

**BOROUGH OF HOPEWELL
BOROUGH COUNCIL**

**OFFICIAL MINUTES
APPROVED: 3/2/2017**

**REGULAR MEETING
FEBRUARY 2, 2017**

The Regular Meeting of the Borough Council of the Borough of Hopewell was called to order by Mayor Paul Anzano at 7:08 pm on February 2, 2017. Ms. Hovan read the "Sunshine Statement" indicating the meeting was being held in accordance with the Open Public Meetings Act and Mayor Anzano led the flag salute.

OATH OF OFFICE – Ms. Hovan administered the Oath of Office to Borough Councilwoman Shelby Tewell for an unexpired term to expire November 7, 2017 while her family held the Bible.

Ms. Hovan called the roll and the following members of the Borough Council were present: Mr. Chris Fossel, Ms. Debra Lehman, Mr. Robert Lewis, Mr. David Mackie, Mr. C. Schuyler Morehouse and Ms. Shelby Tewell. Borough Administrator/Clerk Michele Hovan and Borough Engineer Dennis O'Neal were also present. There were 13 members of the public present.

Mayor Anzano opened the meeting to the public. Master Thomas Montanari, 106 West Prospect Street, member of Boy Scout Troop 71, stated he was in attendance to observe the meeting as part of the requirements to earn a community merit badge. Mayor Anzano thanked him for attending and invited him to ask any questions he desired. There being no additional comments or questions the meeting was closed to the public on motion by Mr. Lewis, seconded by Ms. Lehman and carried.

REPORT OF THE DIRECTOR OF PUBLIC WORKS – there were no comments or questions regarding the Director's submitted report.

REPORT OF THE DIRECTOR OF WATER AND SEWERS- there were no comments or questions regarding the Director's submitted report.

REPORT OF THE BOROUGH ENGINEER – Mr. O'Neal reported that he and Ms. Hovan were working on NJDOT contract documents, that the West Prospect Street project was complete and that a recommendation to release the contractor's retainage would be forthcoming once the maintenance guarantee is received. Mr. O'Neal reported that the grant application for FY17 for East Prospect Phase II was filed and that it would include the area of Maple to Elm and that the requested amount was \$275,000 with a project estimate of \$279,000.

MINUTES – the meeting minutes from the January 3, 2017 reorganization and regular meeting (Ms. Tewell abstaining) were accepted on motion by Mr. Morehouse, seconded by Ms. Lehman, and carried. The meeting minutes from the January 25, 2017 special meeting (Ms. Tewell abstaining, Ms. Lehman and Mr. Lewis abstaining due to absence) were accepted on motion by Mr. Morehouse, seconded by Mr. Mackie and carried. The meeting minutes from the January 26, 2017 special meeting (Ms. Tewell abstaining) were accepted on motion by Mr. Lewis, seconded by Mr. Morehouse and carried.

RESOLUTIONS

Ms. Hovan briefly summarized the offered resolutions. Resolution Nos. 2017-28 through 2017-31, as filed in the Municipal Clerk's Office, were adopted on motion of Mr. Morehouse, seconded by Ms. Lehman, and carried unanimously.

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2017-28	AUTHORIZATION TO FILE NJDOT SAGE APPLICATION EAST PROSPECT STREET PHASE II
2017-29	BUDGET TRANSFERS
2017-30	SHARED SERVICES AGREEMENT – EMS DISPATCH
2017-31	RELEASE OF MAINTENANCE GUARANTEE – SOURLAND CYCLES

ROLL CALL:

AYES: FOSSEL, LEHMAN, LEWIS, MACKIE, MOREHOUSE, TEWELL

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

PROCLAMATION – HOPEWELL VALLEY’S NIGHT OFF – MARCH 2, 2017

Mayor Anzano noted the proclamation for Hopewell Valley’s Night Off to be held on March 2, 2017 and noted that the “night off” was a council meeting night. Mayor Anzano said that he’d try to keep the agenda light.

DEPARTMENTAL REPORTS

The following Departmental Reports were accepted and approved on motion by Mr. Morehouse, seconded by Mr. Lewis and carried unanimously:

MUNICIPAL CLERK	JANUARY	\$	100.00
MUNICIPAL REGISTRAR	JANUARY	\$	98.00
LICENSING OFFICIAL	JANUARY	\$	1,312.00
MUNICIPAL COURT	DECEMBER	\$	1,659.70
RAILROAD STATION FEES	JANUARY	\$	512.00
RAILROAD/SHED	2016 TOTAL	\$	6,562.50

DISCUSSION: 2016 ECONOMIC DEVELOPMENT COMMITTEE REPORT

Mayor Anzano acknowledged acceptance of the Economic Development Committee’s annual report. Ms. Hovan added that the report was the first such submission since the ordinance was revised in 2015 and that the revision included the mandate. Mayor Anzano said that as a committee that utilizes public funds, the report is necessary for accountability, adding that the group has been collaborative and committed to the business community.

DISCUSSION - SANCTUARY CITY

Mayor Anzano opened the discussion by saying he spoke to the Chief of Police and to the County Prosecutor about the possibility of Hopewell Borough becoming a Sanctuary City and that they did not oppose such a designation and that by so doing, it would not impact existing protocol. Mayor Anzano said that he also spoke to the school superintendent and that he felt the discussion would be worthwhile, as some students and families with documentation issues tend to be “invisible” out of fear and may not have the full school experience that other students have. Mayor Anzano said that a Sanctuary City designation is mostly symbolic and that it “puts a stake in the ground that says this is who we are and this is what we stand for.”

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According to the Mayor, the label itself doesn't reflect a change in operations but he added that he hoped to engage community agencies that might be able to provide safe havens for families. In response to a question raised by Mr. Fossel about school issues, Mayor Anzano said that children might not participate in after school and other activities because it might increase their families' exposure. Mr. Mackie suggested talking about the mechanics of how a Sanctuary City would work. Mayor Anzano said that if the police apprehend someone for a serious crime, they are reported to ICE but if it's a minor infraction like a speeding ticket, they get the speeding ticket and are not reported. Mayor Anzano said that's what happens now and that's what would still happen as a Sanctuary City – the difference is in the fear that they might get deported for a speeding ticket. Mayor Anzano cited a Princeton incident where ICE contacted the Princeton PD and asked that they secure the town borders as ICE conducted a raid. The first time they were asked they complied; the second time they did not commit local resources to effort. Mayor Anzano said the possibility of a similar request or scenario in Hopewell Borough is possible, not probable and added that the federal government cannot force local municipalities to spend local resources for something that is not under their jurisdiction. Mayor Anzano also said that there is an elevated crime risk with undocumented persons; that Friday paydays are high risk days for muggings and victims feel that they can't report crimes because of their immigration status. Mayor Anzano also said that in discussion with the County Prosecutor, he learned that a regional forum might be offered to help inform undocumented citizens about reporting crimes and what to fear and not fear.

Mr. Lewis said that he works with about 200 undocumented people at his company and that they are hard-working, good people but they are here for a limited time and they send their money back home to their families. Mr. Lewis said that some do not want to assimilate into the community. Mr. Lewis said that he appreciates the discussion but sees it as a political statement primarily. Mayor Anzano said he agreed; that a Sanctuary City designation is mostly symbolic. Ms. Lehman said that many undocumented persons might not be aware of what they can do or say now without being at risk of deportation and that the fear is real and the children are at risk.

Mr. Mackie said that the fear and rhetoric after last weekend's Executive Order heightened the issue and that once the travel ban was put into place, it caused problems even for legal (green card) residents. Mr. Mackie said that by definition, refugees are at risk already and that returning them to where they came from is potentially very harmful. Mr. Mackie said he shuddered to think what could happen to people that don't even have a green card and said that there was no justification for putting up a gate in the middle of the night. Mr. Mackie said that he has seen no evidence that the new regime will treat people with compassion and that he has never seen this type of treatment before by our government.

Ms. Lehman said that she agreed with Mr. Mackie. Ms. Lehman added that many policies are symbolic and this is one of the most important ones. Mr. Fossel said that they hadn't even yet discussed students that are here from abroad. Mr. Mackie said he has an Indian co-worker that is now rethinking his plan to return home to visit his family. Mr. Mackie agreed with Mayor Anzano's earlier statement that the Sanctuary City designation was unlikely to have an enormous effect in Hopewell Borough, repeating the "possible, not probable" likelihood of deportation risks here.

Ms. Tewell said that she had not had a chance to research the issue fully but said she read the discussion material and had questions, particularly regarding the risk of losing federal funding. Mayor Anzano said that the federal government cannot withhold funding; that it goes back to the Supreme Court ruling on the

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ACA when it was decided that states couldn't lose Medicare funding if they didn't accept the Medicare expansion. Mayor Anzano said that a similar attempt was tried with states raising the drinking age to 21 and highway speed limits at 55; that the federal funds could be tied only to transportation projects. Mayor Anzano said that in this example, the withholding of funds would apply only to law enforcement grants and the Executive Order exempts law enforcement. Mayor Anzano said that the Sanctuary City label creates positive relationships between law enforcement and the community and lets people feel safe in calling the police if they are a victim or a crime or witness a crime. Ms. Lehman said that the population is invisible so we don't know who it will help but if it helps one family, it is worth it.

Mr. Mackie asked if there were any known "negatives." Mayor Anzano said there were none for law enforcement and none for schools but that it could be perceived that we have a safety net to provide in terms of housing or transportation but that isn't something the Borough could provide, it is something that churches or other organizations will begin to discuss. Ms. Lehman said churches might talk to other churches regarding these issues.

Mr. Morehouse said that he believed the discussion was conflating "legal" with "illegal" and that he did not like the word "sanctuary." Mr. Morehouse said that the word is false, that the Borough cannot provide "sanctuary" from federal law. To Mr. Mackie, Mr. Morehouse said that we can have a discussion about whether the law is good or bad, but in the end the feds are responsible for immigration issues so the Borough should not create false hope. Mr. Morehouse said "it's not our fight." Mr. Morehouse said that he's willing to embrace anyone except criminals. Mr. Morehouse said that the immigration law is poorly written, poorly enforced and the laws create an underground world. Mr. Morehouse said "we can make a false statement of sanctuary but I believe the statement we should make is for better laws."

Mr. Lewis said that we are a nation of citizens, not immigrants. Ms. Lehman said all that we are saying as a Sanctuary City is that we are not interfering. Mayor Anzano said that he is not conflating the terms legal or illegal; that the issue is that the Constitution is clear and grants exclusive powers. "We are not suggesting that local law enforcement not enforce federal law," the Mayor said. "We are acknowledging it's not our role." Mr. Morehouse again said that his main issue was with the word and the false comfort it implies. Mr. Lewis repeated that the issue was purely political. Ms. Lehman said, "Isn't that our job? To make a statement of who we are and what we want as a community?" Mr. Mackie referred to the draft resolution and said that if the position is stated clearly, then the word "sanctuary" is less relevant.

Considerable debate and dialogue continued. Mr. Lewis suggested that by designating Hopewell Borough as a Sanctuary City, the Borough would be joining with other factions to say we do not support our immigration laws; that we'd be joining that "club," to which Mayor Anzano said is a "good club" and Ms. Lehman agreed.

In response to a comment made by Mr. Morehouse, Mayor Anzano said he'd be upholding the Oath he took, not violating it, because essentially it is saying that the federal government cannot dictate order or delegate functions to local governments that is theirs to enforce. Mr. Lewis said that he sees the issue as leveraging federalism and that it's an empty promise to people. Ms. Lehman suggested that Mr. Lewis vote in favor if it won't make a difference anyway.

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Ms. Tewell said there could be a negative impact or backlash by the community. Mr. Morehouse said that he is bothered by the hollowness of the designation when there is a real struggle for some people. Mayor Anzano offered that doing nothing is worse and Mr. Mackie said that a policy for Hopewell Borough was an important step.

At the request of Mr. Morehouse, Ms. Hovan read aloud the draft resolution establishing Hopewell Borough as a Sanctuary City:

WHEREAS, Hopewell Borough is a welcoming community that serves and protects its residents regardless of immigrant status; and

WHEREAS, in the community that is Hopewell Borough, all people are respected and valued and vital to our shared prosperity; and

WHEREAS, a safe and diverse Hopewell Borough is made possible through community, a community that includes citizens, undocumented workers, recent immigrants and refugees, as both residents and visitors; and

WHEREAS, our community relies on adherence to laws and trust in each other, including our law enforcement agents; and

WHEREAS, non-threatening and non-violent individuals should not fear persecution or deportation without cause or when charged with a minor violation, crime or local offense; and

WHEREAS, when faced with the risk of deportation or prosecution, undocumented individuals are unlikely to report a crime or act as witnesses, will be less likely to “be visible” at community events or in the service of others; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Hopewell, that we do hereby resolve as follows:

1. The Borough of Hopewell declares itself to be a Sanctuary City.
2. As a Sanctuary City, Borough employees and contracted agents will serve all residents, and Borough services will be accessible to all residents regardless of immigration status.
3. The Borough of Hopewell will not inquire upon a resident’s immigration status in providing municipal services or in the course of law enforcement, except in connection with crimes of a violent and threatening nature.
4. As a Sanctuary City, the Borough of Hopewell will have policies that instruct employees to refuse the application of any request from a state or federal agency that requires the identification of a resident’s immigration status, leaving that determination to federal authorities.
5. The Borough of Hopewell shall refuse any requests that are an extension of any federal immigration policy enforcement actions to federal authorities and shall not

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enter into any agreements to carry out such federal enforcement actions, but leave such actions to federal authorities.

6. The Borough of Hopewell shall review its policies to ensure that they reflect the Borough's status as a Sanctuary City and amend said policies as needed for compliance with this declaration and with state and federal laws.
7. The Borough of Hopewell shall encourage businesses, groups, organizations and houses of worship within the Borough to review and/or amend their own policies, if desired, to share in the spirit of inclusiveness and welcoming for the benefit of those that may need assistance and safe haven as undocumented persons or refugees.

Mr. Mackie directed a comment to Mr. Morehouse, stating that he recognizes the jargon issue with "sanctuary" and said it is not implying "sanctuary" in terms of housing or other such issues, adding that he is comfortable with the word as it does denote the type of problem people face. Mayor Anzano said that sanctuary means more than a physical sanctuary; that the sanctuary can be the community and how comfortable people are where they live. Mr. Morehouse said that he is 95% in agreement with the resolution text and agrees with most points except for the illegal component.

Mayor Anzano offered the resolution as drafted for a vote. On motion by Mr. Mackie, seconded by Ms. Lehman and carried, with Mayor Anzano casting a tie-breaking vote, Resolution No. 2017-32, so numbered by Ms. Hovan upon roll call, was adopted.

ROLL CALL:

AYES: FOSSEL, LEHMAN, MACKIE, ANZANO

NAYS: LEWIS, MOREHOUSE, TEWELL

ABSENT: NONE

ABSTAIN: NONE

CLAIMS FOR PAYMENT

The Claims for Payment, as attached, were approved on motion of Ms. Lehman, seconded by Mr. Fossel and carried unanimously.

ROLL CALL:

AYES: FOSSEL, LEHMAN, LEWIS, MACKIE, MOREHOUSE, TEWELL

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Mayor Anzano opened the meeting to the public.

Mr. Frank Mustac, reporter for the Hopewell Valley News, asked if the Borough Attorney had weighed in on the Sanctuary City issue. Ms. Hovan replied that she sent the draft resolution to the attorney earlier that day but did not request an immediate response. Mayor Anzano said that he spoke to the County Prosecutor regarding the issue. Mr. Mustac asked what policies were in place should employees violate the terms of

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the resolution. Ms. Hovan stated that the Borough Personnel Policy addresses disciplinary actions for employees that do not follow Borough policies.

Ms. June Montanari, 106 West Prospect Street, said that she approves of the Sanctuary City resolution and that she doesn't want her tax dollars to go toward harassing otherwise law-abiding citizens. Ms. Montanari also said that she understood Mr. Morehouse's discomfort regarding the subject but added that "sometimes it is good to stand up for something". Ms. Montanri said she believes the designation sends a good message to the community.

Mr. Mustac said that independent from the Borough's directive, the police may get orders from the federal government or warrants to investigate. Mayor Anzano said that a warrant will state criminal allegations, whether for federal or state crimes.

Mr. Sean Jackson, 7 South Lanning, thanked the Mayor and Council for a thoughtful discussion and said he hoped this type of action will stoke leaders in Washington into similar collegial and spirited dialogue.

There being no further questions or comments, the meeting was closed to the public on motion by Mr. Morehouse, seconded by Mr. Lewis and carried unanimously.

COUNCIL LIAISON REPORTS

Mr. Morehouse reported that the library building is in bad repair, that a structural report was prepared and the estimates are higher than expected. Mr. Morehouse said that the library is aware that funding assistance will be needed. Mr. Morehouse said that he hopes the community will assist via fundraising and help with services to enable the Borough to make repairs as best as it can.

Mayor Anzano thanked the Council and all in attendance for the thorough discussion just concluded.

There being no further comment, the meeting was adjourned at 8:29 pm on motion by Mr. Fossel, seconded by Ms. Lehman and carried unanimously.

Respectfully submitted,

Michele Hovan
Borough Administrator/Clerk