

**HOPEWELL TOWNSHIP COMMITTEE REGULAR MEETING
HOPEWELL TOWNSHIP MUNICIPAL BUILDING AUDITORIUM
AND VIA ZOOM VIDEO COMMUNICATIONS**

Monday, April 18, 2022 – 6:30 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, Uma Purandare, Michael Ruger, Mayor Courtney Peters-Manning

Kevin Kuchinski arrived at 6:33 p.m.

ABSENT: None

STAFF PRESENT: Administrator/Public Works Director George Snyder, Municipal Clerk Laurie Gompf, CFO Julie Troutman, Director of Community Development/Engineer James Hutzelmann, Police Director Robert Karmazin, Attorney Scott Miccio

PLEDGE OF ALLEGIANCE TO THE FLAG – Mayor Peters-Manning welcomed Scout Troup 44 and asked them to lead those in attendance in the Pledge of Allegiance to the flag.

PRESENTATION - HEALTH OFFICER DAWN MARLING – COVID UPDATES

Ms. Marling reported that there has been a steady increase of newly reported COVID cases since the beginning of April; that this was to be expected since the highly-transmissible BA-2 variant has taken over as the dominant strain in New Jersey; and that the severity in illnesses has not increased. She reiterated that the virus is expected to continue to adapt; advised that precautions that are in place still work; urged people who are sick to stay home; recommended testing before gathering with others; suggested notifying close contacts so they may monitor for symptoms and protect their loved ones; endorsed wearing a high-quality mask such as N-95 or KN-95; suggested that, when possible, chose outdoor gatherings and spaces with good ventilation; reported that in late March the FDA authorized a second booster vaccine for adults over the age of 50; and that the Health Department will be holding a COVID booster clinic next week at the Hopewell Valley Senior Center.

Committee Member Kuchinski arrived at 6:33 p.m.

MINUTES SUBMITTED FOR APPROVAL

Motion by Ruger, seconded by Kuchinski to approve December 6, 2021 Regular and Executive Session Meeting Minutes

ABSTAIN: Chait, Purandare

MOTION CARRIED

Motion by Kuchinski, seconded by Peters-Manning to approve December 13, 2021 Special Meeting Minutes.

ABSTAIN: Chait, Purandare, Ruger

MOTION CARRIED

Motion by Kuchinski, seconded by Ruger to approve December 20, 2021 Regular Meeting Minutes.

ABSTAIN: Chait, Purandare

MOTION CARRIED

Motion by Ruger seconded by Kuchinski to approve December 28, 2021 Special Meeting Minutes.

ABSTAIN: Chait, Purandare, Peters-Manning

MOTION CARRIED

ADDITIONAL ITEMS FOR MEETING AGENDA

Mayor Peters-Manning advised that there was a second Bills and Claims Resolution to be added to the agenda.

COMMITTEE MEMBERS AND STAFF REPORTS

Mr. Snyder reported that work has started on the Lawrence Hopewell Trail (LHT) connector on Carter Road; that tree clearing has been completed; that the next phase will be the steaking out of the trail by Van Cleef Engineering; and that the Princeton Farms documents have been submitted by Suburban Engineering for review.

Mr. Hutzelmann advised that the Comprehensive Farm Preservation Plan Renewal grant came back from the State; that because of that, there can now be a kickoff meeting with the SADC and Agricultural Commission; that there will be a Zoom call regarding the Mount Rose Distillery West section of the LHT for the public; and that the Harbourton Rocktown Road paving has been completed.

Ms. Troutman announced that the first round of reporting through the Federal portal for the ARP funding is due by the end of the month.

Committee Member Chait reported that the Lower Delaware Wild and Scenic River Management Council met on March 31; that there will be a shredding event at the Public Works building on April 23; that Freon collection will be on April 28; and that the Affordable Housing Committee will meet on May 17.

Committee Member Kuchinski reported on the upcoming Recreation Advisory Committee and Planning Board meetings; that the retail cannabis ordinance will be taken up as a second reading on the agenda tonight; and that the 2022 budget will be introduced this evening with a small change that was recommended by the Township's auditor.

Committee Member Purandare announced that there will be a vaccine clinic at the Senior Center on April 26 and encouraged everyone to take advantage of the clinic; reported that there is a native garden being planted by the municipal building by the Environmental Commission; that the Scouts had a successful clean-up event; announced that many activities are back at the Senior Center and urged seniors to participate in those activities; and the LHT is celebrating Trail Day on April 23.

Committee Member Ruger reported on the upcoming Open Space Advisory Committee meeting;

advised that he will be abstaining on Item 13 on the agenda out of an abundance of caution due to his job; and advised that he and Committee Member Chait will be having a meeting with the residents who utilize the Washington Crossing Estates Utility to discuss the water system.

Mayor Peters-Manning reported that in early May the New Jersey plastic bag ban will go into effect; that the Township has worked with FOHVOS and Pennington Quality Market to make available free, reusable bags; that those bags are available in the hallway; and that they will be available all over the Township.

PUBLIC SECTION

The following members of the public spoke during public comment:

Jon Edwards, a resident of Pennington Harbourton Road, requested the status of the Hopewell/Pennington Boroughs' lawsuit against the Township; questioned if the Township has been sued by any other municipality with regard to the PILOT; and questioned if the first public section was open to any matter.

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

ORDINANCE – FINAL READING, PUBLIC HEARING AND ADOPTION

Mayor Peters-Manning read by title the introduced ordinance:

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

Mayor Peters-Manning declared public hearing open.

Melanie Philips, a resident of Washington Crossing-Pennington Road, questioned the mechanism in which the Township Committee decided to expand from only cultivation of cannabis to both cultivation and retail. She then requested that the location of the applicant be included on the agenda.

Jon Edwards opined that when he was the director of Public Safety, as a member of the Township Committee, it gave him reservations regarding cannabis use and questioned the steps in which one could oppose a retail cannabis store within 1,000 feet of a school.

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

MOTION UNANIMOUSLY CARRIED

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

ROLL CALL VOTE:

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

NOES: None

ORDINANCE ADOPTED

Ordinance advertised February 25, 2022 and March 11, 2022, Hopewell Valley News. Posted municipal bulletin board as required by law.

ORDINANCE NO. 22-1770

**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**

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of cannabis by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes six marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributor license, for businesses involved in transporting cannabis plants in bulk from one licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, Section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location, manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, on August 16, 2021, the Hopewell Township Committee adopted Ordinance # 21-1758, in which the Township “opted out” of all classes of licensed cannabis businesses; and

WHEREAS, on September 13, 2021, the Hopewell Township Committee adopted Ordinance No. 21-1760 to “opt in” to Class 1 Cannabis Cultivation and Class 2 Cannabis Manufacturing, to permit such activities to take place within the Township, subject to certain conditions and restrictions, but continuing to prohibit all other cannabis license classes; and

WHEREAS, as part of its Master Plan Reexamination review, the Hopewell Township Planning Board assessed whether the Township, from a land use perspective, should consider permitting Class 5 Cannabis Retailers to operate in the Township; and

WHEREAS, on December 13, 2021, the Hopewell Township Planning Board adopted the “2021 Periodic Reexamination of the Master Plan and Development Regulations,” concluding in pertinent part on page 16:

The Township has also been approached by proponents of retail sales of cannabis, which the Planning Board discussed as part of the reexamination process, concluding that such retail use should be accommodated only in commercial zones; and

WHEREAS, on December 13, 2021, the Hopewell Township Planning Board adopted Resolution No. 21-024, in which the Board “recommend[ed] to the Hopewell Township Committee that limited retail cannabis distribution be permitted in existing zones where retail is a permitted use,” and asked that the Township Committee consider certain conditional use standards as set forth in the memorandum attached to the Resolution; and

WHEREAS, on January 25, 2022, the Hopewell Township Committee held a “Special Meeting/Cannabis Public Forum” to solicit input from the public on permitting Cannabis Retailers; and

WHEREAS, the Hopewell Township Committee has considered the input of the Planning Board and the public, and desires to permit a limited number of Cannabis Retailers to operate

within the Township, subject to certain conditions and restrictions, to ensure the health, safety and welfare of the Township's residents.

WHEREAS, the Hopewell Township Committee has also determined that Cannabis Delivery Services may be permitted if they are owned by a located on the same premises as a licensed cannabis retail business.

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

SECTION I.

Section 6-10 ("Cannabis Establishments Prohibited") shall be removed from the Code of the Township of Hopewell in its entirety.

SECTION II.

Chapter 24 ("Cannabis") of the Code of the Township of Hopewell shall be amended as follows (deletions are struck through and additions are underlined):

§ 24-1 Cannabis Wholesalers and Distributors, ~~Retailers and Delivery Services~~ Prohibited.

Cannabis wholesalers and distributors, ~~retailers and delivery services~~, as said terms are defined in section 3 of P.L. 2021, c. 16 ("New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act") shall be prohibited in all zones in the municipality, but the delivery of cannabis items and related supplies by a delivery service is permissible. Cannabis delivery services shall only be permitted if it is owned by and located on the same premises as a licensed cannabis retail business.

§ 24-2 Cannabis Cultivators, ~~and~~ Manufacturers and Retailers Permitted.

a. Cannabis cultivators, ~~and~~ manufacturers, and retailers as said terms are defined in section 3 of P.L. 2021, c. 16 ("New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act"), shall only be permitted uses in the Township as set forth in this Chapter and in Chapter 17.

b. The number of cannabis cultivators and/or manufacturers ~~businesses~~ in the Township shall not exceed one (1). A single entity that holds both a cannabis cultivator license and a cannabis manufacturer license shall be permitted, so long as it is on the same premises.

c. The number of cannabis retailers in the Township shall not exceed two (2).

d. Cannabis delivery services shall only be permitted if it is owned by and located on the same premises as a licensed cannabis retail business.

§ 24-3 DEFINITIONS

CANNABIS - All parts of the plant Cannabis sativa L., whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant, which are cultivated and, when applicable, manufactured in accordance with P.L.2021, c.16 (C.24:6I-31 et al.) for use in cannabis products, but shall not include the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product.

CANNABIS BUSINESS - Any person or entity that holds any of the six Classes of licenses established under P.L. 2021, c. 16, the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act."

CANNABIS CONSUMPTION AREA - a designated location operated by a licensed cannabis retailer or permit holder for dispensing medical cannabis, for which both a State and local endorsement has been obtained, that is either: (1) an indoor, structurally enclosed area of the cannabis retailer or permit holder that is separate from the area in which retail sales of cannabis items or the dispensing of medical cannabis occurs; or (2) an exterior structure on the same premises as the cannabis retailer or permit holder, either separate from or connected to the cannabis retailer or permit holder, at which cannabis items or medical cannabis either obtained from the retailer or permit holder, or brought by a person to the consumption area, may be consumed.

CANNABIS CULTIVATOR - Any licensed person or entity that grows, cultivates, or produces cannabis, and sells, and may transport, this cannabis to other cannabis cultivators, or usable cannabis to cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. This person or entity shall hold a Class 1 Cannabis Cultivator license.

CANNABIS DELIVERY SERVICE - Any licensed person or entity that provides courier services for consumer purchases of cannabis items and related supplies fulfilled by a cannabis retailer in order to make deliveries of the cannabis items and related supplies to that consumer, and which services include the ability of a consumer to purchase the cannabis items directly through the cannabis delivery service, which after presenting the

purchase order to the cannabis retailer for fulfillment, is delivered to that consumer. This person or entity shall hold a Class 6 Cannabis Delivery license.

CANNABIS DISTRIBUTOR - Any licensed person or entity that transports cannabis in bulk intrastate from one licensed cannabis cultivator to another licensed cannabis cultivator, or transports cannabis items in bulk intrastate from any one class of licensed cannabis establishment to another class of licensed cannabis establishment, and may engage in the temporary storage of cannabis or cannabis items as necessary to carry out transportation activities. This person or entity shall hold a Class 4 Cannabis Distributor license.

CANNABIS ESTABLISHMENT - A cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer.

CANNABIS MANUFACTURER - Any licensed person or entity that processes cannabis items in this State by purchasing or otherwise obtaining usable cannabis, manufacturing, preparing, and packaging cannabis items, and selling, and optionally transporting, these items to other cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. This person or entity shall hold a Class 2 Cannabis Manufacturer license.

CANNABIS PRODUCT - A product containing usable cannabis, cannabis extract, or any other cannabis resin and other ingredients intended for human consumption or use, including a product intended to be applied to the skin or hair, edible cannabis products, ointments, and tinctures. "Cannabis product" does not include: (1) usable cannabis by itself; or (2) cannabis extract by itself; or (3) any other cannabis resin by itself.

CANNABIS RETAILER - Any licensed person or entity that purchases or otherwise obtains usable cannabis from cannabis cultivators and cannabis items from cannabis manufacturers or cannabis wholesalers, and sells these to consumers from a retail store, and may use a cannabis delivery service or a certified cannabis handler for the off-premises delivery of cannabis items and related supplies to consumers. A cannabis retailer shall also accept consumer purchases to be fulfilled from its retail store that are presented by a cannabis delivery service which will be delivered by the cannabis delivery service to that consumer. This person or entity shall hold a Class 5 Cannabis Retailer license.

CANNABIS TESTING FACILITY - An independent, third-party entity meeting accreditation requirements established by the Cannabis Regulatory Commission that is licensed to analyze and certify cannabis items and medical cannabis for compliance with applicable health, safety, and potency standards.

CANNABIS WHOLESALER - Any licensed person or entity that purchases or otherwise obtains, stores, sells or otherwise transfers, and may transport, cannabis items for the purpose of resale or other transfer to either another cannabis wholesaler or to a cannabis retailer, but not to consumers. This person or entity shall hold a Class 3 Cannabis Wholesaler license.

§ 24-4 PROOF REQUIRED FOR LOCAL SUPPORT

a. Any request for a resolution of local support, pursuant to N.J.S.A 24:6I-7.2, shall include a concept plan indicating how applicant intends on complying with the Township's zoning, site plan and licensing requirements.

b. A resolution of local support does not constitute final approval for local licensure. A local license shall only be granted as set forth in Section 24-5 of this Code.

c. The Township Committee shall consider proposals for a resolution for local support in the order that the proposals are submitted.

§ 24-5 LICENSING

a. No cannabis business may lawfully operate in Hopewell Township without the issuance of a State permit or license and full regulatory oversight of the cannabis business by the Cannabis Regulatory Commission or other state licensing authority, as well as oversight and issuance of a license by the Township in accordance with the provisions of this Chapter.

b. All cannabis businesses shall be subject to conditional use and Site Plan approval in accordance with the Municipal Land Use Law.

c. A license to operate shall be granted by the Township Committee when the applicant has submitted evidence that it:

1. Received Site Plan approval from the Planning Board;
2. Complies with all elements of its concept plan;
3. Complies with any other relevant Township Ordinance; and
4. Has paid the required fees pursuant to Section 24-6.

d. Each local license shall be effective from January 1 until December 31 and shall be annually renewed upon the submission of a renewal application and renewal fee provided

all conditions and requirements of applicable State law and this Chapter are met.

e. Any conditions of land use approval may be incorporated as conditions of the local license.

§ 24-6 FEES

a. The application fee for a cannabis cultivator, ~~license and for a~~ cannabis manufacturer, ~~cannabis retailer, or cannabis delivery service~~ license shall be \$5,000. The fee shall be nonrefundable. A single cannabis business that seeks to obtain both a cannabis cultivator and cannabis manufacturer license shall remit application fees for both license types. A single cannabis business that seeks to obtain both a cannabis retailer and cannabis delivery service license shall remit application fees for both license types.

b. The annual registration fee for a cannabis cultivator, ~~license and for a~~ cannabis manufacturer, ~~cannabis retailer~~ or ~~cannabis delivery service~~ license shall be \$5,000. A single cannabis business that maintains both a cannabis cultivator and cannabis manufacturer license shall remit annual registration fees for both license types. A single cannabis business that seeks to obtain both a cannabis retailer and cannabis delivery service license shall remit application fees for both license types.

§ 24-7 LOCATION

a. Cannabis ~~cultivators and manufacturers~~ ~~businesses~~ shall only be permitted in the Valley Resource Conservation (VRC) District, as set forth more fully in Section 17-160.

b. Cannabis retailers and cannabis delivery services shall only be permitted in the Neighborhood Retail Commercial (C-1), Shopping Center (SC), Shopping Center 1 (SC1), Highway Business and Office (HBO), and Industrial/Commercial (IC) Districts, as set forth more fully in Chapter 17 of this Code.

§ 24-8 SECURITY

A cannabis business licensee shall maintain security on the site in accordance with the security plan that is approved by the Police Director/Chief. Such plan shall include appropriate fencing, security personnel, lighting, transport of product and receipts, and site control features that prevent unauthorized entry. All growing areas shall be fully enclosed by a six-foot tall fence of a material and strength to prevent unauthorized access and public viewing. All storefront windows for cannabis retail establishments shall be heavily tinted or blacked out.

§ 24-9 SITE MANAGEMENT

a. The cannabis business shall prevent and eliminate any conditions on the site that constitute a nuisance.

b. The cannabis business shall maintain the exterior of the site, including any parking lots under the control of the permittee, free of litter, debris, and trash.

c. The cannabis business shall properly store and dispose of all waste generated on the site, including chemical and organic waste, in accordance with all applicable laws and regulations. No permittee shall dispose of cannabis or cannabis products unless they have been made unusable and unrecognizable.

§ 24-10 POLLEN AND SEED CONTROL

The cannabis business licensee shall implement measures to prevent cross-pollination and to prevent cannabis pollen and seeds from leaving the premises, including, but not limited to, use of pollen screens, ultraviolet light and methods to ensure that employees and other visitors do not leave the premises while carrying any cannabis pollen or seeds.

§ 24-11 HOURS OF OPERATION

a. Hours of delivery and shipping/distribution for cultivation and manufacturing uses shall be limited to 8:00 a.m. to 8:00 p.m., with the exception of on-site security.

b. Hours of operation for cannabis retailers shall be limited to 8:00 a.m. to 10:00 p.m.

§ 24-12 PENALTIES AND ENFORCEMENT

a. Any violation of the terms of this Chapter, of any condition of the license, or of any State, or local law or regulation may result in the revocation of the license and may further subject the licensee to any applicable penalties.

b. The provisions of this Chapter shall be enforced by the Township Police Department, Township Zoning Officer and/or Township Health Officer as appropriate based on the nature of the violation.

24-13 SALES TO MINORS STRICTLY PROHIBITED

Cannabis retail sales to minors under the age of 21 are strictly prohibited.

24-14 CANNABIS CONSUMPTION AREAS PROHIBITED

Cannabis Consumption Areas are prohibited in the Township.

SECTION III.

Section 17-142 of the Code of the Township of Hopewell shall be amended as follows (deletions are struck through and additions are underlined):

§ 17-142 Prohibited Uses.

- a. All principal uses which are not expressly permitted by the terms of this chapter are prohibited, except as provided in section 17-143.
- b. For the purposes of P.L. 2021, c. 16 (“New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act”), cannabis wholesalers; and distributors, ~~retailers and delivery services~~, as said terms are defined in section 3 of P.L. 2021, c. 16, shall be prohibited uses in all zones in the municipality.

SECTION IV.

Section 17-150 (“Cannabis Uses”) of the Code of the Township of Hopewell shall be renamed as follows: “Cultivation and Manufacturing Cannabis Uses.”

[No substantive changes to this section].

SECTION V

New Section 17-151 (“Retail Cannabis Uses”) shall be added to the Code of the Township of Hopewell as follows:

§ 17-151 Retail Cannabis Uses

- a. Purpose. P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), legalized the recreational use of cannabis by adults 21 years of age or older, and established a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession. The Act also required municipalities to “opt in” or “opt out” of permitting cannabis businesses, and allowed municipalities choosing to opt in to develop reasonable regulations for the location and manner of operations. Section 17-161 (C-1), 17-162 (SC), 17-163 (HBO), 17-167 (IC) and 17-170 (SC1) permit cannabis retailers in those districts. This section sets forth the land use requirements for cannabis retailers and is designed to protect the community from visual and other adverse impacts of the use.
- b. Conditional Use Standards.
 1. Area and yard requirements. The area and yard requirements for cannabis retailer businesses shall be the same as those required for retailers in each zone in which cannabis retailers are permitted.
 2. Location. Cannabis retail businesses must be located at least 1,000 feet from schools, playgrounds and athletic fields in the Township, measured from property line to property line.
 3. Traffic. A traffic management plan shall be provided per Section 17-112.
 4. Parking. The parking requirements for cannabis retailers shall be the same as those required for retailers in each zone in which cannabis retailers are permitted.
 5. Odor Control. All cannabis retail businesses shall prevent all odors generated from the storage and sale of cannabis from escaping from the buildings on the site, such that the odor cannot be detected by a reasonable person of normal sensitivity outside the buildings. All cannabis facilities shall have an air treatment system to mitigate cannabis-related odor. The air treatment system shall have sufficient odor absorbing filtration systems utilizing carbon filters or similar, and ventilation and exhaust systems to eliminate cannabis odors coming from the interior of the premises, such that any odor generated inside the facility is not detectable by a person of reasonable sensitivity at the subject property line. Performance standards of section 17-97 shall apply.
 6. Signage. The signage requirements for cannabis retailers shall be the same as those required for retailers in each zone in which cannabis retailers are permitted. Additionally, the total imagery on signs for cannabis retail businesses shall not exceed 10% of the total area of the sign.
 7. Lighting. Cannabis retail businesses shall comply with the provisions of Section 17-90 of this Code.
 8. No cannabis retail establishment shall be housed in a vehicle or any movable or mobile structure. This does not prohibit the delivery of cannabis items and related supplies by a regulated delivery service.
 9. All cannabis retail establishments shall be accessible directly from the right-of-way through a separate entrance, independent from any other retail or residential ingress to the building. Only a secured, one-way emergency exit from the establishment may be integrated with common egress.
 10. No retail cannabis products shall be visible from a public sidewalk, public street

or right-of-way, or any other public place. All retail cannabis shall be stored indoors and on-site.

11. No cannabis retail establishment shall be permitted within a residential use, including within a single-family detached dwelling, a single-family semi-detached dwelling, a townhouse dwelling or a multi-family dwelling.

12. No cannabis retail establishment may have a drive-through facility.

c. Cannabis delivery services shall only be permitted if it is owned by and located on the same premises as a licensed cannabis retail business.

SECTION VI.

Section 17-161 (“Neighborhood Retail Commercial”) of the Code of the Township of Hopewell shall be amended as follows (deletions are struck through and additions are underlined):

§ 17-161 C-1; Neighborhood Retail Commercial

[No change to paragraphs a – c].

d. Conditional Uses.

1. Pumping stations, transformers and similar utility facilities which are needed in order to provide utility services directly to the consumer, but not repair facilities, offices, open storage, work areas or other aspects of utility operations. Such facilities shall meet the minimum requirements of subsection 17-159g and shall be landscaped or otherwise appropriately integrated into the site design by special architectural treatment in accordance with section 17-89 and, where safety dictates, shall be enclosed with fencing

2. Cannabis retail establishments, in accordance with Section 151 of this Code.

[No change to paragraph e].

SECTION VII.

Section 17-162 (“SC: Shopping Center”) of the Code of the Township of Hopewell shall be amended as follows (deletions are struck through and additions are underlined):

§ 17-162 SC: Shopping Center

[No change to paragraphs a – c].

d. Permitted Conditional Uses.

1. ~~(Reserved)~~ Cannabis retail establishments, in accordance with Section 151 of this Code.

2. Pumping stations, transformers and similar utility facilities which are needed in order to provide utility services directly to the consumer, but not repair facilities, offices, open storage, work areas or other aspects of utility operations. Such facilities shall meet the minimum requirements of section 17-159g and shall be landscaped or otherwise appropriately integrated into the site design by special architectural treatment in accordance with section 17-89 and, where safety dictates, shall be enclosed with fencing.

[No change to paragraph e].

SECTION VIII.

Section 17-163 (“HBO District: Highway Business and Office”) of the Code of the Township of Hopewell shall be amended as follows (deletions are struck through and additions are underlined):

§ 17-163 HBO District: Highway Business and Office.

[No change to paragraphs a – c].

d. Permitted Conditional Uses.

1. ~~(Reserved)~~ Cannabis retail establishments, in accordance with Section 151 of this Code.

2. (Reserved)

3. Pumping stations, transformers and similar utility facilities which are needed in order to provide utility services directly to the consumer, but not repair facilities, offices, open storage, work areas or other aspects of utility operations. Such facilities shall meet the minimum requirements of section 17-159g and shall be landscaped or otherwise appropriately integrated into the site design by special architectural treatment in accordance with section 17-89 and, where safety dictates, shall be enclosed with fencing.

[No change to paragraph e].

SECTION IX.

Section 17-167 (“IC District; Industrial/Commercial”) of the Code of the Township of Hopewell shall be amended as follows (deletions are struck through and additions are underlined):

§ 17-167 IC District; Industrial/Commercial

[No change to paragraphs a – c].

d. Conditional Uses.

1. Conditional uses permitted in the HBO District, including cannabis retail establishments, in accordance with Section 151 of this Code.
2. Automobile car wash provided it has access from Route 31, the vehicular entrance to the facility is at the rear of the property, the on-site stacking of vehicles waiting to enter the facility is around the periphery of the lot and at least two lanes wide, and the stacking lanes have a capacity for at least 20 vehicles.

SECTION X.

Section 17-170 (“SC1: Shopping Center 1 District”) of the Code of the Township of Hopewell shall be amended as follows (deletions are struck through and additions are underlined):

§ 17-170 SC1: Shopping Center 1 District

[No change to paragraph a]

b. Conditional Uses.

1. Pumping stations, transformers and similar utility facilities which are needed in order to provide utility services directly to the consumer, but not repair facilities, offices, open storage, work areas or other aspects of utility operations. Such facilities shall meet the minimum requirements of subsection 17-159g and shall be landscaped or otherwise appropriately integrated into the site design by special architectural treatment in accordance with section 17-89 and, where safety dictates, shall be enclosed with fencing.
2. Cannabis retail establishments, in accordance with Section 151 of this Code.

SECTION XI.

Section 10-20, (“Cannabis Taxation”) of the Code of the Township of Hopewell shall be amended as follows (deletions are struck through and additions are underlined):

- a. It is the purpose of this Section to implement the provisions of P.L. 2021, c. 16, which authorizes the governing body of a municipality to adopt an ordinance imposing a tax at a uniform percentage rate not to exceed two percent (2%) of the receipts from each sale by a cannabis cultivator; two percent (2%) of the receipts from each sale by a cannabis manufacturer; one percent (1%) of the receipts from each sale by a cannabis wholesaler; and two percent (2%) of the receipts from each sale by a cannabis retailer, which shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity upon the cannabis establishment.
- b. Unless otherwise defined herein, as used herein, the Township adopts by reference the terms and definitions established in Chapter 24 of this Code and in Section 40 of N.J.S.A. 24:6I-33.
- c. There is hereby established a local cannabis transfer tax in the Township of Hopewell which shall be fixed at a uniform percentage rate of two percent (2%) of the receipts from each sale by a cannabis cultivator, ~~and~~ two percent (2%) of the receipts from each sale by a cannabis manufacturer, and two percent (2%) of the receipts from each sale by a cannabis retailer.
- d. Any transaction for which the transfer tax or user tax is imposed, or could be imposed, pursuant to this section, other than those which generate receipts from the retail sales by cannabis retailers, shall be exempt from the tax imposed under the “Sales and Use Tax Act,” P.L.1966, c.30 (C.54:32B-1 et seq.).
- e. The cannabis transfer tax shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity upon property or cannabis establishment.
- f. Collection
 1. The transfer tax or user tax imposed by this article shall be collected or paid, and remitted to Hopewell Township by the cannabis establishment from the cannabis establishment purchasing or receiving the cannabis or cannabis item. The transfer tax or user tax shall be stated, charged, and shown separately on any sales slip,

invoice, receipt, or other statement or memorandum of the price paid or payable, or equivalent value of the transfer, for the cannabis or cannabis item.

2. Every cannabis establishment required to collect a transfer tax or user tax imposed by ordinance pursuant to this section shall be personally liable for the transfer tax or user tax imposed, collected, or required to be collected under this section. Any cannabis establishment shall have the same right with respect to collecting the transfer tax or user tax from another cannabis establishment as if the transfer tax or user tax was a part of the purchase price of the cannabis or cannabis item, or equivalent value of the transfer of the cannabis or cannabis item, and payable at the same time; provided, however, that the Chief Financial Officer of Hopewell shall be joined as a party in any action or proceeding brought to collect the transfer tax or user tax.

3. No cannabis establishment required to collect a transfer tax or user tax imposed by this section shall advertise or hold out to any person or to the public in general, in any manner, directly or indirectly, that the transfer tax or user tax will not be separately charged and stated to another cannabis establishment, or that the transfer tax or user tax will be refunded to the cannabis establishment.

4. All revenues collected from a transfer tax or user tax imposed by ordinance pursuant to this section shall be remitted to the Hopewell Township Chief Financial Officer on a quarterly basis payable for the prior three month's activities and due at the same time as quarterly dates for the collection of property taxes. The revenues due on February 1 of each year shall include all transfer taxes or user taxes collected for the prior year months of October, November and December. The revenues due on May 1 of each year shall include all transfer taxes and user taxes collected for the immediate prior months of January, February and March. The revenues due on August 1 of each year shall include all transfer taxes and user taxes collected for the immediate prior months of April, May and June. The revenues due on November 1 of each year shall include all transfer taxes and user taxes collected for the immediate prior months of July, August and September.

g. Payment; vendor violations and penalties.

1. The Chief Financial Officer shall collect and administer any transfer tax or user tax imposed to this section.

2. The Township shall enforce the payment of delinquent taxes or transfer fees imposed pursuant to this section in the same manner as provided for municipal real property taxes.

3. In the event that the transfer tax or user tax imposed by this section is not paid as and when due by a cannabis establishment, the unpaid balance, and any interest accruing thereon, shall be a lien on the parcel of real property comprising the cannabis establishment's premises in the same manner as all other unpaid municipal taxes, fees, or other charges. The lien shall be superior and paramount to the interest in the parcel of any owner, lessee, tenant, mortgagee, or other person, except the lien of municipal taxes, and shall be on a parity with and deemed equal to the municipal lien on the parcel for unpaid property taxes due and owing in the same year.

4. The Township shall file in the office of its tax collector a statement showing the amount and due date of the unpaid balance and identifying the lot and block number of the parcel of real property that comprises the delinquent cannabis establishment's premises. The lien shall be enforced as a municipal lien in the same manner as all other municipal liens are enforced."

SECTION XII. SEVERABILITY.

If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect or invalidate the remainder of this Ordinance, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

SECTION XIII. INCONSISTENT ORDINANCES REPEALED.

All Ordinances or parts of Ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed, but only to the extent of such inconsistencies.

SECTION XIV. EFFECTIVE DATE.

This ordinance shall take effect upon its passage and publication and filing with the Mercer County Planning Board, and as otherwise provided for by law.

ORDINANCE – FINAL READING, PUBLIC HEARING AND ADOPTION

Mayor Peters-Manning read by title the introduced ordinance:

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 2, SECTION 2-2.10, “POLICE DEPARTMENT” OF THE TOWNSHIP OF HOPEWELL REVISED GENERAL ORDINANCES ESTABLISHING THE POSITION OF POLICE CHAPLAIN FOR THE HOPEWELL TOWNSHIP POLICE DEPARTMENT

Mayor Peters-Manning declared public hearing open. No comments from the public.
Motion by Kuchinski, seconded by Chait to close public hearing.

MOTION UNANIMOUSLY CARRIED

Motion by Chait, 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 March 25, 2022, Hopewell Valley News. Posted municipal bulletin board as required by law.

ORDINANCE NO. 22-1771

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 2, SECTION 2-2.10 “POLICE DEPARTMENT” OF THE TOWNSHIP OF HOPEWELL REVISED GENERAL ORDINANCES ESTABLISHING THE POSITION OF POLICE CHAPLAIN FOR THE HOPEWELL TOWNSHIP POLICE DEPARTMENT.

WHEREAS, State law requires that the type and number of police positions in a municipal police department must be created by ordinance; and

WHEREAS, the Hopewell Township Code currently does not include the position of Police Chaplain; and

WHEREAS, Police Chaplains serve an integral role in providing comfort to members of the Police Department as well as the public and aid in community policing; and

WHEREAS, the Township Committee finds it in the best interest of the Township of Hopewell to establish the position of Police Chaplain.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that Section 2-2.10 of the Revised General Ordinances of the Township of Hopewell be amended as follows (new material is underlined, deleted material is [bracketed]):

Section 2-2.10, Police Department

- a. Establishment. A Police Department is hereby established in the Township, under the name of “Police Department of the Township of Hopewell, Mercer County, New Jersey.”

The following positions are hereby created:

1. One Chief of Police or Police Director
2. One Captain
3. Up to three Lieutenants
4. Up to Six Sergeants
5. Forty Police Officers
6. **Police Chaplain.** The position of Police Chaplain for the Township of Hopewell Police Department is hereby created in accordance with 40A:14-141. The position will be a volunteer position. The position of Chaplain shall be under the Police Director and subject to the control of the Chief of Police.
7. **Qualifications.** Any person appointed as Chaplain shall be an ordained clergyman in good standing in the religious body from which he/she is selected. The Chaplain shall have basic training and shall be a certified Police Chaplain credentialed in accordance

with the rules and regulations of the Township of Hopewell Police Department and shall be qualified in accordance with N.J.S.A. 40A:14-141.

- 8. **Duties Of Police Chaplain.** The duties of Police Chaplain shall include, but not be limited to assisting the Township of Hopewell Police Department in death notifications, station house adjustments and any other duties that may be assigned by the Police Director or Chief of Police.
- 9. **Rank And Salary.** Any person appointed as Chaplain shall serve in that capacity without Rank or Salary.
- 10. **Term Of Office.** A person appointed as Chaplain shall serve for a period of one (1) year from date of appointment and shall continue to serve in that capacity until he/she is either terminated or reappointed with the recommendation of the Police Director or Chief of Police.
- 11. **Appointment.** The Police Director or Chief of Police may recommend to the Township Committee persons that he/she believes meet the qualifications of N.J.S.A. 40A:14-141 as well as the rules and regulations of the Township of Hopewell Police Department with reference to Chaplains, if any. All applicants for the position of Chaplain shall be reviewed by the Police Director, Chief of Police, Senior Police Chaplain and Chaplain liaison to determine his/her qualifications in accordance with this Ordinance and shall make recommendations to the Mayor regarding the appointment as Chaplain. The Mayor shall appoint Chaplains in accordance with this Ordinance with the advice and consent of the Township Committee.

ORDINANCE – INTRODUCTION AND FIRST READING

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

ORDINANCE OF THE TOWNSHIP OF HOPEWELL AMENDING SECTION 17-151 OF THE CODE OF THE TOWNSHIP HOPEWELL REGARDING THE OPERATION OF CLASS 5 CANNABIS RETAIL BUSINESSES IN CERTAIN COMMERCIAL ZONES, WITH CONDITIONS

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

ROLL CALL VOTE:

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

NOES: None

ORDINANCE INTRODUCED

Second reading, public hearing date May 2, 2022 at 6:30 p.m.

ORDINANCE – INTRODUCTION AND FIRST READING

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

ORDINANCE OF THE TOWNSHIP OF HOPEWELL, COUNTY OF MERCER, STATE OF NEW JERSEY APPROVING THE APPLICATION OF, AND THE EXECUTION OF FINANCIAL AGREEMENT WITH BEIGENE HOPEWELL URBAN RENEWAL, LLC.

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

ROLL CALL VOTE:

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

NOES: None

ORDINANCE INTRODUCED

Second reading, public hearing date May 2, 2022 at 6:30 p.m.

PRESENTATION – PURE BLOSSOM LLC – APPLICATION FOR CLASS 5 CANNABIS RETAILER

Diana Zita, resident of Hopewell Township, represented Pure Blossom, LLC with her sister, Trish Zita who has been involved with the cannabis industry for over four years. Diana Zita gave a brief overview of her background.

Trish Zita explained that Pure Blossom has assembled a team of consultants who have a great deal of experience in the medical cannabis market and in the adult use market which will guide them with what they do in New Jersey. She explained that one gentleman, in particular has worked in 14 different states and opened more than 41 retail cannabis dispensaries; that she has personally been involved in the medical marijuana market in New Jersey; advised that the site is at 2554 Pennington Road, which is a vacant medical office; that it is zoning compliant; that it has no residential neighbors; that Pure Blossom is applying as a micro dispensary; that it must be less than 2,500 square feet; that at least 51% of employees must be local residents; and that the business may have no more than ten employees.

Ms. Zita explained that all owners and staff must undergo extensive Cannabis Regulatory Commission (CRC) background checks; that the CRC will review security and operations plans, ensuring compliance with all regulations; that Pure Blossom will work closely with Township Police; that Pure Blossom submitted a conditional microbusiness marijuana retailer license application to the CRC on the first day of the application window on March 15, 2022. She explained the process in which Pure Blossom would obtain an annual license from the State.

Ms. Zita reviewed the security features of the business explaining that you must be 21 to enter the business; that ID is checked at the door; that products will be in plain envelopes and child-resistant per State requirements; that cameras will be in every room; that there will be full-coverage alarms; that the product is maintained in vaults out of sight; that there will be a locked loading area; and Pure Blossom will be in compliance with all requirements of the State of New Jersey.

Committee Members expressed concern regarding parking, the proximity to the Route 31 circle and the impact on traffic in the area. Ms. Zita explained that they anticipated most purchases being made through the website and therefore they anticipated much of the business being curbside pickup; that a micro license limits the volume of cannabis that may be sold per month which will limit the number of customers; and that by the time they are able to open the business the exuberance for the product might have waned. Committee Members questioned if the business would need to close if they sold the allotted amount during any particular month to which Ms. Zita replied yes, because a business is restricted from selling more than only a certain amount per month.

Committee Members questioned if there will always be security on-site when the business is open to which Ms. Zita replied in the affirmative and noted that the security camera system will also be operating 24/7. Committee Members questioned if Pure Blossom would expand the footprint of the building to which Ms. Zita replied that the building is now 2,000 square feet and a micro license is restricted to 2,500 square feet, so it is unlikely they would be expanding. Committee Members questioned if Pure Blossom might have problems finding enough product to meet demand to which Ms. Zita explained that they have made many contacts with cultivators. Ms. Zita reviewed the process in which ID would be verified both online and in person. Ms. Zita was asked to address left hand turns on to Route 31 before going before the Planning Board and encouraged to pursue the best in class standards for the business.

Ms. Snyder noted that the Police Department and Health Department did not have any concerns after reviewing Pure Blossoms application but Community Development did. Mr. Hutzelmann explained that he reviewed the site and stated that there may be a few challenges with the site but did not go into specifics.

RESOLUTION #22-141. Read by title.

Motion by Chait, seconded by Purandare to adopt Resolution #22-141.

MOTION UNANIMOUSLY CARRIED

RESOLUTION #22-141

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HOPEWELL IN SUPPORT OF THE STATE CANNABIS RETAIL APPLICATION OF PURE BLOSSOM, INC.

WHEREAS, on April 18, 2022, the Township Committee of the Township of Hopewell adopted Ordinance No. 22-1770, which permits the retail of cannabis as a conditional use in the Township’s commercial zones; and

WHEREAS, N.J.A.C. 17:30-5.1(g) states that, by resolution, “A municipality may demonstrate proof of local support for the suitability of a cannabis business’s proposed location by indicating that the intended location is appropriately located or otherwise suitable for the activities related to the operations of the proposed cannabis business;” and

WHEREAS, the New Jersey Cannabis Regulatory Commission’s “Notice of Application Acceptance for Personal Use Cannabis Licenses” indicates that:

Applicants for annual cannabis business licenses and conditional conversions shall include proof of local support in their applications, which shall be submitted as:

1. If the municipality has a governing body, a resolution by that governing body that includes:
 - a. The license applicant’s legal name under which they are registered to do business in the State of New Jersey;
 - b. A determination that the municipality has authorized the type of cannabis business license being sought by the license-applicant to operate within its jurisdiction; and
 - c. A confirmation that if the municipality has imposed a limit on the number of licensed cannabis businesses, the issuance of a license to the license applicant by the Commission would not exceed that limit; and

WHEREAS, Pure Blossom, Inc. has requested the Township’s support to locate a Class 5 cannabis retail business in the Township; and

WHEREAS, Pure Blossom, Inc. submitted a concept plan for the Township’s review; and

WHEREAS, representatives of Pure Blossom, Inc. appeared at the April 18, 2022 Township Committee meeting to more formally present the proposal to establish a cannabis retail business in the Township; and

WHEREAS, the Township Committee has determined that the cannabis retail license being sought may operate within the Township at the proposed location; and

WHEREAS, the proposed location for Pure Blossom, Inc., which has a common address of 2554 Pennington Road, Pennington, NJ 08534, and is reflected on the Township Tax Map as Block 78, Lots 65, in the Highway Business Office Zone, is a location that is zoned by the municipality for the proposed use, subject to the necessary approvals by the Township Planning Board; and

WHEREAS, pursuant to Ordinance No. 22-1770, “the number of cannabis retailers in the Township shall not exceed two (2)”;

WHEREAS, as of the date of this Resolution, no other cannabis retailer exists in the Township of Hopewell, no other cannabis retailer has been approved for licensure to be located in the Township of Hopewell, and the Township has not received any other requests for resolutions of local support from any other cannabis retailer; and

WHEREAS, if Pure Blossom, Inc. were to be awarded a cannabis retailer license, it would be permitted to operate on the proposed premises, and it would not exceed the limit of cannabis retailers established by Ordinance No. 22-1770.

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

1. The Township Committee fully supports the state licensure application for Pure Blossom, Inc.; and
2. The intended location is appropriately located and is suitable for the activities related to the operations of the proposed cannabis business; and
3. Hopewell Township has authorized cannabis retail to operate within its jurisdiction; and
4. Hopewell Township has imposed a limit on the number of cannabis retailers, and this application does not exceed that limit.

CONSENT AGENDA ITEMS**RESOLUTIONS #22-142 THROUGH #22-148**, Read by title.

Motion by Purandare, seconded by Chait to adopt Resolution #22-142 through #22-148.

MOTION UNANIMOUSLY CARRIED**R E S O L U T I O N #22-142****A RESOLUTION AUTHORIZING REFUND OF
TAX OR SEWER OVERPAYMENTS**

WHEREAS, On December 21, 2021 the State of New Jersey enacted Public Law 2021 c. 317, which states, in part, that no Lien Holder payments may be accepted by the Collector on any delinquent sewer or water accounts between January 1, 2022 and March 15, 2022 unless a payment plan had been offered to the property owner and subsequently been rejected; and

WHEREAS, Local Finance Notice 2022-09 was issued on March 8, 2022 to the Collectors of New Jersey notifying the collective body of the existence and terms of PL 2021 c. 317; and

WHEREAS, a subsequent payment had been received and posted to Lien 20-00017 by the Collector on February 8, 2022 for a delinquent sewer account, said payment must now be returned to the Lien Holder;

NOW, THEREFORE, BE IT RESOLVED, on this 18th day of April 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>
78.19/13 C49	US Bank Cust- Actlien Holding	PL 2021 c. 317	610 Pebble Creek Ct	\$94.40

R E S O L U T I O N #22-143**A RESOLUTION AUTHORIZING REFUND
OF 2021-2022 TAX PAYMENTS
DUE TO VETERAN EXEMPTION**

WHEREAS, Block 39 Lot 8.21, known as 4 Bailey Drive, is assessed to Gowaty Daniel S & Nina L; and

WHEREAS, Mr. Gowaty had applied for, and had been granted as of April 1, 2022 by the Assessor of the Township of Hopewell, the status of totally disabled veteran, and, as a totally disabled veteran, Mr. Gowaty 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. Gowaty was September 21, 2021; the date of request to the Township was March 10, 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. Gowaty's exemption status is dated to September 21, 2021, the date exempt status was granted by the VA; and

WHEREAS, taxes were assessed and paid for the period of September 21, 2021 to February 1, 2022 in the amount of \$13,201.37, and this amount should be refunded to Mr. and Mrs. Gowaty; and

WHEREAS, taxes should be cancelled for the period of September 21, 2021 to December 1, 2021 and for 2022 in its entirety on this property; and

NOW, THEREFORE BE IT RESOLVED, on this 18th day April 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 \$13,201.37 for Block 39, Lot 8.21 be refunded to Daniel S and Nina L Gowaty at 4 Bailey Drive, Princeton NJ 08540, 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.

R E S O L U T I O N #22-144

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

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

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

NOW, THEREFORE, BE IT RESOLVED, on this 18th day of April 2022 by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that the following program refunds be and are hereby authorized:

Nancy Besant	78 Fiddlers Creek Road	Titusville 08560	\$380.00
Jennifer McLaughlin	33 Nelson Ridge Road	Princeton 08540	\$140.00
Joanne Kondas-Gunther	26 Bunker Hill Drive	Allentown 08501	\$200.00
Caroline Jachura	5 Owls Way	Lawrenceville 08648	\$135.00

R E S O L U T I O N #22-145

**A RESOLUTION AUTHORIZING REFUND FOR
HOPEWELL BOROUGH RESIDENT FOR
BULK WASTE FEE SUBMITTED IN ERROR**

WHEREAS, the Public Works Department has determined that payment for a bulk waste collection was submitted to Township of Hopewell in error; and

WHEREAS, Cassie Moore, 25 Lafayette Street, Hopewell, NJ 08525 has requested a refund for said bulk waste fee (\$39.00).

NOW, THEREFORE, BE IT RESOLVED, on this 18th day of April 2022 by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that the following refund is hereby authorized:

Cassie Moore, 25 Lafayette Street, Hopewell, NJ 08525

R E S O L U T I O N #22-146

**A RESOLUTION DIRECTING THE HOPEWELL TOWNSHIP ZONING OFFICER
TO ISSUE AN EXTENSION TO A TEMPORARY ACTIVITIES PERMIT
TO JHF REALTY LLC**

WHEREAS, JHF Realty LLC seeks an extension to an existing Temporary Activities Permit, which will expire on April 30, 2022, allowing two (2) food trucks the use of the Rosedale Mills property, specifically the parking area extending across the southwest side of the property parallel to Route 31, seven days per week, operating various hours between 11:00 a.m. - 6:00 p.m. weekdays, 10:00 a.m. - 5:00 p.m. Saturdays, and 10:00 a.m. - 4:00 p.m. Sundays, for onsite staff, customers visiting the store, and the general public; 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 Office who have raised no objections;

NOW, THEREFORE, BE IT RESOLVED, on this 18th day of April 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 an extension to the existing Temporary Activities Permit to JHF Realty LLC for the operation of two (2) food trucks in the parking area of the Rosedale Mills property, seven days per day, operating various hours, for onsite staff, customers visiting the store, and the general public, subject to receipt of all final approvals and comments from the Hopewell Township Health Officer, Hopewell Township Police, Hopewell Valley Fire Safety, Municipal Construction Office and Zoning Officer, and subject to any relevant restrictions on use, noise, signs, etc., or other permits as may be required, including:

1. Operation is limited to two (2) food trucks at any given time; each truck proposing to operate at the site must be licensed by the Hopewell Township Health Department. A schedule shall be provided to the Health Department at least two (2) weeks in advance as to the trucks that will be operating on specific days.
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. The permit will be issued for 6 months or until the end of the Temporary Activities Permit, whichever comes first. Operation will not be permitted without a current fire safety permit. A schedule shall be provided to Fire Safety at least two (2) weeks in advance as to the trucks that will be operating on specific days.
3. **The applicant is reminded that schedules are due to both the Health Department and Fire Safety at least two (2) weeks prior to the start of a new month and immediately upon a proposed change to the schedule of vendors operating at the site. The April schedule shall be provided immediately and the vendors scheduled to operate during the month of May must submit license/permit applications to the Health Department and Fire Safety by April 20, 2022.**
4. Trucks must be spaced at least fifteen (15) feet apart, bumper to bumper.
5. The applicant must ensure compliance with any applicable Executive Orders in effect and should implement CDC guidance.
6. Advance website or phone ordering and payment is encouraged.
7. All food services shall be for take-out only. No tables or other provisions for on-site consumption of purchases shall be permitted on the site of the operations.
8. This extension to the existing permit shall be valid through September 30, 2022. The Permittee may apply for an additional extension to this permit provided such request is received no later than close of normal municipal business hours on September 20, 2022.

R E S O L U T I O N #22-147

RESOLUTION APPROVING THE APPLICATION OF GOOD DAY FOR A RUN, LLC TO CONDUCT A 5K RUN/POST RUN PARTY AND DIRECTING THE ISSUANCE OF A TEMPORARY ACTIVITIES PERMIT TO THE HOPEWELL VALLEY VINEYARD FOR THIS EVENT

WHEREAS, application has been made by Good Day for a Run, LLC to conduct a 5K Run and Post Run Party in the Township of Hopewell at the Hopewell Valley Vineyards, 46 Yard Road on May 29, 2022, between the hours of 9:00 a.m. and 11:00 a.m.; and

WHEREAS, the Hopewell Township Health Officer, the Hopewell Township Police Department, and Hopewell Township Bureau of Fire Safety have reviewed the application and granted their approval to conduct the event and recommend the granting of a permit pursuant to the Revised General Ordinances of the Township of Hopewell, Chapter IV, Section 4-3 Festivals and Large Assemblies;

NOW, THEREFORE, BE IT RESOLVED that:

1. This Resolution shall constitute a permit to conduct a 5K Run/Post Run Party in accordance with the application submitted by Good Day for a Run, LLC, which event is to be held on May 29, 2022 at the Hopewell Valley Vineyards, 46 Yard Road in Hopewell Township.
2. Good Day for a Run, LLC shall be exempted from the several provisions of 4-3, et seq. (4-3.8 Exemptions. a. Charitable or non-profit organizations) except those provided by 4-3.4,

Insurance Requirement.

3. Good Day for a Run shall provide area residents notification of the date, time and location of the race 30 days prior in the event that it could affect vehicular traffic during the course of the 5K run.
4. No open flames or canopies over 30x30 without the required fire safety permit.
5. The Municipal Clerk is directed to forward a certified copy of this resolution to Good Day for a Run, LLC, 675 Bridgeton Pike, Mantua, NJ 08051.
6. The Hopewell Township Zoning Officer be directed to issue a Temporary Activities Permit to Hopewell Valley Vineyard for the “Good Day for a Run” event to be held on May 29, 2022.

RESOLUTION #22-148

RESOLUTION APPROVING THE APPLICATION OF THE HOPEWELL VALLEY ARTS COUNCIL TO CONDUCT A COLOR FUN RUN & WALK

WHEREAS, application has been made by the Hopewell Valley Arts Council to conduct A Color Fun Run & Walk in the Township of Hopewell at Woolsey Park, 203 Washington Crossing-Pennington Road, Titusville, NJ on Sunday, June 12, 2022 from 10:00 a.m. to 12:00 p.m.; and

WHEREAS, the Hopewell Township Health Officer, the Hopewell Township Police Department, and Hopewell Township Bureau of Fire Safety have reviewed the application and granted their approval to conduct the event and recommend the granting of a permit pursuant to the Revised General Ordinances of the Township of Hopewell, Chapter IV, Section 4-3 Festivals and Large Assemblies.

NOW, THEREFORE, BE IT RESOLVED that:

1. This Resolution shall constitute a permit to conduct A Color Fun Run in accordance with the application submitted by the Hopewell Valley Arts Council, which event is to be held June 12, 2022 at Woolsey Park, 203 Washington Crossing-Pennington Road in Hopewell Township.
2. The Hopewell Valley Arts Council shall be exempt from the several provisions of 4-3, et seq. (4-3.8 Exemptions. A. Charitable or non-profit organizations) except those provided by 4-3.4, Insurance Requirement.
3. The Fire Official requests that all activity and set up must be kept south of the walking path and any food trucks that would be cooking or using propane will require a fire safety permit.
4. The Fire Official notes that from an EMS standpoint, the trails for the run are very rough and could pose a hazard for runners.
5. The Fire Official also requests that there should be no “color” applications in the area of the memorials.
6. Fire safety permits are required for:
 - All mobile cooking operations
 - Tents/canopies 30x30 or larger
 - Open flames (ie fire pits)
7. The Health Officer requests that the ice cream truck obtain a license from the Health Department.
8. The Health Officer also requests that the ice cream truck driver provide contact information to the Health Department no less than two weeks prior to the event.
9. The Municipal Clerk is directed to forward a certified copy of this resolution to Hopewell Valley Arts Council, P.O. Box 145, Hopewell, NJ 08525.

RESOLUTION #22-149. Read by title.

Committee Members thanked Sergeant Sparano for all his hard work, expressed their appreciation for his service and wished him well.

Motion by Kuchinski, seconded by Purandare to adopt Resolution #22-149.

MOTION UNANIMOUSLY CARRIED

RESOLUTION #22-149

**A RESOLUTION ACCEPTING THE RETIREMENT OF
SERGEANT ROBERT SPARANO IN THE POLICE DEPARTMENT**

WHEREAS, Sergeant Robert Sparano was appointed as a Patrolman for the Hopewell Township Police Department on January 3, 1994; and

WHEREAS, Sergeant Robert Sparano was promoted to a Sergeant within the Hopewell Township Police Department on May 1, 2020; and

WHEREAS, Sergeant Robert Sparano has served Hopewell Township honorably throughout his 28 plus years of service, and is now eligible for retirement.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hopewell, that the Township Committee accepts the retirement of Sergeant Robert Sparano from the Hopewell Township Police Department effective May 1, 2022; and

BE IT FURTHER RESOLVED that the Hopewell Township Committee, on behalf of itself and all municipal employees, wishes Sergeant Robert Sparano good health and happiness in his retirement.

RESOLUTION #22-150. Read by title.

Motion by Purandare, seconded by Ruger to adopt Resolution #22-150.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #22-150

**A RESOLUTION APPROVING THE PROMOTION OF
DAVID GUERARD TO THE POSITION OF ASSISTANT DIRECTOR
OF PUBLIC WORKS IN THE PUBLIC WORKS DEPARTMENT**

BE IT RESOLVED on this 18th day of April 2022, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that David Guerard be promoted to Assistant Director of Public Works effective April 10, 2022. This will be an exempt position.

BE IT FURTHER RESOLVED that David Guerard will be compensated at an annual salary of \$101,419.00.

RESOLUTION #22-151. Read by title.

Motion by Kuchinski, seconded by Purandare to adopt Resolution #22-151.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #22-151

**A RESOLUTION APPOINTING KAITLIN PAULSEN
AS CLERK/FLOATER IN THE ADMINISTRATION DEPARTMENT**

BE IT RESOLVED, on this 18th day of April, 2022 by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey that Kaitlin Paulsen be and is hereby appointed as Clerk/Floater in the Hopewell Township Administration Department; and

BE IT FURTHER RESOLVED that Kaitlin Paulsen be compensated at an annual salary of \$31,896.10 (Grade 1 Step 1- new salary chart); and

BE IT FURTHER RESOLVED that this appointment is effective April 25, 2022 contingent upon this candidate passing all the pre-employment checks.

RESOLUTION #22-152. Read into the record by Committee Member Kuchinski.

Motion by Kuchinski, seconded by Chait to adopt Resolution #22-152.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #22-152

**A RESOLUTION RECOGNIZING AN
ARBOR DAY PROCLAMATION FOR APRIL 29, 2022**

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our township increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal.

NOW, THEREFORE, BE IT RESOLVED, that the Hopewell Township Committee does hereby declare Friday, April 29, 2022 as Arbor Day in the Township of Hopewell; and

BE IT FURTHER RESOLVED that the Township of Hopewell encourages all of its citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands.

RESOLUTION #22-153. Read by title.

Motion by Purandare, seconded by Chait to adopt Resolution #22-153.

ABSTAIN: Ruger

MOTION CARRIED

R E S O L U T I O N #22-153

**RESOLUTION AUTHORIZING CROSS RIVER FIBER LLC
TO INSTALL, OPERATE AND MAINTAIN FIBER OPTIC CABLE
WITHIN THE TOWNSHIP OF HOPEWELL**

WHEREAS, Cross River Fiber LLC, is authorized to provide telecommunications and related services in the State of New Jersey; and

WHEREAS, Cross River Fiber LLC desires to install, operate and maintain fiber optic cable within the corporate boundaries of the Township of Hopewell; and

WHEREAS, Cross River Fiber LLC, proposes to install its fiber optic cable on or in existing telephone, electric or cable conduit poles located on the public Rights-of-Way; said poles being owned and maintained by Verizon New Jersey, Inc. and/or PSE&G; and

WHEREAS, the Municipality is empowered to enter into this agreement pursuant to *N.J.S.A. 48:17-10* through *N.J.S.A. 48:17-12*; and

WHEREAS, the Township Committee of the Township of Hopewell find the installation of Cross River Fiber LLC fiber optic cable with the Township to be in the public interest; and

WHEREAS, on January 26, 2022 the Township received a letter from Cross River Fiber LLC stating that upon review of its records, Cross River Fiber LLC requires the use of the Township's Rights-of Way to install, operate and maintain its fiber optic cable;

NOW, THEREFORE, BE IT RESOLVED on this 18th day of April, 2022, by the Township Committee of the Township of Hopewell, in the County of Mercer, State of New Jersey, as follows:

1. That Cross River Fiber LLC is hereby granted municipal consent for an initial period of 10 years, commencing on the effective date of the Rights-of-Way Use Agreement (Agreement), to install, operate and maintain its fiber optic cable within the Township’s Rights-of-Way.
2. That unless the Agreement is terminated by either party in accordance with the provisions therein; upon the expiration of the initial term or a prior extension term, the Agreement shall automatically be extended for up to four (4) additional terms of ten (10) years each upon the terms and conditions set forth in the Agreement; unless either party gives written notice to the other party of its intent not to renew this Agreement at least twelve (12) months prior to the expiration of the initial term or then effective extension term.

3. That the installation, operation and maintenance of Cross River Fiber LLC fiber optic cable shall be in accordance with the terms set forth in the Right-of-Way Use Agreement.
4. That the installation, operation and maintenance of Cross River Fiber LLC fiber optic cable shall not interfere with the safety or convenience of persons or vehicles traveling on public streets, highways or rights-of-way within the Township.
5. That Cross River Fiber LLC shall at all times, indemnify and hold harmless the Township and its employees from any and all actions, claims, suits or demands or costs that may be made by any person or persons, company or corporation for or by reason of any injury including death or damage to any person or thing or property whatever resulting from or associated with the installation, operation, repair or maintenance of the fiber optic cable, conduit or associated facilities.
6. That Cross River Fiber LLC shall be liable to the Township for any and all damages caused and/or sustained by the Township for and by reason of construction, installation, repair, operation and maintenance of the fiber optic cable, conduit or associated facilities.

BE IT FURTHER RESOLVED THAT in consideration of the right to install, operate and maintain fiber optic cable within Township's Rights-of Way, Cross River Fiber LLC shall compensate the Township for the estimated time, review, analysis, and other cost and services rendered in connection with its management of the public rights-of-way, as authorized by *N.J.S.A. 54:30A-124* in the amount of \$1,500.

BE IT FURTHER RESOLVED THAT the Mayor is authorized to sign a Right-of-Way Use Agreement that is consistent with this grant of municipal consent.

BE IT FURTHER RESOLVED THAT a Certified copy of this Resolution shall be forwarded to each of the following:

1. Fred Brody, Brody Business Development
2. James Hutzemann, Township Engineer
3. Steven P. Goodell, Esq., Hopewell Township Attorney
4. George Snyder, Hopewell Township Administrator

RESOLUTION #22-154. Read by title.

Motion by Chait, seconded by Purandare to adopt Resolution #22-154.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #22-154

RESOLUTION AMENDING R#21-171 FOR EXTENSION OF AWARD FOR BID #19-03 BRUSH GRINDING SERVICES TO BRITTON INDUSTRIES

WHEREAS, the Township has advertised and received formal bids for Bid # 19-03 Brush Grinding Services, in a Fair and Open manner in accord with N.J.S.A 19:44A-20.5 et. Seq.; and

WHEREAS, Britton Industries 227 Bakers Basin Rd., Lawrenceville, N.J., at the price of \$4.48/ Cu Yard unprocessed brush submitted the lowest bid; and

WHEREAS, the bid as submitted by Britton Industries was deemed to be the lowest responsive and responsible bid by the Qualified Purchasing Agent and the Township Public Works Director; and

WHEREAS the Qualified Purchasing Agent and Township Public Works Director recommend award of Bid #19-03 Brush Grinding Services Britton Industries 227 Bakers Basin Rd., Lawrenceville, NJ for a two (2) year contract at the rate of \$4.48 per cubic yard of unprocessed brush; and

WHEREAS the Township of Hopewell by resolution # 19-60 awarded Britton Industries a two (2) year contract; and

WHEREAS the New Jersey Local Publics Contract Law at N.J.S.A. 40A:11-15 provides for authorization to extend contracts for two (2) years; and

WHEREAS, the Township Committee of the Township of Hopewell had authorized extension of contract through R#21-171 for a 2021 not to exceed amount of \$37,000.00; and

WHEREAS, due to unforeseen economic pressures the not to exceed amount is required to be amended to \$43,800.00; and

WHEREAS, the Township Committee of the Township of Hopewell had authorized extension of contract through R#21-407 for a 2021 not to exceed amount of \$43,800.00; and

WHEREAS, due to unforeseen economic pressures, the not to exceed amount is required to be amended to \$45,300.00; and

WHEREAS, subject to the governing body approving future budgets, the Chief Financial Officer hereby certifies that funds are available NOT TO EXCEED

2021 - \$45,300.00 PO 21 -
1-01-26-290-029 \$18,500.00
X-02-0-920-905 \$26,800.00

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hopewell, Mercer County, New Jersey, that the award of contract under resolution #21-407 is hereby amended to an amended not to exceed amount of \$45,300.00.

RESOLUTION #22-155. Read by title.
Motion by Kuchinski, seconded by Purandare to adopt Resolution #22-155.
MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #22-155

**A RESOLUTION APPROVING A PERSON-TO-PERSON AND PLACE-TO-PLACE
TRANSFER OF LIQUOR LICENSE NO. 1106-33-010-003,
BIG “L” INC. (POCKET) TO QUEENIE’S GASTRONOMY, LLC.**

WHEREAS, an application has been filed for a Person-to-Person and Place-to-Place Transfer of Plenary Retail Consumption License Number 1106-33-010-003 heretofore issued to Big “L” Inc. for an inactive license with a mailing address of P.O. Box 25055, Sarasota, FL 34277; and

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

WHEREAS, the applicant, Queenie’s Gastronomy, LLC is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statues, regulations promulgated there under, as well as pertinent local ordinances and conditions consistent with Title 33; and

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

WHEREAS, the background investigation report of the Hopewell Township Police Department presents no reason to deny the transfer.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Hopewell, Mercer County, New Jersey does hereby approve, effective April 18, 2022, the Person-to-Person and Place-to-Place transfer of the aforesaid Plenary Retail Consumption License #1106-33-010-003 from its former owner Big “L” Inc. for an inactive license with a mailing address of P.O. Box 25055, Sarasota, FL to Queenie’s Gastronomy, LLC for premises located at 25 Route 31 South, Suite 17, Pennington, (Hopewell Township) NJ 08534 and does hereby direct the Township Clerk to endorse the license certificate to the new ownership as follows: “This license, subject to all its terms and conditions, is hereby transferred to Queenie’s Gastronomy, LLC to premises located at 25 Route 31 South, Suite 17, Pennington, (Hopewell Township), NJ 08534 effective April 18, 2022.”

RESOLUTION #22-156. Read by title.
Motion by Chait, seconded by Kuchinski to adopt Resolution #22-156.
MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #22-156

**A RESOLUTION REQUIRING YOUTH SPORT COACHES TO BE CERTIFIED IN A
COACHES SAFETY TRAINING COURSE THAT PROVIDES BASIC AND UNIFORM
EDUCATION FOR COACHING SAFETY PROCEDURES**

WHEREAS, N.J.S.A. 2A:62A 6, also known as the “New Jersey Little League Law,” grants partial civil immunity to those who provide services or assistance free of charge, such as an athletic coach, manager, or official (other than a sports official accredited by a voluntary association) for a sports team which is organized or performing pursuant to a nonprofit or similar charter or which is a member team in a league organized by or affiliated with a county or municipal recreation department for damages to a player, participant, or spectator as a result of acts of commission or omission arising out of and in the course of rendering that service or assistance; and

WHEREAS, the “New Jersey Little League Law” does not grant partial civil immunity to any person causing damage by his or her willful, wanton, or grossly negligent act of commission or omission, nor to any coach, manager, or official (other than a sports official accredited by a voluntary association) who has not participated in a safety orientation and training skills program, which program shall include but not be limited to injury prevention and first aid procedures and general coaching concepts; and

WHEREAS, according to the “New Jersey Little League Law,” a coach, manager, or official shall be deemed to have satisfied the above requirements if the safety orientation and skills training program attended by the person has met the minimum standards established by the Governor’s Council on Physical Fitness and Sports in consultation with the Bureau of Recreation within the Department of Community Affairs, in accordance with rules and regulations adopted pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B 1 et seq.); and

WHEREAS, the minimum standards established by the Governor’s Council on Physical Fitness and Sports state that in order to be covered by the provisions for civil immunity, the volunteer athletic coach, manager or official (other than a sports official accredited by a voluntary association) must attend a safety orientation and skills training program of at least a three hour duration; the program may be provided by a local recreation department, non-profit organization, or national/state sports training organization; and the educational topics to be covered include medical, legal and first aid aspects of coaching; training and conditioning of athletes; psychological aspects of coaching; and general coaching concepts; and

WHEREAS, the Rutgers Youth Sports Research Council sponsors the Rutgers S.A.F.E.T.Y. Clinic (Sports Awareness for Educating Today's Youth) – a three-hour program that meets the minimum standards for volunteer coach’s safety orientation and training skills programs and provides partial civil immunity protection to volunteer coaches under the New Jersey Little League Law; and the program is offered at numerous locations statewide throughout the year; and

WHEREAS, since 1986, the Rutgers Youth Sports Research Council, in cooperation with the New Jersey Recreation and Park Association, has trained more than 250,000 volunteer coaches in New Jersey; and

WHEREAS, the New Jersey State Certificate and Youth Soccer “Y” Course meet the minimum standards for volunteer coaches safety orientation and training skills programs and would be an acceptable equivalent of the Rutgers S.A.F.E.T.Y. Clinic; and

WHEREAS, the U.S. Lacrosse Level 1 certification meets the minimum standards for volunteer coaches’ safety orientation and training skills programs and would be an acceptable equivalent of the Rutgers S.A.F.E.T.Y. Clinic; and

WHEREAS, the Hopewell Township Recreation Department authorizes, through a permit process, the use of Hopewell Township facilities by various youth sports organizations; and

WHEREAS, the Hopewell Township Recreation Department and the Township of Hopewell are committed to ensuring a safe environment within which youth sports organizations can successfully operate; and

WHEREAS, the Hopewell Township Recreation Department and the Township Committee of the Township of Hopewell desires to ensure that the public has the highest trust and confidence in volunteer coaches, managers, and officials (other than a sports official accredited by a voluntary association) for recreation sports programs, and that they meet the minimum standards established by the Governor’s Council on Physical Fitness and Sports; and

WHEREAS, the Township of Hopewell Recreation Department will maintain a current data base of volunteer coaches who attend and successfully complete a Youth Coaches Safety Orientation and Safety Training Program as stipulated in the below paragraph.

NOW, THEREFORE, BE IT RESOLVED that all those who wish to serve in the role of a volunteer coach, manager, assistant, or other position of on-field responsibility (other than a sports official accredited by a voluntary association), for any program servicing minors that is a) organized by the Township of Hopewell; b) sponsored by the Hopewell Township Recreation Department; or c) considered an independent youth recreation sports organization by the Township

of Hopewell, that utilizes Township facilities, must attend a Rutgers S.A.F.E.T.Y. Clinic or equivalent Safety Training Course that meets the Minimum Standards for Volunteer Coaches’ Safety Orientation and Training Skills according to the Governor’s Council on Physical Fitness and Sports Chapter 52; Subchapter 1, prior to serving in any of the above roles. Proof of successful completion and certification will be required to be submitted to the Hopewell Township Recreation Department within 30 days of each youth sport organization’s official registration closing date. This policy will be effective beginning April 5, 2022. Failure to provide proof of successful completion will prevent the individual from serving in the above mentioned roles. In addition, all youth sport organizations must submit to the Recreation Department, a roster from their organization with the names of all coaches, managers, assistant coaches or persons with on-field responsibility for each season upon request of the Recreation Director. In the event that any organization fails to provide this roster, a field/facility permit will not be awarded.

RESOLUTION #22-157. Read by title.
 Motion by Kuchinski, seconded by Ruger to adopt Resolution #22-157.
MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #22-157
RESOLUTION OF AWARD FOR
BID #22-06 SALT BARN BID

WHEREAS, the Township has advertised for and received formal bids on April 5, 2022 at 9:00 A.M. for Bid #22-06, Salt Barn Bid, in a Fair and Open manner in accord with N.J.S.A 19:44A-20.5 et. Seq.; and

WHEREAS the Township received five (5) formal bids on April 5, 2022 at 9:00 A.M. to wit:

NAME OF BIDDER	Samson Concrete	MiBo Construction Co. Inc.	RNM Construction LLC	Ocean Construction LLC	DeSapio Construction Inc.
LUMP SUM BASE BID	\$891,000.00	\$912,345.00	\$698,000.00	\$876,000.00	\$1,022,000.00
ALTERNATE A	\$27,000.00	\$48,000.00	\$49,000.00	\$40,000.00	\$56,600.00
	\$918,000.00	\$960,345.00	\$747,000.00	\$916,000.00	\$1,078,600.00

;and

WHEREAS, RNM Construction LLC 45 Hockamick Rd., Cookstown, N.J.08511 submitted the lowest apparent bid of base bid plus alternate of \$747,000.00; and

WHEREAS, the design engineer and qualified purchasing agent have found the lowest apparent bidder to be the lowest responsible bidder according the New Jersey Local Public Contracts Law at N.J.S.A.40A:11-4(a); and

WHEREAS the Chief Financial Officer certifies funding is available in the amount of \$747,000.00 from:

Line Item:

X-04-00-675-615	\$135,790
X-04-00-677-461	\$250,000
X-04-00-678-710	\$250,000
X-04-00-679	\$111,210

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hopewell, Mercer County, New Jersey, that the recommendation to award is hereby accepted. The bid provided by RNM Construction LLC 45 Hockamick Rd., Cookstown, N.J.08511 submitted the lowest apparent bid of base bid plus alternate of \$747,000.00, for Bid 22-06 Salt barn is hereby accepted and awarded: and

BE IT FURTHER RESOLVED, by the Township Committee of the Township of Hopewell, Mercer County, New Jersey, that the Mayor, is authorized to effectuate a contract with RNM Construction LLC 45 Hockamick Rd., Cookstown, N.J.08511 submitted the lowest apparent bid of base bid plus alternate of \$747,000.00, reflecting the precepts as contained within Bid# 22-06.

RESOLUTION #22-158. Read by title.

Motion by Chait, seconded by Kuchinski to adopt Resolution #22-158.

MOTION UNANIMOUSLY CARRIED

RESOLUTION #22-158

**RESOLUTION OF AWARD FOR
BID #22R-01 BITUMINOUS ROAD MATERIALS**

WHEREAS, the Township has advertised and received formal bids for Bid # 22R-01 Bituminous Road Materials, in a Fair and Open manner in accord with N.J.S.A 19:44A-20.5 et. Seq.; and

WHEREAS, the Township received formal bids on April 5, 2022 at 11:00 A.M.; and

WHEREAS, after calculating the mileage, labor rates, FEMA vehicle rates and unit prices, the recommendation for award is as follows:

Item	Vendor	Unit Price
Base I-2	American Bituminous	\$57.60
MABC I-4	American Bituminous	\$61.50
FABC I-5	American Bituminous	\$66.10/ ton
HMA 9.5 M64	American Bituminous	\$66.10/ ton
HMA 19.5 M64	American Bituminous	\$58.50/ ton
MOGFC 9.5mm	Trap Rock Industries	\$110.00/ ton
1 1/2 washed clean	Trap Rock Industries	\$31.00/ ton
3/4" washed clean	Trap Rock Industries	\$28.50/ ton
DGA	Trap Rock Industries	\$19.75/ ton
SMALL CORE	Stavola	\$20.00/ ton
LARGE CORE	Stavola	\$20.00/ ton

; and

WHEREAS, the Qualified Purchasing Agent and Superintendent of Public Works recommends award of Bid #22R-01 Bituminous Road Materials for a two (2) year contract; and

WHEREAS, subject to approval of future budgets by the governing body, the Chief Financial Officer hereby certifies that funds are available, as follows:

X-12-00-925-237 \$85,000

2-01-26-290-131 \$35,000

3-01-26-290-131 \$35,000 to be included in the 2023 operating budget

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hopewell, Mercer County, New Jersey, that the recommendation to award is hereby accepted. The following items of bituminous material are approved at the respective unit prices for a two (2) year term of contract:

Item	Vendor	Unit Price
Base I-2	American Bituminous	\$57.60
MABC I-4	American Bituminous	\$61.50
FABC I-5	American Bituminous	\$66.10/ ton
HMA 9.5 M64	American Bituminous	\$66.10/ ton
HMA 19.5 M64	American Bituminous	\$58.50/ ton
MOGFC 9.5mm	Trap Rock Industries	\$110.00/ ton
1 1/2 washed clean	Trap Rock Industries	\$31.00/ ton

3/4" washed clean	Trap Rock Industries	\$28.50/ ton
DGA	Trap Rock Industries	\$19.75/ ton
SMALL CORE	Stavola	\$20.00/ ton
LARGE CORE	Stavola	\$20.00/ ton

; and

BE IT FURTHER RESOLVED, by the Township Committee of the Township of Hopewell, Mercer County, New Jersey, that the Mayor is authorized to effectuate contracts with the approved vendors, reflecting the precepts as contained within this agreement.

RESOLUTION #22-159. Read by title.

Motion by Chait, seconded by Ruger to adopt Resolution #22-159.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #22-159

RESOLUTION AUTHORIZING THE TOWNSHIP OF HOPEWELL TO PARTICIPATE IN THE INTRA-COUNTY MUTUAL AID AND ASSISTANCE AGREEMENT WITH PARTICIPATING UNITS IN THE COUNTY OF MERCER

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A: 65-1 et. Seq., (“Act”) provides that any local governmental unit may enter into a contract with any other local governmental unit to provide or receive any service that each local unit is empowered to provide or receive within its own jurisdiction; and

WHEREAS, mutual aid and assistance agreements between municipalities, counties, law enforcement agencies, police, emergency medical service, fire departments, fire companies or EMS organizations and fire departments situated in fire districts operated by a Board of Fire Commissioners, are permitted, pursuant to N.J.S.A. 40A: 14-26 and 40A: 14-156.1; and

WHEREAS, the President in Homeland Security Directive (HSPD-5), directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (“NIMS”), which would provide a consistent nationwide approach to Federal, State, local and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity; and

WHEREAS, “The New Jersey Civilian Defense and Disaster Control Act” App.A9-33 et. seq., provides for the health, safety, and welfare of the people of the State of New Jersey during any emergency by centralizing control of all civilian activities having to do with such emergency giving the Governor control over the resources of each and every political subdivision to cope with any condition that shall arise out of such emergency; and,

WHEREAS, the Director of the Division of Fire Safety in the Department of Community Affairs promulgated rules in accordance with the “Fire Service Resource Emergency Deployment Act,” N.J.A.C. 52:14E-11 et. seq., commonly referred to as the “Fire Service Resource Emergency Deployment Regulations” N.J.A.C. 5:75A et. seq.; and

WHEREAS, the Governing Body of the Township of Hopewell deem it to be in the best interest of the Township of Hopewell to enter into Mutual Aid and Assistance Agreements with governmental entities throughout Mercer County and all of their departments, authorities, boards, commissions and other functions under the auspice of each participating governmental entity including but not limited to, law enforcement, public works, emergency medical services, fire departments, emergency management, human services, hazardous materials response units, technical or special operations teams, Community Emergency Response Team (“CERT”) members, Medical Reserve Corps (“MRC”) members or other volunteers and other jurisdictions defined “local governments” in the Homeland Security Act of 2002; and

WHEREAS, N.J.S.A 40A:14-26 and 156.1 et seq. has authorized interjurisdictional mutual aid; and

WHEREAS, the Governing Body of the Township of Hopewell and the Participating Units Recognize that benefit of entering into an agreement for mutual aid and assistance with each other to protect against loss, damage or destruction by fire, civil unrest, hazardous material, major criminal or emergency events, natural and man-made disaster or catastrophe and to address those situations when additional aid and assistance is needed to protect the best interest of the persons and property of each individual jurisdiction.

NOW, THEREFORE, BE IT RESOLVED, that the Intra-County Mutual Aid and Assistance Agreement between the Township of Hopewell and Participating Units be and same hereby accepted; and

BE IT FURTHER RESOLVED, that the Mayor (or designee), Emergency Management Coordinator, and Township Administrator are authorized to execute the Intra-County Mutual Aid and Assistance Agreement; and

BE IT FURTHER RESOLVED, that Municipal Clerk shall forward two (2) certified true copies of this resolution and accompanying agreement to the County of Mercer Office of Emergency Management.

RESOLUTION #22-160. Read by title.

Motion by Purandare, seconded by Chait to adopt Resolution #22-160.

ROLL CALL VOTE:

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

NOES: None

R E S O L U T I O N #22-160

A RESOLUTION FOR AN EMERGENCY TEMPORARY APPROPRIATION

WHEREAS, an emergent condition has arisen with respect to the below listed items and no adequate provision has been made in the 2022 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 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total \$5,850,655.35

NOW, THEREFORE, BE IT RESOLVED, on this 18th day of April 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:

Tax Collector O/E	500.00
Police O/E	34,000.00
Public Works O/E	45,000.00
Buildings and Grounds OE	1,500.00
Fleet Maint O/E	11,000.00
Motor Fuels	30,000.00
Recycling Tonnage Grant	28,800.35
NJ DOT Grant	<u>280,000.00</u>
Total	\$430,800.35

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 #22-161. Read by title.

Motion by Purandare, seconded by Chait to adopt Resolution #22-161.

ROLL CALL VOTE:

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

NOES: None

RESOLUTION #22-161

**A RESOLUTION FOR AN
EMERGENCY TEMPORARY APPROPRIATION
IN THE WATER 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 water 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 water utility pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total \$3,100.00.

NOW, THEREFORE, BE IT RESOLVED, on this 18th day of April 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:

S/W	\$1,200.00
SS Benefits	<u>200.00</u>
Total	\$1,400.00

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 #22-162. Read by title.
Motion by Chait, seconded by Ruger to adopt Resolution #22-162.
MOTION UNANIMOUSLY CARRIED

RESOLUTION #22-162

**A RESOLUTION AMENDING 2022
PROFESSIONAL SERVICES AGREEMENTS**

WHEREAS, the Township entered into a Professional Services Agreement with the firms 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 will be available.

<u>FIRM</u>	<u>CURRENT MAXIMUM</u>	<u>PROPOSED MAXIMUM</u>	<u>CURRENT TERM EXPIRES</u>	<u>PROPOSED TERM EXPIRES</u>
Van Cleef Engineering Associates (Open Space) X-12-00-925-237	\$ 1,000.00	\$ 12,000.00	12/31/2022	No Change
Van Cleef Engineering Associates (Services related to the Public Works Salt Barn) X-04-00-675-312	\$40,000.00	\$55,000.00	12/31/22	No Change

NOW, THEREFORE, BE IT RESOLVED on this 18th day of April, 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 #22-163. Read by title.

Motion by Ruger, seconded by Chait to adopt Resolution #22-163.

ROLL CALL VOTE:

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

NOES: None

R E S O L U T I O N #22-163

BILLS & CLAIMS

BE IT RESOLVED, that the list of cash disbursements authorized for approval of bills for payment date April 18, 2022 in the following amounts:

Bills and Claims	\$	6,130,985.89
Payroll	\$	708,924.25
Total Disbursements	\$	6,839,910.14

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

RESOLUTION #22-164. Read by title.

Motion by Chait, seconded by Kuchinski to adopt Resolution #22-164.

ROLL CALL VOTE:

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

NOES: None

ABSTAIN: Kuchinski

R E S O L U T I O N #22-164

BILLS & CLAIMS

BE IT RESOLVED, that the list of cash disbursements authorized for approval of bills for payment date April 18, 2022 in the following amounts:

Bills and Claims	\$	25,000.00
Payroll	\$	0.00
Total Disbursements	\$	25,000.00

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.

RESOLUTION #22-165. Read by title.

Motion by Kuchinski, seconded by Chait to adopt Resolution #22-165.

ROLL CALL VOTE:

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

NOES: None

(SEE ATTACHED 2022 MUNICIPAL BUDGET RESOLUTION)

PUBLIC SECTION

The following members of the public spoke during public comment:

Jon Edwards questioned if there was a precedent for a PILOT for a corporate development; questioned the total amount of tax revenue BeiGene would bring to the Township; and made certain comments regarding the PILOT.

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

EXECUTIVE SESSION RESOLUTION. Read into the record.

Mayor Peters-Manning stated that the regular meeting may reconvene following the Executive Session.

Motion by Chait, seconded by Ruger to go to Executive Session to discuss contract negotiations, real estate, legal and personnel matters.

MOTION UNANIMOUSLY CARRIED

R E S O L U T I O N #22-166

EXECUTIVE SESSION RESOLUTION

WHEREAS, it is necessary for the Township Committee to discuss contract negotiations, real estate, legal, and/or personnel matters; and

WHEREAS, N.J.S.A. 10:4-12 permits the Township Committee to conduct a meeting from which the public is excluded in order to discuss such matters; and

WHEREAS, the Township Committee wishes to discuss the following:

- Personnel

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 18th day of April, 2022 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 8:20 p.m. the Executive Session was held.

At 9:01 p.m. the Regular meeting reconvened.

At 9:01 p.m., motion by Ruger, seconded by Purandare 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