

**HOPEWELL TOWNSHIP COMMITTEE
MINUTES OF THE REGULAR MONTHLY MEETING**

September 9, 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, Freitag, Shoemaker, Ritter. Facemyer. Others Present: Sol. Matthew Ritter, Clerk E. Daddario. Others: Zarko Rajacich, Dianne Bosco, Tom Tedesco, Greg Adomaitis from The News and Planning Board Member Alfred Caggiano, Jr.

Shoemaker, seconded by Ritter, moved for **Approval of Minutes** of 8/26/10 Regular Meeting. Approved (4-0). Facemyer Abstain

Ritter, seconded by Facemyer, moved for **Approval of Minutes** of 8/30/10 **Special Meeting** of The Bostwick Lake Commission, Hopewell Township Committee, Upper Deerfield Township Committee and Alloway Township Committee. Approved (5-0).

DEPARTMENT & COMMITTEE REPORTS:

Administrator reported on the success of the 2010 Cohansey Riverfest which took place on Saturday, August 28th. Mayor Hankins and Vice Mayor Ritter represented Hopewell Township and won the Silver Medal in a kayak race with teams from Bridgeton and Upper Deerfield Township. **Clerk** is gathering information on a New Jersey Clean Energy Direct Install Grant to replace the Municipal Building heater. **Construction Dept.** submitted the August 2010 Permit Report (\$1,730.00). **Dog Registrar** reported that 525 licenses have been issued as of 8/26/10. **Convenience Center** reported that 1302 permits have been issued as of 8/26/10. **Economic Development:** Accredited Dermatology plans to open their Hopewell Township office in early November, 2010. **Fire Department** heater replacement quotes have been received from A. J. Petrunis, Laury Heating and Woodruff Energy. A recommendation will follow after further review. **Public Works/Road:** Direct contact information has been given to the Hopewell Crest School to report any school bus route issues requiring attention. **Planning Board** submitted the August 18th meeting minutes and the September 15th meeting agenda.

A bill list dated 09/09/10 prepared by Treasurer Buttner was provided. Ritter, seconded by Facemyer, motion for **Approval of bills** totaling **\$118,707.09** on the prepared list (Including Payroll/Less Hankins Bill) was approved 5-0.

Ritter, seconded by Facemyer, moved for **Approval of Hankins Bill** (\$144.87). Approved 4-0 (Hankins Abstain).

The Mayor asked if there were any questions or comments and opened the meeting to **PUBLIC COMMENTS**. Dianne Bosco, who lives at 51 Dutch Neck Road, stated that the stagnant water situation, reported at the last Township Committee meeting, has gotten worse. Al Caggiano, owner of the property adjacent to Mrs. Bosco, assured her that he is aware of the problem and is waiting on the County of Cumberland to assess the blockage in their drainage easement at the site. The Clerk was instructed to contact the appropriate county authorities with regard to the drainage and mosquito issues. Zarko Rajacich thanked Committeeman Facemyer for his involvement in extending the Comcast Cable network to include several businesses in the Dutch Neck Road area. Mr. Rajacich also questioned the possibility of Township interest in property for sale adjacent to the municipal building. He urged the Committee not to consider this purchase. Tom Tedesco commended the Committee for bringing The Bostwick Lake Commission together with the three bordering Township Committees to plan new direction for the lake site. He recommended reorganization of the commission as soon as possible. There being no further public comment, at 7:29pm, Ritter, seconded by Facemyer, moved the meeting to **OLD BUSINESS**.

OLD BUSINESS:

TDR Project: Shoemaker noted that a Report of the N.J. TDR Statewide Policy Task Force was received today. Mayor Hankins recommended review and discussion at the next Township Committee meeting.

Sewer Upgrade Project: The first training session with Public Works Department/Willier Electric was

Friday, August 27th. A report has been received regarding the August 26th inspection of the township sewer system by the New Jersey DEP showing complete compliance.

NEW BUSINESS

Ritter, seconded by Freitag, motion to table a **Clean Communities Application** submitted by the Cumberland Regional High School JV Field Hockey Team for one Clean-up Date was approved by all.

Ritter, seconded by Freitag, motion to approve a **Clean Communities Application** submitted by the Cohansey Crew for one Clean-up Date was approved by all.

The following Resolutions were approved:

HOPEWELL TOWNSHIP
County of Cumberland and State of New Jersey
RESOLUTION NO. 10-51

*A Resolution Authorizing a Binding Municipal Referendum on the
Retail Sales of Alcoholic Beverages*

WHEREAS N.J.S.A. 33:1-45, entitled “Municipal referendum on retail sales of all kinds of alcoholic beverages,” contains the requirements for a Municipal Referendum on the retail sale of alcoholic beverages; and

WHEREAS, a petition signed by at least fifteen (15%) of the qualified electors of the Township of Hopewell, as evidenced by the total number of votes cast in the preceding General Election, has been presented to the Township Clerk and Township Committee; and

WHEREAS such petition requests a Referendum on the question hereafter presented; and

WHEREAS said petition has complied with the requirements set forth in N.J.S.A. 33:1-45.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Township Committee of the Township Committee of Hopewell Township, Cumberland County, State of New Jersey, that the following binding Referendum be forwarded to the Office of the Cumberland County Clerk for inclusion on the November 2, 2010 General Election Ballot:

Referendum

BINDING QUESTION

() Yes

() No

Shall the retail sale of all kinds of alcoholic beverages, for consumption on the licensed premises by the glass or other open receptacle pursuant to chapter one of the Title Intoxicating Liquors of the Revised Statutes (s. 33:1-1 et seq.), be permitted in this municipality?

INTERPRETIVE STATEMENT

This binding Referendum presents the question of whether retail alcohol sales will be allowed for consumption on the licensed premises, by the glass or other open container, within Hopewell Township. If a majority of the legal voters shall vote “yes,” then the issuance of one or more licenses and the retail sale of alcohol would be allowed. If the majority of the legal voters shall vote “no,” then the retail sale of alcohol would continue to be unlawful in Hopewell Township. Further, the decision of the voters on this question shall be binding on and remain effective in the Township of Hopewell for the next five years. No further referendum on this same question shall be held prior to the General Election in the fifth year hereafter.

The Cumberland County Clerk is hereby requested to print this binding referendum and interpretive statement on the official ballot for the General Election to be held November 2, 2010.

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

Second by: Ritter
Nay: None
Abstain: None

**TOWNSHIP OF HOPEWELL
CUMBERLAND COUNTY, NEW JERSEY
RESOLUTION # 10-52**

WHEREAS, a joint meeting of the Hopewell Township Committee, the Alloway Township Committee, the Upper Deerfield Township Committee and the Bostwick Lake Commission was convened on Monday, August 30, 2010 at 4:00 p.m.; and

WHEREAS, due and proper notice of the joint meeting was published and posted as required by the Open Public Meetings Act; and

WHEREAS, the meeting was well attended by all four public body participants and by the general public; and

WHEREAS, the Township Committees of Alloway, Hopewell and Upper Deerfield received a presentation by Blake Maloney on behalf of the Bostwick Lake Commission and all members of the public wishing to be heard having voiced their opinions and the three Township Committees having deliberated in public; and

WHEREAS, the public bodies so convened also received input from Kathy Gandy of the Cumberland County Health Department respecting the campground use; and

WHEREAS, the general consensus of the elected officials of the three Townships was that the operation of Bostwick Lake, as a campground site, was not financially self-sustaining and was not the best use of the site for the majority of the residents in the three Townships; and

WHEREAS, the Township Committees of the three Townships each having observed that if campsites are eliminated, many of the related operating expenses would be eliminated or lessened; and

WHEREAS, the Hopewell Township Solicitor, Theodore H. Ritter, advised the four public bodies so assembled that the Statute under which the Bostwick Lake Commission was originally established was repealed in 2007 and that the Commission needs to be reorganized under a statute currently in effect and the lead municipality, Upper Deerfield Township, having referred those issues to its Solicitor, Theodore E. Baker, for review of the statute and the issuance of that Solicitor's legal opinion;

NOW, THEREFORE, THE HOPEWELL TOWNSHIP COMMITTEE DOES HEREBY RESOLVE:

1. The Bostwick Lake campsites should be closed at the conclusion of the 2010 camping season in October, 2010.
2. The Bostwick Lake Commissioners should discontinue campsite rentals after conclusion of the present 2010 camping season.
3. The Commission should begin preparing plans to operate Bostwick Lake as a public park. The Commission is encouraged to submit such plans to the three Township Committees.
4. The Bostwick Lake Commission is instructed to notify all campers that trailers and personal property must be removed from the premises at the end of the current season.
5. The reorganization of the Bostwick Lake Commission, shall await the issuance of a legal opinion from the Solicitor of the lead municipality, Upper Deerfield Township.

Motion by: Facemyer

Aye: Hankins, Facemyer, Freitag, Ritter, Shoemaker

Absent: None

Second by: Shoemaker

Nay: None

Abstain: None

The Committee concurred with the Mayor's recommendation for inclusion of the **City of Millville** into the **Regional Shared Services Study**, for which a grant has been received.

CORRESPONDENCE & NOTES & FILINGS include: **The Southwest Council, Inc.** Partners in Prevention Annual Public Policy Forum Invitation, **Atlantic City Electric** Notice of Filing and Public Hearings, **United States Senate** Robert Menendez request for Municipality Emergency Contact Information, **Cross County Connection** Safe and Sustainable Transportation in South Jersey Seminar Brochure, **NJLM** Brochure Sample (Property Tax in New Jersey, County Tax Board Appeals Survey, Mayor's Newline Newsletter, Upcoming Seminar Schedule, Assembly Committee Hearing on Unfunded Mandates, Changes on DLGS Website.

At 7:50pm Facemyer, seconded by Ritter, moved the meeting into **EXECUTIVE SESSION** for the purpose of discussing pending litigation and the possible sale of public property.

At 8:22pm the meeting was returned to **Open Session**.

Ritter, seconded by Facemyer, moved to reject all bids received for the **Community Market** at the September 9th bid opening. (Approved 5-0)

The following resolution was passed:

TOWNSHIP OF HOPEWELL
RESOLUTION #10-53
CUMBERLAND COUNTY, NEW JERSEY

Authorizing the sale of certain lands no longer needed for public use

WHEREAS, the Township of Hopewell is the owner of Lots 1 and 16 of Block 63, located within the Township of Hopewell, known commonly as the Hopewell Township Business Park; and

WHEREAS there exists a portion of the Business Park, which is bordered on the northeast by Route 49, on the south and east by Downing Street Extension, and on the west by the West Cumberland Senior Center, which portion comprises approximately four acres, more or less; and

WHEREAS, the Township Committee of the Township of Hopewell does hereby determine that said four-acre portion of the Business Park, as set forth above, is no longer needed for public use; and

WHEREAS, said land shall be subdivided from the larger parcel at Seller's expense; and

WHEREAS, the Township desires to make available for public sale said land 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 lands 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, September 22, 2010 at 12:00p.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 \$180,000.00 for the entire four-acre (more or less) parcel. Bids shall be the full purchase price, and not an amount "per acre."
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 stationary, 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 10% of their bid. This deposit is not refundable, pursuant to Paragraph 20.
6. The successful bidder shall promptly execute an Agreement of Sale. The balance of the purchase price shall be paid at closing, which shall occur no later than two weeks following the expiration of the appeal period for the subdivision approval. The purchaser shall be entitled to possession immediately following the closing of title.
7. 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.
8. 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.
9. The property sold herein is sold subject to 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."
10. Within 45 days after the signing of the Contract of Sale, said winning bidder shall produce for the Township's inspection proof of financing and/or a loan commitment.
11. The successful bidder shall also produce a business plan for the development of the property to the Township Committee for review and comment. This requirement is in addition to any Municipal or County approvals that may be required. A Developer's Agreement is required by Township Ordinance.
12. The successful bidder agrees and understands that the property to be sold is zoned Highway Commercial and Light Industrial (HCI). Permitted uses would include retail, commercial, or professional space. The site is served by public sewer and natural gas.

13. If the property is to be tenant occupied, the successful bidder agrees to produce an executed copy of the lease to the Township for review and approval.
14. 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.
15. The Township shall retain a right of first refusal on the future sale of the parcel, as well as a right of reverter should the developer fail to complete the project as specified
16. The Township's conveyance will reserve a small easement area near Downing Street for the location of common signage for all tenants and/or occupants of the Business Park. All signage proposed by the successful bidder must be approved by the Township.
17. 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.
18. 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.
19. A public notice, which is incorporated herein, shall 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.
20. 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.
21. The Solicitor is hereby directed to draft Bid Specifications for the project which are incorporated herein by reference.
22. This Resolution shall take effect immediately upon adoption by the Township Committee.

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

Second by: Freitag
Nay: None
Abstain: None

Facemyer, seconded by Ritter, moved to advertise for bids for a **Community Market** to be constructed in the Hopewell Township Business Park. The bid specifications include the purchase of municipally owned property. (Approved 5-0)

There being no further business Freitag, seconded by Facemyer, motion to **ADJOURN** was approved by all. Mayor Hankins adjourned the meeting at 8:25pm.

Eugene Daddario, Municipal Clerk