

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

Monday, February 8, 2016 – 7:17 p.m.

PROPER STATEMENT OF NOTICE - Mayor Kuchinski called the meeting to order stating that notice of the meeting had been posted on the municipal bulletin board and forwarded to the Hopewell Valley News, The Times, the Trentonian and the Hopewell Express (the official newspapers) on January 5, 2016, 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, Brant, Hart, Sandom, Mayor Kuchinski

ABSENT: None

STAFF PRESENT: Administrator/Engineer Pogorzelski, CFO Borges, Municipal Clerk Gompf, Township Attorney Goodell

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

MINUTES SUBMITTED FOR APPROVAL

Motion by Sandom, seconded by Hart to approve the March 31, 2015 Special Meeting Minutes.

ABSTAIN: Blake, Brant

MOTION CARRIED

Motion by Sandom, seconded by Hart to approve the April 7, 2015 Special Meeting Minutes.

ABSTAIN: Blake

MOTION CARRIED

Motion by Hart, seconded by Brant to approve the April 13, 2015 Regular and Executive Session (2) Meeting Minutes.

ABSTAIN: Blake

MOTION CARRIED

Motion by Hart, seconded by Sandom to approve the April 27, 2015 Regular and Executive Session (2) Meeting Minutes.

ABSTAIN: Blake

MOTION CARRIED

ADDITIONAL ITEMS FOR MEETING AGENDA

Mayor Kuchinski advised of three additional items for the meeting agenda, an ordinance amending the first subsection of section 3(e) of bond ordinance #14-1596 to amend the description of the project to include resurfacing of various roads; an ordinance amending the first subsection of section 3(a) of bond ordinance #10-1492 to amend the description of the project to provide for the resurfacing of various roads and amend the authorization amount to include \$505,859.09 which was a portion of the amount reappropriated by ordinance #15-1611; and an ordinance reappropriating \$684,886.75 the proceeds of obligations not needed for their original purposes to provide for the 2016 road program.

COMMITTEE MEMBERS AND STAFF REPORTS

Committee Member Hart reported on a meeting of the Agricultural Advisory Committee including an update on the status of Planning Incentive Grants (PIG). Committee Member Hart informed the Committee that the Township was the only municipality in the County eligible to apply for the grant and suggested proceeding with the application. Committee Member Hart continued his report announcing that the scheduled meeting of the Deer Management Advisory Committee was cancelled. Committee Member Hart also reported that the Township has received complaints regarding the availability of Alliger Park for resident use during hunting season, mid-September through the end of February. He continued that residents have expressed dissatisfaction that the Park is accessible only on Sundays during this period and would like access on a daily basis for dog walking, etc.

Committee Member Brant reported on a meeting of the Youth Advisory Board advising that Hopewell Township Police Chief, Lance Maloney, spoke on the impact of development and surrounding communities on the police department. Committee Member Brant also announced the upcoming meeting date of the Historic Preservation Committee.

Committee Member Blake reported that the meeting of the Parks and Recreation Advisory Committee was cancelled and announced the upcoming meeting date. Committee Member Blake also reported on a meeting of the Planning Board including an update regarding affordable housing litigation and court deadlines.

Committee Member Sandom expressed appreciation and commended all first responders, police and public works efforts during the recent snow storms of January 22 and 24. Committee Member Sandom suggested holding a follow up joint discussion with all those involved to obtain feedback regarding such efforts and perhaps identify areas for improvement based on that experience. It was the consensus of all Committee Members to proceed with scheduling a joint discussion with first responders, police, and public works personnel regarding emergency management response efforts.

Mayor Kuchinski commented on the status of the 2016 Municipal Budget including participation by the Finance Advisory Committee and announced that the municipal tax increase is presently at a quarter of a cent.

Mr. Pogorzelski reported details of a recent water main break in Washington Crossing Park Estates (WCPE) including the repair process, water testing, and resident notification. Mr. Pogorzelski advised on the notification methods regarding the issuance of a boil water advisory utilizing the Hopewell Valley Emergency notification system, Code Red, and the Health and Police Departments' Facebook pages.

Mr. Pogorzelski also reported that the Princeton Farms sewer system exceeded capacity during recent rain and snow melt indicative of the need for infiltration studies. Committee Members raised questions and concerns regarding sewer system maintenance including a plan for pipe replacement and the impact, if any, of the water main break on surrounding private wells. Mr. Pogorzelski advised that no pipe replacements have been completed to date and that the Township has not received any notification that surrounding wells were impacted.

Mr. Pogorzelski reported that Jersey Central Power and Light (JCP&L) will commence vegetation management throughout the Township in mid-March. Mr. Pogorzelski explained that JCP&L will be utilizing a helicopter saw during this process and will be using County-owned property near Bell Mountain to access the saw for work in that portion of the Township and has requested use of the area behind the Public Works building for this section of the Township. Mr. Pogorzelski added that he has requested a formal statement from JCP&L that such vegetation management has no relation to the PennEast pipeline project.

Mr. Goodell provided an update on the status of affordable housing litigation including trial and plan submission dates. Mr. Goodell also commented on an issue before a Middlesex County Judge regarding the release of the draft Burchell Report; and advised that Fair Share Housing has received a new revised Kinsey report.

The detailed Committee and Staff Reports may be viewed at www.hopewelltp.org in the video library.

PUBLIC SECTION

The following members of the public spoke during public comment.

John Edwards, a resident of Pennington-Harbourton Road, referring to an article in the Hopewell Valley News, inquired about the Township’s legal representation during the recent affordable housing hearing; labor counsel during current contract negotiations; and Mr. Goodell’s involvement in affordable housing matters.

Mr. Goodell responded that the law firm of Mason, Griffin & Pierson represented the municipality in affordable housing litigation. Mr. Pogorzelski advised that he and Ms. Borges are conducting contract negotiations as done in past practice.

Mr. Edwards expressed dissatisfaction of the Township’s legal counsel regarding affordable housing litigation; commented on the opposition’s representation; voiced concern regarding the lack of a proposed budget for professional services for the law firm of Mason, Griffin & Pierson and Mark Ruderman as labor counsel.

Mr. Goodell explained the rationale behind the firm’s representation strategy in such matter including that the attorney selected for the hearing had briefed the case, was most informed about it, and was accompanied by Hopewell Township Planner, Frank Banisch.

Discussion continued regarding a possible change in legal representation for affordable housing litigation and labor negotiations. Mayor Kuchinski commented that discussion of strategy regarding legal matters will be held in closed session.

Kim Robinson, a resident of Harbourton-Rocktown Road, asked about the management and purpose of the on-line Deer Management Survey.

Committee Member Hart responded that he will address Ms. Robinson’s questions at a future scheduled meeting of the Deer Management Advisory Committee.

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

ORDINANCE – FINAL READING, PUBLIC HEARING AND ADOPTION

Mayor Kuchinski read by title the introduced ordinance:

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER IV, “GENERAL LICENSING,” SECTION 4-11, “GAMES OF CHANCE ON SUNDAY,” AND ADDING A NEW SUBSECTION, “RAFFLE AND BINGO LICENSING” OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF HOPEWELL (1978)

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

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

MOTION UNANIMOUSLY CARRIED

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

ROLL CALL VOTE:

AYES: Blake, Brant, Hart, Sandom, Mayor Kuchinski

NOES: None

ORDINANCE ADOPTED

Ordinance advertised January 29, 2016, Hopewell Valley News. Posted municipal bulletin board as required by law.

ORDINANCE NO. 16-1620

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER IV, "GENERAL LICENSING," SECTION 4-11, "GAMES OF CHANCE ON SUNDAY," AND ADDING A NEW SUBSECTION, "RAFFLE AND BINGO LICENSING" OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF HOPEWELL (1978)

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

WHEREAS, the New Jersey Legalized Games of Chance Control Commission under the Department of Law and Public Safety, New Jersey Division of Consumer Affairs, allows the governing body to delegate by ordinance the authority to approve the granting of bingo and raffles licenses; and

WHEREAS, the Township Committee of the Township of Hopewell hereby recommends that this authority be transferred to the Township Clerk.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey that Chapter IV, Section 4-11, of the Revised General Ordinances of the Township of Hopewell is hereby amended by adding a new subsection, entitled "Raffle and Bingo Licensing" as follows:

CHAPTER IV

Section 4-11 GAMES OF CHANCE ON SUNDAY

Subsection 4-11.1 RAFFLE AND BINGO LICENSING

The Municipal Clerk is hereby authorized and delegated the authority to approve the granting of raffle and bingo licenses to be held in the Township of Hopewell.

Any Ordinance or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

This Ordinance shall take effect upon final passage after publication in accordance with law.

ORDINANCE – FINAL READING, PUBLIC HEARING AND ADOPTION

Mayor Kuchinski read by title the introduced ordinance:

AN ORDINANCE TO AMEND AND SUPPLEMENT
 CHAPTER X, "FEES AND PERMITS," SECTION 10-5
 "HEALTH," OF THE REVISED GENERAL ORDINANCES
 OF THE TOWNSHIP OF HOPEWELL

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

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

MOTION UNANIMOUSLY CARRIED

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

ROLL CALL VOTE:

AYES: Blake, Brant, Hart, Sandom, Mayor Kuchinski

NOES: None

ORDINANCE ADOPTED

Ordinance advertised January 29, 2016, Hopewell Valley News. Posted municipal bulletin board as required by law.

ORDINANCE NO. 16-1621

**AN ORDINANCE TO AMEND AND SUPPLEMENT
 CHAPTER X, "FEES AND PERMITS," SECTION 10-5 "HEALTH," OF
 THE REVISED GENERAL ORDINANCES OF
 THE TOWNSHIP OF HOPEWELL**

**Explanation: Material Bracketed [] is deleted
Material Underlined _____ is added**

BE IT ORDAINED, by the Township Committee of the Township of Hopewell, Mercer County, New Jersey that Chapter X, “Fees and Permits,” Section 10-5, “Health,” are hereby amended as follows:

10-5.4 Records of Vital Statistic [**Miscellaneous Licenses and Permits.**]

- a. Birth Certificate (Certified Copy)..... [\$10.00]
 - 1. First Copy..... \$25.00**
 - 2. Additional copies of the same record ordered on the same day \$10.00**
- b. Burial Permit.....\$5.00
- c. Death Certificate (Certified Copy).....[\$10.00]
 - 1. First Copy..... \$25.00**
 - 2. Additional copies of the same record ordered on the same day \$10.00**
- d. Through j. No change.

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

ORDINANCE – INTRODUCTION AND FIRST READING

Mayor Kuchinski read by title the ordinance for introduction.

ORDINANCE REAPPROPRIATING \$50,000 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO PROVIDE FOR ADDITIONAL SECTION 20 COSTS FOR LAND REMEDIATION, AS MORE SPECIFICALLY DESCRIBED IN SECTION 3(g) OF BOND ORDINANCE #13-1576, FINALLY ADOPTED APRIL 22, 2013 AND TO AMEND SECTION 6(d) OF SUCH BOND ORDINANCE IN ORDER TO INCREASE THE SECTION 20 COSTS IN AND BY THE TOWNSHIP OF HOPEWELL, IN THE COUNTY OF MERCER, NEW JERSEY

Ms. Borges explained that the proposed ordinance reappropriates obligations not needed for their original purposes for land remediation of the former site of Public Works.

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

ROLL CALL VOTE:

AYES: Blake, Brant, Hart, Sandom, Mayor Kuchinski

NOES: None

ORDINANCE INTRODUCED

Second reading, public hearing date February 22, 2016 at 7:00 p.m.

ORDINANCE – INTRODUCTION AND FIRST READING

Mayor Kuchinski read by title the ordinance for introduction.

ORDINANCE AMENDING THE FIRST SUBSECTION OF SECTION 3(e) OF BOND ORDINANCE NUMBERED 14-1596 OF THE TOWNSHIP OF HOPEWELL, IN THE COUNTY OF MERCER, NEW JERSEY, FINALLY ADOPTED MARCH 24, 2014 IN ORDER TO AMEND THE DESCRIPTION OF THE PROJECT TO INCLUDE THE RESURFACING OF VARIOUS ROADS

Ms. Borges explained that the proposed ordinance repurposes funding authorized in the original bond ordinance regarding road maintenance.

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

ROLL CALL VOTE:

AYES: Blake, Brant, Hart, Sandom, Mayor Kuchinski

NOES: None

ORDINANCE INTRODUCED

Second reading, public hearing date February 22, 2016 at 7:00 p.m.

ORDINANCE – INTRODUCTION AND FIRST READING

Mayor Kuchinski read by title the ordinance for introduction.

ORDINANCE AMENDING THE FIRST SUBSECTION OF SECTION 3(a) OF BOND ORDINANCE NUMBERED 10-1492 OF THE TOWNSHIP OF HOPEWELL, IN THE COUNTY OF MERCER, NEW JERSEY, FINALLY ADOPTED AUGUST 23, 2010 IN ORDER TO AMEND THE DESCRIPTION OF THE PROJECT IN ORDER TO PROVIDE FOR THE RESURFACING OF VARIOUS ROADS AND AMEND THE AUTHORIZAITON AMOUNT TO INCLUDE \$505,859.09 WHICH WAS A PORTION OF THE AMOUNT REAPPROPRIATED BY ORDINANCE #15-1611 FINALLY ADOPTED JUNE 8, 2015.

Ms. Borges explained that the proposed ordinance amends the language in the original ordinance regarding road maintenance from “street repairs and curbing” to “resurfacing.”

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

ROLL CALL VOTE:

AYES: Blake, Brant, Hart, Sandom, Mayor Kuchinski

NOES: None

ORDINANCE INTRODUCED

Second reading, public hearing date February 22, 2016 at 7:00 p.m.

ORDINANCE – INTRODUCTION AND FIRST READING

Mayor Kuchinski read by title the ordinance for introduction.

ORDINANCE REAPPROPRIATING \$684,886.75 THE PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO PROVIDE FOR THE 2016 ROAD PROGRAM IN AND BY THE TOWNSHIP OF HOPEWELL, IN THE COUNTY OF MERCER, NEW JESERY

Ms. Borges explained that the proposed ordinance reappropriates previously approved Section 20 costs not needed for their original purposes to the 2016 Road Program.

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

ROLL CALL VOTE:

AYES: Blake, Brant, Hart, Sandom, Mayor Kuchinski

NOES: None

ORDINANCE INTRODUCED

Second reading, public hearing date February 22, 2016 at 7:00 p.m.

CONSENT AGENDA ITEMS

RESOLUTIONS #16-43 THROUGH #16-46. Read by title.

Motion by Blake, seconded by Sandom to adopt Resolutions #16-43 through #16-46.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #16-43

**RESOLUTION FOR REDEMPTION
OF TAX SALE CERTIFICATES**

WHEREAS, on June 5, 2013 FWDSL & Associates LP purchased Tax Sale Certificate 13-00013, for property located at Block 71 Lot 28.01 known as 14 Pennington-Lawrenceville Road, assessed to Robert Gendusi; this certificate was redeemed by Santander Bank, mortgagee, on January 25, 2016; and

WHEREAS, on June 3, 2015 FWDSL & Associates LP purchased Tax Sale Certificate 15-00017, for property located at Block 95 Lot 9.02 known as 1170 Bear Tavern Road, assessed to Shan Nagendra; this certificate was redeemed by Title Village Title Agency, LLC, on January 26, 2016; and

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

NOW, THEREFORE, BE IT RESOLVED, on this 8th day of February 2016, that the Township Committee of the Township of Hopewell, Mercer County, State of New Jersey, hereby authorizes the Tax Collector to release the amounts listed to the Lien Holder(s) and property owner as specified below:

<u>BLOCK/LOT</u>	<u>OWNERS' NAME(S)</u>	<u>AMOUNT</u>	<u>LIEN HOLDER</u>	<u>PREMIUM</u>
71/28.01	Gendusi Robert	\$50,132.27	FWDSL & Associates LP 17 W Cliff St Somerville NJ 08876	\$18,000.00
95/9.02	Nagendra Shan	\$14,918.85	FWDSL & Associates LP 17 W Cliff St Somerville NJ 08876	\$10,700.00

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

RESOLUTION #16-44

**AMENDED RESOLUTION FOR REDEMPTION
OF TAX SALE CERTIFICATES
REPLACING RESOLUTION #16-18**

WHEREAS, on June 3, 2015 US Bank Cust- Tower DBW V 2015 purchased Tax Sale Certificate 15-00003, for property located at Block 48.11 Lot 4 known as 101 Elm Ridge Road, assessed Alfred J & Enny Schwager; this certificate was redeemed by Falk Engle, executor for the Estate of Enny Schwager, on December 30, 2015; and

WHEREAS, the premium was misstated on Resolution 16-18, and is herewith corrected; and

WHEREAS, the Township can now release the principal and interest received, and the corrected amount of premium.

NOW, THEREFORE, BE IT RESOLVED, on this 8th day of February 2016, that the Township Committee of the Township of Hopewell, Mercer County, State of New Jersey, hereby authorizes the Tax Collector to release the amounts listed to the Lien Holder(s) and property owner as specified below:

<u>BLOCK/LOT</u>	<u>OWNERS' NAME(S)</u>	<u>AMOUNT</u>	<u>LIEN HOLDER</u>	<u>PREMIUM</u>
43.11/4	Schwager Alfred J & Enny	\$24,346.17	US Bank Cust- Tower DBW V 2015 50 So 16 th St Ste 2050 Phila PA 19102	\$57,400.00

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

R E S O L U T I O N # 16-45

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

BE IT RESOLVED, on this 8th day of February 2016, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that the individuals and/or corporations so specified below be refunded the account balance shown as their respective Planning Board or Zoning Board applications have been finalized:

<u>A/C#</u>	<u>NAME</u>	<u>AMOUNT</u>
24418	LEXICON PHARMACEUTICALS 110 ALLEN ROAD BASKING RIDGE, NJ 07920 40/14 – NOISE MONITORING	79.18
24462	STONY BROOK-MILLSTONE WATERSHED 31 TITUS MILL ROAD PENNINGTON, NJ 08534 37/2, 34, 35-ENGR/INSPEC XX087A (ST050-PARKING AREA)	300.00
24463	STONY BROOK-MILLSTONE WATERSHED 31 TITUS MILL ROAD PENNINGTON, NJ 08534 37/26,42-ENGR/INSPEC XX087B (ST050B-GRAVEL PARKING AREA)	3,465.25
24490	STONY BROOK-MILLSTONE WATERSHED 31 TITUS MILL ROAD PENNINGTON, NJ 08534 38/6-ENGR/INSPEC YY082 (ST050A-PARKING @ ORGANIC FARM)	431.25
24647	HILTON REALTY CO 902 CARNEGIE CENTER, SUITE 400 PRINCETON, NJ 08540 66/1.01-CONCEPT (HI051A)	697.90
24750	ST PETER EVANGELICAL LUTHERAN CHURCH 1608 HARBOURTON ROCKTOWN ROAD LAMBERTVILLE, NJ 08530 29/47-SITE, P/F	3,568.57
24754	BPG DEVELOPMENT CO. 770 TOWNSHIP LINE ROAD, SUITE 150 YARDLEY, PA 19067 39/14.01,14.02,14.03 & 40/14 SITE, P (BP030)	277.78

24770	CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS 5175 CAMPUS DRIVE PLYMOUTH MEETING, PA 19462 78.31/43-SITE,P/F,CU,VAR C (CE014B-WATER TOWER)	5,805.22
24812	CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS 5175 CAMPUS DRIVE PLYMOUTH MEETING, PA 19462 22/8-ENGR/INSPEC XX020B (CONSTANTINE)	540.00
24781	T-MOBILE NORTHEAST 400 STREET ROAD BENSALEM, PA 19020 78.31/43-ENGR/INSPEC YY090C (TM050B-WATER TOWER)	239.78
24728	T-MOBILE NORTHEAST LLC 400 STREET ROAD BENSALEM, PA 19020 51/2-HOYER-184 HARB-WOODSVILLE ROAD	3,885.46
24826	CRICKET COMMUNICATIONS 450 COLWELL LANE CONSHOHOCKEN, PA 19428 122/9,10-ENGR/INSPEC YY009 (UNION FIRE CO) CR040	202.00
65124	NEW CINGULAR WIRELESS C/O JUDITH A. FAIRWEATHER, ESQ. 160 MORRIS STREET MORRISTOWN, NJ 07960 61/9.01-USE VAR, SITE P/F	1,897.62
24845	EDWARD CHMARA 28 MADDOCK ROAD TITUSVILLE, NJ 08560 99.06/7-GRADING PLAN	27.59
09908	LI ZHEN ZHONG 112 STONE CLIFF ROAD PRINCETON, NJ 08540 44/2.09-USE VAR	212.37
10153	CURTIS WILSON 103 NASSAU DRIVE LAWRENCEVILLE, NJ 08648 34/8-USE VAR, WAIVER OF SITE PLAN	399.71
65132	DEBORAH NORCROSS 147 HARBOURTON WOODSVILLE ROAD PENNINGTON, NJ 08534 29/12.03-USE VAR	432.25
65330	MICHEL VOUNATSOS 463 FEDERAL CITY ROAD PENNINGTON, NJ 08534 72/3.01-HARDSHIP VAR	117.12
65322	BOZENA WISNIEWSKI 5 APACHE DRIVE PENNINGTON, NJ 08534 75.03/7-HARDSHIP VAR	280.78

65371	MID-STATE EQUIPMENT CO 1462 RIVER ROAD TITUSVILLE, NJ 08560 132/4,6,8,10	301.20
65389	CATHERINE WILSON 3 LONG WAY HOPEWELL, NJ 08525 14/12.02-HARDSHIP VAR	11.28
65454	ROBERT DOBROWSKI 35 CONTINENTAL LANE TITUSVILLE, NJ 08560 92.05/17-HRDSHIP VAR	266.06
65470	LAWRENCE GALLAGHER 78 RIVER DRIVE TITUSVILLE, NJ 08560 135/34-HARDSHIP VAR	297.66
65504	CARMINE DICOCCO PO BOX 465 PENNINGTON, NJ 08534 49/7-USE VAR	27.59
10229	CARMINE DICOCCO PO BOX 465 PENNINGTON, NJ 08534 49/7-CONCEPT	44.00
65488	SCUDDER REALTY LLC 1800 EAST STATE STREET, SUITE 220 HAMILTON, NJ 08609 46/17-USE VAR, HARDSHIP VAR, SITE WAIVER	392.92
65546	DAVID PALMER 230 PLEASANT VALLEY ROAD TITUSVILLE, NJ 08560 52/21-USE VAR	148.26
65561	ROBERTA NELSON 272 WASH CROSS PENN ROAD TITUSVILLE, NJ 08560 96/14-HARDSHIP VAR	0.05
65579	P. SCHAEFER PRICE 266 PROVINCE LINE ROAD SKILLMAN, NJ 08559 15/3-USE VAR	217.60
48591	JAMES PRIEST 708 S. 18 TH STREET, APT 3F PHILADELPHIA, PA 19146 87/78,79,80,81	500.00
48640	SEAN McCAFFERY 50 RIVER DRIVE TITUSVILLE, NJ 08560 135/12-HARDSHIP VAR	328.39

65397	RJA INVESTMENT FUND 249 GLENMOOR ROAD GLADWYN, PA 19035 72/9	17.20
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R E S O L U T I O N #16-46

**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; and

NOW, THEREFORE, BE IT RESOLVED, on this 8th day of February, 2016 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:

Susan Beck	40 Diverty Road, Pennington, NJ 08534	\$150.00
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RESOLUTION #16-47. Read by title.
Motion by Hart, seconded by Blake to adopt Resolution #16-47.
MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #16-47

**A RESOLUTION ACCEPTING THE RETIREMENT OF
KATHLEEN NIEDERER IN THE ADMINISTRATION OFFICE**

WHEREAS, Kathleen Niederer was appointed as a Temporary Part-time Clerical Assistant for Hopewell Township on December 8, 1993; and

WHEREAS, Kathleen Niederer was appointed as Part-time Account Clerk for the Hopewell Township Planning Department on August 22, 1994; and

WHEREAS, Kathleen Niederer was transferred as Part-time Clerical Assistant on November 7, 1995 to the Hopewell Township Public Works Department; and

WHEREAS, Kathleen Niederer was appointed to Full-time Secretary on February 5, 1996 with the Hopewell Township Public Works Department; and

WHEREAS, Kathleen Niederer was promoted to Executive Secretary on November 10, 1997 with the Hopewell Township Administration Office; and

WHEREAS, Kathleen Niederer was promoted to Administrative Secretary on August 1, 2001 with the Hopewell Township Administration Office; and

WHEREAS, Kathleen Niederer was promoted to Administrative Assistant on January 1, 2008 with the Hopewell Township Administration Office; and

WHEREAS, Kathleen Niederer was appointed as Township Safety Representative to the Mid-Jersey Municipal Joint Insurance Fund on August 23, 2010; and

WHEREAS, Kathleen Niederer has served Hopewell Township honorably throughout her 22 plus years of service, and is now eligible for retirement.

NOW, THEREFORE, BE IT RESOLVED on this 8th day of February, 2016 by the Township Committee of the Township of Hopewell, County of Mercer and State of New Jersey, that the Township Committee accepts the retirement of Kathleen Niederer from Hopewell Township effective March 1, 2016.

BE IT FURTHER RESOLVED that the Hopewell Township Committee, on behalf of itself and all municipal employees, wishes Kathleen Niederer good health and happiness in her retirement.

RESOLUTION #16-48. Read by title.

Motion by Hart, seconded by Blake to adopt Resolution #16-48.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #16-48

**A RESOLUTION AMENDING 2015
PROFESSIONAL SERVICES AGREEMENTS**

WHEREAS, the Township entered into Professional Services Agreements with the firms 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 8th day of February, 2016 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:

FIRM	<u>CURRENT MAXIMUM</u>	<u>PROPOSED MAXIMUM</u>	<u>CURRENT TERM EXPIRES</u>	<u>PROPOSED TERM EXPIRES</u>
Harry Haushalter, Esq. (Legal Tax Appeals)	\$ 23,500.00	\$ 26,748.50	12/31/15	No Change
Ruderman, Horn & Esmerado, P.C (Labor Attorney)	\$ 49,100.00	\$ 49,769.00	12/31/15	No Change

RESOLUTION #16-49. Read by title.

Motion by Hart, seconded by Blake to adopt Resolution #16-49.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #16-49

**A RESOLUTION AMENDING 2016
PROFESSIONAL SERVICES AGREEMENTS**

WHEREAS, the Township entered into Professional Services Agreements with the firms 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 8th day of February, 2016 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:

FIRM	<u>CURRENT MAXIMUM</u>	<u>PROPOSED MAXIMUM</u>	<u>CURRENT TERM EXPIRES</u>	<u>PROPOSED TERM EXPIRES</u>
Steven P. Goodell of the firm of Herbert, Van Ness, Cayci, and Goodell, PC (COAH)	\$ 1,000.00	\$ 16,000.00	12/31/16	No Change

RESOLUTION #16-50. Read by title.

Motion by Sandom, seconded by Blake to adopt Resolution #16-50.

MOTION UNANIMOUSLY CARRIED

RESOLUTION #16-50

**A RESOLUTION AUTHORIZING
PROFESSIONAL SERVICES AGREEMENT**

WHEREAS, there exists a need for professional services for the following: conflict legal services for Planning Board and Zoning Board matters; and

WHEREAS, the estimated cost of the contract is \$160.00 per hour for conflict legal services for Planning Board and Zoning Board matters; and funds will be available in the 2016 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 agreements with:

Tara Ann St. Angelo, Esq. of the firm Gebhardt & Kiefer, 1318 Route 31 North,
Clinton, NJ

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

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

RESOLUTION #16-51. Read by title.

Discussion was held regarding the order of business for Consent Agenda items.

Mr. Goodell advised that Consent Agenda items typically include matters that do not require formal discussion and that no legal requirement exists for the placement of such items.

Motion by Sandom, seconded by Blake to adopt Resolution #16-51.

MOTION UNANIMOUSLY CARRIED

RESOLUTION #16-51

**A RESOLUTION ESTABLISHING BYLAWS OF
THE HOPEWELL TOWNSHIP COMMITTEE
RULES OF PROCEDURE AND CONDUCT OF BUSINESS**

BE IT RESOLVED, on this 8th day of February 2016, by the Township Committee of the Township of Hopewell, County of Mercer, New Jersey, that meetings of the Hopewell Township Committee, as provided for in Chapter II. "Administration," Section 2-1.6 of the Revised General Ordinances of the Township of Hopewell, New Jersey (1978) shall be conducted in the following manner:

1. **Quorum.** The majority of the whole number of the members of the Township Committee shall constitute a quorum and no ordinance shall be adopted by the Township Committee without the affirmative vote of a majority of the quorum of the Township Committee.
2. **Order of Agenda.** The Township Committee agenda shall have the following order of business:
 - A. Call meeting to order and statement of proper notice by mayor;
 - B. Roll call by municipal clerk;
 - C. Pledge of allegiance and salute to the flag;
 - D. Review and approval of minutes;
 - E. Additional items for meeting agenda (by vote of a majority of the quorum);
 - F. Committee member and staff reports;

- G. Comments from members of the public;
- H. Ordinance final hearings, public hearings and adoption;
- I. Ordinance introduction and first reading;
- J. Consent agenda (contains items of a routine nature, which are approved by a single vote);
- K. Resolutions;
- L. Future agenda items (members of the township committee may suggest future agenda items at this time; members of the public may do so in accordance with Sec. 2-1.6(a) of the Township Code);
- M. Work session (comments from the audience usually not permitted);
- N. Additional comments from the audience (if time permits);
- O. Executive session resolutions (if necessary) for items that may be discussed in closed session as defined by the New Jersey Open Public Meetings Act);
- P. Adjournment not later than 10:30 pm

3. Rules of Debate at Meetings of the Township Committee.

- A. The mayor shall be the presiding officer of the meeting. In the absence of the mayor, the deputy mayor shall be the presiding officer. In the absence of the mayor and deputy mayor, the next most senior member of township committee shall be the presiding officer. The presiding officer may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed on all members of township committee and shall not be deprived of any rights or privileges of a township committee member by reason of acting as presiding officer
- B. Every member of the township committee or public desiring to speak shall address the chair and, upon recognition by the presiding officer, shall confine him or herself to the question under discussion.
- C. A member of the township committee, once recognized, shall not be interrupted when speaking unless it be to call him or her to order, or as herein otherwise provided. If a member of township committee, while speaking, is called to order, he or she shall cease speaking until the question of order is determined. If the member is in order, he or she shall be permitted to proceed. The presiding officer may limit the length of comments made by any member of Township Committee.
- D. A member of the township committee moving the adoption of an ordinance or resolution shall have the privilege of closing debate.
- E. The clerk shall enter into the minutes a synopsis of the discussion about any question coming before the township committee.
- F. A member of the township committee may request, through the presiding officer, the privilege of having an abstract of his or her statement on any subject under consideration by the township committee entered into the township minutes.
- G. A motion to adjourn shall always be in order and shall be decided without debate.
- H. Any matter not covered by these by-laws or other relevant laws shall be governed by the latest edition of Roberts Rules of Order. The Roberts Rules of Order shall be utilized, if necessary, by the township committee and shall not be invoked by members of the public.
- I. On a roll call vote, the township committee shall vote alphabetically with the presiding officer voting last. During the course of a vote on a given matter, each member of Township Committee shall be permitted to succinctly set forth on the public record his or her position prior to casting his or her vote. In allowing these comments before a committee person votes, the presiding officer shall allow for the aforementioned comments, even if said comments will express a minority view on a given issue.
- J. When recognizing members of the public wishing to speak on matters on the township committee agenda or items not listed on said agenda, the following procedures shall be followed:
 - i) Upon recognition by the chair, a person wishing to address the township committee shall proceed to the floor and give his or her name and address in an audible tone of voice for the record. The presiding officer may, if necessary, because of the number of persons wishing to address the township committee, limit a statement to three minutes per speaker. Statements shall be addressed to the township committee as a body and not to any individual member of township committee. A member of the

township committee shall not direct any question to a speaker addressing the committee except through the presiding officer. All comments made during this public forum by persons from the floor or responses through the presiding officer by township committee shall at all times be civil and courteous. In accordance with Section 2-1.6(a) of the Township Code, the presiding officer may, where the subject matter so requires, designate another member of the Township Committee to respond on behalf of said committee to comments made by the public on a given issue. The other members of Township Committee, however, through the presiding officer, shall also be given an opportunity to respond.

- K. Public comment shall be limited to three minutes for each member of the public, which limit may be waived for good cause at the discretion of the presiding officer.
 - L. If a committee member abstains from voting, the abstention shall be recorded in the minutes but the abstention shall not be counted as either a “yes” or a “no” vote.
 - M. Disclosure of Interest. A member who has a personal or private interest in any question or measure proposed or pending before the committee, which interest might constitute a conflict contrary to the Local Government Ethics Law, N.J.S.A. 40A:9-22.1, shall disclose such interest and refrain from deliberating and voting. In the alternative, the member may request a ruling from the Attorney as to whether the member should participate in such matter.
 - N. No member of the township committee may attend a meeting of the township committee by means of electronic communication device. A member may attend a work session or agenda meeting by means of electronic communication device but may not participate in any formal action taken at such work session or agenda meeting.
4. **Sergeant at Arms.** The presiding officer may request that the chief of police designate a police officer to serve as a sergeant at arms at township committee meetings. He or she shall carry out all of the orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the township committee meetings and it shall be his or her duty to escort any person who violates the order and decorum of the meeting from township hall.
 5. **Parliamentarian.** The township attorney shall be the parliamentarian for the township committee meeting in order to rule upon questions associated with compliance with these by-laws, other relevant laws and rules of order as requested by the presiding officer.
 6. **Email Communications.**
 - A. Township committee members should use township-provided email addresses when conducting township business by email.
 - B. No township business shall be discussed by committee members in any email communication involving an effective majority of the township committee.
 - C. In the event the administrator, attorney or clerk sends an email simultaneously to all members of the township committee, committee members shall not copy an effective majority of the township committee on any response to the original email.
 7. **Liasons; Communications With Outside Groups; Communications with Employees.**
 - A. Township committee members serving as liaisons to township and outside groups shall at a minimum provide a channel for communications between those groups and the township committee and provide assistance and expertise for collaborative endeavors. The liaison may not authorize any agreement or the expenditure of township funds.
 - B. No member of the township committee shall appear or speak on behalf of the township committee without the authorization of the township committee.
 - C. When a committee member meets with a person or outside agency on behalf of the committee, the committee member shall report back to the committee at the first opportunity. If the committee member is meeting in his/her personal capacity, there is no requirement to report to the committee as a whole.
 - D. The Township Committee shall deal with administrative departments and employees through the Township Administrator, or in the absence of the Township Administrator, the Township Administrator’s designee. Nothing

herein shall limit the ability of a liaison to communicate with the head of the department to which he or she is liaison. A liaison shall not exercise supervisory authority over any township employee.

8. Correspondence.

- A. Correspondence addressed to the township committee that is received by the clerk or administrator shall be distributed to the entire committee. Correspondence addressed to an individual committee member shall be distributed to that committee member.

9. Miscellaneous.

- A. If a member of the township committee knows he or she will not be available for a township committee meeting, said member shall notify the municipal clerk at least 48 hours or as soon as practicable prior to the township committee meeting.
- B. No member of the township committee shall discuss or disseminate any information made available to the township committee on a confidential basis. This shall include not disclosing any information discussed by the township committee during the course of the township committee closed or executive session.
- C. Committee members may be polled by the Administrator or Attorney means of "communication equipment" (telephone, e-mail, etc.) in order to achieve a consensus on an issue which cannot await formal action on a Township Committee agenda. This practice shall be utilized infrequently and the issue on which a consensus was reached shall be placed for formal action on the next available Township Committee agenda.
- D. All members of the township committee shall adhere to the provisions of the New Jersey Code of Ethics for local government officers attached hereto as Exhibit A and made a part hereof.
- E. All members of township committee shall adhere to the provisions of the Hopewell Township Pay to Play Ordinance, a copy of which is attached hereto as Exhibit B and made a part hereof.

RESOLUTION #16-52. Read by title.

Motion by Sandom, seconded by Blake to adopt Resolution #16-52.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #16-52

**A RESOLUTION CANCELLING THE UNEXPENDED BALANCES
IN GENERAL CAPITAL IMPROVEMENT APPROPRIATIONS (FUNDED)**

WHEREAS, certain General Capital Improvement appropriations balances remain dedicated to projects now completed; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be returned to each respective Capital Improvement Fund or credited to Surplus, and unused debt authorizations may be cancelled.

NOW THEREFORE, BE IT RESOLVED, on this 8th day of February, 2016 by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey that the below listed General Capital Improvement appropriations are cancelled.

Ord. No.	Date Authorized	Description	Funded Balance to be Cancelled
05-1334	05/23/2005	Roads	79.39
07-1393	05/14/2007	Bldg Improv	18,528.81
07-1393	05/14/2007	Roads	200,000.00
08-1425	04/14/2008	Bldg Improv	132.24
09-1463	03/09/2009	Admin Equip	5,930.65
09-1463	03/09/2009	Roads	.09
09-1463	03/09/2009	Buildings	.40
10-1492	08/23/2010	Roads	.98
11-1516	05/09/2011	Buildings	34,161.55
12-1545	05/14/2012	Buildings	35,287.06

12-1545	05/14/2012	Police Equip	752.75
12-1545	05/14/2012	PW Equip	36,473.21
13-1576	04/22/2013	Admin 5 yrs	731.88
13-1576	04/22/2013	Bldg 15 years	3,752.81
13-1576	04/22/2013	Police Equip 5 yrs	.07
13-1576	04/22/2013	Police Equip 10 yrs	921.74
Total			336,753.63

RESOLUTION #16-53. Read by title.
 Motion by Hart, seconded by Blake to adopt Resolution #16-53.
MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #16-53

**A RESOLUTION CANCELLING THE UNEXPENDED BALANCES
 IN GENERAL CAPITAL IMPROVEMENT APPROPRIATIONS (UNFUNDED)**

WHEREAS, certain General Capital Improvement appropriations balances remain dedicated to projects now completed; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be returned to each respective Capital Improvement Fund or credited to Surplus, and unused debt authorizations may be cancelled.

NOW THEREFORE, BE IT RESOLVED, on this 8th day of February, 2016 by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey that the below listed General Capital Improvement appropriations are cancelled.

Ord. No.	Date Authorized	Description	Unfunded Balance to be Cancelled
11-1523	07/25/2011	Section 20	29,765.73
13-1582	06/24/2013	Section 20	56,398.09
13-1582	06/24/2013	Roads 10 yrs	239,732.18
Total			325,896.00

RESOLUTION #16-54. Read by title.
 Motion by Sandom, seconded by Blake to adopt Resolution #16-54.

ROLL CALL VOTE:

AYES: Blake, Brant, Hart, Sandom, Mayor Kuchinski

NOES: None

R E S O L U T I O N #16-54

BILLS & CLAIMS (#1)

BE IT RESOLVED, that the list of cash disbursements authorized for approval of bills for payment date February 8, 2016 in the following amounts:

Bills and Claims	\$7,083,702.06
Payroll	\$ 375,820.69
Total Disbursements	\$7,459,522.75

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

RESOLUTION #16-55. Read by title.

Motion by Brant, seconded by Sandom to adopt Resolution #16-55.

ROLL CALL VOTE:

AYES: Blake, Brant, Sandom, Mayor Kuchinski
NOES: None
ABSTAIN: Hart

R E S O L U T I O N #16-55**BILLS & CLAIMS (#2)**

BE IT RESOLVED, that the list of cash disbursements authorized for approval of bills for payment date February 8, 2016 in the following amounts:

Bills and Claims	\$	120.40
Payroll	\$	0.00
Total Disbursements	\$	120.40

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

PUBLIC SECTION

John Edwards, Pennington-Harbourton Road, reiterated his earlier concerns regarding a change in the Township's legal representation for affordable housing litigation and labor negotiations.

Mayor Kuchinski responded that discussions regarding the Township's legal strategy are a confidential matter and would be addressed during closed session.

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

EXECUTIVE SESSION RESOLUTION. Read into the record.

Mayor Kuchinski stated that the regular meeting would not reconvene following the Executive Session.

Motion by Sandom, seconded by Blake 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 #16-56****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:

- Personnel
- Legal
 - Affordable Housing
 - PennEast
- Contract Negotiations
 - PBA/SOA
 - AFSCME
 - CWA

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 8th day of February, 2016 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 8:18 p.m. the Executive Session was held.

At 9:11 p.m., Motion by Hart, seconded by Blake to adjourn the meeting.
MOTION UNANIMOUSLY CARRIED

LAURIE E. GOMPF
MUNICIPAL CLERK