

DECEMBER 27, 2006

A Special Meeting of the Kingwood Township Committee was called to order at 8:30 A.M. with Deputy Mayor Burke presiding.

Also present at the meeting were Committeewoman Augustine, Committeewoman Elect Elaine Niemann, CFO and Tax Collector Laudenbach and Clerk MacConnell. Mayor Zdepski was absent. Following the salute to the flag, Deputy Mayor Burke 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 on December 21, 2006, and by telefaxing copies of the notice to the Express Times, Courier News and Star Ledger on December 19, 2006. Copies of the notice were also posted in the Kingwood Township Municipal Building and Baptistown Post Office on December 19, 2006.

An additional notice to reflect the change in time to begin the meeting was published in the Express Times on December 22, 2006, and telefaxed to the Delaware Valley News, Courier News and Star Ledger on December 21, 2006. Copies of the notice were also posted in the Kingwood Township Municipal Building and Baptistown Post Office on December 21, 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.

TAX SETTLEMENT AND FUTURE TAXES – Frenchtown Run LLC and Horseshoe Bend LLC – Resolution No. 2006-113

Mr. Thomas McCloskey, Esq. of Fox Rothschild LLP in Princeton was present at the meeting, as he represents the above captioned parties. He commented that the Settlement Agreement previously entered into between his clients and the Township's various bodies contains one remaining component that is still to be completed. He was referring to a Letter Agreement to be entered into between the Township and his clients concerning the tax assessment reconciliation. He is looking for the status of the Letter Agreement, as all that is left to be done is for the Township and Tax Assessor to execute. Mr. McCloskey distributed a copy of the Letter Agreement and also read aloud the section of the Settlement Agreement which provided for this. At this point Deputy Mayor Burke telephoned the Township's Tax Assessor, David Gill. Mr. Gill became the Township's

Tax Assessor following the Settlement Agreement and he had not participated in the meeting regarding the Letter Agreement. Deputy Mayor Burke relayed the basic information contained in the Letter Agreement to Mr. Gill. Mr. Gill apparently had an issue with one of the paragraphs in the Letter Agreement, and the telephone was handed over to Mr. McCloskey who conferred with Mr. Gill, and it was eventually agreed that Mr. McCloskey and Mrs. Laudenbach would go to her office and telephone Mr. Gill to try to clear up the matter, and they will then return to the meeting.

TOWNSHIP ATTORNEY

Mr. Richard Cushing and Ms. Judith Kopen were present at the meeting, representing their law firm of Gebhardt & Kiefer in Clinton. Their firm had responded to the Township's request for proposals, and the committee members had previously reviewed their information. Mr. Cushing reviewed a little information about their firm, some of the other municipalities they represent, and what the other two partners of the firm do who could not be at today's meeting. Mr. Cushing is not available for meetings on the first Tuesday of the month, which is when the Kingwood Township Committee meets. Ms. Kopen and one of the other partners are available for those meetings. Ms. Kopen reviewed her representation of Tewksbury Township as their attorney, as well as handling all property tax litigations for all the municipalities her firm represents. Some discussion followed in a general way regarding the development pressures that municipalities now face, the Township's zoning and the interaction of the Township Attorney with the public at meetings.

TAX SETTLEMENT AND FUTURE TAXES – Frenchtown Run LLC and Horseshoe Bend LLC – Continued

Mrs. Laudenbach and Mr. McCloskey returned to the meeting and Mrs. Laudenbach reported that Mr. Gill, Tax Assessor, is not comfortable with one paragraph/note at the bottom of the third page, and it has been determined by both sides to eliminate that particular paragraph.

The paragraph/note to be removed reads: The assessed valuations for the two (2) other related, Improved parcels owned by Horseshoe Bend and Frenchtown Run shall remain the same, as currently assessed. For the purposes of reference and clarity herein, they were and are as follows: \$1,030,000 for Block 14, Lot 30 of Horseshoe Bend's (2.0 acres); and \$80,000 for Block 12 Lot 31 (1.0 acre) of Frenchtown Run's.

The following Resolution was then introduced:

**RESOLUTION NO. 2006 – 113
FRENCHTOWN RUN LLC AND HORSESHOE BEND LLC
LETTER AGREEMENT**

WHEREAS, the Kingwood Township Committee has reviewed the proposed Letter Agreement, along with the Tax Assessor; and

WHEREAS, the proposed Letter Agreement, which is stipulated in the previously executed Settlement Agreement, provides for the reconciliation of tax assessments;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey to approve the form of Letter Agreement and authorize the Mayor and Tax Assessor to execute the document.

It was moved by Mrs. Augustine to approve the foregoing Resolution. Deputy Mayor Burke stepped down from the chair, seconded and carried the motion.

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

TOWNSHIP ENGINEER

Mr. Thomas Decker was present at the meeting representing his firm, Gilmore & Associates in Flemington, NJ. His firm responded to the Township's previous request for proposals, the committee members have reviewed his firm's information, and Mr. Decker has talked with Deputy Mayor Burke, who contacted him following last week's meeting on behalf of the committee members.

Deputy Mayor Burke commented that the committee members wanted to meet him in person and also wanted to be sure he is aware of all the duties that are associated with the position of Township Engineer in Kingwood Township, including engineering services to the Planning Board, Board of Adjustment and Board of Health whenever necessary. There was also some discussion on the transfer of information from R. Lorentz, a discussion with Mrs. Laudenschlager regarding Planning Board matters, meeting attendance, stormwater management and being the Certified Public Works Manager. Deputy Mayor Burke will introduce Mr. Decker to the Road Department and show him around the new garage.

AWARD OF BID FOR DOUBLE DRUM VIBRATORY ROLLER – Resolution No. 2006-114

Bids were received and opened by Eng. Lorentz and Clerk MacConnell on December 20, 2006 for the above captioned. One bid was received as follows:

<u>Item No.</u>	<u>Quantity</u>	<u>Item</u>	<u>Total Amount</u>
1.	1	Double Drum Vibratory Roller	\$47,763.00

The committee members had received a letter of recommendation from Eng. Lorentz, and the following Resolution was introduced:

**RESOLUTION NO. 2006 – 114
AWARD OF BID
DOUBLE DRUM VIBRATORY ROLLER**

WHEREAS, the Kingwood DPW is in need of a new Double Drum Vibratory Roller, and Ordinance No. 13-34-2006 has been adopted to provide the funding for this item; and

WHEREAS, one bid for the Roller was received and opened on December 20, 2006 and has been reviewed by the Township Engineer;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey to award the bid for the purchase of the new Roller, as per the proposal to JESCO Equipment Company, in the amount of \$47,763.00, with delivery within ten (10) days after receipt of the order or as soon as possible thereafter.

It was moved by Mrs. Augustine to adopt the foregoing Resolution. Deputy Mayor Burke stepped down from the chair, seconded and carried the motion.

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

RESOLUTIONS

The following Resolutions were then introduced:

**RESOLUTION NO. 2006 – 115
REFUND OF DUPLICATE PAYMENT**

WHEREAS, both the homeowner and mortgage company have paid the fourth quarter added real estate taxes on Block 17 Lot 17.01; and

WHEREAS, the homeowner has requested a refund in the amount of \$1,510.74 for fourth quarter added of 2006;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey that the Treasurer be authorized to issue a refund in the amount of \$1,510.74 to be made payable to Kevin and Christina Ohler, 467 Barbertown Point Breeze Road, Frenchtown, New Jersey, 08825.

It was moved by Mrs. Augustine to adopt the foregoing Resolution. Deputy Mayor Burke stepped down from the chair, seconded and carried the motion.

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

**RESOLUTION NO. 2006 – 116
TAX SALE REDEMPTION**

WHEREAS, the Tax Collector has received redemption monies in the amount of \$8,008.67 to redeem Tax Sale Certificate No. 2006-07 on B1 29 L 29;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey that the Treasurer be authorized to issue a check in the amount of \$8,008.67 to Crusader Servicing Corporation, 179 Washington Lane, Jenkintown, PA, 19046.

It was moved by Mrs. Augustine to adopt the foregoing Resolution. Deputy Mayor Burke stepped down from the chair, seconded and carried the motion.

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

RESOLUTION NO. 2006 – 117
2006 BUDGET APPROPRIATION TRANSFERS

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

From:

Financial Administration – Salary & Wages	\$ 1,000.00
Tax Assessment – Other Expense	\$ 75.00
Revenue Administration – Salary & Wages	\$ 2,000.00
Industrial Commission – Other Expense	\$ 125.00
Construction – Salary & Wages	\$ 2,000.00
Streets & Roads Maintenance – Vehicle Maintenance	\$ 1,100.00
Board of Health – Other Expense	\$ 100.00
Parks and Playgrounds – Other Expense	\$ 3,250.00
Local Historian – Other Expense	\$ 200.00

To:

Administrative & Executive – Salary & Wages	\$ 200.00
Administrative & Executive – Other Expense	\$ 200.00
Streets & Roads Maintenance – Gasoline	\$ 1,100.00
Street Lighting – Other Expense	\$ 250.00
Buildings & Grounds – Other Expense	\$ 600.00
Utilities – Electricity	\$ 2,500.00
Utilities – Telephone	\$ 1,000.00
Utilities – Heating Fuel Oil	\$ 4,000.00

It was moved by Mrs. Augustine to adopt the foregoing Resolution. Deputy Mayor Burke stepped down from the chair, seconded and carried the motion.

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

**RESOLUTION NO. 2006 – 118
UTILIZATION OF OPEN SPACE FUNDS**

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

WHEREAS, the purpose of these preliminary costs is to explore the possible purchase of open space or easements of property located in Kingwood Township;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey that the amount appropriated for preliminary costs shall not exceed \$8,000.00.

It was moved by Mrs. Augustine to adopt the foregoing Resolution. Deputy Mayor Burke stepped down from the chair, seconded and carried the motion.

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

BILLS AND CLAIMS

It was moved by Mrs. Augustine to approve and pay the bills and claims that are in order and attached as **Bill List for December 27, 2006**. Deputy Mayor Burke stepped down from the chair, seconded and carried the motion.

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

VARIOUS ITEMS

It was agreed by the committee members that there was no real need for an executive session at this point.

Following a brief discussion, it was agreed Mrs. Laudenbach will provide a form to be utilized by employees to request vacation, time off to attend seminars, etc., for the Township Committee to consider, and which will most likely be made part of the employee manual.

Following some discussion, it was agreed that Deputy Mayor Burke will contact Bill Colantano, who responded to the Township's request for proposals for auditing services, to confirm how to work out the switch over of information from Mr. Case.

Some of the positions/appointments that were still left open were briefly discussed, as well as several agenda items to be considered at upcoming Township Committee and Planning Board meetings.

ADJOURNMENT

It was moved by Mrs. Augustine to adjourn the meeting at approximately 10:10 A.M. Deputy Mayor Burke stepped down from the chair, seconded and carried the motion. **All** vote **Aye** on **Roll Call Vote** except Mr. Zdepski who was **Absent**.

Respectfully submitted,

**Mary E. MacConnell, RMC
Township Clerk**