

2005 -

March 16, 2005

A Special Meeting of the Kingwood Township Committee was called to order at 5:30 P.M. with Mayor Rawlyk presiding.

Also present at the meeting were Deputy Mayor Burke, Committeeman Zdepski, Attorney Nergaard and Clerk MacConnell. Following the salute to the Flag, Mayor Rawlyk read aloud the following:

NOTICE REQUIREMENTS

Adequate notice of this meeting was provided in accordance with the Open Public Meetings Act by publication of the notice in the Delaware Valley News on March 14, 2005 and by telefaxing a copy of the notice to the Courier News, Star Ledger, Hunterdon Democrat and the Express Times on March 14, 2005. Copies of the notice were also posted in the Kingwood Township Municipal Building and Baptistown Post Office on March 14, 2005.

In order to ensure full public participation in this meeting, all members of this Committee or Board, and also members of the public are requested to speak only when recognized by the Chair so that there is no simultaneous discussion or over-talk, and further, all persons are requested to utilize the microphones which are provided for your use by the Township. Your cooperation is appreciated.

RESOLUTION

The following Resolution was introduced:

EXECUTIVE SESSION - RESOLUTION NO. 2005 - 46

Following a brief recess, at approximately 5:38 P.M., the following Resolution was introduced to enter into closed session:

RESOLUTION NO. 2005 - 46

WHEREAS, Section 7 of the Open Public Meetings Act, Chapter 231 P.L. 1975 (R.S.10:4-13) permits the exclusion of the public from a meeting or a portion of a meeting of this public body in certain circumstances; and

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

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

1. The public shall be excluded from the meeting or a portion of a meeting at which this public body discusses the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:

**Possible Litigation, Contract Negotiations,
Matters Involving Attorney Client Privilege**
3. The time when the circumstances under which the discussions conducted in closed session of this public body can be disclosed to the public is as follows:

The minutes of the closed session will be made public upon Conclusion, dismissal or settlement of litigation; or final Resolution of agreements or personnel matters; and in any Event, when appropriate pursuant to N.J.S.A. 10:4-7 and - 13.

4. This resolution shall take effect immediately.
5. The Township Committee may take additional action upon returning to regular session.

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It was moved by Mr. Burke, seconded by Mr. Zdepski and carried to adopt the foregoing Resolution.

Roll Call Vote:	AYE	- Burke, Zdepski, Rawlyk
	NAY	- None
	ABSTAIN	- None
	ABSENT	- None

RETURN TO REGULAR SESSION

It was moved by Mr. Zdepski, seconded by Mr. Burke and carried to return to regular session at 5:50 P.M. **All** voted **Aye** on **Roll Call Vote**.

Construction of New DPW Building

Deputy Mayor Burke clarified what should be decided with the bidders.

There was a discussion whether the Committee members should suggest changes or should we ask the bidders. Attorney Nergaard commented and suggested that the Committee should ask the bidders for their best offer. There were comments on the radiant heat, and the additions and deductions. Mayor Rawlyk suggested to down scale the project. Mr. Burke feels that there are two options, first to negotiate to see if the Committee could get the prices down, and second if they can not get the prices down, they should try to down scale the project.

There was a lengthy discussion on the bids and a suggestion to reject all four. It was found that Concrete Masters is unqualified, and will request all bidders to submit their best bid. It was noted that all of the remaining bids were over the cost estimate and over the available amount that the Township Committee has for this project. The remaining four bids must be rejected as to price and the insufficient funds that are available in the budget to increase.

RESOLUTION

The following Resolution was introduced:

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**RESOLUTION NO. 2005 - 45
BIDS FOR NEW DPW BUILDING**

WHEREAS, the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey advertised for bids on two occasions, pursuant to N.J.S.A. 40A:11-4; and

WHEREAS, the Kingwood Township Committee has determined that the bid submitted by The Concrete Masters, Inc., 105 South Street, Newark, NJ 07114 is not qualified, as the bidder failed to submit a bid based upon the correct bid documents and instead submitted a bid based upon previous bid documents, did not properly acknowledge receipt of an addenda; and for other inconsistencies with the bid documents; and

WHEREAS, the remaining bids submitted by DeSapio management, Inc., P.O. Box 100, Baptistown, NJ 08803, DeSapio Construction, Inc., 280 Ridge Rd., Frenchtown, NJ 08825, Coopersmith Bros. Inc., P.O. Box 391, Phillipsburg, Nj 08865 and D Construction Co., Inc., 25 East 24th St., Bayonne, NJ 07002 are not reasonable as to price based on the cost estimates prepared by the township's architect and substantially exceed the amount available to the Township in its budget for this project.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey:

1. The bid submitted by The Concrete Masters, Inc. is not qualified;
2. The bids submitted by DeSapio Management, Inc., DeSapio Construction, Inc., Coopersmith Bros. Inc. and D Construction Co., Inc. are rejected;

BE IT FURTHER RESOLVED the Township Committee directs the Township Clerk to advise all of the bidders of its intention to negotiate, and to afford each a reasonable opportunity to negotiate, with the understanding that the bid specifications can not be substantially different from those which were the subject of the competitive bids.

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It was moved by Mr. Burke, seconded by Mr. Zdepski and carried to adopt the foregoing Resolution.

Roll Call Vote:

AYE	-	Burke, Zdepski, Rawlyk
NAY	-	None
ABSTAIN	-	None
ABSENT	-	None

It was discuss if and when the Committee should meet with the bidders. Committeeman Zdepski suggested a meeting with them individually. Mr. Burke felt they should all meet together for the fact that if they all ask different questions they could all be answered at the same time.

Attorney Nergaard suggested that the Township Clerk to send out a letter to all bidders asking them to submit in writing their best ideas. Concrete Masters will receive a different letter, asking for their best prices, to add items that are missing, and to prepare to negotiate.

It was decided that all bidders have in writing their proposals back by April, 4, 2005 by 3:00 P.M.

Committeeman Zdepski briefly described an experience he had with the County only giving him a conditional approval on his application. He also reviewed work that needed to be done on Picnic Grove Road from Milltown Road. He is hoping to get the Township to work on and complete Picnic Grove Road, which goes through to Milltown Road for the access to his two daughter's properties. Many questions between the Committee, Mr. Zdepski and Public Works Supervisor Jack Search. J. Search responded explaining what needs to be done and what materials they will need to complete the job. The Township Committee authorized the Clerk to contact the Township Engineer to file for a general permit for a pipe to be extended from Milltown Road to the first culvert on Picnic Grove Road.

It was moved by Mr. Burke to instruct Engineer Lorentz to file paperwork and to get a cost estimate. Mr. Burke withdrew his motion. No need to make a motion.

It was moved by Mr. Burke, seconded by Mr. Zdepski and carried to adjourn the meeting at 7:00 P.M. **All** voted **Aye** on **Roll Call Vote**.

Respectfully submitted,

**Cynthia L. Brown, RMC
Deputy Clerk**