

**HOPEWELL TOWNSHIP COMMITTEE REGULAR MEETING
VIA ZOOM VIDEO COMMUNICATIONS**

Tuesday, February 22, 2022 – 6:34 p.m.

PROPER STATEMENT OF NOTICE – Mayor Peters-Manning 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, The Times, the Trentonian and the Hopewell Express (the official newspapers) on January 5, 2022, 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: David Chait, Kevin Kuchinski, Uma Purandare,
Michael Ruger, Mayor Courtney Peters-Manning,

ABSENT: None

STAFF PRESENT: Administrator/Public Works Director George Snyder, Municipal Clerk Laurie Gompf, CFO Julie Troutman, Community Development Director/Engineer James Hutzelmann, Township Attorney Steve Goodell

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

MINUTES SUBMITTED FOR APPROVAL

Motion by Ruger, seconded by Kuchinski to approve Regular and Executive Session Meeting Minutes of September 13, 2021.

ABSTAINED: Chait, Purandare

MOTION CARRIED

COMMITTEE MEMBERS AND STAFF REPORTS

Mr. Snyder reported that Mercer County has supplied a 20-yard recycling container and that it would be available in the Department of Public Works yard for a short time.

Mr. Hutzelmann reported that the Historic Preservation Commission (HPC) heard a presentation from one of the Township’s consultants regarding the Lawrence Hopewell Trail; that this was important because the HPC will to be submitting a Cultural Resource Inventory to the Department of Transportation (DOT); and that proposals have been received for the band shell.

Committee Member Chait reported on Freon collection and that the Department of Public Works is currently working on leaves and drains throughout the Township.

Committee Member Purandare reported that there will be a COVID-19 vaccine clinic at Hopewell High School on February 25; that there is a seminar regarding Senior Protection; that registrants may go to the Township website for more information and to register; that the play, “Big Fish” will be held at the High School on March 2; and that information is available about the play in the “Senior Services” section of the Township website.

Committee Member Kuchinski reported that the Parks and Recreation Advisory Committee met last week; that they requested a change to the Open Space and Recreation report; that the change was for the addition of fields for community recreation and for more lighted fields in the community; and that recreation needs evolve as the Township moves into the future. He also

reported on the upcoming Planning Board and Budget meetings.

Committee Member Ruger reported on the upcoming Agriculture Advisory Committee meeting and noted he was excited about the band shell proposals.

Mayor Peters-Manning reported that she had a request from the Watershed Institute that the Township issue a letter of support to the Department of Environmental Protection for a grant application for the development of a 9-element Watershed Implement Plan; read the letter of support in an effort to obtain a consensus from the Township Committee for support. The Committee unanimously agreed.

The Mayor then announced that in-person meetings will begin on March 7, 2022.

RESOLUTION #22-70. Read by title.

Motion by Kuchinski, seconded by Ruger to adopt Resolution #22-70.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #22-70

**A RESOLUTION APPOINTING ARTHUR J. JUBA II
AS PATROL OFFICER IN POLICE DEPARTMENT**

BE IT RESOLVED, on this 22nd day of February, 2022, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey that Arthur J. Juba II be and is hereby appointed as Patrol Officer in the Hopewell Township Police Department; and

BE IT FURTHER RESOLVED that Arthur J. Juba II is to be compensated at an annual salary of \$50,652 (Step 1 on the Twelve Step Chart from PBA contract for January 2019- December 2021); and

BE IT FURTHER RESOLVED that this appointment is effective February 28, 2022.

RESOLUTION #22-71. Read by title.

Motion by Kuchinski, seconded by Chait to adopt Resolution #22-71.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #22-71

**A RESOLUTION APPOINTING BLAKE S. DEMETER
AS PATROL OFFICER IN POLICE DEPARTMENT**

BE IT RESOLVED, on this 22nd day of February, 2022, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey that Blake S. DeMeter be and is hereby appointed as Patrol Officer in the Hopewell Township Police Department; and

BE IT FURTHER RESOLVED that Blake S. DeMeter is to be compensated at an annual salary of \$50,652 (Step 1 on the Twelve Step Chart from PBA contract for January 2019- December 2021); and

BE IT FURTHER RESOLVED that this appointment is effective February 28, 2022.

ORDINANCE – FINAL READING, PUBLIC HEARING AND ADOPTION

Mayor Peters-Manning read by title the introduced ordinance:

ORDINANCE AUTHORIZING THE ACQUISITION OF A 10%
INTEREST IN CERTAIN REAL PROPERTY KNOWN AS THE
WALKER PROPERTY LOCATED AT BLOCK 50, LOTS 8 AND 20 AND
BLOCK 51, LOT 27 ON THE HOPEWELL TOWNSHIP TAX MAP AND
AUTHORIZING EXPENDITURE OF HOPEWELL TOWNSHIP OPEN
SPACE FUNDS FOR SUCH ACQUISITION AND FURTHER
AUTHORIZING ACCEPTANCE OF DEED FROM JONATHAN
WALKER

Mayor Peters-Manning declared public hearing open.

Lisa Wolff, a resident of West Shore Drive and Executive Director of Friends of Hopewell Valley Open Space (FOHVOS), voiced her support of the ordinance.

Ray Nichols, a resident of Federal City Road, questioned why FOHVOS obtained the grant and not Hopewell Township.

John Hart, a resident of Titus Mill Road, requested the physical address of the property; questioned if there is an agricultural component to the grant; and how many acres it encompasses.

Motion by Chait, seconded by Kuchinski to close public hearing.

MOTION UNANIMOUSLY CARRIED

Motion by Ruger, seconded by Chait to adopt the introduced ordinance.

ROLL CALL VOTE:

AYES: Chait, Purandare, Ruger, Mayor Peters-Manning

NOES: None

ABSTAIN: Kuchinski

ORDINANCE ADOPTED

Ordinance advertised February 11, 2022, Hopewell Valley News. Posted municipal bulletin board as required by law.

ORDINANCE NO. 22-1765

ORDINANCE AUTHORIZING THE ACQUISITION OF A 10% INTEREST IN CERTAIN REAL PROPERTY KNOWN AS THE WALKER PROPERTY LOCATED AT BLOCK 50, LOTS 8 AND 20 AND BLOCK 51, LOT 27 ON THE HOPEWELL TOWNSHIP TAX MAP AND AUTHORIZING EXPENDITURE OF HOPEWELL TOWNSHIP OPEN SPACE FUNDS FOR SUCH ACQUISITION AND FURTHER AUTHORIZING ACCEPTANCE OF DEED FROM JONATHAN WALKER

WHEREAS, the Township of Hopewell, Mercer County, New Jersey seeks to preserve open space in the Township through the use of the Hopewell Township Open Space Trust Fund for the purposes of recreation and/or conservation; and

WHEREAS, Jonathan Walker is the owner of approximately 17.095 acres of land located at Block 50, Lots 8 and 20 and Block 51, Lot 27 on the tax maps of the Township of Hopewell (the "Property"); which is located along Woosamonsa Road; and

WHEREAS, the Friends of Hopewell Valley Open Space ("FOHVOS") is a non-profit corporation dedicated to the conservation and stewardship of open space and farm land; and

WHEREAS, FOHVOS has entered into an agreement to purchase the Property from Jonathan Walker for the sum of \$250,000.00; and

WHEREAS, FOHVOS has requested that the Township contribute the sum of \$25,000.00, which represents 10% of the purchase price of the Property, toward the acquisition and preservation of the Property as open space; and

WHEREAS, in addition to the Township's contribution, FOHVOS has also sought funding contributions from the State of New Jersey Green Acres Program and the County of Mercer; and

WHEREAS, FOHVOS represents that, upon closing, approximately 16.212 acres of the Property will be subject to preservation pursuant to the State of New Jersey Green Acres rules and regulations (N.J.S.A. 13:8C-1, et seq., and N.J.A.C. 7:36); and

WHEREAS, the Hopewell Township Committee agrees that the purchase and preservation of the Property would benefit the citizens of Hopewell Township and would be a positive contribution to the Township's open space inventory, and believes that it is in the best interest of the citizens of the Township to participate with FOHVOS in the acquisition of the Property; and

WHEREAS, the Local Lands and Buildings Law permits municipalities to provide for, by Ordinance, the acquisition of any real property, capital improvement, or personal property by purchase, gift, devise, lease, exchange, condemnation or installment purchase (N.J.S.A. 40A:12-5); and

WHEREAS, N.J.S.A. 40A:12-5 authorizes the Township to acquire said properties upon such terms as the Township deems reasonable; and

WHEREAS, FOHVOS and the Township have agreed to enter into an Assignment Agreement in which the Township will agree to acquire a 10% ownership interest in the Property at closing; and

WHEREAS, the Township seeks to use up to \$25,000 of Hopewell Township Open Space Trust Funds towards the acquisition of the Property, along with other grant funds of the State of New Jersey Green Acres Program and Mercer County Open Space Program; and

WHEREAS, the Township desires to now officially authorize the participation in the acquisition of the Property and the expenditure of Open Space Funds as aforesaid for obtaining a 10% interest in the Property and authorize the acceptance of the deed for the purposes of promoting and protecting open space.

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

1. The Township, through its Mayor, Administrator, Clerk, Attorney and other appropriate officers and employees, is hereby authorized and directed to participate, with the Friends of Hopewell Valley Open Space (“FOHVOS”), in the acquisition for public purposes of approximately 17.095 acres of land located on Woosamonsa Road in the Township of Hopewell, designated as Block 50, Lots 8 and 20 and Block 51, Lot 27, with a maximum Township contribution, to be made from the Hopewell Township Open Space Trust Fund, of Twenty-Five Thousand Dollars (\$25,000.00), representing 10% of the purchase price of the property, for its preservation as open space, with the remaining 90% interest conveyed to FOHVOS, and to accept the deed from Jonathan Walker for the Property. The Township’s participation shall be subject to meeting all relevant conditions of the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq., the Local Fiscal Affairs Law, N.J.S.A. 40A:5-1 et seq., and all other legal requirements.

2. The Mayor and Clerk are hereby authorized and directed to execute, on behalf of the Township, a Funding Agreement/Agreement of Assignment of Interests, the terms and form of which shall have been reviewed and approved by counsel for the Township in consultation with the Township Administrator, for the acquisition of the Property for open space purposes, subject to and containing the following essential terms:

- a. The Township's contribution for the acquisition of the Property shall not exceed the amount of Twenty-Five Thousand Dollars (\$25,000.00) and shall be funded through monies currently available in the Township's Open Space Trust Fund.
- b. The Township shall receive a 10% interest in the Property, with FOHVOS receiving the remaining 90% interest.
- c. Approximately 16.212 acres of the property shall be preserved and subject to the regulations of the State of New Jersey Green Acres Program.
- d. FOHVOS shall manage the Property for recreation and conservation purposes pursuant to the requirements of the Green Acres Program.

3. The Mayor, Township Administrator, Clerk, Engineer, Attorney, and other appropriate officers, employees, consultants and professionals, are hereby authorized and directed to undertake any and all such acts and execute any and all such documents as may be necessary to effectuate the purposes hereof.

4. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

5. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this ordinance shall be deemed valid and effective.

6. This Ordinance shall take effect upon adoption and publication in accordance with law.

ORDINANCE – FINAL READING, PUBLIC HEARING AND ADOPTION

Mayor Peters-Manning read by title the introduced ordinance:

ORDINANCE OF THE TOWNSHIP OF HOPEWELL, COUNTY OF
MERCER, STATE OF NEW JERSEY APPROVING THE APPLICATION
OF AND THE EXECUTION OF FINANCIAL AGREEMENT WITH U.S.
HOME AT HOPEWELL PARC URBAN RENEWAL, LLC

Committee Member Kuchinski supplied an overview of the effect of PILOT programs on the School District and presented the following:

- A PILOT does not impact the school budget nor the dollars the schools receive.

- Under NJ State law:
 - School districts prepare their budget according to the needs of their communities.
 - Municipalities have no authority over public school budgets.
 - Municipalities must pay the amount the district budgeted.
- By law, Hopewell Township must fund the exact amount approved in the school budget (the presence or absence of a PILOT has no bearing on the process).
- A PILOT gives the municipality more flexibility to apply revenue where it may be needed. It may also be used to offset or reduce residential taxes.
- The school district is not impacted by changing allocations since it receives its budget, regardless of the allocation.
- Indeed, HVRSD expressly shares this delineation in every budget presentation. As follows...
 - HVRSD does not control taxpayer allocation or ratables.
 - HVRSD stresses that in every budget presentation. (HVRSD slides presented as evidence).
- Hopewell Township currently pays +34% more per student enrolled in Hopewell Valley schools than the Boroughs.
- This amounts to \$3.8 million in additional costs for Township residents.
- With the current funding formula, Hopewell Township residents pay a higher share of costs for our regional school system.
- While Hopewell Township delivered the lowest equalized municipal tax rate in 2021 in Mercer County, we face several challenges:
 - State Aid has largely been flat.
 - Beginning in 2008-10, the State diverted significant portions of municipalities' Energy Tax distributions towards other priorities.
 - Other non-tax revenues for the Township are relatively small and several have been negatively impacted, such as, COVID-19 and cumulative municipal court revenues are down.
 - The Township's debt levels are relatively high due to prior years' capital purchases.
- To deliver the services our residents expect, while keeping residential property taxes low, we must seek new revenue sources in a changing world.
- One potential solution is PILOTs.
- Debt service consumed 25.5% of the Township's 2021 budget.
- PILOT means "Payment in Lieu of Taxes"
- It is a toll whose basis in the New Jersey Constitution and authorized by Local Redevelopment and Housing regulations and tax laws.
- Hopewell Township has utilized PILOTs since 2002 but they must be structured properly.
- The Township has approved two PILOTs for affordable housing projects (Woodmont and Zaitz).
- PILOTs enable a municipality to develop partnerships with private entities to encourage redevelopment.
- They act was an incentive to make capital improvements to a property that will help develop the economic and tax base of the municipality.
- A municipality can receive up to 95% of the negotiated PILOT vs. 14.1% through conventional taxes.
- PILOTs have been successfully utilized by municipalities across NJ.
- They are an important tool to foster economic development; enhance the municipal tax base; expand community resources; and advance other public policy initiatives.
- As of 2019, there were 1361 PILOTs across the state.
- Every other Township and City in Mercer County is already utilizing PILOTs.
- New Jersey's Department of Community Affairs has published guidance on the use of PILOTs for Economic Development and other uses.
- Providing affordable housing is one of the primary recommended uses for PILOTs.
- PILOTs were first utilized in Hopewell Township in the early 2000s, and then subsequently with Capital Health.
- PILOT revenues may be used to support incremental obligations for the schools and EMS.
- The Township's first PILOT was Hopewell Gardens in 2002.
 - The agreement with Brisben Hopewell Village Limited Partnership was to build 150 affordable housing rental units for active seniors.
 - The developer agreed to produce the units without upfront Township investment/cost-sharing.
 - A 30-year PILOT agreement was negotiated in association with the project.
 - While the project itself has been a success, the PILOT has not. Specifically the

Township agreed to compensate the developer each year for rental vacancies, amongst other issues.

- Township residents are effectively subsidizing the current year costs of the project from the general operating budget.
- Over the term of the PILOT, the total cost of these hand-outs have been as high as \$1.5 million dollars.
- A new PILOT was renegotiated in 2021.
- The PILOT reduced the annual rent guarantee, capping it at \$15,000, so that more net revenue flows to the Township.
- The Township secured a +8.2% increase in the annual PILOT revenue.
- The total financial benefit for Township residents is estimated to exceed over \$500,000 over the coming 10 years.
- The Capital Health Pilot was entered into in 2011
 - Capital Health's Medical Center on Scotch Road is largely exempt from property taxes because it is a non-profit entity.
 - However, its medical offices and other profit-generating entities are taxable.
 - In 2011, Hopewell Township settled a protracted legal battle over how the new health care facility would be taxed, and agreed to a PILOT wherein Capital Health made a one-time payment of \$4 million in lieu of potential taxes, for the last three years during which the hospital was under construction.
 - The Township contributed \$650,000 of these PILOT monies to the school district, to build a new baseball field at Back Timberlane, which in turn helped enable the building of the turf field at the High School and moving it further away from nearby residences.
 - Capital Health agreed to contribute \$145,000 per year to the Township for its taxable entities, as Payment in Lieu of Taxes.
 - More recently, an increase in this annual payment was successfully negotiated.
 - This year the amended CHS PILOT will bring in an additional \$197,356.23 in revenues.
- PILOTs can help achieve important municipal goals, including the development of Affordable Housing projects without large taxpayer-subsidized upfront costs.
- PILOTs can also deliver significant new revenues, reducing the responsibility for current Township taxpayers.
- It is critical that the Township take the time to get the ongoing financial details right in a PILOT.
- PILOTs can help support community projects that would not otherwise be feasible or affordable.
- PILOTs can help the Township meet its affordable housing obligations.
- In 2015, the Township submitted a preliminary affordable housing plan to the NJ Superior Court. This plan was supported unanimously by a bi-partisan consensus of the Committee and gave Hopewell immunity from Builders Remedy lawsuits.
- After extensive legal proceedings in 2016-17, a unanimous, bi-partisan consensus of the Township approved a final settlement of the affordable housing litigation.
- PILOTs were the most attractive financial option to meet our affordable housing obligation.
- By being proactive, the Township maintains control of its Master Plan and zoning.
- Builders will be financially responsible for building all of the affordable housing units at their expense, including all water/sewer/roads infrastructure costs.
- These upfront costs will be absorbed by new residents through higher sales prices and assessed values – at Hopewell Parc, this translates to >\$70,000 per unit.

Engineer, Mark Kataryniak, explained that the current projects were designed to meet State standards, which require that roadways be public and that they meet municipal standards; the exception are minor alleys that serve residential driveways; all the roads will be built by the developer to State and municipal standards; and are currently bonded for.

Committee Member Kuchinski explained that the upfront costs of the projects will be absorbed by the new residents through higher sales prices and that this would result in higher assessed values.

- To date, there have been two successfully negotiated modern day PILOTs for redevelopment projects: Woodmont and Zaitz
- The projects help satisfy the unfunded State mandate on affordable housing and address ruling by the NJ Superior Court.
- Importantly, both of these developments have been designed to minimize the number of new

school-aged children and can be accommodated with our existing school buildings, without significant increases in costs.

- The Woodmont and Zaitz PILOTs bring significant higher revenue than existing PILOTs.
- Uses for incremental revenue are still being discussed.
- Some possible uses for the incremental revenues could be:
 - Reduce municipal taxes by paying-off the Township's outstanding debt. Fully fund future year capital needs through the regular operating budget.
 - Fund upgraded facilities for our EMS and other first-responders and other new community amenities, including a new Senior/Community Center.
 - Fund Hopewell Township's share of the school district levy on incremental school obligations, offsetting tax impacts for current residents.
 - Accelerate road repair and maintenance in Hopewell Township.

Edward McManimon of McManimon, Scotland & Baumann, LLC, Bryan Morris and Anthony Inverso of Phoenix Advisors, LLC presented the following:

- A PILOT, or payment in lieu of tax, is an amount that a property owner pays to a municipality pursuant to a financial agreement instead of paying generally applicable real estate taxes on the improvement portion of their property. The amounts due under the PILOT are a municipal lien.
- The land portion of the assessment is also exempt from taxation for residential projects. The property owners still pay real estate taxes on non-residential projects and receive a corresponding credit against the PILOT in the following year.
- The Long-Term Tax Exemption Law ("LTTE") sets the minimum PILOT as 10% of annual gross revenue ("AGR") or 2% of total project costs.
- The term of the financial agreement is generally 30 years from certificate of occupancy or 35 years from execution of a financial agreement. After the expiration of the financial agreement, the payments revert to conventional taxes.
- There are statutory minimums based on a percentage of conventional taxes (20/40/60/80%) that can be enforced in years 7 through 30.
- Additionally, 5% of the gross PILOT must be paid to the county.
- The Long-Term Tax Exemption Law allows municipalities to grant PILOTs to projects that would otherwise be unable to be financed. This project would likely not occur in its current form without a PILOT.
- Redevelopment projects are frequently unable to attract private investment without assistance in the form of a PILOT or, in some cases, bond financing. The combination of risk associated with redevelopment projects and uncertainty of conventional taxes make marginal projects difficult to finance.
- Promotes redevelopment in areas that need it and helps fulfill affordable housing obligations. Market-driven solution to completing affordable housing.
- Allows the municipality to have increased decision making powers throughout the process.
- The PILOT is a partnership between the municipality and the developer. If the project performs better than expected, the municipality shares in the upside in the form of increased PILOT payments. If the project is unable to fully lease up, or market rents decrease, they are not overburdened with a fixed tax obligation.
- Best practices were followed in developing this analysis. The Township is committed to providing transparency and detailed information to its taxpayers.
- Impacts to the school district, Township and local economy were analyzed by the Township and third-party professionals. A thorough cost-benefit analysis was conducted.
- We conducted a comprehensive financial analysis of the project, including (i) modeling the projected PILOT revenues, otherwise applicable conventional taxes and overall economics of the project; (ii) how it will impact services across the Township and school district, and (iii) a review of revenues vs. incremental costs to ensure that the PILOT is sufficient to fully cover these costs.
- The Township is committed to working with the school district to cover its share of any incremental school costs.
- The Township and its professionals followed DCA guidance on using PILOTs in support of affordable housing projects.
- The Hopewell Parc Project is a multi-phase, residential redevelopment project located on the west side of Scotch Road to be undertaken by U.S. Homes/Lennar.
- The project scope includes approximately 1,077 residential units, consisting of: 416 townhomes, 191 single-family homes, 200 condominiums and 270 apartments. 20% of the homes (or approximately 216) will be income-restricted affordable housing.

- The total cost of the project is approximately \$300 million. The project is expected to be building in a North and South section and in multiple phases over 10 to 15 years.
- The 190-acre site is currently vacant land and produces about \$45,000 in total taxes.
- The proposed PILOT is for 30 years and is based on the percentages of otherwise payable conventional taxes as shown below.
 - With respect to the multi-family homes: (i) 66% of conventional taxes in years 1-5; (ii) 75% of conventional taxes in years 6-10; and (iii) 99.5% of conventional taxes in years 11-30.
 - With respect to the single-family homes: (i) 75% of conventional taxes in years 1-5; and (ii) 99.5% of conventional taxes in years 6-30.
- The project is a \$300 million investment in the Township.
 - 216 affordable units
 - \$270,000 average cost
 - \$60 million total investment
 - Supports the Township's Third Round Housing Element and Fair Share obligation from COAH.
- No affordable housing contribution or subsidy will be made by the Township.
- Bringing sewer and other infrastructure to the property at the developer's cost. The reservation fee paid to ELSA was over \$26 million alone.
- Significant nominal revenue to Township as a percentage of budget.
- PILOT revenue can support investments in schools and EMS services, fund new services and amenities for residents, pay down outstanding debt and reduce Township taxes.
- Tax appeals are not permitted under the LTTE law.
- On average, Hopewell Township currently pays 34% more per student enrolled in Hopewell Valley Schools than the boroughs.
- A PILOT does not impact the school budget nor the dollars the school district receives. Per State law, municipalities must pay the amount the school district budgeted. The presence or absence of a PILOT has no impact on the HVRSD budgeting process nor the monies they receive.
- The school district is not impacted by changing allocations since it receives its budget, regardless of the allocation.
- Methodology for projecting school costs.
- Demographic multipliers provided by the Bloustein School of Planning and Public Policy at Rutgers University were utilized.
- Cost per student is projected based on the total cost of classroom spending per the HVRSD 2021-22 budget, which is approximately \$14,400.
- Cost of classroom instruction used in lieu of total budgetary cost because students will not impact various "fixed" costs like administration, debt service, buildings/grounds, operations and maintenance, etc.
- Projections are conservative as they do not account for economies of scale or other efficiencies. Further, not all students will attend the same grade/school at the same time since the project will be built over 10-15 years.
- Woodmont and Zaitz projects are expected to generate approximately 30 and 55 students from 300 and 379 units, respectively.
- The developer provided a community impact study that projected 330 new students. We have independently modeled the number of new students, which projects 342 from the project. The Township also plans to undertake a joint demographic study with the school district.
- HVRSD currently has 700-800 open seats/available capacity, as enrollment has declined ~20% since its peak.
- The estimated 342 students represent a 10% increase to enrollment and the projected \$5 million cost represents a 5.6% increase to the school budget operating budget.
- The projected revenue of the PILOT exceeds the estimated incremental school costs.
- The Township is committed to working with the school district to cover its share of the incremental costs.
- The Township expects the project to have a modest impact on public safety and emergency services expenditures.
- The estimated 2,685 residents represent a 15% increase to total population and the projected \$470,000 cost represents a 1.9% increase to the municipal budget.
- The projected revenue of the PILOT exceeds the estimated incremental municipal costs.
- In total, the PILOT will generate \$320 million more in revenue to the Township than under conventional taxes.
- The projected revenue to the Township will far exceed the estimated incremental costs from

the municipal and school costs.

- The property currently generates \$45,000 of total tax revenue split between the Township (15%), County (23%), School District (58%) and Fire District (4%).
- Since the project will be built over 10-15 years, the new residents and students will not impact the local economy at once.

Mayor Peters-Manning declared public hearing open.

Karl Weiskopf, a resident of Hopewell Township, commented on the systemic racism in the country; that municipalities are required to provide education for the equal benefit of all people of the state; that the Township is constitutionally obligated to provide affordable housing; that the PILOT program is the mechanism to bring the Township into compliance with its constitutional obligations; and stated that the PILOT program is the morally and fiscally responsible thing for the Township to do.

Ambrish Agarwal, a resident of Pennington Titusville Road, commented that public servants aren't fully appreciated; stated that he appreciated the job the Committee has done; voiced his support for affordable housing and development; stated that PILOTs have brought many improvements to cities, but he has issues viewing a PILOT's presence in Hopewell Township; questioned if development in Hopewell Township was so unattractive financially that it needed a PILOT; and questioned the total payment that the builder would be paying in taxes if there was no PILOT.

James Davy, Mayor of Pennington Borough, expressed his concerns over the PILOT agreement; that the PILOT will remove the ratable base that the HVRSD utilizes to apportion the amount to be raised through property taxes for educational costs among the three municipalities; that the PILOT agreement does not account for the negative impact on the regional school system that the Township shares with other municipalities; stated that the PILOT will result in Pennington and Hopewell Boroughs assuming a greater share of the cost of education for children; questioned the logic of the school district not being impacted by more children enrolling in the schools due to current vacancy levels in the schools; stated that staff has been reduced due to vacancies and more children would require additional staffing and cause the reduction of programs; commented that there is no need for a PILOT; that this will increase the tax burden for the residents of Pennington and Hopewell Boroughs; and asked that the Committee reconsider their decision.

Ray Nichols questioned the contribution of public improvements by the Township through bonds for the development; if there would be a bond from the developer to insure those improvements; asked if there was a law that requires the Township to do a PILOT project; stated his opposition to the PILOT; and requested that the hearing be continued to a future date in order for the public to review the details.

Melanie Philips, a resident of Washington Crossing-Pennington Road, quoted three different items from the Boxer report; and stated her opposition to the PILOT.

John Muscente, a resident of Crest Avenue, commented on the estimated number of school children in the district; questioned the timeframe of building the units; and asked how sewer capacity could be available for this project and not for other residents.

Ryan Kennedy, a Hopewell Borough Council Member, agreed with Mayor Davy's remarks; stated his concerns over the effect the PILOT and other exemptions would have on the school funding formula; that it would shift the burden between the three municipalities; thanked the Township Committee for fostering the positive relationship between the Township and the two boroughs; encouraged further discussion regarding this issue; and asked the Committee to reconsider the PILOT.

Heidi Wilenius, a resident who lives on the border of Hopewell Borough and Hopewell Township, stated she pays taxes to both the Township and the Borough; questioned the dollar amount that taxes would generate by the development as compared to the PILOT; agreed with Mayor Davy's comments; and stated that the developer does not need to be incentivized.

John Hart, a resident of Titus Mill Road, stated that without the PILOT the development would not happen; reminisced about the problems that occurred during the PILOT he did in the 1990's when he was on the Committee; stated that it will cost the Boroughs and the Township for more children in the school system; made certain comments that PILOTs were intended for the use of cities and not the Township; and questioned the decision of granting this PILOT.

James Burd, a resident of Nursery Road, made certain statements about the impact of the PILOT on the public school system and the fire district.

John Clarke, a resident of Lake Baldwin Drive, stated he was an avid supporter of low and moderate income housing; that communities were better places to live when all income levels are accommodated; commented on benefits of low income families who live in affluent municipalities; urged the Committee to proceed with the approval of the PILOT as soon as possible.

William Stollow, a resident of Pebble Creek Court, stated that he believes the times we live in today are one of the most dangerous we have ever faced; made accusations that the truth was being distorted by critics; and stated that he supported the PILOT and all the good it will do for the community.

Ron Lagman, a resident of Weldon Way, stated he had a civil engineering background; that he has 20 years' experience managing large construction projects; commented on the positive benefits of affordable housing; and supported providing good school systems to low income children.

Scot Panepacker, a resident of West Prospect Street, questioned if the developer would walk away if the PILOT was rescinded and agreed with Mayor Davy's statements.

Paul McCoy, a resident of Dublin Road, commented that the developer was taking advantage of the PILOT funding; supported affordable housing; cited his concerns over such a large development; voiced his objection to the PILOT; and cited his concern about the strain on the school district.

Jon Edwards, a resident of Pennington Harbourton Road, cited his concerns over the PILOT; the share of PILOT monies for the school district; the impact on fire services; questioned the County's share of the PILOT; requested that those figures be included in the cost benefit analysis; and opined about the PILOT he was involved with when he was Mayor.

Marylou Ferrara, a resident of Hopewell Borough, agreed with Mayor Davy's comments; requested an explanation of how this project can be called a redevelopment.

David Sandahl, a resident of Dublin Road, past Committee Member, Deputy Mayor, and Planning Board Member, provided a history of the problems surrounding affordable housing; cited the differences a PILOT makes in generating key revenue; voiced his support for the PILOT; recited the oath of office each member of the Committee must take; and advised that the Committee's job is to serve the best interest of the residents they serve by following the law.

Harvey Lester, a resident of Continental Lane, made certain comments regarding the tone of the meeting; commented that he supports affordable housing; that the PILOT has nothing to do with affordable housing; accused the Township of taking funds that belong to the school, fire district and County; questioned if he could be allowed to pay 99.5% of the taxes he owes; and stated he believes this is a tax break for a multi-million-dollar corporation.

Vanessa Sandom, a resident of Harbourton Ridge Drive, former committee member and former Mayor, stated that by State law, the school district will receive the money it needs through their budget process, as will the fire district; that the school will get what it needs per State Statute; commented that the share per student for Hopewell Township was over 30% that of both the Boroughs; suggested an equalized share per student be implemented; proposed merging into a single municipality; cited instances when the Township worked with the Boroughs to make improvements to those municipalities; stated that it was the Township Committees responsibility to put the people they represent in the Township first; voiced her support for the PILOT.

Mayor Peters-Manning assured Mayor Davy and Councilmember Kennedy that the Township has no intention of hurting its neighbors and conveyed her desire for an equalized share in the school district funding formula.

Motion by Chait, seconded by Ruger to close public hearing.

MOTION UNANIMOUSLY CARRIED

Motion by Ruger, seconded by Kuchinski to adopt the introduced ordinance.

ROLL CALL VOTE:

AYES: Chait, Kuchinski, Purandare, Ruger, Mayor Peters-Manning

NOES: None
ORDINANCE ADOPTED

Ordinance advertised January 28, 2022, Hopewell Valley News. Posted municipal bulletin board as required by law.

ORDINANCE NO. 22-1766

ORDINANCE OF THE TOWNSHIP OF HOPEWELL, COUNTY OF MERCER, STATE OF NEW JERSEY APPROVING THE APPLICATION OF AND THE EXECUTION OF FINANCIAL AGREEMENT WITH U.S. HOME AT HOPEWELL PARC URBAN RENEWAL, LLC

WHEREAS, on July 7, 2015, the Township filed an action in the Superior Court of New Jersey, Mercer County, bearing Docket No. MER-L-1557-15 (the “**Action**”), seeking a declaration of its compliance with the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq., in accordance with In re N.J.A.C. 5:96 and 5:97; and

WHEREAS, CF Hopewell CC&L, LLC (“**CF Hopewell**”) intervened in the Action; and

WHEREAS, the Township and CF Hopewell, along with other intervenors and interested parties (collectively, the “**Litigation Parties**”) engaged in mediation and ultimately agreed to settle the Action and to present that settlement to the trial court; and

WHEREAS, the Litigation Parties entered into that certain settlement agreement, dated June 12, 2017 (the “**Settlement Agreement**”), in which the Litigation Parties agreed, among other things, on the Township’s overall affordable housing obligation, rather than allowing such obligation to be determined by unpredictable court adjudication; and

WHEREAS, in the Settlement Agreement, the Litigation Parties set forth the manner in which they and the Township would redevelop certain areas of the Township, including the construction of certain residential components that include specific numbers of residential units affordable to households of very low, low and moderate income; and

WHEREAS, with unanimous bipartisan consensus of the Township Committee, the Township approved the Settlement Agreement by resolution; and

WHEREAS, the trial court approved the Settlement Agreement after conducting a Fairness Hearing on August 28, 2017; and

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., as amended and supplemented (the “**Redevelopment Law**”) provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment; and

WHEREAS, in the Settlement Agreement, the Township agreed to go through the redevelopment process, under the Redevelopment Law, to implement its obligations under the Settlement Agreement; and

WHEREAS, in accordance with the criteria set forth in the Redevelopment Law, the Township identified and designated (i) the area on the east side of Scotch Road consisting of Block 91, Lots 3.11, 3.14, 3.161, 3.181, 3.191, 3.22, 3.95 and 3.961 (the “**Capital Health Complex**”) as set forth on the tax maps of the Township; and (ii) the area on the west side of Scotch Road consisting of Block 93, Lots 3.01, 5.01, 5.02 and 6.01, as set forth on the tax maps of the Township, as an “area in need of redevelopment” (the “**Redevelopment Area**”) and adopted a redevelopment plan for the Redevelopment Area, entitled the “Redevelopment Plan for Block 91, Lots 3.11, 3.14, 3.161, 3.181, 3.191, 3.22, 3.95 and 3.961 and Block 93, Lots 3.01, 5.01, 5.02 and 6.01”, dated November 2017, as the same may be amended and supplemented (the “**Redevelopment Plan**”); and

WHEREAS, in accordance with the Settlement Agreement and with Ordinance No. 17-1677, adopted by the Township Committee on December 19, 2017, the Township and CF Hopewell exchanged certain portions of the Redevelopment Area with each other in order to effectuate the redevelopment thereof; and

WHEREAS, upon application from CF Hopewell, the Township subdivided portions of the Redevelopment Area identified as Block 93, Lots 3.01 and 6.01 thereby creating parcels now known as Block 93, Lots 3.03 and 6.02 as depicted on Filed Map 4127, filed with the Mercer County Clerk on December 21, 2017; and

WHEREAS, CF Hopewell, the Township and Capital Health System, Inc. each own certain portions of the Redevelopment Area; and

WHEREAS, on April 5, 2019, U.S. Home Corporation d/b/a Lennar (“**Lennar**”), an affiliate of the Entity, and CF Hopewell entered into that certain Purchase and Sale Agreement (the “**Lennar – CF Hopewell Purchase Agreement**”), pursuant to which Lennar agreed to buy, and CF Hopewell agreed to sell, the portion of the Redevelopment Area located on the west side of Scotch Road and identified on the tax maps of the Township as Block 93, Lots 5.01, 5.02, a

portion of 6.02, and a portion of Block 91, Lot 3.11 (collectively, the “**Lennar Project Area**”); and

WHEREAS, Lennar proposed to redevelop the Lennar Project Area by constructing thereon a phased, residential project composed of a north village (the “**North Village**”), a south village (the “**South Village**”) and an East Village (the “**East Village**”); and

WHEREAS, the North Village consists of a portion of the Lennar Project Area identified as Block 93, Lots 5.01 and 5.02, and a portion of Lot 6.02 on the Township’s Tax Map (the “**North Village Property**”) and the South Village consists of a portion of the Lennar Project Area identified as a portion of Block 93, Lot 6.02 on the Township’s Tax Map (the “**South Village Property**”) and, together with the North Village Property, the “**Property**”); and

WHEREAS, on July 1, 2019, the Township adopted resolutions designating Lennar as the “redeveloper” of the Property and authorizing the execution of redevelopment agreements in connection with the redevelopment of the Property; and

WHEREAS, in order to set forth the terms and conditions under which the Township and Lennar will carry out their respective obligations with respect to the construction of the residential project on the Property in accordance with the Redevelopment Plan and the Settlement Agreement, the Parties entered into that certain Redevelopment Agreement in connection with the North Village, dated July 25, 2019, (the “**North Village Redevelopment Agreement**”) and that certain Redevelopment Agreement in connection with the South Village, dated July 25, 2019, (the “**South Village Redevelopment Agreement**”) and, together with the North Village Redevelopment Agreement, the “**Redevelopment Agreements**”); and

WHEREAS, pursuant to the terms of the Redevelopment Agreements, Lennar agreed to redevelop the Property by constructing thereon an inclusionary residential development project, consisting of a mix of approximately 1,077 residential units, including approximately 432 apartments, 100 townhomes, 316 stacked townhomes, 38 condominiums and 191 single family homes, with associated recreation amenities, including at least the lesser of Twenty Percent (20%) of the total residential units or 216 of such units will be Affordable Units (as defined in the Redevelopment Agreements) (collectively, the “**Project**”), which is consistent with the ratio of market rate to affordable units set forth in Section 3.4(A)(2) of the Redevelopment Plan; and

WHEREAS, the North Village will include (i) approximately 82 detached, market rate and Affordable, single-family homes (the “**North Village Single-family Component**”); and (ii) approximately 112 townhomes/stacked townhomes and 338 apartments (collectively, the “**North Village Multi-family Component**”) and together with the North Village Single-Family Component, the “**North Village Component**”); and

WHEREAS, the South Village will include (i) approximately 109 detached single family homes (the “**South Village Single-family Component**”); and (ii) approximately 294 townhouses/stacked townhomes, 38 condominiums, and 94 apartments (collectively, the “**South Village Multi-family Component**”, and together with the South Village Single-Family Component, the “**South Village Component**”; the South Village Multi-family Component and the North Village Multi-family Component, the “**Multi-family Component**”, the South Village Single-family Component and the North Village Single-family Component, the “**Single-family Component**”); and

WHEREAS, Lennar received preliminary and final site and subdivision plan approval for the Project from the planning board of the Township (the “**Planning Board**”) by way of a memorialized Resolution of approval on August 24, 2021 (“**Site Plan Approval**”); and

WHEREAS, the residential units (except for single family homes) may be clustered into multi-unit buildings (each a “**Building**”), with Buildings containing the Affordable Units evenly distributed throughout all portions of the Property and dispersed among Buildings containing market rate units, together with a recreation area and related amenity and infrastructure improvements, all in accordance with the Redevelopment Plan and Site Plan Approval with related landscaping and amenities, all to be undertaken in a series of phases; and

WHEREAS, the Project will include the construction/installation of three pedestrian and/or bicycle paths connecting the Property from the North Village Component to Block 93, Lot 3.03 to facilitate eventual connection by way of public improvements with Woolsey Park (the “**Public Improvements**”); and

WHEREAS, U.S. Home at Hopewell PARC Urban Renewal, LLC (the “**Entity**”), an affiliate of Lennar, will undertake the Project in phases (each, a “**Phase**”), as follows: (i) (A) approximately 30 townhomes, 44 stacked townhomes and 26 apartments in the North Village, 26 units of which will be Affordable Units, and (B) approximately 16 single-family homes, 4 townhomes, 116 stacked townhomes and 52 apartments in the South Village, 52 units of which will be Affordable Units (collectively, “**Phase 1**”), (ii) (A) approximately 49 single-family homes, 48 stacked townhomes and 42 apartments in the North Village, 42 units of which will be Affordable Units and (B) approximately 18 single-family homes, 24 townhomes and 56 stacked townhomes in the South Village (collectively, “**Phase 2**”), (iii) (A) approximately 33 single-family

homes in the North Village and (B) approximately 19 single-family homes, 12 townhomes, 52 stacked townhomes and 80 apartments in the South Village, 42 units of which will be Affordable Units (collectively, “**Phase 3**”), (iv) (A) approximately 270 apartments in the North Village, 54 units of which will be Affordable Units and (B) approximately 10 single-family homes and 30 townhomes in the South Village (collectively, “**Phase 4**”) and (v) approximately 46 single-family homes in the South Village (“**Phase 5**”), along with, in the case of each phase, related parking, infrastructure and amenities; and

WHEREAS, in order to enhance the economic viability of and opportunity for a successful Project, the Entity submitted to the Mayor of the Township (the “**Mayor**”) an application (the “**Application**”), which is on file with the Township Clerk, seeking tax exemption in connection with the Project (“**Long Term Tax Exemption**”) pursuant to the Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 *et seq.* (the “**Long Term Tax Exemption Law**”), in exchange for which the Entity proposes to make payments to the Township in lieu of taxes; and

WHEREAS, the Entity also submitted to the Mayor a form of financial agreement (the “**Financial Agreement**”), a copy of which is attached as Exhibit 19 to the Application establishing the rights, responsibilities and obligations of the Entity; and

WHEREAS, the Mayor submitted the Application and Financial Agreement to the Township Committee with her recommendation for approval, a copy of which recommendation is on file with the Township Clerk; and

WHEREAS, the Township Committee has determined that the Project represents an undertaking permitted by the Long Term Tax Exemption Law; and

WHEREAS, the Township Committee now desires to approve the Application and authorize the execution of the Financial Agreement setting for the rights and obligations of the parties with respect to the Project; and

WHEREAS, terms of the Long Term Tax Exemption and Annual Service Charge and obligations of the Parties set forth herein are the same for the North Village Component and the South Village Component; and

WHEREAS, terms of the Long Term Tax Exemption and obligations of the parties set forth in the Financial Agreement may be contained in separate agreements for the North Village Component and the South Village Component, and/or for each Phase, including if deemed necessary by the Parties, agreements with separate urban renewal entities created by Lennar to undertake the various components or Phases of the Project, without any modifications of the terms or obligations and without further action by the Township Committee.

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Application and Financial Agreement are hereby approved and upon the completion of the Project, the Property and Project improvements will be exempt from taxation.
3. The Mayor is hereby authorized to execute the Financial Agreement substantially in the form attached as Exhibit 19 to the Application, subject to minor modification or revision, as deemed necessary and appropriate after consultation with counsel, pursuant to which the Entity will make payments to the Township in lieu of taxes.
4. The Township hereby consents to the transfer of ownership, by the Entity to urban renewal entities affiliated with the Entity, of various portions of the Property for the purpose of undertaking Phase 1, Phase 2, Phase 3, Phase 4 or Phase 5, subject to the execution, by such transferee urban renewal entities, of written agreements in which such urban renewal entities fully assume all of the obligations of the Entity set forth in the Financial Agreement applicable to the respective Phase.
5. Upon such transfer described above, the Mayor is hereby authorized, without the need for further action, to execute conformed versions of the Financial Agreement, substantially in the form attached as Exhibit 19 to the Application, by and between the Township and the respective urban renewal entity(ies), each of which will cover and apply to the respective Phase and respective portion of the Property.
6. If any part of this ordinance shall be deemed invalid, such part shall be severed and the invalidity thereof shall not affect the remaining parts of this ordinance.
7. This ordinance shall take effect in accordance with applicable law.

At 9:49 p.m. Mayor Peters-Manning called for a recess.
At 9:55 p.m., the Meeting Reconvened

PUBLIC SECTION

The following members of the public spoke during public comment:

Ray Nichols questioned if the municipality had any legal requirement to assist the developer with funding; asked if the agreement guaranteed the developer a 12% rate of return during the process; requested clarification of the definition of “public improvements;” questioned if the Township was under any obligation to provide financial assistance to the developer; if the Township was liable if the developer failed to develop the property; and asked who drafted the agreement.

Lisa Wolf from FOHVOS clarified why the Township could not use Green Acres funding with regard to the Walker property.

The detailed public comment may be viewed at www.hopewelltp.org in the video library.

ORDINANCE – INTRODUCTION AND FIRST READING

Mayor Peters-Manning read by title the ordinance for introduction.

ORDINANCE OF THE TOWNSHIP OF HOPEWELL PERMITTING THE
OPERATION OF CLASS 5 CANNABIS RETAIL BUSINESSES IN
CERTAIN COMMERCIAL ZONES, WITH CONDITIONS, AND
AMENDING CHAPTERS 10, 17, AND 24 OF THE CODE OF THE
TOWNSHIP OF HOPEWELL

Motion by Ruger, seconded by Kuchinski to introduce the ordinance on first reading.

ROLL CALL VOTE:

AYES: Chait, Kuchinski, Purandare, Ruger, Mayor Peters-Manning

NOES: None

ORDINANCE INTRODUCED

Second reading, tentative public hearing date March 7, 2022 at 6:30 p.m.

CONSENT AGENDA ITEMS

RESOLUTIONS #22-72 THROUGH #22-78, Read by title.

Motion by Ruger, seconded by Kuchinski to adopt Resolution #22-72 through #22-78.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #22-72

A RESOLUTION AUTHORIZING REFUND OF TAX OR SEWER OVERPAYMENTS

WHEREAS, the Tax Collector has determined that overpayments of taxes and/or utility charges have been made; said overpayments are caused by duplicated payments from owners, title agencies and mortgage companies who have been contacted by the Collector for proper settlement; tax appeals; or utility overpayments.

NOW, THEREFORE, BE IT RESOLVED, on this 22nd day of February 2022, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that the individuals and/or corporations so specified below be refunded the overpayment of taxes. Further, a copy of this approved resolution shall be forwarded to the Collector and to the Finance Officer.

<u>BLOCK/LOT</u>	<u>REFUND TO</u>	<u>REASON</u>	<u>LOCATION</u>	<u>AMOUNT</u>
78/.43/1 C001	Hewage Dilrukshi & Liyanage ADT	Paid By Owner & Mortgage Company	1 Miller Cr	\$2,229.25

RESOLUTION #22-73

**A RESOLUTION AUTHORIZING REFUND OF 2021-2022
TAX PAYMENTS DUE TO VETERAN EXEMPTION**

WHEREAS, Block 46 Lot 9.17, known as 26 Lake Baldwin Drive, is assessed to Mullen Michael & Lehneis Erica; and

WHEREAS, Mr. Mullen had applied for, and had been granted as of January 31, 2022 by the Assessor of the Township of Hopewell, the status of totally disabled veteran, and, as a totally disabled veteran, Mr. Mullen is exempt from paying New Jersey real estate taxes; and

WHEREAS, the effective date of eligibility as set by the United States Department of Veteran Affairs for Mr. Mullen was September 8, 2021; the date of request to the Township was January 12, 2022; and

WHEREAS, on August 23, 2010 the Township of Hopewell, Mercer County, did pass Resolution #10-224, establishing the policy and effective date of disability for exempt veterans to be “the date of disability as declared by the United States Department of Veterans Administration, not exceeding one year prior to the date of the request”; this Resolution was affirmed by Resolution 18-363 of the Township of Hopewell on December 10, 2018 for a period of seven (7) years; and

WHEREAS, Mr. Mullen’s exemption status is dated to September 8, 2021, the date exempt status was granted by the VA; and

WHEREAS, taxes were assessed and paid for the period of September 8, 2021 to February 1, 2022 in the amount of \$10,852.92, and this amount should be refunded to Mr. and Mrs. Mullen; and

WHEREAS, taxes should be cancelled for the period of September 8, 2021 to December 1, 2021 and for 2022 in its entirety on this property; and

NOW, THEREFORE BE IT RESOLVED, on this 22nd day February 2022 by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that the payment of taxes in the amount of \$10,852.92 for Block 46 Lot 9.17 be refunded to Michael Mullen & Erica Lehneis at 26 Lake Baldwin Drive, Pennington NJ 08534, and that taxes are cancelled on this property.

BE IT FURTHER RESOLVED that a copy of this resolution shall be forwarded to the Tax Collector, Tax Assessor, and Chief Finance Officer.

RESOLUTION #22-74

**A RESOLUTION TO APPROVE PARKS AND RECREATION
DEPARTMENT PROGRAM FEES**

WHEREAS, the Hopewell Township Parks and Recreation Department sponsors Community Trips for Hopewell Township Residents and their guests, Programs for both youth and adults, as well as a variety of Summer Camps and Activities for residents and non-residents; and

WHEREAS, the Recreation Director is recommending the following 2022 Program Fees:

2022 PROGRAM/ACTIVITY FEES

	<u>Program Fee</u>	<u>Twp. Res. Fee</u>
<u>Community Trips</u>		
Various Community Day Trips	Range of \$30 to \$325 with 15% higher to Non-Hopewell Township Residents	
Various Over-Night Trips	Range from \$300 - \$1000 no additional cost for Non-Residents	
<u>Summer Camps per week</u>		
Art in the Park	\$205	\$205
Baseball	\$225	\$205
Soccer Conditioning Camp (3-day camp)	\$140	\$125
Teen Travel Camp	\$415	\$380
Junior Travel Camp (1/2 day)	\$285	\$265
Volleyball Camp	\$170	\$155

Multi-Sports Camp (with US Sports)	\$175	\$175
Multi-Sports Pre-K Camp (with US Sports) 4-day week	\$108	\$108
Multi-Sports Pre-K Camp (with US Sports) 5-day week	\$145	\$145
SNAG Golf Camp (with US Sports)	\$175	\$175
Tennis Camp (with US Sports)	\$195	\$195
Basketball Camp (with PrimeTime Athletics)	\$225	\$215
Theater Camps (with Rex Arts)	\$300	\$300
Recreation Camp (1/2 day) 4-day week	\$185	\$165
Recreation Camp (1/2 day) 5-day weeks	\$215	\$195
Nature Camp (1/2 day) 4-day week	\$185	\$165
Nature Camp (1/2 day) 5-day weeks	\$215	\$195
Lunch Bunch Camp (1 hour per day)	\$ 55	\$ 45
Magic Camp (1/2 day) 4-day week	\$260	\$260
Magic Camp (1/2 day) 5-day weeks	\$300	\$300
Mad Science Camps (1/2 day)	\$180	\$180
Nature Art Camp (1/2 day)	\$215	\$195
Photography Camp (1/2 day)	\$215	\$195
Pre-K Recreational Summer Camp (1/2 day)	\$235	\$215

Seasonal Programs/Activities

Sockey Program (per season)	\$160	\$150
Multi-Sports Program with US Sports (5-week session)	\$ 95	\$ 95
Multi-Sports Program with US Sports (8-week session)	\$177	\$177
Track & Field Program with US Sports (8-week session)	\$177	\$177
Tennis Clinic Program with US Sports (8-week session)	\$185	\$185
Pickleball Program with US Sports (8-week session)	\$185	\$185
Pickleball Program with US Sports (4-week session)	\$105	\$105
Nature Craft & Trails (1-day program)	\$ 40	\$ 35
Terrific Tales & Dazzling Doo Dads (4-week session)	\$ 60	\$ 50
Intro to Martial Arts & Fitness Fun (4-week session)	\$ 60	\$ 50
Young Rembrandts Art at Kunkel Park (8-week session)	\$175	\$175
Basketball Clinic with Primetime Athletics (6 sessions)	\$135	\$125
Flag Football Clinic with US Sports (8-week session)	\$177	\$177
Hiking with Photography (6 sessions)	\$130	\$120
chalkCOUTURE Class	\$ 50	\$ 50
Gentle Yoga for Back & Hips (Seniors/Adult)	\$ 50	\$ 50
Intro to Martial Arts	\$ 60	\$ 50
Nature Craft & Trails	\$ 40	\$ 35
Terrific Tales & Dazzling Doo Dads	\$ 60	\$ 50
Soap Box Derby	\$100	\$100
Chair Yoga (Seniors)	\$ 20	\$ 20
Field Hockey League (Eight 1.5 hr. sessions)	\$180	\$165
Track & Field Clinic (Six 2 hr. sessions)	\$180	\$165
Speed & Agility Clinic (Five 2hr sessions)	\$150	\$130
Boys & Girls Soccer Technical Training (Twelve 2hr. sessions)	\$295	\$275
Softball (Four 1.5hr. sessions)	\$ 90	\$ 80
Art Workshops by Katelyn Liepins Art Studio (1-day session-supplies included. Cost of the class will depend on supply cost and the length of the class)	\$30-\$100	\$30-\$100

Community Programs

Family Shows (price per person)	\$ 10	\$ 8
---------------------------------	-------	------

Misc. Fees

Camp/program registration late fee/administrative fee	\$ 35	\$ 35
---	-------	-------

NOW, THEREFORE, BE IT RESOLVED, on this 22nd day of February, 2022, that the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, approves the above 2022 Program/Activity Fee Schedule.

**A RESOLUTION AUTHORIZING
THE TOWNSHIP OF HOPEWELL TO
CONTRACT WITH THE TOWNSHIP OF LAWRENCE
FOR CHILD HEALTH CARE SERVICES FOR 2022**

WHEREAS, it is the desire of the Governing Body of the Township of Hopewell to contract with the Township of Lawrence for provision of Child Health Care Services for the term January 1, 2022 through December 31, 2022; and

WHEREAS, 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 22nd day of February 2022, 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 a Shared Services Agreement with the Township of Lawrence for Child Health Care Services for 2022. Said services shall be furnished and rendered by the Township of Lawrence pursuant to a contract, a copy of which is annexed hereto.

R E S O L U T I O N #22-76

**A RESOLUTION AUTHORIZING HOPEWELL TOWNSHIP TO EXECUTE A
MEMORANDUM OF UNDERSTANDING FOR SHARED NURSE CASE
MANAGEMENT SERVICES BETWEEN THE CITY OF TRENTON, HEALTH
DEPARTMENT AND THE HOPEWELL TOWNSHIP HEALTH DEPARTMENT**

BE IT RESOLVED, on this 22nd day of February 2022, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that the Township of Hopewell be and is hereby authorized to execute a Memorandum of Understanding, pursuant to N.J.S.A. 40A:65-1 et. seq., with the City of Trenton, Mercer County, New Jersey for the provision of Nurse Case Management Services for Childhood Lead Poisoning.

R E S O L U T I O N # 22-77

**A RESOLUTION AUTHORIZING
PERFORMANCE GUARANTEE RELEASE
FOR CAPITAL HEALTH SYSTEM, INC.
MAJOR SUBDIVISION MONUMENTATION**

WHEREAS, Capital Health System, Inc. has requested the release of a performance guarantee posted in the amount of \$900.00 and held by the Township for the guaranteed setting of monuments related to the Major Subdivision of Block 91, Lot 3.961; and

WHEREAS, via letter dated March 11, 2021 (attached hereto and made a part hereof), Kenneth R. Raiké, PLS, Vice President, Van Note-Harvey Associates, Inc. has declared and certified that to the best of his knowledge and belief, a total of six (6) capped iron pins were furnished and set in place on February 4, 2021 at the locations as shown on the approved subdivision plat filed with the Mercer County Clerk's Office on January 25, 2021 as Filed Map # 4149; and

NOW, THEREFORE, BE IT RESOLVED, on this 22nd day of February 2022, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that Capital Health System, Inc. be refunded the posted performance guarantee in the amount of \$900.00 for the setting of the monuments as noted above.

R E S O L U T I O N #22-78

**A RESOLUTION DIRECTING THE HOPEWELL TOWNSHIP ZONING OFFICER TO
ISSUE A TEMPORARY ACTIVITIES PERMIT TO ANNE NIXON-ELLERY FOR AN
OUTDOOR EVENT AT THE GLENMOORE FARM**

WHEREAS, Anne Nixon-Ellery seeks permission to use her property, “The Glenmoore Farm” located at 105 Pennington Hopewell Road on July 16, 2022 (Rain Date-July 17, 2022) for an Outdoor Event from 11:00 a.m. – 9:00 p.m.; and

WHEREAS, this proposal has been reviewed by the Hopewell Township Attorney who has advised that this proposal can be authorized under a Temporary Activities Permit issued by the Hopewell Township Zoning Officer; and

WHEREAS, this request has been reviewed by the Hopewell Township Health Department, Hopewell Township Police Department, Hopewell Valley Fire Safety, and Municipal Construction Official, who have raised no objections;

NOW, THEREFORE, BE IT RESOLVED, on this 22nd day of February 2022, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that the Hopewell Township Zoning Officer be directed to issue a Temporary Activities Permit to Anne Nixon-Ellery for an Outdoor Event on July 16, 2022 (Rain Date-July 17, 2022) subject to receipt of all final approvals and comments from the Hopewell Township Health Officer, Hopewell Township Police, Hopewell Valley Fire Safety, Municipal Construction Official and Zoning Officer, and subject to any relevant restrictions on use, noise, signs, etc. or other permits as may be required, including:

1. A list of food vendors must be supplied to the Health Department by the applicant no later than June 30. Each truck proposing to operate at the site must be licensed by the Hopewell Township Health Department; each vendor must submit a temporary food license application and copy of their most recent Health Inspection report no later than July 6, 2022. If the proposed barn renovations are completed before the event, and the barn will be accessible to the public, the well will require testing.
2. Each truck proposing to operate at the site will be required to obtain a fire safety permit from Hopewell Valley Fire Safety prior to commencing operations at the site. Trucks must be spaced at least fifteen (15) feet apart, bumper to bumper.
3. Cooking at the craft tables is prohibited. No open flames of any kind may be used by crafters; this includes candles. Canopies will require a fire safety permit.
4. The fire code prohibits the use of space heaters of any kind, including propane or other fuel fired heaters under tents, canopies, awnings and umbrellas. Commercially rated electric heaters MAY be permitted with proper approval through Fire Safety and proper permitting through the Municipal Construction Office. If your proposed electric heaters are approved through Fire Safety, temporary guidance documents supplied by the Fire Official will remain in effect for the duration of your Temporary Activities Permit.
5. Tents that are greater than 16,800 square feet, and/or are erected for 180 days or more, and/or are erected between December 1 and March 31 require permitting from the municipal construction office.
6. The applicant must ensure compliance with any applicable Executive Order in effect on the date of their event and should implement CDC guidance at their event.

RESOLUTION #22-79. Read by title.

Motion by Chait, seconded by Purandare to adopt Resolution #22-79.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #22-79

A RESOLUTION APPOINTING AN ALTERNATE MEMBER TO THE HOPEWELL TOWNSHIP AFFORDABLE HOUSING COMMITTEE

BE IT RESOLVED on this 22nd day of February 2022, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that Kendra Lelie is hereby appointed as an alternate member to the Hopewell Township Affordable Housing Committee for a two-year unexpired term expiring December 31, 2022.

RESOLUTION #22-80. Read by title.
Motion by Kuchinski, seconded by Purandare to adopt Resolution #22-80 as amended.
MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #22-80

**A RESOLUTION APPOINTING KRISTIN MCLAUGHLIN
AS A RESIDENT VOLUNTEER ADVISOR
FOR MATTERS RELATED TO THE DEVELOPMENT
OF A COMMUNITY/SENIOR CENTER**

BE IT RESOLVED, on this 22nd day of February, 2022 that the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, does hereby appoint Kristin McLaughlin as a resident volunteer advisor for matters related to the development of a community/senior center.

RESOLUTION #22-81. Read by title.
Motion by Chait, seconded by Kuchinski to adopt Resolution #22-81.
MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #22-81

**RESOLUTION AUTHORIZING AWARD OF CONTRACT TO NATIONAL AUTO
FLEET GROUP THROUGH SOURCEWELL NATIONAL COOPERATIVE
CONTRACT 091521-NAF FOR THREE FORD ESCAPES FOR THE COMMUNITY
DEVELOPMENT DEPARTMENT**

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

WHEREAS, in accordance with the requirements of the Local Public Contract Law P.L. 2011, C.139 (the “Law” or “Chapter 139”) and N.J.S.A.52:34-6.2 the regulations promulgated there under in Local Finance Notice LFN 2012-10, the following purchase without competitive bids from vendor with a National Cooperative Contract is hereby approved for municipalities; and

WHEREAS, the Township of Hopewell has the need to procure certain vehicles for community development department in accord with the Local Publics Contract Law N.J.S.A. 40A:11-1 et. Seq.; and

WHEREAS, the Township of Hopewell has previously acted in accord with New Jersey public procurement statutes and regulations as promulgated by formally joining a recognized and compliant national cooperative, being the Sourcewell National Cooperative through Resolution 15-290 on September 4, 2015; and

WHEREAS, the regulations as set forth within Local Finance Notice LFN 2012-10 have been fully complied with; and

WHEREAS, the Qualified Purchasing Agent has complied with the public notification provisions of public advertisement and has received no protests in accord with law and regulation; and

WHEREAS, the equipment and corresponding Sourcewell National Cooperative contract number is: 0921521-NAF National Auto Fleet Group; and

WHEREAS, the Township is desirous of purchasing three (3) Ford Escape (U9F) S AWD, through Sourcewell contract: 091521-NAF, \$27,290.70 per unit or a total of \$81,872.10; and

WHEREAS, the Chief Financial Officer of the Township of Hopewell has certified that adequate funds for such contract are available and are designated to line-item appropriation of the official budget. In the amount not to exceed \$81,872.10

Account - X-21-00-929-130 \$81,872.10

NOW THEREFORE BE IT RESOLVED THAT, the Mayor is hereby authorized to enter into contract for the purchase of three (3) Ford Escape (U9F) S AWD, through Sourcewell contract: 091521-NAF, \$27,290.70 per unit or a total of \$81,872.10, through Sourcewell.

RESOLUTION #22-82. Read by title.
Motion by Kuchinski, seconded by Purandare to adopt Resolution #22-82.
MOTION UNANIMOUSLY CARRIED

RESOLUTION #22-82

RESOLUTION AUTHORIZING TAX ASSESSOR TO ACT AS AGENT FOR HOPEWELL TOWNSHIP FOR THE PURPOSE OF FILING AND SETTLING TAX APPEALS ON BEHALF OF THE TAXING DISTRICT FOR THE TAX YEAR 2022

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

WHEREAS, the Tax Assessor has the statutory responsibility, pursuant to N.J.S.A. 54:4-23 to 36, to set assessments for properties in Hopewell Township under the Local Property Tax, N.J.S.A. 54:4-1 et seq; and

WHEREAS, the governing body of the Taxing District deems the Tax Assessor to be responsible and acting in the best interests of the municipality;

THEREFORE, BE IT RESOLVED, on this 22nd day of February, 2022, by the Township Committee of the Township of Hopewell, in the County of Mercer, State of New Jersey, that the Tax Assessor is hereby authorized to act as agent for the Township of Hopewell, without further governing body approval to;

(a) Determine when tax appeals, cross appeals, complaints and counterclaims should be filed on behalf of the Taxing District with regard to any property located in Hopewell Township and ratio issue, and accordingly direct the attorney for the Taxing District to file such documents with either the County Tax Board or Tax Court of New Jersey as deemed appropriate;

(b) Resolve and settle tax appeals pending before the County Tax Board, Tax Court or Appellate Courts for any tax year and authorize the attorney for the Taxing District to formalize such settlements in the appropriate Courts and/or County Tax Board if the settlement results in a tax refund or tax credit not exceeding \$50,000 per appeal/per year.

RESOLUTION #22-83. Read by title.

Motion by Kuchinski, seconded by Chait to adopt Resolution #22-83.

MOTION UNANIMOUSLY CARRIED

RESOLUTION #22-83

**DEBT SERVICE MATURATION RESOLUTION
(MATURING ON FEBRUARY 15, 2022)**

WHEREAS, N.J.S.A. 40A:4-19 provides authority for appropriating in a resolution the permanent debt service requirements for the coming fiscal year; and

WHEREAS, Resolution 22-50 was approved on January 24, 2022 approving the payment as the following:

DEBT SERVICE – TOWNSHIP OF HOPEWELL 2010 BONDS

	<u>Principal</u>	<u>Interest</u>
Current Fund	\$755,240.00	\$91,943.30
Open Space	\$378,640.00	\$69,198.60
Affordable Housing	<u>\$241,120.00</u>	<u>\$43,333.70</u>
TOTAL	\$1,375,000.00	\$204,475.60

WHEREAS, Resolution 22-50 should be amended to reflect the actual payment amounts of the 2017 Refunding Bond.

DEBT SERVICE – TOWNSHIP OF HOPEWELL 2017 REFUNDING BONDS

	<u>Principal</u>	<u>Interest</u>
Current Fund	\$750,460.00	\$84,390.90
Open Space	\$376,160.00	\$65,412.20
Affordable Housing	<u>\$238,380.00</u>	<u>\$40,921.90</u>
TOTAL	\$1,365,000.00	\$190,725.00

NOW, THEREFORE, BE IT RESOLVED on this 22nd day of February 2022, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that the following appropriations be made to cover the payments due February 15, 2022.

RESOLUTION #22-84. Read by title.

Motion by Kuchinski, seconded by Chait to adopt Resolution #22-84.

ROLL CALL VOTE:

AYES: Chait, Kuchinski, Purandare, Ruger, Mayor Peters-Manning

NOES: None

R E S O L U T I O N #22-84

2021 BUDGET TRANSFER RESOLUTION #5

BE IT RESOLVED on this 22nd day of February 2022, by the Township Committee of the Township of Hopewell, County of Mercer and State of New Jersey, that transfers be made in the 2021 Budget appropriations as follows:

From:

Motor Fuels O/E	\$ 6,5000.00	
Police S/W		<u>100,000.00</u>
	Total	\$106,500.00

To:

Accumulated Absence Trust	100,000.00	
Utilities O/E		<u>6,500.00</u>
	Total	\$106,500.00

RESOLUTION #22-85. Read by title.

Motion by Chait, seconded by Purandare to adopt Resolution #22-85.

ROLL CALL VOTE:

AYES: Chait, Kuchinski, Purandare, Ruger, Mayor Peters-Manning

NOES: None

R E S O L U T I O N #22-85

**A RESOLUTION FOR AN
EMERGENCY TEMPORARY APPROPRIATION
IN THE ELSA SEWER UTILITY BUDGET**

WHEREAS, an emergent condition has arisen with respect to the below listed items and no adequate provision has been made in the 2022 ELSA sewer utility temporary appropriations for the aforesaid purpose, and N.J.S.A. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned; and

WHEREAS, the total emergency temporary resolutions adopted in the year 2022 for the ELSA sewer utility pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total \$20,000.00

NOW, THEREFORE, BE IT RESOLVED, on this 22nd day of February 2022, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S.A. 40A:4-20:

1. An emergency temporary appropriation be and the same is hereby made for:

O&E	\$20,000.00
Total	\$20,000.00

2. That said emergency temporary appropriation has been provided for in the 2022 budget under the title of:

As listed in 1 above

3. That one certified copy of this resolution be filed with the Director of Local Government Services.

RESOLUTION #22-86. Read by title.

Motion by Purandare, seconded by Ruger to adopt Resolution #22-86.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #22-86

**A RESOLUTION AMENDING 2022
PROFESSIONAL SERVICES AGREEMENT**

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

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

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

<u>FIRM</u>	<u>CURRENT MAXIMUM</u>	<u>PROPOSED MAXIMUM</u>	<u>CURRENT TERM EXPIRES</u>	<u>PROPOSED TERM EXPIRES</u>
Parker McCay, P.A. (Open Space Legal) X-12-00-925-234	\$ 1,500.00	\$ 8,000.00	12/31/2022	No Change

NOW, THEREFORE, BE IT RESOLVED on this 22nd day of February, 2022 by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that the Professional Services Agreements be and are hereby amended.

RESOLUTION #22-87. Read by title.

Motion by Chait, seconded by Purandare to adopt Resolution #22-87.

ROLL CALL VOTE:

AYES: Chait, Kuchinski, Purandare, Ruger, Mayor Peters-Manning

NOES: None

R E S O L U T I O N #22-87

BILLS & CLAIMS

BE IT RESOLVED, that the list of cash disbursements authorized for approval of bills for payment date February 22, 2022 in the following amounts:

Bills and Claims	\$	6,823,809.25
Payroll	\$	342,024.44
Total Disbursements	\$	7,165,833.69

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

FUTURE AGENDA ITEMS – AS LISTED ON THE TOWNSHIP WEBSITE ON THE CLERK’S PAGE.

PUBLIC SECTION

The following members of the public spoke during public comment:

John Hart commented that Dr. Edwards was accurate with his statement and stated that the biggest cannabis business was occurring at Hopewell High School.

Heidi Wilenius made certain comments regarding the Committee answering questions asked during public comment and questioned how the Committee rationalizes a \$30-million-dollar revenue loss.

Ambrish Agarwal, expressed his objection to the Committee waiting until the end of public comments to answer questions; objected to the PILOT; objected to the revenue loss due to the PILOT; questioned the number of school aged children being added to the school district; and questioned why the PILOT was approved under the guise of affordable housing.

The detailed public comment may be viewed at www.hopewelltp.org in the video library.

At 10:41 p.m., motion by Ruger, seconded by Kuchinski to adjourn the meeting.

MOTION UNANIMOUSLY CARRIED

The detailed public meeting may be viewed at www.hopewelltp.org in the video library.

LAURIE E. GOMPF
MUNICIPAL CLERK