

2006-61

March 7, 2006

The 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, Township Engineer Lorentz, Township Attorney Novak, Tax Collector D. Laudenschach, Clerk M. 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 Express Times on January 5, 2006 and by telefaxing copies of the notice to the Courier News and Star Ledger on January 3, 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.

**RIGHT-OF-WAY ALONG UNION ROAD AT KINGWOOD PARK PROPERTY**

Engineer Lorentz reports on the meeting the County sponsored earlier this evening here at the municipal building. Lorentz states that the County is planning on going forward with what is planned for the right-of-way on the bridge work that is to be done. More information will be known within the next month.

**OAK GROVE ROAD PROJECT**

Engineer Lorentz reports the allotment that has been received from the State is about half of the amount that was requested. Lorentz would like to condense the project to keep funds within the limit.

2006-62

**MILLTOWN ROAD PROJECT**

Engineer Lorentz stated that they are ready to do the grating on the south side of the roadway.

Also discussed that he contacted the D.E.P. and would like to get together with a representative to see what their position will be during this project and have some assurance before starting the project.

**THATCHER ROAD PROJECT**

Engineer Lorentz reports that he has submitted the agreement for section two and now being held pending the Resolution for section one, where the State has required the extra guardrail. Lorentz has gotten quotations from a contractor and notified, not heard from contractor at this time.

**KINGWOOD SCHOOL AND PARK WALWAY PROJECT**

Engineer Lorentz reports they are waiting for the weather to break to do any finished work on the walkway.

**BRIDGES ON SPRING HILL/HORSESHOE BEND ROADS**

Engineer Lorentz states that his main concern will be the construction traffic. Lorentz reports speaking to the County, and stated they do not know of any structural problems. He also explains that if the construction does happen the best route for the traffic would be to go the  
Out the southern portion to Horseshoe Bend Road which meets Fairview Road.

**ORDINANCE NO. 13-19-2006 TO AMEND AN ORDINANCE ENTITLED "CHAPTER 124" AND SPECIFICALLY "ARTICLE I - PUBLIC ROADS AND STREETS", "SECTION 124-1 ACCEPTANCE OF DEDICATED ROADS" SO AS TO ACCEPT ADDITIONAL PUBLIC ROADS - PUBLIC HEARING AND FINAL ADOPTION**

Mayor Zdepski read Ordinance aloud by title. This Ordinance was introduced and adopted on first reading at a meeting of the Kingwood Township Committee on February 7, 2006.

The Ordinance was published in the Delaware Valley News on February 16, 2006 and has been posted in the Kingwood Township Municipal Building on February 8, 2006. Copies of the Ordinance have been available for inspection by the public since February 8, 2006.

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

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 of the Township of Kingwood, County of Hunterdon and State of New Jersey to amend an ordinance entitled "Chapter 124" and specifically "Article I - Public Roads and Streets", "Section 124-1 Acceptance of Dedicated Roads" so as to accept additional public roads.**

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

**ORDINANCE NO. 13-20-2006 TO AMEND THE DEVELOPMENT REGULATIONS OF THE TOWNSHIP, SPECIFICALLY "CHAPTER 115 - SUBDIVISION OF LAND" AND "CHAPTER 132-ZONING" OF THE GENERAL ORDINANCES, VOL. 13, PG. 20 - Public Hearing and Final Adoption**

Mayor Zdepski read the Ordinance aloud by title. This Ordinance was introduced and adopted on first reading at a meeting of the Kingwood Township Committee on February 7, 2006. The Ordinance was published in the Delaware Valley News on February 16, 2006 and has been posted in the Kingwood Township Municipal Building on February 8, 2006. Copies of the Ordinance have been available for inspection by the public since February 8, 2006. A recommendation to adopt the Ordinance has been received from the Planning Board.

2006-64

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

Planning Board Attorney David Pierce addressed the Ordinance to the public and explained the revisions and the reasons, which were revised by the Planning Board. Pierce states that the Ordinance has several changes.

The following residents commented with questions, complaints, and supporting the Ordinance during the open public hearing:

Paul O'Hea	- Horseshoe Bend Road
Owen Wooley	- Federal Twist Road
Jeanette Clark	- Cranford, NJ (Byram Kingwood Rd.)
Alex Denesitkow	- Locktown Road
Anthony Hauck	- Spring Hill Road
Todd Kratzer	- Hill Road
Larry Ascheim	- Horseshoe Bend Road
John Bododick	- Woodbridge, NJ
David Oertle	- Tumble Idell Road
William Pandy	- Spring Hill Road
Tom Clark	- Byram Kingwood Road
Rick Riley	- Federal Twist Road
Peter Stepanovsky	- Oak Summit Road
John Mathieu	- Federal Twist Road
Irving MacConnell	- Spring Hill Road
Sandy McNicol	- Oak Grove Road
William Clark	- Cranford, NJ
Tom McClusky	- Attorney
Elaine Niemann	- Barbertown Pt. Breeze Road
Joe Nanovick	- Attorney

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

Attorney Pierce explained additional amendments and changes to be made in the Ordinance.

2006-65

Attorney Novak and Attorney Pierce shared and read aloud Resolution No. 2006-25 STATING THE REASONS OF THE KINGWOOD TOWNSHIP COMMITTEE FOR ADOPTING ORDINANCE NO. 13-20-2006 " AN ORDINANCE TO AMEND CHAPTER 115 'SUBDIVISION OF LAND' AND CHAPTER 132 ' ZONING OF THE ORDINANCE OF THE TOWNSHIP OF KINGWOOD."

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2006 - 25**

A RESOLUTION STATING THE REASONS OF THE KINGWOOD TOWNSHIP COMMITTEE FOR ADOPTING ORDINANCE NO. 13-20-2006 "AN ORDINANCE TO AMEND CHAPTER 115 'SUBDIVISION OF LAND' AND CHAPTER 132 'ZONING' OF THE ORDINANCES OF THE TOWNSHIP OF KINGWOOD"

**WHEREAS**, the Kingwood Township Planning Board adopted the most recent Periodic Reexamination of the Kingwood Township Master Plan on December 14, 2004.

**WHEREAS**, the Planning Board adopted an amended Housing Element and Fair Share Plan to address the Council on Affordable Housing's ("COAH") new growth share regulations on November 1, 2005 as part of the Kingwood Township Master Plan.

**WHEREAS**, the Planning Board adopted a Farmland Preservation Plan Element of the Master Plan on August 14, 2000. The Farmland Preservation Plan Element established various farmland preservation goals and objectives, including the following:

- § Preservation of the rural character of Kingwood Township; and
- § Preservation of the presence and facilitation of the viability of agriculture.

**WHEREAS**, the Farmland Preservation Plan recommends, among other actions, the development of new ordinances and review of existing ordinances to find ways to preserve agriculture as a viable business.

**WHEREAS**, on June 7, 2004, the Governor signed the Highlands Water Protection and Planning Act. The Highlands Water Protection and Planning Act severely restricts development in the Highlands portions of the State and there is the strong likelihood that Kingwood Township will experience increased residential development pressure as a result of the passage of the Highlands Act.

## 2006-66

Growth in the Highlands outpaced the rate of growth statewide by 50% in recent years and the growth that would have otherwise taken place in the Highlands in the absence of the passage of the Act, will have to be accommodated within the region. The Highlands Planning Council coordination with Hunterdon County is likely to identify Piedmont municipalities, such as Kingwood Township, as targets for increased development. As a result, the demand for growth in Kingwood is expected to increase.

**WHEREAS**, on January 6, 2004 the New Jersey Department of Environmental Protection adopted new regulations establishing required buffers for Category One streams. Based on the DEP's review of existing scientific literature, DEP determined that a 300-foot buffer is necessary to prevent water quality degradation and to protect the attributes for which Category One waters have been designated. Therefore all developments adjacent to C-1 surface waters must provide the required buffer when proposed development will result in the disturbance of an acre or more of land or impervious coverage of a quarter of an acre or more. There are three Category One streams located in Kingwood Township. The new regulations also set forth requirements for stormwater management, including requirements for groundwater recharge.

**WHEREAS**, since 2000, Kingwood has experienced continued growth as demonstrated in building permits issued. Through June of 2004, 88 building permits have been issued for single-family homes at a value of \$12,335,710 or an average of \$140,178 per unit. It should be noted that the number of households with children increased by a total of 55 households between 1990 and 2000, or 14.8%. During the past four years (2000 through 2004) building permits issued outpaced the number of permits issued during the prior 10 years by 62%.

**WHEREAS**, in the Reexamination Report, the Planning Board specifically recommended the evaluation of incentives for larger lot/land preservation zoning and of techniques to conserve environmentally sensitive land features, including an examination of the recent Fair Haven & Atlantic Highlands court decision, which nullified the Manalapan decision relating to the calculation of density and the determination of whether a major subdivision density adjustment zoning technique should be incorporated into the Land Development Ordinance to adequately protect environmentally sensitive land features such as, but not limited to steep slopes, bodies of water, areas of floodplains, stream corridors, wetlands, wetland transition areas, areas of 300' buffer to Category 1 Waters, open space and conservation easements, etc.

**WHEREAS**, the Reexamination Report also specifically recommended examining a minimum improvable lot area standard to identify the minimum development area on a parcel of land that is unencumbered by environmental constraints and a minimum lot circle standard to identify a minimum area circle for major subdivisions, which must fit inside of all proposed lot lines to be created through subdivision, to ensure that lots created are not irregularly shaped.

## 2006-67

**WHEREAS**, in the Reexamination Report, the Planning Board also recommended a reevaluation of the required minimum lot size requirement for the interior lots (not fronting on an existing street) in a Class III subdivision and consider increasing the current minimum lot size requirement of four acres to a minimum lot size of six or seven acres. This recommendation was designed to encourage the design of minor subdivisions that will inherently account for and comply with new regulations, with which major subdivisions must comply.

**WHEREAS**, the Reexamination Report identified a continuing concern regarding the groundwater yield of new wells and the potential effect a new well may have on neighboring wells serving existing residences in certain portions of the Township. Individual well groundwater yield data continued to be collected after the adoption of the Reexamination Report, and suggests that various areas within the Township have severely limited capacity for groundwater yield and may not be able to support development at currently permitted densities.

**WHEREAS**, the Township Committee of the Township of Kingwood seeks to prevent suburban sprawl from destroying the agricultural landscape and rural character that prevails throughout Kingwood Township's Agricultural/Residential District, and to protect the substantial public and non-profit investments that have been and continue to be made in farmland and open space preservation.

**WHEREAS**, Kingwood Township desires to provide adequate opportunity for low and moderate income housing and a variety of housing stock by permitting a limited opportunity for the creation of small lots and restricting the size of the dwelling units to be constructed on those sites.

**WHEREAS**, the highly productive farmland soils and rural character that are found throughout the AR-2 District constitute irreplaceable resources that are threatened by the increasing development pressures that are spreading throughout Hunterdon County.

**WHEREAS**, the Township Committee has determined that the protection of these precious limited resources is a major priority for the use and management of land in the Township Agricultural District, and to ensure the survival of agriculture and the preservation of rural character as permanent elements in the Township countryside.

**WHEREAS**, based on a review conducted subsequent to the adoption of the 2004 Master Plan Reexamination Report, the Planning Board has recommended specific changes to the Land Development Ordinance, including the elimination of 2 acre lots in a Class III minor subdivision and the imposition of a maximum dwelling size permitted on 2 acre lots created in conjunction with a Class I or Class II minor subdivision.

**2006-68**

**WHEREAS**, the Township Committee wishes to introduce and adopt revised zoning standards that promote a better balance between development and open lands in the AR-2 District, and thus introduced Ordinance No. 13-20-2006 on first reading on February 7, 2006; and

**WHEREAS**, Ordinance No. 13-20-2006 was referred to the Planning Board for review pursuant to N.J.S.A 40:55D-26 (a) and N.J.S.A 40:55D-64 on February 14, 2006; and

**WHEREAS**, Ordinance No. 13-20-2006 provides said standards, and provides for several residential development options within the AR-2 District, including conventional subdivisions of lots of at least 7 acres, lot size averaging which permits lots as small as 2 acres at a density not to exceed one unit per 7 acres, cluster subdivisions which permit lots as small as 2 acres provided that at least 50% of a development parcel is included in Aopen lands@ which may include a dwelling unit and permitted accessory buildings and structures, and revisions to the Class III minor subdivision to increase the minimum lot size consistent with the recommendations of the Reexamination Report.

**WHEREAS**, Ordinance No. 13-20-2006 also eliminates the provision allowing two 2 acre lots to be developed in conjunction with a Class III minor subdivision.

**WHEREAS**, Ordinance No. 13-20- 2006 also contains provisions intended to promote moderately priced market rate housing by retaining, but modifying the standards for Class I and Class II minor subdivisions; permitting lots as small as 2 acres, but restricting the size of the dwelling that can be built on such lots.

**WHEREAS**, Ordinance No. 13-20-2006 provides standards for the adjustment of the permitted density based upon the presence of environmentally sensitive and other constrained areas, the applicability of a minimum lot circle and a minimum unconstrained improvable area.

**WHEREAS**, the provisions of Ordinance No. 13-20-2006, while similar in intent and effect, are not entirely consistent with the 2004 Master Plan Reexamination Report which did not contain any recommendations regarding the dwelling size to be permitted on 2 acre lots in Class I and Class II minor subdivisions, and which did not recommend the elimination of the ability to develop two 2 acre lots in conjunction with a Class III minor subdivision.

**WHEREAS**, in accordance with N.J.S.A 40:55D-62, the Kingwood Township Committee herein states its reasons for adopting Ordinance No. 13-20-2006 notwithstanding the fact that the aforementioned provisions are inconsistent with certain recommendations contained in the 2004 Master Plan Reexamination Report,

## 2006-69

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Kingwood in the County of Hunterdon, State of New Jersey that Ordinance No. 13-20-2006 be adopted on second and final reading notwithstanding the aforesaid inconsistencies with the 2004 Master Plan Reexamination Report for the following specific reasons:

Residential development options provided under Ordinance No. 13-20-2006 are similar in character and will have a similar effect as those recommended by the Planning Board in the 2004 Master Plan Reexamination Report, in that they will reduce the extent of permitted residential development within the Agricultural District and will promote the establishment of patterns of non-farm development which are more conservative of large contiguous tracts and parcels of farmland and other open lands.

While the proposed densities of Ordinance No. 13-20-2006 are not numerically consistent with those recommended in the 2004 Master Plan Reexamination Report, they nevertheless reflect the goals established by the Planning Board.

The 2004 Master Plan Reexamination Report specifically recommended the evaluation of incentives for larger lot/land preservation zoning and of techniques to conserve environmentally sensitive land features, including an examination of the recent Fair Haven & Atlantic Highlands court decision, which nullified the Manalapan decision relating to the calculation of density and the determination of whether a major subdivision density adjustment zoning technique should be incorporated into the Land Development Ordinance to adequately protect environmentally sensitive land features. Ordinance No. 13-20-2006 promotes these objectives by requiring an evaluation of constrained areas and an increase in lot size due to the presence of constrained areas.

The 2004 Master Plan Reexamination Report also specifically recommended examining a minimum improvable lot area standard to identify the minimum development area on a parcel of land that is unencumbered by environmental constraints and a minimum lot circle standard to identify a minimum area circle for major subdivisions, which must fit inside of all proposed lot lines to be created through subdivision, to ensure that lots created are not irregularly shaped. Ordinance No. 13-20-2006 specifically incorporates these objectives.

The 2004 Master Plan Reexamination Report also recommended a reevaluation of the required minimum lot size requirement for the interior lots (not fronting on an existing street) in a Class III subdivision and consider increasing the current minimum lot size requirement of four acres to a minimum lot size of six or seven acres. Ordinance No. 13-20-2006 incorporates these objectives by increasing the minimum lot size for lots in a Class III minor subdivision to 7 acres.

The provisions of proposed Ordinance No. 13-20-2006 will substantially advance the objectives identified in the 2004 Master Plan Reexamination Report Amendment, but will also provide opportunities for the development of affordable housing.

**2006-70**

The provisions of Ordinance No. 13-20-2006 will also promote the following objectives and goals of the Municipal Land Use Law:

- § The appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare;
- § To secure safety from fire, flood, panic and other natural and man-made disasters;
- § To provide adequate light, air and open space;
- § To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment;
- § To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens;
- § To promote a desirable visual environment through creative development techniques and good civic design and arrangements;
- § To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the State and to prevent urban sprawl and degradation of the environment through improper use of land; and
- § To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land;

**Be It Further Resolved** that a certified copy of this resolution shall be forwarded to the following persons:

Kingwood Township Planning Board Chairman  
Kingwood Township Zoning Board Chairman  
Kingwood Township Engineer  
Hunterdon County Planning Board

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

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

2006-71

It was moved by Mr. Burke, seconded by Mrs. Augustine and carried to adopt on final reading AN ORDINANCE TO AMEND THE DEVELOPMENT REGULATIONS OF THE TOWNSHIP, SPECIFICALLY “CHAPTER 115 – SUBDIVISION OF LAND” AND “CHAPTER 132- ZONING” OF THE GENERAL ORDINANCES.

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

**ORDINANCE**

**ORDINANCE NO. 13-21-2006 TO AMEND THE DEVELOPMENT REGULATIONS OF THE TOWNSHIP, SPECIFICALLY “CHAPTER 115 – SUBDIVISION OF LAND” AND “CHAPTER 132 – ZONING” OF THE GENERAL ORDINANCES OF THE TOWNSHIP** – Introduction and Adoption on First Reading

Mayor Zdepski read the Ordinance aloud by title. Attorney Novak explained the recommendations from the Township Planning Board.

It was moved by Mr. Burke, seconded by Mrs. Augustine and carried to introduce the amendment and to adopt on first reading. AN ORDINANCE OF THE TOWNSHIP TO AMEND THE DEVELOPMENT REGULATIONS OF THE TOWNSHIP OF KINGWOOD, SPECIFICALLY “CHAPTER 115 – SUBDIVISION OF LAND” AND “CHAPTER 132 – ZONING” OF THE GENERAL ORDINANCES OF THE TOWNSHIP.

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

Consideration of final adoption at a public hearing is scheduled for Tuesday, April 4, 2006 at a meeting beginning at 8:00 P.M. at the Municipal Building.

**CORRESPONDENCE**

**Notification Letter from River-To-Sea re: Race Day Info**

**2006-72**

Mayor Zdepski recommends agreement to allow the River -To-Sea race to be approved for Saturday, August 5, 2006 from 6 A.M. till 9 P.M. from Milford NJ to Manasquan NJ.

It was moved by Mrs. Augustine, seconded by Mr. Burke and carried to approve and support the River-To-Sea bicycle event to ride along Route 29 south in Kingwood Township.

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

Mayor Zdepski reviewed the remaining correspondence.

**Letter from Parks and Rec re: Community Day Fireworks Display**

Mayor Zdepski reads aloud letter from Parks & Rec requesting approval for the fireworks to be displayed on September 16, 2006 and a rain date of September 17, 2006.

It was moved by Mr. Burke, seconded by Mrs. Augustine and carried to approve the fireworks display to be on Community Day scheduled for September 16, 2006, rain date of September 17, 2006.

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

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2006 – 21**

**2005 RESERVE 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 2005 Reserve Budget Appropriations:

From:

2006-73

CODIFICATION & REV. OF ORDINANCE	495.35
SALARIES AND WAGES	944.71
OTHER EXPENSES	58.53
ELECTIONS	
OTHER EXPENSES	207.20
GOVERNING BODY	
OTHER EXPENSES	690.58
FINANCIAL ADMINIST	
SALARIES AND WAGES	156.50
OTHER EXPENSES	417.47
TAX ASSESSMENT ADM	
MAINTENANCE OF TAX MAP	73.72
OTHER EXPENSES	600.00
REVENUE ADMINSTRAT	
OTHER EXPENSES	8.20
LEGAL SERVICES	
OTHER EXPENSES	138.72
ENGINEERING	
OTHER EXPENSES	125.00
PLANNING BOARD	
OTHER EXPENSES	329.74
ZONING BOARD	
SALARIES AND WAGES	3.72
OTHER EXPENSES	41.64
ZONING OFFICIAL	
OTHER EXPENSES	100.00
ENVIRONMENTAL COMM	
OTHER EXPENSES	2.00
INDUSTRIAL COMMISS	
OTHER EXPENSES	200.00
RECYCLING PROGRAM	
SALARIES AND WAGES	75.00
OTHER EXPENSES	280.56
EMERGENCY MANAG.	
SERVICES	
SALARIES AND WAGES	19.00
OTHER EXPENSES	135.00
STREETS & ROAD	
MAINTENANCE	
SALARIES AND WAGES	58.38
OTHER EXPENSES	116.46

**2006-74**

GASOLINE	377.60
VEHICLE MAINTENANCE	226.77
STREET LIGHTING	
OTHER EXPENSES	25.47
CONSTRUCTION	
OTHER EXPENSES	899.72
PUBLIC BUILDINGS & GROUNDS	
OTHER EXPENSES	119.23
BOARD OF HEALTH	
SALARIES AND WAGES	8.00
OTHER EXPENSES	27.41
PARKS AND PLAYGROUNDS	
OTHER EXPENSES	707.12
RECREATION	
OTHER EXPENSES	11.74
OFFICE OF LOCAL HISTORIAN	
OTHER EXPENSES	151.00
UTILITY EXPENSES & BULK EXPENSES	
ELECTRICITY	1,195.07
TELEPHONE	813.03
HEATING FUEL OIL	90.32
SOLID WASTE	139.06
	\$9,514.11

To:

A & E – Other Expense	\$ 50.00
Tax Assessment – Other Expense	\$ 11.84
Planning Board – Other Expense	\$ 3486.36
Engineering – Other Expense	\$ 3880.14
Board of Adjustment – Other Expense	\$ 2071.69
Board of Health – Other Expense	\$ 6.80
Parks and Playgrounds – Other Expense	\$ 7.28

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

2006-75

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

**BILLS AND CLAIMS**

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

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

**PUBLIC COMMENT – PRIVILEGE OF THE FLOOR**

The following residents commented on Block 40, Lot 8, 8.02 and 8.03 the Michalenko property on Tumble Falls Road. They had many complaints and concerns on the possibility of the environment, water and soil erosion.

<u>Richard Dodds</u>	- Tumble Falls Road
<u>Lisa Senus</u>	- Tumble Falls Road
<u>Sandra McNichol</u>	- Oak Grove Road

Anthony Hauck - Spring Hill Road Asked the Township Attorney if the Township could possibly condemn the property. Attorney Novak responded.

Attorney Novak and the Township Committee discussed the many options to solve the problem. Attorney Novak will contact the court on the complaints that have been filed. The Committee will look into this further and will discuss at the next township meeting scheduled for April 4, 2006.

**REPORTS**

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

- Tax Collector’s Report of January 2006
- Municipal Court Report of January 2006
- Zoning Permits Report of February 2006
- Environmental Commission Annual Report

2006-76

**FUTURE MEETINGS AND ACTIVITIES**

Mayor Zdepski reviewed as per the Agenda.

**ORDINANCES**

**RESOLUTIONS**

The following Resolution was introduced:

**RESOLUTION NO. 2006 - 22**

**APPROVAL OF LOSAP LISTS  
AND  
INCREASE IN (LOSAP) LENGTH OF SERVICE  
AWARD PROGRAM FOR YEAR 2005**

**WHEREAS**, the Township of Kingwood has previously established a LOSAP under the “Emergency Services Volunteer Length of Service Award Program Act” (P.L. 1997 c. 388, cited as NJSA 40A:14-183 et.seq.) to ensure the retention of existing members and to provide incentives for recruiting new volunteer firefighters and first aid organization members in the community; and

**WHEREAS**, the New Jersey Department of Community Affairs has now issued guidelines regarding increases in the amounts of the awards from year to year; and

**WHEREAS**, the Township Committee has received a request for an increase from the volunteer firefighters and first aid organization members in the Township; and

**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 2005 in the Length of Service Awards Program;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Kingwood, County of Hunterdon, State of New Jersey to approve an increase of 3.6% for the year 2005 based on the (CPI) Consumer Price Index as calculated by the Director of the Division of Local Government Services; and

**2006-77**

**BE IT FURTHER RESOLVED** that the award of this increase will translate into an additional \$18.94 per qualified member, meaning an award of \$544.94 per qualified member for the year 2005; and

**BE IT FURTHER RESOLVED** that this award is made as a “Time-to-time CPI adjustment” according to the guidelines; and

**BE IT FINALLY 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 Mrs. Augustine, seconded by Mr. Burke and carried to adopt the foregoing Resolution.

<b>ROLL CALL VOTE:</b>	<b>AYE</b>	<b>- Augustine, Burke, Zdepski</b>
	<b>NAY</b>	<b>- None</b>
	<b>ABSENT</b>	<b>- None</b>
	<b>ABSTAIN</b>	<b>- None</b>

The following Resolution was introduced:

**RESOLUTION No. 2006 - 23**

**AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT  
FOR THE RETENTION OF A PROFESSIONAL PLANNER FOR THE  
TOWNSHIP OF KINGWOOD FOR CALENDAR YEAR 2006**

**WHEREAS**, the Township of Kingwood has a need to retain a Professional Planner Licensed by the State of New Jersey as a Certified Professional Planner and is doing so on a non-fair and open contract basis pursuant to the provisions of *N.J.S.A. 19:44A-20.5*; and

**WHEREAS**, the term of this contract shall be one (1) year, commencing on January 1, 2006 and terminating on December 31, 2006; and

**WHEREAS**, the Township C.F.O. has determined and certified in writing that the value of these professional services may, in the aggregate, exceed \$17,500.00; and

**WHEREAS**, David J. Banisch, P.P. will be required to complete and submit a Business Entity Disclosure Certification which will certify that David J. Banisch has not made any reportable contributions to a political or candidate committee in the previous one year, and that the contract will prohibit David J. Banisch from making any reportable contributions through the term of the contract.

**2006-78**

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Township Committee of the Township of Kingwood, on this 7th day of March, 2006 as follows:

1. David J. Banisch, P.P. is hereby retained as Professional Planner for thTownship of Kingwood for the period of time commencing on January 1, 2006 through December 31, 2006 on a non-fair and open basis; and
2. The Business Entity Disclosure Certification as executed by David J. Banisch and the Determination of Value shall be placed on file with this Resolution.
3. This Contract is awarded without competitive bidding and the Mayor and Township Clerk are authorized to execute a Contract for these professional services and which Contract is subject to review and approval by the Township Attorney.

A notice of this action shall be published in the Township's legal newspaper.

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

<b>ROLL CALL VOTE:</b>	<b>AYE</b>	<b>- Augustine, Burke, Zdepski</b>
	<b>NAY</b>	<b>- None</b>
	<b>ABSENT</b>	<b>- None</b>
	<b>ABSTAIN</b>	<b>- None</b>

The following Resolution was introduced:

**AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT  
FOR THE RETENTION OF A SPECIAL BOND COUNSEL FOR THE  
TOWNSHIP OF KINGWOOD FOR CALENDAR YEAR 2006**

**WHEREAS**, the Township of Kingwood has a need to retain a Special Bond Counsel and is doing so on a non-fair and open contract basis pursuant to the provisions of *N.J.S.A.* 19:44A-20.5;and

**WHEREAS**, the term of this contract shall be one (1) year, commencing on January 1, 2006 and terminating on December 31, 2006; and

**WHEREAS**, the Township C.F.O. has determined and certified in writing that the value of these professional services may, in the aggregate, exceed \$17,500.00; and

**2006-79**

**WHEREAS**, Andrea Kahn, Esq. Will be required to complete and submit a business Entity Disclosure Certification which will certify that Andrea Kahn has not made any reportable contributions to a political or candidate committee in the previous one year, and that the contract will prohibit Andrea Kahn from making any reportable contributions through the term of the contract.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Committee of the Township of Kingwood, on this 7<sup>th</sup> day of March 2006 as follows:

1. Andrea Kahn, Esq. is hereby retained as Special Bond Counsel for the Township of Kingwood for the period of time commencing on January 1, 2006 through December 31, 2006 on a non-fair and open basis; and
2. The Business Entity Disclosure Certification as executed by Andrea Kahn and the Determination of Value shall be placed on file with this Resolution.
3. This Contract is awarded without competitive bidding and the Mayor and Township Clerk are authorized to execute a Contract for these professional services and which Contract is subject to review and approval by the Township Attorney.
4. A notice of this action shall be published in the Township's legal newspaper.

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

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

**NEW BUSINESS**

Clean Up Day Quotations

The Township Committee reviewed the quotations from the following businesses:

Russell Reid -	A total estimated cost for 2 Units for the 6 month program: \$10,853.00
	A total estimated cost for 3 Units for the 6 month program: \$16,240.00
Raritan Valley -	A total estimated cost for 2 Units for the 6 month program: \$5,299.10
	A total estimated cost for 3 Units for the 6 month program \$7,912.00

**2006-80**

Carnevale Disposal - A total estimated cost for 2 Units for the 6 month program \$6,755.00  
A total estimated cost for 3 Units for the 6 month program \$10,090.00

It was moved by Mr. Burke, seconded by Mrs. Augustine and carried to hire Raritan Valley Disposal for the 2006 Clean-Up Days Program May through October.

<b>Roll Call Vote:</b>	<b>AYE</b>	<b>Augustine, Burke, Zdepki</b>
	<b>NAY</b>	<b>None</b>
	<b>ABSENT</b>	<b>None</b>
	<b>ABSTAIN</b>	<b>None</b>

**REQUEST FOR PRICES FOR MOWING, TRIMMING, WEEDING, AND PRUNING**

The Township Committee agreed for the Clerk to send past employees for this position a request application for the job for spring, summer and fall of 2006. Quotes to be in by the time for the April 4, 2006 Township meeting. The Township Committee will make their decision at that time.

**SCHEDULE JULY 2006 MEETING OF TOWNSHIP COMMITTEE**

The regular Township Committee meeting scheduled for the month of July would fall on a Holiday, July 4. It was decided by the Committee to schedule the Township Committee meeting for the month of July 2006 on Wednesday, July 5, 2006 starting at 4:00 P.M. at the Municipal Building. To be published in the local newspaper.

**PROPOSALS TO HIRE CARPENTER FOR WORK AT KINGWOOD PARK**

Mr. Burke suggested that the Township hire a carpenter to do handy work around the Township properties and at Kingwood Park. It was decided to carry this discussion over to the next meeting on April 4, 2006, and to be under Old Business on the next agenda.

**REQUEST TO BE ON TOWNSHIP WEBSITE:**

There were several requests to be put on the Township's website, which was briefly discussed.

Kenneth Pek electrical business - Kenneth Pek has asked to advertise his business over the Township website. The Township Committee would like to would prefer advertising for local Township residents only. There was discussion whether there should be a fee involved with this request. Clerk MacConnell to contact Mr. Pek on the Committee's decision.

**2006-81**

Contact Info for Delaware Valley Athletic Assoc., KT Soccer League- The Committee approved this Assoc. to be placed on the website. Committee would like Associations to provide them with a copy of what they would like on website.

Link to KT Fire Company- Committee members were all very much in favor with this flyer that was given to them to review for the KT Fire Company to be on website.

Environmental Commission Newsletter- The Township Environmental Commission requests to place their newsletter on website. Committee all agreed to place newsletter on website for two months at time.

**OLD BUSINESS**

**Plenary Retail Consumption License #1016-33-004-004 Person to Person Application**

It was decided to approve and adopt a resolution to be dated March 29, 2006. The closing for the establishment Errico's Bar and Restaurant is scheduled to be for March 28, 2006.

**RESOLUTION NO. 2006 -27**

**PERSON TO PERSON TRANSFER  
OF PLENARY RETAIL CONSUMPTION LICENSE  
#1016-33-004-004**

**WHEREAS**, an application has been filed for a person to person transfer of Plenary Retail Consumption License 1016-33-004-004, heretofore issued to Rembus Associates LLC for premises located at 1121 Highway 12, Kingwood Township, New Jersey; and

**WHEREAS**, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

**WHEREAS**, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

**WHEREAS**, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business;

**2006-82**

**NOW, THEREFORE, BE IT RESOLVED** that the Kingwood Township Committee does hereby approve, effective March 29, 2006 the transfer of the aforesaid Plenary Retail Consumption License to BTS Enterprises, LLC and does hereby direct the Township Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to BTS Enterprises, LLC, effective March 29, 2006.

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

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

**MINUTES**

It was moved by Mr. Burke to adopt the minutes of the January 11, 2005 Special Meeting. Mayor Zdepski stepped down from the chair, seconded and carried the motion and place on file. **All voted Aye on Roll Call Vote.**

It was moved by Mr. Burke to adopt the minutes of the January 14, 2005 Special Meeting. Mayor Zdepski stepped down from the chair, seconded and carried the motion and place on file. **All voted Aye on Roll Call Vote.**

It was moved by Mrs. Augustine, seconded by Mr. Burke and carried to adopt the minutes of the January 3, 2006 Regular Meeting and place 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 January 3, 2006 Executive Session and place 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 January 20, 2006 Special Meeting and place on file. **All voted Aye on Roll Call Vote.**

It was moved by Mrs. Augustine, seconded by Mr. Burke and carried to adopt the minutes of the January 24, 2006 Special Meeting and place on file. **All voted Aye on Roll Call Vote.**

**2006-83**

It was moved by Mr. Burke, seconded by Mrs. Augustine and carried to adopt the minutes of the January 24<sup>th</sup>, 2006 Executive Session and place on file.

**All voted Aye on Roll Call Vote.**

**EXECUTIVE SESSION - RESOLUTION NO, 2006-24**

Following a brief recess, at approximately 10:50 P.M., the following Resolution was introduced to enter into closed session:

**RESOLUTION NO. 2006 - 24**

**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 q 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 Manual  
Litigation

3. The time when the circumstances under which the discussions conducted in closed session of this public body can be disclosed to the public is a 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 matter; 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.

**2006-84**

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

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

**RETURN TO REGULAR SESSION**

It was moved by Mr. Burke, seconded by Mrs. Augustine and carried to return to regular session at 11:45 P.M. All voted Aye on Roll Call Vote.

The following Resoluton was introduced:

**RESOLUTION NO. 2006-28**

**ELECTRICAL, FIRE, AND PLUMBING  
REVIEW AND INSPECTION SERVICES**

**WHEREAS**, the Kingwood Township Construction Department is in need of review and inspection services for Electrical, Fire, and Plumbing; and

**WHEREAS**, the Kingwood Township Committee has advertised, obtained resumes and conducted interviews;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey that the following appointments are made:

Joe Rossi	-	Electrical	-	\$4,500 per year prorated
Mark Ciarlariello	-	Fire	-	\$4,200 per year prorated
Chris Rose	-	Plumbing	-	\$4,200 per year prorated

**BE IT FURTHER RESOLVED** that these appointments are effective March 20, 2006 through December 31, 2006.

**BE IT FINALLY RESOLVED** that these inspectors are entitled only to mileage benefits.

**2006-85**

It was moved by Mrs. Augustine, seconded by Mr. Burke and carried to hire Joe Rossi as the Township's Electrical Inspector at a annual salary of \$4,500 a year, inspecting on Tuesdays and Thursdays, effective March 20, 2006 through December 31, 2006.

**Roll Call Vote:**

<b>AYE</b>	<b>- Augustine, Burke, Zdepski</b>
<b>NAY</b>	<b>- None</b>
<b>ABSENT</b>	<b>- None</b>
<b>ABSTAIN</b>	<b>- None</b>

It was moved by Mr. Burke, seconded by Mrs. Augustine and carried to hire Chris Rose as the Township's Plumbing Inspector at an annual salary of \$4,200 a year, inspecting on Tuesdays and Thursdays, effective March 20, 2006 through December 31, 2006.

**Roll Call Vote:**

<b>AYE</b>	<b>- Augustine, Burke, Zdepski</b>
<b>NAY</b>	<b>- None</b>
<b>ABSENT</b>	<b>- None</b>
<b>ABSTAIN</b>	<b>- None</b>

It was moved by Mr. Burke, seconded by Mrs. Augustine and carried to hire Mark Ciarlariello as the Township's Fire Inspector at an annual salary of \$4,200 a year, inspections by appointment only, effective March 20, 2006 through December 31, 2006.

**Roll Call Vote:**

<b>AYE</b>	<b>- Augustine, Burke, Zdepski</b>
<b>NAY</b>	<b>- None</b>
<b>ABSENT</b>	<b>- None</b>
<b>ABSTAIN</b>	<b>- None</b>

It was discussed by the Committee that the inspectors names and phone numbers be on the 2006 Municipal Directory. There starting date of hire will be March 20, 2006.

It was moved by Mr. Burke, seconded by Mrs. Augustine and carried to adjourn the meeting at 12:05 A.M. **All** vote **Aye** on **Roll Call Vote**.

**Respectfully submitted,**

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