

**HOPEWELL TOWNSHIP COMMITTEE REGULAR MEETING  
HOPEWELL TOWNSHIP MUNICIPAL BUILDING AUDITORIUM  
VIA ZOOM VIDEO COMMUNICATIONS**

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**Monday, August 1, 2022 – 6:31 p.m.**

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**PROPER STATEMENT OF NOTICE** – Mayor Peters-Manning 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, 2022, 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:** David Chait, Kevin Kuchinski, Uma Purandare,  
Michael Ruger, Mayor Courtney Peters-Manning

**ABSENT:** None

**STAFF PRESENT:** Administrator/Public Works Director George Snyder, Municipal Clerk Laurie Gompf, CFO Julie Troutman, Director of Community Development/Engineer James Hutzelmann, Township Attorney Steve Goodell

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

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**MINUTES SUBMITTED FOR APPROVAL**

Motion by Ruger, seconded by Kuchinski to approve March 7, 2022 Executive Session Meeting Minutes; March 14, 2022 Executive Session Meeting Minutes; March 21, 2022 Executive Session Meeting Minutes; April 5, 2022 Special Executive Session Meeting Minutes; April 11, 2022 Regular Meeting Minutes; and April 18, 2022 Regular Meeting Minutes.

**ABSTAIN:** Mayor Peters-Manning (March 14, 2022 Minutes)  
Purandare (March 21, 2022 Minutes)  
Chait (April 11, 2022 Minutes)

**MOTION CARRIED**

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**COMMITTEE MEMBERS AND STAFF REPORTS**

Mr. Snyder announced that he has signed a contract with Liberty Access for the EV charging station service; that the CFO has arranged for the fee accounts with Liberty Access; that he will advise when the EV units will be turned on; that contracts have been sent to the vendor for the Washington Crossing Estates pipe replacement project; that a pre-construction meeting will take place once the contracts have been fully executed; provided an update on the upgrade of the Wi-Fi system in the municipal building; that the Communications and Outreach Manager suggested a photo contest for the 2023 Township Calendar and requested the Committee's authorization.

Mr. Hutzelmann followed up on a question from the public at the last Township Committee meeting regarding how Lennar obtains their water service for their on-site trucks given that they do not have on-site water as of yet. He explained that Lennar has entered into a temporary service agreement with Trenton Waterworks at two locations in Hopewell Township.

Ms. Troutman advised that the third quarter tax payments are due on August 1<sup>st</sup>.

Mr. Goodell reported that he has been working with Mr. Hutzelmann on an application to ELSA to treat the sewer effluent from a particular property that is in need of hooking up because they are unable to have a septic system and that he will discuss the subject in closed session this evening. He also reported that the Township had filed a motion to limit the amount of discovery in the litigation between the Township and Pennington/Hopewell Boroughs; that the Boroughs would like expansive discovery and that the Township believes it should be limited; that the motion is scheduled to be heard by the Court on Friday; and that Fair Share Housing Center was filing a motion to intervene as amicus and, citing on the Township's behalf, indicating that they thought that the discovery should be limited; and that they wanted to bring some of the issues involving affordable housing and PILOTs before the Court.

Ms. Gompf reported that the Township put an advertisement out for bids on a new ABC License for Distribution; advised that one bid specification was picked up; that bids were due to be received on July 27<sup>th</sup>; that no one submitted a bid for the license; and asked the Committee for direction as to how they would like to proceed.

Committee Member Ruger reported that truck traffic on Route 579 is restricted to 4 tons and that the restriction is not being adhered to; that he, Chief Rosso, Mr. Snyder and Mr. Hutzelmann have worked to come up with potential solutions; and that some of those solutions may need to include other municipalities.

He read the following press release regarding same:

“The Township Committee, Police Department, and Administrator have received some concerns from Hopewell Township residents regarding the presence of overweight trucks on Route 579 and we want you to know we understand your worries and are addressing them. Police Chief Rosso says it is not uncommon for trucks to travel on roads with weight restrictions and the Police Department does not take it lightly. The Police Department has increased enforcement patrols, diligently patrolling County Route 579, to remind drivers operating trucks over 4 tons of the weight limit and have issued summonses where appropriate for those not making local deliveries.

The Police Department is collaborating with the Township Community Development Department, Township Administration, local businesses and the State and County to mitigate the overuse of County Route 579 by trucks over 4 tons. They are looking into increasing the signage and design of signs for use in multiple locations to increase the visibility of the weight restrictions. They are also speaking with local businesses, asking them to remind their drivers of the weight limits. And they are reporting the weight restrictions on County Route 579 in Hopewell Township to multiple mapping services, as the most common explanation heard from drivers is that they were following GPS.

As we move forward to accomplish these mitigation steps, please know that the police department is committed to patrolling and enforcing the 4-ton weight restriction on County Route 579.”

Committee Member Chait explained that the most common reason overweight vehicle drivers cite for being on the road is that their GPS directed them there; that experts from GPS mapping and satellite services and research indicates that there are pathways for reporting inaccuracies; that there are technologies to understand the type of vehicle utilizing the GPS; that the Township is utilizing the avenues and channels to report the misuses and incorrect directions to prevent the inadvertent traffic on the road.

Committee Member Ruger reported that the Woolsey Park Advisory Committee is currently holding a special meeting with respect to the Woolsey Park Band Shell; that they are close to finalizing a site and the design of the band shell; advised of upcoming Agricultural Advisory Committee, Citizen's Equity Advisory Committee, Woolsey Park Advisory Committee and Open Space Advisory Committee meetings; and that he will be recusing himself from item 11-B on the agenda.

Committee Member Purandare announced that Hopewell Township officials and New Jersey Department of Environmental Protection (NJDEP) staff will hold an informational session about Per- and Polyfluoroalkyl Substances (PFAS) on August 23<sup>rd</sup>; that flu clinics will be held on September 9<sup>th</sup> and September 14<sup>th</sup>; that information will be available on the Township website regarding the clinics soon; that Mercer County is at a Code Yellow regarding COVID-19; that

COVID cases remain high throughout New Jersey; provided updates on Lawrence Hopewell Trail activities; announced that National Senior Citizens Day is August 21<sup>st</sup>; that there will be a presentation on August 16<sup>th</sup> by Capital Health at the municipal building; that the Senior Picnic will be held on September 8<sup>th</sup> at Washington Crossing State Park; and that details can be found on the Township’s website.

Committee Member Kuchinski announced that the average Hopewell Township tax rate is down this year; that work will continue on ratables and PILOTs; thanked the Clerk’s office for bringing the Committee’s meeting minutes up to date; and requested that the Planning Board bring their minutes up to date within the next month.

Committee Member Chait reported on the Affordable Housing Committee meeting; announced Freon and bulk waste collection information; that Public Works retrieved an historic stone railroad mile marker from a creek near Route 31; and that the Historic Preservation Committee will find a place to display the mile marker.

Mayor Peters-Manning announced that tomorrow night is National Night Out at Stony Brook Elementary School; that the Township Committee is happy to support the PBA, which is sponsoring the event; that the Police are following up on the Airbnb complaints from the previous meeting; that, depending on the volume of Airbnb problems, there may be a Work Session regarding Airbnb operations within the Township in the future; that the East Welling Avenue paving and sidewalk project has been moved from 2022 to 2023 due to bids that were received this year were too high; and that a new covert traffic study will be conducted on East Welling Avenue during October.

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**PUBLIC SECTION**

The following members of the public spoke during public comment:

**Frank Gunther**, a resident of Lexington Drive, questioned the process for developments connecting to existing sewer lines.

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

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

Mayor Peters-Manning read by title the introduced ordinance:

AN ORDINANCE BY THE TOWNSHIP OF HOPEWELL, COUNTY OF MERCER, STATE OF NEW JERSEY AMENDING ORDINANCE NO. 19-1715 OF THE TOWNSHIP OF HOPEWELL, COUNTY OF MERCER, STATE OF NEW JERSEY

Mayor Peters-Manning declared public hearing open.

**Melanie Philips**, a resident of Washington Crossing-Pennington Road, questioned if there was a document showing the potential entrance and egress point on Reed Road.

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

**MOTION UNANIMOUSLY CARRIED**

Motion by Chait, seconded by Purandare to adopt the introduced ordinance.

**ROLL CALL VOTE:**

**AYES:** Chait, Kuchinski, Purandare, Ruger, Mayor Peters-Manning

**NOES:** None

**ORDINANCE ADOPTED**

Ordinance advertised July 15, 2022, Hopewell Valley News. Posted municipal bulletin board as required by law.

**AN ORDINANCE BY THE TOWNSHIP OF HOPEWELL, COUNTY OF MERCER, STATE OF NEW JERSEY AMENDING ORDINANCE NO. 19-1715 OF THE TOWNSHIP OF HOPEWELL, COUNTY OF MERCER, STATE OF NEW JERSEY**

**WHEREAS**, the Township owns, in fee simple title, that certain property designated as Block 85, Lot 3 on the current tax map of the Township (the "**Property**"), consisting of approximately 46.10 acres of land; and

**WHEREAS**, the Township desires to convey to U.S. Home Corporation, d/b/a Lennar ("**Lennar**"), a portion of the Property (hereinafter referred to as the "**Project Area**") on which Lennar proposes to redevelop by constructing thereon an inclusionary residential development project; and

**WHEREAS**, pursuant to Ordinance No. 17-1674 adopted on December 11, 2017, Lennar and the Township entered into that certain Agreement for Purchase and Sale of Real Estate, dated December 11, 2017 and having an effective date of December 26, 2017 (the "**Purchase Agreement**") for the conveyance of the Project Area to Lennar and the subdivision of a seven (7) acre parcel of land to be retained by the Township; and

**WHEREAS**, after conducting a public hearing on this matter and hearing any comments from the public on this matter, the Township adopted Ordinance 19-1715 which authorized the sale of the Project Area to Lennar and confirmed the following in support of the sale of the Project Area to Lennar for the purchase price set forth in the Purchase Agreement:

- The Township acquired the Property on October 12, 2011 for \$5,806,000 and, after the Township sells the Project Area (comprising approximately 37 acres, representing approximately 84% of the Property) to Lennar under the Purchase Agreement, it will retain the Community Area, comprising approximately 16% of the Property); and
- Relative to the aforementioned purchase price of the Property, the value of the Project Area is approximately \$4,877,040 ( $\$5,806,000 \times .84$ ) and the value of the retained Community Area is approximately \$928,960 ( $\$5,806,000 \times .16$ ); and
- The construction of the Project will require Lennar to make a significant investment, presently estimated to be in excess of Twenty-Two Million Dollars (\$22,000,000) in on-site and off-site infrastructure improvement costs that will directly benefit the Township in that a portion of such costs, approximately Three Million Five Hundred Thousand Dollars (\$3,500,000) are attributable to the Community Area, which makes up sixteen percent (16%) of the total property area that is being retained by the Township; and
- The benefit to the Township of Lennar constructing the Affordable Units, which will help satisfy the Township's constitutional obligation to meet a regional affordable housing need, is approximately \$145,903 per unit, per N.J.A.C. 5:97-6.4(c)(3), or \$11,400,000; and

**WHEREAS**, the Hopewell Township Planning Board approved Lennar's application for the affordable housing project on August 26, 2021 however, in light of various site conditions discovered as part of the planning process, the Planning Board approval required modifications to both the configuration of the Project and the location of the retained lands from that originally contemplated in the Purchase Agreement; and

**WHEREAS**, the Township desires to amend Ordinance 19-1715 to reflect the revisions to the affordable housing project as adopted by the Hopewell Township Planning Board; and

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Township Committee of the Township of Hopewell as follows:

1. The recitals hereof are incorporated herein as if set forth at length.
2. The Township is authorized to sell the Project Area to Lennar in accordance with the terms hereof. Approximately seven (7) acres of land in total will be retained by the Township and/or dedicated by Lennar to the Township for public use.
3. The prior execution of the Purchase Agreement by the Township is hereby ratified.
4. The Mayor is authorized to enter into any additional agreement or a new Purchase Agreement in connection with the sale of the Project Area to Lennar, if necessary.
5. The Mayor is authorized to execute all documents necessary for the sale of the Project Area to Lennar.
6. This Ordinance shall take effect in accordance with law.

Mayor Peters-Manning read by title the ordinance for introduction as amended.

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER X, "FEES & PERMITS," SECTION 10-3.9, "UNIFORM SAFETY CODE FEES," AND SECTION 10-3.10, "UNIFORM FIRE SAFETY CODE FEES FOR NON-LIFE HAZARD USE INSPECTIONS" OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF HOPEWELL, NEW JERSEY (1978)

Motion by Purandare, seconded by Chait to introduce the ordinance on first reading.

**ROLL CALL VOTE:**

**AYES:** Chait, Kuchinski, Purandare, Ruger, Mayor Peters-Manning

**NOES:** None

**ORDINANCE INTRODUCED**

Second reading, public hearing date August 15, 2022 at 6:30 p.m.

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**ORDINANCE – INTRODUCTION AND FIRST READING**

Mayor Peters-Manning read by title the ordinance for introduction.

ORDINANCE RE-APPROPRIATING \$65,000.00 OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN AND BY THE TOWNSHIP OF HOPEWELL, IN THE COUNTY OF MERCER, NEW JERSEY

Motion by Chait, seconded by Purandare to introduce the ordinance on first reading.

**ROLL CALL VOTE:**

**AYES:** Chait, Kuchinski, Purandare, Ruger, Mayor Peters-Manning

**NOES:** None

**ORDINANCE INTRODUCED**

Second reading, public hearing date August 15, 2022 at 6:30 p.m.

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**CONSENT AGENDA ITEMS**

**RESOLUTIONS #22-265 THROUGH #22-268 AND SHOOTING GALLERIES LICENSE RENEWAL, Read by title.**

Motion by Kuchinski, seconded by Ruger to adopt Resolution #22-265 through #22-268 and Shooting Galleries License Renewal.

**MOTION UNANIMOUSLY CARRIED**

**RESOLUTION #22-265**

**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 1st day of August 2022 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:

Trish Mikita	108 Johnstone Drive	Pennington 08534	\$345.00
Geneva Lester	6 Creek Rim Drive	Titusville 08560	\$395.00
Amy Monaco	18 Kentsdale Drive	Pennington 08534	\$400.00
Pramod Yadav	114 Fountayne Lane	Lawrenceville 08648	\$140.00
Matt Tramontana	12 Sioux Road	Pennington 08534	\$100.00
Kristen Enderle	15 Benjamin Trail	Pennington 08534	\$155.00

Lauren Materacky	1050 Erin Court	Yardley PA 19067	\$225.00
Rachana Munchi	37 Brandon Road W	Pennington 08534	\$44.25
Jennifer Alday	315 Pebble Creek Court	Pennington 08534	\$175.00
Bernadette Reed	21 Morris Drive	Princeton 08540	\$114.00
Zenovia Galiber	836 Parkside Avenue	Ewing 08618	\$129.00
Eva Lucas	12 Long Way	Hopewell 08525	\$76.00
Katie Reitz	11 Applewood Drive	Hopewell 08525	\$185.00

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**RESOLUTION # 22-266**

**RESOLUTION FOR REDEMPTION  
OF TAX SALE CERTIFICATES**

**WHEREAS**, on July 17, 2020 US Bank Cust- Actlien purchased Tax Sale Certificate 20-00017, for property located at Block 78.19, Lot 13 C49 known as 610 Pebble Creek Court Court, assessed to Deutsche Bank (sold to Elfar Amir and Nancy); this certificate was redeemed by the Elfars as owners; and

**WHEREAS**, the Township can now release the principal and interest received, and premium.

**NOW, THEREFORE, BE IT RESOLVED**, on this 1<sup>st</sup> day of August 2022, 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 as specified below:

<u>BLOCK/LOT</u>	<u>OWNERS' NAME(S)</u>	<u>AMOUNT</u>	<u>LIEN HOLDER</u>	<u>PREMIUM</u>
78.19/13 C49	Elfar Amir & Nancy	\$38,294.51	Actlien	\$33,100.00

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

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**RESOLUTION #22-267**

**RESOLUTION APPROVING THE APPLICATION OF DELAWARE VALLEY  
OLD TIME POWER & EQUIPMENT ASSOCIATION  
TO CONDUCT A PUBLIC EXHIBITION**

**WHEREAS**, application has been made by Delaware Valley Old Time Power & Equipment Association, Inc. to conduct a public exhibition in the Township of Hopewell at Washington Crossing State Park, Brick Yard Road, Titusville, New Jersey, on September 16, 17 and 18, 2022, between the hours of 8:00 a.m. and 4:00 p.m.; and

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

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

1. This Resolution shall constitute a permit to conduct an outdoor public exhibition in accordance with the application submitted by Delaware Valley Old Time Power & Equipment Association, Inc., which public exhibitions are to be held September 16, 17 and 18, 2022, at Washington Crossing State Park, Brick Yard Road, Titusville, New Jersey.

2. Delaware Valley Old Time Power & Equipment Association, Inc. shall be exempted from the several provisions of 4-3, et seq. (4-3.8 Exemptions. a. Charitable or non-profit organizations) except those provided by 4-3.4, Insurance Requirement.

3. The Municipal Clerk is directed to forward a certified copy of this resolution to the Delaware Valley Old Time Power & Equipment Association Inc., 1285 Route 179, Lambertville, NJ 08530.

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**RESOLUTION #22-268**

**A RESOLUTION DIRECTING THE HOPEWELL TOWNSHIP ZONING OFFICER**

**TO ISSUE A TEMPORARY ACTIVITIES PERMIT TO  
ERIK HENRICKSEN OF JOHNSON & JOHNSON**

**WHEREAS**, Erik Henricksen with Johnson & Johnson is seeking a Temporary Activities Permit to allow a food truck, the use of the parking lot located at 1800 American Boulevard, on August 24, 2022, from 11:30 AM to 2:00 PM, to provide refreshments/food for employees only; and

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

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

**NOW, THEREFORE, BE IT RESOLVED**, on this 1st day of August 2022, 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 Erik Henricksen with Johnson & Johnson for the temporary operation of a food truck in the parking area of 1800 American Blvd, August 24, 2022 from 11:30 AM to 2:00 PM, to provide refreshments/food for employees, subject to receipt of all final approvals and comments from the Hopewell Township Health Officer, Hopewell Township Police, Hopewell Valley Fire Safety, Municipal Construction Office and Zoning Officer, and subject to any relevant restrictions on use, noise, signs, etc., or other permits as may be required, including:

1. The food truck proposing to operate at the site must be licensed by the Hopewell Township Health Department. the 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.
2. The applicants must ensure compliance with any applicable Executive Orders in effect on the date of their event and should implement CDC guidance at their event.

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SHOOTING GALLERIES LICENSE RENEWAL – Sohiwe Deer Club, Minnietown Lane

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**RESOLUTION #22-269.** Read by title.  
Motion by Kuchinski, seconded by Chait to adopt Resolution #22-269.  
**MOTION UNANIMOUSLY CARRIED**

**R E S O L U T I O N #22-269**  
**A RESOLUTION AMENDING 2022**  
**PROFESSIONAL SERVICES AGREEMENTS**

**WHEREAS**, the Township entered into a Professional Services Agreement 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.

<u>FIRM</u>	<u>CURRENT MAXIMUM</u>	<u>PROPOSED MAXIMUM</u>	<u>CURRENT TERM EXPIRES</u>	<u>PROPOSED TERM EXPIRES</u>
Parker McCay, P.A. (Legal Open Space) X-12-00-925-234	\$ 8,000.00	\$ 14,000.00	12/31/2022	No Change
Van Cleef Engineering Associates (Engineering Open Space) X-12-00-925-234	\$12,000.00	\$ 16,000.00	12/31/22	No Change

**NOW, THEREFORE, BE IT RESOLVED** on this 1<sup>st</sup> day of August, 2022 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.

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**RESOLUTION #22-270.** Read by title.

Motion by Chait, seconded by Kuchinski to adopt Resolution #22-270.

**ABSTAIN:** Ruger

**MOTION UNANIMOUSLY CARRIED**

**R E S O L U T I O N #22-270**

**RESOLUTION AUTHORIZING LIGHTPATH LLC  
TO INSTALL, OPERATE AND MAINTAIN FIBER OPTIC CABLE  
WITHIN THE TOWNSHIP OF HOPEWELL**

**WHEREAS**, Lightpath, through its wholly-owned subsidiary, 4Connections, LLC, a New Jersey limited liability company, with offices located at 1111 Stewart Avenue, Bethpage, New York 11714 ("**Lightpath**") is authorized to provide telecommunications and related services in the State of New Jersey; and

**WHEREAS**, Lightpath desires to install, operate and maintain fiber optic cable within the corporate boundaries of the Township of Hopewell; and

**WHEREAS**, Lightpath, proposes to install its fiber optic cable on or in existing telephone, electric or cable conduit poles located on the public Rights-of Way; said poles being owned and maintained by Verizon New Jersey, Inc. and/or PSE&G; and

**WHEREAS**, the Municipality is empowered to enter into this agreement pursuant to *N.J.S.A. 48:17-10* through *N.J.S.A. 48:17-12*; and

**WHEREAS**, the Township Committee of the Township of Hopewell find the installation of Lightpath fiber optic cable with the Township to be in the public interest; and

**WHEREAS**, in July 2022 the Township received an inquiry from Lightpath stating that upon review of its records, Lightpath requires the use of the Township's Rights-of Way to install, operate and maintain its fiber optic cable;

**NOW, THEREFORE, BE IT RESOLVED** on this 1<sup>st</sup> day of August, 2022, by the Township Committee of the Township of Hopewell, in the County of Mercer, State of New Jersey, as follows:

1. That Lightpath is hereby granted non-exclusive municipal consent for an initial period of 10 years, commencing on the effective date of the Rights-of-Way Use Agreement (Agreement), to install, operate and maintain its fiber optic cable within the Township's Rights-of-Way.
2. That unless the Agreement is terminated by either party in accordance with the provisions therein; upon the expiration of the initial term or a prior extension term, the Agreement shall automatically be extended for up to four (4) additional terms of ten (10) years each upon the terms and conditions set forth in the Agreement; unless either party gives written notice to the other party of its intent not to renew this Agreement at least twelve (12) months prior to the expiration of the initial term or then effective extension term.
3. That the installation, operation and maintenance of Lightpath fiber optic cable shall be in accordance with the terms set forth in the Right-of-Way Use Agreement.
4. That the installation, operation and maintenance of Lightpath fiber optic cable shall not interfere with the safety or convenience of persons or vehicles traveling on public streets, highways or rights-of-way within the Township.
5. That Lightpath shall at all times, indemnify and hold harmless the Township and its employees from any and all actions, claims, suits or demands or costs that may be made by any person or persons, company or corporation for or by reason of any injury including death or damage to any person or thing or property whatever resulting from or associated with the installation, operation, repair or maintenance of the fiber optic cable, conduit or associated facilities.
6. That Lightpath shall be liable to the Township for any and all damages caused and/or sustained by the Township for and by reason of construction, installation, repair, operation and maintenance of the fiber optic cable, conduit or associated facilities.

**BE IT FURTHER RESOLVED THAT** in consideration of the right to install, operate and maintain fiber optic cable within Township's Rights-of Way, Lightpath shall compensate the

Township for the estimated time, review, analysis, and other cost and services rendered in connection with its management of the public rights-of-way, as authorized by *N.J.S.A. 54:30A-124* in the amount of \$1,500.

**BE IT FURTHER RESOLVED THAT** the Mayor is authorized to sign a Right-of-Way Use Agreement that is consistent with this grant of municipal consent.

**BE IT FURTHER RESOLVED THAT** a Certified copy of this Resolution shall be forwarded to each of the following:

1. Chris Pietila, Lightpath Deputy Counsel
2. James Hutzemann, Township Engineer
3. Steven P. Goodell, Esq., Hopewell Township Attorney
4. George Snyder, Hopewell Township Administrator

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**RESOLUTION #22-271.** Read by title.  
 Motion by Chait, seconded by Purandare to adopt Resolution #22-271.  
**MOTION UNANIMOUSLY CARRIED**

**R E S O L U T I O N #22-271**

**RESOLUTION CONSENTING TO THE PROPOSED MERCER COUNTY WATER QUALITY MANAGEMENT (WQM) PLAN AMENDMENT**

**WHEREAS**, the Township Committee desires to provide for protection of water quality and the public health by allowing connection of existing development to public wastewater where septic systems have failed with no effective opportunity to repair or rehabilitate, within the Township of Hopewell, in the County of Mercer, State of New Jersey; and

**WHEREAS**, the connection of existing development to public wastewater facilities is deemed appropriate where failing septic systems occur, in the limited circumstances where a sanitary sewer line is within 100 feet and immediately adjacent to the property, and does not require the extension of public wastewater infrastructure; and

**WHEREAS**, the New Jersey Department of Environmental Protection (NJDEP) requires that proposed wastewater treatment and conveyance facilities and wastewater treatment service areas, as well as related subjects, conform with an approved WQM plan; and

**WHEREAS**, the NJDEP has established the WQM plan amendment procedure through the WQMP rules at N.J.A.C. 7:15-3.5 as the method of incorporating unplanned areas into a WQM plan; and

**WHEREAS**, a proposed WQM plan amendment publicly noticed in the New Jersey Register on June 6, 2022 for Brick Farm Properties, LLC has been prepared by Brick Farm Properties, LLC;

**NOW, THEREFORE, BE IT RESOLVED** on this 1<sup>st</sup> day of August, 2022, by the Township Committee of the Township of Hopewell, in the County of Mercer, State of New Jersey, as follows:

1. The Township Committee hereby consents to the Brick Farm Properties LLC amendment located at tax Block 14, Lot 15.01, and publicly noticed in the New Jersey Register on June 6, 2022, prepared by Brick Farm Properties, LLC for the purpose of its incorporation into the applicable WQM plan.
2. This consent shall be submitted to the NJDEP pursuant to N.J.A.C. 7:15-3.5(g)6.

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**RESOLUTION #22-272.** Read by title.  
 Motion by Kuchinski, seconded by Ruger to adopt Resolution #22-272.  
**MOTION UNANIMOUSLY CARRIED**

**R E S O L U T I O N #22-272**

**RESOLUTION AUTHORIZING EXECUTION OF A CONTRACT WITH WINNER FORD FOR THE PURCHASE OF FOUR (4) FORD POLICE UTILITY HYBRID INTERCEPTOR VEHICLE PACKAGE THROUGH NEW JERSEY STATE CONTRACT – T2776 20-FLEET-01189 AT A PRICE NOT TO EXCEED \$170,000.00 DIVISION OF PURCHASE AND PROPERTY**

**WHEREAS**, a need exists for the acquisition of Police Pursuit Rated Vehicles and accessories, for the daily operations of the Township of Hopewell Police Department; and

**WHEREAS**, the Township of Hopewell may, without advertising for bids, purchase such materials through the New Jersey State Purchase and Property State Contracts pursuant to N.J.S.A. 40A:11-12 and N.J.A.C. 5:34-7.29 et. Seq., and

**WHEREAS**, under the state contract award, the following vendors hold New Jersey State Purchase and Property State Contracts:

Chas A Winner	20-FLEET -01189
Dbas Winner Ford	
250 Berlin Road	
Cherry Hill, NJ 08034	

(4) 2023 Police Interceptor Utility Hybrids

**Not to exceed a total of** **\$170,000.00**

**WHEREAS**, the Chief Financial Officer certifies that the following funds are available:

Account X-04-00-679-510 - \$127,500.00 - 2022 Capital Improvement Fund:

Account: 2-01-25-240-051 - \$42,500.00 – 2022 Operating Budget

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Hopewell, pursuant to N.J.S.A.40A:11-12 & N.J.A.C. 5:34-7.29 that it authorizes the use of state contract holder Chas A Winner, under contract numbers: T-2776, 20-FLEET-01189, for (4) 2023 Ford Police Interceptor Utility Hybrid All Wheel Drive vehicles a total not to exceed \$170,000.00

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**RESOLUTION #22-273.** Read by title.

Motion by Kuchinski, seconded by Ruger to adopt Resolution #22-273.

**ROLL CALL VOTE:**

**AYES:** Chait, Kuchinski, Purandare, Ruger, Mayor Peters-Manning

**NOES:** None

### **R E S O L U T I O N #22-273**

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

**BE IT RESOLVED**, that the list of cash disbursements authorized for approval of bills for payment date August 1, 2022 in the following amounts:

Bills and Claims	\$	6,503,785.58
Payroll	\$	346,316.97
Total Disbursements	\$	6,850,102.55

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

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

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### **PUBLIC SECTION**

The following members of the public spoke during public comment:

**John Hart**, a resident of Titus Mill Road, expressed his opinion that businesses on the circle should receive sewer service before Brick Farm Tavern; questioned the location of the 7 acres that will be given to Lennar; questioned the Township’s cost of the Community Center; and questioned why BeiGene received a tax break.

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

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**EXECUTIVE SESSION RESOLUTION.** Read into the record.  
Mayor Peters-Manning stated that the regular meeting may reconvene following the Executive Session.

Motion by Chait, seconded by Ruger to go to Executive Session to discuss contract negotiations, real estate, legal and personnel matters.

**MOTION UNANIMOUSLY CARRIED**

**R E S O L U T I O N #22-274**

**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:

- Real Estate
  - Pennytown
  - Hovnanian
- Litigation
- 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 1st day of August, 2022 by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that the Township Committee shall forthwith conduct an executive session to discuss the above.

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At 7:22 p.m. the Executive Session was held.

At 8:08 p.m. the Regular meeting reconvened.

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At 8:08 p.m., motion by Kuchinski, seconded by Purandare to adjourn the meeting.

**MOTION UNANIMOUSLY CARRIED**

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

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LAURIE E. GOMPF  
MUNICIPAL CLERK