the illegal or inappropriate use of force by other officers. The officer or officers must then report all situations in which force was used illegally.
- The use of force policy states that officers shall not fire at the driver or occupant of a moving vehicle unless they reasonably believe that there exists an imminent danger of death or serious bodily harm to themselves or another person and no other means are available to avert or eliminate the danger. The department's pursuit enforceable stopping guidelines standard operating procedure also covers this issue.
- The use of force policy states that in situations when officers are justified in using force, the utmost restraint should be exercised.
- In determining whether to use use of force, officers shall be guided by the principle that the degree of force employed in any situation should be only that which is reasonably necessary.
- Officers should exhaust all other reasonable means before resorting to the use of force including de-escalation.
- When physical, mechanical or deadly force is used, whether on or off duty, each officer who had employed force shall complete and submit a use of force report, an OC Pepper Spray Report, if necessary, an investigation report, and any other applicable supplemental report.
- Use of Force Reports from 2014 through 2019 – During an average year Hopewell Township Police Department typically records over 25,000 calls for service between Hopewell Township and Hopewell Borough.
- Between 2014 and 2019 the department has had 57 reported use of force incidents.
- The number of subjects involved for those years were 59.
- The subjects injured/transported for medical attention were 6.
- 115 officers were involved in the use of force.
- 9 officers were injured.
- The force level is indicated where multiple uses of force are employed per incident.
 - Weapons involved: 0
 - Strike/Baton or other: 1
 - Chemical Agents Used: 3
 - Hands/Fists/Feet 25
 - Compliance Hold 106
 - Strike: 0
 - Canine: 0
 - Other: 10
- No major injuries were suffered by subjects or officers during these use of force incidents.
- 53% of the use of force incidents involved an arrest situation.
- 35% involved mental health subjects.
- 7% involved domestic violence situations.
- 2% were disputes.
- 3% were in suicidal situations.
- 52% of use of force reports were non-Hispanic/white males.
- 22% were non-Hispanic/white females
- 17% were non-Hispanic/black males.
- 5% were non-Hispanic/black females.

- 4% were Hispanic male and females.
- In any use of force incident, supervisors are responsible for conducting in car and body-worn camera video reviews of their officers.
- These reviews ensure that officers follow policies and procedures.
- Any deficiencies are addressed either through training, counseling or disciplinary action.
- Serious infractions may result in the initiation of an internal affairs investigation.
- Serious bodily injury or deadly force incidents are automatically investigated by the Mercer County Prosecutor's Office or the Division of Criminal Justice.
- Beginning July 2020 all use of force incidents will be entered into a state-wide electronic portal which will allow the Attorney General's office to gather and analyze uniform use of force data from all law enforcement departments in New Jersey.
- Moving forward a use of force data document report will be posted on the department's website monthly.
- A crisis intervention training program is coming to Mercer County which helps officers recognize people in distress or with special needs and trains them in techniques to assist them, hopefully negating the need for use of force scenario.
- Currently 10 officers are certified in this training.
- Licensing for police officers is coming to New Jersey which means a license can be revoked due to misconduct.
- Resources are available on the Police webpage under Policies and Procedures at www.hopewelltp.org.

Committee Members questioned the use of force data on people of color; if they were residents; if it was pass-through traffic, etc.; asked for an explanation of a compliance hold; questioned if current police policies included the 8 Can't Wait; questioned the licensing process; asked if there is a potential for error in reporting race and ethnicity; question if there are there controls in place to ensure the information being gathered is as accurate as possible; and questioned how the use of force statistics compare to other municipalities.

Jon Edwards, a resident of Pennington Harbourton Road, requested the data be broken down by officer, called for an independent review of the traffic data and use of force data for each officer; alleged that racial profiling could be taking place; suggested overall actions should be reviewed by an independent body and suggested the use of the term "mental patient" should not be utilized.

Michael Smith, a resident of Crest Avenue, questioned the category of "other" listed in the statistics.

Thomas Van Essen, a resident of North Greenwood Avenue, suggested that traffic stops be broken down by race and ethnicity.

Mandy Lee questioned if there was a process for citizens to report police bias.

Chief Maloney replied that any complaints regarding the department, they may contact the department's internal affairs to make a report; and that there have been no complaints between 2014 and 2019 of deferential treatment.

Sheila Fields questioned if a police officer was following a vehicle with black occupants, followed that car without any cause, and followed them through Hopewell without stopping them, would that get reported? Ms. Fields alleged that would constitute intimidation which use of force reports would not cover.

Anita Williams-Galliano underscored the opportunity for ongoing participation from the community in terms of setting the guidelines and reviewing on a regular basis the statistics; alleged that she has been uncomfortable and followed by the police department for no apparent reason; her son has also been followed and stopped for a tail light, but was ticketed for not having his red sticker on his license plate; and that she would like to see the complaints related to the numbers given this evening.

Paul Pierson, a resident of Fieldsboro, believes statistics should be broken down by officer; questioned if there has been racial profiling reported by an officer in the department; questioned

if there are concerns regarding officers treating people of color differently in Hopewell Township or Hopewell Valley.

Allen Cannon questioned if data exists on how many license plate searches were made; and alleged that running plates and finding where their address is could be racial profiling.

Emily Whitaker, a resident of Spring Hollow Drive, suggested that biased reporting should be made available to the public; and wants to create change.

Scott Brown, a resident of Montague Avenue, questioned why the Police Force sought to purchase Tasers.

Rebecca Fennell questioned how many minorities are in the level of force; why does the courtroom show a racial difference; questioned the review of body cameras; and how much of the data reflects vehicle stops or other instances.

Carolyn McGrath, a resident of Pennington-Harbourton Road, questioned the mechanism for external accountability within the Police Department; and requested clarification who you would report to if you have a complaint about the police.

Discussion ensued regarding developing an easier way to report concerns regarding the Police Department.

Catherine Fulmer-Hogan agreed with establishing a civilian oversight board and questioned if the data could show if traffic stops were escalated during the encounter.

RESOLUTION #20-213. Read by title.

George Snyder, Director of Public Works, stated that David Stokes is a mentor, dedicated employee, practical joker, but most of all he supports others; was responsible for many successes in the department; supports his fellow employees; earned his successes and promotions; and wished him well in his retirement. Committees members reminisced about Mr. Stokes; congratulated him; and wished him well in his retirement.

David Stokes indicated that he appreciated everything everyone said about him, and thanked everyone for their kind words.

Motion by Blake, seconded by Ruger to adopt Resolution #20-213.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #20-213

A RESOLUTION ACCEPTING THE RETIREMENT OF DAVID W. STOKES IN THE PUBLIC WORKS DEPARTMENT

WHEREAS, David W. Stokes was appointed as a Laborer in Public Works Department on August 22, 1984; and

WHEREAS David W. Stokes was promoted to Truck Driver in Public Works Department on December 3, 1985; and

WHEREAS, David W. Stokes was promoted to Light Equipment Operator in Public Works Department on January 1, 1997; and

WHEREAS, David W. Stokes was promoted to Heavy Equipment Operator in Public Works Department on November 8, 1999; and

WHEREAS, David W. Stokes was promoted to Foreman in Public Works Department on February 22, 2002; and

WHEREAS, David W. Stokes has served Hopewell Township honorably throughout his over 35 years of service, and is now eligible for retirement.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hopewell, that the Township Committee accepts the retirement of David W. Stokes from Hopewell Township effective July 1, 2020; and

BE IT FURTHER RESOLVED that the Hopewell Township Committee, on behalf of itself and all municipal employees, wishes David W. Stokes good health and happiness in his retirement.

ADDITIONAL ITEMS FOR MEETING AGENDA

Mayor McLaughlin announced the addition of a resolution hiring a laborer in the Department of Public Works and a resolution authorizing a tax appeal settlement of Bristol-Myers Squibb.

COMMITTEE MEMBERS AND STAFF REPORTS

Mr. Kataryniak reported that the chip seal work is continuing throughout the Township as well as the road seal work; chip seal work should continue through mid-July; road program work is being put out to bid; and Mercer County is finishing bridge work on Woosamonsa Road and then will be moving on to Pennington-Harbourton Road near Hallett Drive on or about July 6.

Ms. Borges reported the auditors have returned to the building and will be finishing the audit.

Ms. Gompf reported that the vote-by-mail box has been installed at the Municipal Building and stressed it is for vote-by-mail only; the box will be locked at 8:00 p.m. on July 7th.

Committee Member Blake reported on the Department of Public Works brush collection; mowing; and curbside Freon pick-up.

Committee Member Peters-Manning reported that on June 27 the bridge on the Lawrence Hopewell Trail will be opened.

Committee Member Kuchinski reported that Lincoln Equity Group and HIG Realty Partners have purchased the Bristol-Myers Squibb campus; quoted the press release regarding same; recreation fields have been opened on some complexes where there is a protocol on which sports are permitted; recreation will have some existing programs operating this summer as well as new opportunities such as “Movies in the Park;” thanked the Committee for their help with local business being able to open with outside dining; and promoted visiting local businesses.

Committee Member Ruger reminded everyone of the Open Space Advisory Committee meeting and provided an update on the 2020 Census responses.

Mr. Kataryniak reported that a meeting of the Deer Management Committee will be held and described what would be on the agenda.

Committee Member Kuchinski added that the Township is beginning meetings with the Lincoln Equity Group.

PUBLIC SECTION

The following members of the public spoke during public comment:

Jon Edwards, a resident of Pennington-Harbourton Road, questioned the number of COVID cases at the work house; the number of inmates with COVID; the number of deaths, if any; a summary of the type of care given to inmates with COVID; and what does the health officer say about the overcrowding at the facility.

Sheila Fields stated she was very disappointed that no one from the Township Committee attended the rally on June 13th; alleged harassment by the police against people of color; urged the Committee to work with citizens and conduct a survey of black participants of the community, people who routinely drive through the community, and the black churches in the community be allowed to collect the information that they are allegedly afraid to report; and asked why there were so many armed policemen and K-9's at the rally.

Mandy Lee, a resident of Washington D.C. and former resident of the Hopewell area; spoke of her awakening as a white woman who realized her white privilege; alleged the police have not made her feel safe; related she works for the NAACP; suggested other means of policing instead of using officers; and suggested giving the citizens power as to how they feel safe.

Scott Brown, grew up in Hopewell Township but is a resident of Washington D.C., related incidents of racism while he was growing up in the Township; alleged that there was no space

for black people to discuss what they were going through in the school system; brought forward the concept of “We Keep Us Safe” which is an idea that as a community, we have all the skills and resources to ensure that we are all taken care of and we don’t need police to ensure safety; and suggested defunding the police and invest in real community safety.

Corey Abernathy, a resident of Plainsboro Township, was concerned with the way the police department treated a certain Hopewell Township Police Officer; wants to feel comfortable in the way the Police Department is run; made certain demands regarding the employment of a certain Hopewell Township Police Officer; called for the dismantling of the police department; called for the removal of the Police Chief; suggested racial biased and discrimination training twice yearly; requested transparency of any internal and on duty incidents of police misconduct; and called for a third party to compile data.

Allen Cannon thanked his younger constituents; suggested any time there is a demonstration of social relevancy, a mechanism should be put in place where the Township Committee can hear the opinions being expressed; and asked that the Committee be sensitive and attend demonstrations or get the information gleaned from the demonstrations from video.

Stephanie Overton-Hall, a resident of Crest Avenue, thanked the Committee for the efforts they are making to make Hopewell progress; spoke of her experience at the rally; objected to the number of police personnel present at the rally; spoke of “driving while black;” stated that it is crucial that things that aren’t reported, but common knowledge, be taken into account; and suggested that reform be attained.

Marissa Bunting, a resident of Lafayette Street, attended the rally on June 13th; objected to the police presence at the rally; and objected to the fact that officers were not allowed to comment or share their opinions at the rally.

Carolyn McGrath, a resident of Pennington-Harbourton Road, mentioned she had positive interactions with a certain Hopewell Township Police Officer and made certain remarks about his employment; objected to a Facebook post by a Hopewell Township Police Officer regarding Black Lives Matter; alleged that she did not feel safe with some Hopewell Township Police Officers calling certain people terrorists; questioned what is being done about it; and suggested instituting a racism policy.

Paul Pierson spoke of racism, relationships, accountability and leadership; alleged the Hopewell Township police refused to relate at the rally; suggested that the police showed up to the rally in a show of force; and referred to a petition that referred to a certain Hopewell Township Police Officer.

Catherine Fulmer-Hogan shared how her life has changed in the past couple of years as a woman of color; alleged that her family suffered at the hands of the Hopewell Township police; made reference to a certain Hopewell Township Police Officer’s allegation against the police department; made reference to a Facebook post by another Hopewell Township Police Officer; felt that she was at personal risk when she spoke at the rally and felt intimidated there; was angry her name was given to the Chief of Police; and stated that the Committee needs to understand what happens to people of color in this community.

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

ORDINANCE – FINAL READING, PUBLIC HEARING AND ADOPTION

Mayor McLaughlin read by title the introduced ordinance:

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

Mayor McLaughlin declared public hearing open.

Jon Edwards wanted to make everyone aware that the Ordinance increases the salaries of the Township Committee by 2%; asked that the Committee strike their increase from the ordinance.

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

MOTION UNANIMOUSLY CARRIED

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

ROLL CALL VOTE:

AYES: Blake, Kuchinski, Ruger, Mayor McLaughlin

NOES: Peters-Manning

ORDINANCE ADOPTED

Ordinance advertised June 12, 2020, Hopewell Valley News. Posted municipal bulletin board as required by law.

ORDINANCE NO. 20-1730

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

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

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

Section 1. For the year 2020 the salary and wage plan for employees and certain officials of the Township of Hopewell shall be in accordance with the provisions of this Ordinance as hereafter shown.

Section 2. The administration of the salary and wage plan established by this Ordinance shall be the responsibility of the Township Administrator or other designated person and shall be implemented in accordance with the adopted budget and with such other policies, rules, and regulations as may be adopted from time to time by the Township Committee.

Section 3. Job classifications and salary ranges for full-time employees shall be in accordance with the following schedule:

Grade	Classification	Minimum	Maximum
1			
2			
3			
4			
5			
6	Deputy Clerk Deputy Court Administrator	40,000.	[69,000]. <u>70,000</u>
7			
8	Administrative Assistant Communications and Outreach Manager Foreman Utility Systems /Buildings Foreman Assistant Treasurer/Assistant CFO	45,000.	[87,000]. <u>88,000</u>
9	General Foreman Tax Collector Tax Assessor Municipal Clerk Human Resources Director	47,000.	96,000. <u>98,000</u>
10	Municipal Court Administrator Recreation Director	49,000.	[82,000]. <u>84,000</u>
11	Director of Public Works Municipal Construction Official Health Officer	55,000	[120,000]. <u>111,000</u>
12	Police Lieutenant CFO/Treasurer Township Engineer	68,000	[167,000]. <u>171,000</u>

	Director Community Development		
13	Chief of Police	76,000	[156,000]. <u>159,000</u>
14	Township Administrator	10,000.	121,990

Section 4. Job classifications and salary ranges for part-time **salaried** employees shall be in accordance with the following schedule:

Grade Classification		Maximum
3	Recreation Supervisor	8,600.
4	Recreation Leader	6,000.
4	Joint Insurance Fund Coordinator	5,000.
12	Municipal Judge	45,000.
15	Township Committee	[4,560] <u>4,646</u>

Section 5. Job classifications and salary ranges for part-time **hourly** employees shall be in accordance with the following schedule:

Grade Classification		Minimum	Maximum
1	Recreation Aide	11.00	15.00
1	School Crossing Guard	11.00	19.00
2	Board of Health Secretary		70.00/mtg
2	Temporary Community Development Coordinator		210.00/mtg
3	Recreation Supervisor	35.00	50.00
4	Recreation Leader	15.00	35.00
5	Temporary Animal Control Officer	25.00	35.00
5	Court Attendant		
	100.00/session		
5	Utility System Operator	14.00	21.00
8	Temporary MCO Dept. Inspectors	24.00	28.00
8	Temporary Public Health Investigator	12.00	20.00
8	Municipal Alliance Coordinator	15.00	31.00
9	Temporary Sub Code Officials	27.00	41.00

Section 6. Full-time hourly employees shall be compensated at appropriate overtime rates of pay for the time worked in excess of the normal workweek unless such positions are deemed exempt in Section 7.

Section 7. The following positions shall be considered overtime **EXEMPT** in accordance with the provisions of the FLSA:

- Administrator
- CFO/Treasurer
- Chief of Police
- Communications and Outreach Manager
- Director Community Development
- Director of Public Works
- Health Officer
- Municipal Clerk
- Municipal Construction Official
- Municipal Court Administrator
- Police Lieutenant
- Recreation Director
- Tax Assessor
- Tax Collector
- Township Engineer

Section 8. The salary of the Chief of Police shall be, at a minimum, \$12,000 above the salary of the highest paid Lieutenant. The salary of the lowest paid Lieutenant shall be, at a minimum, \$10,000 above the salary of the highest paid Sergeant. The Chief of Police and Lieutenants will receive the same benefits the contract between the Township and the Superior Officers provide except for the following: salaries, overtime and educational incentive. The Chief

of Police and/or Lieutenants shall be entitled to an educational incentive of \$1,500 added to the base salary upon the attainment of a Master’s Degree in Criminal Justice or Public Administration.

Section 9. Compensation for employees in collective bargaining units shall be governed by the specific provisions of agreements between said units and the Township, or in the absence of an agreement, practices in effect at the time of adoption of this Ordinance.

Section 10. Under extraordinary circumstances and subject to policy guidance by the Township Committee, the Township Administrator may approve compensation of employees at rates of pay outside the ranges set forth in Sections 3, 4, and 5 above.

Section 11. Rates of pay for temporary, seasonal, occasional, and other employees for whom no other method of compensation is set forth herein, shall be fixed by the Township Administrator, provided that said rates of pay may not exceed \$38.00 per hour unless specified otherwise approved by the Township Committee.

Section 12. The salary of the General Foreman in Public Works shall be a minimum of \$1,000 higher than the Foreman salary. The salary of the Foreman shall be a minimum of \$1,000 higher than the highest paid rank and file member of Public Works.

Section 13. This ordinance supersedes all other salary and wage ordinances adopted by the Hopewell Township Committee. It shall be in force effective with the first payroll of January in 2020, upon adoption and publication in accordance with the law.

CONSENT AGENDA ITEMS

RESOLUTIONS #20-214 THROUGH #20-218. Read by title.

Motion by Ruger, seconded by Peters-Manning to adopt Resolution #20-214 through #20-218.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #20-214

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

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

NOW, THEREFORE, BE IT RESOLVED, on this 22nd day of June 2020 by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that the individuals and/or corporations so specified below be refunded the overpayment of taxes. Further, a copy of this approved resolution shall be forwarded to the Collector and to the Finance Officer.

<u>BLOCK/LOT</u>	<u>REFUND TO</u>	<u>REASON</u>	<u>LOCATION</u>	<u>AMOUNT</u>
78.20/18 C185	Katarzyna Klucha	Overpaid Sewer	101 Dunleigh Ct	\$93.94

R E S O L U T I O N #20-215

**AMENDING RESOLUTION AUTHORIZING PART-TIME
SEASONAL WORKERS FOR THE
HOPEWELL TOWNSHIP RECREATION DEPARTMENT**

WHEREAS, the Hopewell Township Recreation Department traditionally offers a variety of summer recreation programs; and

WHEREAS, smooth operation of these programs requires that they be planned and staffed in the spring; and

WHEREAS, the Recreation Department will operate these programs in 2020, if circumstances permit; and

WHEREAS, in deciding whether these programs will be operated in 2020, the Township will be guided by the Governor’s Executive Orders issued under the State of Emergency and Public Health Emergency declared as a result of the COVID-19 coronavirus pandemic, as well as guidance from the New Jersey Department of Health and Hopewell Township Health Officer; and

WHEREAS, the Hopewell Township Recreation Director recommends the following individuals for appointment as part time seasonal workers to manage and supervise the programs sponsored by the Recreation Department; and

WHEREAS, in the event the programs cannot be operated as a result of the public health crisis, the listed compensation for these individuals shall be prorated to reflect work actually performed.

NOW, THEREFORE, BE IT RESOLVED, on this 22nd day of June, 2020, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that part-time seasonal workers be hereby appointed effective June 22, 2020 through August 29, 2020 as follows:

NAME	TITLE	PROGRAM	SALARY
Joslyn Johnson	Recreation Supervisor	Art in the Park	\$1,061.00 <u>per session</u>
Blair Grenier	Rec. Leader-Guest Artist	Art in the Park	\$ 678.00 <u>per session</u>
Elizabeth Machado	Rec. Leader-Guest Artist	Art in the Park	\$ 678.00 <u>per session</u>
Ashlee Bartol	Rec. Leader-Guest Artist	Art in the Park	\$ 678.00 <u>per session</u>

Pay scale as set by Township Ordinance:

Recreation Aide:	\$ 11.00 per hour to \$15.00 per hour
Recreation Leader:	\$15.00 per hour to \$35.00 per hour
Recreation Supervisor	\$35.00 per hour to \$50.00 per hour

Each of the summer camps has a range of hours that is dependent on weather, drop-off and pick-up times of campers, daily trip times, and set-up/planning time.

Art in the Park - Range is from 20 hours to 30 hours per session

R E S O L U T I O N #20-216

**A RESOLUTION AUTHORIZING
REFUND OF BUILDING PERMIT FEES**

WHEREAS, a permit fee was posted for a building permit; and

WHEREAS, appropriate Township Department Officials have certified that outstanding items have been met and recommend reimbursement of the fee.

NOW, THEREFORE, BE IT RESOLVED, on this 22nd day of June, 2020 by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey:

1. That the Construction Permit money (\$112.50) paid by American Chimney Service for Block 70, Lot 7 (Permit #2020-0289) be and is hereby released due to permit cancellation.
2. That the Construction Permit money (\$116.25) paid by Steelway Cellar Doors, LLC for Block 116, Lot 6 (Permit #2019-0951) be and is hereby released due to permit cancellation.

R E S O L U T I O N #20-217

**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 22nd 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:

Dana Snook	203 Lambertville-Hopewell Rd.	Hopewell 08525	\$200.00
C. Wendy Deschappelles	199 Penn View Drive	Pennington 08534	\$200.00

Kristina Fayle	9 Walking Purchase Drive	Pennington 08534	\$200.00
Erica Gallagher	20 Timberlane Drive	Pennington 08534	\$200.00
Jillian Denarski	108 Search Avenue	Pennington 08534	\$355.00
Kate Trupin	9 Lochatong Road	Ewing 08628	\$200.00
Charlotte Rowe	376 Carter Road	Princeton, 08540	\$355.00
Jayesh Bindra	261 Brinley Drive	Pennington 08534	\$800.00
Bill Nulman	9 Morningside Drive	Pennington 08534	\$720.00
Patrick Orem	15 Morningside Drive	Pennington, 08534	\$355.00
Marqarita Trujillo	164 Shrewsbury Court	Pennington, 08534	\$355.00
Lester Hui	37 Harbourton Woodville Rd	Pennington, 08534	\$355.00
Renee Lansley	31 Avalon Road	Pennington, 08534	\$710.00
Frances English	16 Cedar Lane	Titusville, 08560	\$710.00
Sally O'Kelly	245 Brinley Drive	Pennington, 08534	\$355.00
Claudia Schwarz	38 Continental Lane	Titusville, 08560	\$355.00
Melissa Mantuano	206 Burd Street	Pennington, 08534	\$355.00
Diana Heaphy	20 Bailey Drive	Princeton, 08540	\$355.00
Karen von Stappenbeck	8 Honey Brook Drive	Princeton, 08540	\$355.00
Lourdes Caldwell	4 Tyburn Lane	Hopewell, 08534	\$355.00
Laura Florio-Ellis	105 Laning Avenue	Pennington, 08534	\$390.00
Jennifer Jamieson	11 1 st Street	Hopewell, 08525	\$390.00
Kelly Simone	13 2 nd Street	Hopewell, 08525	\$200.00
Anna VanScoyoc	36 Orchard Avenue	Pennington, 08534	\$200.00
Haiying Lai	78 Chicory Lane	Pennington, 08534	\$355.00

RESOLUTION #20-218

A RESOLUTION AMENDING RESOLUTION #20-73, AUTHORIZING THE EXECUTION OF A MORTGAGE SUBORDINATION AGREEMENT FOR 125 SHREWSBURY COURT IN THE TOWNSHIP OF HOPEWELL, COUNTY OF MERCER, STATE OF NEW JERSEY

WHEREAS, 125 Shrewsbury Court is a housing unit that is deed restricted as a part of the Hopewell Township Affordable Housing Program; and

WHEREAS, as a requirement of said program, the owner of said unit executed a repayment mortgage dated November 7, 2014 which was recorded in the Office of the Mercer County Clerk in Deed Book 11099, Page 892; and

WHEREAS, the owner of said unit wishes to refinance; and

WHEREAS, said owner's request to refinance has been reviewed and approved under the provisions of the New Jersey Fair Housing Act, *NJS.A. 52:27D-301 et seq.* by the Hopewell Township Administrative Agent; and

WHEREAS, the owners, George V. DiDonato and James DiDonato, of said affordable housing unit has requested that the Township of Hopewell subordinate its existing Repayment Mortgage as referenced above to a new Mortgage which the owner is about to place on the property with Berkshire Bank, its successors and/or assigns, as their interests may appear for a sum of \$111,800.00.

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

1. The Mayor and Clerk of the Township of Hopewell are hereby authorized and directed to enter into a Postponement of Mortgage Agreement concerning 125 Shrewsbury Court, Hopewell Township, New Jersey. The Postponement of Mortgage Agreement authorized by this Resolution shall be kept on file in the Office of the Township Clerk and may be inspected during regular office hours.
2. A certified true copy of this Resolution shall be furnished upon its adoption by the Hopewell Township Clerk to the Township's Municipal Housing Liaison and Administrative Agent and to Berkshire Bank, its successors and/or assigns.

RESOLUTION #20-219. Read by title.

Motion by Kuchinski, seconded by Ruger to adopt Resolution #20-219.

MOTION UNANIMOUSLY CARRIED

RESOLUTION #20-219

A RESOLUTION SUPPORTING “HOPE IN HOPEWELL”

WHEREAS, “Hope in Hopewell” is a Community Public Art Initiative, a collaboration between a group of Hopewell Township residents and Art Benefactors, the Township of Hopewell, the Organizers, and the many artists that call Hopewell Valley home; and

WHEREAS, this Public Art Project proposes that the “Emergency Services Garage” at Hart’s Corner Schoolhouse be transformed into a symbol of hope for our communities and will offer friends, neighbors and community members the opportunity to channel energies into gratitude, renewed purpose and belonging; and

WHEREAS, collaboration with the Township, a Township representative will serve to establish specific parameters and scope of the project, how artists may be selected and the final design to be implemented; and

WHEREAS, “Hope in Hopewell” is a tangible expression of the values we hold dear: A visual message of hope, gratitude and public safety at the intersection of Scotch Road and Washington Crossing-Pennington Road in Hopewell Township, New Jersey.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Hopewell, Mercer County, New Jersey supports and approves the “Hope in Hopewell” Community Public Art Initiative and allows the use of the existing “Emergency Services Garage” building for the purposes of a public art project to be painted by local artists.

RESOLUTION #20-220. Read by title.
 Motion by Peters-Manning, seconded by Blake to adopt Resolution #20-220.
MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #20-220

**RESOLUTION OF AWARD FOR
 BID #20-08 RE-BID CCTV EVALUATION OF SANITARY SEWERS –
 HOPEWELL HUNT**

WHEREAS, the Township has advertised and received formal bids on June 5,2020 at 9:00 A.M. for Bid #20-08 Re-Bid CCTV Evaluation of Sanitary Sewers – Hopewell Hunt, in a Fair and Open manner in accord with N.J.S.A 19:44A-20.4 et. Seq.; and

WHEREAS, the Township received formal bids on June 5, 2020 at 9:00 A.M. to wit:

Vendor	Bid Amount
Oswald Enterprises, Inc	\$15,638.95
North American Pipeline Services LLC	\$19,991.26
American Pipe Cleaning LLC	\$21,931.05
National Water Main Cleaning Co.	\$27,039.83

; and
WHEREAS, Oswald Enterprises, Inc. P.O. Box 126 - 161 East Road, Belford, N.J. 07718, at the price of \$15,638.95 was the lowest submitted bidder; and

WHEREAS, the bid as submitted by Oswald Enterprises, Inc. P.O. Box 126 - 161 East Road, Belford, N.J. 07718 was deemed to be the lowest responsive and responsible bid by the Qualified Purchasing Agent and Township Consulting Engineer; and

WHEREAS, the Qualified Purchasing Agent and Township Consulting Engineer recommend award of Bid 20-08 Re-Bid CCTV Evaluation of Sanitary Sewers – Hopewell Hunt to Oswald Enterprises, Inc. P.O. Box 126 - 161 East Road, Belford, N.J. 07718 for the bid cost of \$15,638.95; and

WHEREAS, the Chief Financial Officer hereby certifies that funds are available NOT TO EXCEED \$15,638.95 as follows:

2020 Current Fund – 0-10-55-502-028

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hopewell, Mercer County, New Jersey, that the recommendation to award is hereby accepted. The bid provided by Oswald Enterprises, Inc. P.O. Box 126 - 161 East Road,

Belford, N.J. 07718 at the price of \$15,638.95 for Bid #20-08 Re-Bid CCTV Evaluation of Sanitary Sewers – Hopewell Hunt is hereby accepted; and

BE IT FURTHER RESOLVED, by the Township Committee of the Township of Hopewell, Mercer County, New Jersey, that the Mayor is authorized to effectuate a contract with Oswald Enterprises, Inc. P.O. Box 126 - 161 East Road, Belford, N.J. 07718, at the price of \$15,638.95, reflecting the precepts as contained within this agreement.

RESOLUTION #20-221. Read by title.

Motion by Peters-Manning, seconded by Kuchinski to adopt Resolution #20-221.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #20-221

A RESOLUTION ACCEPTING THE CAPITAL IMPROVEMENTS FOR THE INSTALLATION OF ELECTRIC VEHICLE CHARGING STATIONS AT THE HOPEWELL TOWNSHIP MUNICIPAL COMPLEX, 201 WASHINGTON CROSSING-PENNINGTON ROAD, TITUSVILLE, NJ

WHEREAS, on February 25, 2019, the Township Committee of the Township of Hopewell awarded a contract under Public Bid # 18-09R to ZSenak Electric Co (Contractor) for the installation of electric vehicle charging stations at the Hopewell Township Municipal Complex, 201 Washington Crossing-Pennington Road in the amount of \$99,800.00; and

WHEREAS, on January 13, 2020, the Township Committee of the Township of Hopewell awarded a change order for an increase in the total contract amount of \$2,400.00 to account for unforeseen field conditions; and

WHEREAS, the Hopewell Township Engineer has confirmed that the Contractor has satisfactorily completed the required work prescribed in the contract; and

WHEREAS, the Contractor has posted the necessary and required Maintenance Bond, No. 019-067-619, issued by the Liberty Mutual Insurance Company, which remains in effect through January 6, 2022.

NOW, THEREFORE, BE IT RESOLVED on this 22nd day of June, 2020 by the Township Committee of the Township of Hopewell, County of Mercer and State of New Jersey:

1. That the Township issues Final Acceptance of the Electric Vehicle Charging Station Project.
2. That the Township authorize the final payment invoice submitted for the project.
3. That the Township accepts the Maintenance Bond for the project.
4. That the Township considers the terms of the contract for Bid #18-09R satisfied.

RESOLUTION #20-222. Read by title.

Motion by Peters-Manning, seconded by Ruger to adopt Resolution #20-222.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #20-222

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 CLEAN COMMUNITIES GRANT FY2020)

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 \$51,749.70 from the State of New Jersey and wishes to amend its 2020 Budget by \$51,749.70 to include the amount received as revenue.

NOW, THEREFORE, BE IT RESOLVED on this 22nd 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 \$51,749.70 which item is now available as a revenue from:

2020 Clean Communities Grant	\$51,749.70
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BE IT FURTHER RESOLVED that a like sum of \$51,749.70 be and the same is hereby appropriated as follows:

2020 Clean Communities Grant	\$51,749.70
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RESOLUTION #20-223. Read by title.

Motion by Blake, seconded by Kuchinski to adopt Resolution #20-223.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #20-223

A RESOLUTION AUTHORIZING PROFESSIONAL SERVICES AGREEMENT

WHEREAS, there exists a need for professional services for the following: Fit for Duty Evaluation services; and

WHEREAS, the cost of the contract is not to exceed \$2,500.00 (0-01-25-240-028) for fit for duty evaluation services; and funds are available in the 2020 budget appropriations for this purpose certified by the local finance officer; and

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

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

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

Forensic Psychology & Neuropsychology Services, PC, 800 Denow Road,
Suite S, Pennington, NJ 08534

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

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

RESOLUTION #20-224. Read by title.

Motion by Blake, seconded by Peters-Manning to adopt Resolution #20-224.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #20-224

A RESOLUTION DIRECTING THE HOPEWELL TOWNSHIP ZONING OFFICER TO ISSUE AN EXTENSION OF A TEMPORARY ACTIVITIES PERMIT TO NANCY O'LEARY - FOOD TRUCK LADY

WHEREAS, Nancy O'Leary - Food Truck Lady seeks an Extension to a Temporary Activities Permit allowing the use of the Rosedale Mills property, specifically the parking area extending across the southwest side of the property parallel to Route 31, for operation of a food truck serving breakfast/lunch/dinner, seven days per week, operating various hours between 8:00 a.m. and 5:00 p.m. for onsite staff, customers visiting the store, and the general public. The food truck would operate on a temporary basis during the COVID-19 closing of non-essential services, to serve onsite staff and the general public who are unable to purchase food from surrounding restaurants; and

WHEREAS, this proposal has been reviewed by the Hopewell Township Attorney who has advised that this proposal can be authorized under an Extension of 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 22nd 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 an Extension of a Temporary Activities Permit to Nancy O’Leary - Food Truck Lady for the temporary operation of a food truck in the parking area of the Rosedale Mills property, seven days per day, operating various hours between 8:00 a.m. and 5:00 p.m. for onsite staff, customers visiting the store, and the general public, during the COVID-19 closure of non-essential services, 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, including:

1. **Operation is limited to one (1) food truck at any given time and each truck must be licensed by the Hopewell Township Health Department.**
2. **Patrons must maintain social distancing and shall be required to wear masks consistent with standing Executive Orders issued by the Governor’s Office; Six foot (6 FT.) distancing indicators should be placed in the parking area using cones, chalk, tape or other similar marking.**
3. **Food trucks should encourage ordering in advance for pickup.**
4. **Each truck proposing to operate at the site will be required to obtain a fire safety permit from Hopewell Valley Fire Safety prior to commencing operations at the site.**
5. **All food services shall be for take-out only. No tables or other provisions for on-site consumption of purchases shall be permitted on the site of the operations.**
6. **This permit shall be valid through July 20, 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 on July 13, 2020.**

RESOLUTION #20-225. Read by title.

Motion by Kuchinski, seconded by Ruger to adopt Resolution #20-225.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #20-225

A RESOLUTION DIRECTING THE HOPEWELL TOWNSHIP ZONING OFFICER TO ISSUE A TEMPORARY ACTIVITIES PERMIT TO GOLDEN NUGGET FLEA MARKET

WHEREAS, 1850 River Rd LLC, seeks permission to use a portion of their existing parking area for the operation of food trucks, Wednesday through Sunday, 9:00 a.m. to 4:00 p.m. for onsite staff and the general public, to provide a variety of meal options due to COVID-19 food establishment closures; 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 Zoning 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 22nd 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 1850 River Road LLC for the temporary operation of food trucks in a portion of the parking area of the Golden Nugget Flea Market, Wednesday through Sunday, 9:00 a.m. to 4:00 p.m. for onsite staff and the general public during the COVID-19 closure of indoor food establishments, 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, including:

1. Operation is limited to two (2) at any given time and each truck must be licensed by the Hopewell Township Health Department. Trucks must be spaced at least fifteen (15) feet apart, bumper to bumper.

2. Each truck proposing to operate at the site will be required to obtain a fire safety permit from Hopewell Valley Fire Safety prior to commencing operations at the site.
3. A schedule will be provided to Fire Safety two (2) weeks in advance as to the trucks that will be operating on specific days.
4. Customers will form a queue inside their vehicles and orders will be taken at individual trucks. Customers will form a receiving line inside their vehicles and will be informed by phone when to pick up their order curbside. Signs will be required indicating ordering line area and receiving line area.
5. Signs will be required indicating circulation pattern.
6. Advance website or phone ordering and payment is encouraged.
7. Should patrons need to leave their vehicle for any reason, masks shall be required to be worn and social distancing maintained consistent with standing Executive Orders issued by the Governor's Office.
8. All food services shall be for take-out only. No tables or other provisions for on-site consumption of purchases shall be permitted on the site of the operations.
9. This permit shall be valid through July 20, 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 on July 13, 2020.

The Temporary Activities Permit approval is granted for the configuration depicted on the plan/sketch attached to this resolution.

RESOLUTION #20-226. Read by title.

Motion by Kuchinski, seconded by Ruger to adopt Resolution #20-226.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #20-226

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

**AMENDED TO ALLOW THE USE OF TENTS, ADDITION WITH RESPECT TO
HEATERS & CLARIFICATION WITH RESPECT TO DISTANCING
REQUIREMENTS**

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 22nd 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. **Occupied seating must be six (6) feet between parties.**
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. If applicable, 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 on
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. Tent tops/roofs are considered acceptable and must comply with NJ Department of Health regulations. To be considered "outdoor" dining, **three (3) sides must be open air; the tent may only have one (1) wall.** More than one (1) wall restricts air flow and is not acceptable. Tents must meet all Fire Safety permit requirements. Awnings and umbrellas may be used.
11. Tents that are greater than 16,800 square feet, and/or are erected for 180 days or more, and/or are erected between December 1 and March 31 require permitting from the municipal construction office.
12. **Space heaters of any kind, including propane heaters, are prohibited.** Commercial electric heaters are permitted with proper permitting through the municipal construction office.
13. All temporary outdoor dining areas shall maintain the existing ground conditions with no changes in grade. Temporary flooring or mats are not permitted.

14. Any expansion or changes to the outdoor dining area to enlarge or alter the configuration of the occupied footprint shall invalidate this permit.
15. 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.

RESOLUTION #20-227. Read by title.

Motion by Peters-Manning, seconded by Blake to adopt Resolution #20-227.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #20-227

**A RESOLUTION DIRECTING THE HOPEWELL TOWNSHIP ZONING OFFICER
TO ISSUE A TEMPORARY ACTIVITIES PERMIT TO
TREE FARM VILLAGE, 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, tenant Michael Angelo Associates, LLC seeks permission to offer temporary outdoor dining and beverages utilizing the sidewalk in front of their restaurant Osteria Procaccini, 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 22nd 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 Tree Farm Village, LLC and tenant Michael Angelo Associates, LLC for temporary outdoor dining and beverages utilizing the sidewalk in front of their restaurant, Osteria Procaccini. 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. **Occupied seating must be six (6) feet between parties.**
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. If applicable, 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 4:00 p.m. to 9:00 p.m., seven (7) days per week.
 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. Tent tops/roofs are considered acceptable and must comply with NJ Department of Health regulations. To be considered "outdoor" dining, **three (3) sides must be open air; the tent may only have one (1) wall.** More than one (1) wall restricts air flow and is not acceptable. Tents must meet all Fire Safety permit requirements. Awnings and umbrellas may be used.
 11. Tents that are greater than 16,800 square feet, and/or are erected for 180 days or more, and/or are erected between December 1 and March 31 require permitting from the municipal construction office.
 12. **Space heaters of any kind, including propane heaters, are prohibited.** Commercial electric heaters are permitted with proper permitting through the municipal construction office.
 13. All temporary outdoor dining areas shall maintain the existing ground conditions with no changes in grade. Temporary flooring or mats are not permitted.
 14. Any expansion or changes to the outdoor dining area to enlarge or alter the configuration of the occupied footprint shall invalidate this permit.
 15. 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.

RESOLUTION #20-228. Read by title.

Motion by Peters-Manning, seconded by Kuchinski to adopt Resolution #20-228.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #20-228

**A RESOLUTION DIRECTING THE HOPEWELL TOWNSHIP ZONING OFFICER
TO ISSUE A TEMPORARY ACTIVITIES PERMIT TO
FRANK J. HUJBER ESTATE, C/O S WILSON
FOR IT'S NUTTS RESTAURANT, C/O STEFANOS E. NYKTAS**

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, Stefanos E. Nyktas, operator of It's Nutts Restaurant, seeks permission to offer expanded outdoor dining utilizing the patio area adjacent to their existing restaurant building 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 22nd 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 Frank J. Hujber Estate, c/o S. Wilson for It's Nutts Restaurant, c/o Stefanos E. Nyktas, for an expansion of outdoor dining utilizing the patio adjacent to their existing restaurant building. 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. **Occupied seating must be six (6) feet between parties.**
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. If applicable, 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 Monday through Thursday, 12:00 p.m. to 8:00 p.m. and Friday through Sunday, 12:00 p.m. to 9:00 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. Tent tops/roofs are considered acceptable and must comply with NJ Department of Health regulations. To be considered "outdoor" dining, **three (3) sides must be open air; the tent may only have one (1) wall.** More than one (1) wall restricts air flow and is not acceptable. Tents must meet all Township and Fire Code requirements. Awnings and umbrellas may be used.
11. Tents that are greater than 16,800 square feet, and/or are erected for 180 days or more, and/or are erected between December 1 and March 31 require permitting from the municipal construction office.
12. **Space heaters of any kind, including propane heaters, are prohibited.** Commercial electric heaters are permitted with proper permitting through the municipal construction office.
13. All temporary outdoor dining areas shall maintain the existing ground conditions with no changes in grade. Temporary flooring or mats are not permitted.
14. Any expansion or changes to the outdoor dining area to enlarge or alter the configuration of the occupied footprint shall invalidate this permit.
15. 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.

RESOLUTION #20-229. Read by title.

Motion by Ruger, seconded by Peters-Manning to adopt Resolution #20-229.

ABSTAIN: Kuchinski

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #20-229

A RESOLUTION DIRECTING THE HOPEWELL TOWNSHIP ZONING OFFICER TO ISSUE A TEMPORARY ACTIVITIES PERMIT TO BRICK FARM PROPERTIES LLC FOR SOURLAND MOUNTAIN SPIRITS

WHEREAS, tenant Sourland Mountain Spirits seeks permission to offer temporary outdoor beverages utilizing a portion of the property on which their business operates, owned by Brick Farm Properties LLC, to serve beverages 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 22nd 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 Brick Farm Properties LLC and tenant Sourland Mountain Spirits for temporary outdoor beverages utilizing a portion of the Brick Farm Properties LLC property on which their business operates. Operation will be in compliance with all Executive Orders issued by the Governor of New Jersey with respect to outdoor restaurant/beverage 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 setup depicted on the photos 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. **Occupied seating must be six (6) feet between parties.**
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. If applicable, 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 are Saturday -12:00 p.m. to 8:00 p.m. and Sunday - 12:00 p.m. to 6:00 p.m.
5. Barriers establishing the perimeter of the designated outdoor dining/beverage area shall remain in place for the duration of this Temporary Activities Permit. Removal and replacement of the outdoor dining/beverage 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/beverage 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/beverage area only.
8. No temporary outdoor dining/beverage area shall be located within an approved delivery area, loading zone or fire lane.
9. No temporary outdoor dining/beverage 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. Tent tops/roofs are considered acceptable and must comply with NJ Department of Health regulations. To be considered "outdoor," **three (3) sides must be open air; the tent may only have one (1) wall.** More than one (1) wall restricts air flow and is not acceptable. Tents must meet all Fire Safety permit requirements. Awnings and umbrellas may be used.
11. Tents that are greater than 16,800 square feet, and/or are erected for 180 days or more, and/or are erected between December 1 and March 31 require permitting from the municipal construction office.
12. **Space heaters of any kind, including propane heaters, are prohibited.** Commercial electric heaters are permitted with proper permitting through the municipal construction office.
13. All temporary outdoor dining/beverage areas shall maintain the existing ground conditions with no changes in grade. Temporary flooring or mats are not permitted.
14. Any expansion or changes to the outdoor dining/beverage area to enlarge or alter the configuration of the occupied footprint shall invalidate this permit.
15. 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.

Motion by Blake, seconded by Kuchinski to adopt Resolution #20-230.
MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #20-230

**A RESOLUTION APPOINTING JOSHUA SMITH
AS LABORER IN THE PUBLIC WORKS DEPARTMENT**

NOW, THEREFORE, BE IT RESOLVED, on this 22nd day of June, 2020, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey that Joshua Smith be and is hereby appointed as Laborer in the Hopewell Township Public Works Department.

BE IT FURTHER RESOLVED that Joshua Smith be compensated at an annual salary of \$42,926.50; and

BE IT FURTHER RESOLVED that this appointment is effective July 6, 2020.

RESOLUTION #20-231. Read by title.

Motion by Blake, seconded by Kuchinski to adopt Resolution #20-231.

MOTION UNANIMOUSLY CARRIED

RESOLUTION #20-231

**RESOLUTION AUTHORIZING TAX APPEAL SETTLEMENT OF
BRISTOL MYERS SQUIBB CO. BY HOPEWELL COMPANY OWNER, LLC,
AS CONTRACT PURCHASER v. TOWNSHIP OF HOPEWELL
TAX COURT DOCKET NO. 005941-2020**

WHEREAS, a complaint was filed with the Tax Court of New Jersey for the 2020 tax year challenging the assessment for property designated on the tax map as Block 46, Lot 8.01, by Bristol Myers Squibb Co. by Hopewell Company Owner, LLC as Contract Purchaser, and located at 311 Penn Rocky Hill Road; and

WHEREAS, a settlement of said tax appeal has been negotiated with the taxpayer; and

WHEREAS, the proposed settlement is as follows:

1. For tax year 2020, the taxpayer shall withdraw the complaint and not challenge the assessment of \$193,669,600.
2. The parties agree to commence good faith negotiations for a Financial Agreement(s) under the Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et seq. The Financial Agreement(s) shall incorporate a provision, under N.J.S.A. 40A:20-12b, that the “minimum annual service charge” shall be based on a total assessment of \$60,000,000.
3. In the event the parties are unable to successfully negotiate a Financial Agreement(s) as provided in paragraph #4 herein to be effective for either tax year 2021 and/or 2022, the assessments for the subject property for tax years 2021 and 2022 shall be as follows:

<u>2021</u>	<u>2022</u>
\$90,000,000	\$60,000,000
(Land and building merged)	(Land and building merged)
(Includes sprinkler exemption)	(Includes sprinkler exemption)

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE COMMITTEE OF THE TOWNSHIP OF HOPEWELL;

That the noted settlement is hereby approved and authorized and Harry Haushalter, Esquire, Counsel for the Township of Hopewell for this tax appeal, be and hereby is authorized and directed to execute and file with the Tax court of New Jersey such documents as are necessary to effectuate the settlement indicated herein.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

RESOLUTION #20-232. Read by title.

Motion by Blake, seconded by Kuchinski to adopt Resolution #20-232.

ROLL CALL VOTE:

AYES: Blake, Kuchinski, Peters-Manning, Ruger, Mayor McLaughlin
NOES: None

RESOLUTION #20-232

BILLS & CLAIMS

BE IT RESOLVED, that the list of cash disbursements authorized for approval of bills for payment date June 22, 2020 in the following amounts:

Bills and Claims	\$	8,119,267.84
Payroll	\$	317,381.78
Total Disbursements	\$	8,436,649.62

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:

Melanie Phillips, a resident of Washington Crossing-Pennington Road gave thanks for making the meeting registration process a “clickable” link.

Sheila Fields brought up the issue a certain Police Officer and asked why he was not back on duty; and asked other questions regarding said officer as it relates to his employment.

Olivia Allen, a resident of Washington Crossing Road, stated her father is black and he and his family will not cross over the Ewing border to visit her because of the racism in Hopewell Township; related that as a teen in school she was bullied because of her race; commented on a certain Police Officer as an ally to her; and went on to give her opinions regarding said officer.

Christopher Pierson, a resident of Harbourton-Woodsville Road, related that he believes that supporting racial justice efforts in the community must be prioritized; urged the Committee members to reach out to black and brown members of the community and ask them how they are feeling about racism and policing in the community; made certain comments regarding a Hopewell Township Police Officer; questioned if the police department actively strives to forge caring and honest relationships with the black and brown citizens in the community; and questioned if the Committee feels it is important to have a racially diverse police department and questioned what they would do to achieve that.

Jon Edwards alleged the situation in the corrections center is dire; made certain comments regarding the Wastewater Management Plan (WMP) which is coming up for renewal; and urged the Committee to help the overcrowding at the prison through negotiations for a new WMP.

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 Peters-Manning, seconded by Blake to go to Executive Session to discuss contract negotiations, real estate, legal and personnel matters.

MOTION UNANIMOUSLY CARRIED

EXECUTIVE SESSION RESOLUTION

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

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

WHEREAS, the Township Committee wishes to discuss the following:

- Legal
- Personnel

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 22nd 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 9:09 p.m. the Executive Session was held.

At 10:38 p.m. the Regular meeting reconvened.

At 10:38 p.m., motion by Kuchinski, seconded by Peters-Manning to adjourn the meeting.

MOTION UNANIMOUSLY CARRIED

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

LAURIE E. GOMPF
MUNICIPAL CLERK