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**March 1, 2005
Regular Township Committee Meeting**

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, 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.

RECEIPT OF BIDS FOR HEATING OIL AND MOTOR FUEL

Clerk MacConnell noted that no bids have been received. Attorney Nergaard explained that we must advertise one more time. It was suggested by the Committee members to re-advertise in several news papers, the Express Times, Courier News, Hunterdon Democrat and the Delaware Valley News. Bids must be received by April 5, 2005.

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THATCHER ROAD RECONSTRUCTION PROJECT

Engineer Lorentz reported that he has received a signed agreement for Section #2.

KINGWOOD SCHOOL AND PARK WALKWAY PROJECT

Engineer Lorentz explained that the work has been started on the walkway, but the weather has held them up from being able to continue. He noted that the permits from the DEP are in place.

MONITORING WELL AT TOWNSHIP GARAGE

Engineer Lorentz explained that he should have the final paperwork completed within a few weeks and file with the State, then no further action should be required.

TRANSPORTATION TRUST FUND FISCAL YEAR 2006 STATE AID PROGRAM

Deadline is April 15th, 2005. Engineer Lorentz suggested pursuing Oak Grove Road. He explained the Township even though they did not get the grant, the DOT feels it is a worthwhile project.

MILLTOWN ROAD

Engineer Lorentz reported doing some investigating finding out that any pipe work would require a DEP permit. He explained that the culverts can be replaced, but the pipe cannot enclose the ditch due to a drainage area exceeding 50 acres. Lorentz noted there are several options that may be done.

- 1). Replace the pipe in kind - with a minimal permit.
- 2). Possibly increase the size of the pipe by changing the position and adding head walls - with a minor stream encroachment permit.
- 3). Relieve the water flow at the turn to reduce drainage area and have more flexibility.
- 4). Buildup the driveway apron area.

Engineer Lorentz stated he will pursue the minimal permit and will try to get action in next thirty days.

CORRESPONDENCE

Letter and info from Twp. Bd. of Health re: NJ GASP

Mayor Rawlyk reviewed.

CORRESPONDENCE

Letter and info from Twp. Bd. of Health re: NJ GASP

Mayor Rawlyk reviewed.

Letter and Attachments from Twp. Environmental Commission

Mayor Rawlyk reviewed.

RESOLUTION

The following resolution was introduced:

RESOLUTION NO. 2005 - 37

2004 BUDGET RESERVE APPROPRIATION TRANSFER

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:

Tax Assessment - Other Expense	\$ 300.00
Revenue Administration - Other Expense	\$ 300.00
Zoning Board - Salary & Wage	\$ 200.00
Zoning Board - Other Expense	\$ 250.00
Streets & Roads - Other Expense	\$1000.00
Streets & Roads - Vehicle Maintenance	\$1250.00

To:

Administrative & Executive - Other Expense	\$ 500.00
Financial Administration - Other Expense	\$ 100.00
Legal - Other Expense	\$2700.00

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

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

BILLS AND CLAIMS

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

PUBLIC COMMENT - PRIVILEGE OF THE FLOOR

Antimo Russano - Milltown Road Thanked the Committee for the work that is being worked on Milltown Road. He stated that the second driveway on left coming in from Route 519 the pipe should be bigger. Also, the pipe that goes across Milltown Road is in wrong position. Engineer Lorentz responded.

REPORTS

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

Municipal Court Report of January 2005
Construction Department Report of January 2005
Zoning Permits Report of February 2005

FUTURE MEETINGS AND ACTIVITIES

Mayor Rawlyk reviewed as per the Agenda.

SCHEDULE BUDGET WORK SESSION WITH MR. CASE

Clerk MacConnell explained when Auditor Charles Case would be available. The Committee members discussed when it would be best to meet for a work session. It was decided to meet on Monday, March 14, 2005 at 7:00 P.M. Mr. Zdepski requested that the Clerk ask Auditor Case to bring the projected numbers with him to the meeting.

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Clerk MacConnell explained that the local Kingwood School would like to meet with the Township Committee to discuss their budget. Mr. Zdepski expressed he did not want to meet with the school and that there was no need to meet.

Mr. Burke explained it would be a good idea to meet with the school, and to be courteous by answering some of their questions. He would like to get the budget ahead of time to review.

ORDINANCES

RESOLUTIONS

Resolution No. 2005-38 - Opposition to Fast Track Permitting Act

There was a lengthy discussion on the proposed resolution. Mr. Zdepski would like to step aside and not support this resolution. He explained that he would like to hear from the County Planning Board before adopting the resolution. Mr. Burke would like to adopt the resolution, and also feels it may be beneficial for the Township. Mayor Rawlyk asked the attorney what would be best for the Township.

The following Resolution was introduced:

RESOLUTION NO. 2005-38

Opposition To The Fast Track Permitting Act, P.L. 2004,c.89

WHEREAS, the New Jersey legislature passed P.L.2004, c. 89 - the Fast Track Permitting Act in seven days so that very little public testimony or input from local government was possible; and

WHEREAS, the Fast Track Permitting Act expedites permit review in legislatively designated "smart growth areas" that cover about 40% of the state; and

WHEREAS, provisions of the Fast Track Permitting Act promote the by-passing of local planning and goals in favor of expedited development projects; and

WHEREAS, environmentally sensitive areas in urban and suburban regions are special havens, vulnerable to development pressures where expedited permits would increase the risk of environmental damage; and

WHEREAS, existing infrastructure cannot support the magnitude of development encouraged by the Fast Track Permitting Act and the law makes no provisions for needed infrastructure, so the burden will fall on local tax payers; and

WHEREAS, the Law provides advantages only to certain applicants who are willing and able to pay the extra fees; and

WHEREAS, the Law provides limited opportunity for the public or local officials to comment on expedited permits; and

WHEREAS, the Law allows sewer lines, water lines and treatment works facilities as well as other projects to be constructed without a DEP application, public hearings or comment and allows State agencies to delegate their permitting authority to third party professionals for permits-by-rule; and

WHEREAS, the Law does not apply to private developers, but to government agencies whose projects generally entail significant environmental impacts; and

WHEREAS, the 45-day deadline for permit approvals will not allow the State agencies, municipalities and other interested parties enough time to ensure proper review of most permits; and

WHEREAS, the Fast Track Permitting Act ignores the constitutional requirement for equal protection for residents from different areas of the state; and

WHEREAS, the Fast Track Permitting Act prohibits judicial appeal of decisions made by the Office of Administrative Law, another constitutional right;

NOW, THEREFORE, BE IT RESOLVED that the Township of Kingwood opposes the Fast Track Permitting Act and strongly urges the Legislature to reconsider and repeal this damaging, ill-considered law;

BE IT FURTHER RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey that a copy of this Resolution be sent to Acting Governor Richard J. Codey, Senator Leonard Lance, Assemblyman Michael J. Doherty and Assemblywoman Connie Myers.

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

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

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2005 – 39

REFUND ERRONEOUS PAYMENT

WHEREAS, an erroneous payment was received on a property located in Edgewater Park on February 12, 2003, in the amount of \$1,290.43, and

WHEREAS, the mortgage company has requested a refund of the erroneous payment.

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 Wells Fargo Real Estate Tax Services, LLC, 1 Home Campus, DesMoines, IA 50328-0001.

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

OLD BUSINESS

Master Plan Reexamination Report from Planning Board – Steep Slope Conservation

Attorney Nergaard commented that a proposed agreement from Planner Mr. David Banisch is to enable the Planner to assist in implementing the Re-Examination Report of the Master Plan and is presented at the meeting for the Committee members to review. Attorney Nergaard also stated that the contract states that the Planner will assist the Planning Board, Board of Adjustment and the Township Committee. Mr. Zdepski would like to review all the professional contracts. A lengthy discussion on the professional contracts. Attorney Nergaard noted that the contract from the Planner must be started so that any work can be started on the Master Plan. There was also a discussion on the Steep Slope Ordinance.

Well Ordinance

Mr. Burke would like to request that the Board of Health introduce the Well Ordinance that they have worked on for several months at their next meeting.

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Mr. Zdepski requested that Attorney Nergaard attend the meeting when the Well Ordinance is to be introduced. It was noted that once the ordinance is adopted and in place it can always be revised.

NEW BUSINESS

LOSAP (Length of Service Awards Program) – Resolution No. 2005-41

RESOLUTION NO. 2005 - 41

APPROVAL OF LOSAP LISTS

WHEREAS, the Kingwood Township Volunteer Fire Company and the Kingwood Township First Aid and Rescue Squad have provided to the Township Committee annual certification identifying all active volunteer members who have qualified for credit for the year 2004 in the Length of Service Awards Program; and

WHEREAS, following tonight’s review by the Township Committee the attached lists will be posted in the respective buildings of each participating emergency service organization for a period of at least thirty days for review by members;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon, State of New Jersey that if there are no objections to the lists the contributions reflected on the lists are approved and are to be paid following the thirty day period.

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

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

ANJEC Grant

Lois Voronin a member of the Environmental Commission was present and discussed a conversation she had with Attorney David Pierce. She noted that she will have more to report at the next Planning Board Meeting. Joseph Abel, Chairman to the Environmental Commission also commented on several reasons to apply for the grant. The Township Committee agreed to have D. Laudenbach give a copy to the Planning Board Members.

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It was moved by Mr. Burke, seconded by Mr. Zdepski and carried the motion for Attorney David Pierce or Planner David Banisch submit an application to ANJEC for the grant, in the amount of \$10,000.00.

Roll Call Vote:

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

Letter of Understanding of Services from WithumSmith & Brown Professional Services Agreement for WithumSmith & Brown

This will be reviewed and discussed next month.

MINUTES

January 3, 2005 Special Meeting

It was moved by Mr. Burke, seconded by Mr. Zdepski and carried the motion to adopt the minutes of January 3, 2005 Special Meeting and place on file.

Roll Call Vote:

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

January 3, 2005 Executive Session

It was moved by Mr. Burke, seconded by Mr. Zdepski and carried the motion to adopt Executive Session minutes of January 3, 2005 and place on file.

Roll Call Vote:

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

January 4, 2005 ReOrganizational Meeting

It was moved by Mr. Burke, seconded by Mr. Zdepski and carried the motion to adopt the minutes of January 4, 2005 Reorganizational Meeting and place on file.

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

EXECUTIVE SESSION - RESOLUTION NO. 2005 - 40

Following a brief recess, at approximately 10:00 P.M., the following Resolution was introduced to enter into closed session:

RESOLUTION NO. 2005 - 40

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 - Bl 40 L 5 and Bl 50 L 9

3. The time when the circumstances under which the discussions conducted in closed session of this public body can be disclosed to the public is as follows:

The minutes of the closed session will be made public upon Conclusion, dismissal or settlement of litigation; or final Resolution of agreements or personnel matters; and in any Event, when appropriate pursuant to N.J.S.A. 10:4-7 and -13.

4. This resolution shall take effect immediately.
5. The Township Committee may take additional action upon returning to regular session.

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

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

RETURN TO REGULAR SESSION

It was moved by Mr. Zdepski, seconded by Mr. Burke and carried to return to regular session at 10:35 P.M. **All** voted **Aye** on **Roll Call Vote**.

It was moved by Mr. Zdepski, seconded by Mr. Burke and carried the motion to offer Kathleen Degan an unexpired term to begin work as soon as possible, but no later than March 7, 2005. Office hours to be scheduled for two hours a week, between the hours of 5:00P.M. - 9:00P.M. at a salary pro-rated at the current remainder of salary of former assessor and the farmland inspections.

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

It was moved by Mr. Zdepski, seconded by Mr. Burke and carried the motion to instruct C.F.O. D. Laudenschach write a letter to Robert Lorentz in reference to setting up the parameters for the project.

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

Committeeman Zdepski reported that he was contacted by Ryan Strasser, a student who lives in Kingwood Township and is attending Duke University. He inquired about having interest in doing an internship at the municipal building to work with Government employees. There was a brief discussion. The Committee felt it was a good idea and the office could use some extra help. Mr. Burke offered to follow up and contact Ryan Strasser about the internship at the municipal building for the summer months.

The Committee member will be in contact with Robert Lorentz in reference to Milltown Road.

There was a discussion on the re-examination of the Master Plan. It was noted that the Township Committee will suggest to the Planning Board to review and bring back a list of priorities as a result of a re-examination report.

It was moved by Mr. Zdepski, seconded by Mr. Burke and carried the motion to adjourn the meeting at 10:50 P.M.

All voted Aye on Roll Call Vote.

Respectfully submitted,

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