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October 3, 2006

A Regular Meeting of the Kingwood Township Committee was called to order at 8:05 P.M. with Mayor Zdepski presiding.

Also present at the meeting were Deputy Mayor Burke, Committeewoman Augustine, Attorney Novak, Attorney Pierce, C.F.O. Laudenbach, Clerk MacConnell, and Deputy Clerk Brown. Engineer Robert Lorentz was absent. 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.

**REVIEW OF PROPOSED SETTLEMENT AGREEMENT - FRENCHTOWN RUN LLC & HORSESHOE BEND LLC VS. TOWNSHIP OF KINGWOOD ET. AULS.**  
**- QUESTIONS AND COMMENTS**

Mayor Zdepski read aloud the overview of the settlement agreement. Township Attorney Joseph Novak, and Planning Board Attorney David Pierce presented the agreement. Attorney Novak started by introducing the hearing as the "Whispering Woods" review. Both Attorneys explained the history of the complaints and submission of plans to the planning board. The "Exhibit D", supplemental well testing specifications, COAH obligations, and improvements to the roads involved were also part of the discussion. Rollback taxes and the change of use in the property and the amounts to be paid by the developer were reviewed.

**Public Comments:**

The following residents asked questions in reference to the Settlement Agreement presented:

Jack MacConnell, Spring Hill Road  
Elaine Niemann, Barbertown Point Breeze Road  
Mark Blecher, Horseshoe Bend Road  
John Mathieu, Federal Twist Road  
Liz Schmid, Tumble Idell Road  
Anthony Hauck, Spring Hill Road  
Phil Lubitz, Federal Twist Road  
Sandra McNichol, Oak Grove Road  
Larry Ascheim, Horsebend Road  
Jennifer Spering, Spring Hill Road  
Wendy Pandy Leh, County Road 519

Both Attorney Novak and Attorney Pierce responded to everyone's questions and concerns.

Attorney Novak reviewed amendments made by the Board of Health. Attorney Pierce stated there were a few corrections under "Exhibit D" to be made. It was noted that the Township's Planning Board and the Board of Health approved the agreement.

The Committee members thanked all the professionals involved.

**PROPOSED SETTLEMENT OF LITIGATION AND RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2006 - 78**

**WHEREAS,** the Township of Kingwood has been named as a Defendant in four separate lawsuits instituted by Frenchtown Run, LLC and/or Horseshoe Bend, LLC, including two cases in the Tax Court challenging the rollback and tax assessment of three properties which it owns in the Township; and

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**WHEREAS**, a separate Complaint has been filed with the Superior Court by Frenchtown Run, LLC and Horseshoe Bend, LLC against the Township of Kingwood and its Planning Board dated March 31, 2006 challenging the Zoning Ordinances of the Township; and

**WHEREAS**, an Order consolidating the Well and Zoning Ordinance Cases has been circulated for consent by the parties and for consideration and entry by the Court; and

**WHEREAS**, several Case Management conferences have been conducted by the Court with a direction to the parties to confer on settlement, and report back to the Court; and

**WHEREAS**, numerous conferences had been held between representatives of the Defendants and Plaintiffs leading to the preparation of a proposed Stipulation of Settlement Agreement which Agreement has been made available to the public in the office of the Township Clerk; and

**WHEREAS**, the Township Committee at its public meeting held on October 3, 2006 conducted a review of the Stipulation of Settlement Agreement and opened such review and consideration to the public for questions and comments.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Kingwood that it hereby approves the Stipulation of Settlement Agreement, as amended and attached hereto; and

**BE IT FURTHER RESOLVED** that the Mayor and Clerk or Deputy Clerk are hereby authorized to execute the Stipulation of Settlement Agreement on behalf of the Township of Kingwood.

It was moved by Mrs. Augustine, Mayor Zdepski stepped down from the chair to second and carried to adopt the foregoing Resolution.

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

**TOWNSHIP ENGINEER - WRITTEN REPORT**

Engineer Robert Lorentz was not present at the meeting. A report has been sent by him for the update for the following projects.

**THATCHER ROAD**

Progress has been made on compiling the data necessary to file the final payment request, although some data concerning additional work required by NJDOT is not yet in hand. This should be available within the next two weeks, and the final certificates will be prepared for signature as required.

**SCHOOL AND PARK WALKWAY PROJECT**

NJDOT has now indicated approval of the completed project as modified and reconstructed by the road department. I am still not yet in receipt of final quantities of materials and/or labor and equipment utilized in corrective work recently undertaken. This should be available shortly and compiled so that the final payment voucher with supporting documentation can be filed with the State for reimbursement.

**OAK GROVE ROAD PROJECT**

We anticipate finalizing the design for Section IA of the project extending from County Route 519 to just before the first curve in the roadway. This information will be used in compiling and preparing a force account agreement which will then be submitted to NJDOT with a request for a 75% reimbursement of grant monies. This should be able to be accomplished in about one month. The application for Section IB is receiving favorable consideration by NJDOT, however, a grant may be limited due to available funding. A decision on this should be forthcoming prior to November 1, 2006.

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**MILLTOWN ROAD**

I have been unsuccessful to date in arranging an on-site inspection with the County Engineer's office to revisit the idea of possibly diverting some of the flow emanating from east of County Route 519 before it gets to Milltown Road, where the problem exists. I will continue to pursue such a meeting, hopefully, to be arranged within the next two weeks.

**COAH PROPERTY ON BARBERTOWN-IDELL ROAD**

An informal presentation was made to the Planning Board with generally favorable comments on the possibility of creating an additional COAH unit. We would be prepared to proceed immediately to prepare a more comprehensive plan to subdivide the property once the owners' approval and appraisals, etc., are accomplished.

**BYCYCLE SIGNS**

Signs were ordered to be installed along Horseshoe Bend Road as previously discussed. I am not aware of whether or not the signs have been received by the road department.

The foregoing report was submitted by Engineer Robert Lorentz who was not present at the Township meeting.

**CORRESPONDENCE**

Mayor Zdepski reviewed the correspondence received this month.

**MEMO & RESOLUTION FROM COUNTY BOARD OF CHOSEN FREEHOLDERS  
RE: URGING SUPPORT OF A-3093 & S-1973**

The Mayor Zdepski read memo and resolution from the County. It was discussed that the Committee would be in favor of supporting this resolution.

The following Resolution was introduced:

**RESOLUTION NO. 2006-79**

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**WHEREAS**, the funding through the Senior Citizen and Disabled Resident Transportation Assistance Program provides critical transportation assistance to Counties in the provision of transportation services; and

**WHEREAS**, the above referenced bills A-3093 and S-1973 would increase the allocation from 7.5% to 8.5% of the tax assessed to Casinos to provide additional funding to NJ Transit and to the 21 Counties in New Jersey;

- The Link Consolidated Transportation System has been the only means of public transportation since its inception in 1985.
- In 2005, 179,336 passenger trips were provided to the residents of Hunterdon County. This is a 6.3% increase from 2004.
- The number of Casino Revenue trips provided in 2005 is 41,682. There is a 8% increase from 2004.
- In 2005 the LINK transported 745 passengers each day. There is a 8.6% increase from 2004.
- The first two quarters of 2006 show a 10.06% increase in LINK ridership over the first two quarters of 2005.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Kingwood, County of Hunterdon, State of New Jersey that the NJ Assembly and Senate be urged to support these bills;

**BE IT FURTHER RESOLVED**, that the Kingwood Township Committee send copies of this resolution to Assemblyman Wisniewski, NJ Council on Special Transportation, as well as the Somerset County legislative representatives.

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

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

**BILLS AND CLAIMS**

It was moved by Mrs. Augustine, seconded by Mr. Burke and carried to approve and pay the bills and claims that are in order and attached as **Bill List** for **October 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 Has some concerns about the holes on Horseshoe Bend Road and Spring Hill Road do to the well companies. MacConnell feels they should be filled so they do not cause a safety hazard. Also a letter of suggestion which he submitted to the Township Committee in reference to drafting a conflict of interest ordinance which would be utilized by the Township. Mr. MacConnell wanted to know who was picking up the dead deer, and what would be done about the mold in the municipal building. Committee members responded to all questions.

Sandra McNichol, Oak Grove Road Was concerned and asked questions about the status of the new Township garage. She also asked about the rollback taxes. Mayor Zdepski and Attorney Novak responded.

**REPORTS**

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

Municipal Court Report of August 2006  
Construction Department Report of August 2006  
Zoning Permits Report of September 2006  
PAIC Survey of Kingwood Park Playground

**FUTURE MEETINGS AND ACTIVITIES**

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Mayor Zdepski reviewed as per the Agenda.

RESOLUTIONS

RESOLUTION NO. 2006 - 80 NEW GARAGE CONSTRUCTION PROJECT -  
CHANGE ORDER #1

The following Resolution was introduced:

**RESOLUTION NO. 2006-80**

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

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

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

- 1. Omit Oil Heater.
- 2. Omit Backfilling.

|                                     |                       |
|-------------------------------------|-----------------------|
| <b>Amount of Original Contract</b>  | <b>\$1,421,000.00</b> |
| <b>Total Credit Change Order #1</b> | <b>\$ 22,474.00</b>   |

**Adjusted Contract Based on Change Order#1**  
**\$1,398,526.00**

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Kingwood, County of Hunterdon, that Change Order Number One in the amount \$22,474.00 for the Municipal Township Garage Construction Project be approved.

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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**RESOLUTION**

**RESOLUTION NO. 2006-81 CANCELLATION OF MUNICIPAL INCENTIVE GRANT**

The following Resolution was introduced:

**RESOLUTION NO. 2006 - 81**

**CANCELLATION OF GRANTS RECEIVABLE AND APPROPRIATE RESERVES**

**WHEREAS**, Kingwood Township has anticipated a 2004 Municipal Incentive Grant in the amount of \$4,100.00, and

**WHEREAS**, Kingwood Township has received \$1,367.00 of the grant and does not anticipate receiving any additional funds.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey, that the Treasurer be authorized to cancel the following:

Grants Receivable - \$ 2733.00  
Grant Appropriated Reserve - \$ 2733.00

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>                      |

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2006 - 82**

**CANCELLATION OF GRANTS RECEIVABLE AND UNAPPROPRIATE RESERVES**

**WHEREAS**, Kingwood Township anticipated a 2005 Recycling Tonnage Grant in the amount of \$471.83, and

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**WHEREAS,** Kingwood Township received \$471.63 and does not anticipate receiving any additional funds.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey, that the Treasurer be authorized to cancel the following:

Grants Receivable - \$ .20  
Grant Appropriated Reserves - \$ .20

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>                      |

**RESOLUTION NO. - OPEN SPACE TAX REVIEW**

Attorney Novak reviewed and noted that there is no need to amend the open space ordinance since there has been activity. A resolution will be considered and possibly adopted at the next Township meeting in November.

**NEW BUSINESS**

**Farmland Preservation Program - Rozansky Farm B126 L27 & 27.03**

Mayor Zdepski reviews. It has been decided to adopt an ordinance in January of 2007.

**Audit Report - Corrective Action Plan - Group Affidavit Form**

It was moved by Mr. Burke, seconded by Mrs. Augustine and carried to adopt the Audit Report and the Corrective Action Plan.

**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>                      |

**Governing Body Certification of the Annual Audit Resolution**  
**No. 2006-83**

The following Resolution was introduced:

**RESOLUTION NO. 2006 - 83**

**GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT**

**WHEREAS**, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made annual audit of its books, accounts and financial transactions; and

**WHEREAS**, the Annual Report of Audit for the year 2005 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and copy has been received by each member of the governing body; and

**WHEREAS**, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

**WHEREAS**, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations"; and

**WHEREAS**, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the annual Audit entitled "Comments and Recommendations", as evidenced by the group affidavit form of the governing body attached hereto: and

**WHEREAS**, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

**WHEREAS**, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Board of the State of New Jersey, and stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

**WHEREAS**, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit;

**R.S. 52:27BB-52 - A local officer or member of the local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.**

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Kingwood hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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, Zdepki</b> |
|                        | <b>NAY</b>     | <b>- None</b>                     |
|                        | <b>ABSTAIN</b> | <b>- None</b>                     |
|                        | <b>ABSENT</b>  | <b>- None</b>                     |

**ORDINANCE**

**ORDINANCE NO. 13-33-2006 TO PROVIDE FOR THE RENOVATION TO THE MUNICIPAL BUILDING AS A GENERAL IMPROVEMENT FOR THE TOWNSHIP OF KINGWOOD IN THE COUNTY OF HUNTERDON AND STATE OF NEW JERSEY AND APPROPRIATING \$7,000.00 FROM THE CAPITAL IMPROVEMENT FUND - Introduction and Adoption on First Reading**

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Mayor Zdepski and C.F.O. D. Laudenbach reviewed the expenditures and money transfers. C.F.O. suggested adopting an ordinance to pay the expenses.

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

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

Consideration of final adoption at a public hearing is scheduled for Tuesday, November 7, 2006 at a meeting beginning at 8:00 P.M. at the municipal building.

OLD BUSINESS

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

Attorney Novak reviewed the progress of the sale.

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

Attorney Novak explained the contract and requirements. He also reviewed the court case from last month and the order.

The Committee members received and reviewed written report and photos received from the Zoning Officer. Attorney Novak will follow up.

Byram Lane Area Drainage - J. Burke

Deputy Mayor Burke reported speaking to Mike Moran, N.J. Central Regional Representative from the State.

Mr. Moran will inspect and determine who is responsible and submit a report to the Deputy Mayor.

Old Fairview School - Well Repair

Deputy Mayor Burke reviewed the repairs completed by Stover's Well Company. Mr. Burke also explained the repairs that needed to be taken care of at the Kingwood Park.

Proposed Agreements for PIG Appraisals & Resolution

The following Resolution was introduced:

**RESOLUTION NO. 2006 - 84**

**AUTHORIZING THE AWARD OF CONTRACTS FOR THE RETENTION  
OF REAL ESTATE APPRAISERS AND  
CONSULTANTS FOR THE TOWNSHIP**

**WHEREAS**, the Township of Kingwood has a need to retain the services of Real Estate Appraisers and Consultants for the Township; and

**WHEREAS**, the Township has obtained a price quotation to perform an Appraisal in regard to Block 14 and Lots 12 and 21.03 in the Township and has determined that Robert F. Heffernan possesses the qualifications; and

**WHEREAS**, the Township has obtained a price quotation to perform an Appraisal in regard to Block 14 and Lots 12 and 21.03 in the Township and has determined that Michael G. Morris of MGM Associates 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 Robert F. Heffernan is hereby awarded the Agreement to perform an Appraisal in regard to the Township's Planning Incentive Grant Application on Block 14 Lots 12 and 21.03 in the Township in the amount of \$4200.00.



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It was moved by Mr. Burke, seconded by Mrs. Augustine and carried to adopt the minutes of the September 8, 2006 Special Meeting and placed on file.

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

It was moved by Mrs. Augustine, seconded by Mr. Burke and carried to adopt the minutes of the September 8, 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-**

No Executive Session.

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