

HOPEWELL TOWNSHIP COMMITTEE
MINUTES OF THE REGULAR MONTHLY MEETING
January 28, 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 January 15, 2010. 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: NJ State Police Officer Brian Stanker, Theodore Ritter, Bruce Cobb, Tom Tedesco, Planner Phil Caton and Planning Board Member Alfred Caggiano, Jr.

Facemyer, seconded by Ritter, moved for **Approval of Minutes** of 1/06/10 Regular Meeting. (Including Resolutions and Ordinance Passed). Approved (5-0).

Facemyer, seconded by Ritter, moved for **Approval of Minutes** of 1/06/10 Reorganization Meeting. Approved (5-0).

Facemyer, seconded by Ritter, moved to approve the **Treasurers Report** 01/06/10 as submitted. Unanimously Approved.

DEPARTMENT & COMMITTEE REPORTS:

Administrator read a letter of resignation from Township Prosecutor, Arthur J. Marchand (January 13, 2010), who has received a judicial appointment.

Facemyer, seconded by Shoemaker, moved to accept the **Letter of Resignation**. (Approved 5-0)

After review of applications received to fill the Prosecutor's position, the personnel committee made its recommendation.

Facemyer, seconded by Freitag, moved to appoint **Chris D'Arrigo** as **Hopewell Township Prosecutor** for the remainder of 2010. Approved 5-0

Construction Department submitted a letter from Donna Hickman and Gordon Gross regarding 2009 fee collections. Construction fees collected in 2009 were far below what was collected in 2008. After further analysis by the construction department, more detailed information will be submitted to the Township Committee. **Dog Registrar:** 2010 Dog Licenses are now available. Letters for registration have been mailed to owners. **Convenience Center:** 1188 Permits have been issued as of 1/27/10. **Economic Development:** At the January 12th meeting, John Torpey, owner of Dutch Neck Village, discussed the status of the proposed Amish Farm Market. Demolition is scheduled for this spring with a summer completion expected. **Zoning Board** submitted Minutes of the January 7th Zoning Board Meeting

Mayor Hankins recognized **NJ State Police Officer, Brian Stanker**, who updated the committee on township related issues. Several arrests have been made involving recent Hopewell Township home burglaries and the New Year's Eve assault of a township resident. Many of the burglaries involved gold and jewelry which were turning up in area pawn shops. Officer Stanker also warned of telephone scams which usually target senior citizens.

A bill list dated 01/28/10 prepared by Treasurer Buttner was provided. Ritter, seconded by Facemyer, motion for **Approval of bills** totaling **\$548,492.55** on the prepared list (Including Payroll/Less Hankins Bill) was approved 5-0.

Ritter, seconded by Facemyer, moved for **Approval of Hankins Bill** (\$504.18). Approved (Hankins Abstain).

The Mayor asked if there were any questions or comments and opened the meeting to **PUBLIC COMMENTS**. Township resident, Bruce Cobb voiced several concerns about Bostwick Lake, the Bostwick Lake Commission and the management of the lake and campsite area. He asked for an accounting of how the funds (\$9,000.00 plus rental income) were being spent. He questioned the regulations with respect to long term rentals at the camp sites and maximum occupancy per site. Mr.

Cobb suggested that the Environmental Commission monitor the lake and related activities. The Clerk was directed to request copies of the 2009 Bostwick Lake Commission meeting minutes and budget figures and present them at the next Township Committee meeting. There being no further public comment, at 7:50pm, Facemyer, seconded by Shoemaker, moved the meeting to **OLD BUSINESS**.

OLD BUSINESS:

Hopewell/Greenwich Interlocal Agreement for Joint Convenience Center has been signed and sealed by both townships with an effective date of January 1, 2010.

Comcast Franchise Renewal Update: Facemyer briefed the committee on the status of ongoing negotiations with Comcast Cable.

NEW BUSINESS

No action was taken on a **Clean Communities** trash pick-up request for **Woodruff School 8th Grade Class Committee**.

The following resolutions were approved:

**RESOLUTION 10-17
HOPEWELL TOWNSHIP**

Resolution to refund overpayment of taxes to property owner.

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

WHEREAS, property owners, Jerome & Sherry Cassidy, Block 75 Lot 1.01, 454 Greenwich Road in the Township of Hopewell had been in the process of a refinance and both Broker's Abstract & Search Company and Chase Home Finance made tax payments in full for the above mentioned property owners November 2009 quarterly bill, creating an overpayment.

WHEREAS, Broker's Abstract is requesting their duplicate payment refund be made directly to the property owners, Jerome and Sherry Cassidy.

NOW THEREFORE BE IT RESOLVED, that Hopewell Township refund Jerome and Sherry Cassidy their November 2009 payment of \$949.54.

Motion: Shoemaker

Second: Ritter

Aye: Hankins, Facemyer, Freitag, Ritter, Shoemaker

Nay: None

Absent: None

Abstain: None

**HOPEWELL TOWNSHIP
RESOLUTION NO. 10-18**

To Cancel 2009 Open Balances Less Than \$10.00
For Property Tax and Sewer Tax

WHEREAS, there are a number of taxpayers, with lists to follow, who for various reasons have open tax and sewer balances less than \$10.00 ; and

WHEREAS, since the time and expense involved to collect or refund the amounts is greater than the amounts open; and

WHEREAS, the cancellation of these small balances would promote the efficiency of the Tax Office by eliminating the need to track these small amounts;

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Hopewell, County of Cumberland and State of New Jersey that the Tax Collector is hereby authorized to cancel these balances of \$212.21 total for property tax and \$62.93 total for sewer tax. These amounts are listed individually and shown in the last column on the 2009 Tax Collector's year end reports dated January 4, 2010 as per file.

Motion by: Ritter

Second by: Shoemaker

Aye: Hankins, Facemyer, Freitag, Ritter, Shoemaker

Nay: None

Absent: None

Abstain: None

HOPEWELL TOWNSHIP RESOLUTION No. 10-19
To Transfer 2009 Overpayments on Property Tax Records
and Sewer Usage Accounts to 2010 Open Balances

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

WHEREAS, the Tax Collector has certified to the Township Committee that certain 2009 overpayments have been made and has requested that a resolution be passed to authorize the transfer of these overpayments to 2010 open balances. The Tax Collector has attached a list of these over-payments as part of the year end process.

NOW, THEREFORE BE IT RESOLVED, that the Tax Collector be authorized as part of the year end process to transfer these 2009 tax & sewer overpayments to 2010 open tax & sewer balances.

Motion: Shoemaker

Second: Freitag

Aye: Hankins, Facemyer, Freitag, Ritter, Shoemaker

Nay: None

Absent: None

Abstain: None

The following resolution was approved, subject to Certification of Funds by the CFO and review of the bid package by the township solicitor:

HOPEWELL TOWNSHIP
CUMBERLAND COUNTY
NEW JERSEY
RESOLUTION NO. 10-20
Award of Contract

WHEREAS, the Township of Hopewell required competitive bids for Upgrades to Various Sanitary Sewer Pump Stations; and

WHEREAS, on January 26, 2010 submitted bids were received and it is determined that the low bid on the project is the bid of **Willier Electric Motor Repair** in the amount of \$250,000.00; and

WHEREAS, it is further determined that the bid submittal of Willier Electric Motor Repair must be reviewed by the solicitor that it is a complying submittal, and

NOW, THEREFORE, BE IT RESOLVED that the contract for Upgrades to Various Sanitary Sewer Pump Stations be awarded to Willier Electric Motor Repair in the amount of \$250,000; and

Subject to a Certification of Funds statement by the CFO, and

That the Presiding officer of this body be and is hereby directed to sign for and on its behalf the contract in the prescribed form for said construction, and

That the Clerk of this body be and is hereby directed to seal said contract with the corporate seal of this body and to attest to the same.

Motion by: Ritter

Second by: Facemyer

Aye: Hankins, Facemyer, Freitag, Ritter, Shoemaker

Nay: None

Absent: None

Abstain: None

At 8:12pm Shoemaker, seconded by Facemyer, moved to open the **Public Hearing for Ordinance No. 10-01: An ordinance to supplement sections 4.9 and 4.16 of the development ordinance.** Approved (5-0).

There being no public comment, at 8:13pm Facemyer, seconded by Shoemaker, moved to close the Public Hearing. Approved (5-0)

The following ordinance was final adopted:

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: Shoemaker

Aye: Hankins, Freitag, Facemyer, Ritter, Shoemaker

Absent: None

Second by: Facemyer

Nay: None

Abstain: None

At 8:20pm Shoemaker, seconded by Facemyer, moved the meeting into **EXECUTIVE SESSION** for the purpose of discussing real estate and possible litigation.

At 10:12pm the meeting was returned to **Open Session**.

Facemyer, seconded by Shoemaker, moved to remove the positions of **County Agriculture Board Liaison** and **Fiscal Advisor** from the 2010 Salary Ordinance. Approved (5-0)

Shoemaker, seconded by Facemyer, moved to direct Assistant Solicitor Matthew Ritter to draft a **Township Email Policy** for review and adoption. Approved (5-0)

CDC: Mayor Hankins relayed comments from two speakers at the last Cumberland Development Corporation Meeting. Assemblywoman Celeste Riley spoke of the difficult year ahead for the state budget and the impact on municipal aid. Donald Olbrich, Cumberland County Supervisor of Public Works, spoke of improving coordination between the county and surrounding municipalities in cases of severe storms and snowfall.

CORRESPONDENCE & NOTES & FILINGS include: **Hopewell Township Zoning Board** resolution honoring Robin Freitag, **Cumberland County Solid Waste Complex 2010 Fee Schedule**, **3rd District Legislators** newsletter/brochure, **Robert J Pryor** Public Hearing Notice (Stow Creek Township Stormwater Management Plan), **CCUA 2010 Estimated Sewage Treatment Rates**, **Cumberland County Department of Planning and Development** Rails to Trails feasibility workshop, **Cumberland County Health Department** 2009 yearly summations, **NJLM** League Publications order form, ***S-1 Reforms** Fair Housing Act and Abolishes COAH, Governor Christie Issues Eight Executive Orders, Bills signed by Governor Corzine, Changes to DLGS website, **GovConnect** New Items Update.

Solicitor's Report: T. Henry Ritter explained the Permit Extension Act which was recently signed into law extending expiration of open permits to December 31, 2012.

He is also determining the sequence of events needed to convey the title of property at 1 Oak Drive to a new owner. This will include access for appraisal, work orders from the construction official, going to public bid, approval of sale to the highest bidder and the court granting title to Hopewell Township.

There being no further business Freitag, seconded by Shoemaker, motion to **ADJOURN** was approved by all. The Mayor adjourned the meeting at 10:38pm.

Eugene Daddario, A. Clerk

cc:

Committee,

Township Bulletin Bd.,

Sol. T. H. Ritter

AGENDA
HOPEWELL TOWNSHIP COMMITTEE
REGULAR MONTHLY MEETING
January 28, 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 January 15, 2010. Notices were placed on the Municipal Office bulletin board on the same date.

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

***Approval of Minutes** of 1/06/10 Regular Meeting (Including Resolutions and Ordinance Passed)

***Approval of Minutes** of 1/06/10 Reorganization Meeting

Treasurers Report:

DEPARTMENT & COMMITTEE REPORTS:

Administrator: Resignation Letter from Arthur J. Marchand (January 13, 2010)

Assessor:

Clerk:

Construction Dept.: *Letter from Donna Hickman and Gordon Gross regarding 2009 fee collection.

Dog Registrar: 2010 Dog Licenses are now available. Letters have been mailed to owners.

Convenience Center: 1188 Permits issued as of 1/27/10

Economic Development: At the January 12th meeting, John Torpey, owner of Dutch Neck Village, discussed the status of the proposed Amish Farm Market. Demolition is scheduled for this spring with a summer completion expected.

Engineer:

Environmental Commission:

Fire Dept.

Insurance:

Public Works/Road:

Planning and Zoning Boards: *Minutes of the January 7th Zoning Board Meeting

Tax & Sewer Collector:

Senior Center:

***Approval of bills:** Total Bills \$548,492.55 on Treasurers 01/28/10 prepared list (Including Payroll/Less Hankins Bill).

***Approval of Hankins Bill** (\$504.18)

PUBLIC COMMENTS AND QUESTIONS

OLD BUSINESS:

COAH: (Shoemaker)

TDR Project:

Hopewell/Greenwich Interlocal Agreement for Joint Convenience Center has been signed and forwarded to the Greenwich Township Committee for signatures.

Comcast Franchise Renewal Update (Facemyer)

NEW BUSINESS

Clean Communities trash pick-up request for **Woodruff School** 8th Grade Class Committee.

***Resolution No. 10-17:** Resolution to refund overpayment of taxes to property owner.

***Resolution No. 10-18:** Resolution to cancel 2009 open balances less than \$10.00

***Resolution No. 10-19:** Resolution to transfer 2009 overpayments on property tax records and sewer accounts to 2010 open balances

***Resolution No. 10-20:** Resolution to award Sewer Upgrade Project

***Public Hearing of Ordinance No. 10-01:** An ordinance to supplement sections 4.9 and 4.16 of the development ordinance

Discussion: County Agriculture Board Liaison, Fiscal Advisor

Discussion: OPRA request for email records

CDC: (Mayor)

CORRESPONDENCE & NOTES & FILINGS include: **Hopewell Township Zoning Board** resolution honoring Robin Freitag, **Cumberland County Solid Waste Complex** 2010 Fee Schedule, **3rd District Legislators** newsletter/brochure, **Robert J Pryor** Public Hearing Notice (Stow Creek Township Stormwater Management Plan), **CCUA** 2010 Estimated Sewage Treatment Rates, **Cumberland County Department of Planning and Development** Rails to Trails feasibility workshop, **Cumberland County Health Department** 2009 yearly summations, **NJLM** League Publications order form, *S-1 Reforms Fair Housing Act and Abolishes COAH, Governor Christie Issues Eight Executive Orders, Bills signed by Governor Corzine, Changes to DLGS website, **GovConnect** New Items Update.

Solicitor's Report: Lovell Suit

EXECUTIVE SESSION: (If Needed)

ADJOURN

Eugene Daddario, A. Clerk

cc:

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