

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

Monday, January 11, 2010 – 7:03 p.m.

PROPER STATEMENT OF NOTICE - Mayor Markulec 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 and The Times (the official newspapers) on January 5, 2010 in accordance with the Open Public Meetings Act, Chapter 231, P.L. 1975.

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

COMMITTEE MEMBERS PRESENT: Burd, Johnson, Murphy, Sandom, Mayor Markulec

ABSENT: None

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

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

ADDITIONAL ITEMS FOR MEETING AGENDA

Mayor Markulec advised of the following additional items for the scheduled meeting agenda: A Resolution establishing the By-Laws for the Township Committee; A Resolution Appointing a Construction Official; and A Resolution Appointing an Interim Plumbing Code Inspector.

COMMITTEE MEMBERS AND STAFF REPORTS

Committee Member Burd reported on Public Works Department activities that included the leaf pick-up program; Freon collection; brush and bulk pick up; roadway repairs; and salting and plowing of township roadways during recent snow events. He reported on a meeting of the Agricultural Advisory Committee that included discussion as to the Planning Incentive Grant for farmland preservation, and goals for 2010 including promoting local farmers' market and stands.

Mayor Markulec reported on Youth Advisory Board activities including fund raising for the proposed teen center and planning for the "Swing into Spring" event.

Committee Member Johnson reported she will attend the Affordable Housing Committee meeting tomorrow evening, and a Senior Advisory Board meeting scheduled for Wednesday, January 20th.

Committee Member Murphy reported on Recreation Department activities including a teen activity trip to Blue Mountain Ski Resort; and community trips to the Hunterdon Hills Playhouse; the Philadelphia Flower Show; and Washington D.C.'s National Geographic Museum. He also reported on ongoing efforts to conduct a small business seminar for township residents tentatively scheduled for February.

Mr. Pogorzelski reported on the following: status of Twin Pines and the turf project; the Old Mill Road closure and potential meeting with residents; Jacobs Creek Road and Route 546 issues; and a scheduled meeting with the Mercer County engineer for available solar powered LED signs for the cross street at Federal City Road.

Mr. Goodell reported on an Appellate Court Decision in favor of the township with regard to the litigation of the Hopewell Valley Citizens Group against the Hopewell Township Planning Board and Township Committee involving the BPG development. Counsel also reviewed current and pending litigation that included Developer Merrick Wilson; the tax case involving the City of Trenton; the Hamptons mediation; bankruptcy cases; and commercial and homeowner tax appeals.

Ms. Borges reported the auditors have started their work in her office.

PUBLIC SECTION

William Schoelwer, a resident of Westcott Boulevard, raised the possibility of rumble strips on Blackwell Road. He questioned the pretreatment of township roads with brine prior to a snowfall; and the effect of the revaluation on the township.

ORDINANCE – INTRODUCTION AND FIRST READING

Mayor Markulec read by title the ordinance for introduction:

AN ORDINANCE AMENDING CHAPTER VII “TRAFFIC, ” SECTION 7-11 “SPEED LIMITS,” SCHEDULE XVII OF THE OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF HOPEWELL, NEW JERSEY (1978) TO REDUCE THE SPEED LIMIT ON CERTAIN SECTIONS OF PROVINCE LINE ROAD

Mr. Pogorzelski explained the proposed ordinance reduces the speed limit from 45 to 40 miles per hour between Cherry Valley Road and Route 518. He noted that the roadway is shared with Montgomery Township who is enacting a similar ordinance.

Motion by Burd, seconded by Johnson to introduce the ordinance on first reading.

ROLL CALL VOTE:

AYES: Burd, Johnson, Murphy, Sandom, Mayor Markulec

NOES: None

ORDINANCE INTRODUCED

Second reading, public hearing date January 25, 2010, at 7:00 p.m.

CONSENT AGENDA ITEMS

RESOLUTIONS #10-13 THROUGH #10-21 AND REQUEST FOR USE OF MUNICIPAL BUILDING BY HOPEWELL VALLEY CENTRAL HIGH SCHOOL AP GOVERNMENT CLASS. Read by title.

Motion by Burd, seconded by Johnson to adopt Resolutions #10-13 through #10-21 and approve use of Municipal Building.

MOTION UNANIMOUSLY CARRIED

RESOLUTION #10-13

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 11th day of January, 2010, 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 January 12, 2010.

<u>NAME</u>	<u>TITLE</u>	<u>PROGRAM</u>	<u>SALARY</u>
Grace Rarich	Recreation Leader	Girls Field Hockey	\$35.00 per hour
Maggie Rarich	Recreation Counselor	Girls Field Hockey	\$25.00 per hour
Glen Carleton	Recreation Leader	Social & Swing Dance	\$40.00 per hour
Christina Hults	Recreation Counselor	Girls Field Hockey	\$16.50 per hour

RESOLUTION #10-14

**A RESOLUTION AUTHORIZING
THE TAX COLLECTOR TO TRANSFER OVERPAYMENTS**

WHEREAS, it has been determined by the Tax Collector of the Township of Hopewell that there exists overpayments of 2009 taxes on various parcels located within the Township; and

WHEREAS, said overpayments should be transferred to the first quarter 2010 balances.

NOW, THEREFORE, BE IT RESOLVED, on this 11th day of January 2010, by the Township Committee of the Township of Hopewell, Mercer County, New Jersey, that the Tax Collector is hereby authorized to transfer, without further action on the part of the Governing Body, any property tax overpayment from 2009 to the first quarter 2010; and

BE IT FURTHER RESOLVED, that a Certified Copy of this resolution be provided by the Municipal Clerk to the Tax Collector and the Chief Financial Officer.

RESOLUTION #10-15

**RESOLUTION FOR REDEMPTION
OF TAX SALE CERTIFICATE
(BLOCK 29.04, LOT 1)**

WHEREAS, on September 23, 2009, JTW, Inc purchased Tax Sale Certificate #09-00008, for property located at Block 29.04, Lot 1, 2 Coach Lane, assessed to Coach Lane, LLC; and

WHEREAS, Amboy bank, as mortgagee, has now redeemed the Tax Sale Certificate by remitting to the Township of Hopewell the total taxes paid by the Lien Holder and accrued to the Township plus interest and fees; and

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

NOW, THEREFORE, BE IT RESOLVED, on this 11th day of January 2010, that the Township Committee of the Township of Hopewell, Mercer County, State of New Jersey, hereby authorize the Tax Collector to release the amount listed to the Lien Holder as specified below:

<u>BLOCK</u>	<u>LOT</u>	<u>OWNERS' NAMES</u>	<u>AMOUNT</u>	<u>LIEN HOLDER</u>
29.04	1	Coach Lane LLC	\$2,322.06 \$4,200.00 Premium	JTW, Inc 8409 N Military Trail, Ste 108 Palm Beach Gardens, FL
			33410	

RESOLUTION #10-16

**RESOLUTION FOR REDEMPTION
OF TAX SALE CERTIFICATE
(BLOCK 29, LOT 10.01)**

WHEREAS, on September 23, 2009, JTW, Inc purchased Tax Sale Certificate #09-00006, for property located at Block 29, Lot 10.01, 1 Coach Lane, assessed to Coach Lane, LLC; and

WHEREAS, Amboy bank, as mortgagee, has now redeemed the Tax Sale Certificate by remitting to the Township of Hopewell the total taxes paid by the Lien Holder and accrued to the Township plus interest and fees; and

WHEREAS, the Township can now release the principal and interest received,

NOW, THEREFORE, BE IT RESOLVED, on this 11th day of January 2010, that The Township Committee of the Township of Hopewell, Mercer County, State of New Jersey, hereby authorize the Tax Collector to release the amount listed to the Lien Holder as specified below:

<u>BLOCK</u>	<u>LOT</u>	<u>OWNERS' NAMES</u>	<u>AMOUNT</u>	<u>LIEN HOLDER</u>
29	10.01	Coach Lane LLC	\$2,164.50	JTW, Inc
			\$1,500.00	8409 N Military Trail,
			Premium	Ste108
				Palm Beach Gardens, FL 33410

RESOLUTION #10-17

**RESOLUTION FOR REDEMPTION
OF TAX SALE CERTIFICATE
(BLOCK 29, LOT 10.02)**

WHEREAS, on September 23, 2009, US Bank (as Custodian) purchased Tax Sale Certificate #09-00007, for property located at Block 29, Lot 10.02, 3 Coach Lane, assessed to Coach Lane, LLC; and

WHEREAS, Amboy Bank, as mortgagee, has now redeemed the Tax Sale Certificate by remitting to the Township of Hopewell the total taxes paid by the Lien Holder and accrued to the Township plus interest and fees; and

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

NOW, THEREFORE, BE IT RESOLVED, on this 11th day of January 2010, that The Township Committee of the Township of Hopewell, Mercer County, State of New Jersey, hereby authorize the Tax Collector to release the amount listed to the Lien Holder as specified below:

<u>BLOCK</u>	<u>LOT</u>	<u>OWNERS' NAMES</u>	<u>AMOUNT</u>	<u>LIEN HOLDER</u>
29	10.02	Coach Lane LLC	\$8,811.64	US Bank-Cust/SassMuni V dtr
			\$4,000.00	2 Liberty Place
			Premium	50 S 16 th St, Ste 1950
				Phila., PA 19102

RESOLUTION #10-18

**RESOLUTION FOR REDEMPTION
OF TAX SALE CERTIFICATE
(BLOCK 65, LOT 47)**

WHEREAS, on December 4, 2007, CCTS Tax Lien I purchased Tax Sale Certificate #07-00007, for property located at Block 65, Lot 47, 11 Dublin Road, assessed to Julie B Williams; and

WHEREAS, Quicken Loans, as mortgagee, has now redeemed the Tax Sale Certificate by remitting to the Township of Hopewell the total taxes paid by the Lien Holder and accrued to the Township plus interest and fees; and

WHEREAS, the Township can now release the principal and interest received,

NOW, THEREFORE, BE IT RESOLVED, on this 11th day of January 2010, that the Township Committee of the Township of Hopewell, Mercer County, State of New Jersey, hereby authorize the Tax Collector to release the amount listed to the Lien Holder as specified below:

<u>BLOCK</u>	<u>LOT</u>	<u>OWNERS' NAMES</u>	<u>AMOUNT</u>	<u>LIEN HOLDER</u>
65	47	Julie B Williams	\$31,101.33	CCTS Tax Lien I
			\$2,300.00	1913 Greentree Road
			Premium	Cherry Hill NJ 08003

RESOLUTION #10-19
A RESOLUTION AUTHORIZING REFUND OF
2009 TAX OVERPAYMENT ON BLOCK 23 LOT 4.16

WHEREAS, Block 23 Lot 4.16, known as 3 Chase Hollow Road, was assessed to John Harold & Christine M Mooradian; and

WHEREAS, Sirva Relocation, Inc. assumed ownership of the property in 2009, and overpaid fourth quarter taxes on December 15, 2009; and

WHEREAS, this resulted in an overpayment of \$39.13; and

WHEREAS, this property has been sold; and

WHEREAS, said overpayment should be refunded to the relocation company.

NOW, THEREFORE, BE IT RESOLVED, on this 11th day of January 2010 by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that the overpayment of taxes in the amount of \$39.13 for Block 23 Lot 4.16 be refunded to Sirva Relocation Inc, c/o Angela Edge, 6200 Oak Blvd S, Ste 300, Independence OH, 44131.

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

RESOLUTION #10-20
A RESOLUTION APPOINTING KEVIN P. OSWALD
AS INTERIM MUNICIPAL CONSTRUCTION OFFICIAL
THROUGH DECEMBER 31, 2010

NOW, THEREFORE, BE IT RESOLVED, on this 11th day of January, 2010, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey that Kevin P. Oswald be and is hereby appointed as Interim Municipal Construction Official in the Hopewell Township Municipal Construction Office.

BE IT FURTHER RESOLVED that Kevin P. Oswald be compensated at an annual salary of \$85,000.00

BE IT FURTHER RESOLVED that this appointment is effective January 1, 2010 through December 31, 2010.

RESOLUTION #10-21
A RESOLUTION APPOINTING MICHAEL A. KRUPSKY
AS INTERIM PLUMBING SUBCODE OFFICIAL
THROUGH DECEMBER 31, 2010

NOW, THEREFORE, BE IT RESOLVED, on this 11th day of January, 2010, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey that Michael A. Krupsky be and is hereby appointed as Interim Plumbing Subcode Official in the Hopewell Township Municipal Construction Office.

BE IT FURTHER RESOLVED that Michael A. Krupsky be compensated at an hourly rate of \$36.81 per hour, not to exceed 20 hours per week.

BE IT FURTHER RESOLVED that this appointment is effective January 1, 2010 through December 31, 2010.

REQUEST FOR USE OF MUNICIPAL BUILDING

Hopewell Valley Central High School AP Government Class, Tuesday, February 2, 2010 from 8:30 a.m. to 11:30 a.m.

RESOLUTION #10-22. Read by title.

Committee Member Murphy noted that in 2009 professionals were asked to reduce their fees and he asked if there are professional services providers who have not yet responded this year. Mr. Pogorzelski replied that all professionals had responded with the exception of a small number of vendors who have held their rates from 2007 and have so committed for 2010. Committee Member Sandom questioned budgeted amounts related to general legal services and legal services related to open space matters. Mr. Pogorzelski responded that the figures were reduced by ten percent of last year's budget.

Motion by Burd, seconded by Johnson to adopt Resolution #10-22.

MOTION UNANIMOUSLY CARRIED

RESOLUTION #10-22

A RESOLUTION AUTHORIZING PROFESSIONAL SERVICES AGREEMENTS FOR 2010

WHEREAS, there exists a need for professional services for the following: general planning services; legal matters as it pertains to planning issues; planning services as it pertains to COAH matters; planning services to assist with Zoning matters; environmental consulting services; consulting services related to the Hopewell Township Housing Rehabilitation Program; Web site services; assistance with legal affairs in connection with specific Planning Board litigation which presents a conflict for the Planning Board Attorney; deer removal and disposal services; Township Attorney services; legal services as it pertains to Open Space matters; legal services as it pertains to COAH matters; legal services as it pertains to Water matters; legal services as it pertains to Sewer matters; legal services relating to tax appraisals and tax appeals; health promotion services; adolescent sexually transmitted disease services; Public Defender services; Township Veterinarian services; legal services in connection with labor contract negotiations; hydrogeologic consulting services; well testing evaluation services; general legal services; legal services for the Hopewell Township Planning Board; legal services to the Hopewell Township Affordable Housing Committee; legal services relating to open space matters; potable water monitoring services for the Community System at Washington Crossing Estates; potable water monitoring services for the Hopewell Township Municipal Services Building, the Public Works Building and the ball field; Bond Counsel services; Medical Director Services; consulting services relating to medical facilities; certain noise consultant services; Township Physician services; computer/network support services; appraisal consultation and tax appeal services; assistance to the township in its engineering affairs; assistance to the Township with engineering affairs as it relates to planning matters; assistance to the Township in its engineering affairs as it relates to legal matters; assistance to the Township with its engineering affairs as it relates to sewer matters; assistance to the Township with its engineering affairs as it relates to stormwater matters; assistance to the Township with its engineering affairs as it relates to wastewater management matters; assistance to the Township with its engineering affairs as it relates to water matters; assistance to the Township with its engineering affairs as it relates to zoning matters; assistance to the Township with miscellaneous affordable housing matters; assistance to the Township with Open Space affairs; legal services to the Hopewell Township Zoning Board of Adjustment; and Municipal Prosecutor Services; and

WHEREAS, the estimated cost of the contracts is \$24,600.00 for general planning services; \$7,500.00 for legal matters as it pertains to planning issues; \$15,000.00 for planning services as it pertains to COAH matters; \$1,350.00 for planning services to assist with Zoning matters; \$15,000.00 for environmental consulting services; \$1,500.00 for consulting services related to the Hopewell Township Housing Rehabilitation Program; \$8,100.00 for Web Site services; \$500.00 for assistance with legal affairs in connection with specific Planning Board litigation which presents a conflict for the Planning Board Attorney; \$9,000.00 for deer removal and disposal services; \$148,500.00 for Township Attorney Services; \$27,000.00 for legal services as it pertains to Open

Space matters; \$8,550.00 for legal services as it pertains to COAH matters; \$2,250.00 for legal services as it pertains to Water matters; \$2,250.00 for legal services as it pertains to Sewer matters; \$36,000.00 for legal services relating to tax appraisals and tax appeals; \$6,000.00 for health promotion services; \$2,000.00 for adolescent sexually transmitted disease services; \$21,600.00 for Public Defender services; \$16,000.00 for Township Veterinarian Services; \$5,000.00 for legal services in connection with labor contract negotiations; \$4,500.00 for hydrogeologic consulting services; \$3,000.00 for well testing evaluation services; \$20,000.00 for general legal services; \$21,600.00 for legal services for the Hopewell Township Planning Board; \$54,000.00 for legal services to the Hopewell Township Affordable Housing Committee; \$36,000.00 for legal services relating to open space matters; \$1,700.00 for potable water monitoring services for the Community System at Washington Crossing Estates; \$3,400.00 for potable water monitoring services for the Hopewell Township Municipal Services Building, the Public Works Building, and the ball field; \$12,000.00 for Bond Counsel services; \$800.00 for Medical Director Services; \$500.00 for consulting services relating to medical facilities; \$3,000.00 for certain noise consultant services; \$3,500.00 for Township Physician services; \$31,868.00 for computer/network support services; \$20,700.00 for appraisal consultation and tax appeal services; \$72,000.00 for assistance to the township in its engineering affairs; \$2,520.00 for assistance to the Township with engineering affairs as it relates to planning matters; \$2,100.00 for assistance to the Township with engineering affairs as it relates to legal matters; \$14,400.00 for assistance to the Township with its engineering affairs as it relates to sewer matters; \$15,000.00 for assistance to the Township with its engineering affairs as it relates to stormwater matters; \$4,500.00 for assistance to the Township with its engineering affairs as it relates to wastewater management matters; \$3,240.00 for assistance to the township with its engineering affairs as it relates to water matters; \$1,350.00 for assistance to the Township with its engineering affairs as it relates to zoning matters; \$3,000.00 for assistance to the Township with miscellaneous affordable housing matters; \$2,250.00 for assistance to the Township with Open Space affairs; \$5,000.00 for legal services to the Hopewell Township Zoning Board of Adjustment; and \$25,200.00 for Municipal Prosecutor services; and funds will be available in the 2010 budget appropriations for this purpose certified by the local finance officer; and

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

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

1. The Mayor and Clerk are hereby authorized and directed to execute the attached agreements with:
 - Banisch Associates, Inc. for general planning services;
 - Banisch Associates, Inc. for legal matters as it pertains to planning issues;
 - Banisch Associates, Inc. for planning services as it pertains to COAH matters;
 - Banisch Associates, Inc. for planning services to assist with Zoning matters;
 - Brinkerhoff Environmental Services, Inc. for environmental consulting services;
 - CGP&H, LLC for consulting services related to the Hopewell Township Housing Rehabilitation Program;
 - City Connections, LLC for Web Site services;
 - Richard P. Cushing, Esq. of Gebhardt & Kiefer for assistance with legal affairs in connection with specific Planning Board Litigation which presents a conflict for the Planning Board Attorney;
 - Deer Carcass Removal Service, LLC for deer removal and disposal services;
 - Steven P. Goodell of Herbert, Van Ness, Cayci and Goodell for Township Attorney Services;
 - Steven P. Goodell of Herbert, Van Ness, Cayci and Goodell for legal services as it pertains to Open Space matters;
 - Steven P. Goodell of Herbert, Van Ness, Cayci and Goodell for legal services as it pertains to COAH matters;
 - Steven P. Goodell of Herbert, Van Ness, Cayci and Goodell for legal services as it pertains to Water matters;
 - Steven P. Goodell of Herbert, Van Ness, Cayci and Goodell for legal services as it pertains to Sewer matters;
 - Harry Haushalter for legal services relating to tax appraisals and tax appeals;
 - Health Education Services for health promotion services;
 - HiTOPS, Inc. for adolescent sexually transmitted disease services;
 - John M. Holliday for Public Defender services;
 - Hopewell Veterinary Group, Inc. for Township Veterinarian services;

Fredric M. Knapp, Esq. of Knapp, Trimboli & Prusinowski, LLC for legal services in connection with labor contract negotiations;
 M2 Associates, Inc. for hydrogeologic consulting services;
 M2 Associates, Inc. for well testing evaluation services;
 Mason, Griffin & Pierson, P.C. for general legal services;
 Mason, Griffin & Pierson, P.C. for legal services for the Hopewell Township Planning Board;
 Mason, Griffin & Pierson, P.C. for legal services for the Hopewell Township Affordable Housing Committee;
 Mason, Griffin & Pierson, P.C. for legal services relating to open space matters;
 McGowan Well Water Compliance Management, LLC for potable water monitoring services for the Community System at Washington Crossing Estates;
 McGowan Well Water Compliance Management, LLC for potable water monitoring services for the Hopewell Township Municipal Services Building, the Public Works Building and the ball field;
 McManimon & Scotland, LLC for Bond Counsel services;
 Dr. Joseph P. Mullane, M.D. of Princeton Occupational Health and Family Medicine for Medical Director Services;
 Nathan Kaufman of Kaufman Strategic Advisors for consulting services relating to medical facilities;
 Ostergaard Acoustical Associates for certain noise consultant services;
 Professional Health Care Services of Lawrenceville, P.A. for Township Physician Services;
 RnD Consulting for computer/network support services;
 Peter E. Sockler of Sockler, Mignogna and DiLello for appraisal consultation and tax appeal services;
 Van Cleef Engineering Associates for assistance to the Township in its engineering affairs;
 Van Cleef Engineering Associates for assistance to the Township with its engineering affairs as it relates to planning matters;
 Van Cleef Engineering Associates for assistance to the Township with its engineering affairs as it relates to legal matters;
 Van Cleef Engineering Associates for assistance to the Township with its engineering affairs as it relates to sewer matters;
 Van Cleef Engineering Associates for assistance to the Township with its engineering affairs as it relates to stormwater matters;
 Van Cleef Engineering Associates for assistance to the Township with its engineering affairs as it relates to wastewater management matters;
 Van Cleef Engineering Associates for assistance to the Township with its engineering affairs as it relates to water matters;
 Van Cleef Engineering Associates for assistance to the Township with its engineering affairs as it relates to zoning matters;
 Van Cleef Engineering Associates for assistance to the Township with Miscellaneous affordable housing matters;
 Van Cleef Engineering Associates for assistance to the Township with Open Space affairs;
 Kevin Van Hise, Esq. of Mason, Griffin and Pierson for legal services to the Hopewell Township Zoning Board of Adjustment;
 Robert H. Yostembski for Municipal Prosecutor services

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

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

RESOLUTION #10-23. Read by title.

Motion by Burd, seconded by Johnson to adopt Resolution #10-23.

MOTION UNANIMOUSLY CARRIED**R E S O L U T I O N #10-23****2010 DEBT SERVICE RESOLUTION
(MATURING ON FEBRUARY 15, 2010)**

WHEREAS, N.J.S.A. 40A:4-19 provides authority for appropriating in a resolution the permanent debt service requirements for the coming fiscal year; and

WHEREAS, debt service payments will be due on February 15, 2010 on a NJ Economic Development Authority loan issued and outstanding;

NOW, THEREFORE, BE IT RESOLVED on this 11th day of January 2010, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that the following appropriations be made to cover the payments due February 15, 2010.

**DEBT SERVICE – TOWNSHIP OF HOPEWELL
NJ ECONOMIC DEVELOPMENT AUTHORITY****Interest**

Current Fund	\$864.00
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RESOLUTION #10-24. Read by title.

Motion by Burd, seconded by Johnson to adopt Resolution #10-24.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #10-24**2010 DEBT SERVICE RESOLUTION
(MATURING ON MARCH 1, 2010)**

WHEREAS, N.J.S.A. 40A:4-19 provides authority for appropriating in a resolution the permanent debt service requirements for the coming fiscal year; and

WHEREAS, debt service payments will be due on March 1, 2010 on a 1998 Bond issued and outstanding;

NOW, THEREFORE, BE IT RESOLVED on this 11th day of January 2010, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that the following appropriations be made to cover the payments due March 1, 2010.

DEBT SERVICE – TOWNSHIP OF HOPEWELL 1998 BONDS**Interest**

Current Fund	\$13,427.50
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RESOLUTION #10-25. Read by title.

Motion by Burd, seconded by Johnson to adopt Resolution #10-25.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #10-25**2010 DEBT SERVICE RESOLUTION
(MATURING ON APRIL 1, 2010)**

WHEREAS, N.J.S.A. 40A:4-19 provides authority for appropriating in a resolution the permanent debt service requirements for the coming fiscal year; and

WHEREAS, debt service payments will be due on April 1, 2010, on a 2006 Bond issued and outstanding;

NOW, THEREFORE, BE IT RESOLVED on this 11th day of January 2010, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that the following appropriations be made to cover the payments due April 1, 2010.

DEBT SERVICE – TOWNSHIP OF HOPEWELL 2006 BONDS

<u>Interest</u>	
Current Fund	\$206,415.00
Water Fund	1,603.00
Sewer Fund	16,347.00
Open Space	96,156.00
TOTAL	\$320,521.00

RESOLUTION #10-26. Read by title.
 Motion by Burd, seconded by Johnson to adopt Resolution #10-26.
MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #10-26
2010 DEBT SERVICE RESOLUTION
(MATURING ON MAY 1, 2010)

WHEREAS, N.J.S.A. 40A:4-19 provides authority for appropriating in a resolution the permanent debt service requirements for the coming fiscal year; and

WHEREAS, debt service payments will be due on May 1, 2010, on a 2002 Bond issued and outstanding;

NOW, THEREFORE, BE IT RESOLVED on this 11th day of January 2010, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that the following appropriations be made to cover the payments due May 1, 2010.

DEBT SERVICE – TOWNSHIP OF HOPEWELL 2002 BOND

<u>Interest</u>	
Current Fund	\$73,685.00

RESOLUTION #10-27. Read by title.
 Motion by Burd, seconded by Johnson to adopt Resolution #10-27.
ROLL CALL VOTE:

AYES: Burd, Johnson, Murphy, Sandom, Mayor Markulec
NOES: None

R E S O L U T I O N #10-27
A RESOLUTION FOR AN
EMERGENCY TEMPORARY APPROPRIATION

WHEREAS, an emergent condition has arisen with respect to Legal O/E, Engineering O/E, Executive O/E, Health O/E, Planning O/E, Zoning O/E, Assessor O/E, Public Defender S/W, Buildings and Grounds O/E and Finance O/E, and no adequate provision has been made in the 2010 temporary appropriations for the aforesaid purpose, and N.J.S.A. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned; and

WHEREAS, the total emergency temporary resolutions adopted in the year 2010 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total \$385,288.00;

NOW, THEREFORE, BE IT RESOLVED, on this 11th day of January 2010, by the

Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S.A. 40A:4-20:

- 1. An emergency temporary appropriation be and the same is hereby made for:

Legal O/E	\$ 130,300.00
Engineering O/E	\$ 61,500.00
Executive O/E	\$ 48,468.00
Health O/E	\$ 20,800.00
Planning O/E	\$ 53,220.00
Zoning O/E	\$ 7,700.00
Assessor O/E	\$ 20,700.00
Public Defender S/W	\$ 15,600.00
Bldgs/Grounds O/E	\$ 15,000.00
Finance O/E	\$ 12,000.00

- 2. That said emergency temporary appropriation has been provided for in the 2010 budget under the title of:

As listed in 1 above

- 3. That one certified copy of this resolution be filed with the Director of Local Government Services.

RESOLUTION #10-28. Read by title.

Motion by Burd, seconded by Johnson to adopt Resolution #10-28.

ROLL CALL VOTE:

AYES: Burd, Johnson, Murphy, Sandom, Mayor Markulec

NOES: None

RESOLUTION #10-28

**A RESOLUTION FOR AN EMERGENCY
TEMPORARY APPROPRIATION
(UTILITY BUDGETS)**

WHEREAS, an emergent condition has arisen with respect to Water O/E and Sewer O/E as listed below; and no adequate provision has been made in the 2010 Utility Budgets temporary appropriations for the aforesaid purpose, and N.J.S.A. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned; and

WHEREAS, the total emergency temporary resolutions adopted in the year 2010 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total \$7,190.00 Water and \$16,650.00 Sewer;

NOW, THEREFORE, BE IT RESOLVED, on this 11th day of January 2010, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S.A. 40A:4-20:

- 1. An emergency temporary appropriation be and the same is hereby made for:

WATER

Other Expenditures	\$ 7,190.00
Total	\$ 7,190.00

SEWER

Other Expenditures	\$ 16,650.00
Total	\$ 16,650.00

- 2. That said emergency temporary appropriation has been provided for in the 2010 budget under the title: As listed in 1 above
- 3. That one certified copy of this resolution be filed with the Director of Local Government Services.

RESOLUTION #10-29. Read by title.

Motion by Burd, seconded by Johnson to adopt Resolution #10-29.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #10-29

**RESOLUTION OF HOPEWELL TOWNSHIP
AUTHORIZING THE REPORT AND SALE OF ABANDONED VEHICLES**

WHEREAS, on November 5, 2006 a plea agreement was reached and an order was entered in the Hightstown Borough Municipal Court requiring Nancy L. Hoy to remove 2 vehicles (1986 Buick Skylark Coupe - VIN# IG4XC69XOFW482737; 1994 Chrysler Lebaron Convertible - VIN# IC3XU453XPF589678) located on municipal property within thirty (30) days from the entry of the order; and

WHEREAS, Ms. Hoy has failed to remove the vehicles as required despite repeated attempts at communication from the Township; and

WHEREAS, it appears that Ms. Hoy has abandoned these vehicles on public property; and

WHEREAS, *N.J.S.A. 39:10A-1 et seq.* permits a municipality to report a vehicle as abandoned and permits the vehicle to be sold at public auction when it remains unclaimed for a period of 20 days; and

WHEREAS, on January 4, 2010 a search of the National Crime Information Center was performed by the Township Police Department and no record or report was found with respect to these two vehicles; and

WHEREAS, on January 4, 2010 a letter was sent to Ms. Hoy advising her that in accordance with *N.J.S.A. 39:10A-1 et seq.* the Township would report the vehicles as abandoned and then have them sold at public auction; and

NOW, THEREFORE, BE IT RESOLVED on this 11th day of January, 2010, by the Township Committee of the Township of Hopewell, in the County of Mercer, State of New Jersey, that the Township Administrator and the Township Attorney are hereby authorized to take all necessary steps and to execute on behalf of the Township any and all documents necessary to effect the abandonment, removal, disposal and/or sale of the 2 vehicles (1986 Buick Skylark Coupe - VIN# IG4XC69XOFW482737; 1994 Chrysler Lebaron Convertible - VIN# IC3XU453XPF589678) from Township property.

RESOLUTION #10-30. Read by title.

Mr. Pogorzelski explained the proposed agreement with the New Jersey Department of Environmental Protection, the Division of Parks and Forestry, and the Delaware River Joint Toll Bridge Commission sets forth the jurisdiction for maintenance and control of certain sections of sidewalk constructed by the Township at Washington Crossing State Park as a condition of the funding.

Motion by Burd, seconded by Johnson to adopt Resolution #10-30.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #10-30

**A RESOLUTION APPROVING AN AGREEMENT WITH THE
NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, DIVISION OF
PARKS AND FORESTRY, THE DELAWARE RIVER JOINT TOLL BRIDGE
COMMISSION AND THE TOWNSHIP OF HOPEWELL AND AUTHORIZING THE
EXECUTION THEREOF**

WHEREAS, Hopewell Township constructed new ADA accessible walkways and accessible ramps within Washington Crossing State Park which is owned and maintained by the

State of New Jersey, Department of Environmental Protection, Division of Parks and Forestry (NJDEP) and which is also in the vicinity of the Washington Crossing Bridge which is owned and operated by the Delaware River Joint Toll Bridge Commission (DRJTBC); and

WHEREAS, funding for this project has been provided by the Compact Authorized Investment Program by the DRJTBC; and

WHEREAS, in order to prevent future legal or maintenance problems for the project, it is necessary that Hopewell Township, NJDEP and DRJTBC apportion the jurisdiction for maintenance and control in an equitable manner.

NOW, THEREFORE, BE IT RESOLVED, on this 11th day of January, 2010, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that the attached agreement between the Township of Hopewell, NJDEP and DRJTBC be and is hereby approved

BE IT FURTHER RESOLVED, by the Township Committee of the Township of Hopewell that the Mayor and Clerk be authorized to execute said agreement.

RESOLUTION #10-31. Read by title.

Motion by Burd, seconded by Johnson to adopt Resolution #10-31.

ROLL CALL VOTE:

AYES: Burd, Johnson, Murphy, Sandom, Mayor Markulec

NOES: None

R E S O L U T I O N #10-31 B I L L S & C L A I M S

BE IT RESOLVED, that the list of cash disbursements authorized for approval of bills for payment dated January 11, 2010 in the following amounts:

Bills and Claims	-	\$ 6,584,605.73
Payroll	-	\$ 682,656.05
Total Disbursements	-	\$ 7,267,261.78

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

RESOLUTION #10-32. Read by title.

Motion by Burd, seconded by Johnson to adopt Resolution #10-32.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #10-32

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

BE IT RESOLVED, on this 11th day of January 2010, by the Township Committee of the Township of Hopewell, County of Mercer, New Jersey, that meetings of the Hopewell Township Committee, as provided for in Chapter II. "Administration," Section 2-1.6 of the Revised General Ordinances of the Township of Hopewell, New Jersey (1978) shall be conducted in the following manner:

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

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

3. Rules of Debate.

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

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

4. **Sergeant at Arms.** The presiding officer may request that the chief of police designate a police officer to serve as a sergeant at arms at township committee meetings. He or she shall carry out all of the orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the township committee meetings and it shall be his or her duty to escort any person who violates the order and decorum of the meeting from township hall.
5. **Parliamentarian.** The township attorney shall be the parliamentarian for the township committee meeting in order to rule upon questions associated with compliance with these by-laws, other relevant laws and rules of order as requested by the presiding officer.
6. **Miscellaneous.**
 - A. If a member of the township committee knows he or she will not be available for a township committee meeting, said member shall notify the municipal clerk at least 48 hours or as soon as practicable prior to the township committee meeting.
 - B. No member of the township committee shall discuss or disseminate any information made available to the township committee on a confidential basis. This shall include not disclosing any information discussed by the township committee during the course of the township committee closed or executive session.
 - C. Committee members may be polled by the Administrator or Attorney means of "communication equipment" (telephone, e-mail, etc.) in order to achieve a consensus on an issue which cannot await formal action on a Township Committee agenda. This practice shall be utilized infrequently and the issue on which a consensus was reached shall be placed for formal action on the next available Township Committee agenda.
 - D. All members of the township committee shall adhere to the provisions of the New Jersey Code of Ethics for local government officers attached hereto as Exhibit A and made a part hereof.
 - E. All members of township committee shall adhere to the provisions of the Hopewell Township Pay to Play Ordinance, a copy of which is attached hereto as Exhibit B and made a part hereof.

PUBLIC SECTION

No comments from the public.

EXECUTIVE SESSION RESOLUTION. Read into the record.

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

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

MOTION UNANIMOUSLY CARRIED

EXECUTIVE SESSION RESOLUTION

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

WHEREAS, N.J.S.A. 10:4-12 permits the Township Committee to conduct a meeting

from which the public is excluded in order to discuss such matters; and

WHEREAS, the time when and circumstances under which discussion conducted in executive session may be disclosed to the public is when appropriate.

NOW, THEREFORE, BE IT RESOLVED, on this 11th day of January 2010, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that the Township Committee shall forthwith conduct an executive session to discuss the above.

At 8:05 p.m. the Executive Session was held.

At 9:35 p.m. Motion by Burd, seconded by Johnson to reconvene the meeting.

RESOLUTION #10-33. Read by title.

Mr. Pogorzelski explained the proposed agreement reached with the Dispatchers' union.

Motion by Burd, seconded by Johnson to adopt Resolution #10-33.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #10-33

**A RESOLUTION APPROVING AN AGREEMENT WITH THE
HOPEWELL TOWNSHIP 9-1-1 OPERATORS' ASSOCIATION
AND AUTHORIZING THE EXECUTION THEREOF**

WHEREAS, the Township Committee and the Hopewell Township 9-1-1 Operators' Association have reached an agreement on the negotiable terms and conditions of employment for the period from January 1, 2010 through December 31, 2012; and

NOW, THEREFORE, BE IT RESOLVED, on this 11th day of January, 2010, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that the attached agreement between the Township of Hopewell and the Hopewell Township 9-1-1 Operators' Association be and is hereby approved.

BE IT FURTHER RESOLVED, by the Township Committee of the Township of Hopewell that the Mayor and Clerk be authorized to execute said agreement.

At 9:37 p.m., Motion by Burd, seconded by Johnson to adjourn the meeting.

MOTION UNANIMOUSLY CARRIED

ANNETTE C. BIELAWSKI
MUNICIPAL CLERK