

2006-210

September 5, 2006

A Regular Meeting of the Kingwood Township Committee was called to order at 8:16 P.M. with Mayor Zdepski presiding.

Also present at the meeting were Deputy Mayor Burke, Committeewoman Augustine, Attorney Novak, Engineer Lorentz, 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.

### **THATCHER ROAD PROJECT**

Engineer Lorentz reported the D.O.T. has approved Thatcher Road and will release the funds for section II, which is 75% of the payment. Engineer Lorentz explained he is now putting together paperwork for final reimbursement.

### **SCHOOL AND PARK WALKWAY PROJECT**

Engineer Lorentz reported there will be a second inspection by the D.O.T. in August. Lorentz also stated that the paperwork for final reimbursement will be submitted by the middle of September.

MILLTOWN ROAD

Engineer Lorentz reported that they are moving toward a replacement of the culvert, which is the only step the Township can take independently without a State permit. Township may need to work with the County to divert the water problem from Route 519 to Milltown Road. Resident Mr. Aaron Schwartz from Milltown Road offered his help. There will be a meeting scheduled at the site later this week.

POSSIBLE COAH PROPERTY ON BARBERTOWN IDELL ROAD

Engineer Lorentz reported they are working on a layout which was informally presented to the Planning Board. Attorney Novak explained the steps to obtaining the property. It was suggested to have a contract agreement with the owner and an appraisal completed.

ORDINANCE

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 - Public Hearing and Final Adoption

Mayor Zdepski read the Ordinance aloud by Title.

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 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 Mrs. Augustine, seconded by Mr. Burke and carried to adopt on final reading **AN ORDINANCE AMENDING THE DEVELOPMENT REGULATIONS OF THE TOWNSHIP OF KINGWOOD, SPECIFICALLY "CHAPTER 115 - SUBDIVISION OF LAND" AND "CHAPTER 132 - ZONING" OF THE GENERAL ORDINANCES.**

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

ORDINANCE

ORDINANCE NO. 13-32-2006 TO AMEND THE DEVELOPMENT  
REGULATIONS OF THE TOWNSHIP OF KINGWOOD, SPECIFICALLY  
"CHAPTER 132 - ZONING" OF THE GENERAL ORDINANCES - Public  
Hearing and Final Adoption

Mayor Zdepski read Ordinance aloud by title.

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.

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 OF KINGWOOD, SPECIFICALLY "CHAPTER 132 - ZONING" OF THE GENERAL ORDINANCES.**

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

LETTER FROM RESIDENT RE: BYRAM LANE - DRAINAGE

Mayor Zdepski reviewed the letter. Lorentz suggested that the Township contact the D.E.P. for suggestions and to see if they are responsible. Deputy Mayor Burke will contact the D.E.P. to see if they are aware of the problem and if there is anything they can do. A letter of response will be sent to the Resident.

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**SEPTEMBER 18, 2006 PRE-DISASTER MITIGATION WORKSHOP AT  
COUNTY COMPLEX ON ROUTE 12, BEGINNING AT 9:00 A.M., RSVP BY  
09/06/2006**

Mayor Zdepski read aloud workshop information. The following people will be attending the meeting, Mayor Zdepski, Clerk MacConnell, Joe Zdrodowski, and Nina Altschiller. Deputy Burke noted that he attended a meeting recently and spoke with a representative from FEMA about a Regional Hazard Mitigation Plan to share the costs with all the towns involved. FEMA responded in a positive way. It was suggested by Mr. Burke to discuss the idea at the workshop on September 18.

**LETTER TO RESIDENTS OF BYRAM LANE AND RIVER ROAD**

The Mayor reviewed a letter that was approved by the Building Code Official. The letter informs the residents of the Byram Colony depending on the amount of damage that has reoccurred after a major flood. The resident may then have the option to raise their homes above the flood level and be covered by their insurance company for \$30,000. The letter will be going out to all the residents in the Byram Colony and River Road this week.

**CORRESPONDENCE**

Mayor Zdepski reviewed the correspondence received this month.

**LETTER AND RESOLUTION FROM COUNTY CHAMBER OF COMMERCE RE:  
SUPPORT STUDY OF SHARED SERVICES AND GRANT APPLICATION**

Deputy Mayor Burke suggested supporting this resolution with a resolution for the Township.

The following Resolution was introduced:

**RESOLUTION NO. 2006-74**

**WHEREAS**, the Hunterdon County Chamber of Commerce (the Chamber) is desirous of partnering with Hunterdon County's twenty-six (26) municipalities by promoting shared services among them; and

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**WHEREAS**, the Hunterdon County Chamber of Commerce has joined together with the Hunterdon County Municipal Officers Association, Mayors and Municipal Officials representing each of Hunterdon's municipalities to form the Hunterdon County Business & Government Council (the Council); and

**WHEREAS**, the Chamber and the Council have met with the Somerset County Partnership on shared services, where Somerset County demonstrated over a thirteen million dollar (\$13,000,000.) savings in 2005 through shared services; and

**WHEREAS**, the Council has held four meetings since February to discuss how Hunterdon's municipalities can benefit from shared services; and

**WHEREAS**, the Chamber has put forth the idea of applying for a grant from the New Jersey Department of Community Affairs for a feasibility study of the services that can be shared among municipalities and the costs and savings that will result from shared services; and

**WHEREAS**, the Hunterdon County Board of Chosen Freeholders participates and supports the work of the Chamber and the Council; and

**WHEREAS**, the Chamber seeks the support of each municipality in Hunterdon to partake with other municipalities in exploring shared services and applying for the grant; and

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Kingwood, County of Hunterdon, State of New Jersey hereby supports and endorses the work of the Hunterdon County Chamber of Commerce to coordinate and facilitate a shared services study in an effort to assist municipalities with saving precious taxpayers dollars that can ultimately result in a reduction of property taxes.

**BE IT FURTHER RESOLVED** that copies of this Resolution be sent to Governor Jon S. Corzine, Assembly Speaker Joe Roberts, Senate President Richard Codey, Senator Robert Littell, Assemblywoman Allison McHose, Assemblyman Guy Gregg, Senator Leonard Lance, Assemblyman Michael Dougherty, Assemblywoman Marcia Karrow, and the Hunterdon County Board of Chosen Freeholders.

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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

**LETTER AND ATTACHMENTS FROM COUNTY PLANNING BOARD RE:  
STORMWATER MANAGEMENT PERMITS**

Mayor Zdepski read letter aloud. Engineer Lorentz responded, stating the only item not yet completed is distribution of educational literature. It is being arranged to be handed out on Kingwood Community Day, September 16, 2006.

**COPY OF LETTER FROM TEWSBURY TWP. RE: FUNDING FOR 1<sup>ST</sup>  
RESPONDERS**

Mayor Zdepski briefly reviews.

**LETTER FROM PROPERTY OWNER RE: TAX ASSESSOR PERFORMANCE**

Mayor Zdepski briefly reviews.

**LETTER FROM ASSEMBLYWOMAN KARROW RE: ATTEND TOWNSHIP  
COMMITTEE MEETING**

Mayor reviews letter and announces Assemblywoman Marcia Karrow will be attending our December 5, 2006 Committee Meeting.

**MEMO AND RESOLUTION FROM RARITAN TWP.RE: OPPOSITION TO  
COUNTY SUIT AGAINST STATE OF NEW JERSEY FOR DEAD DEER  
RECOVERY**

Mayor Zdepski reviews memo and noted that the Twp. Road Dept has done their best to remove dead deer from the roads. No comment was made as far as supporting resolution from Raritan Twp.

**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 as **Bill List for September 2006.**

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

**PUBLIC COMMENT - PRIVILEGE OF THE FLOOR**

Irving MacConnell - Spring Hill Road Requested the speed limit on Horseshoe Bend Road be reduced to 25 mile per hour. Engineer Lorentz explained the fact that Horseshoe Bend Road is connected to Frenchtown the State would have to get involved. Mr. MacConnell also commented on the idea of an ordinance being adopted to prohibit in ground sprinklers for lawns. Also commented on the removal of dead deer and where the road dept is disposing them. Mayor Zdepski responded.

Sandra McNichol - Oak Grove Road Commented on a minor subdivision that was presented at the July meeting. Also questioned a 300,000 gal water tank going in on Route 12 at the Business Park. Sandra also questioned about COAH and how it works. Attorney Novak responded and Housing Officer Joseph Abel responded.

Nina Altshciller - Old River Road Expressed thanks to Committee members for all they have done for the residents in Byram Colony during the flood.

**REPORTS**

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

- Municipal Court Report of July 2006
- Construction Department Report of July 2006
- Zoning Permits Report of August 2006
- Open Space Advisory Committee - Open Space Tax

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The Farmland Open Space Preservation Trust Fund was discussed. The Open Space Advisory Committee requested the Township Committee review and renew the Township's Ordinance. The last time this was reviewed was in 2001. The Open Space Advisory Committee recommended renewal of the Ordinance with special tax with no amendments.

It was moved by Mr. Burke, seconded by Mrs. Augustine and carried to adopt on first reading an Ordinance for renewal of the Farmland Open Space Preservation Trust Fund with special tax with no amendments.

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

**FUTURE MEETINGS AND ACTIVITIES**

Mayor Zdepski reviewed as per the Agenda.

**ORDINANCES**

**ORDINANCE NO 13-29-2006 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 - Public Hearing and Final Adoption**

Mayor Zdepski read Ordinance aloud by title.

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.

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 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.**

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

**ORDINANCE**

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

Mayor Zdepski read Ordinance aloud by title.

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 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 Mrs. Augustine, seconded by Mr. Burke and carried to adopt on final 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.**

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

RESOLUTIONS

OLD BUSINESS

Website Info Request

Mayor Zdepski read letter aloud received from the County Board of Elections. They are requesting the Township to post on our website need of Poll Workers for the upcoming Election Days. All Committee members agreed it would be a good idea. Clerk MacConnell will forward information to the Township Web Master to post the information.

OLD FAIRVIEW SCHOOL

Deputy Mayor Burke informed Committee Members of a problem with the well at the Old Fairview School. It was discussed that a well tank and pump may need to be replaced. Clerk will obtain estimates from several well companies.

OPEN SPACE ADVISORY COMMITTEE

Clerk MacConnell reported on price quotations for appraisals for the PIG applications. There was a brief discussion with the Committee members.

OLD BUSINESS

Review of Unfit Structures on Block 40 Lot 8, 8.02 and 8.03 Resolution and Order

Attorney Novak gave status report on the Michalenko property and the progress of the site. Novak also noted that an agreement has been signed to remove items from the property.

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Joseph Abel Deputy Code Enforcement Officer reported, he inspected the site on September 4<sup>th</sup>, and stated there are 90 tons removed so far from the site. He described all the items removed from the property. Mr. Abel reported the progress is going very well so far.

**DELAWARE TOWNSHIP LETTER TO COUNTY BOARD OF CHOSEN FREEHOLDERS-DEAD DEER-PICKUP - S. ZDEPSKI**

Mayor Zdepski reads aloud. No comment from the Committee.

**PUBLIC LAND SIGNS - J. BURKE**

Attorney Novak commented on public land signs.

**HUNTERDON HUMANE ANIMAL SHELTER - 2004 & 2005 ACTIVITY REPORT**

Mayor Zdepski noted the yearly activity report has been sent to the Township for our records.

**VOTE TO EMPLOYEE NEW OFFICE ASSISTANT**

It was moved by Mrs. Augustine, seconded by Mr. Burke and carried to hire Jody Sydow, as office assistant to the C.F.O. and to work part time as needed for the Tax Assessor at \$15.00 per hour.

<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>

**CORRECTIVE DEED OF AGRICULTURE AND CONSERVATION EASEMENT BLOCK 19 LOT 5 and 5.01**

Open Space Committee member Joseph Abel reported that wetland studies were requested by the Open Space Committee for the property. Mr. Abel noted the Township will be receiving proposals from two wetland professionals for Block 19, Lot 5 and 5.01, so that the Township may apply to the D.C.A. for the Grant Balance Housing Program.

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Mr. Abel explained this is all part of the Round Three Program for COAH. He also explained that a Proforma and a wetland determination from professionals are required in order to apply for the Grant. Attorney Novak will prepare professional contract agreements for both wetland consultant companies.

The following Resolution was introduced:

**RESOLUTION NO. 2006 - 75**

**AUTHORIZING THE AWARD OF CONTRACTS FOR THE RETENTION  
OF A LAND SURVEYOR CONSULTANT AND  
A WETLAND ECOLOGIST CONSULTANT FOR THE TOWNSHIP**

**WHEREAS**, the Township of Kingwood has a need to retain the services of a Land Surveyor as a Consultant on behalf of the Township; and

**WHEREAS**, the Township has obtained a price quotation to perform a Property Survey and a Wetlands Location Report in regard to Block 19 and Lots 5 and 5.01 in the Township and has determined that S. M. Norkevich possesses the qualifications; and

**WHEREAS**, the Township of Kingwood has a need to retain the services of a Wetland Ecologist Consultant on behalf of the Township; and

**WHEREAS**, the Township has obtained a price quotation to perform a Wetlands Delineation Report and a Letter of Interpretation Application to the NJDEP in regard to Block 19 and Lots 5 and 5.01 in the Township and has determined that Jeff Tareila of Jeff Tareila Environmental Consulting possesses the qualifications; and

**WHEREAS**, funds are available for these purposes and Certificates of Availability have been filed by the Chief Financial Officer with the Township Clerk in accordance with the Local Budget Law;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey that S. M. Norkevich is hereby awarded the Agreement to perform a Property Survey and a Wetlands Location Report in regard to Block 19 Lots 5 and 5.01 in the Township in the amount of \$6900.00. This award is subject to the execution of an Agreement in a form satisfactory to the Township Attorney and once approved, the Mayor and Clerk are hereby authorized and directed to execute the said Agreement on behalf of the Township of Kingwood; and

**BE IT FINALLY RESOLVED** by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey that Jeff Tareila of Jeff Tareila Environmental Consulting is hereby awarded the Agreement to perform a Wetlands Delineation Report and a Letter of Interpretation Application to the NJDEP in regard to Block 19 Lots 5 and 5.01 in the Township in the amount of \$3100.00. This award is subject to the execution of an Agreement in a form satisfactory to the Township Attorney and once approved, the Mayor and Clerk are hereby authorized and directed to execute the said Agreement on behalf of the Township of Kingwood.

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

**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>

**VOTE TO APPOINT NEW COURT SECURITY OFFICER**

It was moved by Mr. Burke, seconded by Mrs. Augustine and carried to appoint Mr. Lee Steel as the new Municipal Court Security Officer at the rate of \$27.50 an hour, date of hire will be September 21, 2006.

**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>

**LETTER AND RESOLUTION FROM TOWNSHIP OF RARITAN - OPPOSING  
OF THE DECLARED INTENT OF THE HUNTERDON COUNTY FREEHOLDERS  
TO FILE SUIT AGAINST THE STATE OF NEW JERSEY FOR DEAD DEER  
RECOVERY.**

Clerk MacConnell reviewed letter and resolution. Mayor Zdepski advised residents and clerks to notify the road department to dispose of the dead deer from Township Roads.

Attorney Novak discussed the lawsuits filled against the Township and introduced a proposed Resolution.

The following Resolution was introduced:

**RESOLUTION NO 2006-76**

**WHEREAS**, Frenchtown Run, LLC and Horseshoe Bend, LLC, both applicants before the Kingwood Township Planning Board, filed two lawsuits challenging the Township (1) Well Ordinance; and (2) the Township's recently amended Zoning Ordinance; and

**WHEREAS**, the Complaints were forwarded to the Township insurance carriers for possible defense of Kingwood Township, its Planning Board and Board of Health, and in the interim, an Answer was filed on behalf of all Township defendants through the office of the Township Attorney; and

**WHEREAS**, the Superior Court has conducted several Case Management Conferences with the Township represented solely by the Township Attorney on the Well Ordinance lawsuit, filing of the Zoning Complaint, potential new lawsuit, and consolidation of litigation matters, all with a direction from the Court for the parties to meet and discuss potential resolution of the issues with the requirement that the Attorneys continually report back to the Court on the progress of such negotiations; and

**WHEREAS**, the Township Attorney has represented all Township Defendants throughout the proceedings before the Superior Court, and has served together with the Planning Board Attorney, representatives of the Township Committee and Planning Board in conducting the several conferences with the Plaintiffs as directed by the Court; and

**WHEREAS,** Municipal Excess Liability Insurance Carrier (MEL) for the Township indicated potential coverage for two Counts in the Zoning Complaint and their decision to enter a defense as substituted Attorneys on those two Counts; and

**WHEREAS,** the Municipal Excess Liability Insurance Carrier (MEL) for the Township, upon determining the extensive and protracted course of discovery and litigation which might ensue, sought a buyout of its potential liability on such claims; and

**WHEREAS,** the Township determined that it was in the best interest of the Township to release such potential liability in exchange for the payment of a settlement sum based upon the success of continued negotiations with the Plaintiffs on the Complaints.

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Township Committee of the Township of Kingwood that the Mayor and Clerk be authorized to execute a Settlement Agreement with the Municipal Excess Joint Liability Insurance Fund of its responsibility on the said claim in exchange for the payment to the Township of Kingwood of the sum of \$10,000.00.

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>

**MINUTES**

It was moved by Mr. Burke, Mayor Zdepski stepped down and seconded the motion and carried to adopt the minutes of January 18, 2005 Special Meeting and placed on file.

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

It was moved by Mr. Burke, Mayor Zdepski stepped down second the motion and carried to adopt the minutes of January 31, 2005 Special Meeting and placed on file.

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

It was moved by Mr. Burke, Mayor Zdepski stepped down second the motion and carried to adopt the minutes of the January 31, 2005 Executive Session Meeting and placed on file.

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

It was moved by Mrs. Augustine, seconded by Mr. Burke and carried to adopt the minutes of the August 17, 2006 Emergency Meeting 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 August 17, 2006 Executive Session Meeting and placed on file.

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

**EXECUTIVE SESSION - RESOLUTION NO. 2006-73**

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

**EXECUTIVE RESOLUTION NO. 2006-73**

**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:
3. **Personnel: Road Department, Municipal Court Contractual/Personnel Litigation**
4. 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.

1. This resolution shall take effect immediately.
2. 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.

**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>

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RETURN TO REGULAR SESSION

It was moved by Mr. Burke, seconded by Mrs. Augustine and carried to return to regular session at 11:40 P.M.

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

It was moved by Mr. Burke, seconded by Mrs. Augustine and carried to adjourn the meeting at 11:45 P.M. **All** voted **Aye** on **Roll Call Vote**.

Respectfully submitted,

Cynthia L. Brown, RMC  
Deputy Clerk