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September 6, 2005

A Regular Meeting of the Kingwood Township Committee was called to order at 8:02 P.M. with Mayor Rawlyk presiding.

Also present at the meeting were Deputy Mayor Burke, Committeeman Steven Zdepski, Attorney Nergaard, Engineer Lorentz, C.F.O. D. Laudенbach, 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 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.

**ORDINANCE NO. 13-10-2005 AMENDING THE LAND USE ORDINANCES OF THE TOWNSHIP, TO AMEND THE REQUIREMENT FOR AN ESCROW AGREEMENT –**

Introduction and adoption on First Reading

Mayor Rawlyk read the Ordinance aloud by title. Attorney Nergaard stated that the Ordinance was prepared as a request from the members at last planning Board meeting.

It was moved by Mr. Burke, seconded by Mr. Zdepski and carried to adopt on first reading **AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWNSHIP, TO AMEND THE REQUIREMENT FOR AN ESCROW AGREEMENT.**

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<b>Roll Call Vote:</b>	<b>AYE</b>	- Burke, Zdepski, Rawlyk
	<b>NAY</b>	- None
	<b>ABSTAIN</b>	- None
	<b>ABSENT</b>	- None

**Consideration of final adoption at a public hearing is scheduled for Tuesday, October 4, 2005 at a meeting beginning at 8:00 P.M. at the municipal building.**

**MILLTOWN ROAD PROJECT**

Engineer Lorentz briefly reported that when the application is approved, in about 30 – 60 days, the Township can proceed with the remainder of the project.

**WARSAW ROAD STREAMBED IMPROVEMENTS**

Engineer Lorentz explained the improvements have been deemed complete and is scheduled for review. Lorentz reported that we are halfway through the ninety day review period.

**THATCHER ROAD PROJECT**

Engineer Lorentz reported that the drainage installation for the project is now complete.

**OAK GROVE ROAD PROJECT**

Engineer Lorentz stated he is still waiting for word from the State.

**KINGWOOD SCHOOL AND PARK WALKWAY PROJECT**

Engineer stated that the job is basically complete and just needed to complete paperwork to obtain the final 25%.

**MONITORING WELL AT TOWNSHIP GARAGE**

Engineer reported that the job is complete and there has been no further action letter issued to the Township.

**CORRESPONDENCE**

**Letter from R. Strasser re: Internship at Municipal Building**

Mayor Rawlyk reads thank you letter aloud.

**Copy of Letter from Clinton Town re: Support of North Star Medevac Location**

Mayor Rawlyk briefly reviewed.

**Letter and Resolution from Assemblyman DeCroce re: Property Tax Relief**

Mayor Rawlyk briefly reviewed.

**Letter and Resolution from Hunterdon County Administrator re: Extension of Review and Comment Period for NJ Green Acres Rules**

Mayor Rawlyk briefly reviewed. Committeeman Zdepksi expressed that it concerns the repeal of all existing rules of Green Acres.

Deputy Mayor Burke supports the resolution and also requested the extension of the review and comment period for NJ Green Acres Rules. Deputy Mayor Burke also requested that Mayor Rawlyk research what the actual changes will be to the rules, and would like a copy of the rules sent to the Township. Mr. Burke would also like the reimbursement fee delayed until the rule changes are verified.

It was moved by Mr. Burke, seconded by Mr. Zdepksi and carried to support the Extension of Review and Comment Period for NJ Green Acres Rules.

<b>Roll Call Vote:</b>	<b>AYE</b>	<b>- Burke, Zdepksi, Rawlyk</b>
	<b>NAY</b>	<b>- None</b>
	<b>ABSTAIN</b>	<b>- None</b>
	<b>ABSENT</b>	<b>- None</b>

**BILLS AND CLAIMS**

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

<b>Roll Call Vote:</b>	<b>AYE</b>	<b>-Burke, Zdepksi, Rawlyk</b>
	<b>NAY</b>	<b>-None</b>
	<b>ABSTAIN</b>	<b>-None</b>
	<b>ABSENT</b>	<b>-None</b>

**PUBLIC COMMENT PRIVILEGE OF THE FLOOR**

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**Doug Sanders from DeAngelo Construction, Warrington PA** Commented that he is waiting on an application that is pending completeness for Frenchtown Run on Horseshoe Bend Road. Mr. Sanders is interested in the improvement of the road without destroying it at the same time. A meeting will be scheduled for the Mayor, Committee and Engineer to review the improvements that could be made to the road.

There were comments from the Township Engineer. A date of September 24, 2005 at 10:00 A.M. at the Stone House has been scheduled to meet for a site walk of the road with the Planning Board members, Township Committee and the Engineer.

### **REPORTS**

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

Tax Collector's Report of July 2005  
Municipal Court Report of July 2005  
Construction Department Report of July 2005  
Zoning Permits Report of August 2005  
Records Disposal – Finance Office

### **FUTURE MEETINGS AND ACTIVITIES**

Mayor Rawlyk reviewed as per the Agenda.

### **RESOLUTIONS**

The Following Resolution was introduced:

#### **RESOLUTION NO. 2005 – 85**

**WHEREAS**, the tax collector has received redemption monies in the amount of \$18,793.61 to redeem Tax Sale Certificate No. 2002 – 05 on Block 28, Lot 19;

**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 \$18,793.61 to Carol L. Baron, P.O. Box 952197, Lake Mary, FL, 32795-2197.

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

<b>Roll Call Vote:</b>	<b>AYE</b>	<b>- Burke, Zdepski, Rawlyk</b>
	<b>NAY</b>	<b>- None</b>
	<b>ABSTAIN</b>	<b>- None</b>
	<b>ABSENT</b>	<b>- None</b>

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2005 – 86**

**REFUND OF CONSTRUCTION PERMIT FEE**

**WHEREAS**, Permit No. 05-142 was issued for the construction of an agricultural building on block 6, Lot 23.02, and

**WHEREAS**, the Construction Official did not charge the appropriate fee for an agriculture building and the owner of Block 6, Lot 23.02 paid an excess of \$991.00 for the permit.

**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 check to William Grossman, 1105 State Highway 12, Frenchtown, New Jersey, 08825 in the amount of \$991.00.

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

<b>Roll Call Vote:</b>	<b>AYE</b>	<b>- Burke, Zdepski, Rawlyk</b>
	<b>NAY</b>	<b>- None</b>
	<b>ABSTAIN</b>	<b>- None</b>
	<b>ABSENT</b>	<b>- None</b>

The following Resolution was introduced:

**RESOLUTION NO. 2005 - 88  
RECYCLING TONNAGE GRANT**

**WHEREAS**, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grants may be made to municipalities in recycling programs; and

**WHEREAS**, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

**WHEREAS**, the New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

**WHEREAS**, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

**WHEREAS**, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and indicate the assent of the Kingwood Township Committee to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

**WHEREAS**, such a resolution should designate the individual authorized to ensure that the application is properly completed and timely filed; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Kingwood that the Township of Kingwood hereby endorses the submission of a Municipal Recycling Grant Application to the New Jersey Department of Environmental Protection, Office of Recycling and designated Sandra Siano, Recycling Coordinator for the year 2007, 127 Warford Road, Frenchtown, New Jersey, 08825, to ensure that the said Application is properly filed; and

**BE IT FURTHER RESOLVED** that the monies received from the recycling tonnage grant be deposited in a recycling trust fund to be used solely for the purposes of recycling.

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

<b>Roll Call Vote:</b>	<b>AYE</b>	<b>- Burke, Zdepski, Rawlyk</b>
	<b>NAY</b>	<b>- None</b>
	<b>ABSTAIN</b>	<b>- None</b>
	<b>ABSENT</b>	<b>- None</b>

The following Resolution was introduced:

**RESOLUTION NO. 2005 – 89**

**RECEIPT OF INSURANCE MONIES**

**WHEREAS**, the Township Committee has determined to accept an offer from the Municipal Excess Joint Liability Insurance Fund for the buyout of a file regarding Block 33 Lot 14 in Kingwood Township;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey to authorize the Mayor and Clerk to execute the Release regarding the Superior Court of New Jersey, Law Division, Hunterdon County, Docket Number HNT-L-148-05 for the amount of \$5,000.00.

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

<b>Roll Call Vote:</b>	<b>AYE</b>	<b>- Burke, Zdepski, Rawlyk</b>
	<b>NAY</b>	<b>- None</b>
	<b>ABSTAIN</b>	<b>- None</b>
	<b>ABSENT</b>	<b>- None</b>

**OLD BUSINESS**

**Reassessment Project**

Attorney Nergaard and the Township's tax assessor met with the Hunterdon County Tax Board and received an agreement to conduct a tax reassessment as opposed to a revaluation. The State will permit the Township to budget for the reassessment. A proposal has been presented by the tax assessor for assistance in the conduct of the reassessment. A special meeting is needed to approve the tax assessor to make a formal application with the County Tax Board for the reassessment with a proposed contract.

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The C.F.O. and the auditor will prepare an emergency appropriation to budget for the reassessment. Committeeman Zdepski would like Township to inquire two more bids, also requested that the reassessment to be done in thirds. A special meeting has been scheduled for Tuesday, September 13, 2005 at 7:15 P.M. with the C.F.O, Auditor, and the Tax Assessor attending.

### **Municipal Court Security**

Funding for a Court Security Officer was discussed. It was requested by the Court to hire a Court Security Officer for security reasons. Township Committee would like to see a person hired and to be effective by January 1, 2006. Retired trooper Irving MacConnell explained many reasons for the importance for an officer of this sort, and incidents that could happen.

### **Township Property Bl 19 L 5 & 5.01 – Market Analyses**

Clerk MacConnell noted that the Township has received two Analyses. Mayor Rawlyk addressed Attorney Halpern, COAH Counsel in reference to the apartments on Township properties that could be used for COAH units.

### **Recommendation from Agriculture Advisory Committee (Consultant)**

To be discussed at the next Agriculture Advisory Meeting.

### **Draft Letter to NJDEP re: Byram Properties**

Attorney Halpern explained that Joe Abel, Housing Officer drafted a letter soon to be followed up with the D.E.P.

### **NEW BUSINESS**

### **Public Sale of Township Property Bl 40 L 5 Bl 50 L 17**

There was a discussion on selling the property. It was suggested offering the sale to the State. An appraiser is scheduled to assess the property. It was decided that an auction shall be taken place to sell the property.

### **APPLICATION FOR A RAFFLE LICENSE - PENN JERSEY EDUCATIONAL RADIO CORP.**

### **LICENSE NUMBER 2005 -02 - 50/50 ON PREMISE DRAWING ON 9/24/2005**

It was moved by Mr. Burke, seconded by Mr. Zdepski and carried to approve Raffle License application License #2005-02.

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<b>Roll Call Vote:</b>	<b>AYE</b>	-	<b>Burke, Zdepski, Rawlyk</b>
	<b>NAY</b>	-	<b>None</b>
	<b>ABSTAIN</b>	-	<b>None</b>
	<b>ABSENT</b>	-	<b>None</b>

**RESIDENT – PERMISSION TO BOW HUNT ON TOWNSHIP PROPERTY**

The Township Committee agreed to prohibit hunting of any kind on Township property.

**ORDINANCE**

**ORDINANCE NO. 13-9-2005 AMENDING CHAPTER 132, ENTITLED “ZONING, OF THE MUNICIPAL CODE OF THE TOWNSHIP, SO AS TO ADD A NEW SECTION 132 – 59, ENTITLED ‘REQUIRED GROWTH – SHARE AFFORDABLE HOUSING PRODUCTION’ – VOL. 13, PG. 13-09** – 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 August 2, 2005. The Ordinance was published in the Delaware Valley News on August 11, 2005 and has been posted in the Kingwood Township Municipal building on August 3, 2005. Copies of the Ordinance have been available for inspection by the public since August 3, 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 E. Halpern and Planner D. Banisch briefly commented on the Ordinance. They responded to questions asked by the committee members.

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. Zdepski, seconded by Mr. Burke and carried to adopt on final reading **AN ORDINANCE TO AMEND CHAPTER 132, ENTITLED “ZONING, OF THE MUNICIPAL CODE OF THE TOWNSHIP, SO AS TO ADD A NEW SECTION 132 – 59, ENTITLED “REQUIRED GROWTH – SHARE AFFORDABLE HOUSING PRODUCTION.”**

<b>Roll Call Vote:</b>	<b>AYE</b>	-	<b>Burke, Zdepski, Rawlyk</b>
	<b>NAY</b>	-	<b>None</b>
	<b>ABSTAIN</b>	-	<b>None</b>
	<b>ABSENT</b>	-	<b>None</b>

**EXECUTIVE SESSION – RESOLUTION NO. 2005-87**

Following a brief recess, at approximately 11:00 P.M., the following Resolution was introduced to enter into closed session:

**RESOLUTION NO. 2005-87**

**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:

**Attorney Client Privilege  
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.

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

<b>Roll Call Vote:</b>	<b>AYE</b>	<b>- Burke, Zdepski, Rawlyk</b>
	<b>NAY</b>	<b>- None</b>
	<b>ABSTAIN</b>	<b>- None</b>
	<b>ABSENT</b>	<b>- None</b>

**RETURN TO REGULAR SESSION**

It was moved by Mr. Burke, seconded by Mr. Zdepski and carried to return to regular session at 11:30 P.M. **All** voted **Aye** on **Roll Call Vote**.

Attorney E. Halpern and Planner D. Banisch reviewed the amendments to made to the Ordinance and would like this to be adopted on first reading at the October 2005 Township Committee meeting.

It was moved by Mr. Zdepski, seconded by Mr. Burke and carried to hire Irving MacConnell as Court Security Officer effective 10-1-2005 at \$27.50 per hour.

Attorney Nergaard suggested that the position to be advertised. Mr. Burke agreed that the position should be advertised. It was agreed to schedule an advertisement for Court Security Officer, with a salary of \$27.50 per hour in the news paper with a cut off date of September 20, 2005.

Mr. Zdepski amended the motion. There will be a date scheduled for interviews for the position of Court Security Officer following the review of employment applications.

There was a discussion of amendments to the well ordinance and the checklist for the minor subdivision list.

It was moved by Mr. Burke, seconded by Mr. Zdepski and carried to adjourn the meeting at 12:00 A.M. **All** voted **Aye** on **Roll Call Vote**.

**Respectfully Submitted,**

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

