

2005 -

April 5, 2005

A Regular Meeting of the Kingwood Township Committee was called to order at 8:05 P.M. with Mayor Rawlyk presiding.

Also present at the meeting were Deputy Mayor Burke , Committeeman Zdepski, Attorney M. Nergaard, Engineer R. Lorentz, Auditor Charles Case, Clerk MacConnell and Deputy Clerk Brown. 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 January 13, 2005 and the Express Times on January 10, 2005 and by telefaxing copy of the notice to the Courier News and Star Ledger on January 7, 2005. Copies of the notice were also posted in the Kingwood Township Municipal Building and Baptistown Post Office on January 7, 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.

ORDINANCE

CALENDAR YEAR 2005 MODEL ORDINANCE NO. 13-03-2005 TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (NJSA40A:4-45.14) - Introduction and adoption on First Reading

Mayor Rawlyk read the Ordinance aloud which was introduced.

It was moved by Mr. Zdepski, seconded by Mr. Burke and carried to adopt on first reading **CALENDAR YEAR 2005 MODEL ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (NJSA40A:4-45.14)**.

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

Consideration of final adoption at a public hearing is scheduled for Tuesday, May 3, 2005 at a meeting beginning at 8:00 P.M. at the municipal building.

RESOLUTION

The Following Resolution was introduced with corrections:

There was a correction that was noted that needed to be made under "Section 2, Estimated Cost" the amount should be changed from \$47,500.00 to \$147,500.00.

**RESOLUTION NO. 2005-48
CONSTITUTING THE 2005 TEMPORARY CAPITAL
BUDGET OF THE TOWNSHIP OF KINGWOOD**

WHEREAS, the Township of Kingwood desires to constitute the 2005 temporary capital budget of said municipality by inserting therein the authorization for providing for improvements of Thatcher Road, Section 2;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood as follows:

Section 1. The 2005 temporary capital budget of the Township of Kingwood is hereby constituted by the adoption of a schedule to read as follows:

**Temporary Capital Budget of the Township of Kingwood
County of Hunterdon, New Jersey
Projects Schedule for 2005**

1. Improvements of Thatcher Road, Section 2.

Methods of Financing

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<u>Project</u>	<u>Estimated Cost</u>	<u>Capital Improvement Fund</u>	<u>Grants Aid and other Funds</u>
Improvements to Thatcher Road			
Section 2	\$147,500.00	\$7,500.00	\$40,000.00

Section 2. The Township Clerk be and is authorized and directed to file a certified copy of this resolution with the Division of Local Government Services, department of Community Affairs, State of New Jersey, within three days after the adoption of this project for 2005 temporary capital budget, to be included in the 2005 permanent capital budget as adopted.

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

Roll Call Vote:

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

2005 MUNICIPAL BUDGET - Introduction and Adoption on First Reading

The Following Resolution was introduced with corrections:

There was a correction that was noted that needed to be made under the Budget Message - Sheet 3B - 1st paragraph - to be changed from \$198,000.00 to \$198.00. The Farmland Preservation and Open Space should be 3 cents added. Also on the first line, 2nd paragraph after the word expenses - needs to be omitted - "that do not accrue".

Auditor Charles Case read aloud budget resolution, summary of the budget, general appropriations, date of publication, and announced public hearing and adoption date to be on May 3, 2005 at 8:00 P.M. at the Township Committee meeting.

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It was moved by Mr. Zdepski, seconded by Mr. Burke and carried to introduce the 2005 Municipal Budget.

Roll Call Vote:

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

Auditor Charles Case explained that the Budget Message is not usually published in the newspaper. He asked the Township Committee if they would like the Budget Message published this year. The Committee members all agreed they would like it published in the local newspaper. Mr. Zdepski explained there is a lot of information in the Budget Message and it would be of interest to the residents. Mr. Case noted that there will be copies available of the proposed Budget in the Clerks office if anyone would like a copy.

THATCHER ROAD RECONSTRUCTION PROJECT

Engineer Lorentz reports that Ordinance No. 13-4-2005 tracks Resolution No. 2005-48 amending the Capital Budget while appropriating the monies to proceed with the project at the amount of \$147,000 as a total cost figure. R. Lorentz explained that figure would be the projected Engineering costs as estimated in the letter.

Capital Ordinance No. 13-4-2005 - Introduction and Adoption on First Reading Proposal & Estimate from R. Lorentz

ORDINANCE

CAPITAL ORDINANCE NO. 13-4-2005 TO PROVIDE FOR THE IMPROVEMENT OF THATCHER ROAD, SECTION 2 AS A GENERAL IMPROVEMENT FOR THE TOWNSHIP OF KINGWOOD, IN THE COUNTY OF HUNTERDON, NEW JERSEY AND APPROPRIATING \$147,500.00 WHICH INCLUDES A STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION GRANT RECEIVABLE OF \$140,000.00- Introduction and adoption on First Reading

Mayor Rawlyk read the Ordinance aloud which was introduced.

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It was moved by Mr. Burke, seconded by Mr. Zdepski and carried to adopt on first reading **AN ORDINANCE TO PROVIDE FOR THE IMPROVEMENT OF THATCHER ROAD, SECTION 2 AS A GENERAL IMPROVEMENT FOR THE TOWNSHIP OF KINGWOOD, IN THE COUNTY OF HUNTERDON, NEW JERSEY AND APPROPRIATING \$147,500.00 WHICH INCLUDES A STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION GRANT RECEIVABLE OF \$140,000.00.** - Introduction and Adoption on First Reading.

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

Consideration of final adoption at a public hearing is scheduled for Tuesday, May 3, 2005 at a meeting beginning at 8:00 P.M. at the municipal building.

Committeeman Zdepski asked the Engineer regarding when the Township would obtain the actual funds. R. Lorentz responded.

Proposal & Estimate from R. Lorentz

Engineer Lorentz explains that he intended for the letter to be an Agreement. Committeeman Zdepski asked about payments out of the State grant, to which Engineer Lorentz responded.

FY 2006 STATE AID PROGRAM - APPLICATIONS FOR OAK GROVE ROAD AND SPRING HILL ROAD

Engineer Lorentz set up a proposal to reapply for Oak Grove Road. He stated that it will be an estimated amount of \$161,600, and he will request a State grant in the amount of \$150,000 toward that total cost. He explained that the other project is Spring Hill Road, which he estimated total cost of \$140,000, also requesting \$130,000 State grant to finance project for Spring Hill Road.

It was moved by Mr. Zdepski, seconded by Mr. Burke and carried to approve Engineer Lorentz to execute the applications to finance the projects.

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FY 2005 STORMWATER GRANT APPLICATION

Engineer Lorentz reported that last year as we entered the Stormwater program there was grant money available and there will be a similar grant program for this year. R. Lorentz explained that the application for the grant needs to be submitted by April 29, 2005. Attorney Nergaard stated that a Resolution needs to be done to authorize the submission of the application.

It was moved by Mr. Burke, seconded by Mr. Zdepski authorizing Engineer Robert Lorentz to submit an application for the grant for the Stormwater Program.

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

CORRESPONDENCE

Mayor Rawlyk reviewed all correspondence.

RESOLUTION NO. 2005-49 - 2005 TEMPORARY BUDGET APPROPRIATIONS

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2005 - 49

2005 TEMPORARY BUDGET APPROPRIATIONS

WHEREAS, the 2005 Budget of the Township of Kingwood has not been adopted and the appropriations provided for in Resolution No. 2005-10 are insufficient to cover the expenses in April of 2005, and;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey that the Temporary 2005 Budget Appropriations be raised by the statutory one-twelfth (1/12th).

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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

BILLS AND CLAIMS

It was moved by Mr. Zdepski, seconded by Mr. Burke and carried to approve and pay the bills and claims that are in order and attached as **Bill List** for **April 2005**.

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

PUBLIC COMMENT PRIVILEGE OF THE FLOOR

No public comments.

REPORTS

Mayor Rawlyk noted that the following have been received and are available for review:

Annual Report of Township Historian
Tax Collector's Report of January 2005 and February 2005
Municipal Court Report of February 2005
Construction Department Report of February 2005
Zoning Permits Report of March 2005

FUTURE MEETINGS AND ACTIVITIES

Mayor Rawlyk reviewed as per the Agenda.

ORDINANCES

ORDINANCE NO. 13-5-2005 AMENDING ORDINANCE NO. 13-1-2005
FIXING THE SALARIES AND COMPENSATION OF THE VARIOUS
OFFICERS AND EMPLOYEES OF THE TOWNSHIP- Introduction and
adoption on First Reading

Mayor Rawlyk read the Ordinance aloud which was introduced.

It was moved by Mr. Burke, seconded by Mr. Zdepski and carried to adopt on first reading **AN ORDINANCE AMENDING ORDINANCE NO. 13-1-2005 FIXING THE SALARIES AND COMPENSATION OF THE VARIOUS OFFICERS AND EMPLOYEES OF THE TOWNSHIP** - Introduction and Adoption on First Reading.

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

Consideration of final adoption at a public hearing is scheduled for Tuesday, May 3, 2005 at a meeting beginning at 8:00 P.M. at the municipal building.

RESOLUTIONS

The following Resolution was introduced:

RESOLUTION NO. 2005 - 50

**INCREASE IN (LOSAP) LENGTH OF SERVICE
AWARD PROGRAM FOR YEAR 2004**

WHEREAS, the Township of Kingwood has previously established a LOSAP under the "Emergency Services Volunteer Length of Service Award Program Act" (P.L. 1997 c. 388, cited as NJSA 40A:14-183 et.seq.) to ensure the retention of existing members and to provide incentives for recruiting new volunteer firefighters and first aid organization members in the community; and

WHEREAS, the New Jersey Department of Community Affairs has now issued guidelines regarding increases in the amounts of the awards from year to year; and

WHEREAS, the Township Committee has received a request for an increase from the volunteer firefighters and first aid organization members in the Township;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon, State of New Jersey to approve an increase of 5.2% for the year 2004 based on the (CPI) Consumer Price Index as calculated by the Director of the Division of Local Government Services; and

BE IT FURTHER RESOLVED that the award of this increase will translate into an additional \$26.00 per qualified member, meaning an award of \$526.00 per qualified member for the year 2004; and

BE IT FINALLY RESOLVED that this award is made as a "Time-to-time CPI adjustment" according to the guidelines.

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

OLD BUSINESS

Construction of New DPW Building:

Responses to Negotiate

Committeeman Zdepski had several questions for C.F.O. D. Laudenbach in reference to an update of figures from March 16, 2005 to the current date. There was a discussion on the responses. Attorney Nergaard noted there were three letters of response. She reviewed what was included and the changes. They provided all the necessary documentation requested. She strongly recommended having an architect present when a meeting is scheduled with the three contractors. A meeting will be scheduled for Monday, May 2nd, 2005 at 6:00 P.M. The schedule will be to meet with Coopersmith - 6:00 P.M., DeSapio Mgt. at 6:45 P.M., and Concrete Masters - 7:30 P.M.

The Township Committee will meet at 5:15 P.M. the same day at Milltown Road with Road Supervisor Jack Search and Engineer Robert Lorentz before the 6:00 P.M. meeting.

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Bond Anticipation Notes (BAN) Sale Results

Clerk MacConnell read aloud the results. The C.F.O. announced the bank will be Commerce Bank of Flemington.

NEW BUSINESS

Professional Services Agreements - Resolution No. 2005-51

Attorney Nergaard briefly commented on a discussion with Auditor Charles Case in reference to a change as far as an agreement being firm, due to business registration requirements.

RESOLUTION

**RESOLUTION NO. 2005 - 51
RESOLUTION FOR PROFESSIONAL SERVICES**

WHEREAS, the Township of Kingwood is in need of Accounting, Engineering and Legal Advice and Planning Services; and

WHEREAS, R.S. 40A:11-5 specifically exempts professional services from the Local Public Contracts Law of 1971;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood that the Mayor and Clerk are hereby authorized and directed to execute and Agreement with the following persons for the year 2005.

Woolson, Sutphen, Anderson & Nergaard is hereby retained for legal services with Maryann L. Nergaard as Cooperate Counsel for the Township of Kingwood with an agreement in an amount not to exceed the amount budgeted for 2005.

Withum, Smith & Brown (Charles M. Case) is hereby retained as Municipal Auditor for the Township of Kingwood with an agreement in an amount not to exceed the amount budgeted for 2005.

Heritage Consulting Engineers is hereby retained as municipal Engineer for the Township of Kingwood with an agreement in an amount not to exceed the amount budgeted for 2005.

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Lindabury, McCormick & Estabrook P.A. is hereby retained as Board of Adjustment Attorney for the Township of Kingwood with an agreement in an amount not to exceed the amount budgeted for 2005.

Lindabury, McCormick & Estabrook P.A. is hereby retained as Planning Board Attorney for the Township of Kingwood with an agreement in an amount not to exceed the amount budgeted for 2005.

McManimon & Scotland, L.L.C. is hereby retained as Bond Counsel for the Township of Kingwood with an agreement in an amount not to exceed the amount budgeted for 2005.

Banisch Associates, Inc. is hereby retained as Planning Consultant for the Township of Kingwood with an agreement in an amount not to exceed the amount budgeted for 2005.

Copies of the Agreements are available for inspection by the public at the Kingwood Township Municipal Building during regular business hours.

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

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

Recommendation from Historical Society for Lane Name

Mayor Rawlyk reviewed.

It was moved by Mr. Zdepski, seconded by Mr. Burke and carried to accept the recommendation from the Historical Society.

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

QUOTATIONS FOR CLEAN-UP DUMPSTERS

The Committee members reviewed the spread sheet provided for them with several quotes from different companies. The Committee members determined that Raritan Valley Disposal had the best prices.

It was moved by Mr. Zdepski, seconded by Mr. Burke and carried to award the delivery and use of dumpsters for the Clean-up days from May - October to Raritan Valley Disposal.

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

Quotations for Landscape Services

Committeeman Zdepski reviewed three quotations from James Laudenbach, Danny Jones, and Joe Floyd. He mentioned that James Laudenbach was the landscaper last year in 2004, and Danny Jones for the year 2003. The Committee members reviewed the quotes and decided that Joe Floyd was the lowest bidder. Mr. Zdepski asked if Mr. Floyd understands what was involved with the job. They will give Mr. Floyd 15 days as a trial. The Clerk is instructed to write Mr. Floyd a letter awarding him the job and informing him that if the Township Committee feels his work is unsatisfactory they will cancel his services as landscaper.

It was moved by Mr. Burke, seconded by Mr. Zdepski and carried to hire Joe Floyd as landscaper for Kingwood Township properties for the season of 2005.

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

RESOLUTION

EXECUTIVE SESSION - RESOLUTION NO. 2005 - 52

Following a brief recess, at approximately 10:10 P.M., the following Resolution was introduced to enter and amend into closed session:

RESOLUTION NO. 2005 - 52

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:

Pending Litigation

Contractual - B1 40 L 5 and B1 50 L 9

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.

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 11:01 P.M. **All** voted **Aye** on **Roll Call Vote**.

UPDATE ON FLOOD

There was a brief discussion on the flood along the river in Byram Colony. Mr. Zdepski reported on the use of the firehouse in Kingwood and the Red Cross that are present for the residents. He reported that the National Guard is bringing a water truck for the residents in Byram.

CONFERENCE CALL WITH GOVERNOR

Mayor Rawlyk reported on a conference call with the Governor.

It was moved by Mr. Zdepski, seconded by Mr. Burke and carried to adjourn the meeting at 11:30 P.M. **All** voted **Aye** on **Roll Call Vote**.

Respectfully Submitted,

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