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May 3, 2005

A Regular Meeting of the Kingwood Township Committee was called to order at 8:00 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.

**CALENDAR YEAR 2005 MODEL ORDINANCE NO. 13-3-2005 TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (NJSA 40A:4-45.14) VOL. 13 PG. 03** - Public Hearing and Final Adoption

Mayor Rawlyk read Ordinance aloud by title. This Ordinance was introduced and adopted on first reading at a meeting of the Kingwood Township Committee on April 5, 2005. The Ordinance was published in the Delaware Valley News on April 14, 2005 and has been posted in the Kingwood Township Municipal building on April 6, 2005. Copies of the Ordinance have been available for inspection by the public since April 6, 2005.

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It was moved by Mr. Zdepski, seconded by Mr. Burke and carried to open the hearing to the public. **All** voted **Aye** on **Roll Call Vote**.

No Comments.

It was moved by Mr. Zdepski, seconded by Mr. Burke and carried to close the public comment portion of the hearing. **All** voted **Aye** on **Roll Call Vote**.

It was moved by Mr. Zdepski, seconded by Mr. Burke and carried to adopt on final reading **CALENDAR YEAR 2005 MODEL ORDINANCE NO. 13-03-2005 TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH CAP BANK (NJSA40A:4-45.14)**

<b>Roll Call Vote:</b>	<b>AYE</b>	- Burke, Zdepski, Rawlyk
	<b>NAY</b>	- None
	<b>ABSTAIN</b>	- None
	<b>ABSENT</b>	- None

**2005 MUNICIPAL BUDGET - PUBLIC HEARING AND FINAL ADOPTION**

It was moved by Mr. Zdepski, seconded by Mr. Burke and carried to open the hearing to the public. **All** voted **Aye** on **Roll Call Vote**.

No Comments.

It was moved by Mr. Zdepski, seconded by Mr. Burke and carried to close the hearing to the public. **All** voted **Aye** on **Roll Call Vote**.

The Budget Message was read aloud by Auditor Charles Case.

It was moved by Mr. Zdepski, seconded by Mr. Burke and carried to adopt the 2005 municipal budget.

<b>Roll Call Vote:</b>	<b>AYE</b>	- Burke, Zdepski, Rawlyk
	<b>BYE</b>	- None
	<b>ABSTAIN</b>	- None
	<b>ABSENT</b>	- None

CAPITAL ORDINANCE NO. 13-4-2005 TO PROVIDE FOR THE IMPROVEMENT OF THATCHER ROAD, SECTION 2 AS A GENERAL IMPROVEMENT FOR THE TOWNSHIP, AND APPROPRIATING \$147,500.00 WHICH INCLUDES A STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION GRANT RECEIVABLE OF \$140,000.00 VOL. 13 PG. 04 - Public Hearing and Final Adoption

Mayor Rawlyk read Ordinance aloud by title. This Ordinance was introduced and adopted on first reading at a meeting of the Kingwood Township Committee on April 5, 2005. The Ordinance was published in the Delaware Valley News on April 14, 2005 and has been posted in the Kingwood Township Municipal building on April 6, 2005. Copies of the Ordinance have been available for inspection by the public since April 6, 2005.

It was moved by Mr. Zdepski, seconded by Mr. Burke and carried to open the hearing to the public. **All voted Aye on Roll Call Vote.**

No Comments.

It was moved by Mr. Zdepski, seconded by Mr. Burke and carried to close the public comment portion of the hearing. **All voted Aye on Roll Call Vote.**

It was moved by Mr. Burke, seconded by Mr. Zdepski and carried to adopt on final reading **CAPITAL ORDINANCE ORDINANCE NO. 13-04-2005 TO PROVIDE FOR THE IMPROVEMENT OF THATCHER ROAD, SECTION 2 AS A GENERAL IMPROVEMENT FOR THE TOWNSHIP, AND APPROPRIATING \$147,500.00 WHICH INCLUDES A STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION GRANT RECEIVABLE OF \$140,000.00.**

Roll Call Vote:	<b>AYE</b>	- Burke, Zdepski, Rawlyk
	<b>NAY</b>	- None
	<b>ABSTAIN</b>	- None
	<b>ABSENT</b>	- None

Township Engineer R. Lorentz reported on the following:

**KINGWOOD SCHOOL AND PARK WALKWAY PROJECT**

Engineer Lorentz reported that it is has been very wet. Waiting for it to clear up to continue the work.

**MONITORING WELL AT TOWNSHIP GARAGE**

Engineer Lorentz explained he signed the certificate for completion and will now be forwarded to the D.E.P.

**LETTER OF CREDIT FOR WINBERRY MAJOR SUBDIVISION**

Township Engineer explained that this is the development off Thatcher Road. He also said that the amount of the letter is more than the work completed and that the vast bulk of work is done. The Township Committee opted to hold 30%. The letter of credit will expire on May 11, 2005. There is cash in the amount of \$11,548.84, which is adequate to cover items left. The bank who issued the letter has no problem renewing the letter at the same amount for six months. He reported that after accepting as being complete, it will be covered by a 2 year maintenance agreement. Mr. Lorentz also said that the new extended letter of credit will be completed by the end of the week.

It was moved by Mr. Zdepski, seconded by Mr. Burke to accept a six month extension on the letter of credit at the same amount.

<b>Roll Call Vote:</b>	<b>AYE</b>	<b>- Burke, Zdepski, Rawlyk</b>
	<b>NAY</b>	<b>- None</b>
	<b>ABSTAIN</b>	<b>- None</b>
	<b>ABSENT</b>	<b>- None</b>

**REQUEST FROM KINGWOOD TOWNSHIP SCHOOL TO AMEND CHAPTER 124**

Mr. Zdepski stated that he feels it is a good request, as far as the health and safety with the traffic pattern. Attorney Nergaard will contact the County and will prepare an ordinance to be introduced at the next Twp. meeting in June.

**STATE LOAN PROGRAM OR DREDGING, RESTORATION AND STREAM CLEANING AND DE-SNAGGING**

Engineer Lorentz reviewed what the loan provides.

**CORRESPONDENCE**

**Notification Letter from NJDCA re: Livable Communities Capital Improvement Program**

Clerk MacConnell reports.

**Thank you letter from Byram Resident and Request for Award for Boy Scouts**

Committeeman Zdepski would like a letter of appreciation sent to the boy scouts. Attorney Nergaard suggested a resolution be drafted and presented to the boy scouts at the next Township meeting in June.

**Letter and Resolution from Assembly Republican Leader A. DeCroce re: Property Tax Reform**

The Committee members had a brief discussion and have decided to support the resolution.

The following Resolution was introduced:

following Resolution was introduced:

**RESOLUTION NO. 2005-54**

**RESOLUTION IN SUPPORT OF A PERMANENT AND CONSTITUTIONALLY GUARANTEED 30% REDUCTION IN PROPERTY TAXES**

**WHEREAS**, New Jersey has some of the highest property taxes in the United States; and

**WHEREAS**, property taxes have increased by 6.3 percent statewide in the past year alone with many towns experiencing increases of 10 percent or more; and

**WHEREAS**, the total property tax levy in New Jersey has increased by 33 percent in the past five years; and

**WHEREAS**, the state government has provided only marginal amounts of state aid for property tax relief in the past three years, and may be providing no increase in state aid this year; and

**WHEREAS**, the ever-increasing property tax burden is making it difficult for families to afford living in our communities and is particularly troublesome for seniors living on fixed incomes; and

**WHEREAS**, all of these combined justify calling the current situation a property tax crisis; and

**WHEREAS**, it is the responsibility of the Legislature to address problems of this magnitude; and

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**WHEREAS**, assembly Republicans have proposed a *Blueprint for Property Tax Reform* to provide direct property tax relief; and

**WHEREAS**, the plan provides a permanent 30% reduction in property taxes that is constitutionally guaranteed and phased in over three years; and

**WHEREAS**, the plan places constitutionally established restraints on taxes and spending, so budgetary savings and revenue growth will be the preferred means to pay for property tax relief; and

**WHEREAS**, the plan includes tools local governments can use to economize and keep taxes and spending in check;

**NOW, THEREFORE, BE IT RESOLVED** that we urge the New Jersey State Legislature to adopt the amendments to the state constitution that are proposed by the *Blueprint for Property Tax Reform* so they are placed on the ballot in 2005 and voters can decide whether direct and meaningful property tax relief should begin in 2006; and

**BE IT FURTHER RESOLVED** that we urge the New Jersey State Legislature and Acting Governor Richard J. Codey to adopt the series of bills contained in the *Blueprint for Property Tax Reform* so municipalities can use these tools to control taxes and spending;

**BE IT FINALLY RESOLVED** that a certified copy of this resolution shall be sent to the Assembly Speaker Albio Sires, Assembly Minority Leader Alex DeCrose and all State legislators representing our legislative district.

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

<b>Roll Call Vote:</b>	<b>AYE</b>	- Burke, Zdepski, Rawlyk
	<b>NAY</b>	- None
	<b>ABSTAIN</b>	- None
	<b>ABSENT</b>	- None

**Resolution from West Amwell Twp. re: Reimbursement of Property Taxes to Municipalities for Disabled Veterans who are Exempt.**

The Committee members briefly discussed the correspondence from West Amwell Twp. and decided to support the resolution.

The following Resolution was introduced:

**RESOLUTION NO. 2005-55**

**SUPPORT OF S-1023 AND A-1835**

**WHEREAS**, Senate Bill S-1012 and Assembly Bill A-1835 have been introduced for the purpose, in part, of requiring the State to reimburse municipalities for the payment of property taxes that disabled veterans are exempt from; and

**WHEREAS**, the bills also require that the Governing Body of each municipality return all taxes collected on the veteran’s property after the effective date of the determination of total disability from the United States Department of Veterans Affairs, and requires the State to reimburse municipalities for the amount of such property taxes returned to a totally disabled veteran pursuant to the requirements of the bill; and

**WHEREAS**, the Township Committee of the Township of Kingwood recognizes the bravery of the men and women of our armed services and pays homage to them for their service to our Country as a great sacrifice to their health and welfare that they gave so valiantly for the freedom that we all experience and enjoy today; and

**WHEREAS**, the exemption of the property tax for the 100% disabled veterans, while justified, does present a burden to the municipalities and seriously impacts the citizens of the Township who would have to bear the burden of this exemption without the reimbursement from the State of New Jersey.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey, to hereby strongly support the passage of Senate Bill S-1023 and Assembly Bill A-1835 for the reasons set forth herein and urge all municipalities of the State to resolve to support passage of said legislation.

**BE IT FURTHER RESOLVED** by the Mayor and Township Committee of the Township of Kingwood that the Municipal Clerk shall forward a copy of this resolution to Acting Governor Codey and all State Senators and Assemblypersons representing our legislative district.

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

<b>Roll Call Vote:</b>	<b>AYE</b>	<b>- Burke, Zdepski, Rawlyk</b>
	<b>NAY</b>	<b>- None</b>
	<b>ABSTAIN</b>	<b>- None</b>
	<b>ABSENT</b>	<b>- None</b>

**Resolution from West Amwell Twp. re: Renaming Route 31**

Mayor Rawlyk reviewed.

**BILLS AND CLAIMS**

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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 **May** 2005.

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

**PUBLIC COMMENT - PRIVILEGE OF THE FLOOR**

**Richard Desvernine, Byram Lane** - President of the Association for Byram Colony, thanked the Township Committee for everything that has been done to help the clean up from the flood. Also thanked the boy scouts for all there help and also several others that were there to help.

**Regina Desvernine, Byram Lane** - Commented about a meeting the Township is helping to schedule for Wednesday of this week. She also mentioned the mitigation plan that is being put into place by the Township.

**Antimo Russano, Milltown Road** - Asked the Committee members about Milltown Road and when it will be repaired. Mr. Zdepski responded stating that it will be discussed in closed session. The Committee informed Mr. Russano that they will return to open session and have some answers and discuss the situation.

**REPORTS**

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

- Tax Collector's Report of March 2005
- Municipal Court Report of March 2005
- Construction Department Report of March 2005
- Zoning Permits Report of April 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 VOL. 13 PG. 05 - Public Hearing and Final Adoption

Mayor Rawlyk read Ordinance aloud by title. This Ordinance was introduced and adopted on first reading at a meeting of the Kingwood Township Committee on April 5, 2005. The Ordinance was published in the Delaware Valley News on April 14, 2005 and has been posted in the Kingwood Township Municipal building on April 6, 2005. Copies of the Ordinance have been available for inspection by the public since April 6, 2005.

It was moved by Mr. Zdepski, seconded by Mr. Burke and carried to open the hearing to the public. **All** voted **Aye** on **Roll Call Vote**.

No Comments.

It was moved by Mr. Zdepski, seconded by Mr. Burke and carried to close the public comment portion of the hearing. **All** voted **Aye** on **Roll Call Vote**.

It was moved by Mr. Burke, Mayor Rawlyk stepped down from the Chair seconded the motion and carried to adopt on final reading of **ORDINANCE NO. 13-05-2005 AMENDING ORDINANCE NO. 13-01-2005 FIXING THE SALARIES AND COMPENSATION OF THE VARIOUS OFFICERS AND EMPLOYEES OF THE TOWNSHIP**.

Roll Call Vote:	<b>AYE</b>	- Burke, Rawlyk
	<b>NAY</b>	- None
	<b>ABSTAIN</b>	- Zdepski
	<b>ABSENT</b>	- None

RESOLUTIONS

The following Resolution was introduced:

**RESOLUTION NO. 2007 - 56**

**APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION  
(N.J.S.A. 40A:4-87)**

**FISCAL YEAR 2005 - CLEAN COMMUNITIES GRANT**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, said Director may also approve the insertion of any item of appropriation for equal amount;

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Kingwood, in the County of Hunterdon, State of New Jersey, hereby requests the Director of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2005 in the sum of \$362.68, which item is now available as a revenue from the State of New Jersey - Clean Communities Account, as a grant to the Kingwood Township in the amount of \$362.68.

**BE IT FURTHER RESOLVED** that the like sum of \$362.68 is hereby appropriated under the caption "2005 Clean Communities Grant".

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

<b>Roll Call Vote:</b>	<b>AYE</b>	<b>- Burke, Zdepski, Rawlyk</b>
	<b>NAY</b>	<b>- None</b>
	<b>ABSTAIN</b>	<b>- None</b>
	<b>ABSENT</b>	<b>- None</b>

### OLD BUSINESS

#### Construction of New DPW Building

Attorney Nergaard recommended a discussion be postponed until closed session.

### NEW BUSINESS

#### Application from Environmental Commission for Lower Delaware National Wild and Scenic River Municipal Incentive Grant

Debra Kratzer, Chairman of the Environmental Commission was present. She reviewed several grants the Township has received in the past. She wanted the Committee to be informed to what was going on with the current application. She explained that the grant would go towards stream monitoring. Mrs. Kratzer handed out a draft of the application for the Committee members review.

She stated that it is to be finalized at the next environmental commission meeting. Mrs. Kratzer noted that the proposal is due May 20<sup>th</sup>, and it would then be determined whether Kingwood Township would receive the money. It would then be brought to the Township Committee for support of the application. Committeeman Zdepski expressed concerns on approving the draft form. He also asked about the locations for the testing. He would also like to review the completed document first and have written permission from the property owners surrounding the testing sites. Chairman for the Environmental Commission Joe Abel was present and briefly commented.

A Special Township Committee meeting will be scheduled and advertised for May 9, 2005 and will be conducted during the Environmental Commission meeting. The Committee will be meeting to approve a letter of support for the submission of the grant application.

**Letter and Agreement from NJDEP Green Acres Program**

Attorney Nergaard explained the letter and agreement. It is a letter renewing the funding that Kingwood Township had received back in 2000. They are asking the Township to authorize the execution of the agreement. Mr. Zdepski asked several questions about the agreement. Mr. Burke explained the process of funding for the program.

It was moved by Mr. Burke, Mayor Rawlyk stepped down from the Chair and seconded the motion to authorize the Mayor to sign the appropriate documents setting aside the funding so that the Township could use when needed. Committeeman Zdepski expressed that he is not in favor of this motion and does not see the urgency at this time, he asked the Committee members to hold off on authorizing this agreement. The Mayor and Deputy Mayor explained the benefit for signing the agreement.

<b>Roll Call Vote:</b>	<b>AYE</b>	<b>- Burke, Rawlyk</b>
	<b>NAY</b>	<b>- Zdepski</b>
	<b>ABSTAIN</b>	<b>- None</b>
	<b>ABSENT</b>	<b>- None</b>

Resignation Letter from Environmental Commission Member

A letter from Commission member Anthony Hauck submitted a letter of resignation. Mr. Zdepski felt that Mr. Hauck should not resign and he does not see a conflict of interest on his part.

There was a brief discussion on whether it would be a conflict of interest or not for Mr. Hauck to be on the Commission. The Committee would like to request a letter from Mr. Hauck explaining that he would like to stay on the Commission. Clerk MacConnell was asked to contact Mr. Hauck in reference to submitting a letter.

Proposed Ordinance from Agriculture Advisory and Open Space Advisory Committees

Attorney Nergaard reviewed the ordinance Attorney Pierce prepared.

ORDINANCE

ORDINANCE NO. 13-06-2005 AN ORDINANCE OF THE TOWNSHIP OF KINGWOOD, COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO AMEND THE DEVELOPMENT REGULATIONS OF THE TOWNSHIP OF KINGWOOD, SPECIFICALLY "CHAPTER 74 - FARMING" OF THE GENERAL ORDINANCES OF THE TOWNSHIP - 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 **AN ORDINANCE TO AMEND THE DEVELOPMENT REGULATIONS OF THE TOWNSHIP OF KINGWOOD, SPECIFICALLY "CHAPTER 74 - FARMING" OF THE GENERAL ORDINANCES OF THE TOWNSHIP.**

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, July 5, 2005 at a meeting beginning at 8:00 P.M. at the municipal building.

**RECOMMENDATION FROM AGRICULTURE ADVISORY COMMITTEE**

Mayor Rawlyk recommended that the Township hire a land acquisition consultant or an attorney so that they could help the Township to initiate with any projects. Mayor Rawlyk is not in favor with the recommendation from the Agriculture Advisory Committee. He feels that the person that was recommended cannot perform and provide what Kingwood Township needs. Mr. Burke would like to see credentials before making any decisions. Attorney Nergaard reported discussing an amount to be spent for hiring someone for the job with C.F.O. Diane Laudendach, and Auditor Charles Case. Mayor Rawlyk suggested to table the topic until the next meeting.

**REQUEST FROM MUNICIPAL COURT PROSECUTOR RE: EQUIPMENT FOR MUNICIPAL COURT**

There is a request from the Court Prosecutor for a small TV/VCR combo needed for the court. Mayor Zdepski recommended they purchase one at BJ's for around \$80.00. Deputy Mayor Burke offered to donate one that he is not using.

**DELAWARE VALLEY REGIONAL HIGH SCHOOL - SCHOOL BUDGET**

The Township Clerk explained the surrounding Mayors from the towns met with the high school administrators to agree on a settlement, and to adopt a resolution. Committeeman Zdepski commented what he thought should be done. Deputy Mayor Burke stated that he attended the meeting with the Mayors. The Mayors agreed to cut \$370,000 from the budget. The high school superintendent sent a letter to the Township Committee addressing them that they are not in favor of the cut and that they are unable to do so. Mr. Zdepski felt it wasn't enough of a cut. He would like to see \$450,000 cut from the budget and a resolution completed by all the districts without meeting with the school. Deputy Mayor Burke reviewed what happened at the meeting, but stated that he hasn't spoken to anyone since. Mr. Burke feels that the \$370,000 is an adequate amount to cut. Mr. Burke will contact Mr. O'Brien to see if there will be a meeting with all the districts.

Mr. Joseph Abel asked to speak with the Committee members. He asked if any of them have authorized an investigation of his functions as an employee in the Township. The Committee members stated that this will be discussed in executive session with Mr. Abel.

**RESOLUTION**

**EXECUTIVE SESSION - RESOLUTION NO. 2005 - 57**

Following a brief recess, at approximately 9:45 P.M., the following Resolution was introduced to enter into closed session:

**RESOLUTION NO. 2005 - 57**

**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 - Block 40, Lot 5**

**Contractual - Block 50, Lot 9**

**Contractual - Milltown Road**

**Personnel**

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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.

<b>Roll Call Vote:</b>	<b>AYE</b>	<b>- Burke, Zdepski, Rawlyk</b>
	<b>NAY</b>	<b>- None</b>
	<b>ABSTAIN</b>	<b>- None</b>
	<b>ABSENT</b>	<b>- None</b>

**RETURN TO REGULAR SESSION**

It was moved by Mr. Zdepski, seconded by Mr. Burke and carried to return to regular session at 11:50 P.M. **All** voted **Aye** on **Roll Call Vote**.

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION No. 2005 - 58**

**IMPROVEMENTS TO COUNTY STRUCTURE K-86**

**WHEREAS**, the owner of Block 34 Lot 10 on the tax maps of the Township of Kingwood was required to obtain approval from the Hunterdon County Planning Board as a requirement for planning board approval of his subdivision application; and

**WHEREAS**, in a letter dated April 28, 2005, a copy of which is attached hereto and made a part hereof, Louis Fineberg, the Senior Planner for the Hunterdon County Planning Board has advised that because County structure K-86, located on municipal property is in a state of disrepair, the County has imposed a condition on the subdivision application requiring the Township's acknowledgment that it will make all necessary improvements to County structure K-86;

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

The Township shall make the necessary improvements to County Structure K-86; and

The Township Clerk is hereby directed to send a certified copy of this Resolution to the Secretary of the Hunterdon County Planning Board.

It was moved by Mr. Burke, Mayor Rawlyk stepped down from the Chair and second the motion and carried to adopt the foregoing Resolution.

<b>Roll Call Vote:</b>	<b>AYE</b>	- <b>Burke, Rawlyk</b>
	<b>NAY</b>	- <b>None</b>
	<b>ABSTAIN</b>	- <b>Zdepski</b>
	<b>ABSENT</b>	- <b>None</b>

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2005 - 59**

**RESOLUTION AWARDING CONTRACT FOR  
CONSTRUCTION OF PUBLIC WORKS GARAGE**

**WHEREAS**, the Township has heretofore advertised for bids for the construction of the public works garage on two separate occasions; and

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**WHEREAS**, at the meetings of December 16<sup>th</sup>, 2004 and March 14, 2005 the Township Committee adopted resolutions rejecting all bids because all but one of the bids exceeded the amount appropriated for the project, and the apparent low bidder submitted a non-conforming bid; and

**WHEREAS**, the Local Public Contracts Law, N.J.S.A.40A:11-5(3) specifically authorizes a municipality to negotiate the terms of a contract without advertising for bids when on two previous occasions the municipality has advertised for bids and bids have either been rejected or no bids have been received; and

**WHEREAS**, in order to award a negotiated contract, the statute requires that the municipality must: 1) determine that the same or equivalent goods or services are not available at a lower cost through an agency of the United States or the State of New Jersey;

2) negotiate a contract whose terms, conditions, restrictions and specifications are not substantially different from those contained in the advertised bid documents; and 3) any minor amendment or modification shall be stated in the resolution awarding the contract; and

**WHEREAS**, the goods and services are not available through federal or state contracts, and additionally, after the bids were rejected on March 14, 2005, each of the responsible bidders was notified that it would have an opportunity to negotiate with the Township; and

**WHEREAS**, The Concrete Masters, Inc. was the only responsible bidder able to negotiate a price that was within the Township's budget; and

**WHEREAS**, The Concrete Masters, Inc. has agreed to perform the contract as bid for the contract price of \$1,421,000, which is less than its previous bid of \$1,439,000.00; and

**WHEREAS**, the Township has agreed to waive the provision in the specifications calling for a certification in accordance with N.J.S.A.18A:18A-33, because Title 18A refers to school construction and is inapplicable to municipal projects, and the statutory provision cited as incorrect; and except for that waiver, the terms and conditions of the negotiated contract are the same as those contained in the bid specifications; and

**WHEREAS**, funds are available for this purpose and a Certificate of Availability has been filed by the Chief Financial Officer with the Township Clerk in accordance with the Local Budget Law, N.J.S.A.40A:4-57 and N.J.A.C.5.34: and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Kingwood, in the County of Hunterdon, State of New Jersey, that the contract for the construction of the new Department of Public Works Garage is hereby awarded to The Concrete Masters, Inc. in the amount of \$1,421,000, and the Mayor and Clerk are hereby authorized and directed to execute the contract on behalf of the Township.

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

<b>Roll Call Vote:</b>	<b>AYE</b>	- Burke, Zdepski, Rawlyk
	<b>NAY</b>	- None
	<b>ABSTAIN</b>	- None
	<b>ABSENT</b>	- None

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION AWARDING CONTRACT FOR SERVICES  
AS CLERK OF THE WORKS TO DE SAPIO MANAGEMENT, INC.  
IN CONNECTION WITH THE CONSTRUCTION  
OF THE DEPARTMENT OF PUBLIC WORKS GARAGE**

**RESOLUTION NO. 2005 - 60**

**WHEREAS**, the Township Committee has awarded the contract for the construction of the Department of Public Works garage; and

**WHEREAS**, the project will require the services of a Clerk of the Works to oversee the construction project, and act as the Township's representative; and

**WHEREAS**, such services require knowledge of construction and contract administration in a municipal setting, and such knowledge requires training and a proven reputation and therefore qualifies as an extraordinary unspecifiable service within the meaning of N.J.S.A. 40A:11-5; and

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**WHEREAS**, the Township Committee has determined that it would be in the best interests of the Township to award a contract for services as Clerk of the Works for the DPW Garage Construction Project to De Sapio Management, Inc., in an amount not to exceed \$40,000; and

**WHEREAS**, , funds are available for this purpose and a Certificate of Availability has been filed by the Chief Financial Officer with the Township Clerk in accordance with the Local Budget Law, N.J.S.A. 40A:4-57 and N.J.A.C. 5:3.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Kingwood, in the County of Hunterdon, State of New Jersey, that De Sapio Management, Inc. is hereby designated as the Clerk of the Works for the DPW Garage Construction Project for an amount not to exceed \$40,000. This award is subject to the execution of a contract in a form satisfactory to the Township Attorney. Once the contract has been approved, the Mayor and Township Clerk are hereby authorized and directed to execute the said contract on behalf of the Township of Kingwood. In accordance with the requirements of the statute, a notice of this action shall be published in the Delaware Valley News.

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

<b>Roll Call Vote:</b>	<b>AYE</b>	- Burke, Zdepski, Rawlyk
	<b>NAY</b>	- None
	<b>ABSTAIN</b>	- None
	<b>ABSENT</b>	- None

It was moved by Mr. Burke, seconded by Mr. Zdepski and carried to adjourn the meeting at 11:55 P.M. **All voted Aye on Roll Call Vote.**

**Respectfully Submitted,**

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