

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

Monday, March 6, 2006 - 6:03 p.m.

PROPER STATEMENT OF NOTICE - Mayor Sandom 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 26, 2006 in accordance with the Open Public Meetings Act, Chapter 231, P.L. 1975.

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

COMMITTEE MEMBERS PRESENT: Iorio, Murphy, Niederer, Sandahl, Mayor Sandom

ABSENT: None

STAFF PRESENT: Administrator Hilling, CFO Borges,
Deputy Municipal Clerk Moore

PUBLIC SECTION

Anthony Arnone, a resident of Pennington-Titusville Road, expressed concerns over the drilling of wells within 53 feet of his house in connection with the Back Timberlane Athletic Fields project. Committee Member Murphy indicated he would contact Judy Karp, the School Board's liaison to the township, with respect to this matter.

Donald Mauer, a resident of Pennington-Titusville Road, noted the proximity of the proposed wells to his home and expressed concerns over the effect on his well.

Eugene Ramsey, a resident of Scotch Road, concurred with Messer's Arnone and Mauer with respect to the drilling of wells at Back Timberlane and the possibility of an adverse effect on the neighboring wells.

WORK SESSION

The Administrator reported on the following:

- 1) Final Draft of the 2006 Capital Budget;
 - 2) A proposal to relocate the Fire District offices; and
 - 3) An updated township Policies and Procedural Manual.
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PROPOSED AGENDA/ORDINANCES, RESOLUTIONS

The Deputy Municipal Clerk and Administrator presented items for the March 13 and March 27, 2006 regular meetings.

A brief discussion was held with respect to the Traffic Management Coalition and the inclusion of representation from area businesses.

NEW BUSINESS

RESOLUTION #06-90. Read by title.
Motion by Sandahl, seconded by Iorio to adopt Resolution #06-90.
MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #06-90

**A RESOLUTION AUTHORIZING
REFUNDS FROM HOPEWELL TOWNSHIP
ZONING TRUST ACCOUNTS**

BE IT RESOLVED, on this 6th day of March 2006, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that the individuals and/or corporations so specified below be refunded the account balance shown insofar as their respective Zoning Board of Adjustment applications have been finalized:

<u>A/C#</u>	<u>NAME</u>	<u>AMOUNT</u>
24624	Robert & Natalie Baker 34 Nelson Ridge Road Princeton, NJ 08540 Hardship Variance B Block 40.01 Lot 18	170.00
24616	Michael Bresler & Julie Yang 344 Hopewell Amwell Road Hopewell, NJ 08525 Hardship Variance B Block 8 Lot 78	118.79
24621	Diane & Richard Dreher 13 Aunt Molly Road Hopewell, NJ 08525 Hardship Variance B Block 16 Lot 42	191.92
24617	Peter Fengler 1628 Harbourton Rocktown Road Lambertville, NJ 08530 Hardship Variance B Block 25 Lot 9	163.79
24598	Paul Kiss 20 Plymouth Street Pennington, NJ 08534 Hardship Variance B Block 81 Lot 181	73.91
24622	Jonathan & Elizabeth Levine 46 Navesink Drive Pennington, NJ 08534 Hardship Variance B Block 78.13 Lot 9	125.00
24614	Grant Wiggins & Denise Wilbur 110 Lambertville Hopewell Road Hopewell, NJ 08525 Hardship Variance B Block 5 Lot 46	163.78
24630	William James 2700 Donald Ross Palm Beach Gardens, FL 33410 Hardship Variance B Block 16 Lot 43.02	262.10
24623	Henry Wittman 34 Taylor Terrace Hopewell, NJ 08525 Hardship Variance B Block 34 Lot 22.01	110.00
24657	Tammy Sadovy 111 Corrine Drive Pennington, NJ 08534 Hardship Variance B Block 69 Lot 51	500.00
	TOTAL	\$1,879.29

RESOLUTION #06-91. Read by title.
Motion by Niederer, seconded by Sandahl to adopt Resolution #06-91.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #06-91

2005 BUDGET TRANSFER RESOLUTION #8

BE IT RESOLVED on this 6th day of March 2006, by the Township Committee of the Township of Hopewell, County of Mercer and State of New Jersey, that a transfer be made in the 2005 Budget appropriations as follows:

From:			
	Executive O/E		3,000.00
		Total	\$3,000.00
To:			
	Legal O/E	3,000.00	
		Total	\$3,000.00

RESOLUTION #06-92. Read by title.
 Motion by Sandahl, seconded by Murphy to adopt Resolution #06-92.

ROLL CALL VOTE:

AYES: Iorio, Murphy, Niederer, Sandahl, Mayor Sandom
NOES: None

R E S O L U T I O N #06-92

**A RESOLUTION FOR AN
 EMERGENCY TEMPORARY APPROPRIATION**

WHEREAS, an emergent condition has arisen with respect to the below listed categories; and no adequate provision has been made in the 2006 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 2006 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total \$2,987,021.00;

NOW, THEREFORE, BE IT RESOLVED, on this 6th day of March 2006, 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:

Legislative S/W	\$ 4,000.00
Executive S/W	77,000.00
Finance S/W	52,500.00
Tax Collection S/W	24,200.00
Legal/Prosecutor S/W	15,000.00
Clerk S/W	42,000.00
Assessor S/W	40,000.00
Muni Bldg S/W	18,000.00
Police S/W	750,000.00
Planning S/W	28,300.00
Zoning S/W	20,000.00
Health S/W	65,500.00
Public Works S/W	345,000.00
Fleet Maint S/W	44,000.00
Recreation/Parks S/W	9,300.00
Municipal Court S/W	74,500.00
Public Defender S/W	6,000.00
Historic Preservation S/W	1,000.00
Interlocal Police S/W	77,500.00
Interlocal Health S/W	10,800.00
Interlocal Recreation S/W	<u>48,300.00</u>
Subtotal Salary	\$1,752,900.00
Legal O/E	110,000.00
Engineering O/E	22,500.00

Solid Waste & Recycling O/E	40,000.00
Motor Fuel O/E	40,000.00
Street Lighting O/E	24,000.00
Utilities O/E	25,000.00
Telephone O/E	24,000.00
Social Security O/E	140,000.00
Employee Benefits O/E	340,000.00
Interlocal Recycling O/E	44,000.00
Interlocal Recreation O/E	2,500.00
Recreation/Parks O/E	<u>2,500.00</u>
Subtotal O/E	814,500.00

TOTAL **\$2,567,400.00**

2. That said emergency temporary appropriation has been provided for in the 2006 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 #06-93. Read by title.

Motion by Iorio, seconded by Murphy to adopt Resolution #06-93.

ROLL CALL VOTE:

AYES: Iorio, Murphy, Niederer, Sandahl, Mayor Sandom

NOES: None

R E S O L U T I O N #06-93

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

WHEREAS, an emergent condition has arisen with respect to Water S/W and Sewer S/W and O/E as listed below; and no adequate provision has been made in the 2006 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 2006 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total \$21,158.00 Water and \$432,216.00 Sewer;

NOW, THEREFORE, BE IT RESOLVED, on this 6th day of March 2005, 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

Salary and Wage	<u>\$5,500.00</u>
Total	\$5,500.00

SEWER

Salary and Wage	\$ 11,500.00
Other Expenditures	<u>200,000.00</u>
Total	\$211,500.00

2. That said emergency temporary appropriation has been provided for in the 2006 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 #06-94. Read by title.

Motion by Sandahl, seconded by Murphy to adopt Resolution #06-94.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #06-94

**A RESOLUTION AMENDING 2005
PROFESSIONAL SERVICES AGREEMENT
(VAN CLEEF ENGINEERING ASSOCIATES)**

WHEREAS, the Township entered into a Professional Services Agreement for the year 2005 with the firm noted below; and

WHEREAS, it is necessary to amend the agreement to change the amount of the contract; and

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

NOW, THEREFORE, BE IT RESOLVED on this 6th day of March 2006, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that the 2005 Professional Services Agreement be and hereby is amended as follows:

<u>FIRM</u>	<u>CURRENT MAXIMUM</u>	<u>PROPOSED MAXIMUM</u>
Van Cleef Engineering Associates (Township Engineer Services)	\$187,656.97	\$189,933.97

RESOLUTION #06-95. Read by title.

A brief discussion was held with respect to township policy regarding comp time and sick leave reimbursements.

Motion by Niederer, seconded by Sandahl to adopt Resolution #06-95.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #06-95

**A RESOLUTION APPROVING THE
PAYMENT OF UNUSED SICK, COMP AND
VACATION TIME TO MICHAEL CHIPOWSKY**

WHEREAS, the Hopewell Township Personnel Policies and Procedures Manual provides to employees who separate from service the payment of unused sick, comp and vacation leave at their current hourly rate.

NOW, THEREFORE, BE IT RESOLVED on this 6th day of March 2006, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey that:

1. The Township Committee hereby approves the payout of accumulated sick, comp and vacation leave as calculated by the Chief Financial Officer in the amount of \$74,872.09 to Michael Chipowsky.

RESOLUTION #06-96. Read by title.

The Committee briefly discussed the proposed resolution affirming the settlement of Hopewell Township's complaint against the New Jersey Division of Taxation concerning the township's property value ratio as reflected on the 2005 "Table of Equalized Valuations." The township had petitioned the courts for the removal of two commercial properties from the formula to create the ratio. In the settlement process one property was removed from the equation, the other remained, and certain negotiations were achieved with the boroughs of Hopewell and Pennington. Committee Member Iorio stated his preference for the removal of both properties from the equation. He noted that he was on vacation during the final settlement negotiations and voiced his objection to the agreement. Committee Member Niederer expressed her opinion that certain additional concessions by the boroughs could have been negotiated, and she objected to action on the proposed resolution at an agenda meeting. It was noted that the boroughs of Hopewell and Pennington were scheduled to discuss the settlement agreement at Council meetings this evening.

Motion by Sandahl, seconded by Murphy to adopt Resolution #06-96.

ROLL CALL VOTE:

AYES: Murphy, Niederer, Sandahl, Mayor Sandom

NOES: Iorio

**RESOLUTION AFFIRMING SETTLEMENT OF
HOPEWELL TOWNSHIP V. DIRECTOR,
DIVISION OF TAXATION
DOCKET NO. 7407-2005**

WHEREAS, on November 21, 2005, Hopewell Township filed a complaint in Tax Court against the Director of the New Jersey Division of Taxation; and

WHEREAS, the Township's action challenged the Director's determination of the 2005 "Table of Equalized Valuations" and the Director's determination that the table reflected an assessed-to-true value ratio for property in the Township of Hopewell of 58.99%; and

WHEREAS, Hopewell Borough and Pennington Borough, as participants with Hopewell Township in a regional school district, entered appearances as interested parties in the case; and

WHEREAS, all such ratio appeals must be decided by the Tax Court on or before January 30th of the tax year in question; and

WHEREAS, trial in the matter commenced before the Honorable Gail L. Menyuk, J.T.C., in the Tax Court in Trenton, New Jersey, on Friday, January 27, 2006; and

WHEREAS, representatives of Hopewell Township, Pennington Borough and Hopewell Borough reached an amicable settlement of the matter at a summit held on January 29, 2006; and

WHEREAS, the settlement was entered on the record before Judge Menyuk at the Tax Court on January 30, 2006; and

WHEREAS, the Director of the Division of Taxation, Hopewell Borough, Pennington Borough and Hopewell Township agreed that Hopewell Township's ratio established by the 2005 Table of Equalized Valuations would increase by .65%, from 58.99% to 59.64%; and

WHEREAS, as consideration for settlement of Hopewell Township's ratio appeal on the above-stated terms, Hopewell Township, Pennington Borough and Hopewell Borough reached agreement on nine other issues facing the three municipalities.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Hopewell, that the matter known as *Hopewell Township v. Director, Division of Taxation*, Docket No. 7407-2005, be settled with the Tax Court entering judgment increasing the Hopewell Township ratio from 58.99% to 59.64%, in accordance with the schedules prepared by the Division of Taxation and attached hereto as Appendix A.

BE IT FURTHER RESOLVED that, as consideration for the agreement of the parties to settle the ratio appeal on the above-stated terms, the governing bodies of Hopewell Township, Pennington Borough and Hopewell Borough have agreed as follows:

1. Hopewell Township, Pennington Borough and Hopewell Borough agree that there will be advanced sharing of data on property transactions affecting valuation and the Director's ratio, and that there will be interaction between the three towns on issues involving both assessment and sales data.
2. For the 2006 budget year, Pennington Borough agrees to appropriate \$5,000 for the administration of the Hopewell Valley Recreation Department. The Hopewell Valley Recreation Department is, pursuant to an existing interlocal agreement, responsible for providing a comprehensive and diverse array of recreation services, activities and programs for residents of all ages in Hopewell Valley, supplementing activities of Hopewell Borough, Pennington Borough and the Hopewell Valley Regional School District.
3. Pennington Borough agrees to levy no recreation fees on the use of Kunkel Park for the Art in the Park program offered through the Hopewell Valley Recreation Department. Private parties may still obtain a paid permit for use of the Kunkel Park pavilion from the Borough of Pennington. Hopewell Valley residents will enjoy the same, but not greater, rights to use the park as those enjoyed by Pennington Borough residents.
4. Hopewell Township provides police dispatcher service to Pennington Borough under an Interlocal Agreement. Hopewell Township is currently negotiating a new labor contract with the police dispatchers' union. Pennington Borough agrees to pay its proportionate share of new costs engendered by the Township's prospective contract with the dispatchers' union.
5. Hopewell Township provides police protection to Hopewell Borough under an Interlocal Agreement. Hopewell Borough agrees to a 10% increase over its 2005 budget appropriation for police services from Hopewell Township. This will increase Hopewell Borough's payment to \$349,500.

6. Hopewell Borough agrees that it will abide by the findings of the state consultant who is currently investigating the costs to both municipalities of providing police service to Hopewell Borough, and that, within 60 days of the consultant's determination, Hopewell Borough will either execute an amended interlocal agreement that is based on the consultant's determination, or notify Hopewell Township that it will seek police service from another source. Any such agreement between Hopewell Township and Hopewell Borough shall include an annual cost escalator and shall be for a period of years to be agreed upon at the time.
7. Hopewell Borough, Pennington Borough and Hopewell Township agree to share detailed budget and operating information from their departments, sufficient to understand and assess opportunities for establishing more comprehensive shared services.
8. Hopewell Borough, Pennington Borough and Hopewell Township agree to constructive discussions relative to establishing more comprehensive shared services, with a good faith effort toward finding common efficiencies.
9. Hopewell Borough and Pennington Borough commit to substantive and good faith discussions for providing sewer service in Hopewell Township in selected areas, including but not limited to the Tree Streets neighborhood.

BE IT FURTHER RESOLVED that a transcript of the January 30, 2006 proceedings before the Tax Court is attached to this Resolution as Appendix B.

RESOLUTION #06-97. Read by title.

Motion by Niederer, seconded by Iorio to adopt Resolution #06-97.

ROLL CALL VOTE:

AYES: Iorio, Murphy, Niederer, Sandahl, Mayor Sandom

NOES: None

R E S O L U T I O N #06-97

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 March 6, 2006, in the following amounts:

Bills and Claims	-	\$ 892,148.64
Total Disbursements	-	\$ 892,148.64

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

Len Ramist objected to action by the Township Committee at an agenda meeting.

EXECUTIVE SESSION RESOLUTION. Read into the record.

Mayor Sandom announced that the agenda meeting would reconvene following the Executive Session.

Motion by Sandahl, seconded by Iorio to go to Executive Session to discuss legal, real estate, contract negotiations and/or personnel matters.

MOTION UNANIMOUSLY CARRIED

EXECUTIVE SESSION RESOLUTION

WHEREAS, it is necessary for the Township Committee to discuss legal, real estate, contract negotiations, 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 6th day of March 2006, by the Township Committee of the Township of Hopewell, County of Mercer, and State of New Jersey, that the Township Committee shall forthwith conduct an executive session to discuss the above.

At 7:35 p.m. the Executive Session was held.

At 8:15 p.m., Motion by Murphy, seconded by Sandahl to adjourn the agenda meeting.
MOTION UNANIMOUSLY CARRIED

ANNE B. MOORE
DEPUTY MUNICIPAL CLERK