

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

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**Tuesday, May 29, 2007 - 7:10 p.m.**

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**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 3, 2007 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:** Murphy, Niederer, Sandahl, Mayor Sandom

**ABSENT:** Iorio

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

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

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**MINUTES SUBMITTED FOR APPROVAL**

Motion by Murphy, seconded by Niederer to approve the Regular and Special Executive Session Meeting Minutes of February 26, 2007. **MOTION CARRIED**  
**ABSTAIN:** Sandahl

Motion by Sandahl, seconded by Murphy to approve the Agenda and Executive Session (2) Meeting Minutes of March 5, 2007. **MOTION UNANIMOUSLY CARRIED**

Motion by Sandahl, seconded by Murphy to approve the Regular and Executive Session Meeting Minutes of March 12, 2007. **MOTION CARRIED**  
**ABSTAIN:** Iorio

Motion by Sandahl, seconded by Niederer to approve the Special Budget and Executive Session Meeting Minutes of March 20, 2007. **MOTION CARRIED**  
**ABSTAIN:** Murphy

Motion by Murphy, seconded by Niederer to approve the Special Budget Meeting Minutes of March 22, 2007. **MOTION UNANIMOUSLY CARRIED**

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**COMMITTEE MEMBERS AND STAFF REPORTS**

Committee Member Niederer reported on the May 15, 2007 Historic Preservation Commission meeting that included a status report as to restoration of the Else Barn; the Hart's Corner Schoolhouse project and interest in its usability; and the Harbourton district designation process. Committee Member Niederer announced that the Police Department will be holding a Youth Police Academy June 25 through June 29, 2007. She also reported on a public meeting held by the local Delaware Flood Mitigation Planning Committee on May 21, 2007 at the Union Fire House, and that several Titusville area residents attended to voice their concerns. Committee Member Niederer noted the annual Dare Picnic is scheduled for June 5, 2007 at Sullivan's Grove in Washington Crossing State Park for fifth grade students and their families.

Committee Member Murphy commented on the Veteran's Memorial Day dedication ceremony and commended Mr. Pogorzelski and Public Works employees as well as resident volunteers who worked on the site. He reported on further Public Works activities including brush and bulk pick-up;

mowing of right-of-ways; and maintenance of parks and playgrounds. Committee Member Murphy also reported on recreation summer camp programs and the status of the background check program for recreation volunteers and coaches. He noted the fundraising efforts of the Recreation Advisory Committee to cover the costs of such background checks.

Mayor Sandom commented on the Veteran's Memorial ceremony and recognized the work of the Public Works Department to prepare the site and the contribution of township volunteers including Purchasing Agent Nancy Canto, Police Chief George Meyer and the Police Force, Mr. Pogorzelski and former Administrator Bruce Hilling. Mr. Pogorzelski added recognition of Ken Baker and members of the Veteran's Committee, and major donors.

Committee Member Sandahl noted the 2007 Municipal Budget process and the scheduled public hearing and adoption on June 11, 2007. He reported on Planning Board meetings and an application by T-Mobile, and review of three land use ordinances referred by the Township Committee on May 14, 2007. Committee Member Sandahl reported that the Task Force on Zoning for Houses of Worship, Schools and Child Care Centers have been working in groups to define uses and develop standards for zoning. He also reported on the Lawrence Hopewell Trail's participation at Pennington Day and that an organizing meeting of its Development Committee has been scheduled for June 5, 2007 at Educational Testing Service (ETS).

Mr. Pogorzelski reported that the Public Works Department participated together with its equipment at Pennington Day and he thanked the members of the Department who volunteered their time. He also reported on the status of the road paving program. He reported on various meetings that included the following: Hopewell Valley Borough Administrators and Board of Education Superintendent on interlocal opportunities; NJDOT to discuss the Pennington Circle redesign and Route 31 roadways and driveways; Capital Health System representatives; and Hopewell Valley School students on the issue of underage drinking.

Mr. Goodell reported on the status of the Presidential Hill litigation. He noted a favorable result for the township with regard to the Merrick Wilson tax court case. He further reported on the settlement agreement with the Cheyenne Drive homeowners; the Zeloof case; and the Westrum case involving the Pennington Point West property. Mr. Goodell also noted that County Tax Board hearings for this year's tax appeals have commenced.

Ms. Borges reported that the audit report is forthcoming and a note sale has been scheduled for June 27, 2007.

Ms. Bielawski reported that Tuesday, June 5, 2007 is primary election day and polls are open from 6:00 a.m. to 8:00 p.m.

Mayor Sandom suggested that the scheduled June 4, 2007 Agenda meeting be cancelled due to Election Day on Tuesday in addition to a presentation by Capital Health System that evening. It was the consensus of the Committee to cancel the agenda meeting scheduled for June 4, 2007.

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## **PUBLIC SECTION**

**William Schoelwer**, a resident of Westcott Boulevard, commented on the Memorial Day service. He questioned the status of Twin Pines Airport; the proposed Resolution to adopt a Deferred Compensation Plan; and language in the sump pump ordinance as it applies to Princeton Farms.

**Robert Beyer**, a resident of Route 31 South, questioned the process as to meetings scheduled concerning the Pennington Circle and whether public input would be permitted.

**Shiela Beyer**, a resident of Route 31 South, questioned the enforcement of wearing helmets at the skate park.

**Len Ramist**, a resident of Pennington Road, questioned environmental issues on the Weidel property. Mr. Pogorzelski responded that all outstanding environmental issues on the Weidel property have been resolved and that final agreements will be signed

**Kim Johnson**, a resident of Orchard Avenue, referred to the sump pump ordinance and asked if individuals who were experiencing problems could appeal to the township for relief.

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**ORDINANCE – FINAL READING, PUBLIC HEARING AND ADOPTION**

Mayor Sandom read by title the introduced ordinance:

A BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO THE WATER UTILITY IN AND BY THE TOWNSHIP OF HOPEWELL, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$18,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$18,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING THE COST THEREOF

Mayor Sandom declared public hearing open. No comments from the public.

Motion by Sandahl, seconded by Murphy to close public hearing.

**MOTION UNANIMOUSLY CARRIED**

Motion by Niederer, seconded by Sandahl to adopt the introduced ordinance.

**ROLL CALL VOTE:**

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

**NOES:** None

**ABSENT:** Iorio

**ORDINANCE ADOPTED**

Ordinance advertised May 17, 2007 Hopewell Valley News. Posted municipal bulletin board as required by law.

**ORDINANCE NO. 07-1396**

**BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO THE WATER UTILITY IN AND BY THE TOWNSHIP OF HOPEWELL, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$18,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$18,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING THE COST THEREOF**

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HOPEWELL, IN THE COUNTY OF MERCER, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Township of Hopewell, in the County of Mercer, New Jersey (the "Township"). For the improvement or the purpose described in Section 3, there is hereby appropriated the sum of \$18,000. No down payment is required as the purpose authorized herein is deemed self-liquidating and the obligations authorized herein are deductible from the gross debt of the Township, as more fully explained in Section 6(e) of this ordinance.

Section 2. In order to finance the cost of the improvement or the purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$18,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is to provide for valve repairs in the system, including all work and materials necessary therefore and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefore.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or the purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose that the Township may lawfully undertake as a self-liquidating purpose of a municipal public utility. No part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or the purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$18,000, but that the net debt of the Township determined as provided in the Local Bond Law is not increased by this bond ordinance. The obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$3,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or the improvement.

(e) This bond ordinance authorizes obligations of the Township solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

Section 7. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 8. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 9. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 10. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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**ORDINANCE - FINAL READING, PUBLIC HEARING AND ADOPTION**

Mayor Sandom read by title the introduced ordinance:

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER X, "FEES AND PERMITS," SECTION 10-4, "ANIMAL CONTROL," AND SECTION 10-5 "HEALTH," OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF HOPEWELL

Mayor Sandom declared public hearing open.

**William Schoelwer** questioned sales tax on such fees.

Motion by Sandahl, seconded by Murphy to close public hearing.

**MOTION UNANIMOUSLY CARRIED**

Motion by Sandahl, seconded by Murphy to adopt the introduced ordinance.

**ROLL CALL VOTE:**

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

**NOES:** None

**ABSENT:** Iorio

**ORDINANCE ADOPTED**

Ordinance advertised May 17, 2007 Hopewell Valley News. Posted municipal bulletin board as required by law.

**ORDINANCE NO. 07-1397**

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER X, "FEES AND PERMITS," SECTION 10-4, "ANIMAL CONTROL," AND SECTION 10-5 "HEALTH," OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF HOPEWELL**

**Explanation: Material Bracketed [ ] is deleted  
Material Underlined \_\_\_\_\_ is added**

**BE IT ORDAINED**, by the Township Committee of the Township of Hopewell, Mercer County, New Jersey that Chapter X, "Fees and Permits," Section 10-4, "Animal Control," and Section 10-5, "Health," are hereby amended as follows:

**10-4.1** License for Dogs.

- a. Annual license (due on or before January 31)..... **[\$7.00] \$15.00**
- b. through f. No change.

**10-4.8** Cat Registration.

- a. Annual Registration fee per registration period [(due on or before 7/30).....**\$7.00]**  
**(effective 6/2007 through 12/31/2008 then annually thereafter) ..... \$15.00**

Nonneutered/Nonspay fee ..... \$3.00

b. through c. No change.

**10-5.4 Records of Vital Statistic [Miscellaneous Licenses and Permits.]**

- a. Birth certificate (certified copy)..... \$10.00
- b. Burial permit..... \$5.00
- c. Death certificate (certified copy) ..... \$10.00
- d. Marriage License/**Civil Union** (\$25.00 State) ..... \$28.00
- e. Marriage License/**Civil Union** (certified copy) ..... \$10.00
- f. through j. No change.

**10-5.7 Vaccinations**

Pneumonia vaccination [(non-Medicare)] ..... [~~\$20.00~~] **\$22.00**  
 Influenza vaccination (if not senior[or high risk]) ..... [~~\$10.00~~]  
**\$12.00** (All other vaccinations remain the same)

**BE IT FURTHER ORDAINED** that this ordinance shall take effect upon final adoption and publication in accordance with law.

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**ORDINANCE – INTRODUCTION AND FIRST READING**

Mayor Sandom read by title the ordinance for introduction:

AN ORDINANCE ACCEPTING PUBLIC IMPROVEMENTS  
(BLOCK 50, FORMER LOT 44) FIELDS AT PENNINGTON

Motion by Sandahl, seconded by Niederer to introduce the ordinance on first reading.

**ROLL CALL VOTE:**

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

**NOES:** None

**ABSENT:** Iorio

**ORDINANCE INTRODUCED**

Second reading, public hearing date June 25, 2007, at 7:00 p.m.

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**ORDINANCE - INTRODUCTION AND FIRST READING**

Mayor Sandom read by title the ordinance for introduction:

AN ORDINANCE AMENDING CHAPTER XVII, “LAND USE AND DEVELOPMENT”  
TO PROVIDE REVISED BUILDING HEIGHT STANDARDS FOR A GENERAL  
DEVELOPMENT PLAN IN THE OFFICE PARK (OP) ZONING DISTRICT

Mr. Pogorzelski reviewed that an amendment to the building height standards ordinance was introduced at the May 14, 2007 meeting and subsequently forwarded to the Planning Board for review. Upon its initial review the Planning Board had certain questions and concerns regarding the establishment of an absolute maximum height including mechanical equipment. Mr. Pogorzelski noted that the originally proposed amendment increased the building height limitation to 100 feet but did not eliminate the provision that allowed an additional 30 feet of rooftop mechanical equipment. As revised, the proposed ordinance amendment now includes an absolute height limitation of 110 feet including all uninhabitable space and rooftop mechanical equipment. In addition, the proposed ordinance regulates that all rooftop mechanical equipment shall be screened from view. It was further noted that the proposed height increase will apply only in the OP zone and to a specific acre area location. Mr. Pogorzelski indicated that a balloon test will be conducted weather permitting during the week of June 4, 2007.

Motion by Sandahl, seconded by Murphy to introduce the ordinance on first reading.

**ROLL CALL VOTE:**

**AYES:** Murphy, Niederer, Sandahl, Mayor Sandom  
**NOES:** None  
**ABSENT:** Iorio  
**ORDINANCE INTRODUCED**

Second reading, public hearing date June 25, 2007, at 7:00 p.m. Ordinance will be forwarded to the Hopewell Township Planning Board for review.

**CONSENT AGENDA ITEMS**

**RESOLUTIONS #07-166 THROUGH #07-170.** Read by title.  
 Motion by Sandahl, seconded by Niederer to adopt Resolutions #07-166 through #07-170.  
**MOTION UNANIMOUSLY CARRIED**

**R E S O L U T I O N #07-166**

**A RESOLUTION AUTHORIZING  
 REFUNDS FROM HOPEWELL TOWNSHIP  
 FOR OVERPAYMENT OF 2006 TAXES**

**WHEREAS**, payment of 2006 taxes has been received for property identified as: Block 15 Lot 2.19, located at 5 Benson Lane; and

**WHEREAS**, the Tax Collector has determined that an overpayment of \$3,368.64 has been made to the 2006 taxes of said property; and

**WHEREAS**, it has been determined that Wells Fargo Home Mortgage, 1 Home Campus, Des Moines, IA 50328-0001, is entitled to said refund of overpayment;

**NOW, THEREFORE, BE IT RESOLVED**, on this 29<sup>th</sup> day of May 2007 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 overpayment of 2006 taxes as follow(s):

<b>BLOCK</b>	<b>LOT</b>	<b>REFUND TO</b>	<b>AMOUNT</b>
15	2.19	Wells Fargo Home Mtg.	\$3368.64
		Duplicate 4 <sup>th</sup> qtr payment Owner of record: Orr	

**BE IT FURTHER RESOLVED**, that a copy of this Resolution shall be forwarded to the Chief Financial Officer for the refund of said overpayment to: Wells Fargo Home Mortgage, 1 Home Campus, Des Moines, IA 50328-00001.

**R E S O L U T I O N #07-167**

**A RESOLUTION AUTHORIZING  
 REFUNDS FROM HOPEWELL TOWNSHIP  
 FOR OVERPAYMENT OF 2007 TAXES**

**WHEREAS**, payment of 2007 taxes has been received for property identified as: Block 5 Lot 14.03 QFARM, located at 125 Stony Brook Rd.; and

**WHEREAS**, the Tax Collector has determined that an overpayment of \$104.61 has been made to the 2007 taxes of said property; and

**WHEREAS**, the owner of record has requested refund of said overpayment;

**NOW, THEREFORE, BE IT RESOLVED**, on this 29<sup>th</sup> day of May 2007 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 overpayment of 2007 taxes as

follow(s):

BLOCK	LOT	REFUND TO	AMOUNT
5	14.03Q	Lombardo, Michael	\$104.61
		Overpayment 2 <sup>nd</sup> qtr 2007	

**BE IT FURTHER RESOLVED** that a copy of this Resolution shall be forwarded to the Chief Financial Officer for the refund of said overpayment to the following: Michael Lombardo, 6 North Woods Dr., Pennington, NJ 08534.

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**R E S O L U T I O N #07-168**

**A RESOLUTION AUTHORIZING  
RELEASE OF BONDS AND/OR FEES**

**WHEREAS**, bonds and/or fees were posted for various permits; and

**WHEREAS**, appropriate Township Department Officials have certified that outstanding items have been met and recommend reimbursement of the bonds.

**NOW, THEREFORE, BE IT RESOLVED**, on this 29th day of May, 2007 by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey:

1. That Engineering bond money (\$5,793.00) for Block 78, Lot 10.02 (C213-220) Bldg. #36 posted on 8/7/06 by Beazer Homes, 250 Phillips Blvd., Suite 290, Trenton, NJ 08618 be and is hereby released.
2. That Engineering bond money (\$3,841.45) for Block 78, Lot 10.02 (C135-142) Bldg. # 24 posted on 3/29/06 by Beazer Homes, 250 Phillips Blvd., Suite 290, Trenton, NJ 08618 be and is hereby released.
3. That Building bond money (\$5,000.00) for Block 80, Lot 113.01 posted on 3/5/07 by Compton Lane Homes, LLC., P.O. Box 163, Hopewell, NJ 08525 be and is hereby released.
4. That Driveway bond money (\$1,000.00) for Block 78, Lot 7.01 posted on 2/25/03 by Beazer Homes, 250 Phillips Blvd., Suite 290, Trenton, NJ 08618 be and is hereby released.
5. That Driveway bond money (\$1,000.00) for Block 78, Lot 7.02 posted on 2/25/03 by Beazer Homes, 250 Phillips Blvd., Suite 290, Trenton, NJ 08618 be and is hereby released.
6. That Driveway bond money (\$1,000.00) for Block 78, Lot 7.03 posted on 2/25/03 by Beazer Homes, 250 Phillips Blvd., Suite 290, Trenton, NJ 08618 be and is hereby released.
7. That Engineering bond money (\$2,536.70) for Block 78, Lot 7.35 posted on 3/22/05 by Beazer Homes, 250 Phillips Blvd., Suite 290, Trenton, NJ 08618 be and is hereby released.
8. That Engineering bond money (\$2,601.80) for Block 78, Lot 7.43 posted on 3/29/05 by Beazer Homes, 250 Phillips Blvd., Suite 290, Trenton, NJ 08618 be and is hereby released.
9. That Engineering bond money (\$518.50) for Block 78, Lot 7.45 posted on 9/28/06 by Beazer Homes, 250 Phillips Blvd., Suite 290, Trenton, NJ 08618 be and is hereby released.
10. That Engineering bond money (\$1,317.40) for Block 78, Lot 7.46 posted on 7/5/06 by Beazer Homes, 250 Phillips Blvd., Suite 290, Trenton, NJ 08618 be and is hereby released.
11. That Driveway bond money (\$1,000.00) for Block 78, Lot 9.10 posted on 7/22/03 by Beazer Homes, 250 Phillips Blvd., Suite 290, Trenton, NJ 08618 be and is hereby released.
12. That Engineering bond money (\$128.10) for Block 78, Lot 27.21 posted on 6/23/06 by Beazer Homes, 250 Phillips Blvd., Suite 290, Trenton, NJ 08618 be and is hereby released.

- 13. That Engineering bond money (\$18.60) for Block 78, Lot 27.22 posted on 10/20/05 by Beazer Homes, 250 Phillips Blvd., Suite 290, Trenton, NJ 08618 be and is hereby released.

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**RESOLUTION #07-169**

**A RESOLUTION AUTHORIZING REFUNDS FOR  
HOPEWELL VALLEY RECREATION DEPARTMENT  
PROGRAM PARTICIPANTS**

**WHEREAS**, registration fees were paid for participation in a variety of programs sponsored by the Hopewell Valley Recreation Department; and,

**WHEREAS**, some participants have requested a refund in accordance with department policy;

**NOW, THEREFORE, BE IT RESOLVED**, on this 29<sup>th</sup> day of May, 2007, 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:

Jacquelyn Gibson	24 Shara Lane, Pennington, NJ 08534	\$150.00
Colleen Myers	6 Fabian Place, Pennington, NJ 08534	\$150.00
Lou Beck	7 W. Franklin Ave., Pennington, NJ 08534	\$100.00
Ann Conlon	25 Temple Court, Pennington, NJ 08534	\$50.00
Phyllis McGuire	17 Lake Drive, Lambertville, NJ 08530	\$100.00
Mary Iavarone	28 New Road, Lambertville, NJ 08530	\$100.00
Claire Thelma Kutch	12 Temple Court, Pennington, NJ 08534	\$50.00
Marlene Mincher	112 Woolsey Court, Pennington, NJ 08534	\$50.00
Betty Jo Pennington	22 East Delaware Ave., Pennington, NJ 08534	\$50.00
Chuck Potter	P.O. Box 274, Pennington, NJ 08534	\$50.00

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**RESOLUTION #07-170**

**A RESOLUTION ACCEPTING THE RETIREMENT OF  
SANDRA MALLOY, PART-TIME SECRETARY IN THE  
ADMINISTRATION OFFICE**

**WHEREAS**, Sandra Malloy has been employed as a part-time secretary in the Administration Office since July 6, 1998; and

**WHEREAS**, Sandra Malloy has submitted her letter indicating her intention to retire effective June 11, 2007.

**NOW, THEREFORE, BE IT RESOLVED** on this 29<sup>th</sup> day of May, 2007 by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey that the Township Committee extends its sincere appreciation for Sandra Malloy’s dedicated service to Hopewell Township; and

**BE IT FURTHER RESOLVED** that the Hopewell Township Committee, on behalf of itself and all municipal employees, wishes Sandra good health and happiness in her retirement.

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**RESOLUTION #07-171.** Read by title.

Motion by Sandahl, seconded by Murphy to adopt Resolution #07-171.

**ROLL CALL VOTE:**

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

**NOES:** None

**ABSENT:** Iorio

**RESOLUTION #07-171**

**A RESOLUTION FOR AN EMERGENCY**

## TEMPORARY APPROPRIATION

**WHEREAS**, an emergent condition has arisen with respect to Zoning O/E, Tax O/E, Assessor O/E, Capital Improvement Fund O/E and Parks O/E and no adequate provision has been made in the 2007 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 2007 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total \$4,336,818.57;

**NOW, THEREFORE, BE IT RESOLVED**, on this 29<sup>th</sup> day of May 2007, 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:

Zoning O/E	\$ 1,896.00
Tax O/E	\$ 7,500.00
Assessor O/E	\$ 28,500.00
Capital Improvement Fund O/E	\$ 230,723.00
Parks O/E	\$ 5,000.00

2. That said emergency temporary appropriation has been provided for in the 2007 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 #07-172.** Read by title.

Motion by Sandahl, seconded by Niederer to adopt Resolution #07-172.

**MOTION UNANIMOUSLY CARRIED**

## R E S O L U T I O N #07-172

### A RESOLUTION ADOPTING A DEFERRED COMPENSATION PLAN

**WHEREAS** the Township of Hopewell, County of Mercer has agreed to the establishment of a Deferred Compensation Plan to be made available to all employees and elected officials pursuant to Section 457 of the Internal Revenue Code of 1986, as amended, *except for provisions added by reason of the Small Business Job Protection Act of 1996 (United States Public Law No. 104-188)*; and except for provisions added by reason of the Economic Growth and Tax Relief Reconciliation Act of 2001; and

**WHEREAS**, the rationale for the adoption and implementation of a Deferred Compensation Plan is to attract and retain qualified employees, as well as provide enhanced retirement security to eligible employees and elected officials; and

**WHEREAS**, certain substantial tax benefits could accrue to employees and elected officials;

**NOW, THEREFORE, BE IT RESOLVED** that the Township of Hopewell is adopting a Deferred Compensation Plan substantially similar to one on which a favorable Private Letter Ruling has been previously obtained from the Internal Revenue Service *except for provisions added by reason of the Small Business Job Protection Act of 1996 (United States Public Law No. 104-188) and all such provisions are stated in the plan in terms substantially similar to the text of those provisions in the Internal Revenue Code Section 457* and except for provisions added by reason of the Economic Growth and Tax Relief Reconciliation Act of 2001. The use of the Ruling is for guidance only and acknowledges that for Internal Revenue Service Purposes, the Ruling of another employer is not to be considered precedent; and

**BE IT FURTHER RESOLVED** by the Township Committee of the Township of Hopewell that, it hereby maintains a Deferred Compensation Plan for the voluntary participation of employees and elected officials; and

**BE IT FURTHER RESOLVED** by the Township Committee of the Township of Hopewell that, it hereby adopts a Deferred Compensation Plan provided by the Lincoln National Life Insurance Company and Lincoln Financial Group, its agent (12 - PD - LINCOLN -

E100303); and

**BE IT FURTHER RESOLVED** that The Lincoln National Life Insurance Company and Lincoln Financial Group, its agent, has agreed to be the provider of the Deferred Compensation Program for employees and elected officials; and

**BE IT FURTHER RESOLVED** that the Lincoln National Life Insurance Company and Lincoln Financial Group it's agent, will provide, for the benefit of the participants the Multi-Fund Variable Annuity contract; and

**BE IT FURTHER RESOLVED** that in accordance with N.J.A.C. 5:37-7.1(a) the Township of Hopewell solicited proposals for a Deferred Compensation Plan and Service Agreement from two providers of deferred compensation services. The vendors responding to the request for proposals were Lincoln National Life Insurance Company and Lincoln Financial Group, its agent, and AXA. The successful vendor is Lincoln National Life Insurance Company and Lincoln Financial Group, its agent. The Chief Financial Officer and Township Administrator reviewed all of the proposals submitted and met with representatives of the responding companies. Lincoln National Life Insurance Company was selected, because of the level of service, financial stability of the company, features of the plan investment options and recommendations; and

**BE IT FURTHER RESOLVED** that there has been no collusion, or evidence or appearance of collusion, between any local official and a representative of Lincoln National Life Insurance Company and Lincoln Financial Group, its agent, in the selection of a provider pursuant to N.J.A.C. 5:37 - 5.7.

**BE IT FURTHER RESOLVED** that the Chief Financial Officer or Township Administrator is authorized to execute an Administrative Services Agreement with the Lincoln National Life Insurance Company and Lincoln Financial Group, its agent, (12-SA-Lincoln-072595) and such other agreements as are necessary to implement the Deferred Compensation Program. It is implicitly understood that there is to be no cost or contribution by the Township of Hopewell to the program; and

**BE IT FURTHER RESOLVED** that the Chief Financial Officer or Township Administrator is authorized to serve as the "Administrator" of the plan, represent the Township of Hopewell, and execute individual deferred compensation agreements with each said employee; and

**BE IT FURTHER RESOLVED** by the Township of Hopewell that the Clerk forward a certified true copy of this resolution to the Chief Financial Officer or Township Administrator; and

**BE IT FURTHER RESOLVED** that the Chief Financial Officer or Township Administrator will submit all necessary documents to the Director of the Division of Local Government Services in the State Department of Community Affairs for approval.

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**RESOLUTION #07-173.** Read by title.

Motion by Sandahl, seconded by Niederer to adopt Resolution #07-173.

**MOTION UNANIMOUSLY CARRIED**

### **RESOLUTION #07-173**

#### **RESOLUTION APPROVING PERSON-TO-PERSON TRANSFER OF LIQUOR LICENSE NO. 1106-44-001-003**

**WHEREAS**, an application has been filed for a Person-to-Person transfer of Plenary Retail Distribution License #1106-44-001-003 heretofore issued to Circle Package Store for premises located at 222 Rt. 31 South, Pennington, NJ 08534 (Hopewell Township); and

**WHEREAS**, the submitted application is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

**WHEREAS**, the applicant, Reddy & Reddy Inc. is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

**WHEREAS**, the applicant has disclosed and the Township of Hopewell reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business; and

**WHEREAS**, the background investigation report of the Hopewell Township Police

Department presents no reason to deny the transfer;

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Hopewell, Mercer County, New Jersey, does hereby approve, effective May 29, 2007, the transfer of Plenary Retail Consumption License #1106-44-001-003 to Reddy & Reddy Inc., and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred effective May 29, 2007 to Reddy & Reddy Inc. for premises located at 222 Rt. 31 South, Pennington, NJ 08534.

**RESOLUTION #07-174.** Read by title.

Motion by Sandahl, seconded by Murphy to adopt Resolution #07-174.

**MOTION UNANIMOUSLY CARRIED**

**R E S O L U T I O N #07-174**

**A RESOLUTION AUTHORIZING  
PROFESSIONAL SERVICES AGREEMENTS**

**WHEREAS**, there exists a need for professional services for the following: Legal services in connection with specific Planning Board litigation and environmental consulting services related to an environmental site assessment for Block 51, Lot 23 (Foster Tract); and

**WHEREAS**, the estimated cost of the contract is \$18,765.00 for legal services in connection with specific Planning Board litigation and \$7,100.00 for environmental consulting services related to an environmental site assessment for Block 51, Lot 23 (Foster Tract); and funds will be available in the 2007 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:

Richard P. Cushing, Esq. of Gebhardt & Kiefer for legal services in connection with specific Planning Board litigation;

A.D. Marble & Company for Environmental Consulting Services related to an environmental site assessment

2. This contract is 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 #07-175.** Read by title.

Motion by Sandahl, seconded by Niederer to adopt Resolution #07-175.

**MOTION UNANIMOUSLY CARRIED**

**R E S O L U T I O N #07-175**

**A RESOLUTION APPOINTING CHRISTOPHER ROSE  
MUNICIPAL CONSTRUCTION OFFICIAL**

**WHEREAS**, Christopher Rose has served as temporary acting Municipal Construction Official since November 27, 2006 and as Plumbing Subcode Official since October 1998. Chris Rose also serves as Mechanical I and II Family Inspector.

**NOW, THEREFORE, BE IT RESOLVED** on this 29<sup>th</sup> day of May, 2007, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey that:

1. Christopher Rose be and is hereby appointed Municipal Construction Official. Chris Rose shall retain his role as Plumbing Subcode Official and Mechanical I and II Family Inspector.
2. That Christopher Rose be compensated at an annual salary of \$80,000 for the title of Municipal Construction Official and shall receive an additional compensation of \$5,000 for Plumbing Subcode Official and an additional \$5,000 for Mechanical I and II Family Inspector.
3. That this appointment become effective May 30, 2007.

**RESOLUTION #07-176.** Read by title.

Motion by Sandahl, seconded by Murphy to adopt Resolution #07-176.

**ROLL CALL VOTE:**

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

**NOES:** None

**ABSENT:** Iorio

**RESOLUTION #07-176**

**BILLS & CLAIMS**

**BE IT RESOLVED,** that the list of cash disbursements authorized for approval of bills for payment dated May 29, 2007 in the following amounts:

Bills and Claims	-	\$ 4,260,689.34
Payroll	-	\$ 346,595.81
Total Disbursements	-	\$ 4,607,285.15

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**

**Kim Johnson** questioned the aforementioned balloon test and if photos would be available.

**EXECUTIVE SESSION RESOLUTION.** Read into the record.

Mayor Sandom stated that the regular meeting would reconvene following the Executive Session.

Motion by Sandahl, seconded by Niederer to go to Executive Session to discuss personnel matters. **MOTION UNANIMOUSLY CARRIED**

**EXECUTIVE SESSION RESOLUTION**

**WHEREAS,** it is necessary for the Township Committee to discuss 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 29<sup>th</sup> day of May 2007, 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 8:40 p.m. the Executive Session was held.

At 9:06 p.m. the Open session reconvened.

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**RESOLUTION #07-177.** Read by title.

Mr. Goodell explained that the proposed settlement agreement will resolve certain issues related to the employment of Hopewell Township Tax Collector Kathy Cantwell with the Township.

Motion by Sandahl, seconded by Niederer to adopt Resolution #07-177.

**MOTION UNANIMOUSLY CARRIED**

**R E S O L U T I O N #07-177**

**A RESOLUTION APPROVING SETTLEMENT  
OF PERSONNEL MATTER**

**WHEREAS**, Kathleen Cantwell has served as the tax collector for Hopewell Township;  
and

**WHEREAS**, the Township and Ms. Cantwell would like to enter an agreement resolving issues related to Ms. Cantwell’s employment with the Township; and

**WHEREAS**, Ms. Cantwell and the Township, through their respective legal counsel, have drafted a Settlement Agreement resolving those differences; and

**WHEREAS**, the Settlement Agreement reflects the complete understanding of the parties’ agreement.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Hopewell, that the Township Committee approves the Settlement Agreement between Kathleen Cantwell and the Township of Hopewell in the form attached hereto, and authorizes the Mayor and Clerk to execute said Agreement on behalf of the Township of Hopewell.

**BE IT FURTHER RESOLVED** that as a personnel matter, the Settlement Agreement will be maintained as a confidential document, to the extent permitted by law.

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At 9:09 p.m., Motion by Niederer, seconded by Sandahl to adjourn the meeting.

**MOTION UNANIMOUSLY CARRIED**

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ANNETTE C. BIELAWSKI  
MUNICIPAL CLERK