

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

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**Monday, March 22, 2010 – 7:04 p.m.**

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**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

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

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**PRESENTATION – POLICE COMMENDATION**

Hopewell Township Police Chief George Meyer appeared before the Township Committee and asked that Police Officer Bob Sparano approach the podium. Chief Meyer explained the events that occurred on January 13<sup>th</sup> as Officer Sparano first responded to a report of a house fire on Rosedale Way. Officer Sparano confirmed that all occupants were out of the house with the exception of a dog and immediately retrieved a fire extinguisher from his patrol car. Disregarding the heavy smoke he entered the house and utilized the extinguisher to douse the flames. Forced to retreat outside because of the dense smoke, Officer Sparano confirmed that the dog had been located and he then returned to the house and completely extinguished the flames. Chief Meyer commented that the house could potentially have been a major loss if Officer Sparano had not performed immediately and decisively. Public Safety Director Burd and Chief Meyer presented the Hopewell Township Police Department Award of Merit commendation to Officer Sparano. Members of the Township Committee led the audience in a round of applause. Mayor Markulec thanked Chief Meyer and all the Police Officers in attendance for their work on a “day in and day out” basis.

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**PRESENTATION – BONGIORNO PRODUCTIONS – PREFAB GREEN HOME/FILM PROJECT**

**Marylou Tibaldo-Bongiorno** representing Bongiorno Productions, appeared before the Committee. She explained that Bongiorno Productions are filmmakers currently in production with a project called Prefab Green. Ms. Bongiorno gave a power point presentation on Prefab Green, a film that traces the building of one zero energy house from planning to long term efficiency. She indicated that the plan is to situate the house close to an eco center so as to educate the general public and as a tourist destination for learning the building process. She added that they are working with Linda Mead, Executive Director of D & R Greenway, to place the house adjacent to public conserved land.

**Jerome Bongiorno** explained the project elements of the zero energy house which is currently being designed by New Jersey Institute of Technology students. The prefabricated “passive” house will draw on techniques including an energy recovery ventilation system and solar energy

for heat. The nearby eco center will have a screen room containing exhibits featuring cross section of the house heating and cooling systems and prefabricated panels. Beneficial land use techniques such as constructive wetlands, a rain garden and a grassland for wildlife drainage and to replenish the aquifer will also be utilized.

Ms. Bongiorno listed certain sponsors and stated the house is intended to be a prototype for others to build and to unify with a land trust.

**Linda Mead**, Executive Director of D & R Greenway, appeared before the Committee and explained D & R's interest in the project and the concept of integrating the land and the green building. She indicated that D & R Greenway has been considering properties presented for preservation and the possibility to partner for funding such a project.

Committee Members raised certain questions with regard to the proposed project that included location of the eco center; time frame; examples of prefab green homes; a plan for community outreach; heating and cooling aspects; assembly and manufacturing of the prefabricated house; and documentation of the eco center.

Mayor Markulec thanked the Bongiorno's and Ms. Mead for the presentation.

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#### **ADDITIONAL ITEMS FOR MEETING AGENDA**

Mayor Markulec advised of the following additional item for the Consent Agenda: Raffles License Application (RA:3-10) for the Hopewell Valley YMCA; and for the Regular Agenda, A Resolution commending the Outstanding Performance of the Staff of the Hopewell Township Police Department, 9-1-1 Dispatchers, Hopewell Township Public Works Department, All Professional and Volunteer Emergency Responders as well as all Individuals who Provided Assistance to Hopewell Township during the Winter of 2009/2010.

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#### **COMMITTEE MEMBERS AND STAFF REPORTS**

Committee Member Sandom reported on a meeting of the Environmental Commission and an application by Bristol Myers Squibb to extend public water to its site. She solicited the Committee on behalf of the Environmental Commission with regard to the photo contest and the notion of the use of a "big tree" contest and photographs of the trees as subject matter for the calendar this year.

Committee Member Burd reported on Public Works Department activities including brush collection and clean up from the recent wind and rain storm including removal of trees and opening of roads.

Mayor Markulec thanked the League of Women Voters for its program on March 10<sup>th</sup> on Municipal Consolidation. He reported on a "Battle of the Bands" fundraising effort for a teen center sponsored by the Youth Advisory Board last Friday evening.

Committee Member Johnson announced that AARP tax aid volunteers are available to assist Hopewell Valley residents prepare tax returns and interested seniors should contact the Senior Services Coordinator, Abigail Waugh, to schedule an appointment. She noted the dates and times for the program were March 29<sup>th</sup> and April 12<sup>th</sup> from 1:30 p.m. to 4:30 p.m. at the Senior Center in Pennington. She also announced a computer class for seniors on Tuesday, April 6<sup>th</sup> from 10:30 a.m. to 11:30 a.m. at the Hopewell Branch of the Mercer County Library.

Committee Member Murphy reported on several Recreation Department community trips including two Broadway shows, Washington D.C.'s National Geographic Museum, the Dutch Apple Dinner Theatre, and the Baseball Home Run Series. Committee Member Murphy reported on a Recreation Advisory Committee meeting which focused on the drafting of a use policy for fields and facilities and announced its next meeting is scheduled for April 19<sup>th</sup> and solicited all youth organizations to attend and comment on the use policy prior to presentation to

the Township Committee for approval.

Mr. Pogorzelski reported on the following: the status of the planned lighting on the fields by the football organization; the Weidel closing and an easement provision to permit access to Denow Road; the Bristol Myer Squibb application to the Planning Board for a water main extension down from Mt. Rose to its campus; Friends of Hopewell Valley Open Space's work on a Woodlands Management Grant with the Federal Government; permission from DEP to move the "Old Schoolhouse" to the Alliger Tract and the subsequent public hearing process; a meeting with the Delaware River Joint Toll Bridge Commission regarding a grant application for reconstruction of sidewalks in Titusville; a meeting with the Hopewell Valley Baseball and Softball Association regarding the restructure of the basic agreement; a scheduled meeting with state and federal officials as to the progress on the Honey Lake project; and the construction bid for the Twin Pines Athletic fields.

Mr. Goodell reported on the following: a civil rights lawsuit filed against the township and a Police Officer; an eminent domain case involving drainage improvements at the intersections of Crest and Orchard Avenues and Route 31; the Trenton Water referendum case; status of the Capital Health System agreement; the ELSA mediation; legislative issues including elimination of the "Time of Decision" rule; and an update on COAH.

Ms. Borges reported on a meeting with members of the Teen Center Task Force with regard to finances for the Teen Center. She noted the auditors have approximately 1 to 2 weeks of field work remaining prior to preparation of the audit report. Ms. Borges reported the costs to the budget for the eleven weather events this year totaled \$252,000. She noted a scheduled budget meeting tomorrow, March 23<sup>rd</sup>. She also reported on an opportunity to go to the market and convert certain notes into bonds and she questioned the Committee as to the timing and whether a financial advisor should be engaged for the bond issue. Ms. Borges commented on the Governor's budget presentation and a reduction in state aid to the township by approximately \$490,000. She also noted a proposed change in the distribution of state aid.

Ms. Bielawski reported that next Tuesday, March 30<sup>th</sup> is the last day to register to vote or change an address for the school election which will be held on April 20<sup>th</sup>; and that April 12<sup>th</sup> is the deadline for nomination petitions to be filed with the Clerk's Office for the June 8 Primary Election.

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## PUBLIC SECTION

**David Sandahl**, former Township Committee Member and resident of Dublin Road, offered a draft resolution committing Hopewell Township to work with Pennington and Hopewell Boroughs on methods to reduce duplication costs and the property tax burden through consolidation and shared services. He asked that the Committee consider adding this item to the next agenda for discussion and possible action. Mr. Sandahl explained the resolution asks that the Township approach the two boroughs to develop a common format to deal with the budget together to investigate opportunities such as shared services and whether consolidation would be possible on a financial basis. He further asked that the Committee report back to the community prior to submission of the budget to Trenton.

**Ashley Kerr**, a resident of Bear Tavern Road, stated that the Hopewell Township Historic Preservation Commission adopted a resolution to support the findings of the Jacobs Creek Bridge Task Force, and she asked if the Township Committee will consider a resolution at its next meeting. She noted a timeline of approximately 30 to 45 days prior to the State Historic Preservation Office (SHPO) recommendation on the issue. Ms. Kerr further discussed the process with the SHPO for nomination for preservation of the Jacobs Creek Bridge area and the site as a rural historic landscape.

**Beth Kerr**, a resident of Bear Tavern Road, stated she has spent a great deal of time at the SHPO archives researching the historic rural district and the designation area. She requested that the Township Committee support the recommendations of the Task Force to preserve the area by a resolution for submission to the SHPO for its nomination process.

**Sara Cooper**, a resident of State Park Drive, thanked the Township Committee for its dialogue on the Jacobs Creek Bridge historic area and offered the help of residents with regard to the SHPO nomination process.

**William Schoelwer**, a resident of Westcott Boulevard, requested that Princeton Farms be included in the application for water service to Bristol Myers Squibb from Mt. Rose. He suggested in an effort to save certain overtime hour monies during a storm that roads with fallen trees remain closed for workers to cut on regular work hours. He expressed support for Mr. Sandahl’s proposed resolution and noted that in the past he had suggested the township determine best practices for itself. Mr. Schoelwer also recommended that the township negotiate a compromise with regard to a teen center and expend certain monies for the youth.

**Anthony Arnone**, a resident of Pennington-Titusville Road, raised an issue of mailbox placement as a result of the new sidewalk and curb installation along Pennington Titusville Road. He also raised the issue of resident snow removal on sidewalks following snow plowing by the township. He raised the possibility of an understanding as to the technique used to plow and suggested that the plow continually cast the snow on the left side heading west so as to minimize the amount of snow cast from the street onto the sidewalk. He also noted the proposed resolution to approve the application of the Hopewell Valley Lacrosse League and requested that prior to approval a parking plan be managed and that the use of air horns be prohibited.

**Michael Kiernan**, a resident of Marshalls Corner Road, questioned the status of the following: the Stage Depot property; the proposed units for COAH obligations; the H.I. Rib Restaurant; the traffic study of Marshalls Corner; maintenance of the Pennytown property including grass mowing in the summer; the condition of the pond and dam on the property; cost of demolition; and possible legal ramifications with regard to COAH funds if the Township decided to sell the property.

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**CONSENT AGENDA ITEMS**

Mayor Markulec advised that Item A, Resolution Approving The Application Of Hopewell Valley Lacrosse League To Conduct A Hopewell Valley Lacrosse Community Day be removed from the Consent Agenda for further discussion.

**RESOLUTIONS #10-80 AND #10-81, EARTH HOUR PROCLAMATION AND RAFFLES LICENSE APPLICATION RA:3-10.** Read by title.

Motion by Burd, seconded by Johnson to adopt Resolutions #10-80 and #10-81, and approve Earth Hour Proclamation and Raffles License Application RA:3-10.

**MOTION UNANIMOUSLY CARRIED**

**RESOLUTION #10-80**

**A RESOLUTION FOR  
TAX IDENTIFICATION STATEMENT**

**WHEREAS**, The Recycling Enhancement Act, P.L.2007, chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS**, there is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility; and

**WHEREAS**, whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to the “Local Public Contracts Law”, the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant moneys received by the municipality shall be expended only for its recycling program.

**NOW, THEREFORE, BE IT RESOLVED** by the Township of Hopewell that the Township of Hopewell hereby certifies a submission of expenditure for taxes paid pursuant to P.L.2007, chapter 311, in 2009 in the amount of \$691.53. Documentation supporting this

submission is available at 201 Washington Crossing Pennington Road, Titusville, New Jersey 08560 and shall be maintained for no less than five years from this date.

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**RESOLUTION # 10-81**

**A RESOLUTION AUTHORIZING THE TOWNSHIP OF HOPEWELL  
TO APPLY FOR A 2009 RECYCLING GRANT**

**WHEREAS**, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS**, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal programs and to continue and expand existing programs; and

**WHEREAS**, the New Jersey Department of Environmental Protection and Energy is promulgating recycling regulations to implement the mandatory Source Separation and Recycling Act; and

**WHEREAS**, the recycling regulations impose on municipalities certain requirements as a condition for applying tonnage grants, including, but not limited to, making and keeping accurate verifiable records of materials collected and claimed by the municipality; and

**WHEREAS**, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and indicate the assent of the Township Committee of the Township of Hopewell to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

**WHEREAS**, such a resolution should designate the individual authorized to ensure that the application is properly completed and timely filed.

**NOW, THEREFORE, BE IT RESOLVED** on this 22<sup>nd</sup> day of March 2010, by the Township Committee of the Township of Hopewell that Hopewell Township hereby endorses the submission of a municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection and Energy and designates Joanne Bartha Recycling Coordinator to ensure that the said application is properly filed.

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**PROCLAMATION**

**“Earth Hour”**

Earth Hour  
8:30 – 9:30 p.m.  
March 27, 2010

**WHEREAS**, this hour has been designated as “Earth Hour” to remind everyone that, by working together, our community can make a positive impact in the fight against climate change; and

**WHEREAS**, cities and states across the country are joining with Hopewell Township to raise awareness and demonstrate our nation’s commitment to fighting climate change by supporting “Earth Hour;” and

**WHEREAS**, Hopewell Township will turn off the lights in the municipal building during “Earth Hour;” and

**WHEREAS**, we are setting forth a bold vision for Hopewell Township to work toward solutions to the escalating climate crisis and protect our future and that of future generations.

**NOW, THEREFORE, I**, the Mayor do hereby proclaim, March 27, 2010 from 8:30 – 9:30 p.m. as “Earth Hour” in Hopewell Township and call upon all residents of this great state of New Jersey to join me in supporting the aims and goals of this effort.

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**RAFFLES LICENSE APPLICATION** – Hopewell Valley YMCA (RA:3-10) Off-Premise Draw, May 15, 2010, 3:00 p.m., Pennington Quality Market, 25 Route 31 South, Suite X, Pennington, NJ

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**RESOLUTION #10-82.** Read by title.

Motion by Burd, seconded by Johnson to adopt Resolution #10-82 conditioned on a medical services plan and no air horn usage.

**MOTION UNANIMOUSLY CARRIED**

**R E S O L U T I O N #10-82**

**RESOLUTION APPROVING THE APPLICATION OF  
HOPEWELL VALLEY LACROSSE LEAGUE TO CONDUCT  
A HOPEWELL VALLEY LACROSSE COMMUNITY DAY**

**WHEREAS**, application has been made by Hopewell Valley Lacrosse League to conduct a Hopewell Valley Lacrosse Community Day in the Township of Hopewell at the Athletic Fields at Timberlane on April 17, 2010, between the hours of 8:00 a.m. and 6:00 p.m.; and

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

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

1. This Resolution shall constitute a permit to conduct a Lacrosse Community Day in accordance with the application submitted by Hopewell Valley Lacrosse League, which is to be held April 17, 2010, at the Athletic Fields at Timberlane in Hopewell Township.
  2. Hopewell Valley Lacrosse League shall be exempted from the several provisions of 4-3, et seq. (4-3.8 Exemptions. a. Charitable or non-profit organizations) except those provided by 4-3.4, Insurance Requirement.
  3. The Municipal Clerk is directed to forward a certified copy of this resolution to Hopewell Valley Lacrosse League, P.O. Box 362, Pennington, NJ 08534.
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**RESOLUTION #10-83.** Read by title.

Chief Meyer thanked the Mayor and Township Committee for the proposed resolution recognizing the Police Department, Public Works, Emergency Services and staff for work performed during the recent winter storms.

Mayor Markulec and Township Committee members expressed their thanks to all members of the Police Department, Public Works Department, Emergency Responders, Dispatchers and Township Staff and commended them on a job well done over the past several months during the winter weather events.

Motion by Burd, seconded by Johnson to adopt Resolution #10-83.

**MOTION UNANIMOUSLY CARRIED**

**R E S O L U T I O N #10-83**

**RESOLUTION COMMENDING THE OUTSTANDING PERFORMANCE OF THE  
STAFF OF THE HOPEWELL TOWNSHIP POLICE DEPARTMENT, 9-1-1  
DISPATCHERS, HOPEWELL TOWNSHIP PUBLIC WORKS DEPARTMENT, ALL  
PROFESSIONAL AND VOLUNTEER EMERGENCY RESPONDERS AS WELL AS  
ALL INDIVIDUALS WHO PROVIDED ASSISTANCE TO HOPEWELL TOWNSHIP  
DURING THE WINTER OF 2009/2010**

**WHEREAS**, the winter of 2009/2010 included three record breaking snow falls in which Hopewell Township experienced over 60 inches of snow making it one of the most memorable winters ever; and

**WHEREAS**, during each storm event Hopewell Township Police, Police Dispatchers, Public Works Department and Emergency Responders all worked together to provide safe and

reasonable access throughout the Township; and

**WHEREAS**, as winter came to a close, thawing snow combined with significant rainfall and exceptionally high winds caused localized flooding and uprooting of trees onto power and telephone lines crippling the community; and

**WHEREAS**, once again our Hopewell Township Police, Police Dispatchers, Public Works Department and Emergency Responders were called to duty to assist in the removal of fallen trees, blockading dangerous routes, providing resident assistance and providing valuable reassurance to the many terrified residents who called for assistance.

**NOW, THEREFORE, BE IT RESOLVED**, on this 22nd day of March, 2010, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that Hopewell Township commends and expresses a heartfelt thanks to its Police Department, 9-1-1 Dispatchers, Public Works Department, all professional and volunteer Emergency Responders of Hopewell Township and Hopewell Valley as well as all of those individuals that rendered assistance during the winter of 2009/2010.

**RESOLUTION #10-84.** Read by title.

Motion by Burd, seconded by Johnson to adopt Resolution #10-84.

**ROLL CALL VOTE:**

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

**NOES:** None

## **RESOLUTION #10-84**

### **A RESOLUTION FOR AN EMERGENCY TEMPORARY APPROPRIATION**

**WHEREAS**, an emergent condition has arisen with respect to the below listed items 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 \$4,121,366.32

**NOW, THEREFORE, BE IT RESOLVED**, on this 22<sup>th</sup> day of March 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:

PERS Pension O/E	421,937.00
PFRS Pension O/E	520,602.00
Social Security O/E	100,000.00
Medical O/E	400,000.00
Solid Waste/Recycling O/E	15,000.00
Legislative S/W	5,000.00
Executive S/W	115,000.00
Financial Administration S/W	48,000.00
Tax Collection S/W	36,000.00
Prosecutor S/W	11,000.00
Municipal Clerk S/W	45,000.00
Municipal Assessor S/W	61,000.00
Municipal Bldg S/W	25,000.00
Police S/W	600,000.00
Planning S/W	32,000.00
Zoning S/W	30,000.00
Health S/W	82,000.00
Public Works S/W	279,500.00
Fleet Maint S/W	35,700.00
Recreation/Parks S/W	16,000.00
Recreation S/W	37,000.00
Municipal Court S/W	91,000.00
Public Defender S/W	6,000.00
Interlocal Police S/W	140,000.00
Senior Services O/E	3,500.00
Interlocal Recycling O/E	44,000.00
Motor Fuels O/E	70,000.00
Street Lighting	25,000.00

Utilities	60,000.00
Total	3,355,239.00

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 #10-85.** Read by title.

Mr. Pogorzelski explained the proposed resolution authorizes an amendment to the Janssen Developer’s Agreement to change the working hours presently written into the Developer’s Agreement for the construction of a solar field on its property. He noted that the activity associated with installation of solar panels is not similar to a heavy construction project.

**John Subacus**, representing Janssen Pharmaceutica, appeared before the Committee. Mr. Subacus explained the project goal is to be complete by the end of September. He explained that the request for extended hours is weather related and noted that construction workers wish to start work earlier in the cooler hours.

Committee Member Johnson raised a concern over Saturday hours and delivery equipment arrival that may be disturbing to residents in the early morning. She suggested an amendment that the township review the Saturday start time for resident complaints. Mayor Markulec advised that the township review if necessary in 30 days.

Motion by Burd, seconded by Johnson to adopt Resolution #10-85 as amended.

**MOTION UNANIMOUSLY CARRIED**

**R E S O L U T I O N #10-85**

**RESOLUTION APPROVING SECOND AMENDMENT TO DEVELOPER’S CONSTRUCTION AGREEMENT BETWEEN THE TOWNSHIP OF HOPEWELL AND JANSSEN (BLOCK 98, LOTS 17 AND 37)**

**BE IT RESOLVED**, on this 22<sup>nd</sup> day of March 2010, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey:

1. That the SECOND AMENDMENT TO DEVELOPER’S CONSTRUCTION AGREEMENT between the Township of Hopewell and Janssen, which is annexed to and made a part of this Resolution be and is hereby approved.
2. That the Mayor and Municipal Clerk be and are hereby authorized to execute said Second Amendment to Developer’s Construction Agreement between the Township of Hopewell and Janssen.

**RESOLUTION #10-86.** Read by title.

Motion by Burd, seconded by Johnson to adopt Resolution #10-86.

**MOTION UNANIMOUSLY CARRIED**

**R E S O L U T I O N #10-86**

**RESOLUTION OF THE HOPEWELL TOWNSHIP AUTHORIZING TAX ASSESSOR TO ACT AS THE AGENT FOR THE TOWNSHIP FOR THE PURPOSE OF SETTLING TAX APPEALS**

**WHEREAS**, the Tax Assessor is knowledgeable regarding the valuation and assessment of properties in the Township of Hopewell; and

**WHEREAS**, the Tax Assessor has the statutory responsibility, pursuant to *N.J.S.A. 54:4-23 et seq.*, to set assessments for properties in the Township of Hopewell under the Local Property Tax Law; and

**WHEREAS**, the governing body of the taxing district deems the Tax Assessor to be

responsible, acting in the best interests of the Township;

**NOW, THEREFORE, BE IT RESOLVED** on this 22<sup>nd</sup> day of March 2010, by the Township Committee of the Township of Hopewell, in the County of Mercer, State of New Jersey, that the Tax Assessor is hereby authorized to act as agent for the Township of Hopewell, without further governing body approval to resolve and settle tax appeals pending before the County Tax Board, State Tax Court or the Appellate Courts for any tax year if the settlement results in a tax refund or tax credit not exceeding \$50,000.00 per appeal/per year.

**RESOLUTION #10-87.** Read by title.

Motion by Burd, seconded by Johnson to adopt Resolution #10-87.

**MOTION UNANIMOUSLY CARRIED**

### **R E S O L U T I O N #10-87**

#### **A RESOLUTION AUTHORIZING CHANGE ORDER #2 TO THE CONTRACT WITH TRAP ROCK INDUSTRIES, INC. FOR COLD PATCH AND STONE**

**WHEREAS**, on July 13, 2009 the Township Committee of The Township of Hopewell authorized a contract with Trap Rock Industries Corporation (B9-09) in the amount of \$14,775.00 for Cold Patch and Stone; and

**WHEREAS**, on December 14, 2009 the Township Committee of The Township of Hopewell authorized Change Order #1, which increased the total contract amount by \$3,073.00; and

**WHEREAS**, the Township Public Works Director recommends that Change Order #2 which increases the total contract amount by \$568.10 be approved by the Township Committee for the reasons outlined in his memorandum March 11, 2010, which is annexed hereto and made a part of this Resolution.

**NOW, THEREFORE, BE IT RESOLVED** on this 22<sup>nd</sup> day of March, 2010, by the Township Committee of the Township of Hopewell, County of Mercer and State of New Jersey:

1. That Change Order #2 representing an increase in the amount of \$568.10 be and is hereby approved with respect to the contract for Cold Patch and Stone.
2. That the amount of all Change Orders be a 24.64 percent increase to the total contract amount, for a new contract amount with Trap Rock Industries Corporation of \$18,416.10.

**RESOLUTION #10-88.** Read by title.

Motion by Burd, seconded by Johnson to adopt Resolution #10-88.

**MOTION UNANIMOUSLY CARRIED**

### **R E S O L U T I O N #10-88**

#### **A RESOLUTION AWARDING A CONTRACT TO TOP LINE CONSTRUCTION FOR LAWRENCE-HOPEWELL TRAIL, PENNINGTON-ROCKY HILL ROAD AT BAILEY DRIVE**

**WHEREAS**, the Township of Hopewell advertised for Lawrence-Hopewell Trail, Pennington-Rocky Hill Road at Bailey Drive (Bid B10-01); and

**WHEREAS**, the Township received eight bids on March 18, 2010; and

**WHEREAS**, the bids were reviewed, and recommendation has been made by the Township Engineer in his memorandum dated March 18, 2010, attached hereto and made part of this resolution, for award to Top Line Construction, 22 Fifth Street, Somerville NJ 08876 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 22<sup>nd</sup> day of March, 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 Top Line Construction, 22 Fifth Street, Somerville NJ 08876
2. That the contract not exceed \$168,777.35
3. That the Mayor and Clerk be and are hereby authorized to execute said contract.

**RESOLUTION #10-89.** Read by title.

Motion by Burd, seconded by Johnson to adopt Resolution #10-89.

**MOTION UNANIMOUSLY CARRIED**

**RESOLUTION #10-89**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SHARED SERVICES AGREEMENT WITH THE BOARD OF FIRE COMMISSIONERS HOPEWELL TOWNSHIP FIRE DISTRICT NO. 1**

**BE IT RESOLVED**, on this 22<sup>nd</sup> day of March, 2010, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that the Mayor be and is hereby authorized to execute a shared services agreement pursuant to N.J.S.A. 40A:65-1 et. seq., with the Board of Fire Commissioners Hopewell Township Fire District No. 1, in substantially the same form as the Agreement annexed hereto.

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**RESOLUTION #10-90.** Read by title.

Motion by Burd, seconded by Johnson to adopt Resolution #10-90.

**ROLL CALL VOTE:**

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

**NOES:** Sandom

**RESOLUTION #10-90**

**BILLS & CLAIMS**

**BE IT RESOLVED**, that the list of cash disbursements authorized for approval of bills for payment dated March 22, 2010 in the following amounts:

Bills and Claims	-	\$ 5,460,336.18
Payroll	-	\$ 350,773.03
Total Disbursements	-	\$ 5,811,109.21

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

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**PUBLIC SECTION**

No comment from the public.

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**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 22<sup>nd</sup> day of March 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.

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At 9:35 p.m. the Executive Session was held.

At 10:35 p.m., Motion by Burd, seconded by Johnson to adjourn the meeting.

**MOTION UNANIMOUSLY CARRIED**

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ANNETTE C. BIELAWSKI  
MUNICIPAL CLERK