

MINUTES
HOPEWELL TOWNSHIP COMMITTEE
REGULAR MONTHLY MEETING
July 27, 2017

Approved
8/17/17

Flag Salute

Sunshine Statement:

In compliance with the 'Open Public Meetings Act' this meeting was duly advertised by a notice to The Daily Journal, sent on January 6, 2017. A notice was placed on the Municipal Office bulletin board as of the same date.

Roll Call: Township Committee: Hankins, Freitag, Facemyer, Ritter, Shoemaker; Others: Lois Yarrington, Clerk/Administrator, Dylan Wulderk, Deputy Admin., Matt Ritter, Solicitor, Bill Horner, Esq., Conflict Solicitor, Steve Nardelli, Engineer, Matt Hemighaus, Kenny Mayhew, HSCFD.

A motion was made by Mr. Facemyer to approve the minutes from the 7/13/17 Regular Meeting and Closed Session. The motion was seconded by Mrs. Freitag and approved 5-0.

EXECUTIVE SESSION-Resolution 17-55 Anticipated/Pending Litigation-Harvey Mining Pit and Personnel@6:32pm

The general nature of the subject matter to be discussed is pending or anticipated litigation, contract negotiations, matters falling within attorney-client privilege, and employment matters, all with reference to causing the Ray Harvey mining pit to be brought into compliance with the Township Code, and hiring William L. Horner, Esq., as conflict solicitor for that purpose. It is anticipated at this time that the aforesaid subject matter will be made public as follows: with respect to the mining pit, after compliance has been attained, or in the event of litigation, after any such litigation has been resolved and all periods of appeal have expired; with respect to the hiring of William L. Horner, following the Township Committee's decision on whether or not to hire him.

**Hopewell Township
Executive Session
Resolution 17-55**

WHEREAS, Section 8 of the Open Public Meetings Act, (N.J.S.A. 10:4-12 (b) (1-9), Chapter 231, P.L. 1975, permits the exclusion of the Public from a meeting under certain circumstances; and

WHEREAS, the Township Committee of the Township of Hopewell is of the opinion that such circumstances do exist;

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

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matters.
2. The general nature of the subject matter to be discussed is **Personnel-Conflict Solicitor and Potential Litigation-Harvey Mining Pit Matter** ;
3. The Township Committee may take official action on the items discussed in Executive Session upon completion of the executive session.
4. The minutes of the discussion shall be made available to the public as soon as the matters under discussion are no longer of a confidential or sensitive nature.
5. This resolution shall take effect immediately.

A motion was made by Mr. Ritter to return to open session at 6:53 pm. The motion was seconded by Mr. Shoemaker and approved 5-0.

***Resolution 17-56-Appoint conflict Solicitor**

**HOPEWELL TOWNSHIP
Resolution 17-56**

A Memorializing Resolution Authorizing Limited Professional Service Contract

WHEREAS, the Hopewell Township Committee has the need for a Conflict Solicitor relating to the matter of compliance for the Harvey Mining Pit; and

WHEREAS, William L. Horner, Esq. from the firm Horner & Horner, LLC located at 67 Market Street, P.O. Box 66, Salem, New Jersey 08079 has submitted an agreement to provide services for the matter of compliance for the Harvey Mining Pit; and

WHEREAS, after review of before mentioned agreement, which is attached to this resolution; the Hopewell Township Committee has determined that it is fair, reasonable and thorough; and

WHEREAS, the Local Public Contracts Law provides that the Township may enter into a contract for professional services without competitive bidding (N.J.S.A. 40A:11-5); and

NOW, THEREFORE, BE IT RESOLVED, that the Hopewell Township Committee hereby appoints William L. Horner, Esq. from the law firm of Horner & Horner, LLC as Conflict Solicitor for the matter of compliance for the Harvey Mining Pit.

THEREFORE BE IT FURTHER RESOLVED, that the Mayor and Clerk be authorized to execute such agreement.

A Motion was made by Mr. Facemyer to authorize Mr. Horner to send the letter as prepared to Rocco Tedesco, attorney for Mr. & Mrs. Harvey. The motion was seconded by Mr. Ritter and approved 5-0.

***DEPARTMENT & COMMITTEE REPORTS**

Administrator/Clerk:

- Bid opening was held July 19th at 11am for the final Home Rehab Program application for the 2016 grant.
- Monitor for the security system has been installed.
- The server from Municipal Software has been ordered.
- I attended the solar presentation by RCL Solar at the Senior Center on Wednesday. I'll need to provide information for the electric account to see if it would be a viable option for the Townships to enter into a lease agreement.

Assessor:

- Farmland Assessment forms are due August 1st.

Bostwick Lake Commission (Facemyer):

- Hunting regulations for the lake.-*An ordinance will need to be adopted by both municipalities. The Clerk will contact Upper Deerfield's Clerk. Mr. Facemyer would like to have the ordinance to introduce at the next Twp. Committee meeting.*
- *There has been a complaint about the water level at the lake. Research will need to be done to find out who has permission to use the lake for irrigation purposes.*

Code Enforcement:

- Dave has been in contact with Safeguard property management regarding 35 Valentine Lane for the condition of the yard and securing the house. If the property is not maintained within the time allotted, a citation will be issued.

Dog Registrar:

- 402 licenses have been issued as of July 27, 2017

Economic Development Committee:

- Dylan will provide a report *Dylan has meeting scheduled with Jim Watson from the CCIA. Mr. Ritter asked him to inquire about CCIA funding for a well at the Business Park.*
- *Hopewell Day Planning Sponsorship forms have been prepared and will be sent out tomorrow. There has been approximately \$5,000 secured for sponsorships. A wine and/or beer tasting has been suggested. The Clerk will contact Mr. Gosweiler to find out if any additional insurance is required. Kenny Mayhew commented that the Fire Department will have a greater presence at this year's event and would like to host their fire prevention activities on this day also.*

Emergency Management:

- Gary VanMeter would like to have the Township purchase a shredder for Emergency Management. *Mayor Hankins stated that he has a shredder that he no longer uses and will provide it for Mr. VanMeter to use.*

Environmental Commission:

- The next meeting will be on August 2nd.

Hopewell/Stow Creek Fire Company:

- Woodruff cleaned the heater at the fire house. The hot water heater needs to be replaced. Max is getting quotes.
- The Fireman's Convention has requested that the Fire Department bring the new fire truck.

Land Use Board (Planning/ Zoning): (Shoemaker/Ritter):

- Next Meeting August 16, 2017

Public Works/Road: (Shoemaker):

- Willier Electric replaced the level controller that was damaged by a lightning strike 2 weekends ago.

Tax & Sewer Collector:

- Tax Bills were mailed on Tuesday July 25th. The grace period is extended to August 22nd.

A bill listed dated 7/22/2017 prepared by Treasurer Young was provided. Mr. Ritter made a motion to approve the bill list totaling **\$1,743,090.90** (including Hankins bill & payroll) seconded by Mr. Facemyer approved 5-0 with Mayor Hankins abstaining for the Hankins bill.

PUBLIC COMMENTS AND QUESTIONS:

There being no comments from the public, the public portion of the meeting was closed on a motion by Mr. Facemyer, seconded by Mr. Ritter.

OLD BUSINESS:

- **COAH:** (Shoemaker)
 - 7/11/2016 Decision of Superior Court Appellate Division Overturns Affordable Housing Ruling Meaning "Gap Years" Won't Count in Requirements.
 - 1/18/17 Supreme Court Decision

NEW BUSINESS:

Resolutions

on July 13, 2017 in order to allow for the purchase of the aforementioned equipment for the Public Works Department; and

WHEREAS, Notice of the adoption of the aforementioned Ordinance 17-11 was published in The Daily Journal on July 18, 2017, whereby the 20 day estoppel period will expire on August 7, 2017.

NOW, THEREFORE, BE IT RESOLVED, by the Hopewell Township Committee, County of Cumberland and State of New Jersey, that the Chief Financial Officer has certified availability of funds and is authorized to execute this agreement and the purchase may be made on August 8, 2017.

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Bruce R. Hankins			X			
Paul Ritter III			X			
Greg Facemyer			X			
Robin Freitag		X	X			
Joseph Shoemaker	X		X			

Discussion Item #1-Ordinance to regulate hours of operation & storage of vehicles for Auto Repair Facilities within the HCB Zone *The revised ordinance was discussed and introduced.*

**TOWNSHIP OF HOPEWELL
CUMBERLAND COUNTY, NJ**

ORDINANCE 17-12

AN ORDINANCE ESTABLISHING THE HOURS OF OPERATION AND A VEHICLE PARKING SET BACK MINIMUM RESPECTING AUTO REPAIR GARAGES IN THE HIGHWAY COMMERCIAL BUSINESS (HCB) ZONE

WHEREAS, there exists in the Hopewell Township Highway Commercial Business HCB Zone, several auto repair garage facilities; and;

WHEREAS, the current HCB Zone was previously a residential zone; and

WHEREAS, there are many existing residential uses in the HCB Zone; and

WHEREAS, the noise associated with off-hour auto repair activities can be disturbing to nearby residential uses in the HCB Zone; and

WHEREAS, a vehicle parking minimum set backs will aid visibility and thereby improve the safety of ingress and egress; and

WHEREAS, it is the desire of the Township Committee to impose reasonable regulations so that the auto repair garages and residential uses can co-exist in the HCB Zone without either unduly interfering with the other;

NOW, THEREFORE, BE IT RESOLVED that the following regulations are hereby imposed

1. A business which qualifies as a “garage-repair”, as defined in the Hopewell Development Ordinance, in section III, at page 6 shall be subject to the regulations herein set forth.

a. “Motor vehicle maintenance” includes the addition of fluids, wiper blade replacement, flat tire repair, and/or replacement, electrical charging and similar activities are subject to the regulations herein.

b. “Motor vehicle repairs” includes: air conditioning, starting service, brake repair and replacement, oil changes, and fluid replacement, exhaust system repair and replacement, automotive electrical work, shock absorber, spring and strut work, upholstery work, tire balancing, tire installation, wheel alignment, windshield and glass installation, tune up, diagnostics; emission control service, sound system installation, auto body work, sunroof installation, sheet metal, fiber glass or plastic repair, replacement, preparing or painting, media blasting, chassis or frame work, straightening or welding, transmission and/or engine repair and/or replacement work and similar activities are all likewise subject to the regulations contained in this Ordinance.

2. Automobile car washes are not intended to be regulated under this ordinance.

3. No motor vehicle maintenance, repair or service work shall be performed before 7:00 a.m. nor after 7:00 p.m. in the HCB Zone.

4. There shall be no parking of vehicles at an auto repair and/or maintenance garage facility, located in the HCB Zone, closer than thirty (30) feet to the edge of the paved shoulder of State Highway 49 nor closer than five (5) feet to any side yard lot line.

5. VIOLATIONS:

a. The penalty for violating this ordinance shall be \$100.00 fine for a first offense.

b. The fine for a second or subsequent offense shall be \$1,000.00.

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Bruce R. Hankins			X			
Paul Ritter III	X		X			
Greg Facemyer			X			
Robin Freitag			X			
Joseph Shoemaker		X	X			

Discussion Item #2- Sewer Connection Waiver for 623 Shiloh Pike. *Matt Hemighaus is purchasing the property. The property is in foreclosure therefore the settlement will be completed online. The title company is not local. He stated that he is planning to resell the property after he makes improvements and cleans up the yard. He would connect to the sewer service prior to selling. The Committee discussed other times when a waiver was issued and the requirements of the waiver. A motion was made by Mr. Facemyer to approve the waiver with the Roarke Agency holding the escrow in the amount of \$6,000. The motion was seconded by Mr. Shoemaker and approved 4-0 with Mrs. Freitag abstaining.*

Discussion Item #3-Greenwich Township has requested to store 1 locked filing cabinet here, beginning in September, for a period of about 6 months. *A motion was made by Mr. Facemyer to allow Greenwich Township to store one locked filing cabinet here until renovations are completed at their municipal building. The motion was seconded by Mr. Ritter and approved 5-0.*

CDC: (Hankins)

Correspondence & Notes-City of Bridgeton Thanking the Twp for the Contribution towards the 4th of July Fireworks **CCUA** 7/20/17 Draft Meeting Agenda

Solicitor's Report-Solicitor Ritter did not have any additional items to report.

A motion was made by Mrs. Freitag to authorize the release of the bid package prepared by Township Engineer, Steve Nardelli, upon approval from DCA for the Senior Center Parking Lot Expansion. The motion was seconded by Mr. Ritter and approved 5-0.

ADJOURN

There being no additional business, a motion was made by Mr. Facemyer to adjourn at 7:38 pm. The motion was seconded by Mrs. Freitag and approved by a unanimous vote of the Committee members present.

NEXT SCHEDULED MEETING: Thursday August 17, 2017 @ 6:30 pm

Lois A. Yarrington, Township Clerk
cc: Committee
Sol. T. H. Ritter, Sol. Matthew Ritter