

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

Monday, December 10, 2007 - 7:05 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 3, 2007 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: Cacciabaudo, Iorio, Murphy, Sandahl, Mayor Sandom

ABSENT: None

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

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

ORDINANCE – FINAL READING, PUBLIC HEARING AND ADOPTION

Mayor Sandom read by title the introduced ordinance:

AN ORDINANCE AUTHORIZING THE ACQUISITION OF BLOCK 75, LOTS
8 & 10, AS SHOWN ON THE TAX MAP OF THE TOWNSHIP OF
HOPEWELL, MERCER COUNTY, NEW JERSEY

Mr. Pogorzelski explained the proposed ordinance authorizes the purchase of the Weasner property known as Twin Pines Airport and was part of the township's application for the Mercer at Play Grant of \$1.9 million that allows for the cooperative effort between Hopewell Township, Pennington and Hopewell Boroughs and Lawrence Township to construct improvements on this property.

Committee Member Murphy reported on attendance at the December 6, 2007 Mercer County Freeholders meeting where he and Mayor Sandom thanked the Freeholder's for passing the resolution which allows the funding for the Mercer at Play Grant application. He noted there were a significant number of people who came out to support the township's gratitude to Mercer County for this funding and Committee Member Murphy also expressed thanks to various officials of Mercer County; the Boroughs of Hopewell and Pennington and Lawrence Township; Hopewell Valley Recreation Foundation and Advisory Committees; the Lacrosse and Soccer Associations; Mercer County Commissioner Brian Hughes and Mercer County Planner Donna Lewis for their continued support and guidance on this project.

Committee Member's Sandahl and Iorio commended Mayor Sandom, Committee Member Murphy and Mr. Pogorzelski for their leadership and perseverance with this project and commented how the recreation community will benefit with additional athletic fields at Twin Pines Airport.

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

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

MOTION UNANIMOUSLY CARRIED

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

ROLL CALL VOTE:

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

NOES: None

ORDINANCE ADOPTED

Ordinance advertised November 22, 2007 Hopewell Valley News. Posted municipal bulletin board as required by law.

ORDINANCE NO. 07-1412

AN ORDINANCE AUTHORIZING THE ACQUISITION OF BLOCK 75, LOTS 8 & 10, AS SHOWN ON THE TAX MAP OF THE TOWNSHIP OF HOPEWELL, MERCER COUNTY, NEW JERSEY

WHEREAS, the Township Committee has determined that it wishes to acquire Block 75, Lots 8 & 10 (“the Property”) as shown on the Township’s tax map, for the purposes of providing active recreation and that such acquisition is in the public interest and benefits the citizens of this Township and Mercer County;

WHEREAS, the property is owned by William and Jean Weasner who have indicated their willingness to sell the Property pursuant to the terms and conditions of that certain proposed contract of sale, attached hereto as Exhibit A; and

WHEREAS, the proposed contract of sale, attached hereto as Exhibit A, makes provision, among other things, for subdivision and environmental remediation of the Property; and

WHEREAS, the cost of said acquisition would be funded in part by the County of Mercer and by contributions from the Township of Lawrence and the Borough of Pennington with the balance to be funded by Hopewell Township; and

WHEREAS, title would be held solely by Hopewell Township; and

WHEREAS, the total contract price for acquisition of the Property would be Two Million Three Hundred Seventy Two Thousand Five Hundred Dollars (\$2,372,500.00); and

WHEREAS, this acquisition is within the Township’s power and authority pursuant to N.J.S.A. 40A:12-5.

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

Section I. Hopewell Township shall acquire Block 75, Lots 8 & 10, as shown on the Tax Map of Hopewell Township in accordance with the provisions of that certain contract of sale, attached hereto as Exhibit A. The Mayor and Clerk are authorized to execute said contract along with any other customary and necessary documents to accomplish the acquisition.

Section II. In the event that any portion of this Ordinance is found to be invalid for any reason by any court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance shall be deemed severable there from and shall not be affected.

Section III. This Ordinance shall take effect upon final passage and publication in accordance with the law.

ORDINANCE – FINAL READING, PUBLIC HEARING AND ADOPTION

Mayor Sandom read by title the introduced ordinance:

AN ORDINANCE AUTHORIZING THE PURCHASE OF A PERMANENT DRAINAGE EASEMENT AT 19 DUBLIN ROAD

Mr. Pogorzelski explained the following three proposed ordinances pertained to the sidewalk project on Dublin Road for the purchase of drainage easements and a right of way that was necessary to complete the project.

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

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

MOTION UNANIMOUSLY CARRIED

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

ROLL CALL VOTE:

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

NOES: None

ORDINANCE ADOPTED

Ordinance advertised November 22, 2007 Hopewell Valley News. Posted municipal bulletin board as required by law.

ORDINANCE NO. 07-1413

**AN ORDINANCE AUTHORIZING THE PURCHASE
OF A PERMANENT DRAINAGE EASEMENT AT
19 DUBLIN ROAD**

WHEREAS, Hopewell Township is making sidewalk improvements along Dublin Road; and

WHEREAS, the sidewalk improvements require new drainage facilities along the road; and

WHEREAS, the sidewalk improvement project requires a permanent drainage easement on property known as 19 Dublin Road, also known as Block 65, Lot 55; as designated on the Hopewell Township Tax Map; and

WHEREAS, Gary M. Zahn and Catherine A. Zahn, reside at and are the only owners of the subject premises; and

WHEREAS, Gary M. Zahn and Catherine A. Zahn have agreed to deed a permanent drainage easement to the Township of Hopewell on the subject property to allow the installation, construction, re-construction, modification, inspection, maintenance, repair and replacement of curb, sidewalk, storm water drainage facilities and other necessary public purposes, in consideration of One Hundred Dollars (\$100.00) to be paid by the Township of Hopewell; and

WHEREAS, the form of the permanent drainage easement is attached hereto; and

WHEREAS, the Local Lands and Buildings Law permits any municipality, by ordinance to provide for the acquisition of any real property (*N.J.S.A. 40A:12-5a*); and

WHEREAS, the Local Lands and Buildings Law defines "real property" as including, in addition to the usual connotations thereof, development rights or easements (*N.J.S.A. 40A:12-2g*); and

WHEREAS, it is the desire of the Township Committee to purchase the aforesaid permanent drainage easement to enable the completion of the Dublin Road sidewalk improvement project; and

WHEREAS, the Finance Officer has certified the availability of funds.

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

Section 1. The Township shall purchase an interest in real property, to wit: a permanent drainage easement, in the form attached hereto, from Gary M. Zahn and Catherine A. Zahn, for an interest in real property located at 19 Dublin Road, also known as Block 65, Lot 55; as designated on the Hopewell Township Tax Map, for the sum of One Hundred Dollars (\$100.00).

Section 2. The Mayor and Township Clerk are authorized to sign any contracts, easements, acknowledgements or other documents required to complete the above referenced transaction.

Section 3. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance shall be deemed severable therefrom and shall not be affected.

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

ORDINANCE - FINAL READING, PUBLIC HEARING AND ADOPTION

Mayor Sandom read by title the introduced ordinance:

**AN ORDINANCE AUTHORIZING THE PURCHASE OF A RIGHT OF WAY
AT 31 DUBLIN ROAD**

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

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

MOTION UNANIMOUSLY CARRIED

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

ROLL CALL VOTE:

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

NOES: None

ORDINANCE ADOPTED

Ordinance advertised November 22, 2007 Hopewell Valley News. Posted municipal bulletin board as required by law.

ORDINANCE NO. 07-1414

**AN ORDINANCE AUTHORIZING THE PURCHASE
OF A RIGHT OF WAY AT
31 DUBLIN ROAD**

WHEREAS, Hopewell Township is making sidewalk improvements along Dublin Road; and

WHEREAS, the sidewalk improvements require new drainage facilities along the road; and

WHEREAS, the sidewalk improvement project requires a perpetual easement and right of way on property known as 31 Dublin Road, also known as Block 65, Lot 42; as designated on the Hopewell Township Tax Map; and

WHEREAS, Paul M. McCoy and Elise D. G. McCoy, reside at and are the only owners of the subject premises; and

WHEREAS, Paul M. McCoy and Elise D. G. McCoy have agreed to dedicate a perpetual easement and right of way to the Township of Hopewell on the subject property to allow the installation, construction, re-construction, modification, inspection, maintenance, repair and replacement of curb, sidewalk, storm water drainage facilities and other necessary public purposes, in consideration of Two Dollars (\$2.00) to be paid by the Township of Hopewell; and

WHEREAS, the form of the perpetual easement and right of way is attached hereto; and

WHEREAS, the Local Lands and Buildings Law permits any municipality, by ordinance to provide for the acquisition of any real property (*N.J.S.A. 40A:12-5a*); and

WHEREAS, the Local Lands and Buildings Law defines "real property" as including, in addition to the usual connotations thereof, development rights or easements, or any right (*N.J.S.A. 40A:12-2g*); and

WHEREAS, it is the desire of the Township Committee to purchase and accept dedication of the aforesaid perpetual easement and right of way to enable the completion of the Dublin Road sidewalk improvement project; and

WHEREAS, the Finance Officer has certified the availability of funds.

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

Section 1. The Township shall purchase an interest in, and accept dedication of real property, to wit: a perpetual easement and right of way, in the form attached hereto, from Paul M. McCoy and Elise D. G. McCoy, for an interest in real property located at 31 Dublin Road, also known as Block 65, Lot 42; as designated on the Hopewell Township Tax Map, for the sum of Two Dollars (\$2.00).

- Section 2. The Mayor and Township Clerk are authorized to sign any contracts, easements, acknowledgements or other documents required to complete the above referenced transaction.
- Section 3. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance shall be deemed severable therefrom and shall not be affected.
- Section 4. This Ordinance shall take effect upon final passage and publication in accordance with the law.

ORDINANCE - FINAL READING, PUBLIC HEARING AND ADOPTION

Mayor Sandom read by title the introduced ordinance:

AN ORDINANCE AUTHORIZING THE PURCHASE OF A RIGHT OF WAY AT 33 DUBLIN ROAD

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

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

MOTION UNANIMOUSLY CARRIED

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

ROLL CALL VOTE:

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

NOES: None

ORDINANCE ADOPTED

Ordinance advertised November 22, 2007 Hopewell Valley News. Posted municipal bulletin board as required by law.

ORDINANCE NO. 07-1415

AN ORDINANCE AUTHORIZING THE PURCHASE OF A RIGHT OF WAY AT 33 DUBLIN ROAD

WHEREAS, Hopewell Township is making sidewalk improvements along Dublin Road; and

WHEREAS, the sidewalk improvements require new drainage facilities along the road; and

WHEREAS, the sidewalk improvement project requires a perpetual easement and right of way on property known as 33 Dublin Road, also known as Block 65, Lot 59; as designated on the Hopewell Township Tax Map; and

WHEREAS, David T. Jones and Joanna Siggillino, reside at and are the only owners of the subject premises; and

WHEREAS, David T. Jones and Joanna Siggillino have agreed to dedicate a perpetual easement and right of way to the Township of Hopewell on the subject property to allow the installation, construction, re-construction, modification, inspection, maintenance, repair and replacement of curb, sidewalk, storm water drainage facilities and other necessary public purposes, in consideration of One Dollar (\$1.00) to be paid by the Township of Hopewell; and

WHEREAS, the form of the perpetual easement and right of way is attached hereto; and

WHEREAS, the Local Lands and Buildings Law permits any municipality, by ordinance to provide for the acquisition of any real property (*N.J.S.A. 40A:12-5a*); and

WHEREAS, the Local Lands and Buildings Law defines "real property" as including, in addition to the usual connotations thereof, development rights or easements, or any right (*N.J.S.A. 40A:12-2g*); and

WHEREAS, it is the desire of the Township Committee to purchase and accept dedication of the aforesaid perpetual easement and right of way to enable the completion of the Dublin Road sidewalk improvement project; and

WHEREAS, the Finance Officer has certified the availability of funds.

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

- Section 1. The Township shall purchase an interest in, and accept dedication of real property, to wit: a perpetual easement and right of way, in the form attached hereto, from David T. Jones and Joanna Siggillino, for an interest in real property located at 33 Dublin Road, also known as Block 65, Lot 59; as designated on the Hopewell Township Tax Map, for the sum of One Dollar (\$1.00).
- Section 2. The Mayor and Township Clerk are authorized to sign any contracts, easements, acknowledgements or other documents required to complete the above referenced transaction.
- Section 3. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance shall be deemed severable therefrom and shall not be affected.
- Section 4. This Ordinance shall take effect upon final passage and publication in accordance with the law.

CONSENT AGENDA ITEMS

RESOLUTIONS #07-360 THROUGH #07-365. Read by title.

Motion by Sandahl, seconded by Iorio to adopt Resolutions #07-360 through #07-365.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #07-360

**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 10th day of December 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:

Barbara Zarzeczny	15 Lexington Drive, Pennington, NJ 08534	\$ 64.00
Thomas McDonald	132 Coburn Road, Pennington, NJ 08534	\$ 64.00
Scott Stanton	301 Wash Crossing-Penn Rd., Titusville, NJ 08560	\$150.00

R E S O L U T I O N #07-361

**A RESOLUTION AUTHORIZING
REFUND OF A COAH FEE**

WHEREAS, a COAH fee was paid to Hopewell Township in error; and

WHEREAS, the fee was paid twice; once by the homeowner on June 15, 2005 and the second time by the homeowner on June 28, 2005.

NOW, THEREFORE, BE IT RESOLVED on this 10th day of December, 2007 by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey that the following refund be and is hereby authorized:

	<u>Amount</u>
1. Double Brook Farm 20 Long Way Hopewell NJ 08525 Block 14 Lot 15	\$5,000.00

R E S O L U T I O N #07-362

**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 10th day of December, 2007 by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey:

1. That Partial Permit money (\$63.75) for Block 99.01 Lot 27, owner has cancelled permit requesting refund of permit fee-construction office to retain 25% plan review fee (\$21.25) be and is hereby released.

R E S O L U T I O N #07-363

**A RESOLUTION AUTHORIZING
REFUND FROM HOPEWELL TOWNSHIP
FOR DUPLICATE PAYMENTS OF TAXES**

WHEREAS, payments of 2007 3rd and 4th quarter taxes have been received for property identified as: Block 25 Lot 8, located at 1630 Harb Rocktown Rd. from First American Realty Tax Service; and

WHEREAS, said tax payments in the amount of \$1,762.98 for the 3rd and 4th quarters 2007 taxes were also received from Ross & Kirsten O'Donnell; and

WHEREAS, the duplicate payments were credited against 2008 taxes; and

WHEREAS, Ross & Kirsten O'Donnell requested a refund of said payments;

NOW, THEREFORE, BE IT RESOLVED, on this 10th day of December, 2007, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that the duplicate payments in the amount of \$3,525.96 be refunded to Ross & Kirsten O'Donnell, 1630 Harbourton Rocktown Rd., Lambertville, NJ 08530.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be forwarded to the Chief Financial Officer for the refund of said overpayment.

R E S O L U T I O N #07-364

**A RESOLUTION AUTHORIZING AND APPROVING
HOMEOWNER'S/CONDOMINIUM ASSOCIATION FEE LOAN**

WHEREAS, the Township of Hopewell has established a Condominium Association Fee Loan Program to assist individuals who occupy affordable housing units within said Township with their association fee obligations; and

WHEREAS, application has been made to the Hopewell Township Affordable Housing Committee (AHC) for an association fee assistance loan by an income eligible household; and

WHEREAS, the AHC has reviewed and approved the application, and recommends to the Hopewell Township Committee funding the requested loan.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hopewell as follows:

1. Homeowners' Assistance Loan Program Case #5-07 is hereby approved and execution of related documents including mortgage and note is hereby authorized. The agreements authorized by this Resolution are on file with the Hopewell Township Municipal Housing Liaison.

- 2. Payment shall be prepared by the Chief Financial Officer as follows:
 - Check in the amount of \$1,500.00 payable to Brandon Farms Condominium Association, Inc. applicable to Homeowners' Assistance Loan Program Case #5-07.
- 2. Said check, once available, shall be forwarded to the Hopewell Township Housing Liaison for delivery to the respective homeowners' association and credited to the applicant's account.

R E S O L U T I O N #07-365

**A RESOLUTION APPOINTING
RONALD J. EASTMEAD AS
SCHOOL CROSSING GUARD**

BE IT RESOLVED on this 10th day of December, 2007 by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey that:

- 1. Ronald J. Eastmead be and is hereby appointed as School Crossing Guard for the Township of Hopewell.
- 2. Ronald J. Eastmead be compensated at the rate of \$18.00 per hour.
- 3. This appointment become effective December 11, 2007.

RESOLUTION #07-366. Read by title.
Motion by Sandahl, seconded by Iorio to adopt Resolution #07-366.

ROLL CALL VOTE:

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

R E S O L U T I O N #07-366
BILLS & CLAIMS

BE IT RESOLVED, that the list of cash disbursements authorized for approval of bills for payment dated December 10, 2007 in the following amounts:

Bills and Claims	-	\$ 1,250,204.83
Payroll	-	\$ 299,795.61
Total Disbursements	-	\$ 1,550,000.44

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

COMMITTEE MEMBERS AND STAFF REPORTS

Committee Member Iorio offered a heartfelt thank you to everyone on the occasion of his last Township Committee meeting and delivered the following comments:

“For those who believe that giving of yourself to the public is a thankless job I’m here to tell you that the people in this township do appreciate the hard work you put into serving the public. I’ve had the great pleasure of meeting and working with some of the nicest, warmest people in the world and I deeply appreciate the

overwhelming support that the public has shown me and my family over the past three years. Yes there are many hard, long and tedious hours that we as public servants put into the many hours and many meetings we hold here and elsewhere in the community. To that end I'm happy to say that it was worth it. I'm also happy to say that I've heard many citizens thank me for my dedication to our community and I'm grateful for that support as well. It is impossible for me to adequately describe just how much I've learned from the three year experience on the Hopewell Township Committee. From land use law to wastewater management, from open space to farmland preservation, the experiences and accomplishments have been extensive, vast and rewarding. I've also been a liaison to several committees over the past several years and particularly in the last two the Open Space Advisory Committee, Agricultural Advisory Committee, Youth Advisory Board and the Hopewell Valley Business Alliance Partnership. My thanks to many people who sit and chair these various committees and here's where I can get into trouble because I may not mention everyone's name and I'm sorry, I apologize in advance if I do not. Pat Sziber and the Open Space Advisory Committee, Lucia Huebner and the Agricultural Advisory Committee, Ana Farrel, Helen Garcia and Peg Forrester of the Hopewell Valley Business Alliance Partnership and Kim Bruno, the tireless advocate of the Youth Advisory Board. Without their support and dedication this community would not be as great as it is today. Thanks to the Hopewell Valley News and the Times of Trenton for covering our meetings, some long and some longer. John Tredrea, Lisa Coryell, Jeff Trently you've done a great job over the years and I thank you for that. Our township professionals and staff members including Paul Pogorzelski, Elaine Borges, Jim McManimon, Chief George Meyer, Annette Bielawski and Steve Goodell are exemplary in their respective professions and it has been my pleasure to work with all of you. The Township Committee past and present, the dialogue has not always been pleasant and I can tell you that much of what we discuss gets accomplished whether you like the final results or not. Mayor Sandom, Deputy Mayor Sandahl, John Murphy, Robert Cacciabauda, and former Mayor Kemp have been great colleagues and as battle tested veterans of our Township Committee we share a brotherhood that I will continue to value. To Michael Markulec and James Burd, good luck and thanks for stepping up this year. You will enjoy your time up here and not regret your decision. Thank you to Jean Giancacci and your tireless group of volunteers who keep your end of the balanced two party system going in Hopewell Township. The decision to run for public office is not an easy one to make and often times it comes with much deliberation and family dialogue. I will tell you that the original recruitment discussion originated at a neighborhood party on Harbourton Ridge Drive several years back. Once I made a decision and commitment to run for office, Ruth, the kids and I all decided it was a good time for me to do so. One of my most favorite people and a person who has earned the respect of most everyone in this community is my former running mate and dear friend, Judy Niederer. The decision to run for office would have been much more difficult without Judy's dedication and decision to run with me in 2004. Thanks Judy and Bob for your continued friendship. And thank you to my terrific family, Ruth, Melissa and Christopher, the seven or eight meetings a month will soon be over. I'm grateful for your perseverance, your love and support over the past three years. For those of you who are thinking about getting involved in the local community, please volunteer. Our town can certainly use your help. Property taxes, open space, wastewater and water management should continue to concern our residents. Talk to the mayor and ask to be included on committees or boards. Write letters, volunteer for activities around the town. I'm sure I'll see you around. Thank you and have a great holiday season."

Mayor Sandom and Township Committee Members individually thanked Committee Member Iorio for being a tremendous asset to the Township Committee and the community at large. They noted that they have learned a great deal from him during his years of service and were proud of the accomplishments they achieved together as a Committee.

Committee Member Sandahl reported that the Zoning Board's annual report has been submitted to the Township Committee outlining cases dealt with over the past year. He reported on scheduled meetings of the Application Review Committee and the Planning Board with respect to the memorialization of the General Development Plan resolution for Capital Health System. Committee Member Sandahl announced the deadline to donate to Toys for Tots is December 17, 2007.

Committee Member Murphy recognized Recreation Director Judy Niederer and asked that she present a report on Recreation Department activities. Ms. Niederer thanked Committee Member Cacciabauda for serving the remainder of her term and Committee Member Iorio for his hard work and service to the community. Ms. Niederer reported on several recreation trips which included New York City shopping and Lancaster's American Music Theater. She also provided information on a Winter Field Hockey Program for Middle School aged children. Ms. Niederer also reported on work completed by the parks staff at Independence Park and the MAC site.

PRESENTATION – PHOTO CONTEST WINNERS

Mayor Sandom introduced Jim Waltman from the Stony Brook Millstone Watershed Association and Rex Parker of the Hopewell Township Environmental Commission and thanked them for their part in judging the photo contest. She also thanked judges Doug Brown from Hopewell Valley Regional High School and professional photographer Robin Stein from the Hopewell Valley News who were not present.

Mr. Parker appeared before the Committee and explained the theme of the photo competition "Water in the Valley." Mr. Parker read the names of the winners in the four different categories and displayed the winning photos through a power point presentation. Those winners present approached the podium for an award presentation and group photograph.

COMMITTEE MEMBERS AND STAFF REPORTS (CONTINUED)

Committee Member Cacciabauda reported on the condition of Police Department vehicles and the purchase of new SUV's. He also reported on a tour of the police facilities and the state of the art technology, however suggested an update of the workout facility to further help the officers meet their daily physical challenges.

Mr. Goodell reported on the status of ongoing litigation that included Zeloof/Deer Valley; Westrum Pennington; and the Hampton case. He reported the judge in the Deer Valley case rendered a decision that afternoon and he would pick it up in the morning.

Mr. Pogorzelski reported on work associated with the Weasner/Twin Pines Airport acquisition. He reported on an initial meeting with NJDOT regarding the reconfiguration of the Pennington Circle. Mr. Pogorzelski stated he also hoped to receive the design for the Plymouth Street connection shortly. Mr. Pogorzelski commented on a meeting with City of Trenton Mayor Douglas Palmer in which Mayor Palmer indicated the City of Trenton has successfully negotiated a sale of its water supply system to New Jersey American and there will be a public hearing on the sale on December 20, 2007. He further explained the process whereby both the City of Trenton and New Jersey American are required to petition the Board of Public Utilities (BPU) for approval of this sale.

PUBLIC SECTION

William Schoelwer, a resident of Westcott Boulevard, commented on Governor Corzine's toll increase proposal and questioned the Committee's understanding of the impact of truck traffic on Route 31. He questioned the status of the solar panels for the Public Works building and rebates for such panels. Mr. Schoelwer expressed thanks to Committee Member Iorio for his service to the township.

Mr. Pogorzelski replied that the rebate application for the solar panels was filed before the program was discontinued thereby locking the township in to receive a rebate.

Kim Johnson, a resident of Orchard Avenue, questioned the status of the Plymouth Street connection design issues with DOT and the conservation easement.

Mr. Pogorzelski replied he would meet with DOT when the final design is received. He described the basic design of the connection and issues that need to be dealt with. Mr. Pogorzelski stated the conservation easement is still in place; however they will aim to decrease the width to sixteen feet.

Jean Koepfel, a resident of Ingelside Avenue, voiced concern over the dangerous intersection at Ingelside Avenue and Route 31 and expressed her opinion that the blinking light has no effect on traffic. She questioned how the situation could be changed to get a working traffic light installed.

Mr. Pogorzelski replied he has been in contact with the DOT and information has been sent to the County Engineers office as Route 31 is a state highway and Ingelside Avenue is a county highway. He stated he would follow up with both offices and report back.

Mayor Sandom took a moment to recognize photo contest winner Chris Landis upon his arrival and congratulated him for his 3rd Place Black and White photograph and 1st Place Color Photograph.

Kim Bruno, a resident of Harbourton Ridge Drive, thanked Committee Member Iorio for his partnership with the Youth Advisory Board. She commented that it wasn't until Committee Member Iorio became liaison to the Youth Advisory Board that it became a reality. She thanked him, among other things, for his business sense and leadership and also thanked him on behalf of the teen membership as they could not attend the meeting that evening.

ORDINANCE - FINAL READING, PUBLIC HEARING AND ADOPTION

Mayor Sandom read by title the introduced ordinance:

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER VII "TRAFFIC," SECTION 7-3 PARKING, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF HOPEWELL, MERCER COUNTY, NEW JERSEY

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

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

MOTION UNANIMOUSLY CARRIED

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

ROLL CALL VOTE:

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

NOES: None

ORDINANCE ADOPTED

Ordinance advertised November 29, 2007 Hopewell Valley News. Posted municipal bulletin board as required by law.

ORDINANCE NO. 07-1416

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER VII "TRAFFIC," SECTION 7-3 PARKING,
OF THE REVISED GENERAL ORDINANCES OF THE
TOWNSHIP OF HOPEWELL, MERCER COUNTY, NEW JERSEY**

WHEREAS, the Hopewell Township is desirous of clearing snow from the municipal roadways in a prompt and safe manner following significant snow storms; and

WHEREAS, it is necessary to preclude parking or standing on the municipal roadways in order to facilitate snow removal during and following significant snow storms.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Hopewell, in the County of Mercer, State of New Jersey, that the Revised General Ordinances of the Township of Hopewell, be amended and supplemented by adding 7-3.8 as follows:

Section I.

7-3.8 Parking and/or Standing Prohibited During Significant Snowfalls

- (a) Whenever a significant snowfall wherein the accumulation is such that it covers the streets or roadways to a depth equal to or in excess of two inches, an emergency shall exist. Parking and/or standing of any vehicle shall be prohibited during such time on any and all improved and unimproved Township streets or roadways or portion thereof as shown on the attached map.
- (b) These parking prohibitions shall remain in effect after the snowfall has ceased and until such a time the streets and roadways have been plowed to the extent that parking will not interfere with the normal flow of traffic or impede the passage of ambulance, fire or other emergency vehicles.
- (c) Any unoccupied vehicle parked or standing in violation of this section shall be deemed a nuisance and menace to the safe and proper clearing and removal of snow and regulation of traffic. Any police officer may provide for the removal of such vehicle. The owner shall pay the reasonable costs of the removal and storage that may result from such removal before regaining possession of the vehicle. In addition, the penalty provision of Section 7-12 may apply to any violation of this section.

Section II.

The Mayor and Township Clerk are authorized to sign any contracts, easements, acknowledgements or other documents required to complete the above referenced transaction.

Section III.

In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance shall be deemed severable there from and shall not be affected.

Section IV.

This Ordinance shall take effect upon final passage and publication in accordance with the law.

ORDINANCE - FINAL READING, PUBLIC HEARING AND ADOPTION

Mayor Sandom read by title the introduced ordinance:

AN ORDINANCE DESIGNATING THE HARBOURTON RURAL HISTORIC DISTRICT

Motion by Mayor Sandom to adopt the introduced ordinance. There was no second to adopt the introduced ordinance and therefore the ordinance dies.

ORDINANCE - FINAL READING, PUBLIC HEARING AND ADOPTION

Mayor Sandom read by title the introduced ordinance:

AN ORDINANCE SUPPLEMENTING AND AMENDING CHAPTER XVII, "LAND USE AND DEVELOPMENT," ARTICLE VIII, "ZONING-GENERAL PROVISIONS," SECTION 17-148, "COMMUNICATIONS AND WIRELESS TELECOMMUNICATIONS TOWERS, ANTENNAS, FACILITIES AND EQUIPMENT" OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF HOPEWELL

Township Planner Michael Bolan was present to explain the proposed amendment to the current cell tower ordinance including the addition of a purpose statement that requires the Planning Board and Zoning Board review the ordinance on an annual basis and report their findings to the Committee. Mr. Bolan referred to the addition of a priority schedule for an applicant to site new wireless antennas which defines where the township would prefer antennas located, the first of which would be in a commercial transportation area co-located with other antennas on an existing structure. Mr. Bolan explained other important amendments including a reference to radiation emissions to comply with F.C.C. standards; types of mounted antennas that are not permitted; general aesthetics and structural safety.

Committee Member Sandahl pointed out the Planning Board had reviewed the ordinance and found no inconsistencies to the Master Plan.

Committee Member Iorio questioned the language in the Telecommunications Act that stipulates the need for seamless and continuous coverage. He voiced concern about the selectivity with regard to where a tower can be constructed if there is proof that there is not adequate coverage.

Mr. Goodell explained the Telecommunications Act itself does not state seamless and continuous coverage, however it states that cellular service cannot be denied within a town and you cannot discriminate among providers. He explained the process by which a cellular provider locates gaps in coverage and creates a search ring within those gaps to find the best topographic area to situate their antennas or cell tower. Mr. Goodell further explained if the area that is chosen is in the proper zone to site a tower or antenna the applicant would seek approval from the Planning Board; however if they desire to site a tower or antenna in an area which is not zoned for that purpose, they would appear before the Zoning Board and applications would be reviewed on a case for case basis according to the standards set by the Supreme Court for reviewing applications.

Committee Member Murphy questioned the enforceability of the priority schedule. He suggested utilizing an expert in the field to review the ordinance and assist in finding a viable alternative location not only beneficial to the township but to the cell company as well.

Mayor Sandom declared public hearing open.

Michael Chevlin, a resident of Chickory Lane, agreed with the changes in the proposed ordinance but also felt it was a work in progress. He commented on some of the language in the ordinance such as “encourage” and “strongly encourage” and recommended stronger language because when dealing with major corporations encouraging them to do something does not really mean anything.

William Schoelwer voiced his concern with the ordinance and proposed it not be adopted. He commented that flush mounted antennas reduce the amount of co-location. Mr. Schoelwer also commented that the radiation frequencies from the antennas are the same as putting a phone to your ear. He questioned the section on “Structural Safety” and suggested it was the construction department’s obligation to be certain something is structurally sound.

Mr. Pogorzelski responded that the section on “Structural Safety” is only for the addition of antennas to an existing structure to be sure when load is added to an existing structure that the load can be handled.

Mr. Schoelwer also pointed out there is no provision in the ordinance with regard to the removal of obsolete towers.

Kim Johnson raised the question of aesthetics and asked if it was possible to limit what side of the tower antennas could be mounted on so as not to have them facing the residential area. She also suggested painting the tower and possibly the arrays to camouflage them and help them blend in.

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

MOTION UNANIMOUSLY CARRIED

Mayor Sandom concluded that the Planning Board has indicated they are going to review the ordinance again but felt this was a first step to be taken. She thanked the public for their input and ensured they would continue to address the issue over the next few months.

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

ROLL CALL VOTE:

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

NOES: None

ORDINANCE ADOPTED

Ordinance advertised November 29, 2007 Hopewell Valley News. Posted municipal bulletin board as required by law.

ORDINANCE NO. 07-1417

AN ORDINANCE SUPPLEMENTING AND AMENDING CHAPTER XVII, "LAND USE AND DEVELOPMENT," ARTICLE VIII, "ZONING-GENERAL PROVISIONS," SECTION 17-148, "COMMUNICATIONS AND WIRELESS TELECOMMUNICATIONS TOWERS, ANTENNAS, FACILITIES AND EQUIPMENT" OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF HOPEWELL

Section 1 Section 17-148 of the Land Development Ordinance is amended as follows: **(Added language is shown in Bold and deleted language is shown in strike out)**

17-148 COMMUNICATIONS AND WIRELESS TELECOMMUNICATIONS TOWERS, ANTENNAS, FACILITIES AND EQUIPMENT.

a. *Purpose.* The purpose of this section is to provide sound land use policies, procedures, and regulations for the location and placement of communications and wireless telecommunications, towers, antennas, facilities and equipment within the Township of Hopewell in order to protect the community from the visual and other adverse impacts of same and to preserve the scenic and historic character of the countryside that the Hopewell Township Master Plan seeks to protect. This section seeks to meet the mandate of the Telecommunications Act of 1996, and at the same time, without limiting the generality of the foregoing, to:

1. Protect residential areas and land uses from the potential adverse impacts of towers and related structures;
2. Encourage the location of towers in nonresidential areas and along major transportation corridors;
3. Minimize the total number of towers throughout the community;
4. Strongly encourage the joint use of new and existing tower sites, and other existing structures, as primary options rather than construction of additional single-use towers;
5. Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
6. Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape, screening and innovative camouflaging techniques;
7. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently;
8. Consider the public health and safety of communications towers; and,
9. Avoid potential damage to adjacent properties from tower failure through proper engineering and careful siting of tower structures.
- 10. So that the Township Committee can be provided with the most up to date information regarding communication towers and antennas, the Township Committee requests the Zoning Board of Adjustment and the Planning Board to provide it with annual reports regarding the operation of this ordinance.**

b. *General Requirements.*

1. Communications Towers. Communications towers, including, but not limited to, broadcast facilities, fleet dispatch, aircraft communication, and cellular communications shall be permitted as a conditional use in any nonresidential zone district. No communications towers shall be permitted in any residential zone district.
 - (a) The following conditions shall be met for any communications tower:
 - (1) The applicant shall first demonstrate that no other existing tower or structure may be used for the subject application. Such demonstration may include but not be limited to expert reports and responses to bona fide inquiries to owners of existing towers or structures concerning the availability of space.
 - (2) The maximum height of the communications tower shall be 150 feet.
 - (3) The communications tower shall be set back from any property line a minimum distance equivalent to either the minimum front yard setback required in the zoning district in which the tower is located or 110 percent of the height of the tower, whichever is greater.
 - (4) The minimum lot size shall be equivalent to either the minimum lot size required in the zoning district in which the tower is located or 2.5 acres, whichever is greater.
 - (5) Any communications tower shall comply with the promulgated radiation emissions standards of the F.C.C.
 - (6) Notwithstanding any other provision to the contrary, no communications tower shall be located in an historic district or on an historic site, not located in an historic district, which meets Federal, State or local requirements for historic designation.
 - (b) Any communications tower that meets the conditional use standards set forth above shall also conform to the following bulk standards:
 - (1) The communications tower shall be set back from any residence a minimum of 500 feet.
 - (2) To the extent feasible, communications towers shall be painted or disguised to minimize contrast with the natural environment.
 - (3) Accessory structures or buildings for equipment not exceeding 300 square feet in area and 12 feet in height shall be permitted.
 - (4) The communications tower and any accessory structures or buildings for equipment shall be enclosed within a solid wooden fence at least seven feet and no more than eight feet high, as approved by the township engineer, which shall include a locking security gate.
 - (5) A visually impervious landscape buffer shall be installed outside the fence around the communications equipment compound, to shield completely from public view, the base of the tower, any accessory structures or buildings and parking. The landscape buffer shall be 20 feet in width and shall include native evergreen and deciduous trees at least eight feet high at the time of planting, and the number of trees shall be based on the equivalent of staggered double rows at eight feet on center.
 - (6) Any approval shall be so conditioned as to allow additional communications operators to lease space on the subject tower.
 - (7) All other applicable regulations of this section shall apply.
 - (c) The communications towers and any accessory structures or buildings are considered as a principal use. The parcel may have this use as a second principal use.
2. Wireless Telecommunications Antenna.
 - (a) Wireless telecommunications antenna is defined as a system of electrical conductors that transmit or receive radio frequency signals, digital signals, analog signals, or electromagnetic waves for wireless

communications.

- (b) Notwithstanding anything in this Chapter XVII to the contrary, wireless telecommunications antennas installed on existing buildings or structures, and structures accessory to the antennas, are considered to be a permitted use in any zone, subject to site plan approval and the requirements set forth herein.
- (c) **The applicant shall site new wireless antennas or equipment within the applicant's search area according to the priority schedule below (Number 1 constituting the highest priority). As indicated below, every effort shall be made to locate new antennas in a nonresidential zone, and the applicant shall demonstrate that such a location is not available before approval is granted for antennas in a residential zone.**

Priority	Category	Equipment	Location	Permitted (P)
1	Commercial ¹ Transportation ²	Antenna	Collocated with other antennas on existing structure or tower within a transportation corridor	P
2	Commercial ¹ Transportation ²	Antenna	Existing structure or tower within a transportation corridor	P
3	Commercial ¹	Antenna	Collocated with other antennas on existing structures or towers	P
4	Commercial ¹	Antenna	Existing structure or tower	P
5	Residential ³ Transportation ²	Antenna	Collocated with other antennas on existing structures or tower within a transportation corridor	P
6	Residential ³ Transportation ²	Antenna	Existing structure or tower	P
7	Residential ³	Antenna	Collocated with other antenna on existing structure or tower	P
8	Residential ³	Antenna	Existing structure or tower	P

- (d) ~~(e)~~ Wireless telecommunications antennas shall not extend more than ten feet from the existing building or structure on which they are located.
- (e) ~~(d)~~ Structures accessory to the antennas shall conform to the following requirements:
 - (1) The maximum size of the accessory structure shall be 300 square feet, and the height shall not exceed 12 feet.
 - (2) The accessory structure shall not extend more than 15 feet from the existing building or structure.
 - (3) The accessory structure shall meet the setback requirements of the zoning district in which it is located.
 - (4) Adequate parking shall be available.
 - (5) The accessory structure shall be enclosed within a solid wooden fence at least seven feet and no more than eight feet high, as approved by the township engineer, which shall include a locking security gate.
 - (6) A visually impervious landscape buffer shall be installed outside the fence around the accessory structure, to shield completely the facility from public view. The landscape buffer shall be 20 feet

¹ "Commercial" includes the VRC-HLI, C-1, SC, SC-1, HBO, OICC, SI, OP, OLI, IC, RO-1, RO-2, RO-3, R-6 and Q zones.

² "Transportation" means the lot has frontage on Route 31, Route 29 or 1-95.

³ "Residential" includes the R-5, R-50, R-75, R-100, R-150, VRC and MRC zones.

in width and shall include native evergreen and deciduous trees at least eight feet high at the time of planting, and the number of trees shall be based on the equivalent of staggered double rows at eight feet on center.

- (7) Notwithstanding any other provision to the contrary, no wireless telecommunications antennas or their accessory structures shall be located in an historic district or on an historic site, not located in an historic district, which meets Federal, State or local requirements for historic designation.
- (8) The wireless telecommunications antennas and their accessory structures are considered as a principal use. The parcel may have this use as a second principal use.
- (9) **Any communications antenna shall comply with the promulgated radiation emission standards of the F.C.C.**
- (f) **Platform-mounted or side-arm-mounted antennas are not permitted.**
- (g) **Aesthetics. Antennas shall be designed, located and screened to blend with and into the existing natural or built surroundings so as to minimize, without regard to cost, adverse visual impacts through the use of color and camouflaging, architectural treatment, landscaping, and other appropriate means which shall cause the visual impact of such antennas to be compatible with neighboring residences and the character of the community as a whole.**
- (h) **Structural safety. The applicant shall submit a report from a qualified expert certifying that the wireless telecommunications antenna and equipment facility comply with the latest structural and wind-loading requirements as established by applicable building and electrical codes. The applicant shall provide a description of the number and type of antennas that may be accommodated and the effect on structural integrity.**

Section 2

Repealer

Any ordinance, or part of any ordinance, which is inconsistent with this ordinance, shall be repealed as to its inconsistencies only.

Section 3

Severability

If any section of this ordinance is adjudged invalid, such determination shall apply only to the specific section so adjudged and the remainder of the ordinance shall be deemed valid.

Section 4

Effective Date

This Ordinance shall take effect after final passage and publication according to law.

ORDINANCE - FINAL READING, PUBLIC HEARING AND ADOPTION

Mayor Sandom read by title the introduced ordinance:

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF THE WEASNER TRACT ON PENNINGTON LAWRENCEVILLE ROAD IN AND BY THE TOWNSHIP OF HOPEWELL, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$610,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$579,500 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

Ms. Borges explained the proposed ordinance is to provide through the issuance of notes or bonds the funding to provide Hopewell Township's share of the cost for the acquisition of the Weasner property.

Mayor Sandom declared public hearing open.

William Schoelwer questioned Hopewell Township's share of the cost compared with Lawrence

Township's share of \$250,000 as he understood it was to be a 50/50 split.

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

MOTION UNANIMOUSLY CARRIED

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

ROLL CALL VOTE:

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

NOES: None

ORDINANCE ADOPTED

Ordinance advertised November 29, 2007 Hopewell Valley News. Posted municipal bulletin board as required by law.

ORDINANCE NO. 07-1418

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF THE WEASNER TRACT ON PENNINGTON LAWRENCEVILLE ROAD IN AND BY THE TOWNSHIP OF HOPEWELL, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$610,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$579,500 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE TOWNSHIP COUNCIL 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:**

The improvement described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Township of Hopewell, New Jersey as a general improvement. For the improvement or purpose described in Section 3, there is hereby appropriated the sum of \$610,000, including the sum of \$30,500 as the down payment required by the Local Bond Law which is available from the Open Space Trust Fund.

In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$579,500 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.

(a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is for the acquisition of the Weasner Tract on Pennington Lawrenceville Road, including all related costs and expenditures 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 therefor.

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.

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.

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

(a) The improvement or 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 general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or 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 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 \$579,500, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$114,900 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 improvement.

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.

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.

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.

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

ORDINANCE - FINAL READING, PUBLIC HEARING AND ADOPTION

Mayor Sandom read by title the introduced ordinance:

ORDINANCE APPROPRIATING \$137,630 FROM THE CAPITAL SURPLUS FUND FOR SOFT COSTS ASSOCIATED WITH THE INSTALLATION OF ADA RAMPS IN AND BY THE TOWNSHIP OF HOPEWELL, IN THE COUNTY OF MERCER, NEW JERSEY

Mr. Pogorzelski explained the township received a grant from the Delaware River Bridge Commission for the installation of handicapped accessibility ramps at various bridges and this was to fund the engineering design. He noted the project is required to be completed by the end of December 2008.

Mayor Sandom declared public hearing open. No comments from the public.
Motion by Sandahl, seconded by Iorio to close public hearing.

MOTION UNANIMOUSLY CARRIED

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

ROLL CALL VOTE:

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

NOES: None

ORDINANCE ADOPTED

Ordinance advertised November 29, 2007 Hopewell Valley News. Posted municipal bulletin board as required by law.

ORDINANCE NO. 07-1419

ORDINANCE APPROPRIATING \$137,630 FROM THE CAPITAL SURPLUS FUND FOR SOFT COSTS ASSOCIATED WITH THE INSTALLATION OF ADA RAMPS IN AND BY THE TOWNSHIP OF HOPEWELL, IN THE COUNTY OF MERCER, NEW JERSEY

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HOPEWELL, IN THE COUNTY OF MERCER, NEW JERSEY AS FOLLOWS:

Section 1. \$137,630 is hereby appropriated from the Capital Surplus Fund of the Township of Hopewell, in the County of Mercer, New Jersey (the "Township") for the payment of soft costs, including, but not limited to, engineering, design, bidding, administration and construction management, and further including all work and materials necessary therefor and incidental thereto relating to the installation of ADA ramps at various bridges crossing the Delaware and Raritan Canal within the Washington Crossing Park in and by the Township. Project hard costs are available from a Compact Authorized Investment Grant awarded to the Township from the Delaware River Joint Toll Bridge Commission based on a July 13, 2007 application of the Township.

Section 2. 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 3. This ordinance shall take effect as provided by the law.

ORDINANCE - FINAL READING, PUBLIC HEARING AND ADOPTION

Mayor Sandom read by title the introduced ordinance:

AN ORDINANCE AMENDING CHAPTER XVII, "LAND USE AND DEVELOPMENT," ARTICLE XIII, "AFFORDABLE HOUSING," SECTION 17-217.8, "HOMEOWNERS' ASSOCIATION FEE LOAN PROGRAM," OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF HOPEWELL (1978)

Mr. Pogorzelski explained this is an amendment to an existing ordinance whereby the township can assist people to pay homeowner fees that they are in arrears on. Previously it was a one time loan and this amendment removes that "one time" provision.

Mayor Sandom declared public hearing open. No comments from the public.
Motion by Iorio, seconded by Sandahl to close public hearing.

MOTION UNANIMOUSLY CARRIED

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

ROLL CALL VOTE:

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

NOES: None

ORDINANCE ADOPTED

Ordinance advertised November 22, 2007 Hopewell Valley News. Posted municipal bulletin board as required by law.

ORDINANCE NO. 07-1420

**AN ORDINANCE AMENDING CHAPTER XVII,
"LAND USE AND DEVELOPMENT,"
ARTICLE XIII, "AFFORDABLE HOUSING,"
SECTION 17-217.8, "HOMEOWNERS' ASSOCIATION
FEE LOAN PROGRAM," OF THE REVISED GENERAL
ORDINANCES OF THE TOWNSHIP OF HOPEWELL (1978)**

Explanation: Material bracketed [] is deleted

BE IT ORDAINED by the Township Committee of the Township of Hopewell that Section 217.8 Homeowners' Association Fee Loan Program, of the Revised General Ordinances of the Township of Hopewell is hereby amended as follows:

Section 17-217.8 Homeowners' Association Fee Loan Program. Low and moderate income owners of affordable housing units which are a part of a condominium or homeowners' association are required to pay monthly fees. If a low or moderate income owner is unable to stay current with the payment of said condominium homeowner association fees, then said homeowner may apply to the Affordable Housing Committee (AHC) established in Sec. 17-218.1 herein below. AHC shall investigate the circumstances involving the homeowner's inability to stay current with the homeowner's condominium or homeowner's association fees. If AHC is satisfied that there is a bonafide reason for a low or moderate income owner's arrearage on their condominium or homeowner's association fees and is further satisfied that said owner is unable to pay on a current basis said fees, then AHC may authorize a **[one (1) time]** loan for a sum not to exceed \$2,500.00 through the Hopewell Township Affordable Housing Trust Account. The proceeds from said loans shall be paid directly to the condominium or homeowners' association for which said fees are in arrearage and due and owing. The homeowner receiving said loan shall be required to repay said loan with interest thereon established from time-to-time by AHC at the same rate the Township is borrowing funds for its permanent financing at the time the loan is made, said interest and principal payments, however, shall be deferred and repayment need only occur when the homeowner sells the affordable housing unit. The homeowner shall be permitted to prepay both principal and interest at any time without penalty. Said loan shall act as a lien on the homeowner's property and shall be collectible in the same manner by the Township as are overdue taxes. The homeowner shall execute a mortgage, mortgage note and such other documentation as required by AHC in order to receive said loan.

BE IT FURTHER ORDAINED that the provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

BE IT FURTHER ORDAINED that this Ordinance shall take effect upon its passage and publication as provided for by law.

ADDITIONAL ITEMS FOR MEETING AGENDA

Mayor Sandom advised of the following additional items for the meeting agenda: A Resolution Creating the Hopewell Township Parks & Recreation Advisory Committee; A Resolution Approving an Agreement with the Hopewell Township 911 Operators Association; A Resolution Approving an Agreement with CWA 1034; A Resolution Approving One Time Out of Title Payments; A Resolution Authorizing Release of Performance Guarantee for the Wellington Manor

Subdivision; A Resolution Permitting Subordination of Mortgage Lien Files Under Hopewell Township Housing Rehabilitation Program; A Resolution Authorizing Township of Hopewell to Enter into an Agreement with the New Jersey Department of Transportation; and A Resolution to Approve Appraisal Services.

RESOLUTION #07-367. Read by title.

Committee Member Murphy explained the creation of the Hopewell Township Parks and Recreation Committee. He stated the township has matured as a community with regard to recreational programming and recreational facilities particularly with the purchase of Twin Pines Airport and stated it was his belief that it was time to invite the residents of the township into the process of developing recreational programming and facilities. He explained the interlocal agreement has expired and the funding had changed with the non-participation of the school district and stated they will continue to work with the boroughs with regard to renewing the agreement next year. Committee Member Murphy noted the concept discussed was to maintain parity between the boroughs and the township whereby the boroughs have for years had their individual recreation committees and that is behind our establishing the Hopewell Township Parks and Recreation Advisory Committee.

Mr. Goodell pointed out an addition to the resolution in Paragraph 1. "Creation" to read ... "One regular member shall be the Township Committee liaison to Parks and Recreation."

Committee Members commended Committee Member Murphy for his leadership in moving forward to form a more cohesive unit by bringing parks and recreation together.

Hopewell Township Recreation Director Judy Niederer was present and further explained the advantages of the newly formed Parks & Recreation Advisory Committee. She noted she is meeting with the Boroughs Parks & Recreation Committees and will maintain a valley wide initiative. She further noted the importance of input from the community with regard to both active and passive recreation as well as programming to ensure a well rounded advisory committee.

Gene Ramsey, a resident of Scotch Road, stated that he and the majority of his neighbors were in support of the Twin Pines recreation facility. He commented on the community's support of the proposed hospital on Scotch Road and voiced concern regarding the traffic impact of any development on Scotch Road. Mr. Ramsey also suggested with the increase in recreation activity there is a need for sidewalks around the high school and middle school properties.

Committee Member Sandahl suggested a change in language to paragraph two, "Duties" to read as follows ... "On a periodic basis, the Parks and Recreation Advisory Committee shall reevaluate the Township Master Plan Open Space & Recreation Element and make appropriate recommendations within its area of expertise to the Township Committee."

Motion by Iorio, seconded by Sandahl to adopt Resolution #07-367 as amended.

MOTION UNANIMOUSLY CARRIED

RESOLUTION #07-367

A RESOLUTION CREATING THE HOPEWELL TOWNSHIP PARKS AND RECREATION ADVISORY COMMITTEE

WHEREAS, the Hopewell Township Committee wishes to promote the development and management of our parks and recreational programs and facilities for the benefit of and use by its residents; and

WHEREAS, the Hopewell Township Committee appreciates and encourages the active participation of its residents in advising the Hopewell Township Committee through advisory committees.

NOW, THEREFORE, BE IT RESOLVED on this 10th day of December, 2007, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey that a Parks and Recreation Advisory Committee be established as follows:

1. Creation; Members. There is hereby established in Hopewell Township a Parks and

Recreation Advisory Committee composed of five (5) regular members and two (2) alternate members. One regular member shall be the Township Committee liaison to Parks and Recreation. The remaining regular members and the alternate members shall be residents of the township, and who shall be appointed by the Township Committee. The alternate members shall be designated as "Alternate No. 1" and "Alternate No. 2." Alternate members may participate in discussions of the Parks Advisory Committee but may not vote on any issue before the Committee, except in the absence or disqualification of a regular member. In the event a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote; and

2. Duties. The Parks and Recreation Advisory Committee shall provide advice and assistance to the Township Administrator and the Township Parks and Recreation Director in the planning, coordination and implementation of parks and recreation development and management programs for the Township. To this end, a primary function of the Committee shall be to communicate with Township residents in various community organizations within the Township and attempt to involve them in the planning process and assimilate them into established programs. On a periodic basis, the Parks and Recreation Advisory Committee shall reevaluate the Township Master Plan Open Space & Recreation Element and make appropriate recommendations within its area of expertise to the Township Committee; and

3. Election of Chairman. The Parks and Recreation Advisory Committee shall select its Chairman from among its members and shall organize its activities with the cooperation of the Township Committee. It may select such other officers from among its members as it may deem advisable.

4. Adoption of By-Laws. The Parks and Recreation Advisory Committee may adopt its own by-laws, which shall not be inconsistent with this resolution and/or the laws of the State of New Jersey.

5. Terms and Vacancies. The members of the Parks and Recreation Advisory Committee appointed under this resolution shall serve as follows: two (2) members shall serve for three-year terms; two (2) members shall serve for two-year terms; and the Committee person who serves as the Parks and Recreation liaison for the Township Committee shall serve for a one-year term. Thereafter, all future members shall be appointed for three (3) year terms with the exception of Parks and Recreation liaison for the Township Committee, who will serve for a recurring one-year term. The alternate members shall serve for a term not exceeding three (3) years duration. Vacancies shall be filled for the unexpired term in the same manner as the initial appointment. The members shall serve at the discretion of the Township Committee and may be removed by a majority vote of the Township Committee.

RESOLUTION #07-368. Read by title.

Mr. Pogorzelski explained the negotiation process with the Dispatcher's Union to create what they believed to be a good settlement for both the dispatcher's and Hopewell Township. The settlement included a 2.5% cost of living increase as well as the elimination of one step.

Committee Members individually commended Mr. Pogorzelski and Ms. Borges for the work associated with these negotiations.

Motion by Sandahl, seconded by Iorio to adopt Resolution #07-368.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #07-368

A RESOLUTION APPROVING AN AGREEMENT WITH THE HOPEWELL TOWNSHIP 9-1-1 OPERATORS' ASSOCIATION AND AUTHORIZING THE EXECUTION THEREOF

WHEREAS, the Township Committee and the Hopewell Township 9-1-1 Operators' Association have reached an agreement on the negotiable terms and conditions of employment for the period from January 1, 2007 through December 31, 2009; and

NOW, THEREFORE, BE IT RESOLVED, on this 10th day of December, 2007, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that the attached agreement between the Township of Hopewell and the Hopewell Township 9-1-1 Operators' Association be and is hereby approved.

BE IT FURTHER RESOLVED, by the Township Committee of the Township of Hopewell that the Mayor and Clerk be authorized to execute said agreement.

RESOLUTION #07-369. Read by title.

Mr. Pogorzelski explained the negotiation process with the CWA union which also was successfully negotiated at a 2.5% cost of living increase. Both Mr. Pogorzelski and Ms. Borges thanked the union representatives for their part in the negotiations.

Motion by Sandahl, seconded by Iorio to adopt Resolution #07-369.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #07-369

**A RESOLUTION APPROVING AN AGREEMENT WITH CWA 1034,
HOPEWELL TOWNSHIP NON-SUPERVISORY WHITE COLLAR
EMPLOYEES, AND AUTHORIZING THE EXECUTION THEREOF**

WHEREAS, the Township Committee and CWA 1034, Hopewell Township non-supervisory white collar employees, have reached an agreement on the negotiable terms and conditions of employment for the period from January 1, 2007 through December 31, 2009; and

NOW, THEREFORE, BE IT RESOLVED, on this 10th day of December, 2007, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that the attached agreement between the Township of Hopewell and CWA 1034, Hopewell Township non-supervisory white collar employees be and is hereby approved.

BE IT FURTHER RESOLVED, by the Township Committee of the Township of Hopewell that the Mayor and Clerk be authorized to execute said agreement.

RESOLUTION #07-370. Read by title.

Mr. Pogorzelski explained the contractual obligation to compensate union employees for work performed that is considered out of title.

Motion by Sandahl, seconded by Iorio to adopt Resolution #07-370.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #07-370

**A RESOLUTION APPROVING ONE-TIME
OUT OF TITLE PAYMENTS**

WHEREAS, the negotiated contract for Communication Workers of America (CWA) employees stipulates payment shall be made for certain employees for out of title work performed.

NOW, THEREFORE, BE IT RESOLVED on the 10th day of December, 2007 by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that the following one-time payments are hereby approved as per the CWA contract:

Jacci Kenny	\$1,000.00
Paula Zeis	\$3,342.14

RESOLUTION #07-371. Read by title.

Motion by Sandahl, seconded by Iorio to adopt Resolution #07-371.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #07-371

**2007 BUDGET TRANSFER
RESOLUTION #3**

BE IT RESOLVED on this 10th day of December 2007, by the Township Committee of the Township of Hopewell, County of Mercer and State of New Jersey, that a transfer be made in the 2007 Budget appropriations as follows:

From:		
	Recreation O/E	\$5,606.00
To:		
	Parks and Recreation O/E	\$5,606.00
	Total	\$5,606.00

RESOLUTION #07-372. Read by title.
Motion by Sandahl, seconded by Iorio to adopt Resolution #07-372.
MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #07-372

**A RESOLUTION AUTHORIZING PERFORMANCE GUARANTEE
RELEASE FOR HAR SINAI HEBREW CONGREGATION
(BLOCK 88, LOTS 6 & 38)**

WHEREAS, the Developer, Har Sinai Hebrew Congregation, has requested a release of the current posted performance guarantee held by the township for the site work at the Har Sinai Hebrew Congregation property; and

WHEREAS, the Township Engineer has reviewed the request and recommends (per memorandum dated December 4, 2007, attached to and made a part hereof) acceptance of the site work with the exception of final stabilization of the disturbed areas and release of the performance guarantee in the current amount of \$103,366.98 subject to the following:

1. Posting of an additional \$2,985.00 to cover the costs of remaining site stabilization.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Hopewell that Letter of Credit Number 2007-01 issued by Hopewell Valley Community Bank in the current amount of \$103,366.98 is hereby released subject to effecting the aforementioned recommendation of the Township Engineer.

RESOLUTION #07-373. Read by title.
Motion by Sandahl, seconded by Iorio to adopt Resolution #07-373.
MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #07-373

**A RESOLUTION APPOINTING
ROGER T. HALEY AS
MUNICIPAL COURT JUDGE**

BE IT RESOLVED, on this 10th day of December, 2007, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that Roger T. Haley, Esq., of 795 Parkway Avenue, Trenton, New Jersey 08618, be and is hereby appointed Judge of the Municipal Court of the Township of Hopewell, County of Mercer, effective December 31, 2007, at a salary of \$45,000.00 per year.

BE IT FURTHER RESOLVED, that this appointment shall be for a three (3) year term expiring December 30, 2010.

RESOLUTION #07-374. Read by title.

Motion by Iorio, seconded by Sandahl to adopt Resolution #07-374.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #07-374

**A RESOLUTION SUPPORTING THE *OVER THE LIMIT*
*UNDER ARREST 2007 YEAR END CRACKDOWN***

WHEREAS, impaired drivers on our nation's roads kill someone every 30 minutes, 50 people per day, and almost 18,000 people each year; and

WHEREAS, 34% of motor vehicle fatalities in New Jersey are alcohol related; and

WHEREAS, an enforcement crackdown is planned to combat impaired driving; and

WHEREAS, the season at the end of the year is traditionally a time of social gatherings which often include alcohol; and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the *Over the Limit Under Arrest 2007 Year End Crackdown*; and

WHEREAS, the project will involve increased impaired driving enforcement from December 7, 2007 through January 2, 2008; and

WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways.

NOW, THEREFORE, BE IT RESOLVED, that the Township of Hopewell declares its support for the *Over the Limit Under Arrest 2007 Year End Crackdown* from December 7, 2007 through January 2, 2008 and pledges to increase awareness of the dangers of drinking and driving.

RESOLUTION #07-375. Read by title.

Mr. Pogorzelski explained the first three Professional Services Agreements were for surveys and environmental consulting services at the Weasner/Twin Pines Airport and the fourth is for legal consulting services for review of ordinances pertaining to churches, schools and daycare centers.

Motion by Sandahl, seconded by Iorio to adopt Resolution #07-375.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #07-375

**A RESOLUTION AUTHORIZING
PROFESSIONAL SERVICES AGREEMENTS**

WHEREAS, there exists a need for professional services for the following: Engineering services in connection with the acquisition of Block 75, Lots 8 and 10; Boundary, topographical and wetland surveys pertaining to Block 75, Lots 8 and 10; Environmental consulting services as it pertains to wetland delineation and NJDEP Letter of Interpretation Application for Block 75, Lots 8 and 10; and Legal consulting services as it relates to land use ordinance revisions; and

WHEREAS, the estimated cost of the contract is \$7,500.00 for engineering services in connection with the acquisition of Block 75, Lots 8 and 10; \$9,800.00 for boundary, topographical and wetland surveys pertaining to Block 75, Lots 8 & 10; \$7,000.00 for environmental consulting services as it pertains to wetland delineation and NJDEP Letter of Interpretation Application for Block 75, Lots 8 and 10; and \$10,000.00 for legal consulting services as it relates to land use ordinance revisions; and funds are 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 agreement with:

- Van Cleef Engineering Associates for engineering services
- Van Cleef Engineering Associates for boundary, topographical and wetland surveys
- Amy S. Greene Environmental Consultants, Inc. for environmental consulting services
- Marci A. Hamilton, for legal consulting services

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 #07-376. Read by title.
 Motion by Sandahl, seconded by Iorio to adopt Resolution #07-376.
MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #07-376

**A RESOLUTION AMENDING 2007
 PROFESSIONAL SERVICES AGREEMENTS**

WHEREAS, the Township entered into Professional Services Agreements for the year 2007 with the firms noted below; and

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

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

NOW, THEREFORE, BE IT RESOLVED on this 10th day of December, 2007 by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that the 2007 Professional Services Agreements be and hereby are amended as follows:

FIRM	<u>CURRENT MAXIMUM</u>	<u>PROPOSED MAXIMUM</u>	<u>CURREN T TERM EXPIRES</u>	<u>PROPOSED TERM EXPIRES</u>
Stephen P. Goodell of Herbert, Van Ness, Cayci and Goodell, PC (Legal Services)	\$235,700.00	\$205,700.00	12/31/07	No change
Banisch Associates (Legal Services)	\$21,500.00	\$41,500.00	12/31/07	No Change

RESOLUTION #07-377. Read by title.

Mr. Pogorzelski explained the proposed resolution authorizes the Township to amend the 2003 Recreation Interlocal Services Agreement to be between the Boroughs of Hopewell and Pennington and the Township of Hopewell and removing the Hopewell Valley School District who has elected not to participate in this agreement.

Motion by Sandahl, seconded by Iorio to adopt Resolution #07-377.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #07-377

**A RESOLUTION AUTHORIZING TOWNSHIP OF HOPEWELL
 TO ENTER AN AMENDED RECREATION INTERLOCAL**

**SERVICES AGREEMENT WITH PENNINGTON BOROUGH
AND HOPEWELL BOROUGH**

BE IT RESOLVED, on this 10th day of December 2007, by the Township Committee of the Township of Hopewell that the Mayor and Clerk of the Township and/or their designees are hereby authorized to execute the attached Amendment to the 2003 Recreation Interlocal Services Agreement.

PROCLAMATION – COMMUNITIES OF LIGHT DAY

WHEREAS, it is the policy of Hopewell Township to recognize organizations that have contributed to the overall benefit of the community; and

WHEREAS, Womanspace, founded in 1977, has demonstrated a unique ability to provide comfort, support services, crisis intervention and safety to women who are victims of sexual assault and domestic violence; and

WHEREAS, Womanspace, in the belief that “peace begins at home,” has asked the Mercer County Community to join them in their struggle against violence toward women by participating in the annual Communities of Light project; and

WHEREAS, Womanspace has provided emergency shelter in secure locations and comprehensive services for victims of domestic violence since 1977 and sexual assault since 2002, for more than 39,169 women, 5,383 children and 1,016 men. Womanspace has assisted more than 204,015 callers over the last 30 years; and

WHEREAS, Hopewell Township applauds the efforts of Womanspace to bring an end to the circle of abuse imposed on women; and

WHEREAS, as Mayor of Hopewell Township I urge that each and every household demonstrate their support of the concept that “peace begins at home” by placing luminaries along their driveways and sidewalks on Sunday, December 16, 2007, as a visible symbol of that support; and

WHEREAS, the proceeds from Communities of Light 2007 will be used to fund vital services for victims of domestic violence and sexual assault.

NOW, THEREFORE, I, Vanessa Sandom, Mayor of the Township of Hopewell, County of Mercer, State of New Jersey, do hereby Proclaim December 16, 2007 as

COMMUNITIES OF LIGHT DAY

and hereby commend Womanspace on its many accomplishments and wish them continued success with Communities of Light in the years to come.

RESOLUTION #07-378. Read by title.

Motion by Sandahl, seconded by Iorio to adopt Resolution #07-378.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #07-378

**A RESOLUTION AWARDING A CONTRACT
TO STOUT’S CHARTER SERVICES, INC.
FOR 2008 HOPEWELL VALLEY RIDES PROGRAM**

WHEREAS, the Township of Hopewell solicited firm, fixed quotes for transportation services during October 2007; and

WHEREAS, the Township received two fixed quotes during October 2007; and

WHEREAS, the quotes were reviewed, and recommendation has been made by the Township Administrator for award to Stout’s Charter Services, Inc., 20 Irven St, Trenton, NJ 08638 the lowest responsive, responsible quote; and

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

NOW, THEREFORE BE IT RESOLVED, on this 10th day of December, 2007 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 Stout’s Charter Services, Inc., 20 Irven St., Trenton, NJ 08638.

2. That the contract not exceed \$28,000.
3. That the Mayor and Clerk be and are hereby authorized to execute said contract.

RESOLUTION #07-379. Read by title.

Motion by Sandahl, seconded by Iorio to adopt Resolution #07-379.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #07-379

**A RESOLUTION AMENDING THE TOWNSHIP OF HOPEWELL
PERSONNEL POLICIES AND PROCEDURES MANUAL**

WHEREAS, *N.J.S.A.* 40A:10-23 permits municipal employers to provide retiree health coverage pursuant to certain minimum requirements set forth in the statute; and

WHEREAS, the Hopewell Township Personnel Policies and Procedures Manual, Section 5.020, provides retiree health coverage under the provisions of that statute; and

WHEREAS, the state statute also provides that a municipal employer may, in its discretion, provide retirement health care benefits for employees, "...(d) who have retired and reached the age of 62 years or older with at least 15 years of service with the employer, including the premiums on their dependents, if any, under uniform conditions as the governing body of the local unit shall prescribe." (*N.J.S.A.* 40A:10-23(d)); and

WHEREAS, the proposed amendment set forth herein would permit retiree health benefits in a manner consistent with Section (d) of the state statute, and would allow the governing body greater flexibility to seek budget economies through retirement of qualifying employees.

NOW, THEREFORE, BE IT RESOLVED on this 10th day of December, 2007, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey that the Township of Hopewell Personnel Policies and Procedures Manual be and is hereby amended in accordance with Exhibit A attached hereto.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Mid-Jersey Municipal Joint Insurance Fund Administrator's Office.

RESOLUTION #07-380. Read by title.

Motion by Sandahl, seconded by Iorio to adopt Resolution #07-380.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #07-380

**A RESOLUTION APPROVING
RELEASE OF A PERFORMANCE GUARANTEE
FOR HOPEWELL CROSSING SHOPPING CENTER
SITE IMPROVEMENTS (BLOCK 78, LOT 15.02)**

WHEREAS, the Developer, Hopewell Town Center Associates, L.P., has requested a release in the posted performance guarantees held by the township for the Hopewell Crossing Shopping Center site work and jughandle landscaping (Block 78, Lot 15.02); and

WHEREAS, the Township Engineer has inspected the site improvements and recommends (per memorandum dated December 7, 2007 attached to and made a part hereof) the release of the performance surety bond in the current amount of \$137,175.00 for the site work and the cash bond in the amount of \$49,357.20 for the jughandle landscaping subject to the payment of any and all outstanding fees and accounts by the developer.

NOW, THEREFORE, BE IT RESOLVED on this 10th day of December 2007, by the Township Committee of the Township of Hopewell, that Performance Bond No. SU 102-5025 issued by the Arch Insurance Company in the current amount of \$137,175.00 and the cash bond in the amount of \$49,357.20 is hereby released subject to effecting the aforementioned recommendation of the Township Engineer.

RESOLUTION #07-381. Read by title.

Motion by Sandahl, seconded by Iorio to adopt Resolution #07-381.

MOTION UNANIMOUSLY CARRIED

RESOLUTION #07-381

**A RESOLUTION AUTHORIZING
CHANGE ORDER #2 TO THE CONTRACT
WITH TOPLINE CONSTRUCTION
FOR 2007 ROAD MAINTENANCE PROGRAM**

WHEREAS, on August 15, 2007 the township Committee of the Township of Hopewell authorized a contract with Topline Construction in the amount of \$1,230,082.90 for the 2007 Road Maintenance Program (B7-07); and

WHEREAS, on September 24, 2007 the Township Committee approved change order #1 which increased the total contract amount to \$1,329,430.72; and

WHEREAS, the Township Engineer recommends that change order #2 be approved by the Township Committee for the reasons outlined in his memorandum and supporting documentation dated December 9, 2007, which is annexed hereto and made a part of this Resolution.

NOW, THEREFORE, BE IT RESOLVED on the 10th day of December 2007, by the Township Committee of the Township of Hopewell, County of Mercer and State of New Jersey;

1. That change order #2 representing a decrease in the amount of \$33.50 be and is hereby approved with respect to the contract for 2007 Road Maintenance Program.
2. That the amount of all change orders be a 8.07 percent decrease to the total contract amount, for a new contract amount with Topline construction of \$1,329,397.22.

RESOLUTION #07-382. Read by title.

Mr. Pogorzelski recognized Chris Gillan of Beazer Homes and Dave Morris from Wellington Management in the audience. Mr. Pogorzelski noted that he has been meeting with the Property Owners Association and Beazer Homes to reconcile differences and assure the transition from Beazer Homes to the property owners is seamless. He added that a condition of this release is the posting of a replacement bond to cover work that still has to be completed.

Mayor Sandom called for comment from the Public.

Dave Morris from Wellington Management thanked Mr. Pogorzelski for his work and guidance in resolving issues with Beazer Homes. He also thanked Mr. Gillan from Beazer Homes for making the process easier than it could have been.

Chris Gillan, Beazer Homes Marketing Manager for the New Jersey Division, thanked Mr. Pogorzelski for his efforts in this matter and commented on the great level of communication and spirit of cooperation in resolving the issues. He also thanked the Homeowner's Association for their cooperation.

Motion by Iorio, seconded by Sandahl to adopt Resolution #07-382.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #07-382

**A RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES
FOR THE WELLINGTON MANOR SUBDIVISION, PHASES I, II, AND III, AS
CONSTRUCTED BY BEAZER HOMES
(BLOCK 78, FORMERLY LOTS 7, 9, AND 27)**

WHEREAS, the Developer, Beazer Homes has requested a release of the current posted performance guarantee held by the township for the Wellington Manor Subdivision, Phases I, II and III; and

WHEREAS, the Township Engineer has reviewed the request and recommends (per memorandum dated December 7, 2007, attached to and made a part hereof) acceptance of the improvements and release of the performance guarantees in the current amounts of \$226,434.29 (Phase I), \$465,284.88 (Phase II), and \$409,254.26 (Phase III) subject to the following:

2. Posting of a two-year maintenance guarantee in the amounts of \$112,324.64 (Phase I), \$227,980.44 (Phase II), and \$199,272.12 (Phase III);

3. Posting of a replacement performance guarantee in the amount of \$80,000.00 for the tennis court repairs and for installation of 10 additional street lights;
4. Posting of an additional \$2,500.00 for each phase to cover the costs of reinspection during the maintenance guarantee period;
5. Payment of any and all outstanding fees and accounts;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Hopewell that following site improvement Performance Bonds for Phases I, II, and III, in the original amounts stated as follows, be hereby released subject to effecting the aforementioned December 7, 2007 recommendations of the Township Engineer:

<u>Bond No.</u>	<u>Original Bond Amount</u>
929262792 (Phase I)	\$ 748,830.96
929262793 (Phase II)	\$1,519,869.60
929262791 (Phase III)	\$1,328,480.88

RESOLUTION #07-383. Read by title.
 Motion by Sandahl, seconded by Iorio to adopt Resolution #07-383.
MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #07-383

**A RESOLUTION PERMITTING SUBORDINATION OF
 MORTGAGE LIEN FILED UNDER HOPEWELL
 TOWNSHIP HOUSING REHABILITATION PROGRAM**

WHEREAS, Hopewell Township operates the Hopewell Township Housing Rehabilitation Program, which provides forgivable loans to individuals for the purpose of correcting defects in housing and satisfying Section 8 housing code standards; and

WHEREAS, on February 5, 2004, Hopewell Township entered a mortgage agreement with Joy E. Arena with regard to providing rehabilitation funds to correct a septic code deficiency at 5 Sioux Road; and

WHEREAS, the mortgage permits the lender, in its discretion, to subordinate the lien to the lien of any home equity loan, secondary mortgage or refinancing procured by the borrower; and

WHEREAS, the borrower has shown good cause for the Township to subordinate its mortgage lien to an anticipated home equity loan.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Hopewell, that the Hopewell Township Housing Rehabilitation Program mortgage entered February 5, 2004, between Joy E. Arena and the Township of Hopewell may be subordinated to a home equity loan the borrower is in the process of securing from New Jersey Manufacturer’s Bank, FSB, 301 Sullivan Way, P. O. Box 1928, West Trenton, NJ 08628.

BE IT FURTHER RESOLVED that the Township Administrator or his designee may take whatever administrative action is necessary to effectuate the purpose of this resolution.

RESOLUTION #07-384. Read by title.

Mr. Pogorzelski explained the proposed agreement involves the railroad bridge on Van Dyke Road which is considered an orphan bridge and is in need of replacement. He further explained NJDOT will replace the bridge and Mercer County will assume ownership and maintenance of the bridge itself; however the Township will assume ownership and maintenance of the roadway approaches to the bridge.

Motion by Sandahl, seconded by Iorio to adopt Resolution #07-384.
MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #07-384

**A RESOLUTION AUTHORIZING TOWNSHIP OF HOPEWELL
 TO ENTER INTO AN AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF
 TRANSPORTATION**

BE IT RESOLVED, on this 10th day of December 2007, by the Township Committee of the Township of Hopewell that the Mayor and Clerk of the Township and/or their designees are hereby authorized to execute the attached Agreement between the New Jersey Department of Transportation and Township of Hopewell setting forth ownership and maintenance obligations for the “Orphan” bridge on Van Dyke Road over the CSX Railroad.

RESOLUTION #07-385. Read in full by Mr. Goodell.
Motion by Sandahl, seconded by Iorio to adopt Resolution #07-385.
MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #07-385

**RESOLUTION AUTHORIZING PROFESSIONAL SERVICES
AGREEMENTS FOR APPRAISAL SERVICES**

WHEREAS, there is a need for the Township to seek two appraisals of property located at Block 78, Lot 10.04 on the Hopewell Township Tax Map.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Hopewell that the Township is authorized to enter Professional Services Agreements, in a form as approved by the Township Administrator and Township Attorney, with:

1. Martin Appraisal Associates, Inc.; and
2. Ronald A. Curini Appraisal Co., Inc.;

with these Professional Services Agreements to be in an amount not to exceed \$5,000.00 each.

PUBLIC SECTION

Kim Johnson, a resident of Orchard Avenue, questioned if the luminary kits were a fundraiser for Womanspace.

William Schoelwer questioned a letter written by the Wellington Manor Association regarding minor zoning changes for their development with regard to the need to obtain variances for minor additions.

Gene Ramsey raised the question of water issues in the township and the rate of well and septic system failures in his neighborhood. He stated they are waiting for a monitoring well on Back Timberlane for the purpose of monitoring groundwater levels.

Mr. Pogorzelski replied the monitoring wells planned for the Back Timberlane site were to be for monitoring down water pollutants and noted the well installed on Scotch Road was installed for the purpose of monitoring groundwater levels.

EXECUTIVE SESSION RESOLUTION. Read into the record.

Mayor Sandom stated that the regular meeting would not reconvene following the Executive Session.

Motion by Sandahl, seconded by Iorio to go to Executive Session to discuss legal matters.
MOTION UNANIMOUSLY CARRIED

EXECUTIVE SESSION RESOLUTION

WHEREAS, it is necessary for the Township Committee to discuss legal 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 10th day of December 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 10:15 p.m. the Executive Session was held.

At 10:35 p.m., Motion by Sandahl, seconded by Iorio to adjourn the meeting.
MOTION UNANIMOUSLY CARRIED

DEPUTY MUNICIPAL CLERK