

FEBRUARY 1, 2005

The 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 Committeemen Burke and Zdepski, Twp. Att’y. M. Nergaard, Twp. Eng. R. Lorentz, Deputy Clerk C. Brown and Clerk MacConnell. Following the salute to the flag, Mayor Rawlyk read aloud the following:

NOTICE REQUIREMENTS

Adequate notice of this meeting was provided in accordance with the Open Public Meetings Act by publication of the notice in the Delaware Valley News on January 13, 2005 and the Express Times on January 10, 2005 and by telefaxing copies 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.

THATCHER ROAD RECONSTRUCTION PROJECT

Eng. Lorentz reviewed for the committee members that the force account agreement for Section I of the above project was approved by the State in the Fall of 2004. The Township hasn't begun the Section I work, due largely in part to weather constrictions. Eng. Lorentz has the agreement and materials requirements for Section I, but it will probably be best to try and combine both Section I and Section II for the most efficiency when bidding for materials. The Township needs to proceed to get Section II underway, and Section II will have a deadline date in late 2005 to be under contract.

KINGWOOD SCHOOL AND PARK WALKWAY PROJECT

Nothing new was reported, a grant for funding the above captioned has been received, however, work is limited due to the weather.

OAK GROVE ROAD PROJECT

Eng. Lorentz reported the above captioned project did not receive favorable consideration by the State. It was submitted at the same time as the Thatcher Road Section II application. The Township may be able to obtain a discretionary grant, from other monies. He noted the application period for grants for 2006 will soon be coming up, but it will probably be the last year as the program will not be funded for additional years by the way things stand right now, unless something else occurs.

MONITORING WELL AT TOWNSHIP GARAGE

Eng. Lorentz reported that as per his report in December, the testing has come back favorably. The consultant is preparing to file a request with the State for a determination of no further testing being required.

CORRESPONDENCE

Mayor Rawlyk briefly reviewed the following correspondence that was received:

Fiscal Year 2006 Municipal Aid, Local Bikeway, Safe Streets to Schools, Transit Village and Centers of Place Programs – Eng. Lorentz will try to obtain more details, he's not sure if this is applicable to Kingwood Township or not.

Request from Priority Search Services LLC re: Access to Tax Records.

Letter and Request for Resolution from Assemblyman DeCroce re: Property Tax Reform.

Letter and Resolution from Flemington Borough re: Fast Track Permitting Act – Mr. Burke was in favor of adopting a supporting Resolution, however, he withdrew his motion and it was agreed this will be carried over until the March meeting, so the committee members will have additional time to review it.

RESOLUTION NO. 2005 – 25 – BUDGET RESERVE APPROPRIATION TRANSFERS

Mayor Rawlyk briefly reviewed the above captioned and the following Resolution was introduced:

RESOLUTION NO. 2005 -25
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:

Financial Administration – Other Expense	\$	225.00
Tax Assessment – Maintenance Tax Map	\$	400.00
Zoning Board – Salary & Wages	\$	175.00
Street Lighting – Other Expense	\$	1,000.00
Parks and Playgrounds – Other Expense	\$	200.00
Recreation – Other Expense	\$	3,000.00
Telephone – Other Expense	\$	100.00
Social Security – Other Expense	\$	1,000.00

To:

Administrative & Executive – Other Expense	\$	175.00
Streets & Roads – Gasoline	\$	100.00
Electricity – Other Expense	\$	100.00
Legal – Other Expense	\$	5,455.00

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

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 **Check Register** for **February 2005**.

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

PUBLIC COMMENT – PRIVILEGE OF THE FLOOR

Lisa Walker, Kingwood Station Barbertown Rd. – she referred to an article in the DVN regarding the webmaster, asking whether the article was accurate or not. Mayor Rawlyk responded, as well as Mr. Burke, that the matter is in the process of being reviewed by

the committee at this time. Ms. Walker also asked about the public comment period on the Bond Ordinance for the new Township Garage.

Antimo Russano, Milltown Rd. – he asked if the Township has made any progress with the water problems on his road and Picnic Grove Rd., he reviewed that water from a pipe is running into his field, and he has been asking the Township to do something for a few years. He also submitted some pictures, and noted all the driveways on Milltown Road are being washed out. Eng. Lorentz noted the NJDEP has instructed the Township not to touch the ditch, not to pipe the ditch, it becomes a stream encroachment issue. Mr. Burke requested Eng. Lorentz to contact the NJDEP again to find out what can really be done.

Rick Reilly, Federal Twist Rd. – Mr. Reilly identified himself as working for the NJDEP, and asked if there was ever a natural stream near the ditch. Eng. Lorentz reviewed his discussion with the NJDEP. Mr. Reilly noted he may have a proposal to assist with the matter.

Joe Abel, Locktown Rd. – he asked about a public comment period regarding an item listed under Old Business.

Reverend Brian Jacobus – Reverend Jacobus identified himself as a Pastor in the area, and he wanted to inquire about permits and what the committee members think of a concert being planned for August 2006. The concert would consist of Christian music, and is being planned as an outreach to children. It will take place at Revelation Farm, which is located on Fitzer Road. Reverend Jacobus had also distributed some printed information about the event to the committee members. Att’y. Nergaard noted a variety of items they would have to do. Mayor Rawlyk and Mr. Zdepski each expressed their support of the idea, and the following Resolution was then introduced to allow the event:

**RESOLUTION NO. 2005 – 31
SUPPORT OF SUMMER YOUTH CONCERT
REVELATION FARM BLOCK 18 LOT 3**

WHEREAS, the Kingwood Township Committee has received a request for support from Robert Grom and Reverend Brian Jacobus, for the holding of a Summer Youth Concert at Revelation Farm, owned by Robert and Kim Grom and located at Block 18 Lot 3 in Kingwood Township; and

WHEREA, Robert Grom and Reverend Brian Jacobus have appeared at a meeting to discuss their plans for the proposed concert and have distributed an outline of the events at the concert;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon, State of New Jersey to support the Summer Youth Concert proposed to be held on August 6, 2005 at Block 18 Lot 3 in Kingwood Township; and

BE IT FINALLY RESOLVED that this encouragement and support is conditioned upon the applicants executing a Hold Harmless Agreement, providing the requested insurance documentation, and obtaining all other applicable approvals, permits and licenses which may be required by the County of Hunterdon and the State of New Jersey.

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

REPORTS

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

Tax Collector's Report of December 2004
Municipal Court Report of November 2004 and December 2004
Zoning Permits Report of January 2005

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, VOL. 13, PG. 13-01 - Public Hearing and Final Adoption

Mayor Rawlyk read the Ordinance aloud by title. This Ordinance was introduced and adopted on first reading at a meeting of the Kingwood Township Committee on January 4, 2005. The Ordinance was published in the Delaware Valley News on January 13, 2005 and has been posted in the Kingwood Township Municipal Building on January 11, 2005. Copies of the Ordinance have been available for inspection by the public since January 11, 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**. There were no comments from those present at the meeting. 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 **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

RESOLUTION NO. 2005-24 – 2005 TEMPORARY CAPITAL BUDGET OF THE TOWNSHIP

The following Resolution was introduced:

**RESOLUTION NO. 2005 – 24
CONSTITUTING THE 2005 TEMPORARY CAPITAL
BUDGET OF THE TOWNSHIP**

WHEREAS, the Township of Kingwood desires to constitute the 2005 temporary capital budget of said municipality by inserting therein the authorization for providing for supplemental appropriations for the construction of a new municipal garage;

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

Section 1. The 2005 Temporary Capital Budget of the Township of Kingwood, County of Hunterdon, New Jersey 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

Supplemental Appropriation for the Construction of a
New Municipal Garage

Method of Financing

Project	Estimated Cost	Capital Improvement Fund	Bonds and Notes – General
Supplemental Appropriation for the Construction of a New Municipal Garage	\$ 400,000	\$ 19,500	\$ 380,500

Section 2. The Clerk be and is authorized and directed to file a copy of this Resolution with the Division of Local Government Services, 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.

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

BOND ORDINANCE NO. 13-2-2005 PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$400,000 FOR THE CONSTRUCTION OF A NEW MUNICIPAL GARAGE IN AND BY THE TOWNSHIP, AND AUTHORIZING THE ISSUANCE OF \$380,500 BONDS OR NOTES FOR FINANCING PART OF THE APPROPRIATION – 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 **BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$400,000 FOR THE CONSTRUCTION OF A NEW MUNICIPAL GARAGE IN AND BY THE TOWNSHIP, AND AUTHORIZING THE ISSUANCE OF \$380,500 BONDS OR NOTES FOR FINANCING PART OF THE APPROPRIATION.**

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

Consideration of final adoption at a public hearing is scheduled for Friday, February 11, 2005 at a meeting beginning at 9:00 A.M. at the municipal building.

Public Comment – Although the above Ordinance has just been introduced tonight, Mayor Rawlyk allowed several public comments, as follows:

Lisa Walker, Kingwood Station Barbertown Road – asked what the money is being bonded for. Mayor Rawlyk responded by reviewing various reasons for building the Township Garage.

Lois Voronin, Union Road – asked about scaling back the size of the building, perhaps the Township can do with a smaller building to save some money. Mayor Rawlyk responded and Mr. Burke briefly explained about requesting bids a second time, which the committee members are hoping may come in lower.

RESOLUTIONS

The following Resolutions were introduced:

**RESOLUTION NO. 2005 – 26
REFUND DUPLICATE PAYMENT**

WHEREAS, a duplicate payment was received on Block 37 Lot 2 for the second quarter 2004 real estate taxes, made by Chester Homes Inc., in the amount of \$1,257.22;

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 treasurer be authorized to issue a refund to Chester Homes c/o Andrew Helm, 1421 South Main Street, Phillipsburg, New Jersey 08865.

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 – 27
REFUND OF TAX OVERPAYMENT**

WHEREAS, due to a successful tax appeal for the added assessment on Block 17 Lot 7 an overpayment in the amount of \$435.40 is reflected on the account;

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 treasurer be authorized to refund to David E. Brown and Doris M. Szczecina, 31 Locktown Road, Frenchtown, New Jersey 08825 in the amount of \$435.40.

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 – 28
REFUND OF TAX OVERPAYMENT**

WHEREAS, due to a successful tax appeal for the added assessment on Block 19 Lot 3.01 an overpayment in the amount of \$194.14 is reflected on the account;

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 treasurer be authorized to refund to Gary Rabosky, 984 County Road 519, Frenchtown, New Jersey 08825 in the amount of \$194.14.

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 – 29
REFUND OF TAX OVERPAYMENT

WHEREAS, due to a successful tax appeal for the added assessment on Block 33 Lot 8.05 an overpayment in the amount of \$240.80 is reflected on the account;

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 treasurer be authorized to refund to Anthony and Antoinette Dimino, 539 County Road 519, Frenchtown, New Jersey 08825 in the amount of \$240.80.

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

Special Resource Area Designation for the Delaware River Corridor – Resolution No. 2005-32

This subject has been carried over from the January meeting. Mayor Greg Rackin of Stockton Borough had appeared at the January meeting and requested the Township Committee to support the above captioned designation by adoption of a Resolution. The committee members had asked Mayor Rackin to provide some additional information, and also had requested some time to consider the designation.

Housing Officer Joseph Abel was present at the meeting and asked if the committee members planned to act on the Resolution, if they received the requested information. He is concerned about Frenchtown reviewing their treatment plant, they may have to replace it. This designation may impact their plan, and Kingwood Township shores are directly South of the Frenchtown plant. Mr. Burke commented he can't imagine they would have a problem with trying to make the water quality better. He noted this designation is just to allow the group of municipalities along the river to have a little more clout.

There were additional comments on the matter from Att'y. Nergaard, Mr. Zdepski, and some members of the public, Ms. Voronin, Mr. Mock. Mr. Burke feels it's fairly benign. The following Resolution was then introduced:

**RESOLUTION NO. 2005 – 32
SPECIAL RESOURCE AREA DESIGNATION
FOR THE DELAWARE RIVER CORRIDOR**

WHEREAS, the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey recognized the special attributes of the Delaware River **Environs** that affect the Township’s riparian environmental and economic interests;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey to endorse the concept of creating a New Jersey State Development and Redevelopment Plan Special Resource Area for the Delaware River corridor, consistent with the existing Federal Wild and Scenic Plan within the “View-Scape” of the river valley.

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

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

Mr. Zdepski commented that he did not receive the requested information from Mayor Rackin and so just has a concern without knowing the full impact of the designation.

Master Plan Reexamination Report from Planning Board

Clerk reviewed that the Planning Board has now completed and filed the Master Plan Reexamination Report. This item to be carried over to next meeting.

NEW BUSINESS

Planning Incentive Grants - Resolution No. 2005-33 and Resolution No. 2005-34

Mayor Rawlyk commented that the Township had applied for a grant from Green Acres several years ago, however, the Township decided not to accept it. Mayor Rawlyk has now requested Att’y. Pierce, who worked on the original grant application for the Township, to give a brief overview as far as the resolutions listed tonight.

Att'y. Pierce reviewed that the resolutions and other paperwork prepared for tonight do two things: (1) ask the State DEP Green Acres to reinstate the original grant in the amount of \$500,000.00 and (2) ask the State DEP Green Acres to consider giving the Township a supplemental grant in the amount of \$400,000.00.

Mayor Rawlyk noted the deadline is February 13th, and he feels it will be advantageous for the Township to have it, it doesn't have to be utilized if there are no suitable projects but it can't hurt for the Township to try. He then commented on the informational meeting that J. Abel had put together recently and several different farms and their status. Mr. Zdepski commented on the two resolutions, pointed out that the Township previously voted not to accept the original grant, which is different than not acting on it. Mr. Zdepski also commented on the resolution for the \$400,000.00 grant application, the various properties contained in the resolution, and the prepared cover letters to Ms. Thier of the Green Acres Program. He feels the prepared letters make it sound like a meeting has already taken place and he questioned the preparation of the resolutions by Att'y. Pierce. Mr. Burke commented he is in full support of the initiative and of accepting any funds the Township may be able to obtain. Mr. Zdepski commented on the discussion at yesterday's special meeting regarding this agenda, and this is what he is objecting to, that it is done at the eleventh hour. Some discussion followed regarding the sign up sheet from the Open Space presentation arranged by J. Abel. Some discussion followed between Mr. Burke and Mr. Zdepski.

Mayor Rawlyk allowed some comments from the public, as follows:

John Lutz, Federal Twist Road
Lois Voronin, Union Road
Lisa Walker, Kingwood Station Barbertown Road
Troy Siano, County Road 519
Owen Hooley, State Highway 29
Antimo Russano, Milltown Road
Sal DeSapio, County Road 519
Phillip Lubitz, Federal Twist Road

There were some additional persons who commented but are not listed here as they did not clearly identify themselves.

Mr. Zdepski then asked if this is the proper forum to have this information before the Township Committee, to have it placed on the agenda a short time prior to the meeting. Att'y. Nergaard responded that the Mayor and each member of the Township Committee can instruct the Clerk to put items on the Agenda. There was some additional discussion between the committee members. Mayor Rawlyk allowed some additional comments from the public:

Antimo Russano, Milltown Road
Lois Voronin, Union Road
Richard DeCroce, Featherbed Road
Lisa Walker, Kingwood Station Barbertown Road
Sal DeSapio, County Road 519

It was moved by Mr. Burke to close the discussion. Mayor Rawlyk stepped down from the chair, seconded and carried the motion. **All** voted **Aye** on **Roll Call Vote**. Mr. Zdepski then asked what could be done as far as setting up a non-profit organization to apply for the grant, as opposed to the Township doing it. Att’y. Nergaard expressed a concern with the deadline for the application. Mr. Zdepski questioned if the Township submits the resolutions, would an established non-profit be able to make the actual application later on down the road. Att’y. Nergaard noted that all the resolutions that are proposed tonight will do is make a future application possible, the Township is not actually taking any money by submitting the resolutions. The Township could also proceed to investigate setting up a non-profit for the future. Following some additional discussion, Mr. Burke made a motion to adopt and send both resolutions to the State but later withdrew the motion and made individual motions on the two resolutions. The following amendments were agreed upon to the proposed resolutions: that the second paragraph in the resolution for reinstatement should indicate the Township has previously declined to accept said grant, and that the name Siano will be removed from the resolution listing the various properties in the second resolution. The following resolutions were then introduced:

RESOLUTION NO. 2005 – 33
STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL
PROTECTION GREEN ACRES ENABLING RESOLUTION

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program (“State”), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Township of Kingwood has previously obtained a Planning Incentive Grant in the amount of \$500,000 from the State (the “Original Planning Incentive Grant”), but has previously declined to accept said grant; and

WHEREAS, the Township of Kingwood desires to renew and reinvigorate its efforts to preserve open space and farmland in Kingwood Township and finds that it would further the public interest to request the reinstatement of the Original Planning Incentive Grant;

NOW, THEREFORE the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey resolves that Mayor Stephen Rawlyk or the successor to the office of Mayor of Kingwood Township is hereby authorized to:

- (a) make application for reinstatement of the Original Planning Incentive Grant;
- (b) provide additional information and furnish such documents as may be required to achieve such reinstatement; and
- (c) act as the authorized correspondent of the above named applicant; and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant if the application for reinstatement will be granted and of the amount of the funding reinstated; and

WHEREAS, the applicant is willing to use the State's funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an Agreement with the State for the projects identified in the original grant application;

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

1. The Mayor of the above named body or board is hereby authorized to execute an Agreement and any amendment thereto with the State to effectuate the reinstatement of the Original Planning Incentive Grant.
2. The applicant has its matching share of the project, if a match is required, in the amount of \$500,000.
3. In the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project.
4. The applicant agrees to comply with all applicable federal, state and local laws, rules and regulations in its performance of the project.
5. This Resolution shall take effect immediately.

It was moved by Mr. Burke to adopt the foregoing Resolution and submit it to the State of New Jersey Department of Environmental Protection Green Acres Program. Mayor Rawlyk stepped down from the chair, seconded and carried the motion.

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

RESOLUTION NO. 2005 – 34
STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL
PROTECTION GREEN ACRES ENABLING RESOLUTION

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program (“State”), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Township of Kingwood desires to further the public interest by obtaining an additional grant of \$400,000 from the State to fund the following project(s): participation in the potential purchase of conservation easements, including possibly cost sharing arrangements for appraisals and technical costs on the following properties:

Yarusi	Block 23 Lot 5.03 – 75 acres
Hooley	Block 34 Lot 5 – 24 acres and Block 34 Lot 5.01 – 5.63 acres
Rich	Block 38 Lot 35 – 19 acres
Gural	Block 19 Lot 15 – 34.27 acres
Kent	Block 20 Lot 20 – 59 acres and Block 13 Lot 20 – 10.9 acres and Block 23 Lot 1 – 1.55 acres

NOW, THEREFORE the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey resolves that Mayor Stephen Rawlyk or the successor to the office of Mayor of Kingwood Township is hereby authorized to:

- (a) make application for such a loan and/or such a grant;
- (b) provide additional application information and furnish such documents as may be required;
- (c) act as the authorized correspondent of the above named applicant; and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State’s fund in accordance with such rules, regulations and applicable statutes, and is willing to enter into an Agreement with the State of the above named project;

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

1. The Mayor of the above named body or board is hereby authorized to execute an Agreement and any amendment thereto with the State known as the Yarusi Project.
2. The applicant has its matching share of the project, if a match is required, in the amount of \$400,000.
3. In the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project.
4. The applicant agrees to comply with all applicable federal, state and local laws, rules and regulations in its performance of the project.
5. This Resolution shall take effect immediately.

It was moved by Mr. Burke to adopt the foregoing Resolution and submit it to the State of New Jersey Department of Environmental Protection Green Acres Program. Mayor Rawlyk stepped down from the chair, seconded and carried the motion. Mr. Zdepski asked if all the property owners on the list in the Resolution have been contacted about this and agreed to go forward, and he also questioned whether there is a conflict of interest for John Mathieu as he is a member of the Open Space Advisory Committee and has contacted some of the property owners, while also being a member of the Hunterdon Land Trust Alliance. Mayor Rawlyk noted that to the best of his knowledge all of the listed property owners have been contacted. Att'y. Nergaard saw no problem with a conflict of interest as there was no mention of the Hunterdon Land Trust Alliance in the Resolution.

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

Mr. Zdepski made some additional comments regarding the resolutions being done at the last minute.

Monthly Status Report from New Jersey Agriculture Development Committee

It was agreed the reports will be copied for the Township Committee and Agriculture Advisory Committee only when there is a Kingwood property listed.

Municipal Clean up Program

It was agreed to provide funding for the program in 2005, and Clerk was directed to obtain price quotations for next meeting.

Bids for Motor Fuel and Heating Oil

Clerk was directed to advertise to obtain bids for next meeting.

Environmental Commission Request – Information for Website

It was agreed the Environmental Commission may have a page on the Township Website, with the procedure being followed of submitting requests to the clerk, who will then submit the requests to the Township Committee for approval.

Minutes

It was decided to postpone approval of the minutes until the next meeting.

Ordinances

Mr. Burke commented he would like to see the committee members progress with amending the well ordinance and the steep slope regulations. Clerk to provide Att’y. Nergaard with well ordinance, and Att’y. Nergaard will report back with some suggestions on steep slope.

Executive Session – Resolution No. 2005-30

At 10:45 PM the following Resolution was introduced to enter into closed session:

Resolution No. 2005 – 30

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:
Personnel – Township Attorney
Potential 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.

It was moved by Mr. Burke, seconded by Mr. Zdepski 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 12:05 PM. **All** voted **Aye** on **Roll Call Vote**.

APPOINTMENTS

Information Technology Director/Webmaster

It was moved by Mr. Burke to employ Adam Bell as ITD and Webmaster for Kingwood Township at a salary of \$12,000 per year to be prorated beginning as of March 1, 2005, with the current health benefits ending the beginning of March. 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

Township Attorney

It was moved by Mr. Burke to employ Ms. Maryann Nergaard at the designated salary of \$43,700 per year with no health benefits, and to include that Ms. Nergaard track the hours and submit a monthly report, for at least six months. Mayor Rawlyk stepped down from the chair, seconded and carried the motion.

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

ADJOURNMENT

It was moved by Mr. Burke, seconded by Mr. Zdepski and carried to adjourn the meeting at 12:15 P.M. All voted Aye on Roll Call Vote.

Respectfully submitted,

Mary E. MacConnell, RMC
Township Clerk

