

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

Monday, February 8, 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.

MINUTES SUBMITTED FOR APPROVAL

Motion by Burd, seconded by Sandom to approve the September 14, 2009 Regular and Executive Session Meeting Minutes.

MOTION CARRIED

ABSTAIN: Johnson

ADDITIONAL ITEMS FOR MEETING AGENDA

Mr. Pogorzelski advised that Resolutions H and I be removed from the agenda at this time.

COMMITTEE MEMBERS AND STAFF REPORTS

Committee Member Burd reported on the January 28, 2010 Planning Board Reorganization and Regular meeting and that applications included Project Freedom and its project on Denow Road, and the Capital Health System site plan. He also reported on an Agricultural Advisory Committee meeting and discussions included potential preservation of a farm on Pleasant Valley-Harbourton Road; signage for preserved open space properties; and small farm animal agriculture uses. Committee Member Burd noted a Northeastern Organic Farms Association benefit concert and spring seed celebration scheduled for March 20th at Hopewell Valley Vineyards beginning at 6:30 p.m. He also reported on Public Works Department activities that included brush collection; pothole repair on Aunt Molly Road; ditch cleanup at Blackwell Road; and salt application and snow removal on township roads during several recent snow events.

Mayor Markulec announced the Pennytown Task Force is scheduled to meet on Wednesday, February 10th, and the public is invited to attend.

Committee Member Murphy reported on Recreation Department activities that included a scheduled teen event skiing trip; youth activities that included a baseball minicamp and softball clinic; and community trips to the Hunterdon Hills Playhouse, the Philadelphia Flower Show, and the National Geographic Museum in Washington D.C.

Mr. Pogorzelski reported on the following: a meeting with PSE&G relative to the Mt. Rose closure this summer; a pre-construction meeting concerning the Pennington-Titusville Road improvements; the Twin Pines site bid process; Lawrence Hopewell Trail plan review; meetings with Mercer County and Police Chief Meyer with regard to traffic congestion and increased accidents at the intersection of Route 546 and Jacobs Creek Road and a proposed temporary traffic signal installation; and the release of the Jacobs Creek Bridge Cultural Resources Report, Phase 1A.

Mr. Goodell reported receipt of a Notice from the Hopewell Valley Citizens Group indicating they will be filing a Petition of Certification with the Supreme Court for permission to file an appeal. He also reported on hearings as to the new COAH bill which could transfer affordable housing issues to a different state agency.

Ms. Borges reported on the completion of the Annual Debt Statement and Annual Financial Statement and preparation of the budget.

Ms. Bielawski noted the Fire District Election will be held next Saturday, February 20th in the municipal building auditorium and polls will be open from 2:00 p.m. to 9:00 p.m.

PUBLIC SECTION

William Schoelwer, a resident of Westcott Drive, raised a question as to intersection improvements at Mt. Rose in connection with the PSE&G construction; scheduled meetings of the Lawrence Hopewell Trail Committee; and the tax agreement with Capital Health System (CHS). Mr. Goodell responded that the current agreement resolves a series of issues with CHS that included the amount of rollback taxes to be paid; valuation of the project and the value during construction; taxation during construction and amount of property to be exempt. Counsel noted that the agreement does not become fully effective until approval by a judge.

William Clarke, a resident of Cherry Valley Road, asked if local residents were in attendance at the reported meeting with regard to the Mt. Rose closure. Mr. Pogorzelski replied that such was a strategic meeting and that subsequent to the development of a plan residents will be invited to view the plan. Mr. Clarke requested that a meeting be held in the municipal building with the residents prior to finalization of the plan.

ORDINANCE – INTRODUCTION AND FIRST READING

Mayor Markulec read by title the ordinance for introduction:

ORDINANCE AMENDING BOND ORDINANCE #08-1425, AS AMENDED BY #08-1431 OF THE TOWNSHIP OF HOPEWELL, IN THE COUNTY OF MERCER, NEW JERSEY, FINALLY ADOPTED APRIL 14, 2008, AS AMENDED JUNE 23, 2008 IN ORDER TO AMEND THE DESCRIPTION OF THE PROJECT.

Mr. Pogorzelski explained that the proposed bond ordinance will amend the 2008 capital ordinance which included the repair of the roof on the municipal building and the replacement of the roof on the Public Works building in anticipation of the installation of solar panels. He noted that since that time the solar panels have been installed on the grounds of the Public Works building and there is no need for a complete roof replacement; however, certain issues exist within the municipal building. Mr. Pogorzelski explained that the proposed amendment will change the description on the original bond ordinance to permit use of the monies to effect the repairs to the municipal building.

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 February 22, 2010, at 7:00 p.m.

CONSENT AGENDA ITEMS**RESOLUTIONS #10-50 AND #10-51 AND SHOOTING GALLERIES LICENSE RENEWAL.** Read by title.

Motion by Burd, seconded by Johnson to adopt Resolutions #10-50 and #10-51 and approve Shooting Galleries License Renewal.

MOTION UNANIMOUSLY CARRIED**RESOLUTION #10-50****A RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE TOWNSHIP OF HAMILTON FOR HEALTH SERVICES FOR 2010**

WHEREAS, it is the desire of the Governing Body of the Township of Hopewell to contract with the Township of Hamilton for the provision of certain sexually transmitted disease (STD) clinic services for the term January 1, 2010 through December 31, 2010; and

WHEREAS, N.J.S.A. 40:8A-1 et seq permits local units of the State to enter into a contract with any other local unit for the provision of any service which any party to the agreement is empowered to render within its own jurisdiction.

NOW, THEREFORE, BE IT RESOLVED, on this 8th day of February 2010, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey that the Mayor and Clerk be and hereby are authorized to enter into a Shared Services Agreement with the Township of Hamilton for certain health services for 2010. Said services shall be furnished and rendered by the Township of Hamilton pursuant to a contract, a copy of which is annexed hereto.

RESOLUTION #10-51**A RESOLUTION AUTHORIZING THE TOWNSHIP OF HOPEWELL TO CONTRACT WITH THE TOWNSHIP OF LAWRENCE FOR CHILD HEALTH CARE SERVICES FOR 2010**

WHEREAS, it is the desire of the Governing Body of the Township of Hopewell to contract with the Township of Lawrence for provision of Child Health Care Services for the term January 1, 2010 through December 31, 2010; and

WHEREAS, N.J.S.A. 40:8A-1 et seq permits local units of the State to enter into a contract with any other local unit for the provision of any service which any party to the agreement is empowered to render within its own jurisdiction.

NOW, THEREFORE, BE IT RESOLVED, on this 8th day of February 2010, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey that the Mayor and Clerk be and hereby are authorized to enter into an Interlocal Services Agreement with the Township of Lawrence for Child Health Care Services for 2010. Said services shall be furnished and rendered by the Township of Lawrence pursuant to a contract, a copy of which is annexed hereto.

SHOOTING GALLERIES LICENSE RENEWAL - Sohiwe Deer Club, Minnietown Lane

RESOLUTION #10-52. Read by title.

Motion by Burd, seconded by Johnson to adopt Resolution #10-52.

ROLL CALL VOTE:

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

R E S O L U T I O N #10-52
A RESOLUTION FOR AN
EMERGENCY TEMPORARY APPROPRIATION

WHEREAS, an emergent condition has arisen with respect to Public Works O/E and Recreation 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 \$713,127.32

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

Public Works O/E	75,000.00
Recreation O/E	4,400.00

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 #10-53. Read by title.

Motion by Burd, seconded by Johnson to adopt Resolution #10-53.

ROLL CALL VOTE:

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

R E S O L U T I O N #10-53
A RESOLUTION FOR AN EMERGENCY
TEMPORARY APPROPRIATION
(UTILITY BUDGETS)

WHEREAS, an emergent condition has arisen with respect to 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 \$179,650.00 Sewer;

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

SEWER	
Other Expenditures	<u>\$ 163,000.00</u>

Total \$ 163,000.00

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 #10-54. Read by title.

Motion by Burd, seconded by Johnson to adopt Resolution #10-54.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #10-54

**RESOLUTION APPROVING RENEWAL OF
RETAIL ALCOHOLIC BEVERAGE
LICENSE NO. 1106-33-003-005 (PPL, INC.)
FOR THE 2009-2010 TERM**

WHEREAS, a renewal application has been filed with the Township of Hopewell together with the required renewal fees for the 2009-2010 license term of Plenary Retail Consumption License Number 1106-33-003-005, held by PPL, Inc; and

WHEREAS, the license has been inactive for more than two license terms; and

WHEREAS, the licensee has filed a request for a Special Ruling from the Director of the New Jersey Division of Alcoholic Beverage Control to permit renewal of an inactive license pursuant to N.J.S.A. 33:1-12.39; and

WHEREAS, the Director of the New Jersey Division of Alcoholic Beverage Control has issued a Special Ruling and finds that the licensee has established good cause in accordance with the statutory requirements to warrant an application for renewal of the license for the 2009 – 2010 license term; and

WHEREAS, the Special Ruling hereby authorizes the Township Committee of the Township of Hopewell to consider the application for renewal of the subject license for the 2009 – 2010 license term.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Hopewell, County of Mercer, does hereby approve, effective February 8, 2010, the application for renewal of Inactive Plenary Retail Consumption License No. 1106-33-003-005 held by PPL, Inc. for the 2009-2010 license term.

RESOLUTION #10-55. Read by title.

Mr. Pogorzelski explained that Change Order #2 to the contract for realignment of Blackwell Road was for final restoration work to complete the contract. He offered an amendment to the language of the Resolution to approve conditioned upon receipt of a certification from the contractor and subject to a written amendatory contract to be entered into covering the changes.

Motion by Burd, seconded by Johnson to adopt Resolution #10-55 as amended.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #10-55

**A RESOLUTION AUTHORIZING
CHANGE ORDER #2 TO THE CONTRACT
WITH BIL JIM CONSTRUCTION
FOR ROADWAY REALIGNMENT BLACKWELL ROAD**

WHEREAS, on November 09, 2009 the Township Committee of the Township of Hopewell authorized a contract with Bil Jim Construction in the amount of \$222,738.74 for Roadway Realignment Blackwell Road (B9-06); and

WHEREAS, Change Order #1 increasing this contract \$44,000.00 and representing a

19.75% increase was approved on November 09, 2009; and

WHEREAS, the Township Engineer recommends that Change Order #2 which increases the contract amount by \$4,600.00 be approved by the Township Committee for the reasons outlined in his memorandum dated February 4, 2010, which is annexed hereto and made a part of this Resolution conditioned upon the following: 1) receipt of a certification from the Contractor and 2) subject to a written amendatory contract to be entered into covering the changes.

NOW, THEREFORE, BE IT RESOLVED on this 8th day of February, 2010 by the Township Committee of the Township of Hopewell, County of Mercer and State of New Jersey:

1. That Change Order #2 increase the contract amount by \$4,600.00 is hereby approved with respect to the contract for Roadway Realignment Blackwell Road conditioned upon the following: 1) receipt of a certification from the Contractor and 2) subject to a written amendatory contract to be entered into covering the changes.
2. That the amount of all Change Orders be a 21.82 percent increase to the total contract amount, for a new contract amount with Bil Jim Construction of \$271,338.74.

RESOLUTION #10-56. Read by title.

Mr. Pogorzelski explained terms to the proposed CWA contract. He noted that for the year 2010 there will be a 0 percent wage increase, for 2011 a 1.5 percent increase and for 2012 a 2 percent increase. In response to a question as to Department heads increase, Mr. Pogorzelski noted that for all non-union employees including Department heads there will be a 0 percent wage increase.

Motion by Burd, seconded by Johnson to adopt Resolution #10-56.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #10-56

**A RESOLUTION APPROVING AN AGREEMENT WITH CWA 1036,
HOPEWELL TOWNSHIP NON-SUPERVISORY WHITE COLLAR
EMPLOYEES AND AUTHORIZING THE EXECUTION THEREOF**

WHEREAS, the Township Committee and CWA 1036, Hopewell Township non-supervisory white collar employees, have reached an agreement on the negotiable terms and conditions of employment for the period from January 1, 2010 through December 31, 2012.

NOW, THEREFORE, BE IT RESOLVED, on this 8th day of February, 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 CWA 1036, Hopewell Township non-supervisory white collar employees 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 #10-57. Read by title.

Motion by Burd, seconded by Johnson to adopt Resolution #10-57.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #10-57

**A RESOLUTION APPROVING THE TRANSFER OF
KAREN K. BORKOWSKI FROM THE MUNICIPAL CONSTRUCTION
OFFICE TO THE POSITION OF DISCOVERY CLERK
IN THE POLICE DEPARTMENT**

BE IT RESOLVED on this 8th day of February, 2010 by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that the transfer of Karen K. Borkowski, Secretary in the Municipal Construction Office to the position of Discovery Clerk in the Hopewell Township Police Department be and is hereby approved, effective February 8, 2010.

BE IT FURTHER RESOLVED that Karen K. Borkowski remain compensated at her annual salary of \$40,694.04.

BE IT FURTHER RESOLVED that Ms. Borkowski's accrued benefits will transfer to her new position.

RESOLUTION #10-58. Read by title.

Motion by Burd, seconded by Johnson to adopt Resolution #10-58.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #10-58

A RESOLUTION APPROVING CWA STIPENDS

BE IT RESOLVED on this 8th day of February, 2010 by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey that the following CWA stipends be and are hereby adopted:

NAME	STIPEND TITLE	STIPEND AMOUNT	EFFECTIVE DATE
Karen Richel	Registrar	\$2,000.00	01/01/2010
Joanne Bartha	Recycling Coordinator	\$2,000.00	01/01/2010
Jacquelyn Kenny	Recreation	\$2,000.00	01/01/2010

RESOLUTION #10-59. Read by title.

Motion by Burd, seconded by Johnson to adopt Resolution #10-59.

ROLL CALL VOTE:

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

NOES: None

R E S O L U T I O N #10-59

BILLS & CLAIMS

BE IT RESOLVED, that the list of cash disbursements authorized for approval of bills for payment dated February 8, 2010 in the following amounts:

Bills and Claims	-	\$ 6,468,745.15
Payroll	-	\$ 335,522.27
Total Disbursements	-	\$ 6,804,267.42

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

William Schoelwer questioned cost of living provisions in the union agreements. He also questioned the roof of the Public Works building with regard to snow load.

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 8th day of February 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 8:07 p.m. the Executive Session was held.

At 9:17 p.m., Motion by Burd, seconded by Johnson to adjourn the meeting.

MOTION UNANIMOUSLY CARRIED

ANNETTE C. BIELAWSKI
MUNICIPAL CLERK