

**KINGWOOD TOWNSHIP COMMITTEE
SPECIAL MEETING AGENDA**

December 30, 2013 – 5:00PM

Call to Order

Pledge of Allegiance

Adequate notice of this meeting was provided in accordance with the Open Public Meetings Act by publication of the notice in the Hunterdon Democrat and Courier News on December 26, 2013 and by telefaxing copies of the notice to the Express Times and Star Ledger on December 20, 2013. Copies of the notice were also posted in the Kingwood Township Municipal Building and Baptistown Post Office on December 20, 2013.

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 No. 2013-121 – 2013 Budget Appropriation Transfers

Vote to Approve Bills and Claims

Discuss Land Use Plan Billing

Discuss Township Insurance for Y2014:

- Resolution No. 2013-122 - Resolution to Join Fund**
- Resolution No. 2013-123 - Indemnity and Trust Agreement**
- Resolution No. 2013-124 - Appointing Risk Management Consultant**
- Resolution No. 2013-125 - Risk Management Consultant Agreement**

Ordinance No. 17-21-2013 Amending Chapter 94, “Open Space And Recreation Areas” Of The Code Of The Township Of Kingwood – Public Hearing and Final Adoption

Discuss 2014 Municipal Appointments

Executive Session Resolution No. 2013-126

Possible Litigation – Block 14, Lot 28.01

Adjournment

**December 30, 2013
Township Committee
Special Meeting Minutes**

A Special Meeting of the Kingwood Township Committee was called to order at 5:00P.M. with Mayor Lubitz.

Also present at the meeting were Deputy Mayor Haywood, Committeeman Dodds, C.F.O. Laudenbach, Deputy Clerk Keller and Clerk MacConnell. Following the salute to the Flag, Mayor Lubitz read aloud the following:

NOTICE REQUIREMENTS

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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 No. 2013-121 – 2013 Budget Appropriation Transfers

RESOLUTION NO. 2013 – 121

2013 BUDGET 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 2013 Budget Appropriations:

FROM ACCOUNT	TO ACCOUNT	AMOUNT
Legal – Other Expense	Board of Adjustment - Other Expense	\$100.00
	Streets & Roads – Salary & Wages	\$3550.00
	Vehicle Maintenance – Other Expense	\$750.00
	Solid Waste – Other Expense	\$100.00
	Parks and Playgrounds – Other Expense	\$175.00
Elections – Other Expense	Municipal Court – Salary and Wages	\$500.00
TOTAL TRANSFERRED:		\$5175.00

It was moved by Mrs. Haywood, seconded by Mr. Dodds and carried to adopt the foregoing Resolution.

Roll Call Vote:	Aye	-	Dodds, Haywood, Lubitz
	Nay	-	None
	Abstain	-	None
	Absent	-	None

VOTE TO APPROVE ALL BILLS AND CLAIMS

It was moved by Mrs. Haywood, seconded by Mr. Dodds and carried to approve and pay all bills and claims in the amount of **\$66,364.47** that are in order and attached as Bill List for December 30, 2013.

Roll Call Vote:	AYE	-	Dodds, Haywood, Lubitz
	NAY	-	None
	ABSTAIN	-	None
	ABSENT	-	None

DISCUSS LAND USE PLAN BILLING

The Township Committee received a letter and list of bills from Banisch Associates. C.F.O. Diane Laudenbach confirmed what the letter stated and noted there are funds available in the reserve account to pay the bill. She explained the bill was a list of the amounts for each element and that it was a flat rate. The Committee Members discussed the elements of the bill and feel the township owes a total amount of 5,081.10.

It was moved by Mr. Dodds, seconded by Mrs. Haywood and carried to pay the amount of \$5,081.10 owned to Banisch Associates.

Roll Call Vote:	AYE	-	Dodds, Haywood, Lubitz
	NAY	-	None
	ABSTAIN	-	None
	ABSENT	-	None

DISCUSS TOWNSHIP INSURANCE RENEWAL FOR 2014:

Present at the meeting were Peter Tarricone and Beth Britton from Wells Fargo Insurance Services Northeast Inc. Peter Tarricone reviewed a chart of insurance proposals for coverage for the period January 1, 2014 through December 31, 2014. The proposals were received from Statewide Insurance Fund and Public Alliance Insurance Coverage Fund.

The Committee Members discussed the proposals and asked several questions. Peter Tarricone responded and clarified all questions.

The Committee Members agreed to renew with State Wide Insurance Fund for 2014. The following resolutions were prepared for the renewal of the 2014 insurance coverage:

Resolution No. 2013-122 - State Wide Insurance Fund - To Join (Renew) the Fund

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2013 - 122

**STATEWIDE INSURANCE FUND
RESOLUTION TO JOIN (RENEW) THE FUND**

WHEREAS, a number of local units have joined together to form the Statewide Insurance Fund (“FUND”), a joint insurance fund, as permitted by N.J.S.A. 40A:10-36, *et seq.*; and

WHEREAS, Township of Kingwood (“LOCAL UNIT”) has complied with relevant law with regard to the acquisition of insurance; and

WHEREAS, the statutes and regulations governing the creation and operation of joint insurance funds contain elaborate restrictions and safeguards concerning the safe and efficient administration of such funds; and

WHEREAS, the LOCAL UNIT has determined that membership in the FUND is in the best interest of the LOCAL UNIT.

WHEREAS, the LOCAL UNIT agrees to be a member of the FUND for a period of three (3) years, effective from **January 1, 2014** terminating on **January 1, 2017** at 12:01 a.m. standard time; and

WHEREAS, the LOCAL UNIT has never defaulted on claims, if self-insured, and has not been canceled for non-payment of insurance premiums for two (2) years prior to the date of this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the LOCAL UNIT does hereby agree to join the Statewide Insurance Fund; and

BE IT FURTHER RESOLVED that to the extent required by law, the Local Unit shall provide notice of the Indemnity and Trust Agreement to the Office of the State Comptroller; and

BE IT FURTHER RESOLVED that the LOCAL UNIT will be afforded the following coverage(s) as marked “Yes”:

	<u>YES</u>	<u>NO</u>
Workers' Compensation & Employer's Liability	x	
Liability, Property, Crime-Faithful Performance and Fidelity, Inland Marine, Boiler and Machinery, Comprehensive General Liability, Auto Liability, Auto Physical Damages and Professional Liability		x
Pollution Liability	x	

BE IT FURTHER RESOLVED that Mary E. MacConnell (*name of member employee*) is hereby appointed as the LOCAL UNIT's Fund Commissioner and is authorized to execute the application for membership and the accompanying certification on behalf of the LOCAL UNIT; and

BE IT FURTHER RESOLVED that the LOCAL UNIT's Fund Commissioner is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying the membership in the FUND as required by the FUND's Bylaws and to deliver same to the Administrator of the FUND with the express reservation that said documents shall become effective only upon the LOCAL UNIT's admissions to the FUND following approval of the FUND by the New Jersey Department of Banking and Insurance.

It was moved by Mr. Dodds, seconded by Mrs. Haywood and carried to adopt the foregoing Resolution.

Roll Call Vote:	Aye	-	Dodds, Haywood, Lubitz
	Nay	-	None
	Abstain	-	None
	Absent	-	None

Resolution No. 2013-123 - Indemnity and Trust Agreement

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2013 - 123

**STATEWIDE INSURANCE FUND
INDEMNITY AND TRUST AGREEMENT**

THIS AGREEMENT made this 30th day of December 2013, in the County of Morris, State of New Jersey, by and between the Statewide Insurance Fund (hereinafter "FUND"), and

Township of Kingwood in the County of Hunterdon, a duly constituted local unit of government (hereinafter “LOCAL UNIT”);

WHEREAS, two or more local units have collectively formed a joint insurance fund as such an entity is authorized and described in N.J.S.A. 40A:10-36 et seq.; and

WHEREAS, the LOCAL UNIT has agreed to become a member of the FUND in accordance with and to the extent provided for in the Bylaws of the FUND and in consideration of such obligations and benefits to be shared by the membership of the FUND; and

WHEREAS, the LOCAL UNIT has complied with relevant law with regard to the acquisition of insurance;

NOW, THEREFORE, it is agreed as follows:

1. The LOCAL UNIT, upon entering the FUND, agrees to be bound by and to accept and comply with each and every provision of the FUND’s Bylaws, Risk Management Program, as it applies to the LOCAL UNIT and the applicable statutes and administrative regulations pertaining to joint insurance funds.

2. The LOCAL UNIT agrees to participate in the FUND with respect to those coverage listed in the LOCAL UNIT’s “Resolution to Join” in accordance with the FUND’s Bylaws and Risk Management Program.

3. The LOCAL UNIT agrees to become a member of the FUND until **January 1, 2017**, at 12:01 a. m. eastern standard time. The commencement date shall be the effective date as established by the FUND’s Bylaws and policies.

4. The LOCAL UNIT certifies that it has not been canceled for non-payment of insurance premiums for a period of at least two (2) years prior to the date hereof, or, if self-insured, that it has never defaulted on any claims.

5. In consideration of membership in the FUND, the LOCAL UNIT agrees that it shall jointly and severally assume and discharge the liability of each and every member of the FUND in accordance with statute and regulation, and by execution hereof the full faith and credit of the LOCAL UNIT 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.

6. 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 LOCAL UNIT agrees to reimburse the FUND for all such reasonable expenses, fees and costs on demand.

7. The LOCAL UNIT and the FUND agree that the FUND shall hold in trust all monies paid by the LOCAL UNIT to the FUND and those monies will be used in accordance with all applicable statutes, the FUND's Bylaws and the Risk Management Program.

8. If required by the Commissioner of Insurance or applicable statutes or regulations, the FUND shall establish separate trust fund accounts in accordance with N.J.S.A. 40A:10-36, et seq. and any other statutes or regulations that may be applicable. Said trust accounts shall be used solely for the payment of claims made against members of the FUND, excess insurance premiums and/or the administration of the FUND, or for such other purposes as now or hereunder permitted by statute or regulation.

9. Each LOCAL UNIT which shall become a member of the FUND shall be obligated to execute an agreement similar in form to this Agreement.

10. To the extent required by law, the LOCAL UNIT shall provide notice of this Agreement to the Office of the State Comptroller.

It was moved by Mr. Dodds, seconded by Mrs. Haywood and carried to adopt the foregoing Resolution.

Roll Call Vote:	Aye	-	Dodds, Haywood, Lubitz
	Nay	-	None
	Abstain	-	None
	Absent	-	None

Resolution No. 2013-124 - Appointing Risk Management Consultant

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2013 - 124

RESOLUTION APPOINTING RISK MANAGEMENT CONSULTANT

WHEREAS, Kingwood Township (hereinafter “Local Unit”) has joined the Statewide Insurance Fund (hereinafter “Fund”), a joint insurance fund as defined in N.J.S.A. 40A:10-36 *et seq.*; and

WHEREAS, the Bylaws require participating members to appoint a Risk Management Consultant, as those positions are defined in the Bylaws, if requested to do so by the “Fund”; and

WHEREAS, the Local Unit has complied with relevant law with regard to the appointment of a Risk management Consultant; and

WHEREAS, the “Fund” has requested its members to appoint individuals or entities to that position; and

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

1. Kingwood Township hereby appoints Wells Fargo Insurance Services its local Risk Management Consultant.
2. The Mayor and Risk Management Consultant are hereby authorized to execute the Risk Management Consultant’s Agreement for the year 2014 in the form attached hereto.

It was moved by Mrs. Haywood, seconded by Mr. Dodds and carried to adopt the foregoing Resolution.

Roll Call Vote: **AYE** - **Dodds, Haywood, Lubitz**
 NAY - **None**
 ABSTAIN - **None**
 ABSENT - **None**

Resolution No. 2013-125 – Risk Management Consultant’s Agreement

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2013 - 125

**2014 FUND YEAR
STATEWIDE INSURANCE FUND**

RISK MANAGEMENT CONSULTANT’S AGREEMENT

THIS AGREEMENT entered into this 30th day of December 2013, among the Statewide Insurance Fund (“FUND”), a joint insurance fund of the State of New Jersey, Township of Kingwood (“MEMBER”) and Wells Fargo Insurance Services (“CONSULTANT”) through a fair and open process, pursuant to N.J.S.A.19:44A-20.4.

WHEREAS, the CONSULTANT has offered to the MEMBER professional risk management consulting services as required by the Bylaws of the FUND; and

WHEREAS, the CONSULTANT has advised the FUND that he/she is familiar with the terms, conditions and operations of the FUND; and

WHEREAS, the MEMBER desires these professional services from the CONSULTANT; and

WHEREAS, the MEMBER has complied with relevant law in regard to the appointment of a Risk Management Consultant; and

WHEREAS, the Bylaws of the FUND require that members engage a CONSULTANT and that the CONSULTANT comply with certain requirements set forth therein.

NOW, THEREFORE, the parties in consideration of the mutual promises and covenants set forth herein, agree as follows:

1. For and in consideration of the amount stated hereinafter, the CONSULTANT shall:
 - (a) assist in evaluating the MEMBER’S exposures and advise on matters relating to the Member’s operation and coverage.

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- (b) explain to the MEMBER, or its representatives, the various coverages available from the FUND.
 - (c) explain to the MEMBER, or its representatives, the terms of the member's commitment and obligations to the FUND.
 - (d) explain to the MEMBER, or its representatives the operation of the FUND.
 - (e) prepare applications, statements of values, etc., on behalf of the MEMBER, if required by the FUND.
 - (f) review the MEMBER'S assessment and assist in the preparation of the MEMBER'S insurance budget.
 - (g) review losses and engineering reports and provide assistance to the MEMBER'S safety committee, if required.
 - (h) assist in the claims settlement process, if required, by MEMBER or FUND.
 - (i) attend the majority of meetings of the Fund Commissioners or Executive Committee, if requested, and perform such other services as required by the MEMBER or the FUND.
 - (j) comply with the obligations imposed upon Risk Managers in the FUND's Bylaws.
 - (k) act in good faith and fair dealing to the FUND.
 - (l) perform other duties for the FUND as may be required from time to time by the FUND.
2. In exchange for the above services, the CONSULTANT shall be compensated in the following manner:
- (a) The CONSULTANT shall be paid by the FUND, on behalf of the MEMBER, a fee as compensation for services rendered. Said fee, an apportionment of the MEMBER's assessment: 6% of workers' compensation (excluding any fees, PLIGA, and loss ratio apportionment); 7.5% of all lines assessment (excluding any fees, PLIGA, and loss ratio apportionment); and 10% of Selective umbrella assessment (excluding fees, PLIGA and administrative expenses).

- (b) The CONSULTANT shall be entitled to compensation for services provided during any calendar year only if the CONSULTANT has been appointed and holds the position of Risk Management Consultant, as of January 31 of the said calendar year for counties and municipalities holding general elections and July 30 for municipalities holding regular elections.
- (c) For any insurance coverages authorized by the MEMBER to be placed outside the FUND, the CONSULTANT shall receive as compensation the normal brokerage commissions paid by the insurance company. The premiums for said policies shall not be added to the FUND’s assessment in computing the fee set forth in 2(a).
- (d) If the MEMBER shall require of the CONSULTANT extra services other than those outlined above, the CONSULTANT shall be paid by the MEMBER a fee at a rate to be negotiated by the parties.

3. The term of this Agreement shall be from **January 1, 2014 to January 1, 2015**. However, this Agreement may be terminated by either party at any time by mailing to the other thirty (30) days written notice, certified mail return receipt.

4. The CONSULTANT shall comply with all laws applicable to producers who provide insurance products to public entities and shall comply with all applicable statutes and regulations relating to joint insurance funds.

5. The CONSULTANT agrees to comply with all affirmative action laws applicable in accordance with Exhibit A and to submit all necessary documentation establishing compliance within seven (7) days of this Agreement.

It was moved by Mr. Dodds, seconded by Mrs. Haywood and carried to adopt the foregoing Resolution.

Roll Call Vote:	Aye	-	Dodds, Haywood, Lubitz
	Nay	-	None
	Abstain	-	None
	Absent	-	None

ORDINANCE

ORDINANCE NO. 17-21-2013 AMENDING CHAPTER 94, “OPEN SPACE AND RECREATION AREAS” OF THE CODE OF THE TOWNSHIP OF KINGWOOD VOL. 17, PG. 17-21 - Public Hearing and Final Adoption

Mayor Lubitz read aloud the ordinance by title, which was then introduced:

This Ordinance was introduced and adopted on first reading at a meeting of the Kingwood Township Committee on the 5th day of December, 2013. The Ordinance was published in the Hunterdon County Democrat on December 12, 2013 and has been posted in the Kingwood Township Municipal Building on December 6th, 2013. Copies of the Ordinance have been available for inspection by the public since December 6th, 2013.

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

Comments: There were no comments from the public.

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

Committeeman Dodds gave a brief explanation of the ordinance.

ORDINANCE NO. 17 – 21 – 2013

**AN ORDINANCE AMENDING CHAPTER 94, “OPEN SPACE AND RECREATION AREAS”
OF THE CODE OF THE TOWNSHIP OF KINGWOOD**

WHEREAS, the Township Committee has determined to amend the rules applicable to Township Open Space and Recreation Areas to permit hunting where the same has been permitted by the Township.

NOW THEREFORE, BE IT ORDAINED, by the Mayor and Committee of the Township of Kingwood, County of Hunterdon as follows:

- 1) Section 94-3 (G), “Rules and Regulations” shall be amended by deleting that section in its entirety and replacing it with the following: “No person shall bring into, carry or have in his possession, use or discharge any firearm or weapon, as defined in N.J.S.A. 2C:39-1r, or as may be amended, unless they have received a hunting permit from Kingwood Township for a specified area and are in that area during the dates specified by the type of permit.”
- 2) If any part or parts of this ordinance are for any reason held to be invalid, such adjudication shall not affect the validity of the remaining portions of this ordinance.
- 3) All Ordinance or parts of ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency. All other parts of the Code of the Township of Kingwood not inconsistent herewith are ratified and confirmed.

This Ordinance shall take effect immediately upon final adoption and publication according to law.

It was moved by Mrs. Haywood, seconded by Mr. Dodds and carried to adopt the foregoing Ordinance.

Roll Call Vote:	Aye	-	Dodds, Haywood, Lubitz
	Nay	-	None
	Abstain	-	None
	Absent	-	None

Discuss 2014 Municipal Appointments

The Committee Members reviewed the list of appointments.

EXECUTIVE SESSION – RESOLUTION NO. 2013-126

The following Resolution was introduced to enter into closed session at approximately 5:40P.M.:

RESOLUTION NO. 2013 –126

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:

Contract Negotiations – Habitat for Humanity Bl 19 L 5

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 – Block 14, Lot 28.01

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. Dodds, seconded by Mrs. Haywood and carried to adopt the foregoing Resolution.

Roll Call Vote:	Aye	-	Dodds, Haywood, Lubitz
	Nay	-	None
	Abstain	-	None
	Absent	-	None

RETURN TO REGULAR SESSION

It was moved by Mr. Dodds, seconded by Mrs. Haywood and carried to return to regular session at 5:55P.M. All voted **Aye** on **Roll Call Vote**.

Committeeman Dodds briefly explained how the new microphones were installed. He noted that they will make a big difference to the sound system in the meeting room.

ADJOURNMENT

It was moved by Mr. Dodds, seconded by Mrs. Haywood and carried to adjourn the meeting at 6:00P.M. All voted **Aye** on **Roll Call Vote**

Respectfully Submitted,

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

Adjournment