

HOPEWELL TOWNSHIP COMMITTEE
MINUTES OF THE REGULAR MONTHLY MEETING
January 6, 2010

Flag Salute

Sunshine Statement:

In compliance with the 'Open Public Meetings Law' the Regular Meeting was duly advertised by an annual notice sent to the News of Cumberland County, the Press of Atlantic City, and WSNJ on December 16, 2009. Notices were placed on the Municipal Office bulletin board on the same date.

Officials Present: Hankins, Facemyer, Freitag, Ritter, Shoemaker. Others: Sol. T. Henry Ritter, Asst. Sol. Matthew Ritter, A. Clerk E. Daddario, Treasurer Lois Buttner. Others: Joseph McMahan, Joe Green and Planning Board Member Alfred Caggiano, Jr.

Facemyer, seconded by Shoemaker, moved for **Approval of Minutes** of 12/23/09 Regular Meeting. (Including Resolution Passed). Approved (4-0). Freitag Abstain

Facemyer, seconded by Shoemaker, moved for **Approval of Minutes** of 12/23/09 Executive Session Meeting. Approved (4-0). Freitag Abstain

Treasurer Buttner distributed a package of reports. Facemyer, seconded by Ritter, moved to approve the **Treasurers Report of Account Balances** 01/06/10 as submitted. Unanimously Approved.

DEPARTMENT & COMMITTEE REPORTS:

Clerk reported a 2009 Credit Adjustment (\$14,884.04) from the Cumberland County Utilities Authority shown in the December Monthly User Charge Flow and Loading Report. **Construction Dept.** submitted the November Permit Report (Total \$5,602.00), the 2009 Inspection Report and a 2009 Yearly Report of Permit Fees. **Dog Registrar** advises that 2010 Dog Licenses will be available January 15th. Letters will be mailed to dog owners accordingly. **Convenience Center** reports 1183 Permits have been issued as of 1/05/10. **Economic Development** will have its next scheduled meeting on January 12, 2010. The speaker will be John Torpey, owner of Dutch Neck Village, to discuss the status of the proposed Amish Farm Market. **Public Works/Road** estimates the total cost of the December 19th snow storm at approximately \$3,900.00. This information was detailed for Gary Van Meter at the request of the Office of Emergency Management. **Zoning Board** submitted the November/December Zoning Permit Summary (\$60.00 in fees). **Tax & Sewer Collector** distributed the December Cash Book Report showing \$278,576.93 incl. interest and \$30,030.98 sewer.

A bill list dated 01/06/10 prepared by Treasurer Buttner was provided. Ritter, seconded by Facemyer, motion for **Approval of bills** totaling **\$512,161.84** on the prepared list (Including Payroll) was approved (5-0).

The Mayor asked if there were any questions or comments and opened the meeting to **PUBLIC COMMENTS**. Al Caggiano, Jr. congratulated the entire Committee for their efforts over past years and welcomed newly elected Committeewoman Robin Freitag. Joseph McMahan, a resident at 205 River Road, spoke of several concerns that need attention in his neighborhood. At 226 River Road, he believes that approximately 15-20 cats are being fed and sheltered. He is concerned that the cat food is drawing vultures into the area. The committee directed the administrator to contact the Cumberland County Department of Health and the Cumberland County Office on Aging for guidance in this matter. Mr. McMahan then spoke about the condition of the property located at 221 River Road. The roof on this house has been tarped for the last 4 years. It was noted that the owner of this property was called by township officials and advised of the "Small Cities" grant/loan program which could possibly provide funds to complete the work on the roof. Mr. McMahan also noted that a street light near a sharp bend on River Road was not working. He was assured that the problem would be reported to Atlantic City Electric, with the designated pole number, within 24 hours. There being no further public comment, at 7:47pm, Ritter, seconded by Shoemaker, moved the meeting to **OLD BUSINESS**.

OLD BUSINESS:

TDR Project: Shoemaker noted that Planner, Phil Caton, will be attending the January 28, 2010 Township Committee Meeting.

Sewer Upgrade Project: Daddario reported that project bid specifications have been advertised with the scheduled bid opening on January 26th at 10:00am.

Shoemaker, seconded by Facemyer, moved to approve the revised **Hopewell/Greenwich Interlocal Agreement for Joint Convenience Center**. The document will be signed and forwarded to the Greenwich Township Committee for final execution. (Approved 5-0)

Mayor Hankins informed the committee that he has received confirmation from the **NJ Department of Transportation** that they have recommended the installation of flashing warning beacons in conjunction with warning and advisory speed signs at the curve on **Route 49 at Old Cohansey Road**. Installation should begin in early spring.

Facemyer updated the committee on ongoing negotiations in regard to the **Comcast Renewal of Municipal Consent**. No action was taken. Further discussion and review will follow.

NEW BUSINESS

The following resolutions were approved:

RESOLUTION No. 10-15
TOWNSHIP OF HOPEWELL
CUMBERLAND COUNTY, NEW JERSEY

PARTICIPATING UNITS’ RESOLUTION FOR THE CUMBERLAND JOINT MUNICIPAL SHARED SERVICES FEASIBILITY GRANT COMPONENT

WHEREAS, the Governing Body of Upper Deerfield Township, Cumberland County, NJ and the Governing Bodies of the Cumberland County Townships of Commercial, Deerfield, Downe, Fairfield, Hopewell, Lawrence, Maurice River and Stow Creek, and the Cumberland County Borough of Shiloh, have agreed to apply for a SHARE (Sharing Available Resources Efficiently) Program Grant through the State of New Jersey SHARE Program in the amount of \$43,700.00 (FORTY-THREE THOUSAND, SEVEN HUNDRED DOLLARS) and,

WHEREAS, Township of Upper Deerfield has agreed to be the lead agency in this program, and **WHEREAS**, the State of New Jersey has made SHARE grants available to assist local units to study, develop and implement new shared and regional services; and

WHEREAS, the purpose of this grant is to promote shared services between our local units through the possible sharing of the following services that were identified as priorities for review by representatives of the governing bodies and others that may be identified during this proposed Cumberland Joint Municipal Shared Services Study:

- Code Enforcement
- Personnel
- Public Works – equipment sharing
- Convenience Center Hauling Services
- Cooperative Pricing

WHEREAS, these are all basic functions and services that each of the municipalities fund in their respective budgets and these areas provide the greatest potential for immediate budget reductions and savings.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of Township of Hopewell, that The Township of Upper Deerfield is applying for a grant for the purpose of a feasibility study as described; and,

BE IT FURTHER RESOLVED that the matching funds for this project, totaling \$4,370 will be provided by the lead municipality, which will be reimbursed proportionally by the participating municipalities as their contribution to this project.

Motion by: Ritter
Aye: Hankins, Freitag, Facemyer, Ritter, Shoemaker
Absent: None

Second by: Shoemaker
Nay: None
Abstain: None

**RESOLUTION NO. 10-16
TOWNSHIP OF HOPEWELL
COUNTY OF CUMBERLAND
STATE OF NEW JERSEY**

RESOLUTION RELEASING PERFORMANCE GUARANTEE

WHEREAS, Gary A. and Leigh Ann Barbeck have performed certain improvements to their property, located at Block 55, Lot 1, in the Township of Hopewell, County of Cumberland, pursuant to an approved Site Plan; and

WHEREAS, the Township Planning Board required the posting of a Performance Bond, by the Barbecks, to secure the aforementioned improvements; and

WHEREAS, the Barbecks presented the Township of Hopewell with an Irrevocable Standby Letter of Credit Number 2007010, dated January 17, 2007, in the amount of \$32,674.50, issued by Century Savings Bank; which was reviewed and approved by the Township Solicitor; and

WHEREAS, the Township has received verification through Joseph H. Maffei, P.E., of Engineering Design Associates, P.A., the Township's Engineer, respecting the Barbeck project, confirming that the project has been satisfactorily completed and confirming that it is appropriate to release the Performance Guarantee issued to the Township for the project.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hopewell that the Century Savings Bank Irrevocable Standby Letter of Credit Number 2007010, previously accepted by the Township to secure the improvements at the Barbeck's property, commonly known as Block 55, lot 1, in the Township of Hopewell, is hereby released.

Motion by: Facemyer

Aye: Hankins, Freitag, Facemyer, Ritter, Shoemaker

Absent: None

Second by: Shoemaker

Nay: None

Abstain: None

The following ordinance was approved upon introduction:

**HOPEWELL TOWNSHIP
ORDINANCE NO. 10-01**

**AN ORDINANCE TO SUPPLEMENT SECTIONS 4.9 AND 4.16 OF
THE DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF HOPEWELL IN
CUMBERLAND COUNTY, NEW JERSEY**

WHEREAS, currently, there is no effective method of tracking the changes of permitted uses, occupants, or owners of improved, non-residential real property within the Township, and;

WHEREAS, changes from one permitted use, or occupant to another permitted use or occupant, may alter the parking, traffic circulation, lighting, access, landscaping, or intensity of the use to the detriment of surrounding properties and residents of the Township as a whole, and;

WHEREAS, the Township Committee has consulted with the Planning Board concerning a proposed Ordinance Amendment to require inspection, by the Construction Official whenever there is a change in ownership of an improved, non-residential property, and;

WHEREAS, the Development Ordinance of the Township of Hopewell, in Cumberland County, already requires that the Construction Official must issue a Certificate of Occupancy before a building, or part thereof, can be erected, changed, converted, altered, or enlarged, wholly or in part, pursuant to Section 4.16(c);

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

1. Section 4.9 shall henceforth provide as follows:

It shall be the duty of the zoning officer who shall be appointed by the governing body to administer and enforce the zoning provisions of this Ordinance. No building permit shall be issued unless the plans are accompanied by an approved zoning permit. No zoning permit shall be issued unless the proposed structure, use, temporary activity, and construction activities are in compliance with this Ordinance. In cases involving a change of Ownership, Tenant, or Use of an existing structure, no certificate of occupancy shall be issued until a zoning permit has been issued. It shall be the duty of the Municipal Engineer to enforce the provisions of subdivision site plan approvals.

2. Section 4.16 shall henceforth provide as follows:

A. Issuance of Permits. No change.

B. Requirement for Issuance of Zoning Permit Prior to Other Permits. For both Residential and Commercial construction, a zoning permit shall be issued by the Zoning Officer before the issuance of a building permit. For existing commercial buildings, a zoning permit is required prior to a certificate of occupancy to the occupant of the building that has had a change in ownership and/or tenant, even if the prior permitted use would not change. Whenever there is a change in Use, due to the decision of the current owner/tenant and as determined by the Zoning Officer, a zoning permit is required prior to a certificate of occupancy.

C. Requirement for a Certificate of Occupancy. It shall be unlawful to use or permit the use of any building or part thereof hereafter created, erected, changed, converted, altered or enlarged, wholly or in part, until a certificate of occupancy has been issued by the Construction official. No certificate shall be issued unless the land, building and use thereof comply with this Ordinance; all matters incorporated on an approved subdivision or site plan must have been completed and certified by the Municipal Engineer, and the building and health codes are complied with.

No owner or agent thereof shall hereafter sell, rent, lease or let to any person(s), whether or not for consideration, any commercial building, in whole or in part, unless a zoning permit and certificate of occupancy is obtained. For clarification purposes, real estate transactions involving existing residential properties require a Code Inspection Letter to be obtained prior the change in occupant habitation.

No tenant or occupant shall sublease, sublet, or permit use without following the above requirements for Permits.

Any real estate broker and/or agent rendering services to an owner in the selling, renting, or leasing of a property shall be deemed to be an agent of the owner and give notice to parties involved in the real estate transaction as to the obligations of the Permit requirements section. In the event the agent is charged with a violation of this section, the agent may present a notice to the owner to obtain a certificate of occupancy, provided said notice is either sent by certified mail with receipt or seller has affixed seller's signature to said notice.

D. Fee for Zoning Permits and Certificates of Occupancy. No changes

3. If any part, or parts, of this Amendment are, for any reason, held to be invalid, such adjudication shall not affect the validity of the remaining portions of this Amendment.

4. All Ordinances, or parts of Ordinances which are inconsistent herewith, are repealed, but only to the extent of such inconsistency.

5. All other parts of the Development Ordinance of the Township of Hopewell, not inconsistent herewith, are ratified and confirmed.

6. This Ordinance amending Sections 4.9 and 4.16 shall become effective immediately following its final passage and publication as required by law.

Motion by: Facemyer

Aye: Hankins, Freitag, Facemyer, Ritter, Shoemaker

Absent: None

Second by: Ritter

Nay: None

Abstain: None

Facemyer, seconded by Ritter, moved to approve the following 2010 Sub-Committee assignments, as recommended by the Mayor. (Approved 5-0)

Convenience Center:	Hankins
Facilities:	Hankins
Finance:	Ritter, Facemyer
Fire Company:	Hankins
Insurance:	Facemyer, Ritter
Personnel:	Freitag, Facemyer
Safety:	Freitag
Senior Center:	Freitag
Sewer:	Hankins, Ritter, Shoemaker, Freitag, Facemyer
Streets and Roads:	Shoemaker
TDR Advisory Committee:	Shoemaker, Ritter
Ag. Advisory Committee:	Shoemaker
Planning Board:	Shoemaker, Ritter

CORRESPONDENCE & NOTES & FILINGS include: **National Hurricane Conference** booklet and registration form (March29-April2) Orlando Florida, **Cumberland Development Corporation** update on animal control services, **Cumberland County Utilities Authority** Notice of Public Hearing, **South Jersey Gas Company** Notice of Public Hearing, Minutes of the November 23rd Meeting, **Atlantic City Electric** automatic disconnect notice to municipality, **One Call Concepts** notice as new operator of the New Jersey One Call Center, **GovConnect** notice of increase in the minimum salary required for PERS and TPAF enrollment, Year End Update, **NJLM** extension of COBRA Continuation Requirement, Review of Cable Television Act, Website Updates, Recent Raritan Borough OPRA Decision, Legislative alert- Three Land Use Bills to Watch.

Solicitor's Report: T. Henry Ritter reported that a Township Master Plan Review should be completed by the Planning Board by July of 2010. He also noted that a draft of the revised Hopewell/Stow Creek Fire Company By-Laws was submitted for review on December 22nd. In a Lovell suit update, Mr. Ritter stated that he expects no opposition from the new loan owners concerning the township obtaining possession of 1 Oak Drive.

There being no further business Facemyer, seconded by Ritter, motion to **ADJOURN** was approved by all. The Mayor adjourned the meeting at 8:37pm.

Eugene Daddario, A. Clerk
cc:
Committee,
Township Bulletin Bd.,
Sol. T. H. Ritter

AGENDA
HOPEWELL TOWNSHIP COMMITTEE
REGULAR MONTHLY MEETING
January 6, 2010

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Sunshine Statement:

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Roll Call: Township Committee: Hankins, Freitag, Facemyer, Ritter, Shoemaker; Others:

***Approval of Minutes** of 12/23/09 Regular Meeting (Including Resolutions Passed)

***Approval of Minutes** of 12/23/09 Executive Session

Treasurers Report:

DEPARTMENT & COMMITTEE REPORTS:

Administrator:

Assessor:

Clerk: CCUA 2009 Credit Adjustment (\$14,884.04), December Monthly User Charge Flow and Loading Report

Construction Dept.: *November Permit Report (Total \$5,602.00), *2009 Inspection Report, *2009 Year Report of Permit Fees

Dog Registrar: 2010 Dog Licenses available January 15th. Letters will be mailed to owners.

Convenience Center: 1183 Permits issued as of 1/05/10

Economic Development: Next scheduled meeting is January 12, 2010. Speaker will be John Torpey, owner of Dutch Neck Village, to discuss the status of the proposed Amish Farm Market.

Engineer:

Environmental Commission:

Fire Dept. (Cruzan)

Insurance:

Public Works/Road: Total cost of December 19th snow storm (Approx. \$3,900.00) detailed for Gary Van Meter, Office of Emergency Management.

Planning and Zoning Boards: *November/December Zoning Permit Summary (\$60.00 in fees)

Tax & Sewer Collector: *December Cash Book Report \$278,576.93 incl. interest and \$30,030.98 sewer

Senior Center:

***Approval of bills:** Total Bills **\$512,161.84** on Treasurers 01/06/10 prepared list (Including Payroll).

PUBLIC COMMENTS AND QUESTIONS

OLD BUSINESS:

COAH: (Shoemaker)

TDR Project: (Shoemaker) Planner, Phil Caton, will be attending the January 28, 2010 Township Committee Meeting.

Sewer Upgrade Project (T. Ritter) Project Bid Specifications have been advertised with the scheduled bid opening on January 26th at 10:00am.

***Hopewell/Greenwich Interlocal Agreement for Joint Convenience Center**

***Route 49 Curve Signage Update** (Hankins)

Comcast Franchise Renewal Update (Facemyer)

NEW BUSINESS

***Resolution No. 10-15:** Resolution for the Cumberland Joint Municipal Shared Services Feasibility Grant Component

***Resolution No. 10-16:** Resolution authorizing release of Performance Bond for BL. 55 L. 1

***Introduction of Ordinance No. 10-01** Amendment to Development Ordinance #04-06: Planning Board Recommendations

***Township Sub-Committee Appointments**

CDC: (Mayor)

CORRESPONDENCE & NOTES & FILINGS include: **National Hurricane Conference** booklet and registration form (March29-April2) Orlando Florida, **Cumberland Development Corporation** update on animal control services, **Cumberland County Utilities Authority** Notice of Public Hearing, **South Jersey Gas Company** Notice of Public Hearing, Minutes of the November 23rd Meeting, **Atlantic City Electric** automatic disconnect notice to municipality, **One Call Concepts** notice as new operator of the New Jersey One Call Center, **GovConnect** notice of increase in the minimum salary required for PERS and TPAF enrollment, Year End Update, **NJLM** extension of COBRA Continuation Requirement, Review of Cable Television Act, Website Updates, Recent Raritan Borough OPRA Decision, Legislative alert- Three Land Use Bills to Watch.

Solicitor's Report: Lovell Suit

EXECUTIVE SESSION: (If Needed)

ADJOURN

Eugene Daddario, A. Clerk

cc:

**Committee,
Township Bulletin Bd.,
Sol. T. H. Ritter**