

**BOARD OF FIRE COMMISSIONERS REGULAR MEETING
HOPEWELL TOWNSHIP FIRE DISTRICT NO.1
HOPEWELL TOWNSHIP MUNICIPAL SERVICES BUILDING**

THURSDAY, NOVEMBER 14, 2013

CALL MEETING TO ORDER/STATEMENT OF PROPER NOTICE - Vice-Chairman Lenarski called the meeting to order at 7:00 PM stating that the notice of the meeting had been posted on the municipal bulletin board and forwarded to the Hopewell Valley News and The Trenton Times, in accordance with the Open Public Meetings Act, Chapter 231, P.L. 1975.

PLEDGE OF ALLEGIANCE AND SALUTE TO THE FLAG - Vice-Chairman Lenarski led those in attendance in the Pledge of Allegiance to the flag.

ROLL CALL BY CHAIRMAN - Those answering the roll call of Vice-Chairman Lenarski:

MEMBERS PRESENT:

Vice-Chairman Lenarski, Treasurer Cseremsak, Secretary Kintzel

MEMBERS ABSENT:

Chairman Chipowsky, Commissioner Lynch

CHIEF OFFICERS PRESENT:

Captain Schmitt (Pennington First Aid Squad), Assistant Captain Muccioli (Pennington First Aid Squad), Second Assistant Captain Ferrara (Pennington First Aid Squad), Chief Varrasse (Hopewell Fire Department and Emergency Medical Unit), Chief Martin (Hopewell Valley Emergency Services Unit)

PROFESSIONALS:

Kevin Hart (Attorney for the Board)

PUBLIC COMMENT (AGENDA)

None

NEW BUSINESS

RESOLUTION 2013-36

**A RESOLUTION OF THE COMMISSIONERS OF FIRE DISTRICT
NO. 1 IN THE TOWNSHIP OF HOPEWELL IN THE COUNTY OF
MERCER, NEW JERSEY AUTHORIZING A "SPECIAL MEETING"
TO DETERMINE THE ACQUISITION OF AN EMERGENCY
GENERATOR**

Copy of resolution and record of vote is attached

DISCUSSION:

Chief Martin reported on the need for the resolution and the special meeting.

MOTION CARRIED

RESOLUTION 2013-37

A RESOLUTION AUTHORIZING AN AGREEMENT FOR CERTAIN LEGAL SERVICES

Copy of resolution and record of vote is attached

DISCUSSION:

Chief Martin explained the fees associated with the agreement and advised those in attendance the counsel was retained to assist in the 2014 referendum and bond process associated with the planned replacement of the Pennington Fire Company ladder truck.

MOTION CARRIED

TREASURER’S REPORT

BILLS & CLAIMS

Summary read by Treasurer Cseremsak

BILLS & CLAIMS

Authorized cash disbursements requiring approval for payment of bills in the following amounts:

Bill List:		\$87,669.58
Total Disbursements:		\$87,669.58

Motioned by Treasurer Cseremsak, seconded by Secretary Kintzel to adopt the bills and claims as read.

DISCUSSION:

Chief Martin reported on the notable items contained in the bill list including the following: debt service payments (interest and principal) to the Hopewell Valley Community Bank for the 2012 fire district bond for self contained breathing apparatus and radios. The final debt service payment for Engine 53. Water rescue gear for the Union Fire Company and Rescue Squad and the 3rd quarter vehicle inspections.

MOTION CARRIED

UNFINISHED BUSINESS

EMS Billing:

No progress.

Water Study:

Chief Martin reported that fire hydrant markers have been placed on the newly installed New Jersey American Water hydrant line.

UFCRS Ambulance Replacement:

Chief Martin provided a progress report on the ambulance construction.

2014 Budget / Revenue:

The budget process is currently underway.

Fire Code Fee Increases:

No progress.

Union Fire Company and Rescue Squad Generator:

Chief Martin reported on the work being conducted by the electrical engineer hired by the Union Fire Company and Rescue Squad. Chief Martin reported on a load manager that had been in question at a prior meeting. Secretary Kintzel provided information on the generator.

Fire District Building Project:

Chief Martin reported the matter has been added to the unfinished business section of the agenda. Chief Martin reported that the Township of Hopewell had hired a design firm to assist with the project.

OFFICERS REPORTS

Hopewell Valley Emergency Services Unit:

Chief Martin reported on the following: the tours of the Sensors Unlimited project by the Trenton Fire Department Haz-Mat Team have been completed and Chief Martin expressed his appreciation to Captain Schmitt of the Pennington First Aid Squad for attending a tour of the project. Engine 53 has been repaired and returned to service, fire prevention education was conducted at the Hopewell Valley YMCA, Specialist Williams is attending the NJ Emergency Medical Services Conference, Specialist Moore has attended a NJ PEOSH conference. Vice-Chairman Lenarski asked Chief Martin to extend the invitation to Station 23 (Lawrenceville Fire Company) to attend a walk through of the Sensors Unlimited project.

Union Fire Company and Rescue Squad:

No report

Pennington First Aid Squad:

Captain Schmitt representing the Pennington First Aid Squad provided the Board with the most recent calls for service statistics. Captain Schmitt thanked Chief Martin for inviting him to attend the walk through of the Sensors Unlimited project. Captain Schmitt reported on a member who has decided to enter the medical field after joining the squad. Vice-Chairman Lenarski asked for the date of the EMT graduation ceremony for the class held at the Pennington First Aid Squad.

Hopewell Fire Department and Emergency Medical Unit:

Chief Varrasse reported on the most recent calls for service statistics for the Emergency Medical Unit. Chief Varrasse reported on a serious motor vehicle accident. Chief Varrasse reported she will serve as the EMU Chief in 2014.

Pennington Fire Company:

No report.

PUBLIC COMMENT (NON AGENDA)

None

Vice-Chairman Lenarski asked if there was a need for a budget discussion and there was not a need.

Vice-Chairman Lenarski asked if there was a need for an Executive Session and there was not a need.

Vice-Chairman Lenarski asked Attorney Hart if he had a report and he did not.

Vice-Chairman Lenarski thanked those in attendance for attending and for their input.

ADJOURNMENT

Motion by Secretary Kintzel and seconded by Treasurer Cseremsak to adjourn the meeting at 7:47 PM.

MOTION CARRIED

Respectfully submitted,



Matthew Martin
Chief of Emergency Services

**BOARD OF FIRE COMMISSIONERS
HOPEWELL TOWNSHIP FIRE DISTRICT NO.1**

RESOLUTION 2013-36

**A RESOLUTION OF THE COMMISSIONERS OF FIRE DISTRICT NO. 1 IN
THE TOWNSHIP OF HOPEWELL IN THE COUNTY OF MERCER, NEW
JERSEY AUTHORIZING A "SPECIAL MEETING" TO DETERMINE THE
ACQUISITION OF AN EMERGENCY GENERATOR**

WHEREAS, the Commissioners of Fire District No. 1 in the Township of Hopewell in the County of Mercer, New Jersey (the "Commissioners" when referring to the governing body, and the "Fire District" when referring to the legal entity and its territorial boundaries) want to purchase an emergency generator for the Union Fire Company and Rescue Squad in the amount of \$ 130,000.00 ; and

WHEREAS, the Commissioners want to acquire the emergency generator from its 2014 budget; and

WHEREAS, the Commissioners are required to conduct a "special meeting," in accordance with the requirements of N.J.S.A. 40A:14-84, and obtain the approval of the voters to appropriate \$ 130,000.00 in its 2014 budget in order to acquire the emergency generator;

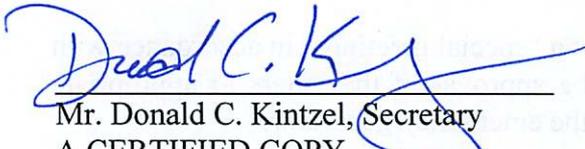
NOW, THEREFORE, BE IT RESOLVED by the Commissioners of Fire District No. 1 in the Township of Hopewell in the County of Mercer, New Jersey that a special meeting be scheduled for Thursday, December 5, 2013 at 7 p.m. at the Hopewell Township Municipal Building for the purpose of asking the legal voters of the Fire District to vote on the following question:

Shall the Commissioners of Fire District No. 1 in the Township of Hopewell in the County of Mercer, New Jersey be authorized:

- (i) to purchase an emergency generator for the Union Fire Company and Rescue Squad in the amount of \$ 130,000.00; and
- (ii) to transfer the required funds from the Fire District's Capital Reserve Account; and
- (iii) to appropriate such amount in its 2014 budget for such purpose?

RECORD OF BOARD VOTE ON PASSAGE

Commissioner	Moved	Second	Aye	Nay	Abstain	Absent
Cseremsak		✓	✓			
Kintzel	✓		✓			
Lenarski			✓			
Lynch						✓
Chipowsky						✓


Mr. Donald C. Kintzel, Secretary
A CERTIFIED COPY

November 14, 2013

**BOARD OF FIRE COMMISSIONERS
HOPEWELL TOWNSHIP FIRE DISTRICT NO.1**

RESOLUTION 2013-37

**A RESOLUTION AUTHORIZING AN AGREEMENT FOR CERTAIN LEGAL
SERVICES**

WHEREAS, there exists a need for specialized legal services in connection with the authorization and the issuance of bonds of the Board of Commissioners of Fire District No. 1 in the Township of Hopewell, County of Mercer, New Jersey (the "Board of Commissioners"), including the review of such procedures and the rendering of approving legal opinions acceptable to the financial community; and

WHEREAS, such special legal services can be provided only by a recognized Bond Counsel firm, and the law firm of McManimon, Scotland & Baumann, LLC, Roseland, New Jersey, is so recognized by the financial community; and

WHEREAS, funds are or will be available for this purpose; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40:11-1 et seq. requires that notice with respect to contracts for Professional Services awarded without competitive bids must be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of Fire District No. 1 in the Township of Hopewell in the County of Mercer, New Jersey that:

1. The law firm of McManimon, Scotland, & Baumann, LLC, Roseland, New Jersey is hereby retained to provide the specialized legal services necessary in connection with the authorization and the issuance of bonds by the Board of Commissioners in accordance with an Agreement dated 11/14/13 and submitted to the Board of Commissioners (the "Contract").
2. The Contract is awarded without competitive bidding as a "Professional Services" in accordance with Local Public Contracts Law, N.J.S.A. 40:11-15(1)(a), because it is for services performed by persons authorized by law to practice a recognized profession.
3. A copy of the resolution as well as the Contract shall be placed on file with the Chief of Emergency Services.
4. A notice in accordance with Local Public Contracts Law of New Jersey in the form attached hereto shall be published in the Trenton Times and the Hopewell Valley News.

RECORD OF BOARD VOTE ON PASSAGE

Commissioner	Moved	Second	Aye	Nay	Abstain	Absent
Cseremsak	i	✓	✓			
Kintzel	✓		✓			
Lenarski			✓			
Lynch						✓
Chipowsky						✓


Mr. Donald C. Kintzel, Secretary
A CERTIFIED COPY

November 14, 2013

A G R E E M E N T

THIS AGREEMENT, made as of this 14th day of NOVEMBER, 2013, between the BOARD OF COMMISSIONERS OF FIRE DISTRICT NO. 1 IN THE TOWNSHIP OF HOPEWELL, IN THE COUNTY OF MERCER, New Jersey, herein designated as the "Board of Commissioners" and sometimes referred to herein as the "Fire District", party of the first part, and McMANIMON, SCOTLAND & BAUMANN, LLC, Attorneys at Law with offices at 75 Livingston Ave., Roseland, New Jersey, hereinafter designated as "Bond Counsel," party of the second part:

WITNESSETH:

1. The Board of Commissioners desires to authorize the issuance of Fire District Bonds for certain capital projects and to provide for the terms and the security of such bonds in accordance with Title 40A, Chapter 14, of the New Jersey Statutes and other applicable laws. The Board of Commissioners desires to finance such capital projects through the issuance of temporary and permanent obligations at the most advantageous terms available to it.

2. Bond Counsel, in consideration of the making and the signing of the within Agreement, agrees to render the following services to the Fire District:

A. Bond Counsel will prepare a tentative timetable for the steps to be taken prior to the election and will submit it for review to the Board of Commissioners and the Board Attorney.

B. Bond Counsel will draft or review the resolution authorizing the bond issue to be submitted to the voters at a special or annual fire district election.

C. Upon approval by the voters, Bond Counsel, with the assistance of the Board Attorney and the Chairman of the Board of Commissioners, will assemble a record of proceedings evidencing the proper creation of the Fire District and the proper approval of the bond issue by the legal voters of the Fire District.

D. When the Board of Commissioners determines to issue bonds, Bond Counsel will prepare the necessary resolutions or other operative documents to set up the bond sale and will submit them to the Board Attorney for review. Bond Counsel will seek the advice of the Auditor in connection with the appropriate maturity schedule for the bonds to be sold and will assist in the preparation of the Official Statement. Bond Counsel will see to the printing and the distribution of the Official Statement to those financial institutions that customarily submit bids for new bond issues of that type. If the Board of Commissioners determines to sell the bonds through a public sale, Bond Counsel will arrange for the printing of the notice of sale in The Bond Buyer and will answer any inquires made by the investment community concerning the bond sale. Bond Counsel will attend the bond sale and will render legal advice as necessary concerning the submission of bids for the bonds in accordance with the notice of sale and the requirements of

law. After the bond sale or after any private placement of the bonds, Bond Counsel will prepare the bonds for execution, will prepare and see to the execution of the necessary closing certificates and will establish the time and the place for the delivery of the bonds. Bond Counsel will attend the closing with the appropriate officials of the Board of Commissioners, at which time the bonds will be delivered, payment will be made for the bonds and Bond Counsel will issue a final approving legal opinion with respect to the validity of the bonds.

E. When the Board of Commissioners determines to issue bond anticipation notes, Bond Counsel will prepare any necessary resolutions to authorize the sale of such notes and will submit them to the Board Attorney for review. When the purchaser and the details of the notes have been determined, Bond Counsel will prepare the notes for execution and will prepare the appropriate closing certificates and an approving legal opinion with respect to the notes. Normally, it is not necessary for Bond Counsel to attend the closing for the notes. Unless requested otherwise, Bond Counsel will forward the notes, closing papers and approving legal opinion to the Board Attorney for execution and delivery.

F. Bond Counsel will provide basic advice in regard to the effect of arbitrage regulations on the issuance of bonds or bond anticipation notes and the investment of the proceeds thereof.

3. The Fire District will make payment to Bond Counsel for services rendered in accordance with the following schedule:

A. For services rendered in connection with the creation of the Fire District, the fee will be \$2,000.

B. For services rendered in connection with the preparation for a bond referendum and the review of the record of proceedings in connection therewith, the fee will be \$3,000. If there were separate elections authorizing bonds, which bonds are combined with others authorized by separate elections, there will be an additional fee of \$1,000 for each such proposal for which Bond Counsel reviewed a certified record of proceedings in connection therewith. In the event that an election is held but the proposal is defeated, the fee will be \$1,000 for all services rendered in connection with that election. If the referendum involves consultations, meetings or discussions that are out of the ordinary, that is, services that are not described in Section 2 hereof such as attendance at meetings, attention to litigation or other matters described in Section 3E, there will be additional fees to be charged at the hourly rates of the attorneys in effect at the time the services are provided. The present blended hourly rate for all attorneys is \$215 and \$145 for paralegals.

C. For services rendered in connection with a permanent bond sale, the fee will be \$8,500, plus \$1.10 per thousand dollars of bonds issued.

D. Temporary financing is not encouraged due to the cost of the Local Finance Board approvals. However, in the event that it is required, our fee for any temporary financing involving a private placement and not involving numerous notes, preparation of an Official Statement or attendance at the closing shall be \$.60 per thousand dollars, with a minimum of \$2,000. If additional services are required, the additional time required will be billed at the hourly rates in effect when the services are performed.

E. In the event that the Fire District wants to finance a lease purchase transaction, our fee will not exceed \$7,500.

F. Services rendered beyond the scope of those described above will be billed at the hourly rates in effect when the services are rendered. Such services may include attendance at meetings to discuss the bond or note sale, extraordinary work involved in the preparation of the Official Statement for a bond sale or the review or the preparation of an Official Statement for a bond anticipation note sale, attention to any litigation that may occur, applications to the Federal Reserve Bank for investments of bond or note proceeds in State and Local Government Series Issues or in regard to complicated bond and note issues involving numerous ordinances including advice in compliance with investment restrictions under the arbitrage regulations.

G. In the event that a bond sale is held but all bids are rejected or the sale is cancelled, the fee to be charged shall be a reasonable one, based on the services performed.

H. Customary disbursements shall be added to the fees referred to in this Agreement. These may include photocopying, express delivery charges, travel expenses, telecommunications, filing fees, book binding, messenger service or other costs advanced on behalf of the Board of Commissioners.

I. This Agreement shall be in full force and effect until such time as either party gives written notice to the other of termination.

4. Bond Counsel and the Board of Commissioners hereby incorporate into this contract the mandatory language of N.J.A.C. 17:27-3.4(a) and the mandatory language of N.J.A.C. 17:27-5.3 promulgated pursuant to N.J.S.A. 10:5-31 to 38 (P.L. 1975, c. 127, as amended and supplemented from time to time), and Bond Counsel agrees to comply fully with the terms, the provisions and the conditions of N.J.A.C. 17:27-3.4(a) and N.J.A.C. 17:27-5.3, provided that N.J.A.C. 17:27-3.4(a) shall be applied.

IN WITNESS WHEREOF, the BOARD OF COMMISSIONERS has caused this Agreement to be duly executed by its proper officers and has caused its corporate seal to be hereto affixed, and Bond Counsel has caused this Agreement to be duly executed by the proper party as of the day and the year first written.

BOARD OF COMMISSIONERS OF FIRE
DISTRICT NO. 1 IN THE TOWNSHIP OF
HOPEWELL, IN THE COUNTY
OF MERCER, NEW JERSEY

By: Joseph M. Lenardi
Vice Chairman

ATTEST:

Daniel C. B. G.
Secretary

McMANIMON SCOTLAND & BAUMANN, LLC

By: Ronald J. Ianoale
Ronald J. Ianoale, Authorized Member