

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

Monday, January 25, 2010 – 7:05 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.

MINUTES SUBMITTED FOR APPROVAL

Motion by Burd, seconded by Sandom to approve the August 10, 2009 Regular and Executive Session Meeting Minutes.

MOTION CARRIED

ABSTAIN: Johnson

Motion by Burd, seconded by Sandom to approve the August 24, 2009 Special Meeting Minutes.

MOTION CARRIED

ABSTAIN: Johnson

**PRESENTATION – NEW JERSEY DEPARTMENT OF TRANSPORTATION (NJDOT)/
ROUTE 31 PENNINGTON CIRCLE**

Mr. Pogorzelski gave a brief account of the proposal by NJDOT to deal with the safety issues of the Route 31/Pennington Circle. He noted that a series of meetings have been held with NJDOT representatives and property owners along the Circle to discuss options and the 20-year look ahead concept plan for the area.

Tom Carbone, representing the NJDOT, Division of Project Planning and Development, appeared before the Committee and introduced members of the project and consulting team that included Nipa Maniar and Amy Sokalski. Mr. Carbone indicated that NJDOT wish to proceed from its planning to the design stage and eventually expedite construction with the support of Hopewell Township.

Nipa Maniar and **Amy Sokalski** displayed a sketch of Concept 5 of the Route 31 and County Route 546 Pennington Circle project. Ms. Maniar noted that this option has been chosen as the preferred alternative subsequent to the NJDOT meetings with local representatives, and that the main goal of the project is to improve safety by reducing travel speeds through the Circle. Ms. Sokalski described the proposed modifications that included realignment of the road coming into the Circle, installing yield conditions, adding pavement markings, and advance signings. Ms. Maniar indicated that details with regard to a proposed shared access driveway between the Shop Rite and Wachovia Bank property owners have not been finalized at this time.

Mayor Markulec opened comment to the public.

Sheila Beyer, a resident of Route 31, questioned the left hand turn access into her driveway on coming up the Circle. Ms. Sokalski indicated that the access would remain as it is under the existing condition.

Glenn Gabai, Pennington Family Chiropractic, expressed safety concerns over the egress from his property and the ingress at the Lukoil property and he noted that the proposed plans have not changed this situation. He advised that NJDOT utilized a prior blueprint of his parking lot which was changed in 2009. Ms. Sokalski indicated NJDOT would further review to determine the possibility of maximizing the spacing between the two driveways.

Jim McGuire, a resident of Vannoy Avenue, asked if a survey had been conducted as to the length of time it would take a car travelling north or southbound on Route 31 to go through the Circle under the proposed improvements as compared to existing conditions. He also asked if the proposed plan contemplates other NJDOT improvements in the vicinity of the traffic circle such as the Pennington By-Pass. Mr. Carbone responded that there is no project called the Pennington By-Pass or anything similar in description in NJDOT's study and development program.

William Schoelwer, a resident of Westcott Boulevard, raised the possibility of a traffic light to provide gaps in the traffic.

Janet Mills, a resident of Johnstone Drive, asked if pedestrian or bicyclist activity had been addressed.

Joan Schwartzwalder, a resident of Pennington Road, noted that her property was mislabeled on the initial plan.

Glenn Gabai noted that there is a bus stop located at his office and people cross the Circle for access to the Shop Rite.

Robert Beyer, a resident of Route 31, expressed concerns over the high speed of drivers coming into the Circle. He also questioned enhancement of the area by the use of landscaping features.

Gene Ramsey, a resident of Scotch Road, expressed his opinion as to the dangers of driving north around the Circle and supported a shared driveway and right-of-way at the Shop Rite into Route 546 west of the Circle.

Committee Members raised certain questions with regard to the proposed projects to the NJDOT representatives that included the following: construction of a shared driveway between Wachovia and Shop Rite; access from Shop Rite directly onto Route 546; the proposed realignment to the approach of Route 31; development of signage for the Circle; existing levels of service at the intersections and twenty-year projections; timing for design and construction of the project; state funding for the project improvements; projected traffic flow at the Circle and business and public involvement of the design process.

Mr. Carbone indicated that NJDOT has scheduled the design process in its program for fiscal year 2011 commencing July 1st of this year. He speculated that construction may proceed in fiscal year 2012. Mr. Carbone asked that the township update its resolution of support for the concept plan.

Mayor Markulec thanked NJDOT representatives for the presentation.

ADDITIONAL ITEMS FOR MEETING AGENDA

Mayor Markulec advised that the following items be removed from the scheduled agenda: Resolutions G (Consent); H, J, K, L, and M; and one additional item for the Consent Agenda, "A Resolution Appointing Members to the Hopewell Township Agricultural Advisory Committee."

COMMITTEE MEMBERS AND STAFF REPORTS

Committee Member Sandom reported on meetings of the Environmental Commission and its work on an Environmental Resource Inventory; and the Open Space Advisory Committee.

Committee Member Burd reported on Public Works Department activities that included brush and bulk pick-up; Christmas tree collection; tree removal on township property on Wrick Avenue; and mandatory training sessions for Public Works employees. He also reported on a Deer Management Task Force meeting and a review of its survey questions.

Mayor Markulec reported on the Youth Advisory Board and its work in conjunction with the senior citizens and the “Swing into Spring” event; and fund raising efforts in support of a teen center.

Committee Member Johnson reported on a meeting of the Senior Advisory Board and its efforts to procure matching grants from the County for a future senior center. She reported on Health Department activities that included various vaccines administered in the township.

Committee Member Murphy reported on a Recreation Advisory Committee meeting held prior to the Township Committee meeting and the election of Michael Chipowsky as Chair of the 2010 Committee and the submission of an annual report by Director Judy Niederer. He also reported on upcoming recreation programs that include teen activity days; a Bulldog Baseball minicamp; a softball clinic; and trips to the Hunterdon Hills Playhouse, the Philadelphia Flower Show, and the National Geographic Museum in Washington D.C. Committee Member Murphy announced that a Small Business Seminar is scheduled to be held March 1st and that details will be forthcoming

Mr. Pogorzelski reported on work with Police Chief Meyer and Mercer County with regard to traffic issues at the intersection of Jacobs Creek Road and Route 546. He also reported on the status of the following: bid specification and construction for Twin Pines; Minnietown Lane, Wrick Avenue, Homefront, Project Freedom and Community Options affordable housing projects; Mt. Rose area underground construction; and the funding for the firehouse project on the Merrill Lynch property.

Mr. Goodell reported work on the ELSA mediation and on a use agreement with Lawrence Township for the Twin Pines site.

Ms. Borges reported on minor adjustments to certain figures in the municipal budget subsequent to the last budget meeting held on Friday, January 22, 2010.

Ms. Bielawski reported the Board of Fire Commissioners Election will be held on Saturday, February 20th from 2:00 p.m. to 9:00 p.m. at the Municipal Building.

PUBLIC SECTION

William Schoelwer questioned bicycle access over the Jacobs Creek Bridge; the lease agreement with H.I. Rib Restaurant; plans for extension of the Lawrence Hopewell Trail from Wargo Road to Princeton Farms; and the PSE&G construction at Mt. Rose and Cherry Valley Road.

Gene Ramsey commented on the number of jobs and revenue that will be generated by Capital Health System and certain traffic concerns by residents of Scotch Road. He urged everyone to work together and compromise to provide jobs and services for the township.

ORDINANCE – FINAL READING, PUBLIC HEARING AND ADOPTION

Mayor Markulec read by title the introduced ordinance:

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

Mayor Markulec declared public hearing open. No comments from the public. Motion by Burd, seconded by Johnson to close public hearing.

MOTION UNANIMOUSLY CARRIED

Motion by Burd, seconded by Johnson to adopt the introduced ordinance.

ROLL CALL VOTE:

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

NOES: None

ORDINANCE ADOPTED

Ordinance advertised January 14, 2010 Hopewell Valley News. Posted municipal bulletin board as required by law.

ORDINANCE NO. 10-1486

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

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

Section 1. Speed Limit on Province Line Road Reduced. Chapter VII, entitled "Traffic," Section 7-11, entitled “Speed Limits”, Schedule XVII of the Code, which establishes speed limits for streets with the Township, is hereby amended as follows (deletions from text are [bracketed]; additions are underlined):

Name of Street	Direction	Speed	Location
Province Line Road	Both	[a. 45]40 mph	[Zone 1 b]Between Pennington - Rocky Hill Road (also known as Cherry Valley Road) and [2,500 feet south of Rolling Hill Road.] <u>Route 518.</u>
		[b. 40 mph	Zone 2 between 2,500 feet south of Rolling Hill Road and Route 518.]

Section 2. Repealer. All ordinances and resolutions or parts thereof inconsistent with this Ordinance are hereby repealed.

Section 3. Severability. If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall only apply to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

Section 4. Effective Date. This Ordinance shall take effect upon final adoption and publication in accordance with the law.

CONSENT AGENDA ITEMS

RESOLUTIONS #10-34 THROUGH #10-40. Read by title.

Motion by Burd, seconded by Johnson to adopt Resolutions #10-34 through #10-40.
MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #10-34

**A RESOLUTION REAPPOINTING GEORGE C. MEYER AS
EXECUTIVE COORDINATOR OF THE HOPEWELL
VALLEY OFFICE OF EMERGENCY MANAGEMENT**

WHEREAS, the Township of Hopewell is a member of the Hopewell Valley Office of Emergency Management, a regional office that includes the Boroughs of Hopewell and Pennington; and

WHEREAS, Hopewell Township Police Chief George C. Meyer has served as the Executive Coordinator of the Hopewell Valley Office of Emergency Management for the past four years; and

WHEREAS, it is necessary to reappoint an Executive Coordinator annually.

NOW, THEREFORE, BE IT RESOLVED on this 25th day of January 2010, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey that George C. Meyer is hereby re-appointed Executive Coordinator of the Hopewell Valley Office of Emergency Management effective January 1, 2010.

R E S O L U T I O N #10-35

**A RESOLUTION PROVIDING FOR
CROSS-ASSIGNMENT OF CONFLICT
HOPEWELL TOWNSHIP MUNICIPAL PUBLIC DEFENDERS**

BE IT RESOLVED, on this 25th day of January 2010, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that in accordance with N.J.S. 2B:12-28, the Township of Hopewell hereby designates alternate municipal Public defenders to serve in the capacity of the Conflict Municipal Public Defender. The municipal court may arrange for the following conflict public defenders noted below who are duly licensed to practice law in the State of New Jersey.

The conflict public defenders shall be paid pursuant to S-1886; \$25.00 per hour for outside work and \$30.00 per hour for court time.

Kendall Murphy, Esq.
609-394-8382

222 S. Broad Street
Trenton, NJ 08608

Scott Krasny, Esq.
609-882-0288

Furlong & Krasny
820 Bear Tavern Road
West Trenton, NJ 08628

Kevin Main, Esq.
609-912-0100

Spadaccini & Main, LLC
98 Franklin Corner Road
Lawrenceville, NJ 08648

R E S O L U T I O N #10-36

**A RESOLUTION AUTHORIZING REFUNDS FOR
HOPEWELL VALLEY RIDES
PROGRAM PARTICIPANT**

WHEREAS, vouchers fees were paid for participation in a the Hopewell Valley Rides Programs sponsored by the Hopewell Valley Senior Services; and,

WHEREAS, a participant has requested a refund in accordance with department policy;
NOW, THEREFORE, BE IT RESOLVED, on this 25th day of January, 2009, 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:

Wendy Pfeffer 3 Timberlane Drive, Pennington, NJ 08534 \$ 72.00

RESOLUTION #10-37

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 25th day of January, 2010, 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:

Rhonda Duer 146 Reservoir Road, Hopewell, NJ 08525 \$25.00
Cathy MacMain-Cage 118 E. Delaware Avenue, Pennington, NJ 08525 \$25.00

RESOLUTION #10-38

A RESOLUTION APPROVING THE PAYMENT OF UNUSED SICK TIME TO LINDA R. WALSH

WHEREAS, Linda R. Walsh retired January 1, 2010 from employment with the Township of Hopewell; and

WHEREAS, the Agreement between the Township of Hopewell and the Communication Workers of America Local 1034 provides to employees who retire from service the payment of unused sick, personal and vacation leave at their current hourly rate.

NOW, THEREFORE, BE IT RESOLVED on this 25th day of January, 2010 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 sick leave as calculated by the Human Resource Director in the amount of \$927.68 to Linda R Walsh.

RESOLUTION #10-39

A RESOLUTION GRANTING A FAMILY MEDICAL LEAVE OF ABSENCE

BE IT RESOLVED on this 25th day of January, 2010 by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that a Family Medical Leave of Absence be granted to Patrol Officer William F. Gaskill IV in the Police Department beginning February 2, 2010.

RESOLUTION #10-40

A RESOLUTION APPOINTING MEMBERS TO THE HOPEWELL TOWNSHIP AGRICULTURAL ADVISORY COMMITTEE

BE IT RESOLVED, that I, Michael Markulec, Mayor of the Township of Hopewell, County of Mercer, do hereby appoint the following members to the Hopewell Township Agricultural Advisory Committee:

1. George Kerr, as a Regular Member to an unexpired term expiring 12/31/2011.
2. Sergio Neri, as Alternate No. 1 Member to an unexpired term expiring 12/31/10.

RESOLUTION #10-41. Read by title.

Motion by Burd, seconded by Johnson to adopt Resolution #10-41.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #10-41

A RESOLUTION ACCEPTING THE RETIREMENT OF PATROL OFFICER JAMES E. TURNER IN THE POLICE DEPARTMENT

WHEREAS, James E. Turner was appointed as a dispatcher for the Hopewell Township Police Department on October 23, 1985; and

WHEREAS, James E. Turner was subsequently promoted to Patrol Officer on October 6, 1986 with the Hopewell Township Police Department; and

WHEREAS, James E. Turner has served Hopewell Township honorably throughout his 24 years of service, and is now eligible for retirement; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hopewell, that the Township Committee accepts the retirement of James E. Turner from the Hopewell Township Police Department,

BE IT FURTHER RESOLVED that the retirement of James E. Turner shall be effective as of May 1, 2010.

RESOLUTION #10-42. Read by title.

Motion by Burd, seconded by Johnson to adopt Resolution #10-42.

ROLL CALL VOTE:

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

NOES: None

R E S O L U T I O N #10-42

A RESOLUTION FOR AN EMERGENCY TEMPORARY APPROPRIATION

WHEREAS, an emergent condition has arisen with respect to Unemployment Compensation O/E, and Liability Insurance 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 \$633,727.32

NOW, THEREFORE, BE IT RESOLVED, on this 25th 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:

Unemploy. Comp O/E 27,104.32
Liability Ins. O/E 221,335.00

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 #10-43. Read by title.
 Motion by Burd, seconded by Johnson to adopt Resolution #10-43.
MOTION UNANIMOUSLY CARRIED

RESOLUTION #10-43

**A RESOLUTION AMENDING 2009
 PROFESSIONAL SERVICES AGREEMENTS**

WHEREAS, the Township entered into a Professional Services Agreement for the year 2009 with the firms noted below; and

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

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

NOW, THEREFORE, BE IT RESOLVED on this 25th day of January, 2010 by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that the 2009 Professional Services Agreement be and hereby is amended as follows:

FIRM	<u>CURRENT MAXIMUM</u>	<u>PROPOSED MAXIMUM</u>	<u>CURREN T TERM EXPIRES</u>	<u>PROPOSED TERM EXPIRES</u>
Kevin VanHise, Esq. Zoning Board. Attorney	\$ 4,000.00	\$ 5,757.50	12/31/09	No Change
Steve Goodell, Esq. COAH	\$ 7,000.00	\$ 7,253.50	12/31/09	No Change
Mason, Griffin & Pierson Affordable Housing-Schmierer	\$70,000.00	\$72,605.49	12/31/09	No Change
Spiezle Architectural Group, Inc. PW Building PV Project	\$32,000.00	\$33,000.00	12/31/09	No Change
Van Cleef Engineering Assoc. Affordable Housing Matters	\$ 5,000.00	\$ 5,469.25	12/31/09	No Change
Van Cleef Engineering Assoc. General Engineering	\$95,000.00	\$100,692.24	12/31/09	No Change
Van Cleef Engineering Assoc. Stormwater	\$19,000.00	\$13,000.00	12/31/09	No Change

RESOLUTION #10-44. Read by title.
 Motion by Burd, seconded by Johnson to adopt Resolution #10-44.
MOTION UNANIMOUSLY CARRIED

RESOLUTION #10-44

**A RESOLUTION AUTHORIZING
 PROFESSIONAL SERVICES AGREEMENTS**

WHEREAS, there exists a need for professional services for the following: Planning Board Escrow services; and

WHEREAS, the estimated cost of the contract is \$10,000.00 for Planning Board Escrow 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:
 Comp Comm, Inc., 465 Haddon Avenue, Collingswood, NJ 08108

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 #10-45. Read by title.

Counsel explained the proposed resolution authorizes a refund of affordable housing development fees paid by Capital Health System for its new hospital facility under construction pursuant to the Economic Stimulus Act, and authorizes the township to seek reimbursement from the State Affordable Housing Trust Fund.

Motion by Burd, seconded by Johnson to adopt Resolution #10-45.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #10-45

**A RESOLUTION AUTHORIZING THE REFUND OF
NON-RESIDENTIAL DEVELOPMENT FEES PAID
BY CAPITAL HEALTH SYSTEM, INC.
PURSUANT TO THE ECONOMIC STIMULUS ACT OF 2009**

WHEREAS, the Statewide Non-Residential Development Fee Act, P.L. 2008, c. 46 (C.40:55D-8.1 through -8.7), effective July 18, 2008, prohibits municipalities from imposing on non-residential development municipal fees to fund affordable housing activities, and instead, imposes a 2.5% statewide affordable housing development fee ("NRDF") on all non-residential new construction and additions constructed within the State of New Jersey; and

WHEREAS, pursuant to the requirements of the Statewide Non-Residential Development Fee Act, the Township of Hopewell ("Township") has assessed and collected the 2.5% NRDF from qualified developers of new non-residential construction and additions within the Township; and

WHEREAS, on July 27, 2009, the New Jersey Economic Stimulus Act of 2009, P.L. 2009, c. 90 (the "Act"), was signed into law, which affects, modifies and amends the provisions of the Statewide Non-Residential Development Fee Act; and

WHEREAS, Section 39a of the Act (N.J.S.A. 40:55D-8.8a) provides that a developer of property that received preliminary site plan approval or final approval prior to July 17, 2008, and that was subject to the payment of a non-residential development fee prior to enactment of the Act, shall be entitled to a return of any monies paid that represent the difference between moneys committed prior to July 17, 2008 and monies paid on or after that date; and

WHEREAS, Section 39c (N.J.S.A. 40:55D-8.8c) of the Act requires that a claim for the return of a non-residential development fee shall be submitted, in writing, to the same entity to which the moneys were paid, within 120 days of the effective date of the Act, that the public entity shall promptly review all requests for returns, and that the fees paid shall be returned to the claimant within 30 days of receipt of the claim; and

WHEREAS, Section 39e (N.J.S.A. 40:55D-8.8e) of the Act also provides that a municipality that has returned all or a portion of the NRDF paid in accordance with the Act shall be reimbursed from the funds available through the appropriation made into the "New Jersey Affordable Housing Trust Fund" within 30 days of the municipality providing written notice to the New Jersey Council on Affordable Housing ("COAH"); and

WHEREAS, COAH has promulgated the official "State of New Jersey Non-Residential Development Fee Claim Form" ("NRDF Claim Form"), which is required to be completed in full by all developers seeking a return of any NRDF paid; and

WHEREAS, Capital Health System, Inc. ("CHS") is a developer of new, non-residential construction on property designated as Lots 3.17, 3.18, 3.20, 3.22 and 3.96 in Block 91 on the Hopewell Township Tax Map (the "subject property"); and

WHEREAS, CHS is a healthcare provider in the process of relocating a hospital facility, known as Capital Health Center - Mercer Campus ("Mercer Hospital"), from the City of Trenton to the subject property; and

WHEREAS, the subject property is a portion of a larger land tract, known as the "Merrill Lynch Property", which received General Development Plan Approval for the "Southfields Office Park" project from the Hopewell Township Planning Board ("Board") by Board Resolution No. 98-015, adopted March 23, 1998 and amended April 27, 1998 ("GDP Approval"); and

WHEREAS, on November 8, 2007 and memorialized by Board Resolution No. 07-042, adopted December 13, 2007, the Board granted CHS's application to amend the GDP Approval to add as additional uses a hospital, medical office buildings, healthcare and related

infrastructure improvements, and to identify affordable housing as an option on a portion of the subject property; and

WHEREAS, on December 13, 2007, the Board also adopted Resolution No. 07-043, granting CHS's application for: a consolidation of Block 91, Lots 3.17, 3.20 & 3.96; preliminary and final subdivision approval for Lots 3.16, 3.17, 3.18, 3.19 and 3.96; and preliminary and final site plan approval with bulk variances to construct Phase I and II of the hospital, medical office building, central utility plant and related infrastructure improvements; and

WHEREAS, on July 10, 2008, in anticipation of the enactment of P.L. 2008, c. 46 and the amount of NRDF to be owed, CHS sought an amendment to the GDP Approval and sought approval to make an initial deposit or payment to the Township's Affordable Housing Trust Fund of a NRDF in the amount of \$639,633.75 to be utilized to assist the Township implement elements of the Township's affordable housing program and to be credited against CHS's ultimate affordable housing obligation; and

WHEREAS, by Check No. 216412, dated August 12, 2008, CHS paid to the Township a NRDF of \$639,633.75, calculated as follows:

Estimated Equalized Assessed Value:	\$ 51,170,700.00
NRDF Factor:	<u>2.5%</u>
Total Estimated NRDF Owed for Development:	\$ 1,279,267.50
50% Pre-Payment Deposit at Issuance of Bldg. Permit:	<u>50.0%</u>
Pre-Payment Initial Deposit Paid:	<u>\$ 639,633.75</u>

WHEREAS, the Township acknowledges receipt of the funds remitted by CHS, said funds deposited in the Township's Affordable Housing Trust Fund; and

WHEREAS, by transmittal correspondence dated September 28, 2009, CHS submitted the completed NRDF Claim Form, requesting a refund of the total NRDF paid in the amount of \$639,633.75; and

WHEREAS, upon review, the Township is satisfied that CHS has complied with the claim requirements of Section 39c of the Act and NRDF Claim Form; and

WHEREAS, pursuant to Section 39a of the Act, as a developer of property that received preliminary site plan approval and/or final approval prior to July 17, 2008 and that was subject to payment of the NRDF prior to the July 27, 2009 enactment of the Act, CHS is entitled to a return of any moneys paid that represent the difference between moneys committed prior to July 17, 2008 and monies paid on or after that date, calculated as follows:

A.H. fees paid or committed prior to 7/18/08:	\$ 0.00
Less: NRDF fees paid (7/18/08 - 7/27/09):	<u>639,633.75</u>
Total NRDF Refund Owed Under the Act:	<u>\$ 639,633.75</u>

;and

WHEREAS, the Township will refund to CHS the amount required by Section 39a of the Act and will seek reimbursement of such monies from the New Jersey Affordable Housing Trust Fund pursuant to Section 39e of the Act.

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

1. The preamble to this Resolution is hereby incorporated as if more fully set forth herein.
2. The Township is authorized and directed to reimburse the amount of \$639,633.75 to Capital Health System, Inc., from the Township's Affordable Housing Trust Fund pursuant to Sections 39a and 39c of the Economic Stimulus Act of 2009, P.L. 2009, c. 90.
3. Pursuant to Section 39e of the Act, the Township, by and through its Special Counsel for Affordable Housing, is authorized and directed to seek reimbursement of the funds paid to Capital Health System, Inc. from the New Jersey Affordable Housing Trust Fund.
4. A true copy of this resolution and a copy of the reimbursement check to CHS shall be provided to the Township's Special Counsel for Affordable Housing for prosecution of the Township's reimbursement claim pursuant to Section 39e of the Act.

BE IT FURTHER RESOLVED that the Mayor, Administrator, Clerk, Attorney, Special Counsel, and other appropriate officers, employees and professionals, are hereby authorized and directed to undertake any and all such acts and execute any and all such documents as may be necessary to effectuate and accomplish the purposes hereof.

RESOLUTION #10-46. Read by title.
Motion by Burd, seconded by Johnson to adopt Resolution #10-46.
MOTION UNANIMOUSLY CARRIED

RESOLUTION #10-46

**A RESOLUTION AWARDING A CONTRACT TO
JONICO, INC. FOR INTERSECTION IMPROVEMENTS ROUTE 31**

WHEREAS, the Township of Hopewell advertised for Intersection Improvements Route 31 Bid# (B9-16); and

WHEREAS, the Township received three bids on December 30, 2009; and

WHEREAS, the bids were reviewed, and recommendation has been made by the Township Engineer in his memorandum dated December 30, 2009, attached hereto and made part of this resolution, for award to Jonico, Inc., PO Box 751, Lambertville, NJ 08530 the lowest responsive, responsible bidder, subject to NJDOT approval; and

WHEREAS, the Township Chief Financial Officer certifies funds are available for this purpose.

NOW, THEREFORE BE IT RESOLVED, on this 25th day of January, 2010 by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey:

1. That a contract be and is hereby awarded to Jonico, Inc., PO Box 751, Lambertville, NJ 08530
2. That the contract not exceed \$109,510.00.
3. That the Mayor and Clerk be and are hereby authorized to execute said contract.

RESOLUTION #10-47. Read by title.

Motion by Burd, seconded by Johnson to adopt Resolution #10-47.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #10-47

**A RESOLUTION AUTHORIZING CHANGE ORDER #1 TO
THE COOPERATIVE PRICING SYSTEM #8HTCPS
FOR HOPEWELL TOWNSHIP &
HOPEWELL VALLEY REGIONAL SCHOOL DISTRICT
WITH ARAWAK PAVING
FOR 2008 ROAD MAINTENANCE PROGRAM, B8-03**

WHEREAS, on July 14, 2008 the Township Committee of the Township of Hopewell authorized a contract with Arawak Paving in the amount of \$1,196,000.00 for 2008 Road Maintenance Program (B8-03); and

WHEREAS, the Township Engineer recommends that Change Order #1 and Final which adjusts contract quantities to as-built and decreases the total contract amount by \$244,073.58, be approved by the Township Committee for the reasons outlined in his memorandum January 4, 2010, which is annexed hereto and made a part of this Resolution.

NOW, THEREFORE, BE IT RESOLVED on this 25th day of January, 2010 by the Township Committee of the Township of Hopewell, County of Mercer and State of New Jersey:

1. That Change Order #1 representing a decrease in the amount of \$244,073.58 be and is hereby approved with respect to the contract for 2008 Road Maintenance Program.
2. That the amount of all Change Orders be a 18.74 percent decrease to the total contract amount, for a new contract amount with Arawak Paving of \$971,926.42.

RESOLUTION #10-48. Read by title.

Motion by Burd, seconded by Johnson to adopt Resolution #10-48.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #10-48

**A RESOLUTION AUTHORIZING
CHANGE ORDER #1 TO THE CONTRACT
WITH HELIOS CONSTRUCTION, INC.
FOR ADA ACCESS IMPROVEMENTS,
WASHINGTON CROSSING STATE PARK**

WHEREAS, on December 8, 2009 the Township Committee of the Township of

Hopewell authorized a contract with Helios Construction, Inc. in the amount of \$646,766.00 for ADA Access Improvements, Washington Crossing State Park Bid # (B8-11); and

WHEREAS, the Township Engineer recommends that Change Order #1 which adjusts contract quantities to as-built quantities and decreases the total contract amount by \$27.27 be approved by the Township Committee for the reasons outlined in his memorandum December 18, 2009, which is annexed hereto and made a part of this Resolution.

NOW, THEREFORE, BE IT RESOLVED on this 25th day of January, 2010 by the Township Committee of the Township of Hopewell, County of Mercer and State of New Jersey:

1. That Change Order #1 representing a decrease in the amount of \$27.27 be and is hereby approved with respect to the contract for ADA Access Improvements, Washington Crossing State Park.
2. That the amount of all Change Orders be a .0042 percent decrease to the total contract amount, for a new contract amount with Helios Construction, Inc. of \$646,738.73.

RESOLUTION #10-49. Read by title.

Motion by Burd, seconded by Johnson to adopt Resolution #10-49.

ROLL CALL VOTE:

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

NOES: None

**RESOLUTION #10-49
BILLS & CLAIMS**

BE IT RESOLVED, that the list of cash disbursements authorized for approval of bills for payment dated January 25, 2010 in the following amounts:

Bills and Claims	-	\$ 5,696,486.47
Payroll	-	\$ 338,735.59
Total Disbursements	-	\$ 6,035,222.06

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

PUBLIC SECTION

Gene Ramsey questioned a tentative date for commencement of sidewalk construction on Pennington-Titusville Road.

EXECUTIVE SESSION RESOLUTION. Read into the record.

Mayor Markulec stated that the regular meeting would not 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 25th 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 9:50 p.m. the Executive Session was held.

At 11:30 p.m., Motion by Burd, seconded by Johnson to adjourn the meeting.

MOTION UNANIMOUSLY CARRIED

ANNETTE C. BIELAWSKI
MUNICIPAL CLERK