

WEST AMWELL TOWNSHIP COMMITTEE MEETING

April 4, 2018 - 7:30 p.m.

CALL TO ORDER AND STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT

The regularly scheduled meeting of the West Amwell Township Committee was called to order at 7:30 PM. Present were Mayor Stephen Bergenfeld, Deputy Mayor Gary Hoyer, Committeeman James Cally, John Dale and Zachary Rich, Acting Clerk Maria Andrews and Attorney Philip J. Faherty III.

Acting Clerk Andrews announced that this meeting is called pursuant to the provisions of the Open Public Meetings Act. Notice of this meeting was faxed to the Hunterdon County Democrat and Trenton Times on January 5, 2018, was posted on the bulletin board in the Municipal Building on said date and has remained continuously posted as required under the Statute. A copy of this notice is and has been available to the public and is on file in the office of the Acting Municipal Clerk.

FLAG SALUTE

Mayor Bergenfeld led those in attendance in the pledge to the nation's flag.

AGENDA REVIEW BY ACTING TOWNSHIP CLERK

It was noted for the record that there were no changes to the agenda.

ANNOUNCEMENTS

- Please Come to the Table if You Wish to Address the Committee
- Kindly Turn Cell Phones Off During Meeting

PRESENTATION OF MINUTES

A motion by Dale, seconded by Hoyer to approve the Township Committee's 3/22/18 Regular Session minutes with no revisions noted was unanimously approved.

A motion by Cally, seconded by Rich to approve the Township Committee's 3/22/18 Closed Session minutes with no revisions noted was unanimously approved.

OPEN TO THE PUBLIC/TOPICS NOT ON THE AGENDA

Mayor Bergenfeld opened the floor to public comment. Seeing no members of the public come forward, a motion was made by Cally and seconded by Dale to close to the public.

SPECIAL PRESENTATIONS

Proclamation: Recognition of Don "Tex" Huggins's 51 Years of Service

Mayor Bergenfeld noted Mr. Huggins has served the Rescue Squad and community for 51 years and commented that Mr. Dale will be presenting the Proclamation to Mr. Huggins at the rescue squad dinner Saturday evening.

Reports by Department Heads

It was noted for the record that no reports were presented.

INTRODUCTION/PUBLIC HEARING ON ORDINANCES

Public Hearing

Ordinance 05, 2018 – BOND ORDINANCE PROVIDING FOR VARIOUS 2018 CAPITAL IMPROVEMENTS, BY AND IN THE TOWNSHIP OF WEST AMWELL, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$645,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$612,750 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COSTS THEREOF

Acting Clerk Andrews provided proof of publication noting the 3/22/18 edition of the Hunterdon County Democrat.

BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WEST AMWELL, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Township of West Amwell, in the County of Hunterdon, State of New Jersey (the “Township”). For the said improvements or purposes stated in Section 3, there is hereby appropriated the aggregate sum of \$645,000, said sum being inclusive of a down payment in the aggregate amount of \$32,250 for said improvements or purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the “Local Bond Law”). The down payment is now available by virtue of a provision or provisions in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$645,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Township are hereby authorized to be issued in the aggregate principal amount not exceeding \$612,750 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in an aggregate principal amount not exceeding \$612,750 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said obligations are to be issued, include but are not limited to, as follows:

| <u>Description</u> | <u>Appropriation</u> | <u>Authorization</u> | <u>Down Payment</u> | <u>Useful Life</u> |
|---|----------------------|----------------------|-------------------------|------------------------|
| (i) Various Improvements To A Police Facility At The Municipal Building; | \$400,000 | \$380,000 | \$20,000 | 20 years |
| (ii) Acquisition Of A Non-Passenger Vehicle Including, But Not Limited To, A Dump Truck For The Department Of Public Works; | \$150,000 | \$142,500 | \$7,500 | 10 years |
| (iii) Acquisition of A Non-Passenger Vehicle Including, But Not Limited To, A Sports Utility Vehicle (SUV) For The Police Department; And | \$50,000 | \$47,500 | \$2,500 | 5 years |
| (iv) Acquisition And Installation Or Improvements Of An Elevator For The Municipal Building. | \$45,000 | \$42,750 | \$2,250 | 10 years |
| TOTALS | <u>\$645,000</u> | <u>\$612,750</u> | <u>\$32,250</u> | |

(b) The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$612,750.

(c) The aggregate estimated cost of said improvements or purposes is \$645,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the amount of \$32,250 is the down payment available for said improvements or purposes.

(d) All such improvements or purposes set forth in Section 3(a) shall also include, but shall not be limited to, as applicable, all engineering, architectural and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and also including all work, materials, equipment, accessories, labor and appurtenances necessary therefor or incidental thereto.

SECTION 4. In the event the United States of America, the State of New Jersey, the County of Hunterdon, and/or a private entity make a contribution or grant in aid to the Township for the improvements and purposes authorized hereby and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, the County of Hunterdon, and/or a private entity. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, the County of Hunterdon, and/or a private entity shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Township, provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the Township shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of N.J.S.A. 40A:2-8.1. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at a public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith and a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services, Department of Community Affairs, State of New Jersey, is on file in the Office of the Acting Clerk of the Township and is available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the Township may lawfully undertake as general improvements or purposes, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 15.81 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Acting Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, Department of Community Affairs, State of New Jersey, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$612,750 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$64,500 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvements or purposes herein before described.

SECTION 8. Unless paid from other sources, the full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Township for the payment of the principal of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The Township hereby declares the intent of the Township to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the improvements or purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 10. The Township Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The Township Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the “Rule”) for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 11. The Township covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all bonds and notes issued under this bond ordinance.

SECTION 12. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

INTRODUCED/ADOPTED ON FIRST READING

DATED: March 21, 2018

Mayor Bergenfeld opened the public hearing. Rob Tomenchok of 145 Rocktown-Lambertville Road asked what the funds will be used for. Mayor Bergenfeld clarified the money will be used to purchase a Police SUV, a dump truck for the DPW and for renovations to the basement of the municipal building to accommodate the Police Department which will include an elevator and generator.

Seeing no other members of the public come forward, a motion was made by Cally and seconded by Hoyer to close the floor to public comment.

A motion by Hoyer, seconded by Rich to adopt Ordinance 05, 2018 was unanimously approved by roll call vote. ***Ordinance 05, 2018 was ADOPTED ON SECOND READING DATED: April 4, 2018***

STANDING COMMITTEE REPORTS

Open Space

A motion was made by Dale, and seconded by Rich to approve posting the minutes from 1/9/18 to the township website.

Mr. Shute commented that the County is working on updating the Agriculture Development Areas (ADA). He noted he would like to request they review the southwest corner of the Township and consider adding land to the ADA because farms in that area have been preserved using Green Acres funding. It was noted for the record that the Township Committee supported Mr. Shute’s suggestion.

Finance Committee

A motion was made by Cally, seconded by Hoyer to approve posting the minutes from 1/10/18 as corrected along with the 2/22/18 minutes to the township website.

NEW BUSINESS/OTHER

Sale of 1728 Linvale-Harbourton Road, re: Terms of Deed Restriction

Present for the discussion was the prospective buyer’s Attorney Thomas Bullock. He explained that there is a conservation easement on the property with language that provides the Township with the “right of first refusal.” Mr. Shute commented from the public that he is unsure why such a provision was implemented and clarified that the property is not preserved farmland. Mr. Cally remarked that he recalls the conservation easement was done through a non-profit and wondered if the right of first refusal language had something to do with that.

Attorney Bullock referenced page 9 of the recorded deed noting the right of first refusal was established by Green Acres.

Resolution #73-2018

BE IT RESOLVED that the West Amwell Township Committee is not exercising its right of first refusal on Block 23 Lot 25.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the West Amwell Township Committee at their regular meeting held on April 4, 2018.

A motion by Rich, seconded by Dale to deny the right of first refusal was unanimously approved.

OTHER

Resolution #56-2018: Closed Session – Personnel/Contracts – Litigation/Affordable Housing

It was noted for the record that the closed session will be moved to the end of the meeting.

UNFINISHED BUSINESS

School Budget Considerations for Increased Security Personnel

It was noted for the record that Mayor Bergenfeld indicated he is working on this matter with the school Superintendent.

Possible Amendments to Education, Conference, and Seminar Policy

It was noted for the record that this matter will be carried to the 4/18/18 agenda in order to allow the Committee additional time to review the policy.

Update: Electric Supply Service Agreement

It was noted that competitive bids still have not been received and rebidding is expected to occur sometime in June or July 2018.

Update: East Amwell Township Traffic Enforcement

Mayor Bergenfeld noted this matter will be discussed in Closed Session.

Possible Re-location of Police HQ to Municipal Building Basement

Mayor Bergenfeld commented he met with the Architects and AOIC Skillman on 3/29/18 to go over the project details and noted an interior sally port is now being included in the renovations. He indicated he is hoping to have plans for review next month.

Crossing Guard Status

Mayor Bergenfeld indicated he is still in contact with Superintendent Muenker and they are working on a solution. He noted there is no intention to eliminate coverage and stated he will report back to the Committee next month.

Enbridge Status

Mayor Bergenfeld noted he will be meeting the Director of OEM, the Fire Chief and the Police AOIC at the Lambertville Compressor Station site for a tour of the facilities on 4/13/18.

OPEN TO THE PUBLIC

Mayor Bergenfeld opened the floor to public comment. Seeing no members of the public come forward, a motion was made by Rich and seconded by Dale to close the floor to public comment.

NEW BUSINESS/OTHER

Resolution #56-2018: Closed Session – Personnel/Contracts – Litigation/Affordable Housing

A motion by Rich, seconded by Cally to enter into closed session for the purposes of discussing personnel/contracts and litigation/affordable housing was unanimously approved by voice vote.

Resolution #56-2018

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist,

NOW, THEREFORE BE IT RESOLVED by the Committee of West Amwell Township, County of Hunterdon, State of New Jersey, as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows: Mt. Laurel Litigation, personnel, contracts and subjects falling under Attorney-Client privilege.
3. It is anticipated at this time that the above stated subject matter will be made public when the matter has been resolved.
4. This resolution shall take effect immediately.

A motion by Dale, seconded by Cally to return to open session was unanimously approved by voice vote.

The Committee was in closed session from 8:02 PM – 9:21 PM.

The Committee accepted the resignation of Officer T. Goccia and authorized Acting Clerk Andrews to advertise for a part time police officer.

It was also noted the Committee authorized the advertisement for a full time public works maintenance worker as well as a seasonal summer helper.

The Committee agreed to look into hiring a Qualified Purchasing Agent (QPA) for the purpose of increasing the Township's bid threshold to \$40,000.

OTHER – Continued

Mayor Bergenfeld stated that the issue of whether or not to combine the Planning and Zoning Boards into one Land Use Board has been brought up from time to time over the years when reviewing the budget and wondered if this year is a good time to review the issue again. The Committee requested an analysis of costs for each Board for the past 3 years be provided for review at the next Committee meeting.

OTHER – Continued

Mayor Bergenfeld commented he was approached by a resident willing to volunteer their services to cover the administrative needs of the Open Space Committee. He noted the expense for the current secretarial coverage is minimal and suggested no changes be made at this time.

CORRESPONDENCE

The correspondence as listed on the agenda was ordered filed.

ADJOURNMENT

A motion by Cally, seconded by Dale to adjourn the meeting was unanimously approved.

The meeting adjourned at 9:40 PM.

Respectfully submitted,

Maria Andrews, Acting Clerk

Approved: 4/18/18