

2005 -

July 5, 2005

A Regular Meeting of the Kingwood Township Committee was called to order at 8:01 P.M. with Mayor Rawlyk presiding.

Also present at the meeting were Deputy Mayor Burke, Committeeman Zdepski, Attorney M. Nergaard, C.F.O. D. Laudenbach, Engineer R. Lorentz, Clerk MacConnell and Deputy Clerk Brown. Following the salute to the Flag, Mayor Burke 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.

ELIZABETH GAS PRESENTATION - Kevin Lynott, Gary Marmo, Mark Kelly

Gary Marmo introduced himself and expressed his appreciation to the Committee for allowing them to come speak at the meeting. He handed out information about the company and reviewed their franchise. A copy of a survey they would like to send to all residents was handed out and discussed. Mr. Marmo is looking to have the survey approved by the Township Committee, and also permission to mail out to the residents in the Township. Also would like to present to the Township a full franchise if the Township is interested.

There was a lengthy discussion with questions and answers. The Committee thought it should only be sent to the industrial areas on Route 12.

ENGINEER LORENTZ REPORTED ON THE FOLLOWING

MillTown Road
Warsaw Rod Streambed Improvements (Caine's Run)
Thatcher Road Project
Oak Grove Road Project
Kingwood School and Park Walkway Project

Monitoring Well at Township Garage

Engineer Lorentz received official "No Further Action" declaration, then he responded to the D.E.P. and accepted. The well does need to be sealed and abandoned. He has a quotation of \$500 from Penn Jersey Environmental Consultants and feels that this is a reasonable number to finalize the well. R. Lorentz asked the Committee for their approval for the amount stated to complete.

It was moved by Mr. Zdepski, seconded by Mr. Burke and carried to approve to pay Penn Jersey Environmental Consultants to complete the well project.

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

Road Signs on Warsaw Road

Engineer Lorentz briefly reported.

ORDINANCE

ORDINANCE NO. 13-07-2005 AMENDING CHAPTER 124 OF THE TOWNSHIP, ENTITLED "VEHICLES, TRAFFIC & PUBLIC ROADS AND STREETS" VOL. 13 PG. 07 - Public Hearing and Final Adoption

Mayor Rawlyk read Ordinance aloud by title. This Ordinance was introduced and adopted on first reading at a meeting of the Kingwood Township Committee on June 7, 2005.

2005 -

The Ordinance was published in the Delaware Valley News on June 16, 2005 and has been posted in the Kingwood Township Municipal building on June 8, 2005. Copies of the Ordinance have been available for inspection by the public since June 8, 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**.

Attorney Nergaard was concerned whether there had been a response from the County on this ordinance. She recommended that a copy of this ordinance be sent to the Hunterdon County Planning Board after final adoption.

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 AMENDING CHAPTER 124 OF THE TOWNSHIP, ENTITLED "VEHICLES, TRAFFIC & PUBLIC ROADS AND STREETS"**.

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

CORRESPONDENCE

Mayor Rawlyk read aloud thank you cards from the Merry Mixers.

Mayor Rawlyk read aloud a letter from resident D. Oertle: re: Township Committee Expansion.

Mayor Rawlyk read aloud a letter and attachment from the Hunterdon County Chamber of Commerce. They would like the Township to update information on history of Kingwood for the Hunterdon Living Magazine and Business Directory. The Committee suggested this to be passed on to the Historical Society.

It was moved by Mr. Zdepski, seconded by Mr. Burke and carried to approve the Historical Society of Kingwood Township to make any changes in reference to updating historical information for the Hunterdon Living Magazine and Business Directory. **All** voted **Aye** on **Roll Call Vote**.

Letter from Governor re: Small Cities Community Development Block Grants.

Mayor Rawlyk read aloud letter from the Governor.

Letter from the NJDEP Commissioner re: Green Acres Matching Grant

Mayor Rawlyk read aloud letter from the NJDEP Commissioner followed by a brief discussion. Mr. Zdepski had a few questions about the grant and the money involved. Mr. Burke responded and explained the process. Mr. Burke would like a representative from N.J.D.E.P. to meet with the Township Committee at a meeting and discuss the grant procedure in more detail.

Letter from COAH re: Third Round Substantive Rules.

Mayor Rawlyk read the letter from COAH. Committeeman Zdepski explained that COAH Attorney Ed Halpern would be attending this meeting and would like to discuss important information about the third round substantive rules for COAH. There were no objections from the Committee members.

Letter from the National Multiple Sclerosis Society in reference to the fall bike tour.

There was a brief discussion about the insurance. The Committee also suggested that it should be referred to the Township's insurance agency for review.

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 **July 2005**.

2005 -

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

PUBLIC COMMENT - PRIVILEGE OF THE FLOOR

No comments.

REPORTS

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

Tax Collector's Report of May 2005
Municipal Court Report of May 2005
Zoning Permits Report of June 2005

FUTURE MEETINGS AND ACTIVITIES

Mayor Rawlyk reviewed as per the Agenda.

ORDINANCES

ORDINANCE NO. 13-06-2005 TO AMEND THE DEVELOPMENT REGULATIONS SPECIFICALLY "CHAPTER 74-FARMING" OF THE GENERAL ORDINANCES OF THE TOWNSHIP VOL. 13 PG. 06 - Public Hearing and Final Adoption

Mayor Rawlyk read Ordinance aloud by title. This Ordinance was introduced and adopted on first reading at a meeting of the Kingwood Township Committee on May 3, 2005. The Ordinance was published in the Delaware Valley News on May 12, 2005 and has been posted in the Kingwood Township Municipal building on May 4, 2005. Copies of the Ordinance have been available for inspection by the public since May 4, 2005. This is a continuation of the public hearing from the June 7, 2005 meeting.

Attorney Nergaard had a few questions about the Ordinance, the wording and its amendments.

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

No other comments.

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

It was moved by Mr. Burke, seconded by Mr. Zdepski and carried to change the wording as indicated by the Planning Board and to adopt on final reading **AN ORDINANCE AMENDING THE DEVELOPMENT REGULATIONS SPECIFICALLY "CHAPTER 74-FARMING" OF THE GENERAL ORDINANCES OF THE TOWNSHIP.**

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

RESOLUTIONS

The following Resolution was introduced:

RESOLUTION NO. 2005-68

EMERGENCY FUNDING FOR INSURANCE DEDUCTIBLE

WHEREAS, an emergency has arisen with respect to Kingwood Township's liability of an insurance deductible for a claim filed against the Township in December 1999, and

WHEREAS, the total amount of emergency appropriation created including the appropriation to be created by this resolution is \$5,000.00 and three percent of the total operations in the budget for the year 2005 is \$37,064.97.

NOW, THEREFORE, BE IT RESOLVED, that in accordance with N.J.S.A. 40A:4-48:

An emergency appropriation be and the same hereby made for Insurance-Liability Expense in the amount of \$5,000.00.

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

2005 -

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

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2005-69

TAX SALE REDEMPTION ON BL. 35 LOT 2

WHEREAS, the tax collector has received redemption monies in the amount of \$268.36 to redeem Tax Sale Certificate No. 286 on Block 35, Lot 2;

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey, that the treasurer be authorized to issue a check in the amount of \$268.36 to MaryAnn Moody, 656 County Road 519, Frenchtown, New Jersey, 08825.

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

Person-to-Person Transfer Application for Plenary Retail Consumption

Attorney Nergaard noted that the application is not complete and still waiting on a background check.

Mayor Rawlyk announced that questions are now open to the public.

2005 -

Laura Ryan - State Hwy. Route 12 - asked the Township Committee to take the appropriate steps to quiet down the area of the establishment. She stated that the music is much too loud and she would like to see an ordinance in place to control the noise in a bar, especially after a certain time of the evening.

Committeeman Zdepski questioned whether this public hearing is appropriate or should the Township Committee discuss and approve the transfer application for the plenary retail consumption license at this time.

Attorney Nergaard explained that the A.B.C. regulations do permit a Governing Body to consider conditions on new licenses and the transfer of a license. Also any applications of transfers are to be viewed as if it were a new license application. Ms. Nergaard stated that the Township Committee could certainly consider all of these conditions. Ms. Nergaard also reviewed the standards for noise ordinances, also she suggested that the Committee continue the public hearing and hear what the residents had to say.

Deputy Mayor Burke recommended that the Board of Adjustment Attorney should review the application and see how the Township could come to a resolution. Attorney Nergaard suggested to obtain a copy of the Resolution adopted for this application from the Board of Adjustment.

Harold Ryan - State Hwy. Route 12 - described the noise of the base from the bands are very loud.

Mark Bydalek - State Hwy. Route 12 - commented briefly on the Tiki Bar and when it opened up for business. He said it got considerably louder. Mr. Bydalek lives 7/10 of a mile away from the bar.

Daren Errico - Former owner of Erricos Bar - Mr. Errico explained that he owned the business for 8 years and only had one person complain the entire time. He also explained that he researched on the history of the business from back in the 1950's. He also explained that he went through all the appropriate steps. Mr. Errico explained that there are no bands playing outside any longer.

2005 -

It was moved by Mr. Burke, seconded by Mr. Zdepksi and approved to carry the public hearing over to the August Twp. Comm. mtg.

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

Recommendation from Agriculture Advisory Committee (Consultant)

Clerk MacConnell explained this will be carried over to the next months meeting in August.

NEW BUSINESS

Watershed Protection and Restoration Plan - Resolution No. 2005-70

Deputy Mayor Burke explained that he invited Mr. Miller of the Princeton Hydro to attend the meeting and give an overview of a study which was done. He also noted that there is a deadline to apply for the grant, also reviewed how the grant works. Mr. Miller described to the Committee an informational project that has no enforcement section to it. It does not identify certain or particular property owners. There were several questions from the Committee members to Mr. Miller. Mr. Zdepksi did not agree and felt it was not necessary.

The following Resolution was introduced:

RESOLUTION NO. 2005-70

**WATERSHED PROTECTION AND RESTORATION PLAN FOR
NICHISAKAWICK CREEK AND LITTLE NISHISAKAWICK CREEK**

WHEREAS, the Hunterdon County Soil Conservation District is applying for funding under New Jersey's Nonpoint Source Grant Program to prepare a watershed protection plan for the Nishisakawick Creek and Little Nishisakawick Creek; and

WHEREAS, the proposed project will achieve several major goals of critical importance to Kingwood Township such as the accurate characterization of the surface water quality, potential sources of pollutant loading in the Nishisakawick Creek and the Little Nishisakawick Creek watersheds, protection of the watershed from any degradation in water quality characteristics and, possibly, improvements in surface water quality in the creek and its tributaries; and

WHEREAS, the Nishisakawick Creek also appears on a Sub-list 4 for fecal coliform, indicating that this stream does not meet water quality standards for this parameter and this proposed project will provide additional data needed to refine the USEPA approved Total Maximum Daily Load, identify the extent and sources of pollutant loading into the creek and recommend NPS management measures to achieve the required load reduction and improve the quality of this valuable water resource; and

WHEREAS, the Township's support and commitment to the proposed project will include providing in-kind assistance and resources in the implementation of tasks described in the proposed project application, including attending project meetings, sharing technical expertise, assisting in the public outreach component of the project by disseminating information to residents or organization members through newsletter, other mailings, or electronic correspondence, assisting in the proposed visual assessment of the creeks and tributaries, providing planning and zoning information related to the watershed, taking the information collected and the recommendations developed in the plan into consideration in future planning decisions, assisting with ordinance development during the implementation stage of the plan and actively participating in the development of the watershed protection plan; and

WHEREAS, the Nishisakawick Creek and Little Nishisakawick Creek make up one of the most ecologically and recreationally valuable areas in Hunterdon County and need long term protection;

2005 -

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey that they support the application of the Hunterdon County Soil Conservation District under the New Jersey Nonpoint Source Grant Program to prepare a watershed protection plan for the Nishisakawick Creek and Little Nishisakawick Creek.

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

Roll Call Vote:

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

Community Day September 17, 2005 - Approval of Fireworks Agreement with Garden State Fireworks Inc.

Clerk MacConnell explained a Resolution will be ready to be introduced at next months meeting. The Township is still waiting for insurance information.

It was moved by Mr. Burke, seconded by Mr. Zdepski and carried to approve the Garden State Fireworks Agreement for the September 17, 2005 Fireworks.

Roll Call Vote:

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

Receipt of Financial Statements of KT First Aid & Rescue Squad, Inc.

It was confirmed that the Township received financial statements for KT First Aid & Rescue Squad.

Draft Letter To N.J.D.E.P. re: Byram Properties

Deputy Mayor Burke spoke to Housing Officer Joe Abel. He suggested a draft letter be done to send to the D.E.P., in reference to several complaints they have received about a gentlemen who works for the State.

2005 -

The Township Committee feels he is upsetting the residents unnecessarily about the conditions of their properties after the flood. Attorney Nergaard will work with J. Abel and J. Burke when they receive a response.

Application for Raffles License - Woman's Club of Flemington

Clerk MacConnell reviewed the application and stated everything is in order.

It was moved by Mr. Zdespski, seconded by Mr. Burke and carried to approve this application for a raffle license for the Woman's Club of Flemington for a raffle to be conducted at Raszberry's Banquet Center on October 21, 2005.

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

Attorney Joseph Novak - unpaid invoices

Clerk MacConnell distributed copies of vouchers for unpaid invoices from Attorney Josphe Novak. There was a discussion of the work involved. Attorney Nergaard suggested that the C.F.O. Diane Laudenschach should speak to the Township auditor about whether an emergency appropriation could be done for attorney bills. It may be November 1, 2005 until bills are paid. It was agreed that this will be carried to the July 14, 2005 Township meeting, so that this can be discussed with D. Laudenschach, C.F.O. and Auditor Charles Case about whether monies can be paid out of the open space account.

EXECUTIVE SESSION - RESOLUTION NO. 2005 - 71

Following a brief recess, at approximately 9:50 P.M. the following Resolution was introduced:

RESOLUTION NO. 2005 - 71

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:

**Anticipated Litigation/COAH
Attorney/Client Privilege
Contractual - Block 40 Lot 5
Personnel**

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 amend and 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. Burke, seconded by Mr. Zdepski and carried to return to regular session at 12:05 A.M. **All** voted **Aye** on **Roll Call Vote**.

It was moved by Mr. Burke, seconded by Mr. Zdepski to extend the coverage for dental and eyeglass benefits to Board of Adjustment Secretary Barbara Wilson based on years of service.

Roll Call Vote:

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

There was a discussion in reference to the Construction Official's hours. He has requested his evening hours to be two evenings a month instead of four evenings a month. He feels he only needs to be present at the municipal building the first and third Wednesday of each month from 6-8 PM. His original hours are every Wednesday from 6-8 PM. He claims that the work has slowed down considerably and feels he is not needed four times a month in the evenings. The Committee members requested that the Clerk write a letter to Mr. Degan informing him that it will be on a trial basis for two months. His secretary will keep track of the applications and any complaints that have been made over that time period.

The Committee members would like the Clerk to look into insurance for a security officer for the court. They would like to have the Municipal Judge and the Court Administrator work on a job description for a court security officer.

There was a discussion about the dissatisfaction of the grass that is being maintained for the Township properties. The Committee would like to look at the other quotes that were submitted and decide to hire someone in place of the current grass cutter. Township Committee would like to keep track of the quality of the work being done until the July 14th, Township Committee meeting and then make a decision.

Committeeman Zdepski briefly reported the update of the meetings at the construction trailer. He stated that the progress is not going very well. The next progress meeting at the trailer is scheduled for July 19, 2005 at 10:00 A.M.

2005 -

Committeeman Zdepski would like the Township Clerk to advertise a notice that the Committee members may attend the meeting if they wish.

It was moved by Mr. Burke, seconded by Mr. Zdepski and carried to adjourn the meeting at 12:20 A.M. **All** voted **Aye** on **Roll Call Vote**.

Respectfully Submitted,

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