

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

Monday, September 13, 2021 – 5:30 p.m.

PROPER STATEMENT OF NOTICE – Mayor Blake 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 August 6, 2021, in accordance with the Open Public Meetings Act, Chapter 231, P.L. 1975.

ROLL CALL: Those answering the roll call of the Deputy Municipal Clerk:

COMMITTEE MEMBERS PRESENT: Kevin Kuchinski, Kristin McLaughlin, Courtney Peters-Manning, Michael Ruger, Mayor Julie Blake

ABSENT: None

STAFF PRESENT: Administrator/Public Works Director George Snyder, Deputy Municipal Clerk Katherine Fenton-Newman, CFO Julie Troutman, Interim Engineer Herb Seeburger, Attorney Scott Miccio, Health Officer Dawn Marling, Township Attorney Steve Goodell

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

Mayor Blake expressed appreciation for all first responders' actions during the recent storm and announced that the Township has been declared a State of Emergency.

PRESENTATION – Health Officer Dawn Marling – COVID Updates

Ms. Marling reported that there is a continued high level of COVID in Hopewell Township; that the amount has quadrupled; that daily conversations are occurring with the school district's nurses; she implored parents to keep their children home if they show signs or symptoms of COVID; urged everyone to stay home if they show signs or symptoms; emphasized the importance of becoming vaccinated; advised of a vaccine clinic at the Hopewell Borough Train Station on September 21; and reiterated the importance of receiving a vaccine and following all public health precautions.

Committee Members expressed the importance of vaccines and discussed the return to in-person meetings. It was decided that the decision should be based on the COVID numbers on a month-to-month basis and that the meetings should remain virtual through October.

Mayor Blake announced that she and Deputy Mayor Peters-Manning will begin holding office hours monthly.

At this point in the meeting it was discovered that access to the meeting was restricted to 100 people. The meeting was delayed until the Zoom platform was corrected to allow the participation of up to 500 people.

ADDITIONAL ITEMS FOR MEETING AGENDA

- A. Appointing Members to the Hopewell Township Zoning Board of Adjustment
 - B. Resolution Supporting the Application and Efforts of Mercer County Park Commission to Implement a Community Based Deer Management Program on their Park land within Hopewell Township
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COMMITTEE MEMBERS AND STAFF REPORTS

Mr. Seeburger reported on his assistance on Zoning permit applications with the Community Development Department; that he is currently making the suggested revisions the County is requiring to the Stormwater Management Ordinance; provided a timeline for the road program; advised that a bid was impending for improvements to Harbourton Rocktown Road; reported that he made a presentation to the Citizens' Equity Advisory Board regarding bicycle lanes; that he met with the Mercer County Planning Department regarding various projects in Hopewell Township; that he attended the Agricultural Advisory Board last week; that he has been working closely with Public Works and visiting flood damaged areas; and that he has been fielding many calls from residents with problems that occurred due to the storm and is addressing those issues.

Mr. Snyder stated his appreciation for the work performed by the police department, emergency services and public works during Tropical Storm Ida, Tropical Storm Henri and the tornado; advised that anyone affected should contact FEMA at [disasterassistance.gov](https://www.disasterassistance.gov), by downloading the FEMA app, or by calling 800-621-3362. He then announced current road closures; and cited damage to Township property.

Ms. Fenton-Newman announced the additional items for the agenda.

Committee Member McLaughlin advised that the Deer Management "No Hunting" signs are available for pickup to hunters at the Public Works building; that there are reports from conservation officers that blue tongue disease is back in New Jersey and that it could cause the deer to suffer.

Committee Member Ruger reported on curb-side bulk pickup; questioned if the quantity of bulk pickup has increased due to the floods; reported on Freon collection; that the Woolsey Park Advisory Committee (WPAC) did not have a quorum to meet last week; that he wished for the WPAC to meet regarding Band Shell decisions; that he attended the Mercer County Board of Agriculture meeting this morning; concerns discussed were too few farmers and not enough hunters; advised that the Agricultural Advisory Committee expressed concerns with the cannabis ordinance; and a letter was sent to the Committee with concerns of the cannabis agricultural/manufacturing zone limitations.

Committee Member Kuchinski provided an update on the BMS property and Beigene; that the Planning Board will be continuing its work on updating the Master Plan; that the tax collection rate has rebounded; thanked the tax collector for her endeavors in bringing the tax collection rate up; announced that Hopewell Township will receive \$927,625.06 in Federal COVID-19 funds; that Hopewell Township will receive \$500,000 for improvements to Woolsey Park; expressed his condolences to all affected by the storms; and thanked those involved in working through the storm.

Mayor Blake addressed the issues caused by the storm and loss of lives.

Committee Member Peters-Manning advised all of the Senior Picnic rain date.

Mayor Blake provided an update on Hiohela Pond; stated that the Township was in the process of releasing the first soft-cost funding; announced Mayor's hours at the Municipal Building; and discussed protocol for the public section of the meeting.

PUBLIC SECTION

The following members of the public spoke during public comment:

John Hart, a resident of Titus Mill Road, questioned why trailers are on the soybean field on Scotch Road; and advised reconsidering the field behind Stop and Shop for affordable housing because half of it is in a flood zone.

Ray Nichols, commended Committee Member Kuchinski for posting on Facebook regarding FEMA funding; suggested posting information such as this on the Township website; suggested posting signs on roads that are subject to flash flooding; requested that the Township ask the State to post signage at the Pennington Circle regarding flooding; and questioned if the Township has any legal ownership interest in the quarry property.

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

ORDINANCE – FINAL READING, PUBLIC HEARING AND ADOPTION

Mayor Blake read by title the introduced ordinance:

AN ORDINANCE AMENDING THE COMPREHENSIVE SALARY AND WAGE PLAN FOR THE TOWNSHIP OF HOPEWELL, MERCER COUNTY, NEW JERSEY

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

MOTION UNANIMOUSLY CARRIED

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

ROLL CALL VOTE:

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

NOES: None

ORDINANCE ADOPTED

Ordinance advertised August 20, 2021, Hopewell Valley News. Posted municipal bulletin board as required by law.

ORDINANCE NO. 21-1759

AN ORDINANCE AMENDING THE COMPREHENSIVE SALARY AND WAGE PLAN FOR THE TOWNSHIP OF HOPEWELL, MERCER COUNTY, NEW JERSEY

WHEREAS, the titles Temporary MCO Dept. Inspectors, Temporary Sub Code Officials and Health Officer must be revised to accommodate employees who will be approved for those positions in 2021; and

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

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

Grade	Classification	Minimum	Maximum
11A	Health Officer	[45,000] <u>55,000</u>	[100,000]. <u>111,000</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	12.00	15.00
1	School Crossing Guard	12.00	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	Public Health Nurse	25.00	38.00
4	Recreation Leader	15.00	35.00
5	Court On –Call Wages	250.00	375.00/quarter
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] <u>40.00</u>

8	Temporary Public Health Investigator	12.00	20.00
9	Temporary Sub Code Officials	27.00	[41.00] <u>50.00</u>

Section III. In the event that any portion of this Ordinance is found to be invalid for any reason by any court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged to be invalid, and the remaining portions of the Ordinance shall be deemed severable therefrom and shall not be affected.

Section IV. This Ordinance shall take effect upon the final passage and publication in the accordance with the law.

ORDINANCE – FINAL READING, PUBLIC HEARING AND ADOPTION

Mayor Blake read by title the introduced ordinance:

ORDINANCE OF THE TOWNSHIP OF HOPEWELL PERMITTING THE OPERATION OF CLASS 1 CULTIVATION AND CLASS 2 MANUFACTURING BUSINESSES IN CERTAIN ZONES, WITH CONDITIONS, AND PROHIBITING THE OPERATION OF ALL OTHER CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND ADDING CHAPTER 24, AND AMENDING CHAPTERS 10 AND 17 OF THE CODE OF THE TOWNSHIP OF HOPEWELL

Mayor Blake commended all the employees involved in noticing nearly 3,000 residences of the impending ordinance; stated that New Jersey is the 16th state that allows recreational cannabis; that the Township decided that inasmuch as Hopewell Township was an agricultural community, cannabis would be allowed to be cultivated; this also meant that it would be taxed, leading to the possibility of lower property taxes; shared that the tax rate grew because the Township's ratables declined due to BMS leaving; that the state is allotting only 37 cultivation and manufacturing licenses; there are few State licenses left which could be applied for; that the Township developed this ordinance knowing that the tax base needed to be cultivated, and especially that the water shed needed to be protected; and stated that there were certain standards and requirements for the cultivation and processing of cannabis in the State of New Jersey which are:

- Applicant must have at least one "significantly involved person" who has resided in NJ for at least 2 years.
- Applicant's significantly involved persons must pass criminal background check.
- Applicant must submit attestation signed by a bona fide labor organization stating that the Applicant has entered into a labor peace agreement with such bona fide labor organization.

For all applicants, the CRC shall consider:

- Environmental impact plan.
- Community impact, social responsibility and research statement.
- Workforce development and job creation plan.
- Business and Financial Plan.
- Summary of Applicant's safety and security plans, including plans for use of security personnel, surveillance equipment, storage of cannabis, cybersecurity procedures and sanitation practices.
- Applicant's business experience, including experience in operating businesses in highly regulated industries.

A description of the proposed location for the Applicant's site, including the following:

- The proposed location, the surrounding area, and the suitability or advantages of the proposed location, along with a floor plan.
- Submission of zoning approvals for the location, which shall consist of a letter or affidavit from appropriate officials of the municipality that the location will conform to local zoning requirements.
- Submission of proof of local support for the suitability of the location, which may be demonstrated by a resolution adopted by the municipality's governing body.

- Applicant ***must*** have final control of the premises upon approval of the application, including, but not limited to, a lease agreement, contract for sale, title, deed, or similar documentation. If it's a lease, the landlord must submit a certification that it is aware of the proposed use for the premises.
- Special consideration shall be given to applicants that enter into an agreement with an institute of higher education to create an integrated curriculum involving cannabis.

For cultivator applicants, specifically, applicant shall include an operating plan summary, including a written description concerning the Applicant's qualifications for, experience in, and knowledge of each of the following topics:

- Cultivation of cannabis
- Conventional horticulture or agriculture knowledge
- Quality control and assurance
- Recall Plans
- Packaging and Labeling
- Inventory Control
- Analytic chemistry and testing of cannabis
- Water management practices
- Odor mitigation practices
- Onsite and offsite record keeping
- Strain variety and plant genetics
- Pest control and disease management practices
- Waste disposal plans

The next subject consisted of slides indicating how the Township has included environmental issues into the ordinance such as:

g. WATER USE

In addition to meeting all other Township requirements, the Applicant shall provide a water conservation plan, which describes how rainwater will be captured and reused and how irrigation water shall be recirculated, with zero waste. Additionally, the water conservation plan shall include other features, including, but not limited to:

- i. Evaporative barriers on exposed soils and pots;
- ii. Timed drip irrigation;
- iii. Soil moisture monitors; and
- iv. Use of recycled water.

Observation well(s) shall be provided in accordance with section 17-149f.9 and remediation in accordance with section 16-6.8

h. STORMWATER MANAGEMENT

Stormwater management shall be provided sufficient to satisfy all New Jersey Department of Environmental Protection and Township stormwater control standards, except that Applicant shall recharge 100 percent of the average annual pre-construction groundwater recharge volume for the site.

i. ENERGY CONSERVATION

Recognizing that the greenhouse operation is energy intensive, the installation and operation of solar PV generators is required for a portion of the energy usage on site.

m. FARMLAND SOIL PRESERVATIONS

Applicant shall:

- i. Identify all prime agricultural soils, soils of statewide importance, and soils of local importance on the site plan
- ii. Design the site to avoid these soils to the maximum extent practical in the siting of impervious cover;
- iii. To the extent impervious cover cannot avoid these soils, the Applicant shall consult with the NRCS and shall follow the NRCS recommendations for protecting the soils to the extent possible; and

iv. Prepare and submit to the Township a soils management and restoration plan to restore the agricultural land in the event that the facility ceases to operate.

b. Area and Yard Requirements

All structures must comply with above front side and rear setbacks except security control structures no larger than 250 square feet, setback 100 feet.

Min. Lot Size	50 acres
Min. Lot Width	250 feet
Min. Lot Depth	250 feet
Min. Front Yard	350 feet
Min. Side Yard	300 feet
Min. Rear Yard	300 feet
Max. Building Height	35 feet
Max. Lot Coverage	15%
Min. Landscaped Buffer along a public road	See § <u>17-95j</u> .

Mayor Blake provided a map which highlighted areas that would qualify for cannabis growing and manufacturing within the development area. An additional map was shown identifying specific lots which would be large enough to meet the specific conditions of the ordinance.

Micro licenses were addressed and it was expressed that they were not taken into consideration in this round of licensing within the Township. Also discussed was an owner's farmland assessment status if he/she chose to grow cannabis. Mr. Miccio explained micro license conditions and the differences between that and a full cultivator's license. He also explained the definition of processing/manufacturing cannabis.

Mayor Blake declared public hearing open.

John Hart referred to the NJ Cannabis Regulatory Report and suggested that micro licenses should not count toward the cultivation license; questioned why the ordinance required a 2 square mile distance from the interstate; commented on certain lots within the area; commented on the odors which might be emitted; expressed concern of certain areas including recreation fields and schools; commented on the type of trucks used to transport cannabis; and encouraged the Committee to include micro licenses in the ordinance.

Samia Kirchner questioned the limit of 50 acres; expressed her concern that the 50-acre limit would only allow rich people to obtain licenses and exclude the less affluent.

Heather Kumer, a resident of Morris Drive, offered her opinions as to where the zoning should take place; specifically stated that manufacturing should not take place in an agricultural zone and should be placed in an industrial zone; explained that most growers utilize tiered canopy growing and hydroponic growing; expressed that existing buildings should be utilized; conveyed that 50 acres was the most acreage requirements she had ever seen; that odor would not be a problem; suggested the Township allow the retail sale of cannabis; and suggested that the BMS property should be allowed to perform pharmaceutical research.

Tracy Zarodnansky, a resident of George Washington Drive, expressed her concern over an excess of traffic in the area should the ordinance pass; questioned height restrictions in the ordinance; expressed her concerns over water runoff; questioned if business would create a water runoff problem;

expressed her concern over odor and how it would affect her seasonal allergies.

Michael Coco, questioned if a bond or deposit would be required in case a high THC cannabis was released into the community; how close any qualifying parcel was to the Bear Tavern Elementary School; questioned if the facilities would be permitted to drill their own wells; commented on the “right to farm” and qualified that marijuana cultivation is not included in those rights; and commented on the wording of section 24-2.

Brian Barr, a resident of Hackett Lane, questioned how much tax revenue would be generated from the cannabis licensing; what the long-term impacts would be; suggested that there will be unanticipated problems; expressed concern over the water sources being utilized and odor issues. Mr. Barr also expressed concern over the environment and the message we are sending to our youth. He asked the Committee not to rush and take a step back.

Michael Boyce Jacino, a resident of Clark Court, expressed his displeasure over the 2-mile zone; suggested that the entire Township should be included; and expressed that manufacturing should be designated to an industrial zone and not in an agricultural zone.

Marco Capasso, expressed that the Township was rushing the ordinance; took exception to certain wording in the ordinance regarding “elimination standards;” suggested that since the ordinance referred to the police, that this was an extremely dangerous undertaking; requested a timeline of when this will impact the community; questioned how soon tax payers will see their property taxes mitigated due to the ordinance; questioned how many Committee members resided within any of the zones; and expressed that rushing this ordinance would be a costly mistake.

Tomia MacQueen, a resident of Pennington Harbourton Road, commented on the industrial and agricultural manufacturing of cannabis; questioned the socio-economic impact of the ordinance; and questioned how bringing cultivation to Hopewell will help the disadvantaged population.

Tom Stevenson, expressed his opinion regarding the 2-mile limit and requested that the Committee review this requirement carefully; questioned why the majority of projects are placed in the southern portion of the Township; questioned if the Committee was aware of odor mitigation technology; and made certain comments regarding venting heat from greenhouses.

Andre Wooley, a resident of Pennington Harbourton Road, commented on pollen emitted by cannabis; that there was currently a medical cannabis shortage; made certain remarks regarding the techniques for odor mitigation; questioned the traffic coming from cannabis businesses as related to another type of agriculture property; and commented on the tax revenue which could be generated from only one property producing cannabis.

Carol Hager, a resident of Washington Crossing-Pennington Road, commented that some of the qualifying properties are in the immediate vicinity of Bear Tavern school; stated her concerns regarding possible odor problems; expressed her displeasure at the 2-mile zone and the location being in the southern tier of the township; and questioned if cultivation will be indoors or outdoors.

Kimberly Johnson commented on the 2-mile limitation as being arbitrary and questioned if the ordinance addressed the proximity to residential neighborhoods.

Don Birkenhagen, a resident of Harbourton Ridge Drive, questioned if the Committee explored the possibility of crime arising from the growth of cannabis and inquired as to how the revenue gleaned from cannabis taxes be distributed.

Yujen Juan, a resident of Shara Lane, commented that there were natural gas pipeline and wetlands easements going through an eastern parcel and questioned how that would affect the development of that particular parcel.

Jon Edwards, a resident of Pennington Harbourton Road, commented that there were no clean ratables and questioned whether the cost to the Township would outweigh the benefits.

Karen Evanko, a resident of Pennington Harbourton Road, questioned the permitted hours of operation.

Motion by Ruger, seconded by Peters-Manning to close public hearing.

MOTION UNANIMOUSLY CARRIED

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

ROLL CALL VOTE:

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

NOES: None

ORDINANCE ADOPTED

Ordinance advertised August 20, 2021, Hopewell Valley News. Posted municipal bulletin board as required by law.

ORDINANCE NO. 21-1760

ORDINANCE OF THE TOWNSHIP OF HOPEWELL PERMITTING THE OPERATION OF CLASS 1 CULTIVATION AND CLASS 2 MANUFACTURING BUSINESSES IN CERTAIN ZONES, WITH CONDITIONS, AND PROHIBITING THE OPERATION OF ALL OTHER CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND ADDING CHAPTER 24, AND AMENDING CHAPTERS 10 AND 17 OF THE CODE OF THE TOWNSHIP OF HOPEWELL

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of cannabis by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes six marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributor license, for businesses involved in transporting cannabis plants in bulk from one licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, Section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location, manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, Section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

WHEREAS, Section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (*i.e.*, by August 21, 2021); and

WHEREAS, pursuant to Section 31b of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

WHEREAS, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

WHEREAS, on June 28, 2021, the Hopewell Township Committee introduced a proposed ordinance which would have prohibited all classes of cannabis businesses in all zones of the municipality;

WHEREAS, pursuant to N.J.S.A. 40:55D-26a, the Township Committee referred the Ordinance to the Hopewell Township Planning board to identify any provisions in the Ordinance which were inconsistent with the Master Plan, and to make recommendations regarding same;

WHEREAS, at the Hopewell Township Planning board's regular meeting on June 24, 2021, the Planning Board reviewed the ordinance and adopted Planning Board Resolution No. 21-012, which concluded, in part, the following:

6. ... Board members expressed concern over the prohibition of cultivation in the ordinance and the Master Plan's support of agriculture within the Township, more specifically, Ordinance 17-147, which provides that farms and other agricultural uses are permitted as principal uses in all districts of the Township, which ordinance includes the growth and cultivation of crops, etc.

7. Based on the concerns expressed in finding #6 hereinabove, the Planning Board finds the ordinance to be inconsistent with the master plan, however recommends that the Township committee approves the ordinance in order to maintain control over introducing this form of agriculture to the township.

8. Should the Township Committee pass the ordinance as written, the Planning Board recommends prompt action, as quickly as possible, to consider an ordinance amendment defining cannabis growth and cultivation practices that would be consistent with the State Right to Farm Act and Section 17-147 (Farms and Agricultural Uses) of the Hopewell Township Land Use Development Ordinance.; and

WHEREAS, upon consideration of the Planning Board's recommendation, the Hopewell Township Committee has determined that the Township should permit cannabis cultivation and manufacturing activities, subject to certain conditions; and

WHEREAS, the Township Committee's research shows that processing of the cannabis plant (which the Act designates as "manufacturing") is compatible with cultivation activities; and

WHEREAS, the Act prohibits certain types of license holders from holding multiple licenses, but the Act permits a Class 1 Cannabis Cultivator to concurrently hold a Class 2 Manufacturing license; and

WHEREAS, to ensure that the Township's interests with respect to the Act are fully protected, both the Township's general "police power" ordinances and land use ordinances shall be amended.

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

SECTION I.

Chapter 24, entitled "Cannabis," shall be added to the Township Code.

New Sections in Chapter 24 shall be added to the Code of the Township of Hopewell as follows:

§ 24-1 Cannabis Wholesalers, Distributors, Retailers and Delivery Services Prohibited.

Cannabis wholesalers, distributors, retailers and delivery services, as said terms are defined in section 3 of P.L. 2021, c. 16 ("New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act") shall be prohibited in all zones in the municipality, but the delivery of cannabis items and related supplies by a delivery service is permissible.

§ 24-2 Cannabis Cultivators and Manufacturers Permitted.

a. Cannabis cultivators and manufacturers, as said terms are defined in section 3 of P.L. 2021, c. 16 (“New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act”), shall only be permitted uses in the Township as set forth in this Chapter and in Chapter 17.

b. The number of cannabis businesses in the Township shall not exceed one (1). A single entity that holds both a cannabis cultivator license and a cannabis manufacturer license shall be permitted, so long as it is on the same premises.

§ 24-3 DEFINITIONS

CANNABIS - All parts of the plant *Cannabis sativa* L., whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant, which are cultivated and, when applicable, manufactured in accordance with P.L.2021, c.16 (C.24:6I-31 et al.) for use in cannabis products, but shall not include the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product.

CANNABIS BUSINESS - Any person or entity that holds any of the six Classes of licenses established under P.L. 2021, c. 16, the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act.”

CANNABIS CULTIVATOR - Any licensed person or entity that grows, cultivates, or produces cannabis, and sells, and may transport, this cannabis to other cannabis cultivators, or usable cannabis to cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. This person or entity shall hold a Class 1 Cannabis Cultivator license.

CANNABIS DELIVERY SERVICE - Any licensed person or entity that provides courier services for consumer purchases of cannabis items and related supplies fulfilled by a cannabis retailer in order to make deliveries of the cannabis items and related supplies to that consumer, and which services include the ability of a consumer to purchase the cannabis items directly through the cannabis delivery service, which after presenting the purchase order to the cannabis retailer for fulfillment, is delivered to that consumer. This person or entity shall hold a Class 6 Cannabis Delivery license.

CANNABIS DISTRIBUTOR - Any licensed person or entity that transports cannabis in bulk intrastate from one licensed cannabis cultivator to another licensed cannabis cultivator, or transports cannabis items in bulk intrastate from any one class of licensed cannabis establishment to another class of licensed cannabis establishment, and may engage in the temporary storage of cannabis or cannabis items as necessary to carry out transportation activities. This person or entity shall hold a Class 4 Cannabis Distributor license.

CANNABIS ESTABLISHMENT - A cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer.

CANNABIS MANUFACTURER - Any licensed person or entity that processes cannabis items in this State by purchasing or otherwise obtaining usable cannabis, manufacturing, preparing, and packaging cannabis items, and selling, and optionally transporting, these items to other cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. This person or entity shall hold a Class 2 Cannabis Manufacturer license.

CANNABIS PRODUCT - A product containing usable cannabis, cannabis extract, or any other cannabis resin and other ingredients intended for human consumption or use, including a product intended to be applied to the skin or hair, edible cannabis products, ointments, and tinctures. “Cannabis product” does not include: (1) usable cannabis by itself; or (2) cannabis extract by itself; or (3) any other cannabis resin by itself.

CANNABIS RETAILER - Any licensed person or entity that purchases or otherwise obtains usable cannabis from cannabis cultivators and cannabis items from cannabis manufacturers or cannabis wholesalers, and sells these to consumers from a retail store, and may use a cannabis delivery service or a certified cannabis handler for the off-premises delivery of cannabis items and related supplies to consumers. A cannabis retailer shall also accept consumer purchases to be fulfilled from its retail store that are presented by a cannabis delivery service which will be delivered by the cannabis delivery service to that consumer. This person or entity shall hold a Class 5 Cannabis Retailer license.

CANNABIS TESTING FACILITY - An independent, third-party entity meeting accreditation requirements established by the Cannabis Regulatory Commission that is licensed to analyze and certify cannabis items and medical cannabis for compliance with applicable health, safety, and potency standards.

CANNABIS WHOLESALER - Any licensed person or entity that purchases or otherwise obtains, stores, sells or otherwise transfers, and may transport, cannabis items for the purpose of resale or other transfer to either another cannabis wholesaler or to a cannabis retailer, but not to consumers. This person or entity shall hold a Class 3 Cannabis Wholesaler license.

§ 24-4 PROOF REQUIRED FOR LOCAL SUPPORT

- a. Any request for a resolution of local support, pursuant to N.J.S.A 24:6I-7.2, shall include a concept plan indicating how applicant intends on complying with the Township’s zoning, site plan and licensing requirements.
- b. A resolution of local support does not constitute final approval for local licensure. A local license shall only be granted as set forth in Section 24-5 of this Code.
- c. The Township Committee shall consider proposals for a resolution for local support in the order that the proposals are submitted.

§ 24-5 LICENSING

- a. No cannabis business may lawfully operate in Hopewell Township without the issuance of a State permit or license and full regulatory oversight of the cannabis business by the Cannabis Regulatory Commission or other state licensing authority, as well as oversight and issuance of a license by the Township in accordance with the provisions of this Chapter.
- b. All cannabis businesses shall be subject to conditional use and Site Plan approval in accordance with the Municipal Land Use Law.
- c. A license to operate shall be granted by the Township Committee when the applicant has submitted evidence that it:
 - 1. Received Site Plan approval from the Planning Board;
 - 2. Complies with all elements of its concept plan;
 - 3. Complies with any other relevant Township Ordinance; and
 - 4. Has paid the required fees pursuant to Section 24-6.
- d. Each local license shall be effective from January 1 until December 31 and shall be annually renewed upon the submission of a renewal application and renewal fee provided all conditions and requirements of applicable State law and this Chapter are met.
- e. Any conditions of land use approval may be incorporated as conditions of the local license.

§ 24-6 FEES

- a. The application fee for a cannabis cultivator license and for a cannabis manufacturer license shall be \$5,000. The fee shall be nonrefundable. A single cannabis business that seeks to obtain both a cannabis cultivator and cannabis manufacturer license shall remit application fees for both license types.
- b. The annual registration fee for a cannabis cultivator license and for a cannabis manufacturer license shall be \$5,000. A single cannabis business that maintains both a cannabis cultivator and cannabis manufacturer license shall remit annual registration fees for both license types.

§ 24-7 LOCATION

- a. Cannabis businesses shall only be permitted in the Valley Resource Conservation (VRC) District, as set forth more fully in Section 17-160.

§ 24-8 SECURITY

A cannabis business licensee shall maintain security on the site in accordance with the security plan that is approved by the Police Director/Chief. Such plan shall include appropriate fencing, security personnel, lighting, transport of product and receipts, and site control features that prevent unauthorized entry. All growing areas shall be fully enclosed by a six-foot tall fence of a material and strength to prevent unauthorized access and public viewing.

§ 24-9 SITE MANAGEMENT

- a. The cannabis business shall prevent and eliminate any conditions on the site that constitute a nuisance.
- b. The cannabis business shall maintain the exterior of the site, including any parking lots under the control of the permittee, free of litter, debris, and trash.
- c. The cannabis business shall properly store and dispose of all waste generated on the site, including chemical and organic waste, in accordance with all applicable laws and regulations. No permittee shall dispose of cannabis or cannabis products unless they have been made unusable and unrecognizable.

§ 24-10 POLLEN AND SEED CONTROL

The cannabis business licensee shall implement measures to prevent cross-pollination and to prevent cannabis pollen and seeds from leaving the premises, including, but not limited to, use of pollen screens, ultraviolet light and methods to ensure that employees and other visitors do not leave the premises while carrying any cannabis pollen or seeds.

§ 24-11 HOURS OF OPERATION

Hours of delivery and shipping/distribution for cultivation and manufacturing uses shall be limited to 8:00 a.m. to 8:00 p.m., with the exception of on-site security.

§ 24-12 PENALTIES AND ENFORCEMENT

- a. Any violation of the terms of this Chapter, of any condition of the license, or of any State, or local law or regulation may result in the revocation of the license and may further subject the licensee to any applicable penalties.
- b. The provisions of this Chapter shall be enforced by the Township Police Department, Township Zoning Officer and/or Township Health Officer as appropriate based on the nature of the violation.

SECTION II.

Section 17-142 of the Code of the Township of Hopewell shall be amended as follows (deletions are struck through and additions are underlined):

§ 17-142 Prohibited Uses.

- a. All principal uses which are not expressly permitted by the terms of this chapter are prohibited, except as provided in section 17-143.
- b. For the purposes of P.L. 2021, c. 16 (“New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act”), cannabis wholesalers, distributors, retailers and delivery services, as said terms are defined in section 3 of P.L. 2021, c. 16, shall be prohibited uses in all zones in the municipality.

SECTION III.

A new Section 17-150 of the Code of the Township of Hopewell shall be added to the Code of the Township of Hopewell as follows:

§ 17-150 Cannabis Uses

a. Purpose. P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), legalized the recreational use of cannabis by adults 21 years of age or older, and established a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession. The Act also required municipalities to “opt in” or “opt out” of permitting cannabis businesses, and allowed municipalities choosing to opt in to develop reasonable regulations for the location and manner of operations. Section 17-160(d) permits cannabis cultivation and cannabis manufacturing facilities as conditional uses in the VRC Zoning District. This section sets forth the land use requirements for cannabis cultivators and cannabis manufacturers and is designed to protect the community from visual and other adverse impacts of the uses while recognizing the Township’s Master Plan’s support of agriculture within the Township.

b. Area and yard requirements

Min. Lot Size	50 acres
Min. Lot Width	250 feet
Min. Lot Depth	250 feet
Min. Front Yard	350 feet
Min. Side Yard	300 feet
Min. Rear Yard	300 feet
Max. Building Height	35 feet
Max. Lot Coverage	15%
Min. Landscaped Buffer along a public road	See § <u>17-95j</u> .

All structures must comply with above front side and rear setbacks, except security control structures no larger than 250 square feet, setback 100 feet.

c. Lighting

Greenhouse interior lighting will likely extend beyond sunset and light trespass at night should be prevented through the use of blackout shades with side tracking or other comparable technologies, activated dusk to dawn. All outdoor lighting shall comply with Township Ordinance.

d. Noise

Noise generated on site shall be in compliance with all applicable State and Township noise regulations.

e. Odor Control

A cannabis business licensee shall prevent all odors generated from the cultivation and storage of cannabis from escaping from the buildings on the site, such that the odor cannot be detected by a reasonable person of normal sensitivity outside the buildings. All cannabis facilities shall have an air treatment system to mitigate cannabis-related odor. The air treatment system shall have sufficient odor absorbing filtration systems utilizing carbon filters or similar, and ventilation and exhaust systems to eliminate cannabis odors coming from the interior of the premises, such that any odor generated inside the facility is not detectable by a person of reasonable sensitivity at the subject property line. Performance standards of section 17-97 shall apply.

f. Traffic

A traffic management plan shall be provided per Section 17-112.

g. Water use

In addition to the meeting all other Township requirements, the Applicant shall provide a water conservation plan, which describes how rainwater will be captured and reused and how irrigation water shall be recirculated, with zero waste. Additionally, the water conservation plan shall include other features, including, but not limited to:

- i. Evaporative barriers on exposed soils and pots;
- ii. Timed drip irrigation;
- iii. Soil moisture monitors; and
- iv. Use of recycled water.

Observation well(s) shall be provided in accordance with section 17-149f.9 and remediation in accordance with section 16-6.8

h. Stormwater management

Stormwater management shall be provided sufficient to satisfy all New Jersey Department of Environmental Protection and Township stormwater control standards, except that

Applicant shall recharge 100 percent of the average annual pre-construction groundwater recharge volume for the site.

i. Signage

All signage shall be limited to the name of the business. Illustrations, pictures, and other imagery is prohibited. One (1) facade sign is permitted, not to exceed 10% of the front facade area of the principal building. In no case shall the facade sign exceed 50 square feet. One (1) freestanding sign not exceeding 32 square feet, shall be permitted in addition to the permitted facade sign.

j. Screening

An evergreen screen shall be provided to prevent public view of structures from all roadways and adjoining parcels.

k. Building Design

Greenhouses are inherently valuable for the growing of cannabis since they allow for energy conservation, compared with other indoor building growing conditions. A cannabis business must design the growing facilities within greenhouses to maximize solar energy use and minimize the use of other energy sources. The applicant shall maintain the design of the buildings on the site in accordance with the approved plans (e.g., floor plans and site plans).

l. Energy conservation

Recognizing that the greenhouse operation is energy intensive, the installation and operation of solar PV generators is required for a portion of the energy usage on site.

m. Farmland Soil Preservations

Applicant shall:

i. Identify all prime agricultural soils, soils of statewide importance, and soils of local importance on the site plan

ii. Design the site to avoid these soils to the maximum extent practical in the siting of impervious cover;

iii. To the extent impervious cover cannot avoid these soils, the Applicant shall consult with the NRCS and shall follow the NRCS recommendations for protecting the soils to the extent possible; and

iv. Prepare and submit to the Township a soils management and restoration plan to restore the agricultural land in the event that the facility ceases to operate.

SECTION IV.

Section 17-160 of the Code of the Township of Hopewell shall be amended as follows (deletions are struck through and additions are underlined):

d. Permitted Conditional Uses. Conditional uses permitted in section 17-159d2 to 6, 8 and 9. Additionally, cannabis cultivation and cannabis manufacturing uses shall be permitted in the VRC Zoning District, on lots of at least 50 acres, and which are located on a state or county road, no more than two miles from an interstate interchange. All cannabis uses are also subject to the requirements set forth in Section 17-150 of this Code.

SECTION V.

Section 10-20, entitled "Cannabis Taxation," shall be added to the Code of the Township of Hopewell as follows:

a. It is the purpose of this Section to implement the provisions of P.L. 2021, c. 16, which authorizes the governing body of a municipality to adopt an ordinance imposing a tax at a uniform percentage rate not to exceed two percent (2%) of the receipts from each sale by a cannabis cultivator; two percent (2%) of the receipts from each sale by a cannabis manufacturer; one percent (1%) of the receipts from each sale by a cannabis wholesaler; and two percent (2%) of the receipts from each sale by a cannabis retailer, which shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity upon the cannabis establishment.

b. Unless otherwise defined herein, as used herein, the Township adopts by reference the terms and definitions established in Chapter 24 of this Code and in Section 40 of N.J.S.A. 24:6I-33.

c. There is hereby established a local cannabis transfer tax in the Township of Hopewell which shall be fixed at a uniform percentage rate of two percent (2%) of the receipts from each sale by a cannabis cultivator and two percent (2%) of the receipts from each sale by a cannabis manufacturer.

d. Any transaction for which the transfer tax or user tax is imposed, or could be imposed, pursuant to this section, other than those which generate receipts from the retail sales by cannabis retailers, shall be exempt from the tax imposed under the “Sales and Use Tax Act,” P.L.1966, c.30 (C.54:32B-1 et seq.).

e. The cannabis transfer tax shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity upon property or cannabis establishment.

f. Collection

1. The transfer tax or user tax imposed by this article shall be collected or paid, and remitted to Hopewell Township by the cannabis establishment from the cannabis establishment purchasing or receiving the cannabis or cannabis item. The transfer tax or user tax shall be stated, charged, and shown separately on any sales slip, invoice, receipt, or other statement or memorandum of the price paid or payable, or equivalent value of the transfer, for the cannabis or cannabis item.

2. Every cannabis establishment required to collect a transfer tax or user tax imposed by ordinance pursuant to this section shall be personally liable for the transfer tax or user tax imposed, collected, or required to be collected under this section. Any cannabis establishment shall have the same right with respect to collecting the transfer tax or user tax from another cannabis establishment as if the transfer tax or user tax was a part of the purchase price of the cannabis or cannabis item, or equivalent value of the transfer of the cannabis or cannabis item, and payable at the same time; provided, however, that the Chief Financial Officer of Hopewell shall be joined as a party in any action or proceeding brought to collect the transfer tax or user tax.

3. No cannabis establishment required to collect a transfer tax or user tax imposed by this section shall advertise or hold out to any person or to the public in general, in any manner, directly or indirectly, that the transfer tax or user tax will not be separately charged and stated to another cannabis establishment, or that the transfer tax or user tax will be refunded to the cannabis establishment.

4. All revenues collected from a transfer tax or user tax imposed by ordinance pursuant to this section shall be remitted to the Hopewell Township Chief Financial Officer on a quarterly basis payable for the prior three month’s activities and due at the same time as quarterly dates for the collection of property taxes. The revenues due on February 1 of each year shall include all transfer taxes or user taxes collected for the prior year months of October, November and December. The revenues due on May 1 of each year shall include all transfer taxes and user taxes collected for the immediate prior months of January, February and March. The revenues due on August 1 of each year shall include all transfer taxes and user taxes collected for the immediate prior months of April, May and June. The revenues due on November 1 of each year shall include all transfer taxes and user taxes collected for the immediate prior months of July, August and September.

g. Payment; vendor violations and penalties.

1. The Chief Financial Officer shall collect and administer any transfer tax or user tax imposed to this section.

2. The Township shall enforce the payment of delinquent taxes or transfer fees imposed pursuant to this section in the same manner as provided for municipal real property taxes.

3. In the event that the transfer tax or user tax imposed by this section is not paid as and when due by a cannabis establishment, the unpaid balance, and any interest accruing thereon, shall be a lien on the parcel of real property comprising the cannabis establishment’s premises in the same manner as all other unpaid municipal taxes, fees, or other charges. The lien shall be superior and paramount to the interest in the parcel of any owner, lessee, tenant, mortgagee, or other person, except the lien of municipal taxes, and shall be on a parity with and deemed equal to the

municipal lien on the parcel for unpaid property taxes due and owing in the same year.

4. The Township shall file in the office of its tax collector a statement showing the amount and due date of the unpaid balance and identifying the lot and block number of the parcel of real property that comprises the delinquent cannabis establishment’s premises. The lien shall be enforced as a municipal lien in the same manner as all other municipal liens are enforced.”

SECTION VI. SEVERABILITY.

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

SECTION VII. INCONSISTENT ORDINANCES REPEALED.

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

SECTION VIII. EFFECTIVE DATE.

This ordinance shall take effect upon its passage and publication and filing with the Mercer County Planning Board, and as otherwise provided for by law.

RESOLUTION #21-290. Read by title.
Motion by Ruger, seconded by McLaughlin to adopt Resolution #21-290.
MOTION UNANIMOUSLY CARRIED

RESOLUTION #21-290
AUTHORIZATION TO ISSUE A LICENSE TO
TRAP ROCK INDUSTRIES, LLC FOR
QUARRYING AT PENNINGTON QUARRY (2021-2022)

WHEREAS, Trap Rock Industries, LLC., P.O. Box 419, Kingston, New Jersey, 08528, has applied for a quarrying license at Pennington Quarry on Route #31, Block 31, Lots 5, 9, 10, 11, 21, 29 and 30 for a one-year licensing period commencing September 21, 2021; and

WHEREAS, the following items have been received, completed, or requested prior to issuing the 2021-2022 license:

1. The required license fee of two thousand dollars (\$2,000) and a signed application.
2. Site inspection on August 31, 2021 completed by Township Engineer Herbert Seeburger.
3. Certification of Insurance issued by Liberty Mutual Insurance Co., National Insurance East, Wausau, WI, effective September 1, 2020, with an expiration date of September 1, 2021, subject to the submission of a new insurance certificate covering the year 2021-2022 licensing period.
4. A current performance guarantee approved by the Township Attorney in the total amount of \$15,500.00 in accordance and in agreement with the following recommendations set forth in a memorandum of Herbert Seeburger, Township Engineer dated September 1, 2021 a copy of which is attached hereto and made a part hereof:
 - a. Placement of plantings on disturbed slopes and berms (additional plantings along the Woosamonsa Road area); soil erosion control measures (with specific attention to base of overburden stockpile); cover plantings on spoil areas; maintenance of fence along Woosamonsa Road and general maintenance including roads in accordance with the Ordinance\$10,500.00
 - b. Annual updating of all site plans and surveys to provide current as-built information pursuant to the revised General Ordinance of Hopewell Township\$ 5,000.00

NOW, THEREFORE, BE IT RESOLVED, by the Hopewell Township Committee that the application is hereby approved, and the Municipal Clerk is instructed to issue a license upon receipt of a new Performance Guarantee as stated above; and inform the Fidelity and Deposit Company of Maryland that the 2020-2021 performance guarantee continuation certificate dated the 23rd day of September, 2021 in the amount of \$15,500.00 is hereby released.

RESOLUTION #21-291. Read by title.
Motion by Peters-Manning, seconded by Kuchinski to adopt Resolution #21-291.
MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #21-291

**A RESOLUTION OF THE TOWNSHIP OF HOPEWELL, IN THE COUNTY OF
MERCER, STATE OF NEW JERSEY, AUTHORIZING TOWNSHIP OF HOPEWELL
CHANGE ORDER #1 TO THE CONTRACT FOR BID 21-06 2021 ROADS
MAINTENANCE PROGRAM THROUGH
RICHARD T. BARRETT PAVING CONTRACTORS**

WHEREAS the Township of Hopewell awarded a bid 21-06 to Richard T. Barrett Paving Contractors through Resolution 21-251 on July 19, 2021, in the aggregate amount of \$1,442,439.90; and

WHEREAS, the design engineers have concluded extra unforeseen paving and road improvement matters were required, unforeseen in the original bid for service; and

WHEREAS the amount of change order requested is \$254,603.30, which represents in the aggregate less than 20% change order as a minor modification: and

WHEREAS, pursuant to attached per the design engineer, it is recommended that this change order be allowed; and

WHEREAS, the Township Administrator has brought the need for a change order to perform this work to the Township Committee and finds the work necessary and has recommended passage of the change order; and

WHEREAS, in accordance with N.J.A.C. 5:30-11.3, the change order has not caused the originally awarded contract price to be exceeded by more than 20 percent; and

WHEREAS the Chief Financial Officer certifies that funds are available for a new contract price of \$1,697,043.20 as follows:

X-04-00-674-510	\$361,972.07
X-04-00-675-810	\$170,499.81
X-04-00-677-815	\$13,817.94
X-04-00-677-815	\$1,150,753.38

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hopewell, in the County of Mercer and State of New Jersey, that it authorizes a written amendment in the form of Change Order #1 in the amount of an increase of \$254,603.30 for a total contract price of \$1,697,043.20, due to the unforeseen required services conducted by Richard T. Barrett Paving Contractors, in accord with N.J.A.C. 5:30-11.1 et. Seq.,

This resolution will take effect immediately upon its passage.

At 8:43 p.m. Mayor Blake called for a five-minute recess in the meeting.

At 8:48 p.m. the meeting reconvened.

CONSENT AGENDA ITEMS

RESOLUTIONS #21-292 THROUGH #21-310, Read by title as amended.

Motion by Peters-Manning, seconded by Ruger to adopt Resolution #21-292 through #21-310.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #21-292

**A RESOLUTION AUTHORIZING REFUND OF 2021 TAX PAYMENTS
DUE TO VETERAN EXEMPTION GRANTED ON BLOCK 91 LOT 10**

WHEREAS, Block 91, Lot 10, known as 1649 Reed Road, is newly assessed to Watlington Thomas g & Rachel Ann; and

WHEREAS, Mr. Watlington had applied for, and had been granted as of August 4, 2021 by the Assessor of the Township of Hopewell, the status of totally disabled veteran, and, as a totally disabled veteran, Mr. Watlington is exempt from paying New Jersey real estate taxes; and

WHEREAS, the effective date of eligibility as set by the United States Department of Veteran Affairs for Mr. Watlington was August 1, 2016; the date of request to the Township was July 20, 2021; and the property was purchased on July 19, 2021 by the Watlingtons; and

WHEREAS, on August 23, 2010 the Township of Hopewell, Mercer County, did pass Resolution #10-224, establishing the policy and effective date of disability for exempt veterans to be “the date of disability as declared by the United States Department of Veterans Administration, not exceeding one year prior to the date of the request”; this Resolution was affirmed by Resolution 18-363 of the Township of Hopewell on December 10, 2018 for a period of seven (7) years; and

WHEREAS, Resolution 18-363 affirms that the period of exempt status shall be effective as of the date of disability as determined by the United States Department of Veterans Administration not exceeding one year prior to the date of application; and

WHEREAS, Mr. Watlington’s exemption status is dated to July 19, 2021, the date the Watlington’s purchased the property; and

WHEREAS, taxes were paid at closing for the period of July 19, 2021 to September 30, 2021 in the amount of \$1,262.16, and this amount should be refunded to Mr. and Mrs. Watlington.

NOW, THEREFORE BE IT RESOLVED, on this 13th day September, 2021 by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that the payment of taxes in the amount of \$1,262.16 for Block 91 Lot 10 is refunded to Thomas G and Rachel Ann Watlington.

BE IT FURTHER RESOLVED that a copy of this resolution shall be forwarded to the Tax Collector, Tax Assessor, and Finance Officer.

R E S O L U T I O N #21-293

**A RESOLUTION AUTHORIZING CANCELLATION OF 2021 TAX DUE TO
VETERAN EXEMPTION GRANTED ON BLOCK 91 LOT 10**

WHEREAS, Block 91 Lot 10, known as 1649 Reed Road, is assessed to Watlington Thomas G & Rachel Ann; and

WHEREAS, Mr. Watlington had applied for, and had been granted as of August 4, 2021 by the Assessor of the Township of Hopewell, the status of totally disabled veteran, and, as a totally disabled veteran, Mr. Watlington is exempt from paying New Jersey real estate taxes, and

WHEREAS, the effective date of eligibility as set by the United States Department of Veteran Affairs for Mr. Watlington was August 1, 2016; the date of Mr. Watlington’s ownership was July 19, 2021; and the date of request to the Township was July 20, 2021; and

WHEREAS, on August 23, 2010 the Township of Hopewell, Mercer County, did pass Resolution #10-224, establishing the policy and effective date of disability for exempt veterans to be “the date of disability as declared by the United States Department of Veterans Administration, not exceeding one year prior to the date of the request”; this Resolution was reaffirmed December 28, 2018 for a period of 7 years (18-363); and

WHEREAS, Mr. Watlington’s exemption status is dated to July 19, 2021, the date of his ownership, and

WHEREAS, there remains on the books of the Township taxes in the amount of \$1,780.98 for the fourth quarter 2021, and this amount should be cancelled, and

NOW, THEREFORE BE IT RESOLVED, on this 13th day of September 2021, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that the outstanding balance of taxes on Block 91, Lot 10 be cancelled.

BE IT FURTHER RESOLVED that a copy of this resolution shall be forwarded to the Tax Collector, Tax Assessor, and Finance Officer.

R E S O L U T I O N #21-294

A RESOLUTION TO APPROVE ADDITIONAL PROGRAM FEES

WHEREAS, the Hopewell Township Parks and Recreation Department sponsors Community Trips for Hopewell Township Residents and their guests, Programs for both youth and adults, as well as a variety of Summer Camps and Activities for residents and non-residents; and

WHEREAS, the Recreation Director is recommending the following additional 2021 Program Fees:

2021 ADDITIONAL PROGRAM/ACTIVITY FEES

	<u>Program Fee</u>	<u>Twp. Res. Fee</u>
<u>Seasonal Programs/Activities</u>		
Lacrosse Program	\$100	\$100
Creative Wellbeing for Kids (4-week session)	\$ 65	\$ 55
Creative Wellbeing for Adults & Seniors (8-week session)	\$ 85	\$ 75
Art Class for Children with Katelyn Liepins’ Studio	\$160	\$160
Nature Craft & Trails (1-day program)	\$ 40	\$ 35
Terrific Tales & Dazzling Doo Dads (4-week session)	\$ 60	\$ 50
Intro to Pickleball (1-day class)	\$ 25	\$ 20
Adult Yoga (8-week session)	\$ 85	\$ 75
Chair Yoga for Seniors (8-week session)	\$ 20	\$ 20

NOW, THEREFORE, BE IT RESOLVED, on this 13th day of September, 2021 that the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, approves the above 2021 Program/Activity Fee Schedule.

R E S O L U T I O N #21-295

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

WHEREAS, there is a need for part-time seasonal workers to manage and supervise a variety of programs sponsored by the Hopewell Township Recreation Department; and

WHEREAS, after reviewing their experience and qualifications, the following individuals were selected and are recommended by the Hopewell Township Recreation Director for appointment.

NOW, THEREFORE, BE IT RESOLVED, on this 13th day of September 2021, 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 September for the remainder of the 2021 calendar year as follows:

NAME	TITLE	PROGRAM	SALARY
Sarah Bailin	Recreation Supervisor	Pre-K Program	\$40.00/hr.

Pay scale as set by township Ordinance:

Recreation Aide:	\$12.00 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

The fall/winter programs have a range of hours that is dependent on weather, drop-off and pick-up times of campers, enrollment, and set-up/planning time.

- Senior Yoga - Range is from 1 to 4 hours per week
- Martial Arts – Range is from 1 to 4 hours per week
- Art Program – Range is from 1 to 4 hours per week

R E S O L U T I O N #21-296

**A RESOLUTION AUTHORIZING CORRECTION OF NAME ON
RESOLUTION 21-277 FOR RECREATION REFUND**

WHEREAS, Resolution 21-277 was adopted August 16, 2021 authorizing a refund to Jennifer Ansari of 5 Hart Court, Titusville; and

WHEREAS, on Resolution 21-277 the first name of the resident was incorrect, and this Resolution is required to correct the mistake; and

NOW, THEREFORE, BE IT RESOLVED, on this 13th day of September 2021 by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that the individual so specified below be refunded their refund. Further, a copy of this approved resolution shall be forwarded to the Finance Officer.

<u>REFUND TO</u>	<u>REASON</u>	<u>LOCATION</u>	<u>AMOUNT</u>
Kristina Ansari	Incorrect First name	3 Hart Court, Titusville	\$175.00

R E S O L U T I O N #21-298

**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 13th day of September 2021 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:

Karen Goodrich	32 2 nd Street	Hopewell 08525	\$82.50
Kel McGowan	2 Jochris Drive	Princeton 08540	\$145.00
Ana Schafer	320 Sked Street	Pennington 08534	\$300.00
Angela Rodgers	16 Alta Vista Drive	Princeton 08540	\$380.00

R E S O L U T I O N #21-299

**RESOLUTION APPROVING THE APPLICATION OF
HOPEWELL TOWNSHIP FIRE DISTRICT NO. 1 TO
CONDUCT A FIRE SAFETY OPEN HOUSE**

WHEREAS, application has been made by Hopewell Township Fire District No. 1 to hold a Fire Safety Open House in the Township of Hopewell at the Hopewell Township Municipal Building parking lot, main lobby and auditorium (if COVID guidelines permit) on October 9, 2021, between the hours of 11:00 a.m. and 3:00 p.m.; and

WHEREAS, the Hopewell Township Health Officer, the Hopewell Township Police Department and the Hopewell Township Bureau of Fire Safety have reviewed the application and granted their approval to conduct the public 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 a Fire Safety Open House in accordance with the application submitted by Hopewell Township Fire District No. 1, which exhibition is to be held on October 9, 2021 at the Hopewell Township Municipal Building parking lot, main lobby and auditorium (if COVID guidelines permit) in Hopewell Township.

2. Hopewell Township Fire District No. 1 shall be exempted from the several provisions of 4-3, et seq. (4-3.8 Exemptions. e. Governmental Units) 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 Hopewell Township Fire District No. 1, 201 Washington Crossing-Pennington Road, Titusville, NJ 08560.

RESOLUTION #20-300

RESOLUTION APPROVING THE APPLICATION OF THE HOPEWELL VALLEY ARTS COUNCIL TO CONDUCT MULTIPLE FALL CELEBRATIONS IN OCTOBER 2021 AT WOOLSEY PARK

WHEREAS, application has been made by the Hopewell Valley Arts Council to conduct Multiple Fall Celebrations in October 2021 in the Township of Hopewell at Woolsey Park, 203 Washington Crossing-Pennington Road, Titusville, NJ a movie showing ‘Bill’s Big Pumpkins’ on October 2, 2021, 7:00 p.m. (Rain date: October 3, 2021, 7:00 p.m.); the Amazing Pumpkin Carve on October 3-6, 2021 (set-up, various times); October 6, 2021 (Carving from 7:00 p.m. – 10:00 p.m.); October 7, 2021, 5:00 p.m. – 10:00 p.m.; October 8, 2021, 7:00 p.m. – 10:00 p.m.; October 9, 2021, 7:00 p.m. – 10:00 p.m.; and October 10, 2020 7:00 p.m. – 10:00 p.m.; and

WHEREAS, the Hopewell Township Health Officer, the Hopewell Township Police Department, and Hopewell Township Bureau of Fire Safety have reviewed the application and granted their approval to conduct the event 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 the movie, ‘Bill’s Big Pumpkins’ and the Annual Amazing Pumpkin Carve in accordance with the application submitted by the Hopewell Valley Arts Council, which event is to be held October 7 through October 11, 2020 at Woolsey Park, 203 Washington Crossing-Pennington Road in Hopewell Township.
2. The Hopewell Valley Arts Council shall be exempt from the several provisions of 4-3, et seq. (4-3.8 Exemptions. A. Charitable or non-profit organizations) except those provided by 4-3.4, Insurance Requirement.
3. The event will be held as a drive-thru due to COVID concerns; visitors will stay in their cars; cars will stay on the designated driving path not on the grass; and there will be no food preparation on site.
4. The Fire Official requests that cones go up along the gravel walkway on the memorial side all the way to the entrance gate.
5. All carved pumpkins be removed from the park in a timely matter after the close of the event.
6. The Municipal Clerk is directed to forward a certified copy of this resolution to Hopewell Valley Arts Council, P.O. Box 145, Hopewell, NJ 08525.

RESOLUTION #21-301

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

WHEREAS, Anne Nixon-Ellery seeks permission to use her property, “The Glenmoore Farm” located at 105 Pennington Hopewell Road on September 18, 2021 for a Wedding Event from 12:30 p.m. – 10:30 p.m.; and

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

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

NOW, THEREFORE, BE IT RESOLVED, on this 13th day of September 2021, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that the Hopewell Township Zoning Officer be directed to issue a Temporary Activities Permit to Anne Nixon-Ellery for a Wedding Event on September 18, 2021 subject to receipt of all final approvals

and comments from the Hopewell Township Health Officer, Hopewell Township Police, Municipal Construction Office, 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. The applicant must ensure compliance with any applicable Executive Order in effect on the date of their event and should implement CDC guidance related to COVID-19.
2. Provide the Health Officer with the name of the catering vendor being used for the event.
3. The applicant has been advised that they will need to obtain a Fire Safety permit and provide a floor plan for the tent.
4. If any of the following are to be used, a separate Fire Safety permit is required for each:
 - Use of fire pit
 - Use of heat for tent
 - Any open flame devices
 - Any on-site cooking or heating of food that uses propane or any fuel- fired appliance

R E S O L U T I O N #21-302

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

WHEREAS, Anne Nixon-Ellery seeks permission to use her property, “The Glenmoore Farm” located at 105 Pennington Hopewell Road on September 25, 2021 for a RWJ Fundraiser Event from 11:00 a.m. – 6:00 p.m.; and

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

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

NOW, THEREFORE, BE IT RESOLVED, on this 13th day of September 2021, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that the Hopewell Township Zoning Officer be directed to issue a Temporary Activities Permit to Anne Nixon-Ellery for a RWJ Fundraiser Event on September 25, 2021 subject to receipt of all final approvals and comments from the Hopewell Township Health Officer, Hopewell Township Police, Hopewell Valley Fire Safety, Municipal Construction Official and Zoning Officer, and subject to any relevant restrictions on use, noise, signs, etc. or other permits as may be required, including:

5. The applicant must ensure compliance with any applicable Executive Order in effect on the date of their event and should implement CDC guidance related to COVID-19.
6. Provide the Health Officer with the name of the catering vendor being used for the event.
7. The applicant has been advised that they will need to obtain a Fire Safety permit and provide a floor plan for the tent.
8. If any of the following are to be used, a separate Fire Safety permit is required for each:
 - Use of fire pit
 - Use of heat for tent
 - Any open flame devices
 - Any on-site cooking or heating of food that uses propane or any fuel-fired appliance

R E S O L U T I O N #21-303

**A RESOLUTION DIRECTING THE HOPEWELL TOWNSHIP ZONING OFFICER TO
ISSUE A TEMPORARY ACTIVITIES PERMIT
TO ROBIN GESUELLI FOR A BLOCK PARTY EVENT
ON WOODLAWN LANE IN THE ELM RIDGE PARK NEIGHBORHOOD**

WHEREAS, Robin Gesuelli, on behalf of the residents of Elm Ridge Park, seeks permission to use a portion of Woodlawn Lane for a Block Party Event scheduled for October 16, 2019, commencing at 12:00 p.m.; and

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

WHEREAS, this request has been reviewed by the Hopewell Township Health Department and the Municipal Construction Office, who have raised no objections, along with the Hopewell Township Police Department and Hopewell Valley Fire Safety who have requested that the road be accessible without delay to any and all emergency vehicles, in the event of an emergency. Therefore, any equipment and activities be must be designated to one side of the street;

NOW, THEREFORE, BE IT RESOLVED, on this 13th day of September 2021, 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 Robin Gesuelli, on behalf of the residents of Elm Ridge Park, for a Block Party Event on October 16, 2021, subject to receipt of all final approvals and comments from the Hopewell Township Health Officer, Municipal Construction Office, 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. The applicant will provide the Health Officer with the name of any catering vendors, if applicable, and will provide a COVID-19 safety plan prior to October 5, 2021.
2. All items in the street should be set up to one side to allow for fire and EMS access.
3. Any Food Trucks will require a Fire Safety permit and the application will be due in the Fire Safety office by October 1, 2021.
4. The applicant must ensure compliance with any applicable Executive Order in effect on the date of their event and should implement CDC guidance related to COVID-19.

R E S O L U T I O N #21-304

**A RESOLUTION DIRECTING THE HOPEWELL TOWNSHIP ZONING OFFICER TO
ISSUE A TEMPORARY ACTIVITIES PERMIT TO ALLISON YIACAS
FOR A BLOCK PARTY EVENT AT 108-110 WELDON WAY
BETWEEN CONANT WAY AND DRUMMOND DRIVE**

WHEREAS, Allison Yiacas, on behalf of the residents of Princeton Farms, seeks permission for a Block Party Event at 108-110 Weldon Way, between Conant Way and Drummond Drive, scheduled for October 16, 2021, with a rain date of October 23, 2021 from 4:00 p.m. – 10:00 p.m.; and

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

WHEREAS, this request has been reviewed by the Hopewell Township Health Department and the Municipal Construction Office, who have raised no objections, along with the Hopewell Township Police Department and Hopewell Valley Fire Safety who have requested that the road be accessible without delay to any and all emergency vehicles, in the event of an emergency. Therefore, any equipment and activities be must be designated to one side of the street;

NOW, THEREFORE, BE IT RESOLVED, on this 13th day of September 2021, 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 Allison Yiacas, on behalf of the residents of Princeton Farms, for a Block Party Event on October 16, 2021, with a rain date of October 23, 2021, subject to receipt of all final approvals and comments from the Hopewell Township Health Officer, Municipal Construction Office, 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. The applicant will provide the Health Officer with the name of any catering vendors, if applicable, and will provide a COVID-19 safety plan prior to October 5, 2021.
2. All items in the street should be set up to one side to allow for fire and EMS access.
3. Any Food Trucks will require a fire safety permit and the application will be due in the Fire Safety office by October 1, 2021.
4. The applicant must ensure compliance with any applicable Executive Order in effect on the date of their event and should implement CDC guidance related to COVID-19.

RESOLUTION #21-305

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

WHEREAS, Anne Nixon-Ellery seeks permission to use her property, “The Glenmoore Farm” located at 105 Pennington Hopewell Road on October 2, 2021 for a Wedding Event from 12:30 p.m. – 8:00 p.m.; and

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

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

NOW, THEREFORE, BE IT RESOLVED, on this 13th day of September 2021, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that the Hopewell Township Zoning Officer be directed to issue a Temporary Activities Permit to Anne Nixon-Ellery for a Wedding Event on October 2, 2021 subject to receipt of all final approvals and comments from the Hopewell Township Health Officer, Hopewell Township Police, Municipal Construction Office, 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. The applicant must ensure compliance with any applicable Executive Order in effect on the date of their event and should implement CDC guidance related to COVID-19.
2. Provide the Health Officer with the name of the catering vendor being used for the event.
3. The applicant has been advised that they will need to obtain a Fire Safety permit and provide a floor plan for the tent.
4. If any of the following are to be used, a separate Fire Safety permit is required for each:
 - Use of fire pit
 - Use of heat for tent
 - Any open flame devices
 - Any on-site cooking or heating of food that uses propane or any fuel- fired appliance

RESOLUTION #21-306

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

WHEREAS, Anne Nixon-Ellery seeks permission to use her property, “The Glenmoore Farm” located at 105 Pennington Hopewell Road on October 9, 2021 for a Wedding Event from 2:00 p.m. – 10:00 p.m.; and

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

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

NOW, THEREFORE, BE IT RESOLVED, on this 13th day of September 2021, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that the Hopewell Township Zoning Officer be directed to issue a Temporary Activities Permit to Anne Nixon-Ellery for a Wedding Event on October 9, 2021 subject to receipt of all final approvals and comments from the Hopewell Township Health Officer, Hopewell Township Police, Municipal Construction Office, 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. The applicant must ensure compliance with any applicable Executive Order in effect on the date of their event and should implement CDC guidance related to COVID-19.
2. Provide the Health Officer with the name of the catering vendor being used for the event.
3. The applicant has been advised that they will need to obtain a Fire Safety permit and provide a floor plan for the tent.
4. If any of the following are to be used, a separate Fire Safety permit is required for each:
5. Use of fire pit
 - Use of heat for tent
 - Any open flame devices
 - Any on-site cooking or heating of food that uses propane or any fuel- fired appliance

RESOLUTION #21-307

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

WHEREAS, Anne Nixon-Ellery seeks permission to use her property, “The Glenmoore Farm” located at 105 Pennington Hopewell Road on October 16, 2021 for a Wedding Event from 2:00 p.m. – 10:00 p.m.; and

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

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

NOW, THEREFORE, BE IT RESOLVED, on this 13th day of September 2021, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that the Hopewell Township Zoning Officer be directed to issue a Temporary Activities Permit to Anne Nixon-Ellery for a Wedding Event on October 16, 2021 subject to receipt of all final approvals and comments from the Hopewell Township Health Officer, Hopewell Township Police, Municipal Construction Office, 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. The applicant must ensure compliance with any applicable Executive Order in effect on the date of their event and should implement CDC guidance related to COVID-19.
 2. Provide the Health Officer with the name of the catering vendor being used for the event.
 3. The applicant has been advised that they will need to obtain a Fire Safety permit and provide a floor plan for the tent.
 4. If any of the following are to be used, a separate Fire Safety permit is required for each:
 - Use of fire pit
 - Use of heat for tent
 - Any open flame devices
 - Any on-site cooking or heating of food that uses propane or any fuel- fired appliance
-

RESOLUTION #21-308

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

WHEREAS, Anne Nixon-Ellery seeks permission to use her property, “The Glenmoore Farm” located at 105 Pennington Hopewell Road on October 23, 2021 for a Wedding Event from 2:00 p.m. – 10:00 p.m.; and

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

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

NOW, THEREFORE, BE IT RESOLVED, on this 13th day of September 2021, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that the Hopewell Township Zoning Officer be directed to issue a Temporary Activities Permit to Anne Nixon-Ellery for a Wedding Event on October 23, 2021 subject to receipt of all final approvals and comments from the Hopewell Township Health Officer, Hopewell Township Police, Municipal Construction Office, 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. The applicant must ensure compliance with any applicable Executive Order in effect on the date of their event and should implement CDC guidance related to COVID-19.
2. Provide the Health Officer with the name of the catering vendor being used for the event.
3. The applicant has been advised that they will need to obtain a Fire Safety permit and provide a floor plan for the tent.
4. If any of the following are to be used, a separate Fire Safety permit is required for each:
5. Use of fire pit
 - Use of heat for tent
 - Any open flame devices
 - Any on-site cooking or heating of food that uses propane or any fuel- fired appliance

RESOLUTION #21-309

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

WHEREAS, Anne Nixon-Ellery seeks permission to use her property, “The Glenmoore Farm” located at 105 Pennington Hopewell Road on October 30, 2021 for a Wedding Event from 12:00 p.m. – 10:00 p.m.; and

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

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

NOW, THEREFORE, BE IT RESOLVED, on this 13th day of September 2021, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that the Hopewell Township Zoning Officer be directed to issue a Temporary Activities Permit to Anne Nixon-Ellery for a Wedding Event on October 30, 2021 subject to receipt of all final approvals and comments from the Hopewell Township Health Officer, Hopewell Township Police, Municipal Construction Office, 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. The applicant must ensure compliance with any applicable Executive Order in effect on the date of their event and should implement CDC guidance related to COVID-19.
2. Provide the Health Officer with the name of the catering vendor being used for the event.
3. The applicant has been advised that they will need to obtain a Fire Safety permit and provide a floor plan for the tent.
4. If any of the following are to be used, a separate Fire Safety permit is required for each:

5. Use of fire pit

- Use of heat for tent
- Any open flame devices
- Any on-site cooking or heating of food that uses propane or any fuel- fired appliance

RESOLUTION # 21-310**A RESOLUTION AUTHORIZING A PRIVATE FIREWORKS DISPLAY**

WHEREAS, the Laura Hanson desires to conduct a private fireworks display for the enjoyment of guests at her daughter's wedding located at 189 Woosamonsa Road on September 25, 2021; and

WHEREAS, said fireworks display shall be conducted by Fireworks By Grucci, Inc. Co. 20 Pinehurst Dr. Bellport, NY 11713; and

WHEREAS, Fireworks By Grucci, Inc. is a U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives licensed Importer of Explosives, License Number 6-NY-103-23-2E-12225 expiration date May 1, 2022; and

WHEREAS, the New Jersey Uniform Fire Code requires that the governing body of a municipality approve by resolution, said fireworks display, prior to the issuance of a permit by the Fire Official (N.J.A.C. 5:70 *et seq.*); and

WHEREAS, the Fire Official has consented on behalf of Union Fire Company and Rescue Squad to provide fire protection and emergency medical services for such fireworks display; and

WHEREAS, the Fire Official is in receipt of a letter of permission to conduct said private fireworks display from Laura Hanson, Owner of the property; and

WHEREAS, Fireworks By Grucci, Inc. has provided proof of general liability insurance in excess of \$500,000 as required by the New Jersey Uniform Fire Code (N.J.A.C. 5:70 *et seq.*); and

WHEREAS, the Fire Official of The Township of Hopewell has reviewed the application for permit, insurance requirements and all other applicable regulations and has found all to be in order; and

WHEREAS, the Fire Official of the Township of Hopewell recommends the approval of said resolution.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that this resolution be and is hereby adopted and that a permit may be granted by the Fire Official of the Township of Hopewell, upon his approval, for a private fireworks display on September 25, 2021 at 189 Woosamonsa Road.

PROCLAMATION

WHEREAS, Car Free Day is a worldwide event that encourages greener methods of travel, meaning ways to get around other than driving alone by car; and

WHEREAS, Greater Mercer TMA serving Mercer and Ocean counties and Keep Middlesex Moving serving Middlesex County are organizing a Car Free Campaign September 6, 2021 and Car Free Day September 22, 2021 to bring awareness to the benefits of travel options such as transit, bicycling and walking and also telework for people who can work from home; and

WHEREAS, carpooling and vanpooling are also encouraged as car-lite options since they reduce the number of vehicles on the road and reduce the carbon footprint; and

WHEREAS, Car Free Day benefits Hopewell Township residents through improved air quality, mobility, safety, parking demands and energy conservation.

NOW, THEREFORE, BE IT PROCLAIMED that I, Julie Blake, Mayor of Hopewell Township, County of Mercer, State of New Jersey and on behalf of the Hopewell Township Committee do hereby proclaim September 22, 2021

CAR FREE DAY 2021

in the municipality of Hopewell Township and invite all our residents to try alternative forms of transportation such as transit, bicycling and walking, telework and "car lite" methods such as carpools and vanpools.

RESOLUTION #21-311. Read by title.

Motion by Kuchinski, seconded by Peters-Manning to adopt Resolution #21-311.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #21-311

**A RESOLUTION APPOINTING GINA SORBINO
AS CLERK/FLOATER IN THE ADMINISTRATION DEPARTMENT**

NOW, THEREFORE, BE IT RESOLVED, on this 13th of September by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey that Gina Sorbino be and is hereby appointed as Clerk/Floater in the Hopewell Township Administration Department.

BE IT FURTHER RESOLVED that Gina Sorbino be compensated at an annual salary of \$31,896.10 (Grade 1 Step 1).

BE IT FURTHER RESOLVED that this appointment is effective September 20, 2021.

RESOLUTION #21-312. Read by title.

Motion by Kuchinski, seconded by Ruger to adopt Resolution #21-312.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #21-312

**A RESOLUTION APPOINTING AMANDA BREGENZER AS
COMMUNITY DEVELOPMENT SECRETARY IN THE
COMMUNITY DEVELOPMENT DEPARTMENT**

NOW, THEREFORE, BE IT RESOLVED, on this 13th day of September, 2021 by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey that Amanda Bregenzer be and is hereby appointed as Community Development Secretary in the Hopewell Township Community Development Department; and

BE IT FURTHER RESOLVED that Amanda Bregenzer be compensated at an annual salary of \$35,838.76 (Grade 2 Step 1 on New Salary Chart); and

BE IT FURTHER RESOLVED that this appointment is effective on September 14, 2021.

RESOLUTION #21-313. Read by title.

Motion by Ruger, seconded by Peters-Manning to adopt Resolution #21-313.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #21-313

**A RESOLUTION APPOINTING DANIEL KARLUK
AS LABORER IN THE PUBLIC WORKS DEPARTMENT**

NOW, THEREFORE, BE IT RESOLVED, on this 13th day of September, 2021 by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey that Daniel Karluk be and is hereby appointed as Laborer in the Hopewell Township Public Works Department; and

BE IT FURTHER RESOLVED that Daniel Karluk be compensated at an annual salary of \$43,699.18; and

BE IT FURTHER RESOLVED that this appointment is effective September 14, 2021.

RESOLUTION #21-314. Read by title.

Motion by Peters-Manning, seconded by McLaughlin to adopt Resolution #21-314.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #21-314

**A RESOLUTION APPOINTING DRAKE RIZZO
AS TEMPORARY PART-TIME BUILDING SUB-CODE OFFICIAL**

NOW, THEREFORE, BE IT RESOLVED, on this 13th day of September by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey that Drake Rizzo be and is hereby appointed as Temporary Part-time Building Sub-Code Official in the Hopewell Township Municipal Construction Office.

BE IT FURTHER RESOLVED that Drake Rizzo be appointed as Interim Building, Fire and Mechanical Inspector until a Full-time Building Sub-Code Official is hired.

BE IT FURTHER RESOLVED that Drake Rizzo be compensated at an hourly rate of \$45.00 per hour, not to exceed 21 hours per week.

BE IT FURTHER RESOLVED that this appointment is effective September 14, 2021.

RESOLUTION #21-315. Read by title.
Motion by Kuchinski, seconded by McLaughlin to adopt Resolution #21-315.
MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #21-315

**A RESOLUTION APPOINTING JACQUELINE CALDERON
AS A FINANCIAL ASSISTANT IN FINANCE DEPARTMENT**

NOW, THEREFORE, BE IT RESOLVED, on this 13th day of September, 2021 by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey that Jacqueline Calderon be and is hereby appointed as Financial Assistant in the Hopewell Township Finance Department.

BE IT FURTHER RESOLVED that Jacqueline Calderon be compensated at an annual salary of \$46,830.12 (Grade 4 Step 2 on New Salary Chart).

BE IT FURTHER RESOLVED that this appointment is effective on September 20, 2021 contingent upon this candidate passing all the pre-employment checks.

RESOLUTION #21-316. Read by title.
Motion by McLaughlin, seconded by Ruger to adopt Resolution #21-316.
MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #21-316

**A RESOLUTION APPROVING THE PAYMENT OF
UNUSED VACATION TIME
TO THOMAS PETTO**

WHEREAS, Thomas Petto terminated on September 3, 2021 from employment with the Hopewell Township Municipal Construction Office;

WHEREAS, the collective negotiations agreement with the Township and Communications Workers of America (CWA) Local 1036 provides to employees who is separated in good standing shall be entitled to compensation for unused vacation and compensatory time at their current hourly rate.

NOW, THEREFORE, BE IT RESOLVED on this 13th day of September, 2021 by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that the Township Committee hereby approves the payout of accumulated vacation time as calculated by the Human Resources Director in the amount of \$3,426.44 to Thomas Petto.

RESOLUTION #21-317. Read by title.
Motion by McLaughlin, seconded by Kuchinski to adopt Resolution #21-317.
MOTION UNANIMOUSLY CARRIED

RESOLUTION #21-317

**A RESOLUTION AUTHORIZING PERMITTED DEER HUNTING
FROM SEPTEMBER 11, 2021 THROUGH FEBRUARY 19, 2022
ON CERTAIN LANDS WITHIN THE TOWNSHIP OF HOPEWELL**

WHEREAS, in September 2009, the Hopewell Township Committee created the Hopewell Valley Deer Management Task Force for the purpose of developing a plan aimed at mitigating the negative effects caused by deer on the quality of life of residents of the Township; and

WHEREAS, on June 11, 2012, in accordance with the Task Forces' Deer Management Plan, and the recommendation of the Hopewell Township Deer Management Advisory Committee, the Township Committee adopted an ordinance to amend the Hopewell Township Code to include a deer management plan aimed at mitigating the negative effects caused by deer on the quality of life of residents of the Township; and

WHEREAS, Hopewell Township Code Section 2-33.16 requires that the Township Committee annually designate, by resolution, the number of deer hunting permits to be issued, the properties for which the permits are to be issued, and the dates that hunting shall be permitted on the designated properties.

NOW, THEREFORE BE IT RESOLVED, on this 13th day of September, 2021 by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that in accordance with Hopewell Township Code Section 2-33.16, deer hunting shall be permitted by hunters licensed with the State of New Jersey on the municipal lands identified below:

1. Site Name: Stony Brook Road
Location: Stony Brook Road, Hopewell, NJ 08525
Block/Lot(s): 22/3, 22/17, 22/18
Total Acres: 13 acres
Number of Permits: 1
Bow Hunting: Yes
Gun Hunting: No
Other Conditions : N/A

2. Site Name: Gomez Preserve
Location: Lambertville-Hopewell Road, Lambertville, NJ 08530
Block/Lot(s): 28/3.01, 28/11
Total Acres: 57 acres
Number of Permits: 3
Bow Hunting: Yes
Gun Hunting: Yes
Other Conditions : N/A

3. Site Name: Harbourton-Woodsville Road
Location: Harbourton-Woodsville Road, Lambertville, NJ 08530
Block/Lot(s): 29/18.01 & 18.02
Total Acres: 39 acres
Number of Permits: 2
Bow Hunting: Yes
Gun Hunting: Yes
Other Conditions : N/A

4. Site Name: Vogler Preserve
Location: Marshalls Corner-Woodsville Road, Pennington, NJ 08534
Block/Lot(s): 32/6.09
Total Acres: 11 acres
Number of Permits: 1
Bow Hunting: Yes
Gun Hunting: No
Other Conditions : N/A

5. Site Name: Vales Preserve
Location: State Highway 31 South, Pennington, NJ 08534

- Block/Lot(s): 31/3, 31/64
 Total Acres: 6 acres
 Number of Permits: 1
 Bow Hunting: Yes
 Gun Hunting: No
 Other Conditions : N/A
6. Site Name: Else
 Location: State Highway 31 North, Pennington, NJ 08534
 Block/Lot(s): 37/19
 Total Acres: 67 acres
 Number of Permits: 3
 Bow Hunting: Yes
 Gun Hunting: Yes
 Other Conditions : Waiver of building setbacks
7. Site Name: Pennington-Rocky Hill Road
 Location: Pennington-Rocky Hill Road, Pennington, NJ 08534
 Block/Lot(s): 39.02/9.01
 Total Acres: 5 acres
 Number of Permits: 2
 Bow Hunting: Yes
 Gun Hunting: No
 Other Conditions : N/A
8. Site Name: Mount Rose Preserve, East/West
 Location: Carter Road, Princeton, NJ 08540
 Block/Lot(s): 39/12, 14.01, 14.021, 15, 26 & 32
 40/14.01, 14.04 & 14.05
 Total Acres: 385 acres
 Number of Permits: 15
 Bow Hunting: Yes
 Gun Hunting: Yes / West Side Only
 Other Conditions : Active Trail Use
9. Site Name: Pennington Point
 Location: State Highway 31 South, Pennington, NJ 08534
 Block/Lot(s): 48/8.012
 Total Acres: 39 acres
 Number of Permits: 3
 Bow Hunting: Yes
 Gun Hunting: No
 Other Conditions : School Buffers
10. Site Name: Woolsey Park (aka Alliger)
 Location: Washington Crossing-Pennington Road, Titusville, NJ 08560
 Block/Lot(s): 92/9
 Total Acres: 171.5 acres
 Number of Permits: 10
 Bow Hunting: Yes
 Gun Hunting: Yes
 Other Conditions : Trail Use, Sunday & Monday Hunting Prohibited (Opening Buck Day and Opening Muzzleloader OK to Hunt)
11. Site Name: Scotch Road
 Location: 218-230 Was Cross Penn Rd, Titusville, NJ 08560
 Block/Lot(s): 93/3.03
 Total Acres: 163.4
 Number of Permits: 8
 Bow Hunting: Yes
 Gun Hunting: Yes
 Other Conditions : Residential Buffers / Restricted Areas

12. Site Name: Reed Road
 Location: 1564 Reed Road, Pennington, NJ 08534
 Block/Lot(s): 88/33.10
 Total Acres: 3 acres
 Number of Permits: 1 Unassigned (Reserve Site)
 Bow Hunting: Yes
 Gun Hunting: No
 Other Conditions : N/A
13. Site Name: Weidel
 Location: State Highway 31 South, Pennington, NJ 08534
 Block/Lot(s): 88/5.021
 Total Acres: 52 acres
 Number of Permits: 3
 Bow Hunting: Yes
 Gun Hunting: Yes
 Other Conditions : N/A
14. Site Name: Zaitz-Hutcheson
 Location: 12 Washington Crossing Pennington Rd, Pennington, NJ 08534
 Block/Lot(s): 85/3, 8 & 13
 Total Acres: 75 acres
 Number of Permits: 4
 Bow Hunting: Yes
 Gun Hunting: Yes
 Other Conditions : N/A

BE IT FURTHER RESOLVED, that hunting shall only be permitted from September 11, 2021 through February 19, 2022 as specified by the State of New Jersey, Department of Environmental Protection, Division of Fish and Wildlife, and as published in or amended by the 2021-22 Game Code; and

BE IT FURTHER RESOLVED, that all hunters shall be licensed by the State of New Jersey; and

BE IT FURTHER RESOLVED, that all hunters shall be permitted by the Township of Hopewell in accordance with the requirements of Hopewell Township Code Section 2-33.16 entitled "Deer Management"; and

BE IT FURTHER RESOLVED, that pursuant to the Hopewell Township Code Section 2-33.16, prior to the receipt of the permit, every permittee shall be required to participate in a hunter orientation and safety course; and

BE IT FURTHER RESOLVED, that the Township Administrator, upon the advice and recommendation of the Deer Management Advisory Committee and/or the Hopewell Township Police Lieutenant/Officer in Charge, is authorized to revoke any permit issued at any time if the safety of any persons or personal property, including that of the Township of Hopewell, is threatened by a permittee; and

BE IT FURTHER RESOLVED, that all hunters are required to comply with applicable local and State laws pertaining to parks and hunting. A violation of this provision may result in the loss of hunting privilege and any other applicable penalties provided by local and/or state law.

RESOLUTION #21-318. Read by title.

Motion by McLaughlin, seconded by Peters-Manning to adopt Resolution #21-318 as amended.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #21-318

RESOLUTION APPROVING PERSON-TO-PERSON TRANSFER OF LIQUOR LICENSE NO. 1106-33-007-010 (G&K WINE & LIQUORS, LLC TO PENNINGTON WINE, INC.)

WHEREAS, an application has been filed for a Person-to-Person transfer of Plenary Retail Consumption License #1106-33-007-010 heretofore issued to G&K Wine & Liquors, LLC for

premises located at 800 Denow Road, Hopewell Town Center, Ste. J, Pennington, NJ 08534 (Hopewell Township); and

WHEREAS, the submitted application is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant, Pennington Wine, Inc. is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the Township of Hopewell reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business; and

WHEREAS, the background investigation report of the Hopewell Township Police Department presents no reason to deny the transfer.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Hopewell, Mercer County, New Jersey, does hereby approve, effective September 17, 2021, the transfer of Plenary Retail Consumption License #1106-33-007-010 to Pennington Wine, Inc. and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred effective September 17, 2021 to Pennington Wine, Inc. for premises located at 800 Denow Road, Hopewell Town Center, Ste. J, Pennington, NJ 08534 (Hopewell Township)."

RESOLUTION #21-319. Read by title.
Motion by Ruger, seconded by Peters-Manning to adopt Resolution #21-319.
MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #21-319

**A RESOLUTION AUTHORIZING AGREEMENT FOR
THE INSTALLATION OF A FENCE OVER A TOWNSHIP EASEMENT**

WHEREAS, the property owner, John Horoszewski and Kelly Dauber are the owners of 28 Coleman Lane a/k/a Block 118, Lot 5.01 as shown on the Hopewell Township Tax Map in fee simple by deed dated August 24, 2014, recorded on in the Office of the Mercer County Clerk as Book 6259, Pages 1809 & c.; and

WHEREAS, title to the property is subject to a drainage easement to the Township of Hopewell; and

WHEREAS, the property owner seeks permission from Hopewell Township to install a four foot fence on the subject property, the design of which necessitates the construction of a portion of the fence over the drainage easement area; and

WHEREAS, the Township has reviewed the proposed construction and is agreeable to permitting the fence construction within the easement area subject to terms and conditions set forth in an agreement permitting the installation of a fence within a township drainage easement ("Agreement").

NOW, THEREFORE, BE IT RESOLVED on this 13th day of September, 2021, by the Township Committee of the Township of Hopewell, in the County of Mercer, State of New Jersey, that the Mayor and Clerk are authorized to execute the Agreement permitting the installation of a fence within the Township's drainage easement located at 28 Coleman Lane a/k/a Block 118, Lot 5.01.

RESOLUTION #21-320. Read by title.
Motion by Peters-Manning, seconded by Ruger to adopt Resolution #21-320.
MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #21-320

**A RESOLUTION AMENDING 2021
PROFESSIONAL SERVICES AGREEMENT**

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

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

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

<u>FIRM</u>	<u>CURRENT MAXIMUM</u>	<u>PROPOSED MAXIMUM</u>	<u>CURRENT TERM EXPIRES</u>	<u>PROPOSED TERM EXPIRES</u>
Ruderman & Roth (Labor Attorney) 1-01-20-115-028	\$75,000.00	\$120,000.00	12/31/2021	No Change

NOW, THEREFORE, BE IT RESOLVED on this 13th day of September, 2021 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.

RESOLUTION #21-321. Read by title.

Motion by Ruger, seconded by McLaughlin to adopt Resolution #21-321.

MOTION UNANIMOUSLY CARRIED

RESOLUTION #21-321

**RESOLUTION OF THE TOWNSHIP OF HOPEWELL, COUNTY OF MERCER,
STATE OF NEW JERSEY, REJECTING ALL BIDS FOR BID 21R-05 SALT BARN
CONSTRUCTION RE-BID**

WHEREAS there exists a need for construction of a new Salt Barn for the daily operations of the Township of Hopewell Department of Public Works; and

WHEREAS the Township publicly advertised and received three (3) bids in response to Salt Barn Construction Re-Bid 21R-05, opened on September 8, 2021, at 10:00 A.M. to wit:

NAME OF BIDDER	DeSapio Construction Inc.	MiBo Construction Co. Inc.	Samson Concrete
LUMP SUM BASE BID	\$1,053,760.00	\$898,432.00	\$901,600.00
ALTERNATE A	\$85,850.00	\$28,000.00	\$40,000.00
	\$1,139,610.00	\$926,432.00	\$941,600.00

WHEREAS the New Jersey Publics Contract Law at N.J.S.A. 40A:11-13.2(b) allows for a municipality to reject all bids for when the lowest bid substantially exceeds the budgetary allotments for the goods or services; and

WHEREAS the bid submitted by DeSapio Construction Co. Inc., MiBo Construction Co. Inc. and Samson Concrete LLC, has been deemed to be substantially in excess of budgetary allotment for the project.

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

That the bids submitted by DeSapio Construction Co. Inc., MiBo Construction Co. Inc. and Samson Concrete LLC, are hereby rejected according to the auspices of N.J.D.A 40A:11-13.2(b).

RESOLUTION #21-322. Read by title.

Motion by Kuchinski, seconded by McLaughlin to adopt Resolution #21-322.

MOTION UNANIMOUSLY CARRIED

RESOLUTION #21-322

**A RESOLUTION AUTHORIZING NEGOTIATIONS FOR
SALT BARN CONSTRUCTION UNDER N.J.S.A. 40A:11-5(3)**

WHEREAS the Township publicly advertised and sought receipt of public bids on August 13, 2021, at 9:00am and September 8, 2021, at 9:00 A.M. for a total of two (2) times for the Salt Barn Construction project; and,

WHEREAS, the Township has duly advertised for Bids 21-05 where no bids were received and 21R-05 where three (3) wherein all bids were rejected as being in excess of estimated budget (N.J.S.A. 40A:11-13.2(b)); and,

WHEREAS, the New Jersey State Local Publics Contract Law, N.J.S.A. (40A:11-5(3)) allows for negotiations subsequent to two (2) rejected or non-received bids; and,

WHEREAS it remains the desire of Township of Hopewell to secure a contract with a local and economically efficient provider of construction of a Salt Barn at the Department of Public Works; and

WHEREAS relief is available through the New Jersey Local Public Contract Law N.J.S.A.(40A:11-5(3)) and the Township desires to avail itself of this remedy through negotiations.

NOW THEREFORE, BE IT RESOLVED by the Township Council of the Township of Hopewell, Mercer County, that the Township Administrator and/ or their designee are authorized to enter into negotiations with contractors under the provisions of N.J.S.A. (40A:11- 5(3)) which correspond to available funding.

This Resolution shall take effect immediately.

RESOLUTION #21-323. Read by title.

Motion by Peters-Manning, seconded by Ruger to adopt Resolution #21-323.

MOTION UNANIMOUSLY CARRIED

RESOLUTION #21-323

**RESOLUTION OF EXTENSION
AWARD FOR ONE (1) YEAR
BID #19-09 BITUMINOUS ROAD MATERIALS**

WHEREAS, the Township has advertised and received formal bids for Bid # 19-09 Bituminous Road Materials, 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 May 1, 2019 at 10:30am, to wit:

	<i>TRAP ROCK INDUSTRIES, LLC.</i>	<i>STAVOLA CONST. MATERIALS</i>
<i>I-2/ Ton</i>	\$66.00	\$72.00
<i>I4/ Ton</i>	\$68.00	\$75.00
<i>I5/ Ton</i>	\$68.00	\$75.00
<i>M64/ Ton</i>	\$70.00	\$75.00
<i>MILES FROM PRIMARY</i>	3.9 miles	18.4 miles
<i>MILES FROM SECONDARY</i>	18.5 miles	26 miles

;and

WHEREAS, Trap Rock Industries LLC, PO Box 419, Kingston, N.J. 08528, at the price per ton as listed submitted the lowest bid; and

WHEREAS, Trap Rock Industries was awarded a one (1) year contract through Resolution 19-170 on May 6, 2019 and a one-year extension in Resolution 20-54; and

WHEREAS, the Township desires to extend the contract pricing as per N.J.S.A. 40A:11-15, for a final one (1) year period; and

WHEREAS, the Qualified Purchasing Agent and Superintendent of Public Works recommends the extension of award of Bid #19-09 Bituminous Road Materials for a one (1) year contract extension to Trap Rock Industries LLC, PO Box 419, Kingston, N.J. 08528 for the bid cost of

TRAP ROCK INDUSTRIES, LLC.

I-2/ Ton	\$66.00
I4/ Ton	\$68.00
I5/ Ton	\$68.00
M64/ Ton	\$70.00
MILES FROM PRIMARY	3.9 miles
MILES FROM SECONDARY	18.5 miles

WHEREAS, the Chief Financial Officer hereby certifies that funds are available NOT TO EXCEED \$30,000.00, as follows:

2021 Current Budget – Road Material- 1-01-26-290-131

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 Trap Rock Industries LLC, PO Box 419, Kingston, N.J. 08528 for bid # 19-09 Bituminous Road Materials Bid in the amount per ton as indicated is hereby accepted for a recommended a final one (1) year extension effective May 6, 2020 as per N.J.S.A. 40A:11-15; 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 Trap Rock Industries LLC, PO Box 419, Kingston, N.J. 08528, reflecting the precepts as contained within this agreement.

RESOLUTION #21-324. Read by title.

Motion by Peters-Manning, seconded by Kuchinski to adopt Resolution #21-324.

MOTION UNANIMOUSLY CARRIED

RESOLUTION #21-324

A RESOLUTION ACCEPTING THE CAPITAL IMPROVEMENTS FOR ROADWAY IMPROVEMENTS TO SCOTCH ROAD, HOPEWELL TOWNSHIP (BID 20-09)

WHEREAS, on July 20, 2020, the Township Committee of the Township of Hopewell awarded a contract under Public Bid #20-09 to Earle Asphalt (Contractor) for Roadway Improvements to Scotch Road within the township in the amount of \$527,313.13; and

WHEREAS, this project is funded by the New Jersey Department of Transportation (NJDOT), in whole or in part, and is subject to NJDOT approval; and

WHEREAS, on August 20, 2021, the Contractor has submitted Change Order Number 1, reflecting the as-built quantities for the contract and a Final Contract Price Adjustment for a **decrease** in the total contract amount of \$37,382.12, representing a Final Contract Amount of \$489,931.01; 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. 154036833M by the Federal Insurance Company. Which remains in effect through August 11, 2022.

NOW, THEREFORE, BE IT RESOLVED on this 13th day of September 2021 by the Township Committee of the Township of Hopewell, County of Mercer and State of New Jersey:

1. That the Township accept Change Order No. 1 for the Final Price Adjustment and reduction in Contract Amount.
2. The Township authorizes and directs the Township Engineer to execute the final Change Order (#1) for the project.
3. That the Township issues Final Acceptance of the Scotch Road Improvements.
4. That the Township accepts the Maintenance Bond for the project.
5. That the Township considers the terms of the contract for Bid #20-09 satisfied.

RESOLUTION #21-325. Read by title.
Motion by Ruger, seconded by McLaughlin to adopt Resolution #21-325.

ROLL CALL VOTE:

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

R E S O L U T I O N #21-325

BILLS & CLAIMS

BE IT RESOLVED, that the list of cash disbursements authorized for approval of bills for payment date September 13, 2021 in the following amounts:

Bills and Claims	\$	718,322.28
Payroll	\$	653,125.38
Total Disbursements	\$	1,371,447.66

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

RESOLUTION #21-326. Read into the record by Deputy Clerk Fenton-Newman.
Motion by McLaughlin, seconded by Ruger to adopt Resolution #21-326.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #21-326

**A RESOLUTION APPOINTING
MEMBERS TO THE HOPEWELL TOWNSHIP
ZONING BOARD OF ADJUSTMENT**

BE IT RESOLVED, that the Hopewell Township Committee of the Township of Hopewell, County of Mercer, on this 13th day of September 2021, do hereby appoint the following as members of the Hopewell Township Zoning Board of Adjustment:

1. Brian McInerney as a Member of the Zoning Board of Adjustment for an unexpired term expiring 12/31/2022.
2. Prakash Rao as Alternate No. 1 Member of the Zoning Board of Adjustment for an unexpired term expiring 12/31/2022.
3. Matt Kolodziej as an Alternate No. 2 Member of the Zoning Board of Adjustment for an unexpired term expiring 12/31/2021.

RESOLUTION #21-327. Read into the record by Deputy Mayor Peters-Manning.
Motion by Peters-Manning, seconded by McLaughlin to adopt Resolution #21-327.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #21-327

**A RESOLUTION SUPPORTING THE APPLICATION AND EFFORTS OF MERCER
COUNTY PARK COMMISSION TO IMPLEMENT A COMMUNITY BASED DEER
MANAGEMENT PROGRAM ON THEIR PARKLAND
WITHIN HOPEWELL TOWNSHIP**

WHEREAS, The Mercer county Park Commission is applying for a Community Based Deer Management Permit to perform deer culling at Baldpate Mountain and some areas of Mercer Meadows in Hopewell Township; and

WHEREAS, the current deer density in Hopewell Township is 161 deer per square mile based upon nocturnal spotlight count surveys; and

WHEREAS, regional biologists and ecologists recommend a deer density of 10 – 20 deer per square mile; and

WHEREAS, the Park Commission has been managing deer populations at Baldpate Mountain since 1999 and 2011 at Mercer Meadows; and

WHEREAS, the County and Township desire to continue deer management in Hopewell Township in order to reduce the size of the deer population to a manageable level; and

WHEREAS, additional harvest methods and access are needed in addition to traditional hunting to meet the goal of reducing the deer population in the Hopewell Township region; and

WHEREAS, the Park Commission is applying to the New Jersey Division of Fish and Wildlife and the New Jersey Fish and Game Council for a Community Based Deer Management permit to allow alternative deer management methods in addition to traditional hunting for Baldpate Mountain and Mercer Meadows.

NOW, THEREFORE, BE IT RESOLVED, that Hopewell Township supports the application and efforts of Mercer County Park Commission to implement a Community Based Deer Management program on their parkland within Hopewell Township.

RESOLUTION #21-328. Read by title.

Motion by Ruger, seconded by McLaughlin to adopt Resolution #21-328.

ABSTAIN: Kuchinski

MOTION CARRIED

RESOLUTION # 21-328

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 13th day of September 2021 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>
91/3.15	The Newgrange School Of Princeton	Exempt 2021 paid 1 st two quarters, 2021	800 North Rd	\$89,977.36
78.15/1 C131	Richards Timothy & Joicy	Paid by Owner & Mortgage Company	131 Treymore Ct	\$2,417.89
78.14/21	PTCS Title Agency LLC	Paid by Title Agency & Mortgage Company	5 Kunkel Ct	\$4,676.79
65/36	Surety Title & Abstract Agency LLC	Paid by Title Agency & Mortgage Company	214 Ingleside Ave	\$3,341.34
65/8	Foundation Title LLC	Paid by Title Agency & Mortgage Company	44 Route 31 South	\$3,093.84
61/23	Surety Title Company LLC	Paid by Title Agency & Mortgage Company	148 Church Rd	\$4,063.50
15/8.02	Weiner Robert & Ackerman Susan	Paid by Owner & Mortgage Company	100 Province Line Rd	\$5,211.75
78.26/14	The Estate of Brenda A. Goeke	Overpaid Sewer	1 Grange Rd	\$8.54
78/7.38	Liodice Lawrence &	Overpaid Sewer	74 Lexington Dr	\$85.40

Barbara

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:

Jon Edwards questioned if there were financial impact statements reviewed by the Township Committee with regard to cannabis; inquired if Township employees were required to be vaccinated against COVID-19; if not, were unvaccinated employees tested regularly; what is the Township’s current requirements as far as employees are concerned; and requested an update on the ELSA litigation.

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

EXECUTIVE SESSION RESOLUTION. Read into the record.
Mayor Blake stated that the regular meeting may reconvene following the Executive Session.

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

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #21-329

EXECUTIVE SESSION RESOLUTION

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

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

WHEREAS, the Township Committee wishes to discuss the following:

- Contract Negotiations
- Personnel
- Pending Litigation

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 13th day of September, 2021 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 9:28 p.m. the Executive Session was held.

At 10:01 p.m. the Regular meeting reconvened.

At 10:02 p.m., motion by Kuchinski, seconded by McLaughlin to adjourn the meeting.
MOTION UNANIMOUSLY CARRIED

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

KATHERINE FENTON-NEWMAN
DEPUTY MUNICIPAL CLERK