

**HOPEWELL TOWNSHIP COMMITTEE**  
**MINUTES OF THE REGULAR MONTHLY MEETING**  
March 11, 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: Bruce Cobb, Tom Tedesco, Eric Schwartz from The News, Duane Cruzan and Planning Board Member Alfred Caggiano, Jr.

Facemyer, seconded by Ritter, moved for **Approval of Minutes** of 2/25/10 Regular Meeting. (Including Resolutions Passed). Approved (5-0).

Facemyer, seconded by Ritter, moved for **Approval of Minutes** of 2/25/10 First Closed Executive Session Meeting. Approved (5-0).

Facemyer, seconded by Ritter, moved for **Approval of Minutes** of 2/25/10 Second Closed Executive Session Meeting. Approved (5-0).

Mayor Hankins presented a proclamation from the **New Jersey League of Municipalities** inducting **Duane Cruzan** into the **New Jersey Elected Officials Hall of Fame** in recognition of his many years of service and dedication to the Township of Hopewell.

**DEPARTMENT & COMMITTEE REPORTS:**

**Administrator** reported that a FEMA emergency funding grant application for the December 19<sup>th</sup> snow storm was filed Tuesday, March 9<sup>th</sup>. Expected reimbursement to the township is approximately \$6,500.00. The projected timetable for Municipal Building tenants to move back to the Cumberland County Court House is by the end of May 2010. **Assessor** submitted an Accumulative Usable Sales Report showing transactions from 7/1/09-present. Also forwarded, was a newspaper article supporting the township's position to oppose Senate Bill S-458. **Clerk** sent a letter of thanks to the Woolwich Township Mayor and Township Committee for their donation of court room furniture. **Construction Department** February 2010 Permit Summary was distributed (\$1,973.00 Paid). **Dog Registrar** reported 229 licenses issued as of 3/10/10. **Convenience Center** reported 1203 Permits issued as of 3/10/10. **Economic Development Committee** forwarded the January 12<sup>th</sup> Meeting Minutes. **Engineer** reported that landfill closure information and correspondence was sent to DEP February 26<sup>th</sup> as requested. Reduction or elimination of landfill testing requirements has been submitted. **Fire Department:** Delivery of the new pumper was taken Wednesday, March 10<sup>th</sup>. Quotes were received for miscellaneous items needed to equip the new truck.

Facemyer, seconded by Shoemaker, moved to purchase the requested equipment from **Continental Fire and Safety, Inc.** at a cost of \$5,925.70, contingent upon approval from the Stow Creek Township Committee. (Approved 5-0)

**Public Works/Road:** The 2010 Chevrolet 2500 pick-up truck was received from Flemington Chevrolet on March 3<sup>rd</sup>. A "Register-Ready" list is available from the Cumberland County Office of Emergency Management showing residents with special medical needs. Gary Van Meter will forward a copy to the township. **Planning and Zoning Boards:** March Planning Board and Zoning Board Meetings have been canceled. **Tax & Sewer Collector** submitted the February Cash Book Report \$1,386,911.20 including interest and \$73,209.24 sewer.

A bill list dated 03/11/10 prepared by Treasurer Buttner was provided. Ritter, seconded by Facemyer, motion for **Approval of bills** totaling **\$549,129.35** on the prepared list (Including Payroll/Less Hankins Bill) was approved 5-0.

Ritter, seconded by Facemyer, moved for **Approval of Hankins Bill** (\$200.84). Approved (Hankins Abstain).

The Mayor asked if there were any questions or comments and opened the meeting to **PUBLIC COMMENTS**. Planning Board member, Al Caggiano, Jr., who is currently reviewing the township master plan, requested any input that the township committee may have on solar, wind and other alternate

energy guidelines. Recent legislation has ruled such projects as “Inherently Beneficial”, restricting control through current local planning and zoning guidelines. A suggestion was made for Mr. Caggiano to contact Anthony Stanzione, Director of the Cumberland Development Corporation, who has been working with other nearby townships, on this matter.

Bruce Cobb expressed his appreciation for a recent meeting with township officials at Bostwick Lake. Mayor Hankins has scheduled a meeting with the Mayors of Upper Deerfield and Alloway Townships to further discuss their recommendations to the Bostwick Lake Commission. There being no further public comment, at 7:45pm, Ritter, seconded by Shoemaker, moved the meeting to **OLD BUSINESS**.

### **OLD BUSINESS:**

**TDR Project:** Shoemaker, reporting on information received from planner, Phil Caton, said that the Department of Community Affairs will submit a report to the Governor in May regarding recommendations for TDR development. Other recommendations are being submitted by the Governor’s Task Force.

**Township Email Policy:** A policy draft was submitted for review. Prices to initiate and maintain all municipal email files were received from Municipal Software Inc. Action will be considered at a future meeting.

**Sewer Upgrade Project:** Revised bid specifications should be finalized and advertised within 1 week.

### **NEW BUSINESS**

The following resolutions were passed:

#### **TOWNSHIP OF HOPEWELL RESOLUTION NO. 26**

#### **A RESOLUTION GRANTING FINAL APPROVAL OF THE MICHAEL R. MINCH ET AL. APPLICATION TO SELL DEVELOPMENT EASEMENT**

**WHEREAS**, the County of Cumberland submitted a Planning Incentive Grant (PIG) Application to the State Agriculture Development Committee pursuant to the State Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 *et seq.*, the Planning Incentive Grant Program, N.J.S.A. 4:1C-43.1 *et seq.*, and the regulations there under; and

**WHEREAS**, the application provided for the proposed acquisition of a Development Easement on property owned by Michael R. Minch, Carol Sheppard and Donna Sheppard on Beebe Run Road, and known as Hopewell Township block 17, lot 1; and

**WHEREAS**, the State Agriculture Development Committee certified the fair market value of the aforementioned development easement pursuant to N.J.A.C. 2:76-7.14 at \$12,100.00 per acre; and

**WHEREAS**, the applicant has submitted an asking price of \$12,100.00 per acre; and

**WHEREAS**, the estimated cost sharing breakdown for the acquisition of the development easement is as follows (based on an estimated 11 net acres), subject to the actual acreage to be covered by the development easement per the final survey which conforms to the farmland preservation program requirements:

State Agriculture Development Committee	\$ 79,860.00
(\$7,260.00/per acre: 60.00%)	
County of Cumberland	\$ 53,240.00
(\$4,840.00/per acre: 40.00%)	

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Hopewell in the County of Cumberland that the Township Committee gives final approval to the proposed acquisition of a development easement to be held by the County of Cumberland on the Minch et al. Farm, block 17, lot 1 in the Township of Hopewell, County of Cumberland, State of New Jersey, on approximately 11 acres pursuant to the County’s Planning Incentive Grant application subject to the following:

1. The conveyance of a development easement which shall provide for the following:
  - a. No exceptions;
  - b. No non-agricultural uses;
  - c. One (1) dwelling unit on area under easement;
  - d. No Residual Dwelling Site Opportunities;

**IT IS FURTHER RESOLVED** that this resolution be sent to the Cumberland County Agriculture Development Board and to the State Agriculture Development Committee for their final approval;

**FINAL APPROVAL and ACCEPTANCE** of this application is contingent upon the approval and acceptance of the County of Cumberland and the State Agriculture Development Committee.

Motion by: Shoemaker

Aye: Hankins, Facemyer, Freitag, Shoemaker, Ritter

Absent: None

Second by: Ritter

Nay: None

Abstain: None

### **TOWNSHIP OF HOPEWELL**

#### **Resolution No. 10-27**

Authorizing the sale of certain land and property no longer needed for public use by the Township of Hopewell

**WHEREAS**, the Township of Hopewell is the owner of certain lands and capital improvements located within the Township of Hopewell and comprising part of block 52, lot 21, and having a street address of 500 Shiloh Pike; and

**WHEREAS**, the Township Committee of the Township of Hopewell does hereby determine that a portion of the land and property set forth above, with improvements thereon, are no longer needed for public use; and

**WHEREAS**, said land and improved property consists of that portion fronting on Route 49 (Shiloh Pike) being 100 feet (100') wide by two hundred and fifty feet (250') deep and consisting of 0.57 acres, all of which are more or less, which shall be subdivided from the larger parcel at Seller's expense; and

**WHEREAS**, the Township desires to make available for public sale said land and improvements in accordance with N.J.S.A. 40A:12-13(a);

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

1. The Township Committee hereby declares that the land and premises set forth above are no longer needed for public use and should be sold in accordance with the appropriate Statutes of the State of New Jersey.
2. The public sale shall take place at the Hopewell Township Municipal Building, 590 Shiloh Pike, Bridgeton, New Jersey on Wednesday, March 24, 2010 at 10:00 A.M. or as soon thereafter as the matter may be heard and publicly announced, provided the sale is not cancelled.
3. If not cancelled, the public sale shall take place at auction and to the highest responsible bidder. The minimum bid amount is \$225,000.00.
4. Any person bidding on behalf of a corporation must either submit a copy of a resolution of the corporation, or a letter on corporate stationery, signed by an officer of the corporation, authorizing the bidder to bid on the property on the corporation's behalf. A person bidding on behalf of a partnership or using a trade name must submit a copy of the certificate of trade name and a letter of authorization from the other partners.
5. All bidders at the time of sale must present a certified check or money order, payable to themselves (to be endorsed to the Township if successful), in the amount of \$22,500.00. The successful bidder shall submit a personal check or money order for any balance of the deposit of 10% of the bid amount at the conclusion of the auction, and shall promptly execute an Agreement of Sale. The balance of the purchase price shall be paid at closing, which shall occur no later than 30 days following the completion of a subdivision by the Township. The purchaser shall be entitled to possession immediately following the closing of title.
6. All bids shall be reviewed by the Township Committee and the Township Solicitor for final approval pursuant to N.J.S.A. 40:A:12-13(a). The Township reserves the right to accept or reject any and all bids at the time of public sale and to not award to the highest bidder.
7. In the event that the Township of Hopewell is unable to convey clear and marketable title, insurable at regular rates by a title insurance company licenses to do business in the State of New Jersey, the Township will forthwith return to the purchaser any and all deposit monies previously submitted by the purchaser, and neither party shall have any further rights against the other. The acceptance of a deed by the purchaser from the Township shall

extinguish any claims that said purchaser may have against the Township of Hopewell in connection with the quality of title conveyed.

8. The property sold herein is sold subject to existing encumbrances, liens, easements, zoning ordinances, other restrictions of record, such facts as an accurate survey would reveal, and any present or future assessments for the construction of improvements benefiting said property. The Township makes no representations as to the presence or absence of wetlands or any other environmental conditions on the property and the purchaser assumes the risk of any such condition, all property being sold "as is."

9. The successful bidder agrees and understands that the property to be sold is zoned PR for Professional/Retail use and Buyer's proposed use of the property must be a use which is permitted without a variance in the zone.

10. All conveyances by the Township shall be made by Quitclaim Deed, unless an adequate title binder, prepared at the expense of the purchaser, is forwarded to the Township prior to conveyance, in which case a Bargain and Sale Deed with Covenants Against Grantor's Acts will be the form of conveyance.

11. The Township Committee reserves the right to waive any and all defects and informalities in any proposal and to accept or reject the highest responsible and responsive bid deemed to be in the best interest of the Township. No bid shall be considered finally accepted until passage of a Resolution by the Township Committee as set forth herein.

12. Any acceptable bid shall be confirmed by resolution of the Township Committee no later than the second regular meeting of the Township Committee following the date of such sale.

13. This Resolution shall constitute and serve as the public notice to be published in a newspaper circulating in the Township at least once a week for two (2) consecutive weeks, the last publication being not earlier than seven (7) days prior to the date set forth for the public sale.

14. In the event that the successful bidder fails to close on the property, he shall forfeit the ten percent (10%) deposit as liquidated damages and not as a penalty.

15. This Resolution shall take effect immediately upon adoption by the Township Committee.

Motion by: Facemyer

Aye: Ritter, Facemyer, Freitag, Ritter, Shoemaker

Absent: None

Second by: Freitag

Nay: None

Abstain: None

**HOPEWELL TOWNSHIP**  
**RESOLUTION 10-28**  
RESOLUTION OPPOSING LEGISLATION AMENDING  
THE TIME OF DECISION RULE

**WHEREAS**, S-82 and A-437 are intended to modify the "time of decision" rule, which currently allows municipalities to change the zoning regulations during the pendency of an application for development; and

**WHEREAS**, the bills would deem as complete the ordinances in effect at the time of an application and shall govern the review of that application, and any decision made following upon that review;

**WHEREAS**, "the time of decision rule" is a judicially recognized principal that decisions are to be made on the basis of laws, ordinances and regulations in effect at the time the decision is rendered not upon application; and

**WHEREAS**, courts have applied the "time of decision rule" to correct errors in zoning ordinances, thus giving local legislators the opportunity to correct legislative policy that had been found to be imperfectly expressed; and

**WHEREAS**, the "time of decision rule" has permitted a municipality to give additional legislative consideration to serious and substantial land use planning concerns that, for whatever reason, had not been previously addressed in the ordinance; and

**WHEREAS**, application and zoning changes require public discussion and hearings, and S-82/A-437 would permit developers to "beat the clock" by filing applications and freezing the ability of local officials to act;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Committee of Hopewell Township in the County of Cumberland and State of New Jersey hereby urges our State Legislators to oppose A-4 and S-82, and any legislation which would eliminate the "time of decision" rule at the local level; and

**BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded to Senator Stephen M. Sweeney, Assemblyman John J. Burzichelli, Assemblywoman Celeste M. Riley, the New Jersey State League of Municipalities and the Office of the Governor.

Motion: Shoemaker

Aye: Hankins, Facemyer, Freitag, Ritter, Shoemaker

Absent: None

Second: Ritter

Nay: None

Abstain: None

**CORRESPONDENCE & NOTES & FILINGS** include: **Thank you card** from the Roy Brooks family, **NJ Public Employment Relations Commission and New Jersey Bar Association** 30<sup>th</sup> Annual Labor Law Conference brochure and registration form, **Bridgeton Area Chamber of Conference** meeting notice (March 16<sup>th</sup>), **South State Inc.** 2009 recycling report, **Big Brothers/Big Sisters** 22<sup>nd</sup> annual “The Big Night” flyer/registration form, **Cumberland County Purchasing Office** Cooperative Contract for providing plumbing repair services, Cooperative Contract for delivery and supplying office supplies, **Cumberland County Planning Department** notice of recommendation to select the firm of Simone Collins to provide the county open space plan, **NJ Department of Environmental Protection** drinking water programs, regulations etc., Application to divert water, **NJ Transit** proposed fare changes, FTA Section 5310 Grant Program, **NJLM** Legislative alert, notices, upcoming events.

**Solicitor’s Report:** Matthew Ritter distributed copies of an article from the NJ Law Journal, written by Edward J. Boccher, embracing the S-1 Bill which abolishes COAH and provides an alternative means for municipalities to address their affordable-housing obligation.

T. Henry Ritter will be arranging a meeting to discuss maintenance and possible restoration of the property at 1 Oak Drive. Those attending will include Mr. Ritter, Michael A. Alfieri, Mayor Hankins, Gordon Gross and a building contractor.

Also discussed was the forethought of solar, wind and other alternate energy projects in Hopewell Township. It was suggested that the township consider the future of such development and have recommended sites for that purpose.

There being no further business Freitag, seconded by Shoemaker, motion to **ADJOURN** was approved by all. Mayor Hankins adjourned the meeting at 8:38pm.

**Eugene Daddario, A. Clerk**

**cc:**

**Committee,**

**Township Bulletin Bd.,**

**Sol. T. H. Ritter**

**AGENDA**  
**HOPEWELL TOWNSHIP COMMITTEE**  
**REGULAR MONTHLY MEETING**  
March 11, 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 2/25/10 Regular Meeting (Including Resolutions Passed)

**\*Approval of Minutes** of 2/25/10 1<sup>st</sup> Closed Executive Session Meeting

**\*Approval of Minutes** of 2/25/10 2<sup>nd</sup> Closed Executive Session Meeting

**Duane Cruzan Induction to “Elected Officials Hall of Fame”**

**Treasurers Report:**

**DEPARTMENT & COMMITTEE REPORTS:**

**Administrator:** FEMA emergency funding grant application for December 19<sup>th</sup> snow storm was filed Tuesday, March 9<sup>th</sup>. (Expected reimbursement approximately \$6,500.00)  
Municipal Building tenants are expected to move back to the Court House in May.

**Assessor:** \*Accumulative Usable Sales Report 7/1/09-present, \*Tax assessment experiment newspaper article.

**Clerk:** Letter of thanks to Woolwich Township Mayor and Township Committee

**Construction Dept.:** \*February 2010 Permit Summary (\$1,973.00 Paid)

**Dog Registrar:** 229 Licenses issued as of 3/10/10.

**Convenience Center:** (Hankins) 1203 Permits issued as of 3/10/10

**Economic Development:** \*January 12<sup>th</sup> Meeting Minutes

**Engineer:** \*Landfill closure information and correspondence sent to DEP February 26<sup>th</sup> as requested. Reduction or elimination of landfill testing requirements has been submitted.

Environmental Commission:

**Fire Department:** (Hankins) Delivery of Fire Truck taken Wednesday March 10<sup>th</sup>, Fire Truck Payment agreement with Stow Creek Township, \*Quotes for Fire Truck miscellaneous equipment.

Insurance: (Facemyer/Ritter)

**Public Works/Road:** (Shoemaker) New Pick-up Truck received March 3<sup>rd</sup>. “Register-Ready” list is available from the Cumberland County Office of Emergency Management. Gary Van Meter will forward a copy to the township.

**Planning and Zoning Boards:** (Shoemaker/Ritter) March Planning Board and Zoning Board Meetings have been canceled.

**Tax & Sewer Collector:** \*February Cash Book Report \$1,386,911.20 incl. interest and \$73,209.24 sewer

**Senior Center:** (Freitag)

**\*Approval of bills:** Total Bills \$549,129.35 on Treasurers 03/11/10 prepared list (Including Payroll/Less Hankins Bill).

Approval of Hankins Bill (\$200.84)

## **PUBLIC COMMENTS AND QUESTIONS**

### **OLD BUSINESS:**

**COAH:** (Shoemaker)

**TDR Project:** (Shoemaker/Ritter)

**Comcast Franchise Renewal Update** (Facemyer)

**Township Email Policy:** \*Sample Policy, Prices to initiate and maintain program

**Sewer Upgrade Project:** New bid specifications should be finalized within 1 week.

**Bostwick Lake Commission:**

### **NEW BUSINESS**

**\*Resolution No. 10-26:** Resolution to sell development easement

**\*Resolution No. 10-27:** Resolution authorizing the sale of certain land and public property no longer needed for public use

**\*Legislative Alert: A-437/S-82** Elimination of the “Time of Decision” rule.

**CDC:** (Mayor)

**CORRESPONDENCE & NOTES & FILINGS** include: **Thank you card** from The Roy Brooks family, **NJ Public Employment Relations Commission and New Jersey Bar Association 30<sup>th</sup> Annual Labor Law Conference** brochure and registration form, **Bridgeton Area Chamber of Conference** meeting notice (March 16<sup>th</sup>), **South State Inc.** 2009 recycling report, **Big Brothers/Big Sisters 22<sup>nd</sup> annual “The Big Night”** flyer/registration form, **Cumberland County Purchasing Office** Cooperative Contract for providing plumbing repair services, Cooperative Contract for delivery and supplying office supplies, **Cumberland County Planning Department** notice of recommendation to select the firm of Simone Collins to provide the county open space plan, **NJ Department of Environmental Protection** drinking water programs, regulations etc., Application to divert water, **NJ Transit** proposed fare changes, FTA Section 5310 Grant Program, **NJLM** Legislative alert, notices, upcoming events.

**Solicitor’s Report:**

**EXECUTIVE SESSION:** (If Needed)

**ADJOURN**

**Eugene Daddario, A. Clerk**

**cc:**

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