

WEST AMWELL TOWNSHIP COMMITTEE MEETING

May 2, 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 7:37 PM. Present were Mayor Stephen Bergenfeld, Deputy Mayor Gary Hoyer, Committeemen 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

Acting Clerk Andrews noted Resolution #68-2018 was added authorizing the purchase of a Police SUV and Resolution #64-2018 has been amended to reflect the name of the summer helper who was offered the position.

ANNOUNCEMENTS

- Dog License Update: 47 licenses Outstanding/Summons Issued this Month
- 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 Cally, seconded by Hoyer to approve the Township Committee's 4/18/18 Regular Session minutes with no revisions noted was approved with Mr. Dale and Mr. Rich abstaining.

A motion by Hoyer, seconded by Cally to approve the Township Committee's 4/18/18 Closed Session minutes with no revisions noted was approved with Mr. Dale and Mr. Rich abstaining.

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 Hoyer to close to the public.

SPECIAL PRESENTATIONS

Reports by Department Heads

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

INTRODUCTION/PUBLIC HEARING ON ORDINANCES

Introduction: Ordinance 07, 2018

BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO ROCKTOWN LAMBERTVILLE ROAD (PHASE III), BY AND IN THE TOWNSHIP OF WEST AMWELL, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY (THE "TOWNSHIP"): APPROPRIATING \$310,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$294,500 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COSTS THEREOF

Mayor Bergenfeld read Ordinance 07, 2018 by title.

ORDINANCE 07, 2018

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 sum of \$310,000, which sum includes \$15,500 as the amount of down payment 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"). Said 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 \$310,000 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 \$294,500 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 \$294,500 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 bonds or notes are to be issued are improvements to Rocktown Lambertville Road (Phase III) including, but not limited to, as applicable, excavation, milling, paving, reconstruction and boxing out and resurfacing or full depth pavement replacement, and where necessary, the sealing of pavement cracks, installation of curbing and driveway aprons, resetting utility castings, drainage improvements, roadway painting, landscaping and aesthetic improvements, and shall also include, but not be limited to, as applicable, preparation of plans and specifications, permits, bid documents, contract administration, and all work, materials, equipment, accessories, labor and appurtenances necessary therefor or incidental thereto and all in accordance with the plans and specifications therefor on file in the Office of the Acting Clerk of the Township and available for public inspection and hereby approved.

(b) The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$294,500.

(c) The aggregate estimated cost of said improvements or purposes is \$310,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the down payment in the amount of \$15,500 available for said purposes.

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 purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the Township may lawfully undertake as general improvements, 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 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 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 \$294,500 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 \$50,000 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 purposes or improvements herein before described.

SECTION 8. 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 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.

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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.

A motion by Dale, seconded by Cally to introduce Ordinance 07, 2018 on first reading was unanimously approved by roll call vote.

Cally: Yes, Dale: Yes, Hoyer: Yes, Rich: Yes, Bergenfeld: Yes

The public hearing date for Ordinance 07, 2018 was set for 5/16/18.

STANDING COMMITTEE REPORTS

Mr. Cally commented that the Parks and Recreation Committee had met and had a discussion regarding the lower field at Hewitt Park. He noted Engineer Burr had estimated a cost of about \$125,000 for this project, which would create a sports field at the park. Mayor Bergenfeld asked if there were any available grants to assist with the expense.

Heidi Tomenchok of 145 Rocktown-Lambertville Road spoke up from the public as the Secretary for the Parks and Recreation Committee and explained that the project has not met the criteria for any of the previously available grants. She also remarked that they are reviewing options from an Open Space aspect as well and so far have not found anything that fits the Township's needs and meets the grant criteria.

Open Space – No report was given.

Environmental – No report was given.

Ag Advisory – No report was given.

Finance Committee – No report was given.

UNFINISHED BUSINESS

School Budget Considerations for Increased Security Personnel

Mayor Bergenfeld commented that this matter is still being discussed but noted \$120,000 was allocated in the school board budget for a Security Class III Officer. He stated the next school board meeting is 5/14/18 where there may be a vote on whether or not to utilize the funds.

Possible Amendments to Education, Conference, and Seminar Policy

It was noted for the record that this matter will be carried to the 5/16/18 agenda in order to allow the Committee additional time to review the policy.

Update: East Amwell Township Traffic Enforcement

Acting Clerk Andrews noted the proposed shared service agreement was sent over to East Amwell and no comments have been received.

Possible Re-location of Police HQ to Municipal Building Basement

Heidi Tomenchok spoke up from the public saying she works as a Facilities Manager and asked the Committee about the Archive Room and Evidence Room as part of the architectural plan noting both have very specific climate and security requirements. Mayor Bergenfeld indicated he is aware of the guidelines and explained that Fire Safety Official/Sub-Code Inspector Phil Langon is working with the Architects to address all of the requirements.

Mr. Dale asked if a stairwell is required because of the proposed elevator. Mayor Bergenfeld stated he will review this with the Architects as well.

Crossing Guard Status

Mayor Bergenfeld commented this matter is expected to also be discussed at the school board meeting on 5/14/18.

Enbridge Status

Mayor Bergenfeld noted he and Deputy Mayor Hoyer along with representatives from the Fire Department, Police Department and OEM met at the compressor station site for a tour of the facilities. He commented the visit was good and Enbridge has agreed to do a safety exercise with the Township's Fire and Police Departments.

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NEW BUSINESS/OTHER

Resolution #64-2018: Authorizing the Hiring of Seasonal Summer Help

RESOLUTION #64-2018

WHEREAS, the Township's DPW requires summer help for various maintenance, mowing, and trimming activities; and,

WHEREAS, Alexander Dowd has expressed interest in this 2018 summer employment opportunity

THEREFORE BE IT RESOLVED, by the West Amwell Township Committee that Alexander Dowd be hired as summer help for the DPW effective May 3, 2018 at a rate of \$10.00 per/hour.

A motion by Rich, seconded by Cally to approve Resolution #64-2018 was unanimously approved by roll call vote.

Cally: Yes, Dale: Yes Hoyer: Yes, Rich: Yes, Bergenfeld: Yes

Resolution #66-2018: Authorizing the Hiring of a Class 2 Patrolman

West Amwell Township
Resolution #66-2018

WHEREAS, an opening exists for a Class 2 Patrolman in the Township Police Department; and

WHEREAS, Edward Gibney has submitted an application for employment; and

WHEREAS, Edward Gibney has been recommended by AOIC Skillman to fill this open position; and

WHEREAS, the Township Committee is in agreement with AOIC Skillman that Edward Gibney be hired as a Class 2 Patrolman and will be a probationary employee for one year; and

NOW THEREFORE BE IT RESOLVED, by the West Amwell Township Committee, that Edward Gibney be appointed to the position of Class 2 Patrolman (*probationary*) effective 5/3/18 at a rate of \$25.00 per hour

A motion by Hoyer, seconded by Dale to approve Resolution #66-2018 was unanimously approved by roll call vote.

Cally: Yes, Dale: Yes Hoyer: Yes, Rich: Yes, Bergenfeld: Yes

Resolution #67-2018: National Police Week

RESOLUTION #67-2018

WHEREAS May 14th through 20th is National Police Officer Week; and

WHEREAS, May 15th is "Law Enforcement Officers Memorial Day" as so legislated by the federal government; and

WHEREAS, the people of West Amwell hold their police officers in great esteem and value their local police force as an essential part of their community; and

WHEREAS, the purpose of this designation is to generate increased public support for the law enforcement profession by permanently recording and appropriately commemorating the service and sacrifice of law enforcement officers and to provide information that will help promote law enforcement safety; and

WHEREAS, this legislation requires that all American flags be lowered to half-staff on May 15th in commemoration of this service and sacrifice

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THEREFORE BE IT RESOLVED by the West Amwell Township Committee that the week of May 14th through 20th is hereby declared as National Police Officer Week in West Amwell Township; and

BE IT FURTHER RESOLVED that all municipal flags be lowered to half staff on Law Enforcement Officers Memorial Day on May 15th

A motion by Dale, seconded by Rich to approve Resolution #67-2018 was unanimously approved by roll call vote.

Cally: Yes, Dale: Yes Hoyer: Yes, Rich: Yes, Bergenfeld: Yes

Discussion: Reserve Septic Ordinance – Letter from Planning Board 4/23/18

Mr. Cally commented that since the Ordinance's adoption in 2006, technology and equipment associated with on-site disposal systems has significantly advanced and he noted that he cannot remember the last time a reserve area was actually utilized. Mr. Cally remarked that the Planning Board thought it might be a good time for the Board of Health to review the need and scope of the Ordinance in light of the pending challenges the Township faces regarding the implementation of its Affordable Housing obligation.

A motion by Dale, seconded by Hoyer recommending the Board of Health review the Reserve Septic Ordinance for amendment or repeal consideration was unanimously approved by roll call vote.

Cally: Yes, Dale: Yes Hoyer: Yes, Rich: Yes, Bergenfeld: Yes

Discussion: Consideration of a Land Use Board

It was noted that at the last Township Committee meeting there was no consensus among Mayor Bergenfeld, Mr. Hoyer or Mr. Cally to create a Land Use Board. The matter was listed on this evening's agenda in order to give Mr. Dale and Mr. Rich the opportunity to comment. Neither Mr. Dale nor Mr. Rich supported the idea of creating a Land Use Board. It was noted that combining boards would not result in a significant cost savings and it was also noted that it has not been a problem finding volunteers to serve on either the Zoning or Planning Board.

Discussion: Consideration of Automated External Defibrillator (AED) – Downstairs

Acting Clerk Andrews explained it was brought to her attention that there should be a second AED downstairs since the Construction/Zoning Offices are down there and it is unlikely the existing AED in the building's lobby upstairs would be helpful in the event of an emergency downstairs. Mayor Bergenfeld noted an AED will be installed at some point during the intended upcoming renovations to this area of the building.

Discussion: Consideration of Accepting Credit Card Payments

Acting Clerk Andrews explained someone came to the building in order to pay a ticket and realized we don't offer a credit card payment option. Since this person is in the business they provided information in case the Township was interested in pursuing the idea. After a brief discussion, it was the consensus of the Committee to not pursue the credit card payment option at this time because Mayor Bergenfeld indicated there are often high percentage rate fees associated with processing these types of payments.

Discussion: BIDS for Privatizing Garbage Service

Conner Healy of the Recycling Committee came forward and explained based on recent conversations with some garbage companies, it's estimated the cost for 3 garbage dumpsters and 1 recycling dumpster would be about \$78,000 annually. He noted the benefit to privatizing the garbage would be that the DPW would have more time to spend on road projects. He noted the Recycling Committee is currently reviewing a tiered permit system with stickers for this year:
\$175.00 for 104 stickers = 2 bags of trash per week
\$275.00 for 275 stickers = 5 bags of trash per week + 3 designated bulk trash days
It was noted Mr. Healy will finalize the new rates and details with the Recycling Committee and return to the Township Committee's 5/16/18 meeting with the updated information.

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 Dale, seconded by Cally to close the floor to public comment.

OTHER

Resolution #65-2018: Closed Session – Personnel/Contracts – Litigation/Affordable Housing

A motion by Dale, seconded by Cally to approve Resolution #65-2018 to enter into Closed Session was unanimously approved by roll call vote.

Cally: Yes, Dale: Yes Hoyer: Yes, Rich: Yes, Bergenfeld: Yes

Resolution #65-2018

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 Cally, seconded by Bergenfeld to return to open session was unanimously approved.

Roll Call Vote: Cally: Yes, Dale: Yes, Hoyer: Yes, Rich: Yes, Bergenfeld: Yes

The Committee was in Closed Session from 8:38 PM – 9:35 PM.

ADMINISTRATIVE

Treasurer – Consideration of Proposal from First Bank/Approval of Amended Resolution #19-2018

Mayor Bergenfeld commented that First Bank has provided a proposal that will give the Township a higher interest rate generating an additional \$5000 - \$6000 annually and they will provide courier service for deposits which the current bank isn't offering. Mr. Dale expressed that he had an issue changing banks, noting Northfield did the Township a favor taking on West Amwell because they were able to handle municipal escrow accounts at the time whereas the bank, who was purchasing our former bank, was not equipped to do so. Mayor Bergenfeld indicated the escrow accounts would remain with Northfield and all other accounts would be moved to First Bank, noting they were not technologically equipped to handle the escrow accounts either. Several committeemen expressed that perhaps it may be wise to ask Northfield for a new proposal prior to just switching banks. Mr. Dale volunteered to reach out to Northfield on this matter and report back to the Committee at the 5/16/18 meeting.

Tax Collector – Report of Uncollectible Taxes

It was noted that no comment was made on the Tax Collector's report.

Police Report – Resolution #68-2018 to Purchase a 2018 Fleet/Non-Retail Chevrolet Tahoe 4WD 4dr Commercial Vehicle

RESOLUTION #68-2018

WHEREAS, it has been determined by the West Amwell Township Committee on recommendation by AOIC Skillman that a 2018 Fleet/Non-Retail Chevrolet Tahoe 4WD 4dr commercial vehicle is needed for the Township Police Department; and,

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WHEREAS, quotes have been received as follows:

Flemington Car & Truck Country	\$37,485
Bridgewater Chevrolet	\$41,000
Burlington Chevrolet	\$45,930

WHEREAS, Flemington Car & Truck Country is the apparent low bidder and has submitted a Business Registration Certificate (BRC); and,

WHEREAS, the CFO has certified that funds are available in the Capital Expense account for this expenditure.

THEREFORE BE IT RESOLVED by the West Amwell Township Committee that the quote for a 2018 Fleet/Non-Retail Chevrolet Tahoe 4WD 4dr commercial vehicle be awarded to Flemington Car & Truck Country, 215 US Highway 202, Flemington, NJ 08822, in the amount of \$37,485.

A motion by Dale, seconded by Hoyer to approve Resolution #68-2018 was unanimously approved by roll call vote.

Cally: Yes, Dale: Yes, Hoyer: Yes, Rich: Yes, Bergenfeld: Yes

CORRESPONDENCE

The Committee ordered the correspondence listed on the agenda, filed.

ADJOURNMENT

A motion by Bergenfeld, seconded by Rich to adjourn the meeting was unanimously approved.

The meeting adjourned at 9:49 PM.

Maria Andrews, Acting Municipal Clerk

Approved: