

Kingwood Township Committee Meeting Minutes – Jan, 2005

2005 - 22

JANUARY 4, 2005

The Regular Meeting of the Kingwood Township Committee was called to order at 8:40 P.M. with Mayor Rawlyk presiding.

Also present at the meeting were Committeemen Burke and Zdepski, Chief Financial Officer and Tax Collector D. Laudenbach, Clerk M. MacConnell and Deputy Clerk C. 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 and the Express Times on December 23, 2004 and by telefaxing copies of the notice to the Courier News and Star Ledger on December 16, 2004. Copies of the notice were also posted in the Kingwood Township Municipal Building and Baptistown Post Office on December 16, 2004.

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.

SPECIAL RESOURCE AREA DESIGNATION - Stockton Mayor Gregg Rackin

Mayor Rackin was present at the meeting and commented he previously sent a letter to the concerned municipalities in October 2004. He noted that he is an alternate member of the Hunterdon County Planning Board and as such has been involved in the cross acceptance process, and the proposed designation has grown out of that process. The County has drafted a sample resolution that Mayor Rackin is requesting the committee members to adopt, and the County would then submit the resolution adopted by each of the municipalities to the State, to designate a special resource area for the Delaware River corridor, within the State plan, and this will be consistent with the Federal Lower Delaware Wild and Scenic Management Plan which the Township has already supported by resolution. If the various river communities can be united and form a coalition, more grant money can be obtained for the communities.

Mayor Rackin answered questions from the committeemen and agreed he will try to provide some additional information the committeemen requested as far as back up documentation, and he noted he will find the appropriate person from the Hunterdon County Planning Board to answer any questions if he can not. The committee members agreed they will consider this again at their February meeting.

2005 - 23

CORRESPONDENCE

Mayor Rawlyk noted the following correspondence was received:

Letter and Resolution from County Freeholders re: Highlands Water Protection & Planning Act.

Kingwood Township Committee Meeting Minutes – Jan, 2005

L. Voronin, a resident of Union Road, was present at the meeting and requested the Mayor to summarize the letter for those present. Mayor Rawlyk read the letter aloud. L. Voronin expressed her concerns for the taxpayers in regard to paying bills for government versus government lawsuits.

Mr. Zdepski feels the Township Committee needs to act to support this tonight, and he pointed out there is no monetary cost to the Township. The following Resolution was then introduced:

RESOLUTION NO. 2005 - 11

SUPPORT OF CHALLENGE TO HIGHLANDS

WATER PROTECTION AND PLANNING ACT

WHEREAS, the Boards of Chosen Freeholders of Warren County and Hunterdon County have united to challenge the constitutionality of the Highlands Act;

The Freeholders have determined that the implementation of this Legislative Act will have a drastic impact on property values and the tax base in the respective Counties. The Act violates the principles of home rule and delegates to a new regional state body, the Highlands Water Protection and Planning Council, the master plan and zoning powers vested in each municipality pursuant to the Municipal Land Use Law.

The Freeholders have determined that the Act's standards and the boundaries of the preservation and planning areas are not scientifically justified. Its primary purpose, protection of our drinking water supplies and water resources, is already fully safeguarded as a result of the new NJDEP storm water regulations which are now in effect throughout the State. Its other purpose, preservation of a natural resource, does not justify the Act's development restrictions. The undeveloped land within the designated preservation area can be protected by local officials through the use of existing State regulations and municipal ordinances.

The Freeholders have determined that the Act violates the constitutional requirements of equal protection, substantive due process, and procedural due process. It constitutes a taking of property for a public purpose without compensation. It violates constitutionally vested rights.

The governing body of this municipality concurs with one or more of the determinations made by the prospective Freeholder Boards. There are other respects in which the legislation will specifically adversely affect this municipality.

2005 - 24

RESOLUTION NO. 2005-11 CONTINUED

NOW, THEREFORE, BE IT RESOLVED:

1. This municipality elects to participate in the litigation as a party plaintiff. This Resolution shall serve as the authorization for the County legal staff to name this municipality as a plaintiff.
2. To the extent that this municipality is specifically affected by the impact of the Highlands Legislation in a way not affecting all municipalities, generally, this municipality will notify the County.
3. If necessary during the course of litigation to specifically protect the interest of our community, this municipality will provide to the County, in kind services or information to adequately protect this community's specific interests.

Kingwood Township Committee Meeting Minutes – Jan, 2005

It was moved by Mr. Zdepski to adopt the foregoing Resolution. Mayor Rawlyk stepped down from the chair, seconded and carried the motion.

Roll Call Vote: AYE - Zdepski, Rawlyk

NAY - Burke

ABSTAIN - None

ABSENT - None

RESOLUTION FOR 2004 BUDGET RESERVE APPROPRIATION TRANSFERS

The following Resolution was introduced:

RESOLUTION NO. 2005 - 12

2004 BUDGET RESERVE APPROPRIATION TRANSFERS

BE IT RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey that the Chief Financial Officer be authorized to make the following transfers within the 2004 Reserve Budget Appropriations:

From:

Governing Body - Other Expense \$ 500.00

Financial Administration - Salary & Wages \$ 975.00

Tax Map Maintenance \$ 1250.00

Zoning Official - Other Expense \$ 250.00

2005 - 25

RESOLUTION NO. 2005-12 CONTINUED

Emergency Management - Other Expense \$ 250.00

Construction - Other Expense \$ 9210.00

Board of Health - Other Expense \$ 400.00

Office of Local Historian - Other Expense \$ 350.00

To:

Administrative & Executive - Other Expense \$ 525.00

Tax Assessment - Other Expense \$ 360.00

Engineering - Other Expense \$ 7300.00

Electricity - Other Expense \$ 1000.00

Kingwood Township Committee Meeting Minutes – Jan, 2005

Telephone - Other Expense \$ 1000.00

Heating Fuel Oil - Other Expense \$ 2750.00

Solid Waste - Other Expense \$ 250.00

It was moved by Mr. Zdepski to adopt the foregoing Resolution. Mayor Rawlyk stepped down from the chair, seconded and carried the motion.

Roll Call Vote: AYE - Burke, Zdepski, Rawlyk

NAY - None

ABSTAIN - None

ABSENT - None

REPORTS

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

Construction Department Report of December 2004

Zoning Permits Report of December 2004

BILLS AND CLAIMS

It was moved by Mr. Burke, seconded by Mr. Zdepski and carried to approve and pay the bills and claims that are in order and attached as **Bill List for December 2004.**

Roll Call Vote: AYE - Burke, Zdepski, Rawlyk

NAY - None

ABSTAIN - None

ABSENT - None

2005 - 26

PUBLIC COMMENT - PRIVILEGE OF THE FLOOR

Richard Desvernine, Byram Lane - commented he feels the Special Resource Area Designation discussed earlier in the meeting can't hurt, there are lots of things to be done along the River as the result of the flooding in September, there is lots of debris to be cleaned up and a lot of work to be done along the banks of the River. He also commented he and Mrs. Desvernine have had some personal problems and the Township has had some problems as well with where they live on Byram Lane, and he commended Att'y. J. Novak as having acted in a very professional and a very thorough manner. As far as Mr. Desvernine is concerned Att'y. Novak gave them %150 and he also generated a good amount of fines for the Township through municipal court. Mr. Desvernine feels Att'y. Novak did a good job.

Kingwood Township Committee Meeting Minutes – Jan, 2005

John Mathieu, Federal Twist Road - asked if the Township Committee would consider scheduling a meeting date for the Open Space Advisory Committee to reorganize. Some comments followed between J. Mathieu, Mayor Rawlyk, Committeeman Zdepski and J. Abel as to whether or not the Agriculture Advisory Committee and the Open Space Advisory Committee should meet together.

It was moved by S. Zdepski, seconded by J. Burke and carried to schedule a joint meeting of the Agriculture Advisory Committee and the Open Space Advisory Committee on Friday, January 14, 2005 beginning at 8:00 P.M. **All** voted **Aye** on **Roll Call Vote**. Committeeman Zdepski asked for clarification that this was just to reorganize, which Mayor Rawlyk confirmed.

FUTURE MEETINGS AND ACTIVITIES

Mayor Rawlyk reviewed as per the Agenda.

ORDINANCES

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 by title. It was moved by Mr. Zdepski, seconded by Mr. Burke and carried to introduce and adopt on first reading **AN ORDINANCE FIXING THE SALARIES AND COMPENSATION OF THE VARIOUS OFFICERS AND EMPLOYEES OF THE TOWNSHIP.**

Roll Call Vote: AYE - Burke, Zdepski, Rawlyk

NAY - None

ABSTAIN - None

ABSENT - None

2005 - 27

Consideration of final adoption at a public hearing is scheduled for Tuesday, February 1, 2005 at a meeting beginning at 8:00 P.M. at the municipal building

RESOLUTIONS

The following Resolutions were introduced:

RESOLUTION NO. 2005 - 13

PUBLIC WORKS DEPARTMENT SALARIES FOR 2005

WHEREAS, Ordinance No. 13-1-2005 contains the Salary Range for the Public Works Employees for the year 2005;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey that the following salaries are established for the year 2005:

Jack Search \$ 34.56

Kingwood Township Committee Meeting Minutes – Jan, 2005

David Enea \$ 26.76

Mark Petro \$ 24.99

J. Barry Ewing \$ 24.76

Charles Kocsis \$ 23.58

It was moved by Mr. Zdepski, seconded by Mr. Burke and carried to adopt the foregoing Resolution. **All** voted **Aye** on **Roll Call Vote**.

RESOLUTION NO. 2005 - 14

PUBLIC ALLIANCE INSURANCE COVERAGE FUND

RENEWAL OF MEMBERSHIP

WHEREAS, the Township of Kingwood, hereinafter referred to as "Public Entity" is a member of the Public Alliance Insurance Coverage Fund, hereinafter referred to as "Fund"; and **WHEREAS**, said renewal membership terminates as of January 4, 2008 at 12:01 a.m. standard time, unless earlier renewed by agreement between the Public Entity and the Fund; and **WHEREAS**, the Public Entity is afforded the following types of coverages.

2005 - 28

Workers' Compensation

Package (auto & general liability including police professional, boiler & machinery and crime)

Public Officials Liability

Excess Liability

Auto & General Liability

Public Officials Liability

Environmental Impairment Liability

WHEREAS, the Public Entity desires to renew said membership.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Public Entity agrees to renew its membership in the **Fund** for a period of three years beginning January 4, 2005, and ending January 4, 2008 at 12:01 a.m. eastern standard time, and to be subject to the coverages, operating procedures, bylaws, and other organizational and operational documents of the **Fund** presently existing or as from time to time amended by the **Fund** and/or the Department of Banking and Insurance.

2. The **Public Entity** hereby appoints Mary E. MacConnell as the **Public Entity's** Fund Commissioner and is authorized to execute the renewal Indemnity and Trust Agreement thereby evidencing annexed hereto and made a part hereof and to deliver same to the **Fund** the **Public Entity's** renewal of its membership.

Kingwood Township Committee Meeting Minutes – Jan, 2005

It was moved by Mr. Burke, seconded by Mr. Zdepski and carried to adopt the foregoing Resolution. **All** voted **Aye** on **Roll Call Vote**.

RESOLUTION NO. 2005 - 15

PUBLIC ALLIANCE INSURANCE COVERAGE FUND

INDEMNITY AND TRUST RENEWAL AGREEMENT

WHEREAS, this **Agreement**, made this 4th day of January, 2005, in the County of Hunterdon, State of New Jersey, by and between the Public Alliance Insurance Coverage Fund, hereinafter referred to as "**Fund**", and the Governing Body of **Township of Kingwood**, hereinafter referred to as "**Public Entity**"; and **WHEREAS**, the **Fund** seeks to provide its members with insurance coverage; and **WHEREAS**, two or more public entities have collectively formed a joint insurance fund as is authorized and described in N.J.S.A. 40A:10-36 et.seq. and the regulations promulgated pursuant thereto; and

2005 - 29

WHEREAS, the Public Entity has resolved to renew said membership.

NOW, THEREFORE, BE IT RESOLVED that it is agreed as follows:

1. The **Public Entity** hereby renews its membership in the **Fund** for a three (3) year period, beginning January 4, 2005 and ending January 4, 2008 at 12:01 a.m. eastern standard time.
2. The **Public Entity** hereby ratifies and reaffirms the bylaws and other organizational and operational documents of the **Fund** and as from time to time amended and altered by the **Fund** and/or Department of Banking and Insurance in accordance with the applicable statutes and regulations as if each and every one of said documents were executed contemporaneously herewith.
3. The **Public Entity** agrees to be a participating member of the **Fund** for the period herein provided for and to comply with all of the rules and regulations and obligations associated with said membership.
4. In consideration of renewal of membership in the **Fund**, the **Public Entity** agrees that for those types of insurance in which it participates, the **Public Entity** shall jointly and severally assume and discharge the liability of each and every member of the **Fund** all of whom, as a condition of membership in the **Fund**, shall execute a verbatim counterpart to this Agreement. By execution hereof the full faith and credit of the **Public Entity** is pledged to the punctual payment of any sums which shall become due to the **Fund** in accordance with the bylaws thereof, this Agreement or any applicable statute or regulation.
5. If the **Fund**, in the enforcement of any part of this Agreement, shall incur necessary expense or become obligated to pay attorney's fees and /or court costs, the **Public Entity** agrees to reimburse the **Fund** for all such reasonable expenses, fees and costs on demand.
6. The **Public Entity** and the **Fund** agree that the **Fund** shall hold all monies paid by the **Public Entity** to the **Fund** as fiduciaries for the benefit of **Fund** claimants all in accordance with applicable statutes and/or regulations.
7. The **Fund** shall establish and maintain Trust Accounts in accordance with N.J.A.C. 11:15-2.13 and such other statutes and regulations as may be applicable.

2005 - 30

Kingwood Township Committee Meeting Minutes – Jan, 2005

8. Each **Public Entity** that becomes a member of the **Fund** shall be obligated to execute this Agreement.

9. The Fund Commissioner designated in the Resolution to Renew Membership is hereby authorized to execute the Agreement to renew membership.

It was moved by Mr. Zdepski, seconded by Mr. Burke and carried to adopt the foregoing Resolution. **All** voted **Aye** on **Roll Call Vote**.

RESOLUTION NO. 2005 - 16

PUBLIC ALLIANCE INSURANCE COVERAGE FUND

RISK MANAGEMENT CONSULTANT

WHEREAS, the Township of Kingwood, has resolved to join the Public Alliance Insurance Coverage Fund ("PAIC") following a detailed analysis; and

WHEREAS, the Bylaws of PAIC require that each entity designate a Risk Management Consultant to perform various professional services as detailed in the Bylaws and Risk Management Plan; and

WHEREAS, the Bylaws indicate the PAIC shall pay each Risk Management Consultant a fee to be established by the Executive Committee;

NOW, THEREFORE, BE IT RESOLVED that the Township of Kingwood hereby appoints Herder Tarricone Associates as its Risk Management Consultant in accordance with the Fund's Bylaws.

It was moved by Mr. Zdepski, seconded by Mr. Burke and carried to adopt the foregoing Resolution. **All** voted **Aye** on **Roll Call Vote**.

OLD BUSINESS

Agreement with Road Department and Local Union 469

Clerk reviewed that the committee members had approved the new Agreement regarding the above captioned last year, subject to several amendments. The amended Agreement has been distributed to the Road Department, the representative from Local Union 469 and the Township Committee. No comments, corrections or objections have been received. All parties will proceed to execute the Agreement.

2005 - 31

Master Plan Reexamination Report from Planning Board

Clerk reviewed that the Planning Board had filed the above captioned with the Clerk and the committee members have received a copy. Mr. Zdepski suggested scheduling a special meeting to discuss it. Following some discussion it was agreed to schedule a special meeting next Tuesday, January 11, 2005 beginning at 5:30 P.M. at the municipal building.

New PWD Building

It was agreed this item will also be discussed at the special meeting on January 11, 2005

NEW BUSINESS

Animal Control Contract for 2005

The committee members briefly reviewed the proposed Contract, and the Board of Health Secretary D. Laudenbach responded to several questions. The Contract is still based on the 2002 population figure, and they have changed their name to The Hunterdon Humane Animal Shelter.

It was moved by Mr. Burke, seconded by Mr. Zdepski and carried to approve the Contract between the Township and The Hunterdon Humane Animal Shelter, and to authorize the Mayor to execute the Contract on behalf of the Township for services for the year 2005. **All voted Aye on Roll Call Vote.**

LOSAP - Request for Increase from Fire Company and First Aid & Rescue Squad

Mr. Zdepski noted that the request is to increase the \$500 for each member to \$750 for each member. The committee members agreed to carry this over to next month as they would like to review the lists of members that qualify, which they have not yet had the opportunity to do.

EXECUTIVE SESSION - RESOLUTION NO. 2005 - 17

Following a brief recess, and at approximately 9:35 P.M., the following Resolution was introduced to enter into closed session:

RESOLUTION NO. 2005 - 17

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:

2005 - 32

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:

Potential Litigation and Personnel

Litigation

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.

Kingwood Township Committee Meeting Minutes – Jan, 2005

It was moved by Mr. Zdepski, seconded by Mr. Burke and carried to adopt the foregoing Resolution. **All** voted **Aye** on **Roll Call Vote**.

RETURN TO REGULAR SESSION

It was moved by Mr. Burke, seconded by Mr. Zdepski and carried to return to regular session at 10:20 P.M. **All** voted **Aye** on **Roll Call Vote**.

In response to a request from Mr. Zdepski, Clerk repeated the instructions discussed by the committee members during closed session, in regard to the Potential Litigation and Personnel matter. It was moved by Mr. Zdepski, seconded by Mr. Burke and carried to authorize the Clerk to contact Att’y. Novak with their instructions. **All** voted **Aye** on **Roll Call Vote**.

There was some discussion regarding Att’y. Novak’s services to the Township during 2005, as a Township Attorney has not yet been appointed for 2005. For clarification purposes, the committee members agreed they would like Att’y. Novak to continue handling all outstanding litigation matters he has been involved with.

Mr. Zdepski commented that he can see no reason not to finish up the appointments for the year 2005, no reason to leave them open or unfilled, and he suggested when the committee members are at the special meeting on Friday, January 7, 2005 at 9:00 A.M. that all outstanding appointments be completed. Mayor Rawlyk and Mr. Burke agreed.

2005 - 33

ADJOURNMENT

It was moved by Mr. Burke, seconded by Mr. Zdepski and carried to adjourn the meeting at 10:30 P.M. **All** voted **Aye** on **Roll Call Vote**.

Respectfully submitted,

Mary E. MacConnell, RMC

Township Clerk