

2006-181

August 1, 2006

A Regular Meeting of the Kingwood Township Committee was called to order at 6:40 P.M. with Mayor Zdepski presiding.

Also present at the meeting were Deputy Mayor Burke, Committeewoman Augustine, Attorney Novak, Engineer Lorentz, C.F.O. Laudenschick, and Clerk MacConnell. 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.

An additional notice indicating the public hearing at 6:30 P.M. was published in the Delaware Valley News and the Express Times on July 27, 2006, by telefaxing copies of the notice to the Courier News and Star Ledger on July 25, 2006, and by posting in the above noted buildings on July 25, 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.

Mayor Zdepski read aloud the following:

**A PUBLIC HEARING RE: COMPLAINT - UNFIT STRUCTURES ON BLOCK 40 LOTS 8, 8.02 AND 8.03 IS SCHEDULED TO BEGIN AT 6:30 P.M.**

Attorney Novak opened the hearing by calling Mr. Potter to come up to the front of the room, on behalf of Mr. Michalenko. Attorney Novak explained the purpose of the hearing, what happened last month, and who was present at tonight's meeting.

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Mr. Potter explained that Mr. Michalenko agreed that all the buildings on the property are unfit except for the pole barn and the residence. Mr. Potter asked what should be done to abate threats, such as fire threats. He explained that Mr. Michalenko would like the opportunity to repair some of the structures. He stated that Mr. Michalenko has resigned to the home coming down, but would like the opportunity to rectify.

Attorney Novak then reviewed for the Committee member's steps to be followed. Mr. Joseph Abel, Deputy Code Enforcement Officer testifies. Mr. Abel responded to several questions from Atty. Novak. Mr. Abel confirmed the owners of the property, inspections of the property with the construction official, and also noted that the fire chief reviewed the photos. J. Abel reviewed the photos and conditions of all the buildings and the reasons why many of the structures were determined to be a hazard.

Mr. Potter proceeded to ask Mr. Abel for his credentials. Mr. Abel explains his title, which is Housing Officer and Deputy Code Enforcement Officer. He was also asked what type of degree he has as far as experience in determining the structure of buildings. Mr. Abel responded by explaining his educational background, which is a bachelors degree in civil engineering. Mr. Potter also asked about the length of time of the conditions, the length of time since habitation and the age of the home in regard to exemption from construction code. Attorney Novak noted that it would still be a dangerous fire hazard and other elements would still exist. Mr. Potter asked if the home were cleared of trash, would it eliminate a fire hazard. Mr. Abel responded by saying he did not know. There was also questions about the pole barn and how much debris was around the outside of the building. Mr. Potter had no further questions regarding the pole barn. Mr. Potter also noted that in Mr. Abel's report the pole barn is repairable.

Attorney Novak recommended the Committee consider eight buildings be demolished by M & A. Also, stated that they will meet at the site next Tuesday with Mr. Michalenko and Mr. Potter. Attorney Novak proceeded to ask Mr. Potter if he had contact with his client, Mr. Michelanko, in reference to cleaning up and demolishing the buildings. Mr. Potter asked the Committee for a time period of 60 days to remove all unfit structures from the property.

Mayor Zdepski suggests a date of September 15, 2006, a total of 45 days to have the eight unfit building structures demolished in its entirety, including all the contents removed from the property.

The following Resolution was introduced:

### **RESOLUTION NO. 2006-63**

**WHEREAS**, the Township Committee of the Township of Kingwood, County of Hunterdon, State of New Jersey, commenced a public hearing on August 1, 2006 at a Township Committee meeting for block 40, Lots 8, 8.02, and 8.03; and

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**WHEREAS**, the conditions existing in the said structures on the owner, Norman Michalenko's property, present a danger to the health and safety of persons on or near such buildings, neighboring buildings or other residents in the Township; and

**WHEREAS**, it was established that ten structures in their current condition were a fire hazard, and a threat to firefighters or other persons coming in contact with such structures; and

**WHEREAS**, the structures exist on the property without other habitable premises or supervision of the area, and as such, potentially serve as an attractive nuisance for persons and youth such that their presence in or about the structures will endanger their safety and welfare; and

**NOW, THEREFORE, BE IT RESOLVED** that eight of the ten structures were unfit and their contents should be removed and the structures should be demolished and removed from the property on or before September 15, 2006.

It was moved by Mrs. Augustine, seconded by Mr. Burke and carried to approve the unfit structures be demolished in its entirety including all of the contents of the buildings be removed by September 15, 2006 a total of 45 days, from Block 40, Lots 8, 8.02 and 8.03.

**Roll Call Vote:**

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

Attorney Novak reviews with the committee members stating they must decide on the property and the residence, a time period for Mr. Michalenko to make it habitable, being under uniform construction code and the repairing of utility services to be upgraded to the property. Mayor Zdepski suggested a period of 30 days by September 1, 2006 for the resident structure to be secured, windows and doors boarded up, debris inside and the debris 50 feet around the building outside be removed by September 1, 2006. Mayor Zdepski also suggested by the date of December 1, 2006 for residence structure to be fit for human habitation with all of the codes of that building brought up to the proper specifications or it will be demolished and removed. Mayor Zdepski also stated that if Mr. Michalenko chose to demolish and dispose of all debris by or before December 1, 2006 that would be acceptable also. Attorney Novak stated that would be an option for Mr. Michalenko.

The following Resolution was introduced:

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**RESOLUTION NO. 2006-64**

**WHEREAS**, the Township Committee of the Township of Kingwood, County of Hunterdon, State of New Jersey, commenced a public hearing on August 1, 2006 at a Township Committee meeting for Block 40, Lots 8, 8.02, and 8.03; and

**WHEREAS**, the conditions existing in the said structures on the owner, Norman Michalenko's property, present a danger to the health and safety of persons on or near such buildings, neighboring buildings or other residents in the Township; and

**WHEREAS**, it was established that ten structures in their current condition were a fire hazard, and a threat to firefighters or other persons coming in contact with such structures; and

**WHEREAS**, the structures exist on the property without other habitable premises or supervision of the area, and as such, potentially serve as an attractive nuisance for persons and youth such that their presence in or about the structures will endanger their safety and welfare; and

**NOW, THEREFORE, BE IT RESOLVED** with regard to the residence, all windows and doors shall be immediately boarded up so as to prevent access by unauthorized persons. All debris and any other material of any nature in the residence and within a 50 foot circumference of the building shall be removed and disposed of off-site on or before September 1, 2006, and the structural support wall(s) in the residence shall be shored-up by that date.

**BE IT FURTHER RESOLVED**, the residence shall be repaired, altered and improved to a condition that is fit for human habitation and the issuance of a Certificate of Occupancy pursuant to the Uniform Construction Code by December 1, 2006.

**BE IT FURTHER RESOLVED**, upon failure to secure such Certificate of Occupancy and make such repairs by December 1, 2006, then and in that event, the owner shall demolish and remove the residence structure from the site on or before December 31, 2006.

**BE IT FINALLY RESOLVED**, upon the owner failing to comply with the Order to demolish and removal of the residential structure as aforesaid, the Township of Kingwood shall cause such structure to be demolished and removed from the site, and all costs associated thereto shall be entered as a municipal lien against the properties, Block 40, Lot 8, Lot 8.02 and Lot 8.03 in the office of the Tax Assessor and Tax Collector.

**2006-185**

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 next item on the property was the pole barn. Attorney Novak explained that the testimony has been that the pole barn is sound and the structure is in good shape and repairable. Also stating there is a lot of debris surrounding the building. It was noted that the debris must be removed so the building can be inspected. Mayor Zdepski suggested that by September 1, 2006 all the debris inside and outside the building must be removed so that it may be property inspected. Attorney Novak then stated that a resolution shall be adopted for this proposal.

The following Resolution was introduced:

**RESOLUTION NO. 2006-65**

**WHEREAS**, the Township Committee of the Township of Kingwood, County of Hunterdon, State of New Jersey, commenced a public hearing on August 1, 2006 at a Township Committee meeting for block 40, Lots 8, 8.02, and 8.03; and

**WHEREAS**, the conditions existing in the said structures on the owner, Norman Michalenko's property, present a danger to the health and safety of persons on or near such buildings, neighboring buildings or other residents in the Township; and

**WHEREAS**, it was established that ten structures in their current condition were a fire hazard, and a threat to firefighters or other persons coming in contact with such structures; and

**WHEREAS**, the structures exist on the property without other habitable premises or supervision of the area, and as such, potentially serve as an attractive nuisance for persons and youth such that their presence in or about the structures will endanger their safety and welfare; and

**NOW, THEREFORE BE IT RESOLVED** with regard to the long-pole barn, all debris and materials of any nature inside of the long-pole barn and within a 50 foot circumference of the barn shall be removed from the site on or before September 1, 2006.

**2006-186**

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**

It was discussed that the Township is interested in cleaning up the property and that the property could be very valuable once completed. Attorney Novak explained there are no penalties of fines on the structures but, sets out various goals and regulations. It was noted that Mr. Michalenko will be entering into agreements with contractors for removal of debris.

The Mayor stated that there will be no lenience's if these dates are not met.

Hearing completed at 7:40 P.M.

**THATCHER ROAD PROJECT**

Engineer Lorentz reported the supplement work has been done for the guard-rail. Stated he is now waiting for an inspection by the D.O.T.

**SCHOOL PARK WALKWAY PROJECT**

Engineer Lorentz reported that it is now completed and that the Road Department did a very good job finishing up the project. Also reported that the D.O.T. made a surprise inspection and approved the walkway. Paper work to be finished up and the project will then be completed.

**MILLTOWN ROAD**

Engineer Lorentz reported that not much has changed since last month. He spoke to John Glynn, Director of the County Roads, Bridges and Engineering Department, asking him to look over and inspect the area.

**BICYCLE SIGNS**

Engineer Lorentz reported that he has gotten some further information and a quotation for the signs. He described a sign saying "bikes keep right – single file". The prices for the signs were 6 @ \$26.00 totaling: \$156.00, and 10 @ \$21.75 totaling: \$217.50 from U.S. Municipal Supply.

**REQUEST FROM DELAWARE TOWNSHIP – AGREEMENT**

Engineer Lorentz reviewed a previous discussion on the agreement and reported that he will have everything completed.

**ORDINANCE NO. 13-28-2006 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. 13-28 – 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 July 5, 2006. The Ordinance was published in the Delaware Valley News on July 13, 2006 and has been posted in the Kingwood Township Municipal building on July 6, 2006. Copies of the Ordinance have been available for inspection by the public since July 6, 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.**

No comments from the public.

Attorney Novak commented on the Planning Board recommendation and that the ordinance be adopted in its present form. There was some discussion on the additional changes to the ordinance. Attorney Novak reported that Engineer Lorentz had additional recommendations to add to the ordinance and explained the changes. An amendment will be adopted at next months meeting.

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.**

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 OF THE TOWNSHIP.**

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

**2006-188**

It was moved by Mr. Burke, seconded by Mrs. Augustine and carried to amend the agenda to add an additional ordinance. **All voted Aye on Roll Call Vote.**

**ORDINANCE NO. 13-31-2006 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 – Introduction and adoption on First Reading**

Attorney Novak read the Ordinance aloud which was introduced, also all of the amendments made to Ordinance No. 13-28-2006.

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 OF KINGWOOD, SPECIFICALLY “CHAPTER 115 – SUBDIVISION OF LAND” AND “CHAPTER 132 – ZONING” OF THE GENERAL ORDINANCES OF THE TOWNSHIP.**

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

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

**CORRESPONDENCE**

Mayor Zdepski reviewed the correspondence received this month.

**Copy of Letter from Delaware Twp. re: Dead Deer Pickup – to Cty. Bd. of Chosen Freeholders**

Mayor Zdepski discussed the letter from Delaware Township explaining how the State will no longer pick-up dead deer in the Township’s, only on State highways. Deputy Mayor Burke suggested contacting the road supervisor to see if they will be able to handle the removal of the dead deer. Mayor Zdepski will speak to the Township’s road supervisor. This will be carried over to the September Township Committee meeting.

**Letter from Resident re: LOSAP Benefits**

This will be discussed during the closed session.

**BILLS AND CLAIMS**

## 2006-189

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 **August 2006**.

<b>Roll Call Vote:</b>	<b>AYE</b>	<b>-Augustine, Burke, Zdepski</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**

Jack MacConnell, Spring Hill Road Thanked Engineer Lorentz for ordering and finding bicycle signs. Also commented on the tires along Locktown Road that someone has dumped on the side of the road.

Debra Kratzer, Hill Road Asked questions about Route 12 Business Park, and the water tank on the property. Engineer Lorentz responded. Anthony Hauck, Well Coordinator, responded regarding the well ordinance adopted last year.

Jolene Cooper, Byram Colony Thanked the Committee for all their help and for the dumpsters provided after the flood.

Sandra McNichol, Oak Grove Road Asked questions regarding the well ordinance. Anthony Hauck reported he is writing a memo and sending it to Ms. Penny Althoff. Sandy also thanked the Committee for the extra microphones in the meeting room provided for the meetings.

Elizabeth Schmidt, Tumble Idell Road Commented on PIG and stated the next step is to hire appraisers. Mayor Zdepski suggested discussing this further at the Open Space meeting.

Public comment closed.

### **KINGWOOD TOWNSHIP FLOOD MITIGATION PLAN**

#### **Comments from the Byram Colony residents.**

Joseph Zdrodowski, Byram Colony Spokesperson for Byram, asked a list of questions from the Community. Also asked what Kingwood is doing to develop Flood Hazard Mitigation Plan. Mayor Zdepski stated he would like the County to develop a plan for each individual town.

## 2006-190

Jolene Cooper, Byram Colony Addressed the Committee on forming a committee within the Township to create a FEMA mitigation plan.

The Mayor addressed all residents in who live in the Byram Colony about a meeting scheduled with the County on September 18, from 9:00 to 12:00.

Regina Desvernine, Byram Colony Suggested forming a committee from Bryam, one from the Environmental Comm., one person from the Board of Health, and the Engineer or the Township Attorney.

Debbie Potter, Old River Road Discussed a flood insurance policy she brought to the meeting and reviewing that the State may work with them on a plan.

Jolene Cooper, Byram Colony Asked the Committee if it would be possible to create a committee to move forward on the plan.

David Altschiller, Old River Road Asked about the possibility of waiving zoning requirements for raising the homes in Byram. Engineer Lorentz responded by stating the board would entertain an application subject to a grant approval in exceptional circumstances. Also explained it could possible be an issue with building height issues.

Nina Altschiller, Old River Road Stated that she spoke with Bruce Wallhoer of D.E.P. and that the State was willing to expedite any approval process that the Township needed. Also that we need to have a flood elevation certificate that must go through Dennis Contors office, and once that has been approved by the municipality it could be decided whether or not variances could be waived or building permits issued. But that the State is willing to expedite the process provided the homeowner has a flood elevation certificate.

Mayor Zdepski requested that Engineer Lorentz supply information to Planning Board Attorney, so that the blanket application may be heard next week at the Pl. Bd. meeting.

Attorney Novak suggested amending the Ordinance.

Joe Zdrodowski requested choosing a subcommittee for the Plan.

Mayor Zdepski asked for volunteers to be on the subcommittee. It was decided that Richard Desvernine, Joe Zdrodowski, Nina Altschiller, Jerry Flechter, and Jolene Cooper all residents from Byram Colony. Also Clerk Mary MacConnell, Mayor Steven Zdepski, Deputy Mayor James Burke, Engineer Bob Lorentz, and Attorney Joseph Novak be members of the subcommittee.

Engineer Lorentz recommends height level begin at living level.

**2006-191**

Mayor Zdepski explained to the subcommittee that letters will be going out to everyone noting the time and date of meetings.

Ordinance to be introduced further in the meeting.

**REPORTS**

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

Tax Collector's Report of June 2006  
Municipal Court Report of June 2006  
Construction Department Report of June 2006  
Zoning Permits Report of July 2006

**FUTURE MEETINGS AND ACTIVITIES**

Mayor Zdepski reviewed as per the Agenda.

**Resolution**

The following Resolution was introduced:

**RESOLUTION NO. 2006-66  
CONSTITUTING THE 2005 TEMPORARY CAPITAL  
BUDGET OF THE TOWNSHIP OF KINGWOOD**

**WHEREAS**, the local capital budget for the year 2006 was adopted on the 2<sup>nd</sup> day of May, 2006, and;

**WHEREAS**, is it 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 of the Township of Kingwood  
County of Hunterdon, New Jersey  
Projects Schedule for 2006**

**2006-192**

<u>Project</u>	<u>Estimated Total Cost</u>	in <u>Planned Funding And Services for Current Year 2006</u>	<u>Grants Aid Other Funds</u>
Township's share of acquisition of farmland preservation in land being undertaken through cost sharing with the New Jersey State Agricultural Development Committee and the County of Hunterdon – block 1, lots 6 and 6.02	<b>\$79,000.00</b>	<b>\$79,000.00</b>	

Township's share of Acquisition of farmland Preservation in land being undertaken through cost sharing with the New Jersey State Agriculture Development Committee and the County of Hunterdon – block 6, lot 31.02	<b><u>40,500.00</u></b>	<b><u>\$40,500.00</u></b>	
	<b>\$119,500.00</b>	<b>\$119,500.00</b>	
	=====	=====	

**3 Year Capital Program 2006-2008**

<u>Project</u>	Amounts <u>Estimated Total Cost</u>	<u>Estimated Completion Time</u>	<u>Funding Per Budget Year 2006</u>
Township's share of acquisition of farmland preservation in land being undertaken through cost sharing with the New Jersey State Agriculture			

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Development Committee and the County of Hunterdon – block 1, lots 6 and 6.02	<b>\$79,000.00</b>	<b>Acquire 2006</b>
<b>\$79,000.00</b>		

Township’s share of acquisition of farmland preservation in land being undertaken through cost sharing with the New Jersey State Agricultural Development Committee and the County of Hunterdon – block 6, lot 31.02	<b><u>\$40,500.00</u></b>	<b>Acquire 2006</b>
<b><u>\$40,500.00</u></b>		

	<b>\$119,500.00</b>	
<b>\$119,500.00</b>	=====	
=====		

**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>
Township’s share of acquisition of farmland preservation in land being undertaken through cost sharing with the New Jersey State Agricultural Development Committee and the County of Hunterdon – block 1, lots 6 and 6.02	<b>\$79,000.00</b>	<b>\$79,000.00</b>

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

Township’s share of acquisition of  
farmland preservation in land being  
undertaken through cost sharing

2006-194

with the New Jersey State  
Agriculture Development Committee  
and the County of Hunterdon –  
Block 6, lot 31.02

40,500.00

40,500.00

**TOTAL ALL PROJECTS**

**\$119,500.00**  
=====

**\$119,500.00**  
=====

**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 to amend the Capital Budget Section for the Open Space Contribution of \$119,500.00.

<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>

**ORDINANCES**

**ORDINANCE NO. 13-29-2006 AN ORDINANCE PROVIDING FOR THE TOWNSHIP'S SHARE OF ACQUISITION OF FARMLAND PRESERVATION IN LAND BEING UNDERTAKEN THROUGH COST SHARING WITH THE NEW JERSEY STATE AGRICULTURAL DEVELOPMENT COMMITTEE AND COUNTY OF HUNTERDON, APPROPRIATING \$79,000 THEREFORE FROM THE TOWNSHIP MUNICIPAL OPEN SPACE TRUST FUND.**

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 PROVIDING FOR THE TOWNSHIP'S SHARE OF ACQUISITION OF FARMLAND PRESERVATION IN LAND BEING UNDERTAKEN THROUGH COST SHARING WITH THE NEW JERSEY STATE AGRICULTURAL DEVELOPMENT COMMITTEE AND COUNTY OF HUNTERDON, APPROPRIATING \$79,000 THEREFORE FROM THE TOWNSHIP MUNICIPAL OPEN SPACE TRUST FUND.**

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

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

**ORDINANCE NO. 13-30-2006 AN ORDINANCE PROVIDING FOR THE TOWNSHIP'S SHARE OF ACQUISITION OF FARMLAND PRESERVATION IN LAND BEING UNDERTAKEN THROUGH COST SHARING WITH THE NEW JERSEY STATE AGRICULTURAL DEVELOPMENT COMMITTEE AND COUNTY OF HUNTERDON, APPROPRIATING \$40,500 THEREFORE FROM THE TOWNSHIP MUNICIPAL OPEN SPACE TRUST FUND.**

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 PROVIDING FOR THE TOWNSHIP'S SHARE OF ACQUISITION OF FARMLAND PRESERVATION IN LAND BEING UNDERTAKEN THROUGH COST SHARING WITH THE NEW JERSEY STATE AGRICULTURAL DEVELOPMENT COMMITTEE AND COUNTY OF HUNTERDON, APPROPRIATING \$40,500 THEREFORE FROM THE TOWNSHIP MUNICIPAL OPEN SPACE TRUST FUND.**

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

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

**RESOLUTIONS**

The following Resolution was introduced:

**RESOLUTION NO. 2006-67**

**EXTENDING THE GRACE PERIOD OF THE PAYMENT OF THE THIRD QUARTER 2006 REAL ESTATE TAXES**

**WHEREAS**, N.J.S.A. 54:4-66.3(d) requires that at least 25 days elapse between the time tax bills are mailed to the date taxes are due; and

**WHEREAS**, it is the desire of the Mayor and Township Committee of the Township of Kingwood to allow sufficient time for preparation and mailing of the 2006-2007 tax bills after the rate has been struck and for compliance with the statute first above cited.

**2006-196**

**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 grace period for the payment of the 3<sup>rd</sup> quarter 2006 property tax installments is extended to August 18, 2006 and any tax payments received after August 18, 2006, interest will be assessed from August 1, 2006.

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>ABSTAIN</b>	<b>- None</b>
	<b>ABSENT</b>	<b>- None</b>

**NEW BUSINESS**

**Public land signs**

Deputy Mayor Burke will review with the Parks and Recreation Commission and discuss at the next months township meeting.

**Community Day Agreement and Resolution No. 2006-68**

It was moved by Mr. Burke, seconded by Mrs. Augustine and carried to approve the fireworks display on September 16, 2006 and a rain date of September 17, 2006 Community Day. **All voted Aye on Roll Call Vote.**

The following Resolution was introduced:

**RESOLUTION NO. 2006-68**

**September 16, 2006 FIREWORKS DISPLAY**

**WHEREAS**, the Kingwood Township Parks & Recreation Committee has scheduled "Kingwood Day at the Park" on September 16, 2006; and

**WHEREAS**, the Kingwood Township Parks & Recreation Committee plans various activities for the day and wishes to display fireworks for the community to help enjoy this day; and

**WHEREAS**, Garden State Fireworks has submitted a certificate of insurance with the Township named as additional insured; and

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**WHEREAS**, the Kingwood Township Volunteer Fire Company No. 1, and the Kingwood Township First Aid & Rescue Squad will be standing by at the scene;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Kingwood, County of Hunterdon, State of New Jersey that approval is given for the fireworks display on September 16, 2006, rain date September 17, 2006, on the Kingwood Park property located at 200 Union Road, known as Block 19 Lot 8 in Kingwood Township, New Jersey.

**BE IT FINALLY RESOLVED** by the Township Committee of the Township of Kingwood, County of Hunterdon, State of New Jersey that the Mayor and Clerk are hereby authorized to execute and enter into an agreement with Garden State Fireworks, Inc. and execute the application for a fireworks permit from the State of New Jersey.

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>ABSTAIN</b>	<b>- None</b>
	<b>ABSENT</b>	<b>- None</b>

**Electrical Inspector Voucher**

CFO Diane Laudenbach asked the Committee questions about the inspector's hours and amount of payment for the extra time put in at Byram Colony. The Committee agreed to pay electrical inspector the extra pay for his time.

It was moved by Mr. Burke, seconded by Mrs. Augustine and carried to approve the extra payments for 6 hours to the Electrical Inspector Joe Rossi for the increased inspections in the Byram Colony.

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

**Hunterdon County Housing Corp.**

Attorney Novak reviews letter, the Committee has decided not to participate.

**OLD BUSINESS**

**Corrective deed of Agriculture and Conservation Easement Block 19 Lot 5**

Attorney Novak reported that he spoke to David Pierce, Open Space and Agricultural Advisory Attorney. David has been in touch with Kevin Richardson, Program Administrator for the County Open Space Advisory Committee and stated that the lines of communication have been reopened with regard to the Ukarish Farm. They would like Engineer Lorentz to be involved and included in a group to work on the parameters which are set forth. Mayor Zdepski recommended that it would be a good idea for Engineer Lorentz to be involved. Deputy Burke recommended this be taken to the Open Space and Agricultural Advisory Committees to discuss.

**BOARD OF HEALTH APPOINTMENT**

Mayor Zdepski recommended for this to be carried over to next months meeting to be discussed.

**POSSIBLE COAH PROPERTY ON BARBERTOWN IDELL ROAD – APPRAISALS**

Deputy Mayor Burke reported meeting with the homeowner. Engineer Lorentz and Committee discussed the options. Mayor Zdepski requested for Engineer Lorentz to propose concept at next Tuesday’s Planning Board meeting. A lengthy discussion continued on the property and a concept of getting it all together for a contract.

**MINUTES**

**June 6, 2006 Regular Meeting**

It was moved by Mrs. Augustine, seconded by Mr. Burke and carried to adopt the minutes of the June 6, 2006 Regular Meeting and placed on file.

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

**June 6, 2006 Executive Session**

It was moved by Mr. Burke, seconded by Mrs. Augustine and carried to adopt the minutes of the June 6, 2006 Executive Session and placed on file.

**2006-199**

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

The Committee discussed with Clerk MacConnell minutes that need to be completed. Mayor Zdepski suggested Clerk MacConnell work in the A.M. in her room with door closed and no interruptions to get caught up on the minutes. It was agreed by the Committee.

**ORDINANCE NO. 13-32-2006 AN ORDINANCE TO AMEND THE DEVELOPMENT REGULATIONS OF THE TOWNSHIP OF KINGWOOD, SPECIFICALLY “CHAPTER 132 – ZONING” OF THE GENERAL ORDINANCES OF THE TOWNSHIP – Introduction and Adoption on First Reading**

Mayor Zdepski read the Ordinance aloud by title. Township Attorney Novak explained and reviewed the Ordinance. There was a lengthy discussion on the ordinance.

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

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

**EXECUTIVE SESSION – RESOLUTION NO. 2006-69**

Following a brief recess, at approximately 9:50 P.M., the following Resolution was introduced to enter into closed session:

**RESOLUTION NO. 2006-69**

**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;

**2006-200**

**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 – Municipal Court Security Officer  
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 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>ABSTAIN</b>	<b>- None</b>
	<b>ABSENT</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 10:50 P.M. **All voted Aye on Roll Call Vote.**

There was a discussion of an additional employee needed for the road department, now that the road department has taken over the lawn maintenance for the Township. The Committee is looking for someone with carpentry and electrical skills, also a CDL license.

**2006-201**

Mayor Zdepski requested for the Clerk to advertise next month for an additional road dept. employee. Deputy Mayor mentioned that he purchased a new air conditioner for the Old Fairview School Road, which needs to be installed.

It was moved by Mrs. Augustine, seconded by Mr. Burke and carried to adjourn the meeting at 11:00 P.M. **All** voted **Aye** on **Roll Call Vote**.

**Respectfully Submitted,**

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