

November 7, 2006

A Regular Meeting of the Kingwood Township Committee was called to order at 8:00 P.M. with Mayor Zdepski presiding.

Also present at the meeting were Deputy Mayor Burke, Committeewoman Augustine, Attorney Novak, Engineer Lorentz, C.F.O. Laudenbach, Clerk MacConnell, and Deputy Clerk Brown. Following the salute to the Flag, Mayor Zdepski 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 and the Express Times on January 5, 2006 and by telefaxing copies of the notice to the Courier News and Star Ledger on January 5, 2006. Copies of the notice were also posted in the Kingwood Township Municipal Building and Baptistown Post Office on January 3, 2006.

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.

RESIDENT OLEG KOURILOVITCH RE: TAX ASSESSMENT

Mr. Oleg Kourilovitch was not present at this time of the meeting.

TOWNSHIP ENGINEER REPORTS:

THATCHER ROAD PROJECT

Engineer Lorentz reports that he is still in the process of getting the paper work completed for section I. Seeking quotations for section II.

SCHOOL AND PARK WALKWAY PROJECT

Engineer Lorentz reported they are waiting for funds from the State, which is about \$10,000.00.

OAK GROVE ROAD PROJECT

Engineer Lorentz reported on the sub-phased curved area and the second phase is looking favorable. Lorentz stated that we received a reduced grant for the first section and also waiting to receive a supplemental grant for the finished project.

MILLTOWN ROAD PROJECT

Engineer Lorentz explains meeting with John Glynn from the County. Lorentz stated they are in cooperation with a diversion of the water to Route 519.

BICYCLE SIGNS

Engineer Lorentz ordered signs and will contact Road Supervisor, Jack Search to see if they have been delivered.

PURCHASE OF TRAILER & ROLLER FOR ROAD DEPARTMENT:

The following Resolution was introduced:

RESOLUTION NO. 2006- 87

WHEREAS, the local capital budget for the year 2006 was adopted on the 2nd day of May, 2006, and;

WHEREAS, it is desired to amend said adopted capital budget section;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon, that the following amendment to the adopted capital budget section of the Township of Kingwood be made:

Capital Budget (Current Year Action)

2006

**Planned Funding
Services for
Current Year 2006**

2006 – 258

<u>Project</u>	<u>Estimated Total Cost</u>	<u>Grants in Aid and Other Funds</u>
Purchase of a trailer and roller	<u>\$ 70,000.00</u>	<u>\$ 70,000.00</u>
Total All Projects	<u>\$284,500.00</u> =====	<u>\$269,500.00</u> =====

3 Year Capital Program 2006 – 2008

<u>Project</u>	<u>Estimated Total Cost</u>	<u>Estimated Completion Time</u>	<u>Funding Amounts Per Budget Year 2006</u>
Purchase of a trailer and roller	<u>\$ 70,000.00</u>	Purchase 2006	<u>\$ 70,000.00</u>
Total All Projects	<u>\$284,500.00</u> =====		<u>\$284,500.00</u> =====

**3 Year Capital Program 2006 - 2008
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS**

<u>Project</u>	<u>Estimated Total Cost</u>	<u>Grants in Aid and Other Funds</u>
Purchase of a trailer and roller	<u>\$70,000.00</u>	<u>\$70,000.00</u>
Total All Projects	<u>\$284,500.00</u> =====	<u>\$269,500.00</u> =====

BE IT FURTHER RESOLVED that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services.

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

Roll Call Vote:	AYE	- Augustine, Burke, Zdepski
	BYE	- None
	ABSTAIN	- None
	ABSENT	- None

ORDINANCE

ORDINANCE NO. 13-34-2006 PROVIDE FOR THE PURCHASE OF A TRAILER AND ROLLER AS A GENERAL IMPROVEMENT FOR THE TOWNSHIP AND APPROPRIATING \$70,000.00 THEREFORE FROM THE RESERVE FOR PURCHASE OF MUNICIPAL EQUIPMENT – Introduction and Adoption on First Reading

Mayor Zdepski read the Ordinance aloud by title.

It was moved by Mrs. Augustine, seconded by Mr. Burke and carried to adopt on first reading **AN ORDINANCE TO PROVIDE FOR THE PURCHASE OF A TRAILER AND ROLLER AS A GENERAL IMPROVEMENT FOR THE TOWNSHIP AND PURCHASE OF MUNICIPAL EQUIPMENT.**

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

Consideration of final adoption at a public hearing is scheduled for Tuesday, December 5, 2006 at a meeting beginning at 8:00 P.M. at the municipal building.

ORDINANCE

ORDINANCE NO. 13-36-2006 TO AMEND THE DEVELOPMENT REGULATIONS OF THE TOWNSHIP, SPECIFICALLY “CHAPTER 132 – ZONING” OF THE GENERAL ORDINANCES – Introduction and Adoption on First Reading

Mayor Zdepski read the Ordinance aloud by title.

It was moved by Mr. Burke, seconded by Mrs. Augustine and carried to adopt on first reading **AN ORDINANCE TO AMEND THE DEVELOPMENT REGULATIONS OF THE TOWNSHIP, SPECIFICALLY “CHAPTER 132 – ZONING” OF THE GENERAL ORDINANCES.**

Roll Call Vote:

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

Consideration of final adoption at a public hearing is scheduled for Tuesday, December 5, 2006 at a meeting beginning at 8:00 P.M. at the municipal building.

NJDOT SAFE ROUTES TO SCHOOL PROGRAM

Engineer Lorentz explained the description of the program and reviewed the benefit to be gained. He described the walkway section to run along Union Road. Lorentz will apply for the application for this project and report to the committee at the next meeting in December.

Deputy Mayor Burke questioned whether this would be applicable for Horseshoe Bend Road, for the children to gather while waiting for the bus stop. Engineer will look into this further.

CORRESPONDENCE

Mayor Zdepski reviewed the correspondence received this month.

Letter from State DCA re: Mandatory Classes for Planning and Zoning Officials

A list of current Planning and Zoning Officials from the Township was sent to the State. Mayor Zdepski stated, that the courses must be completed and officials must become certified by year 2008.

Letter from County Purchasing Department re: Deer Carcass Removal Services

The Township Committee requested clerks office to contact the County and inquire price information for deer pickup for year 2007.

Letter from Assemblyman DeCroce re: Resolution on Ethics Reform

Mayor Zdepski read letter aloud. No comments.

Letter from State Dept. of Treasury re: Long-Term Care Insurance Plan

Mayor Zdepski read letter aloud. No comments.

Copy of Letter from Delaware Twp. re: Farm Laborer Quarters

Mayor Zdepski read letter aloud, commenting he will speak to the Housing Office concerning this matter.

Copy of Letter from County Planning Board re: OSG & State Planning Commission

Mayor Zdepski read letter aloud. No comments.

Letter from Meals on Wheels in Hunterdon Inc.

There was a brief discussion on a donation that will be considered for year 2007.

Memo and Resolution from Raritan Twp. re: Opposing P.L. 2006, c.44 Sales and Use Tax

Mayor Zdepski read aloud memo and Resolution.

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2006-88

2006 BUDGET APPROPRIATION TRANSFERS

BE IT RESOLVED, by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey, that the Chief Financial Officer be authorized to make the following transfers within the 2006 Budget Appropriations:

From:

Governing Body – Other Expense	\$ 500.00
Planning Board – Other Expense	\$14,000.00
Zoning Board – Other Expense	\$ 750.00
Environmental Commission – Other Expense	\$ 1,000.00
Municipal Court – Other Expense	\$ 1,250.00
Construction – Other Expense	\$ 3,500.00
Board of Health – Other Expense	\$ 1,500.00
Vehicle Maintenance – Other Expense	\$ 5,000.00

To:

Administrative & Executive – Other Expense	\$1,850.00
Financial Administration – Other Expense	\$ 825.00
Tax Assessment – Other Expense	\$ 730.00
Insurance – Liability	\$1,925.00
Buildings & Grounds – Other Expense	\$4,600.00
Parks & Recreation – Other Expense	\$5,425.00
Electricity – Other Expense	\$7,145.00
Gasoline – Other Expense	\$5,000.00

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

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

BILLS AND CLAIMS

It was moved by Mrs. Augustine, seconded by Mr. Burke and carried to approve and pay the bills and claims that are in order and attached at **Bill List** for **November 2006**.

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

PUBLIC COMMENT – PRIVILEGE OF THE FLOOR

Jack MacConnell, Spring Hill Road Suggested that the road sign on Horseshoe Bend Road for the one lane bridge be moved. Also would like to see an area to pullover so trucks can get by from the riverside area. Engineer Lorentz commented on looking into an area for a pullover.

Oleg Kourilovitch, Barbertown Point Breeze Road, Block 25, Lot 5 Addressed the Township Committee on concerns about his taxes and tax assessment. Also expressed being very dissatisfied with tax assessor. Mr. Kourilovitch had many concerns and questions regarding roll back taxes. Township Committee recommended Mr. Kourilovitch go to the County Tax Board to file for a tax appeal.

REPORTS

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

- Tax Collector's Report of July 2006, August 2005, and September 2006
- Municipal Court Report of September 2006
- Construction Department Report of September 2006 & October 2006
- Zoning Permits Report of October 2006

FUTURE MEETINGS AND ACTIVITIES

Mayor Zdepski reviewed as per the Agenda.

ORDINANCES

RESOLUTION NO. 2006-89

The following Resolution was introduced:

RESOLUTION NO. 2006 – 89

WHEREAS, the Township of Kingwood desires to constitute the 2006 Capital Budget of said municipality by inserting therein the authorization for providing for the renovations to municipal building;

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

SECTION 1. The 2006 Capital Budget of the Township of Kingwood, County of Hunterdon, State of New Jersey is hereby constituted by the adoption of a schedule to read as follows:

Capital Budget of the
Township of Kingwood
County of Hunterdon, New Jersey
Project Schedule for 2006

Renovation to Municipal Building

Method of Financing

Project	Estimated Cost	Capital Improvement Fund
Renovation to Municipal Building	\$7,000.00	\$7,000.00

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 2006 Capital Budget, to be included in the 2006 permanent Capital Budget.

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

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

ORDINANCE

ORDINANCE NO. 13-33-2006 TO PROVIDE FOR THE RENOVATION TO THE MUNICIPAL BUILDING AS A GENERAL IMPROVEMENT FOR THE TOWNSHIP AND APPROPRIATING \$7,000.00 FROM THE CAPITAL IMPROVEMENT FUND, VOL. 13, PG. 13-33 – Public Hearing and Final Adoption

Mayor Zdepski read aloud Ordinance by title. This Ordinance was adopted on first reading at a meeting of the Kingwood Township committee on October 3, 2006. The Ordinance was published in the Delaware Valley News on October 19, 2006 and has been posted in the Kingwood Township Municipal Building on October 4, 2006. Copies of the Ordinance have been available for inspection by the public since October 4, 2006.

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

No comments from the public.

It was moved by Mr. Burke, seconded by Mrs. Augustine 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 Mrs. Augustine and carried to adopt on final reading **AN ORDINANCE TO PROVIDE FOR THE RENOVATION TO THE MUNICIPAL BUILDING AS A GENERAL IMPROVEMENT FOR THE TOWNSHIP AND APPROPRIATING \$7,000.00 FROM THE CAPITAL IMPROVEMENT FUND.**

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

ORDINANCE NO. 13-35-2006 – AMENDING ARTICLE XII (HOUSING OFFICER) OF CHAPTER 31 (OFFICERS AND EMPLOYEES) OF THE MUNICIPAL CODE OF THE TOWNSHIP SO AS TO BRING IT INTO ACCORD WITH COAH’S THIRD ROUND SUBSTANTIVE RULES AND UNIFORM CONTROLS ON AFFORDABILITY BY 1.) CHANGING THE NAME OF THE POSITION OF “HOUSING OFFICER” TO “MUNICIPAL HOUSING LIAISON” AND 2.) TO ADD TO THE LIST OF POWERS AND DUTIES OF THAT OFFICIAL THOSE ADDITIONAL ADMINISTRATIVE POWERS AND DUTIES DELINEATED IN THOSE AFOREMENTIONED RULES – Introduction and Adoption on First Reading

Mayor Zdepski read the Ordinance aloud by title.

It was moved by Mrs. Augustine, seconded by Mr. Burke and carried to adopt on first reading **AN ORDINANCE AMENDING ARTICLE XII (HOUSING OFFICER) OF CHAPTER 31 (OFFICERS AND EMPLOYEES) OF THE MUNICIPAL CODE OF THE TOWNSHIP SO AS TO BRING IT INTO ACCORD WITH COAH’S THIRD ROUND SUBSTANTIVE RULES AND UNIFORM CONTROLS ON AFFORDABILITY BY 1). CHANGIND THE NAME OF THE POSITION OF “HOUSING OFFICER” TO “MUNICIPAL HOUSING LIAISON” AND 2.) TO ADD TO THE LIST OF POWERS AND DUTIES OF THAT OFFICIAL THOSE ADDITIONAL ADMINISTRATIVE POWERS AND DUTIES DELINEATED IN THOSE AFOREMENTIONED RULES.**

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

Consideration of final adoption at a public hearing is scheduled for Tuesday, December 5, 2006 at a meeting beginning at 8:00 P.M. at the municipal building.

PROPOSED CONFLICT OF INTEREST ORDINANCE

Attorney Novak reviewed the proposed ordinance, the State Gaming Commission rules and regulations. Also discussed code of ethics for local government officers and employees and items that may be a conflict of interest.

RESOLUTIONS

The following Resolution was introduced:

RESOLUTION NO. 2006 – 90

**APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION
(N.J.S.A. 40a:4-87)**

FISCAL YEAR 2006 – RECYCLING TONNAGE GRANT

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Kingwood, in the County of Hunterdon, State of New Jersey, hereby requests the Director of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2006 in the sum of \$944.40, which item is now available as a revenue from the State of New Jersey, as a grant to the Kingwood Township in the amount of \$944.40.

BE IT FURTHER RESOLVED that the like sum of \$944.40 is hereby appropriated under the caption “Recycling Tonnage Grant”, and

BE IT FURTHER RESOLVED that the above is a result of a grant of \$944.40 from the State of New Jersey.

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

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

The following Resolution was introduced:

RESOLUTION NO. 2006 – 91

UTILIZATION OF OPEN SPACE FUNDS

WHEREAS, the Township Committee of the Township of Kingwood hereby acknowledges the requirement of preliminary costs to determine the scope and cost of a proposed undertaking; and

WHEREAS, the purpose of these preliminary costs is to explore the possible purchase of open space or easements of property located 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 that the amount appropriated for preliminary costs shall not exceed \$6,500.00.

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

Roll Call Vote:	AYE	- Augustine, Burke, Zdepski
	BYE	- None
	ABSTAIN	- None
	ABSENT	- None\

The following Resolution was introduced:

RESOLUTION NO. 2006 – 92

TAX SALE REDEMPTION

WHEREAS, the Tax Collector has received redemption monies in the amount of \$3,902.86 to redeem Tax Sale Certificate No. 2005-03 on Block 38, Lot 27.

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 \$3,902.86 to Crusader Servicing Corp., 179 Washington Lane, Jenkintown, PA, 19046, and

BE IT FURTHER RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey that the treasurer be authorized to refund the premium in the amount of \$7,500.00 to Crusader Servicing Corp., 179 Washington Lane, Jenkintown, PA, 19046.

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

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

The following Resolution was introduced:

RESOLUTION NO. 2006 – 93

TAX REFUND

WHEREAS, due to a tax appeal and an overbilling for 2005, block 24, Lot 2.3 has a credit balance of \$5,939.92.

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 refund in the amount of \$5,393.92 to Jodi and John Markowski, 1 Bellis Lane, Frenchtown, New Jersey, 08825.

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

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

The following Resolution was introduced:

RESOLUTION NO. 2006 – 94

WHEREAS, the Township Committee of the Township of Kingwood has previously established an Open Space Trust Fund for the purpose of acquiring interests in Real Estate and thus preserving lands and/or passive recreation, greenways, wildlife habitats, and general preservation of farmland; and

WHEREAS, the Township Committee of the Township of Kingwood, working in conjunction with its Open Space Advisory committee has acquired such Open Space areas, inventoried properties with the Township, evaluated and prioritized additional Open Space areas for possible acquisition; and

WHEREAS, the Township Committee is charged with periodically reviewing its enabling legislation in conjunction with the Open Space Committee to assure that the purposes of the Open Space Ordinance are being carried out in order to obtain the original goals of the program; and

WHEREAS, the Township Committee has conducted such a periodic review and determined that various properties have been acquired through the special tax and reserved for Open Space funds in pursuit of such goals;

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 conditions of the enabling Ordinance establishing an Open Space Trust Fund and continued preservation are being pursued; and

BE IT FURTHER RESOLVED that the special tax at the rate of \$.03 per \$100.00 of assessed valuation shall be continued and the funds collected there from to be deposited in the "Reserve for Open Space Funds" account and for the purposes set forth in the enabling legislation.

It was moved by Mrs. Augustine, seconded by Mr. Burke and carried to adopt the foregoing resolution.

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

NEW BUSINESS

Letter from Bd. of Adjustment re; Variance Applications for Lots Not Abutting a Public Street and Memo to J. Burke from D. Pierce

Mayor briefly reviewed. Deputy Mayor Burke discussed comments from some of the residents in Byram. Changing the road from a private road to a public road, would cost the Township. The residents from Byram would have to go to the Board of Adjustment for a variance in order to obtain and submit building permits to raise there homes above the flood plain. A lengthy discussion continued with Attorney about the options they have and a chance that the Board of Adjustment may reconsider. Township attorney will contact Board of Adjustment attorney to set up a special review procedure for the Byram properties.

Requests from Fire Company re: Development on Horseshoe Bend Road and Spring Hill Road, Water Source Ordinance

Mayor Zdepski reviewed letter from Fire Company and discussed options to adopting an ordinance for a water source for the fire companies use. A copy of this letter will be given to the Planning Board for review and recommendation for the adoption of a water source ordinance.

Request for Municipal Court Security Committee

Township Clerk MacConnell reported that the Court Administrator needed to send Superior Court a list of names that would be considered for a Municipal Court Security Committee. The Judge, the Court Administrator and the Court Security Officer were the names sent to the court as our committee for the Kingwood Municipal Court Security Committee.

Letter from Township Prosecutor re: Create Assistant Prosecutor Position

Mayor Zdepski suggested this be discussed in closed session.

Request from Tax Collector re: Letter to Oppose S2244

Mayor Zdepski reviewed. After a brief discussion the Committee decided to oppose Senate Bill S2244.

It was moved by Mrs. Augustine, seconded by Mr. Burke and carried to oppose Senate Bill S2244 proposing to consolidate the office of tax collection at the county from the municipality, along with several other municipal functions.

Roll Call Vote:	AYE	- Augustine, Burke, Zdepski
	BYE`	- None
	ABSTAIN	- None
	ABSENT	- None

A letter in response will be sent to Senator Leonard Lance of Hunterdon County and B. Smith District 17, opposing Senate Bill S2244.

Price Quotations for Mold at Municipal Building

Mayor Zdepski reviewed the quotations. It was discussed that the road department will be taking care of the main problem, which is causing the mold to grow. After the job is completed it will be discussed how the mold will be eliminated.

Request from Resident C. Cooperman re: Comcast High Speed Internet Service

Mayor Zdepski explains the interest Mr. Cooperman has in Comcast and the request for the service to hook up to his home in the Byram Colony for a business. Township Committee agreed to allow this service to be connected to his home. A letter will be sent to Mr. Cooperman and to Comcast requesting permission for service at his home.

OLD BUSINESS

Progress of Sale Block 40 Lot 5 and Block 50 Lot 17

Attorney Novak reports contacting the N.J.D.E.P. will retry to contact to follow up on Lots and questions on Lot 17.

PAICF Survey of Kingwood Park Playground

The results of the survey conducted on behalf of the Township's insurance group requesting the status of the park playground was discussed. Mayor Zdepski requested Clerk MacConnell to respond back by letter reporting that all will be taken care of by the spring.

VOTE TO EMPLOY NEW OFFICE ASSISTANT

It was moved by Mrs. Augustine, seconded by Mr. Burke and carried to hire a new office assistant, Kris Boxwell for the position.

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

NOTICE TO PROPERTY OWNERS RE: WELL TESTING

Mayor Zdepski reviewed.

MINUTES

It was moved by Mrs. Augustine, seconded by Mr. Burke and carried to adopt the minutes of August 1, 2006 regular meeting and placed on file. **All** voted **Aye** on **Roll Call Vote**.

It was moved by Mr. Burke, seconded by Mrs. Augustine and carried to adopt the minutes of the August 1, 2006 Executive Session and placed on file.

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

It was moved by Mrs. Augustine, seconded by Mr. Burke and carried to adopt the minutes of the August 23, 2006 Special Meeting and placed on file.

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

It was moved by Mrs. Augustine, seconded by Mr. Burke and carried to adopt the minutes of the August 23, 2006 Executive Session and placed on file.

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

It was moved by Mr. Burke, seconded by Mrs. Augustine and carried to adopt the minutes of the September 5, 2006 (6:30 P.M.) Special Meeting and placed on file.

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

It was moved by Mrs. Augustine, seconded by Mrs. Burke and carried to adopt the minutes of the September 5, 7:30 P.M. Executive Session and placed on file.

It was moved by Mr. Burke, seconded by Mrs. Augustine and carried to adopt the minutes of the October 10, 2006 Executive Session and place on file.

Roll Call Vote:

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

REVIEW OF BLOCK 40 LOT 8, 8.02 AND 8.03 COMPLIANCE HEARING

Attorney Novak reviewed letter from Code Enforcement Officer with an update of the report.

The following Resolution was introduced:

RESOLUTION NO. 2006 - 95

WHEREAS, the need has arisen for a Change Order on the Municipal Township Garage Construction Project; and

WHEREAS, this Change Order is Change Order Number Two for the work of Concrete Masters Inc.; and

WHEREAS, the contractor, Concrete Masters Inc., has agreed to the amount in Change Order Number Two as follows:

- | | |
|--|-----------------------|
| 1. Credit to provide alternate window manufacturer | (\$ 10,000.00) |
| 2. Add 4 windows to each overhead garage door | \$ 1,875.00 |
| 3. Credit for Un-Used Contracts Allowances | (\$ 40,000.00) |
| Total Change Order: | (\$ 48,125.00) |

The original Contract Sum was:	\$1,421,000.00
The net change by previously authorized Change Orders:	\$ -22,474.00
The Contract Sum prior to this Change Order was:	\$1,398,526.00
The Contract Sum will be decreased by this Change Order in the amount of:	(\$48,125.00)
The new Contract Sum including this Change Order will be:	\$1,350,401.00

The Contract Time will be unchanged by Zero (0) days.
The date of Substantial Completion as of the date of this Change Order therefore is July 15, 2006.

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This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon, that Change Order Number Two in the amount **\$48,125.00** for the Municipal Township Garage Construction Project be approved.

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

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

Mayor Zdepski discussed notifying committeeperson, E. Niemann in reference to receiving meeting packages and all other correspondence for her information.

EXECUTIVE SESSION RESOLUTION NO. 2006 – 96

Following a brief recess, at approximately 9:40 P.M., the following Resolution was introduced to enter into closed session:

EXECUTIVE RESOLUTION

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-Employee Handbook and Personnel Policies and Procedures Manual
- 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 Mrs. Augustine, seconded by Mr. Burke and carried to adopt the foregoing Resolution.

Roll Call Vote:	AYE	- Augustine, Burke, Zdepski
	BYE	- None
	ABSTAIN	- None
	ABSENT	- None

RETURN TO REGULAR SESSION

It was moved by Mr. Burke, seconded by Mrs. Augustine and carried to return to regular session at 10:19 P.M. All voted **Aye** on **Roll Call Vote**.

The following Resolution was introduced:

RESOLUTION NO. 2006 -97

SUBSTITUTE PROSECUTOR

WHEREAS, the Township of Kingwood is in need of a substitute prosecutor; and

WHEREAS, in the absence of the Township Prosecutor the Township Committee appointed Joan Mott as a substitute; and

WHEREAS, no compensation will be granted, if there is to be compensation it would be by the Township Prosecutor.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey to appoint Joan Mott as substitute to the Township Prosecutor.

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

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

The following Resolution was introduced:

RESOLUTION NO. 2006-98

WHEREAS, the Township Committee has conducted its periodic review of the Employee Handbook and Personnel Manual; and

WHEREAS, the Township Committee has determined the need to incorporate a code of ethics for local government officers or employees.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey on this 7th day of November, 2006 that the "Employee Handbook and Personnel Manual" is hereby amended as follows:

Section I. The following 40A:9-22.5. Code of ethics for local government officers or employees under jurisdiction of the local finance board shall comply with the following provisions:

LOCAL GOVERNMENT OFFICERS OR EMPLOYEES UNDER THE JURISDICTION OF THE LOCAL FINANCE BOARD SHALL COMPLY WITH THE FOLLOWING PROVISIONS:

- A. No local government officer or employee or member of his immediate family shall have an interest in a business organization or engage in any business, transaction, or professional activity, which is in substantial conflict with the proper discharge of his duties in the public interest;**

- B. No independent local authority shall, for a period of one year next subsequent to the termination of office of a member of that authority;**
- 1). Award any contract which is not publicly bid to a former member of that authority;**
 - 2). Allow a former member of that authority to represent, appear for or negotiate on behalf of any other party before that authority; or**
 - 3). Employ for compensation, except pursuant to open competitive examination in accordance with Title 11A of the New Jersey Statutes and the rules and regulations promulgated pursuant thereto, any former member of that authority.**

The restrictions contained in this subsection shall also apply to any business organization in which the former authority member holds an interest.

- C. No local government officer or employee shall use or attempt to use his official position to secure unwarranted privileges or advantages for himself or others;**
- D. No local government officer or employee shall act in his official capacity in any matter where he, a member of his immediate family, or a business organization in which he has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to impair his objectivity or independence of judgment;**
- E. No local government officer or employee shall undertake any employment or service, whether compensated or not, which might reasonably be expected to prejudice his independence of judgment in the exercise of his official duties;**
- F. No local government officer or employee, member of his immediate family, or business organization in which he has an interest, shall solicit or accept any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise, or other thing of value was given or offered for the purpose of influencing him, directly or indirectly, in the discharge of his official duties.**
- G. This provision shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office, if the local government officer has no knowledge or reason**

to believe that the campaign contribution, if accepted, was given with the intent to influence the local government officer in the discharge of his official duties;

- H. No local government officer or employee shall use, or allow to be used, his public office or employment, or any information, not generally available to the members of the public, which he receives or acquires in the course of and by reason of his office or employment, for the purpose of securing financial gain for himself, any member of his immediate family, or any business organization with which he is associated.
- I. No local government officer or employee or business organization in which he has an interest shall represent any person or party other than the local government in connection with any cause, proceeding, application or other matter pending before any agency in the local government in which he serves. This provision shall not be deemed to prohibit one local government employee from representing another local government employee where the local government agency is the employer and the representation is within the context of official labor union or similar representational responsibilities;
- J. No local government officer shall be deemed in conflict with these provisions if, by reason of his participation in the enactment of any ordinance, resolution or other matter required to be voted upon or which is subject to executive approval or veto, no material or monetary gain accrues to him as a member of any business, profession, occupation or group, to any greater extent than any gain could reasonably be expected to accrue to any other member of such business, profession, occupation or group;
- K. No elected local government officer shall be prohibited from making an inquiry for information on behalf of a constituent, if no fee, reward or other thing of value is promised to, given to or accepted by the officer or a member of his immediate family, whether directly or indirectly, in return therefore; and
- L. Nothing shall prohibit any local government officer or employee, or members of his immediate family, from representing himself, or themselves, in negotiations or proceedings concerning his, or their, own interests.

Section II.

The Employee Handbook and Personnel Manual shall be revised to incorporate the within changes effective as of November 7, 2006.

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

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

Mayor discussed informing the Tax Assessor on the e-mailing situation. The Mayor feels that the Tax Assessor is e-mailing the Township Clerk too much information and requested that the Clerk contact the Assessor and to let him know that he can e-mail Deputy Mayor Burke all and any information.

It was moved by Mrs. Augustine, seconded by Mr. Burke and carried to adjourn the meeting at 10:20 P.M. **All** voted **Aye** on **Roll Call Vote**.

Respectfully submitted,

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

