

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

Monday, January 23, 2006 - 7:10 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 5, 2006 in accordance with the Open Public Meetings Act, Chapter 231, P.L. 1975.

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

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

ABSENT: Iorio

STAFF PRESENT: Administrator Hilling, Township Attorney Goodell, Municipal Clerk Bielawski, CFO Borges, Engineer Pogorzelski

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

RESOLUTION RECOGNIZING HEROIC ACTIONS

Mayor Sandom recognized Hopewell Township Police Chief Michael Chipowsky. Chief Chipowsky described the events that occurred on December 15, 2005 involving the rescue of Eric Green and his dog from the icy waters of the Delaware and Raritan Canal in the area of Titusville by passerby Kevin Phillips. He was then aided by another passerby, Dennis Stites, and Police Officers James Turner and Michael Sherman. Chief Chipowsky recognized Kevin Phillips who was present in the audience and asked that he approach the podium.

Committee Member Niederer read the following resolution into the record:

RESOLUTION #06-33

**A RESOLUTION RECOGNIZING THE
HEROIC ACTIONS OF KEVIN PHILLIPS**

WHEREAS, on December 15, 2005 Eric Green, a former Hopewell Township resident, was walking his dog along the Delaware and Raritan Feeder Canal in the Titusville section of Hopewell Township; and

WHEREAS, Eric Green’s dog, slipped from the edge of the canal into the icy water; and

WHEREAS, while attempting to remove his dog from the water, Eric Green was himself pulled into the canal; and

WHEREAS, Kevin Phillips, who was traveling along Route 29, observed a dog and a person in the frigid waters of the canal. Kevin Phillips pulled to the side of the highway, and, without hesitation, entered the water to try to help Eric Green. Realizing a more prudent approach, Kevin exited the water and with very quick thinking tied a strap between himself and his vehicle and again entered the water. Kevin Phillips was able to pull Eric Green to temporary safety at the edge of the canal, and then pulled the dog from the water. Unable to pull Eric Green fully from the water, Kevin Phillips remained at his side, holding him until additional assistance arrived. Eric Green was then removed from the canal, treated for hypothermia and transported to a medical facility; and

WHEREAS, the air temperature was approximately 15 degrees and the water temperature was estimated at freezing, responding police officers believe that absent the intervention of Kevin Phillips it was very possible that Eric and his dog would have perished in the icy canal.

NOW, THEREFORE, BE IT RESOLVED on this 23rd day of January 2006, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey that:

1. The Township Committee desires to recognize Kevin Phillips for his selfless actions, exposing himself to extremely dangerous conditions, placing his own life in jeopardy to rescue a complete stranger and his dog.

2. The Township Committee, on behalf of itself, all municipal employees, and all citizens of Hopewell Township thanks Kevin Phillips for his truly heroic actions.

Chief Chipowsky presented Mr. Phillips with a framed copy of the resolution recognizing his heroic actions.

At this time, Chief Chipowsky asked Mr. Dennis Stites to approach the podium. Mayor Sandom read the following letter of commendation from the Township Committee to Mr. Stites into the record:

“Dear Mr. Stites:

The Hopewell Township Committee has learned of your actions on December 15, 2005 involving the rescue of a person and a dog from the icy waters of the Delaware and Raritan feeder canal in Titusville.

The Hopewell Township police officers who responded to this emergency have indicated that upon observing the situation you immediately came to render assistance. You assisted in removing the victim, Eric Green from the canal, as well as his rescuer, Kevin Phillips. You helped to carry Mr. Green to a police car where he was placed prior to the arrival of emergency medical personnel. Utilizing the emergency medical training that you possess as a member of the Lambertville Rescue Squad, you administered oxygen and began further treatment of Eric Green, staying with him until the arrival of the Hopewell Valley emergency Medical unit.

The Hopewell Township Committee wishes to publicly recognize and thank you for your actions involving this incident. Your involvement in this rescue reflects very highly on yourself, the Lambertville Rescue Squad and the entire emergency medical service community.”

Chief Chipowsky presented Mr. Stites with a framed copy of the letter.

Chief Chipowsky asked Patrol Officers James Turner and Michael Sherman to approach the podium

Chief Chipowsky read the following letter of commendation to Officers Turner and Sherman:

“On December 15, 2005, at approximately 2:15 pm, you were detailed to the Delaware and Raritan Canal in the area of Church Road to investigate a report that a man and a dog had fallen into the canal. Upon arrival you found the victim, Eric Green, along with his dog partially in the canal and being assisted by Mr. Kevin Phillips. Without hesitation for your own well-being you assisted Mr. Phillips and together you were able to extricate Mr. Green and his dog from the frozen canal. At this time you ably applied your first aid training and assisted Mr. Green until rescue personnel arrived at the scene. For your efforts, you are awarded this letter of commendation. Please accept my congratulations for a job well done! Sincerely, Michael A. Chipowsky, Chief of Police.”

Chief Chipowsky presented Officers Turner and Sherman with framed copies of the letters of commendation.

Chief Chipowsky invited the family of Eric Green and his dog, Copper, to approach the podium. Mr. William Green expressed his appreciation to Kevin Phillips and those who assisted in the rescue of his son. He added that in honor of the rescuers’ heroic efforts, the Greens will be donating “rescue throw bags” to the local police department.

COMMITTEE MEMBERS AND STAFF REPORTS

Committee Member Niederer announced that the Historic Preservation Commission meeting has been rescheduled from January 17 to Tuesday, January 31 at 7:30 p.m. and that discussion will include 2006 goals, new historic property designations, and relocation of the barn on the Else property. She also announced that the township’s Affordable Housing Committee meeting is scheduled on Wednesday, January 25 at 7:00 p.m. Committee Member Niederer reported that on January 11, 2006, approximately forty-six Hopewell Township, Hopewell and Pennington Boroughs and school district employees were trained in the Incident Command and National Incident Management System. The mandatory training was sponsored by the Hopewell Valley Office of Emergency Management.

Committee Member Niederer read a report submitted by Committee Member Iorio, who was absent that evening, that included the following: goal setting meeting of the Open Space Advisory Committee; meeting of the Agricultural Advisory Committee; and meeting of the adult leadership volunteers of the Youth Advisory Committee. Committee Member Iorio also attended the First Annual Mercer County Economic Summit.

Committee Member Murphy reported on activities of the township’s Public Works Department that included bulky waste, brush and leaf pick-up. He also reported that the Recreation Department has initiated an adult school program entitled “Hopewell Valley Schoolhouse” and he encouraged residents to peruse the township’s website for program information.

Committee Member Sandahl reported that the township’s Planning Board has scheduled its first formal meeting on Thursday and that agenda items will include Merrill Lynch development plan. He also reported on the Lawrence-Hopewell Trail and that the Executive Committee is scheduled to meet tomorrow to discuss routing options in Hopewell Township. Committee Member Sandahl gave a status report on the township’s revaluation, and noted a meeting was held last week with Certified Valuations, the County Tax Administrator and township representatives to discuss revised deadlines.

Mr. Hilling reported on the status of Public Works contract negotiations. He announced that township calendars would be mailed to all residents this week. He also reported that the township will solicit bids for the demolition of houses on the Else property, and that the historic barn on the property will be preserved and relocated to a suitable site.

Mr. Goodell reported on a conversation with the Mercer County Tax Administrator with respect to deadlines for filing a tax appeal by residents. He also reported on a lawsuit filed by Westrum Pennington LP against the township for sewers to develop its property.

Mr. Pogorzelski reported on the following: ongoing discussion with ELSA, SBRSA and NJDEP concerning the township’s Wastewater Management Plan; discussions with the Mercer County Engineer with regard to the bridge on New Road and replacement of the culvert; ongoing infiltration studies of the Princeton Farms sewer system; bid solicitation for improvements to the Brandon Farms pump station; a proposed township ordinance for acceptance of Denow Road; and work on a parking ordinance for the Back Timberlane area.

Mayor Sandom reported on discussion with representatives of the Elm Ridge Area Neighborhood Association (ERANA) concerning the Martin tract. She raised a question from a resident regarding a dog park in Hopewell Township and Mr. Hilling responded that Hamilton Township has such a program and would send the township its plans. He added that he has contacted Green Acres representatives who indicated that Green Acres property may be utilized for such purpose.

PUBLIC SECTION

William Schoelwer, a resident of Westcott Boulevard, questioned the costs as to the use of the municipal building by the revaluation company; buildings on the Else property; and speed bumps on Denow Road.

Gene Ramsey, resident of Scotch Road, commented on issues related to the Back Timberlane Athletic Fields including parking; use of pesticides, herbicides and fertilizers; irrigation; regulation of tournaments and special events; lighting; and water supply in the area.

Len Ramist, a resident of Pennington Road, questioned the posting of the agenda on the township’s website and cable TV channel; the status of the Beazer Homes developments; and the time frame for an appeal of the revaluation and the notification process.

ORDINANCE – FINAL READING, PUBLIC HEARING AND ADOPTION

Mayor Sandom read by title the introduced ordinance.

**CALENDAR YEAR 2006 ORDINANCE
TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION AND TO ESTABLISH A
CAP BANK (N.J.S.A. 40A:4-45.14)**

Mayor Sandom declared public hearing open. No comments from the public. Motion by Niederer, seconded by Murphy to close public hearing.
MOTION UNANIMOUSLY CARRIED

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

ROLL CALL VOTE:

AYES: Murphy, Niederer, Sandahl, Mayor Sandom

NOES: None

ABSENT: Iorio

ORDINANCE ADOPTED

Ordinance advertised January 12, 2006 Hopewell Valley News. Posted municipal bulletin board as required by law.

ORDINANCE NO. 06-1364

**CALENDAR YEAR 2006 ORDINANCE
TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION AND TO ESTABLISH A
CAP BANK (N.J.S.A. 40A:4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Township Committee of the Township of Hopewell in the County of Mercer finds it advisable and necessary to increase its CY 2006 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Township Committee hereby determines that a 1% increase in the budget for said year, amounting to \$89,178 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated, as part of the final budget shall be retained as an exception to its final appropriations in either of the next two succeeding years.

NOW, THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Hopewell, in the County of Mercer, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2006 budget year, the final appropriations of the Township of Hopewell shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.15a be increased by 1% amounting to \$89,178 and that the CY 2006 municipal budget for the Township of Hopewell be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within five days of introduction; and

BE IT FURTHER ORDAINED that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within five days after such adoption.

ORDINANCE – FINAL READING, PUBLIC HEARING AND ADOPTION

Mayor Sandom read by title the introduced ordinance.

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 2-7, "ENVIRONMENTAL COMMISSION" OF CHAPTER II, "ADMINISTRATION, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF HOPEWELL, NEW JERSEY (1978)

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

Motion by Niederer, seconded by Murphy to close the public hearing.
MOTION UNANIMOUSLY CARRIED

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

ROLL CALL VOTE:

AYES: Murphy, Niederer, Sandahl, Mayor Sandom

NOES: None

ABSENT: Iorio

ORDINANCE ADOPTED

Ordinance advertised January 12, 2006 Hopewell Valley News. Posted municipal bulletin board as required by law.

ORDINANCE NO. 06-1365

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 2-7, "ENVIRONMENTAL COMMISSION" OF CHAPTER II, "ADMINISTRATION, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF HOPEWELL, NEW JERSEY (1978)

WHEREAS, the Township Committee wishes to amend the composition of the Hopewell Township Environmental Commission in order to provide for two (2) alternate members thereof.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Hopewell, in the County of Mercer and State of New Jersey, that Section 2-7, "Environmental Commission," of Chapter II, "Administration," of the Revised General Ordinances of the Township of Hopewell, New Jersey (1978), is hereby amended and supplemented as follows: (additions are underlined; deletions are [bracketed]):

2-7 Environmental Commission

2-7.1 Established. [unchanged.]

2-7.2 Membership. [**Appointment.**]

a. Membership and Appointment. The commission shall consist of seven members appointed by the mayor, one of whom shall be a member of the planning board. The members shall serve without compensation, except as hereafter provided. The mayor shall designate one of the members to serve as chairman and presiding officer of the commission.

b. Alternate Members. There shall be two alternate members, appointed by the mayor, designated at the time of appointment as "Alternate No. 1" and "Alternate No. 2."

2-7.3 Terms, Dates of Appointment. The term of the office of the first commissioners shall be for one, two and three years, to be designated by the mayor, at the time of appointment, so that the terms of approximately one-third of the members will expire each year and their successors shall, thereafter, be appointed for terms of three years and until the appointment and qualification of their successors. The terms of the alternate members shall be for two years except the terms of the alternate members first appointed shall be for two years for Alternate No. 1 and one year for Alternate No. 2.

2-7.4 through 2-7.6 [unchanged.]

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 all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately 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
A MUNICIPAL EXTENSION OF THE
AMERICAN WATER COMPANY WATER LINE
IN HOPEWELL TOWNSHIP, MERCER COUNTY**

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

MOTION UNANIMOUSLY CARRIED

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

ROLL CALL VOTE:

AYES: Murphy, Niederer, Sandahl, Mayor Sandom

NOES: None

ABSENT: Iorio

ORDINANCE ADOPTED

Ordinance advertised January 12, 2006 Hopewell Valley News. Posted municipal bulletin board as required by law.

ORDINANCE NO. 06-1366

**AN ORDINANCE AUTHORIZING
A MUNICIPAL EXTENSION OF THE
AMERICAN WATER COMPANY WATER LINE
IN HOPEWELL TOWNSHIP, MERCER COUNTY**

WHEREAS, due to the existence of contaminated ground water constituting a health and safety concern in an area known as The King's Path Development and the immediately surrounding land, specifically, 18 Somerset Street, the Township Committee of the Township of Hopewell is desirous of extending water service the property located at 18 Somerset Street; and

WHEREAS, an existing municipal waterline is located in The King's Path Development adjacent to 18 Somerset Street; and

WHEREAS, the American Water Company, a public utility corporation of the State of New Jersey rendering water services subject to the regulation of the New Jersey Board of Public Utilities, has indicated a willingness to provide water service to 18 Somerset Street; and

WHEREAS, Kathleen Atkins and David Atkins, owners of 15 The King's Path, also known as Block 8, Lot 62.12, have granted permission to Blasland, Bouck & Lee, Inc, through a separate agreement, to access an easement located on their property for the purpose of a topographic survey, soil excavation for the waterline extension and waterline placement and hook-up to 18 Somerset Street from an existing waterline located in The King's Path Development.

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey that the municipal waterline located in The King's Path Development, specifically that main located in the cul-de-sac on The King's Path, shall be extended through an existing easement located on the property known as 15 The King's Path, Block 8, Lot 62.12 to a property located at 18 Somerset Street; and

BE IT FURTHER ORDAINED, that the American Water Company shall seek the approval of the New Jersey Board of Public Utilities, or its successors, for the approval of this franchise consent, and that this Ordinance shall be effective upon such approval and that all services and activities undertaken by American Water Company hereunder shall be in accordance with the applicable statutes of the State of New Jersey and regulations, rules and orders of the agencies of the State of New Jersey, including the aforesaid Board of Public Utilities, or its successors, and any tariffs of the American Water Company that may be approved by said Board of Public Utilities.

Preemption. Any ordinance, or part of any ordinance, resolution or regulation, which is contradictory or inconsistent with this ordinance shall be invalid.

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

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

Effective Date. This ordinance shall take effect upon final passage and publication by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey. Publication shall be in accordance with law.

ORDINANCE - INTRODUCTION AND FIRST READING

Mayor Sandom read by title the ordinance introduction.

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER X,
“FEES AND PERMITS,” SECTION 10-7 “LAND DEVELOPMENT FEES,”
SUB-SECTION 10-7.1 “APPLICATION FEES AND ESCROW FOR REVIEW”
AND SECTION 10-13 “ZONING,” SUB-SECTION 10-13.1, “APPLICATION
TO THE ZONING BOARD” OF THE REVISED GENERAL
ORDINANCES OF THE TOWNSHIP OF HOPEWELL**

Mayor Sandom explained that the proposed ordinance would permit the township to increase certain planning and zoning fees. Mr. Hilling noted that fees of surrounding municipalities were reviewed in conjunction with the proposed fee changes.

Motion by Sandahl, seconded by Niederer to introduce the ordinance.

ROLL CALL VOTE:

AYES: Murphy, Niederer, Sandahl, Mayor Sandom

NOES: None

ABSENT: Iorio

Second reading , public hearing date February 14: 2006.

CONSENT AGENDA ITEMS

RESOLUTIONS #06-34 THROUGH #06-40 AND RAFFLES APPLICATION HOPEWELL VALLEY BASEBALL SOFTBALL ASSOCIATION. Read by title.

Motion by Sandahl, seconded by Niederer to adopt Resolutions #06-34 through #06-40 and approve Raffles Application RA: 2-06.

MOTION UNANIMOUSLY CARRIED

RESOLUTION #06-34

**A RESOLUTION AUTHORIZING
THE TAX COLLECTOR TO CANCEL
DELINQUENCIES & CREDITS
LESS THAN \$10.00**

WHEREAS, N.J.S.A. 40A:5-17.1 allows the governing body of a municipality to authorize a municipal employee to process the cancellation of any property delinquency or credit less than \$10.00 without further action of the governing body;

NOW, THEREFORE, BE IT RESOLVED, on this 23rd day of January 2006, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that the Township of Hopewell Tax Collector is hereby authorized to process said delinquencies and/or credits, as permitted by N.J.S.A. 40A:5-17.1.

RESOLUTION #06-35

**A RESOLUTION AUTHORIZING THE WAIVING OF
REAL ESTATE TAXES ON PROPERTY OWNED BY THE
HOPEWELL TOWNSHIP NON-PROFIT CORPORATION**

WHEREAS, the Township of Hopewell, acting through the Hopewell Township Non-Profit Housing Corporation has acquired title to Lot 76.01, Block 130, Hopewell Township Tax Map (commonly known as 9 Wrick Avenue) for the purpose of constructing thereon an affordable housing unit which will become a part of Hopewell Township Affordable Housing Program for the 2004-2005 time frame; and

WHEREAS, until the affordable housing unit is constructed on said property, this lot remains on the Hopewell Township tax roll; and

WHEREAS, N.J.S.A. 54:4-99 permit a municipality to abate real property taxes on real property when it deems it to be equitable and just to do so and abating said taxes is in the best interest of the municipality;

NOW, THEREFORE, BE IT RESOLVED, on this 23rd day of January 2006, by the Township Committee of the Township of Hopewell as follows:

1. Pursuant to N.J.S.A. 54:4-99, the real property taxes owed on Lot 76.01, Block 130 Hopewell Township Tax Map (9 Wrick Avenue) for the third and fourth quarter 2005, including interest and late charges thereon, be and the same are hereby abated.

2. The Hopewell Township tax collector is hereby authorize and directed to continue to abate real property taxes on said property while said property is owned by the Hopewell Township Non-Profit Housing Corporation. This property shall be returned to the tax rolls once an affordable housing unit is constructed on said property and sold to an affordable household to an affordable household by the non-profit.

3. A certified, true copy of this Resolution shall be furnished upon its adoption to the Hopewell Township Chief Financial Officer and the Hopewell Township Tax Collector.

RESOLUTION #06-36

**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 23rd day of January 2006, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey:

1. That Driveway Bond Money (\$1,000.00), for Block 78, Lot 9.13 posted on 6/2/05 by Beazer Homes, 250 Phillips Blvd., Suite 290, Trenton, NJ 08618, is hereby released.
2. That Driveway Bond Money (\$1,000.00), for Block 78, Lot 7.42 posted on 1/31/05 by Beazer Homes, 250 Phillips Blvd., Suite 290, Trenton, NJ 08618, is hereby released.
3. That Driveway Bond Money (\$1,000.00), for Block 78, Lot 7.26 posted on 1/31/05 by Beazer Homes, 250 Phillips Blvd., Suite 290, Trenton, NJ 08618, is hereby released.
4. That Driveway Bond Money (\$1,000.00), for Block 78, Lot 27.02 posted on 9/9/04 by Beazer Homes, 250 Phillips Blvd., Suite 290, Trenton, NJ 08618, is hereby released.
5. That Driveway Bond Money (\$1,000.00), for Block 78, Lot 27.04 posted on 7/9/04 by Beazer Homes, 250 Phillips Blvd., Suite 290, Trenton, NJ 08618, is hereby released.
6. That Driveway Bond Money (\$1,000.00), for Block 78, Lot 27.10 posted on 10/12/04 by Beazer Homes, 250 Phillips Blvd., Suite 290, Trenton, NJ 08618, is hereby released.
7. That Driveway Bond Money (\$1,000.00), for Block 78, Lot 27.05 posted on 7/9/04 by Beazer Homes, 250 Phillips Blvd., Suite 290, Trenton, NJ 08618, is hereby released.
8. That Driveway Bond Money (\$1,000.00), for Block 78, Lot 7.32 posted on 8/17/04 by Beazer Homes, 250 Phillips Blvd., Suite 290, Trenton, NJ 08618, is hereby released.
9. That Driveway Bond Money (\$1,000.00), for Block 78, Lot 27.01 posted on 9/30/03 by Beazer Homes, 250 Phillips Blvd., Suite 290, Trenton, NJ 08618, is hereby released.
10. That Driveway Bond Money (\$1,000.00), for Block 78, Lot 9.27 posted on 6/30/04 by Beazer Homes, 250 Phillips Blvd., Suite 290, Trenton, NJ 08618, is hereby released.
11. That Driveway Bond Money (\$1,000.00), for Block 78, Lot 9.25 posted on 6/15/04 by Beazer Homes, 250 Phillips Blvd., Suite 290, Trenton, NJ 08618, is hereby released.
12. That Driveway Bond Money (\$1,000.00), for Block 78, Lot 9.17 posted on 2/19/04 by Beazer Homes, 250 Phillips Blvd., Suite 290, Trenton, NJ 08618, is hereby released.
13. That Temporary Bond Money (\$1,000.00) for Driveway and (\$500.00) for Building for Block 78, Lot 7.21, posted on 8/17/04 & 8/31/04 by Beazer Homes, 250 Phillips Blvd., Suite 290, Trenton, NJ 08618, is hereby released.
14. That Temporary Bond Money (\$1,000.00) for Driveway and (\$500.00) for Building for Block 78, Lot 7.28, posted on 8/17/04 & 8/30/04 by Beazer Homes, 250 Phillips Blvd., Suite 290, Trenton, NJ 08618, is hereby released.
15. That Temporary Bond Money (\$1,000.00) for Driveway and (\$500.00) for Building for Block 78, Lot 27.08, posted on 8/17/04 & 8/31/04 by Beazer Homes, 250 Phillips Blvd., Suite 290, Trenton, NJ 08618, is hereby released.
16. That Engineering Bond Money (\$3,000.00) for Block 62.02, Lot 8, posted on 6/29/04 by Toll Bros., Inc., 250 Gilbraltar Rd., Horsham, PA 19044, is hereby released.
17. That Engineering Bond Money (\$12,446.30) for Block 5, Lot 14.02, posted on 2/4/05 by Hopewell Homes Inc., 45 Hart Ave., Hopewell, NJ 08525, is hereby released.

RESOLUTION #06-37

**A RESOLUTION AUTHORIZING THE TOWNSHIP
ENGINEER TO SIGN CERTAIN APPLICATIONS**

WHEREAS, it is necessary to authorize an official to sign certain applications on behalf of Hopewell Township.

NOW, THEREFORE, BE IT RESOLVED on this 23rd day of January 2006, that the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that Paul Pogorzelski be authorized to sign the following applications for the year 2006:

- 1) NJDEP Treatment Works Applications
- 2) D&R Canal CP-1 Permit Applications
- 3) Mercer County Soil Conservation District Permit Applications
- 4) All permit, grant and loan applications related to Hopewell Township Capital Projects

BE IT FURTHER RESOLVED that a certified copy of this Resolution be transmitted to the Township Engineer, Administrative Officer, Zoning Officer, Construction Official and Public Works Director.

RESOLUTION #06-38

RESOLUTION FOR REDEMPTION OF TAX SALE CERTIFICATES

WHEREAS, the Township of Hopewell has received payment for the redemption of tax sale certificates #93-18, #94-16, #96-15 and #97-03. These same redemptions were introduced at the December 27, 2005 Hopewell Township Committee meeting, tabled and subsequently approved at the January 9, 2006 Committee meeting (Resolution #06-23); and

WHEREAS, at this time additional interest is due and payable to the owner/assignee of the individual tax sale certificates as listed above; and

NOW, THEREFORE, BE IT RESOLVED, on this 23rd day of January 2006, that the Township Committee, Township of Hopewell, County of Mercer, State of New Jersey hereby authorizes the Tax Collector to release the amounts specified to the lien holder/assignee listed below for the original redemption.

BLOCK	LOT	NAME	AMOUNT	CERT. OWNER/ASSIGNEE
71	1	Wang Ling Yang Trustee	\$8,583.78*	Merrick Wilson
71	1	Wang Ling Yang Trustee	\$37.97**	Merrick Wilson

*Original Redemption Amount to be issued from Tax Collector's Redemption Account.

**Additional interest required for redemption to be issued from a Non-Tax Collector's Redemption Account as directed by the Chief Financial Officer.

RESOLUTION #06-39

A RESOLUTION AUTHORIZING REFUND FOR HOPEWELL VALLEY RECREATION DEPARTMENT PROGRAM PARTICIPANT

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 23rd day of January 2006, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that the following program refund be and is hereby authorized:

Kathy Nelson	3 Arvida Drive, Pennington, NJ 08534	\$90.00
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RESOLUTION #06-40

A RESOLUTION AUTHORIZING THE EXECUTION OF A SUBORDINATION AGREEMENT ON BLOCK 135, LOT 46

WHEREAS, the Township of Hopewell through its Affordable Housing Program has made available to the property owner of Block 135, Lot 46 a rehabilitation loan in the amount of \$9,950.00; and

WHEREAS, said property owner is currently refinancing her mortgage with Washington Mutual Bank, F.A. and in order to do so has requested that the Township subordinate its mortgage to the Washington Mutual Bank mortgage; and

WHEREAS, the Township is satisfied that there is sufficient equity in said property to continue to secure the Township's rehabilitation loan following the subordination of same to the Washington Mutual Bank loan.

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

1. The Mayor and Clerk of the Township of Hopewell are hereby authorized and directed to execute a Subordination Agreement for the Township's August 1, 2003 loan in the amount of \$9,950.00 concerning Block 135, Lot 46, Hopewell Township Tax Map. Said subordination shall be to a refinanced loan with Washington Mutual Bank, F.A. in the amount of \$113,500.00.
2. A certified true copy of this Resolution shall be furnished upon its adoption to the Affordable Housing Coordinator, Washington Mutual Bank, F.A. and Surety Title Company.

RAFFLES APPLICATION - Hopewell Valley Baseball Softball Association (RA:2-06) calendar raffles during the months of May and June 2006, at the Municipal Fields, Scotch Road.

RESOLUTION # 06-41. Read by title
Motion by Sandahl, seconded by Murphy to adopt Resolution #06-41.
MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #06-41

**A RESOLUTION REESTABLISHING
TOWNSHIP COMMITTEE AGENDA SESSIONS
TO BE HELD ON THE FIRST MONDAY OF EACH MONTH**

WHEREAS, the Hopewell Township Committee holds regular meetings on the second and fourth Monday of each month; and

WHEREAS, the Township Committee uses those regular meetings to conduct the business of the Township; and

WHEREAS, the work of the Township Committee can be handled more efficiently if agenda items are properly prepared in advance; and

WHEREAS, agenda meetings allow citizens and public officials to become more knowledgeable about issues coming before the Township Committee; and

WHEREAS, public decision making is improved when issues are properly prepared and understood in advance; and

WHEREAS, the Township Committee held productive Agenda Sessions in 2005.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hopewell, that the Township Committee meet on the first Monday of each month at 6:00 p.m. in an agenda session, the primary purpose of which shall be to discuss future agenda items; and

BE IT FURTHER RESOLVED that nothing herein shall preclude the Township Committee from discussing or acting on other business items at such meetings; and

BE IT FURTHER RESOLVED that all such meetings shall be held in accordance with the Open Public Meetings Act and the requirements of Titles 40 and 40A of the New Jersey statutes.

RESOLUTION # 06-42. Read by title
Motion by Sandahl, seconded by Niederer to adopt Resolution #06-42.
MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #06-42

**A RESOLUTION TO AUTHORIZE THE
TOWNSHIP OF HOPEWELL TO CONTRACT WITH
THE BOROUGH OF HOPEWELL FOR
ANIMAL CONTROL SERVICES**

WHEREAS, it is the desire of the Governing Body of the Township of Hopewell to contract with the Borough of Hopewell for Animal Control Services for the years 2006 through 2010; and

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

NOW, THEREFORE, BE IT RESOLVED on this 23rd day of January 2006, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey that the Mayor and Clerk be and hereby are authorized to enter into an Interlocal Services Agreement with the Borough of Hopewell for Animal Control Services for the years 2006 through 2010. Said services shall be furnished and rendered by the Township of Hopewell pursuant to an agreement, in a form similar to that which is attached hereto.

RESOLUTION # 06-43. Read by Title
Motion by Sandahl, seconded by Murphy to adopt Resolution #06-43.
MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #06-43

**A RESOLUTION APPROVING A CONNECTION INTO
THE SEWER SYSTEM DUE TO A HEALTH EMERGENCY**

WHEREAS, the Township Health Department has cited severe malfunctioning of a septic system located at 18 Brandon Road; and

WHEREAS, the location of the property is within 25 feet of the Ewing-Lawrence Sewerage Authority (ELSA) line; and

WHEREAS, the property is also within the sewer service planning area of the Township; and

WHEREAS, the property owners Scott and Linda Stintsman, have applied for approval to connect into the sewer system; and

WHEREAS, the Health Officer has reviewed the alternatives and recommends that such approval be granted (see attached January 13, 2006 memorandum).

NOW, THEREFORE, BE IT RESOLVED on this 23rd day of January 2006, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that the application for the connection of the 18 Brandon Road property into the ELSA sewer line be approved, subject to review by the Township Attorney and Township Engineer, and forwarded to ELSA with a certified copy of this resolution.

RESOLUTION # 06-44. Read by title

Motion by Sandahl, seconded by Murphy to adopt Resolution #06-44.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #06-44

**A RESOLUTION AMENDING 2005
PROFESSIONAL SERVICES AGREEMENT
(MASON, GRIFFIN & PIERSON)
(STRAUSS & ASSOCIATES)**

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

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

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

NOW, THEREFORE, BE IT RESOLVED on this 23rd day of January 2006, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that the 2005 Professional Services Agreement be and hereby is amended as follows:

<u>FIRM</u>	<u>CURRENT MAXIMUM</u>	<u>PROPOSED MAXIMUM</u>
Mason, Griffin & Pierson (Affordable Housing Legal)	\$60,000.00	\$67,508.41
Mason, Griffin & Pierson (General Legal)	\$80,000.00	\$92,793.38
Strauss Associates (Planner/Open Space/Farmland Pres.	\$40,000.00	\$51,043.97

RESOLUTION # 06-45. Read by title

Mr. Hilling discussed a possible insertion of language in future professional services agreements concerning projected costs of service. The insertion would require that the professional shall notify the Township Administrator or Chief Financial Officer when the following occurs: 1) the average of the monthly bills projected for the term of the contract is larger than the not-to-exceed amount of the contract; and/or 2) the total billing to date is 75% of the not-to-exceed amount of the contract; and/or 3) additional projects or work not within the scope of the contract or anticipated services are requested by the township staff or officials. Ms. Borges added that such insertion could effect greater accountability. The Committee concurred as to the proposed insertion in the professional services agreements.

Motion by Sandahl, seconded by Murphy to adopt Resolution #06-45.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #06-45

**A RESOLUTION AUTHORIZING PROFESSIONAL
SERVICES AGREEMENTS FOR THE YEAR 2006**

WHEREAS, there exists a need for professional services for the following: general legal services for the Zoning Board of Adjustment; potable water monitoring; and legal defense services; and

WHEREAS, the estimated costs of the contracts are \$5,000 for legal services for the Zoning Board of Adjustment; \$6,000 for potable water monitoring; and \$200,000 for legal defense services; and funds will be available in the 2006 budget appropriations for this purpose certified by the local finance officer; and

WHEREAS, the Local Public Contracts Law (N.J.S.A.40A:11-1 et seq.) requires that a resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection;

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

1. The Mayor and Clerk are hereby authorized and directed to execute the attached agreements with:

Robert Casey, Esq. for legal services for the Zoning Board of Adjustment;

TRC Omni Environmental Corporation for potable water monitoring; and
Howard D. Cohen of the firm of Parker, McCay & Criscuolo, for legal defense services.

2. These contracts are 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 # 06-46. Read by title.

Mr. Pogorzelski explained the proposed change order for the Denow Road project that exceeded the original contract amount by approximately 8% due to additional pavement milling costs and adjustments to contract as-built quantities. Committee Member Niederer expressed concerns in that change orders were submitted subsequent to completion of the project. Committee Member Niederer also questioned the signs used on the project at a cost of approximately \$22,000. Mr. Pogorzelski explained the requirement for NJDOT funded projects and rental rate for detour compliance.

Motion by Sandahl, seconded by Murphy to adopt Resolution #06-46.

MOTION CARRIED

NOES: Niederer

R E S O L U T I O N #06-46

**A RESOLUTION AUTHORIZING
CHANGE ORDER #2 TO THE CONTRACT WITH
JONICO, INC. FOR DENOW ROAD TRAFFIC CALMING**

WHEREAS, on April 25, 2005, the Township Committee of the Township of Hopewell authorized a contract with Jonico Inc. in the amount of \$403,185.50 for Denow Road Traffic Calming; and

WHEREAS, on October 11, 2005, the Township Committee approved change order #1, which increased the total contract amount to \$412,950.88; and

WHEREAS, the Township Engineer recommends that Change Order #2, which increases the total contract amount by \$24,139.00 be approved by the Township Committee for the reasons outlined in his memorandum and supporting documentation dated January 4, 2006, which is annexed hereto and made a part of this Resolution.

NOW, THEREFORE, BE IT RESOLVED on the 23rd day of January 2006, by the Township Committee of the Township of Hopewell, County of Mercer and State of New Jersey:

1. That Change Order #2 representing an increase in the amount of \$24,139.00 be and is hereby approved with respect to the contract for Denow Road Traffic Calming.
2. That the amount of all Change Orders be an 8.41 percent increase to the total contract amount, for a new contract amount with Jonico, Inc. of \$437,089.88.

RESOLUTION # 06-47. Read by title.

Motion by Sandahl, seconded by Niederer to adopt Resolution #06-47.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #06-47

**A RESOLUTION APPOINTING ALTERNATE MEMBERS TO
THE HOPEWELL TOWNSHIP ENVIRONMENTAL COMMISSION**

BE IT RESOLVED, that I, Vanessa Sandom, Mayor of the Township of Hopewell, County of Mercer, do hereby appoint the following as alternate members to the Hopewell Township Environmental Commission effective January 26, 2006:

1. Gale Downey, 284 Wargo Road, Pennington, NJ 08534 as Alternate No. 1 member to a two-year term expiring 12/31/07.
2. Mark Smith, 82 New Road, Lambertville, NJ 08530 as Alternate No. 2 Member to an initial one-year term expiring 12/31/06.

RESOLUTION #06-48. Read by title.

Attorney Mark Solomon, of the law firm of Pepper Hamilton, representing Janssen Pharmaceutica was present. Committee Member Niederer offered certain minor language clarifications on pages 4 and 5 of the agreement. Committee Member Murphy also offered certain typographical corrections to the agreement. Mr. Solomon indicated he would effect the proposed language changes to the Developer's Agreement.

Motion by Sandahl, seconded by Murphy to adopt Resolution #06-48 approving the Developer's Construction Agreement as amended.

MOTION UNANIMOUSLY CARRIED

RESOLUTION #06-48

**RESOLUTION APPROVING DEVELOPER'S
CONSTRUCTION AGREEMENT BETWEEN
THE TOWNSHIP OF HOPEWELL AND
JANSSEN PHARMACEUTICA, INC.
(BLOCK 98, LOTS 17 AND 37)**

BE IT RESOLVED, on this 23rd day of January 2006, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey:

1. That the DEVELOPER'S CONSTRUCTION AGREEMENT between the Township of Hopewell and Janssen Pharmaceutica, Inc. which is annexed to and made a part of this Resolution be and is hereby approved.

2. That the Mayor and Municipal Clerk be and are hereby authorized to execute said Developer's Construction Agreement between the Township of Hopewell and Janssen Pharmaceutica, Inc.

**PROPOSED RESOLUTION/REQUESTING THE MERCER COUNTY BOARD OF
TAXATION TO DELAY IMPLEMENTATION OF TOWNSHIP REVALUATION**

The Committee determined to hold action on the proposed resolution to the next regular meeting.

RESOLUTION #06-49. Read by title.

Motion by Sandahl, seconded by Murphy to adopt Resolution #06-49.

AYES: Murphy, Niederer, Sandahl, Mayor Sandom

NOES: None

ABSENT: Iorio

RESOLUTION #06-49

BILLS & CLAIMS

BE IT RESOLVED, that the list of cash disbursements authorized for approval of bills for payment dated January 23, 2006, in the following amounts:

Bills and Claims	-	\$ 10,818,186.23
Payroll	-	298,326.40
Total Disbursements	-	\$ 11,116,512.63

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

PUBLIC SECTION

Shiela Beyer, a resident of Route 31 South, asked that the Committee speak directly into the microphones and indicated a problem may exist with the sound system.

Len Ramist questioned the status of proposed Wednesday meetings with NJDOT. He also questioned issues concerning Route 31 and no left turns on Diverty Road and other areas.

Gene Ramsey commented on a recent local newspaper article that referred to the use of artificial turf on ball fields and expressed concerns over quality of life issues for area residents as the fields could be utilized continuously.

EXECUTIVE SESSION RESOLUTION. Read into the record.

Motion by Sandahl, seconded by Niederer to go into Executive Session to discuss legal, personnel, contract negotiations, and litigation.

MOTION UNANIMOUSLY CARRIED

EXECUTIVE SESSION RESOLUTION

WHEREAS, it is necessary for the Township Committee to discuss legal, personnel, contract negotiations, and litigation; 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 23rd day of January 2006, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that the Township Committee shall forthwith conduct an executive session to discuss the above.

At 8:50 p.m. the Executive Session was held.

At 11:12 p.m. Motion by Sandahl, seconded by Niederer to adjourn the meeting.

ANNETTE C. BIELAWSKI
MUNICIPAL CLERK