

Kingwood Township Committee Meeting Minutes – Oct, 2005

OCTOBER 4, 2005

The Regular Meeting of the Kingwood Township Committee was called to order at 8:05 P.M.

with Mayor Stephen Rawlyk presiding.

Also present at the meeting were Deputy Mayor Burke, Committeeman Zdepski, Township Engineer Robert Lorentz, Attorney Maryann Nergaard, Tax Collector D. Laudenbach, Clerk

Mary MacConnell and Deputy Clerk Brown. Following the salute to the Flag, Mayor Rawlyk

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 January 13, 2005 and the Express Times on January 10, 2005, and by telefaxing copies of the notice to the Courier News and Star Ledger on January 7, 2005. Copies of the notice were also posted in the Kingwood Township Municipal Building and Baptistown Post Office on January 7, 2005.

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.

ORDINANCE NO. 13-10-2005 AMENDING THE LAND USE ORDINANCE OF THE TOWNSHIP TO AMEND THE REQUIREMENT FOR AN ESCROW AGREEMENT -

VOL.13, PG. 13-10 - Public Hearing and Final Adoption

Mayor Rawlyk read the Ordinance aloud by title. This Ordinance was introduced and adopted on

first reading at a meeting of the Kingwood Township Committee on September 6, 2005. The Ordinance was published in the Delaware Valley News on September 15, 2005 and has been posted in the Kingwood Township Municipal Building on September 7, 2005. Copies of the Ordinance have been available for inspection by the public since September 7, 2005. A recommendation to adopt the Ordinance has been received from the Planning Board.

It was moved by Mr. Burke, seconded by Mr. Zdepski and carried to open the hearing to the public. **All voted Aye on Roll Call Vote.** There were no comments from those present at the meeting. It was moved by Mr. Zdepski, 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 Mr. Zdepski and carried to adopt on final reading **AN**

ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWNSHIP OF KINGWOOD, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY TO AMEND THE REQUIREMENT FOR AN ESCROW AGREEMENT.

Roll Call Vote: AYE - Burke, Zdepksi, Rawlyk

NAY - None

ABSTAIN - None

ABSENT - None

ORDINANCE NO. 13-11-2005 TO AMEND CHAPTER 115 OF THE CODE OF THE

TOWNSHIP ENTITLED, "SUBDIVISION OF LAND" DELETING THE REQUIREMENT THAT APPLICANTS FOR MINOR SUBDIVISION APPROVAL SATISFY THE REQUIREMENTS OF THE BOARD OF HEALTH NON-PUBLIC WATER SYSTEMS AND WELL REGULATIONS - Public Hearing and Final Adoption

Mayor Rawlyk read the Ordinance aloud by title. This Ordinance was introduced and adopted on first reading at a meeting of the Kingwood Township Committee on September 13, 2005. The

Ordinance was published in the Delaware Valley News on September 22, 2005 and has been posted in the Kingwood Township Municipal Building on September 14, 2005. Copies of the Ordinance have been available for inspection by the public since September 14, 2005. A recommendation to adopt the Ordinance has been received from the Planning Board.

It was moved by Mr. Zdepksi, seconded by Mr. Burke and carried to open the hearing to the public. **All voted Aye on Roll Call Vote.** Lois Voronin of Union Road had questions regarding the Ordinance and the water supply. Attorney Nergaard answered by clarifying the contents of the Ordinance. Debra Kratzer stated that she would like to see agendas, and minutes on the Township web site for all the committees and commissions and offered to volunteer to do this for the Township. Nothing was decided at this time. There were no other comments regarding the Ordinance. It was moved by Mr. Burke, seconded by Mr. Zdepksi 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 Mr. Zdepksi and carried to adopt on final reading **AN**

ORDINANCE AMENDING CHAPTER 115 OF THE CODE OF TOWNSHIP OF KINGWOOD, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY, ENTITLED, "SUBDIVISION OF LAND" DELETING THE REQUIREMENT THAT APPLICANTS FOR MINOR SUBDIVISION APPROVAL SATISFY THE REQUIREMENTS OF THE BOARD OF HEALTH NON-PUBLIC WATER SYSTEMS AND WELL REGULATIONS.

Roll Call Vote: AYE - Burke, Zdepksi, Rawlyk

NAY - None

ABSTAIN - None

ABSENT - None

MILLTOWN ROAD PROJECT

Engineer Robert Lorentz reported the Township is now ready to move onto getting an overall permit. Mr. Russano of Milltown Road commented on the repairs needed to be done on Picnic Grove Road and also his driveway on Milltown Rd. Engineer Lorentz and Mayor Rawlyk responded.

WARSAW ROAD STREAMBED IMPROVEMENTS

Engineer Lorentz reported he has spoken to the D.E.P., the project is soon to be approved.

THATCHER ROAD PROJECT

Engineer Lorentz reported that the job is basically completed. Lorentz also stated they are proceeding on the next section, also working to get an Agreement underway.

OAK GROVE ROAD PROJECT

Engineer Lorentz reported the Township's application was in the amount of \$150,000.

The Township recently received a letter stating the amount awarded to be \$80,000.

KINGWOOD SCHOOL AND PARK WALKWAY PROJECT

Engineer Lorentz reports project is basically completed.

RESOLUTION TO AMEND RESOLUTION #2005-66 AWARD OF CONTRACT

Engineer Lorentz prepared and reviewed Resolution to be adopted. Stated that a few of the materials furnished by Mannon Excavating and Paving were not utilized.

Engineer Lorentz recommended that all contract documents and performance bonds furnished be returned to Mannon Excavating and Paving for cancellation.

Attorney Nergaard recommended postponing adoption of the Resolution so it may be reviewed and considered for adoption at the next Township meeting on November 1, 2005.

MUNICIPAL STORMWATER REGULATION PROGRAM

The following Resolution was introduced:

RESOLUTION NO. 2005-91

MUNICIPAL STORMWATER REGULATION PROGRAM

WHEREAS, the Governing Body of Township of Kingwood desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of \$5,000.00 to fund stormwater activities as described in the Scope of Services.

WHEREAS, the Governing Body resolves that Stephen Rawlyk or the successor to the office of Mayor is authorized (a) to make application for such a grant, (b) if awarded, to execute a grant agreement with the State and (c) to execute any amendments thereto which do not increase the Grantee's obligations.

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NOW, THEREFORE, BE IT RESOLVED the Grantee agrees to comply with all applicable Federal, State, and Municipal Laws, Rules and Regulations in its performance pursuant to the Agreement.

It was moved by Mr. Burke, seconded by Mr. Zdepski and carried to adopt the foregoing Resolution. **All** voted **Aye** on **Roll Call Vote**.

RESOLUTION NO. 2005 - 90 PRELIMINARY EXPENSES FOR APPRAISAL

Mayor Rawlyk read Resolution No. 2005 - 90 aloud by title. Mayor Rawlyk introduced representative Martha Sapp, from the New Jersey State Green Acres Program. Mr. Burke explains resolution and also comments on his intentions. Mr. Burke stated he had spoken with Mr. Kevin Richardson, Open Space Coordinator and County Open Space Trust Fund Administrator of the Hunterdon County Project Management. Mr. Richardson stated the Township should hold off on taking funds from Green Acres until Township has something in writing and public comment period has ended. Martha Sapp, commented on procedure and State granting funds to local governments and non-profit organizations. Lengthy discussion continued between Martha Sapp and Committeeman Zdepski regarding the rules document from the N.J.D.E.P. The following residents of the Township commented on their opinion of the Greens Acres Program:

Lois Voronin, Union Road William Pandy, Spring Hill Road

Elizabeth Schmid, Tumble Idell Road Jed Mock, Daniel Bray Hwy. Rt 29

Sandra McNicol, Oak Grove Road

Caroline Beidelman, Fairview Road

John Mathieu, Federal Twist Road

Irving MacConnell, Spring Hill Road

PRELIMINARY EXPENSES FOR BLOCK 14 LOT 35

The following Resolution was introduced:

RESOLUTION NO. 2005 - 90

PRELIMINARY EXPENSES FOR BLOCK 14 LOT 35

WHEREAS, the Township of Kingwood hereby acknowledges the requirement of preliminary costs to determine the scope and cost of proposed undertaking. The purpose of these preliminary costs are for the appraisal of a parcel of property being considered for acquisition as open space, known as Block 14, Lot 35 on Fairview Road in Kingwood Township.

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 amount appropriated for preliminary costs shall not exceed \$2,800.00 and the treasurer is authorized to set up a reserve for Preliminary Expenses out of the Open Space Fund.

It was moved by Mr. Burke to adopt the forgoing resolution, amended as per discussion. Mayor Rawlyk stepped down from the chair, seconded and carried the motion.

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

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Lengthy discussion continued regarding Green Acres between Attorney Nergaard and the Committeemen.

It was moved by Mr. Burke to request reimbursement from the Green Acres Program through our grant monies for the cost of the appraisal for property known as Block 14, Lot 35 on Fairview Road in Kingwood Township. Mayor Rawlyk stepped down from the chair, seconded and carried the motion.

Roll Call Vote: AYE - Burke, Rawlyk

NAY - None

ABSTAIN - Zdepski

ABSENT - None

CORRESPONDENCE

Mayor Rawlyk reviewed the correspondence received this month.

BILLS AND CLAIMS

It was moved by Mr. Burke, seconded by Mr. Zdepski and carried to approve and pay the bills and claims that are in order and attached as **Bill List for September 2005**.

Roll Call Vote: AYE - Burke, Zdepski, Rawlyk

NAY - None

ABSTAIN - None

ABSENT - None

PUBLIC COMMENT - PRIVILEGE OF THE FLOOR

Irving MacConnell, Spring Hill Road Mr. MacConnell requested that the speed limit

on Horseshoe Bend Road and Spring Hill Road be lowered to 35 miles an hour. Also would like to see the bridge on Horseshoe Bend Road and Spring Hill Road be constructed to handle 15 tons. Also stated he would be in favor of the Class III minor subdivision to be eliminated from the zoning ordinance.

Caroline Biedelman, Fairview Road Asked the Township Committee if the developer will be responsible for the repairs and damages to Horseshoe Bend Road and Spring Hill Road due to the trucks going in and out of the building development. Engineer Lorentz commented.

W. Pandy, Spring Hill Road Commented how the roads will be dangerous conditions to drive on.

John Mathieu, Federal Twist Road Thanked the Township Committee for moving Green Acres

forward. Also urged the public to attend the next Planning Board Meeting on November 8, 2005 at 8:00 P.M.

Debra Kratzer, Hill Road Volunteered her services to put Township information on the

Township website. Deputy Mayor Burke, Attorney Nergaard, John Mathieu, and Mayor Rawlyk commented.

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John Furman, Tumble Falls Road Mr. Furman states that he has resided in Kingwood Township for 60 years on Tumble Falls Road. Mr. Furman reads a letter aloud that he had previously sent to Mr. Michalenko, who has neighboring property, regarding trash build up and cars on his property. Mr. Furman would like the Township Committee to suggest a solution to this problem, which has been going on for many years. Comments were made by Committeeman Zdepski, Mayor Rawlyk and Attorney Nergaard. It was considered that Mr. Michalenko's property be determined condemned.

Lois Voronin, Union Road Had questions in reference to developer fees and contributions to Open Space Fund. Attorney Nergaard responded.

REPORTS

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

Tax Collector's Report of August 2005

Municipal Court Report of August 2005

Construction Department Report of August 2005

Zoning Permits Report of September 2005

FUTURE MEETINGS AND ACTIVITIES

Mayor Rawlyk reviewed as per the Agenda.

ORDINANCES

ORDINANCE NO. 13-12-2005 AUTHORIZING AN EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-53 FOR THE PREPARATION AND EXECUTION OF A TOWNSHIP WIDE REASSESSMENT AS REQUIRED BY THE HUNTERDON COUNTY TAX BOARD, VOL. 13, PG. 13-12 - Introduction and Adoption on First Reading

Mayor Rawlyk read the Ordinance aloud by title.

It was moved by Mr. Burke, to introduce and adopt on first reading **AN ORDINANCE AUTHORIZING AN EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-53 FOR THE PREPARATION AND EXECUTION OF A TOWNSHIP WIDE REASSESSMENT AS REQUIRED BY THE HUNTERDON COUNTY TAX BOARD.** Mayor Rawlyk stepped down from the chair, seconded and carried the motion.

Roll Call Vote: AYE - Burke, Rawlyk

NAY - Zdepski

ABSTAIN - None

ABSENT - None

Consideration of final adoption at a public hearing is scheduled for Tuesday, November 1, 2005 at a meeting beginning at 8:00 P.M. at the municipal building.

ORDINANCE NO. 13-13-2005 AMENDING CHAPTER 132, ENTITLED ZONING, OF THE MUNICIPAL CODE OF THE TOWNSHIP, SECTION 132-59 ENTITLED "REQUIRED GROWTH SHARE AFFORDABLE HOUSING PRODUCTION" SO AS TO AMEND SUBSECTION E THEREOF TO PROVIDE AN EXCEPTION TO THE PAYMENT OF AN IN LIEU OF CONSTRUCTION CONTRIBUTION - Introduction and Adoption on First Reading

Mayor Rawlyk read the Ordinance aloud by title. E. Halpern, Twp. COAH Counsel briefly reviewed amendments. Mr. Banish, Twp. Planner and Mr. E. Halpern suggested an alternative in wording of the Ordinance under Section I, E3 payments in lieu of construction, which the Twp. Committee agreed. A lengthy discussion on the time frames (three or four year exclusion for Class I subdivisions) described in Section I, E3 took place. Three years was decided upon. Mr. E. Halpern and D. Banish, responded to several questions from D. Laudenschick, Twp. CFO.

An extended discussion concerning the fees and the tax assessor's involvement with COAH took place. R. Lorentz, Twp. Engineer had comments. The Twp. Committee and J. Abel, Housing Officer, discussed COAH and the tax assessor's duties. The Township will be receiving a draft of the new Growth Share Plan by the end of October and submit the Plan to COAH by the middle of November before Thanksgiving. The deadline for the Township is December 20th, 2005.

It was moved by Mr. Burke, seconded by Mr. Zdepski and carried to introduce and adopt on first reading **AN ORDINANCE AMENDING CHAPTER 132, ENTITLED "ZONING," OF THE MUNICIPAL CODE OF THE TOWNSHIP OF KINGWOOD, COUNTY OF**

HUNTERDON AND STATE OF NEW JERSEY SECTION 132 - 59, ENTITLED "REQUIRED GROWTH-SHARE AFFORDABLE HOUSING PRODUCTION" SO AS TO ADD A SUBSECTION 3 TO SECTION E (PAYMENTS IN LIEU OF CONSTRUCTION) THEREOF TO PROVIDE AN EXCEPTION TO THE PAYMENT OF AN IN LIEU OF CONSTRUCTION CONTRIBUTION.

Roll Call Vote: AYE - Burke, Zdepski, Rawlyk

NAY_-None

ABSTAIN -None

ABSENT - None

Consideration of final adoption at a public hearing is scheduled for Tuesday, November 1, 2005 at a meeting beginning at 8:00 P.M. at the municipal building.

RESOLUTIONS

The following Resolutions were introduced:

RESOLUTION NO. 2005 - 92

TAX SALE REDEMPTION

WHEREAS, the tax collector has received redemption monies in the amount of \$9,718.08 to redeem Tax Sale Certificate No.2004-03 on Block 28, Lot 19, and **WHEREAS**, the tax collector has received, at the time of sale, a premium of \$2,500.00.

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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 \$12,218.08 to Crusader Servicing Corporation, 179 Jenkintown, PA, 19046.

It was moved by Mr. Zdepski, seconded by Mr. Burke and carried to adopt the forgoing Resolution. **All** voted **Aye** on **Roll Call Vote**.

RESOLUTION NO. 2005 - 93

REFUND DUPLICATE PAYMENT

WHEREAS, a duplicate payment was received on Block 4, Lot 7.19 for the third quarter 2005 real estate taxes, in the amount of \$2,771.16.

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 treasurer be authorized to issue a refund to Frank and Alison Helbig, 48 Hampton Road, Pittstown, New Jersey, 08867.

It was moved by Mr. Zdepski, seconded by Mr. Burke and carried to adopt the forgoing Resolution. **All** voted **Aye** on **Roll Call Vote**.

RESOLUTION NO. 2005 - 94

REFUND ERRONEOUS PAYMENT

WHEREAS, an erroneous payment was received on Block 1.02, Lot 3.13 made by Countrywide Tax Services Corporation in the amount of \$2,470.32, and

WHEREAS, the mortgage company has requested a refund of the erroneous payment.

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 treasurer be authorized to issue a refund to Countrywide Tax Services Corporation, P.o. Box 10211-SV3-24, Van Nuys, CA 91410-0211.

It was moved by Mr. Burke, seconded by Mr. Zdepski and carried to adopt the forgoing Resolution. **All** voted **Aye** on **Roll Call Vote**.

OLD BUSINESS

Township Property at BL 19 L 5 & 5.01 - Market Analyses

Mayor Rawlyk had questions about the apartments on property. Mayor Rawlyk asked Township Housing Officer, Joe Abel whether they will be suited for COAH units and if he had any additional information on the units. It was discussed whether fifteen units would be allowed on seven acres for the COAH Program. Township Engineer responded.

Construction Department Hours

The construction officials hours and complaints from the residents were discussed. It was decided that the hours should be more rather than less.

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The committee agreed it would be in the best interests for the residents and for the Township that the construction official go back to his original hours on Wednesday evenings.

NEW BUSINESS

TOWNSHIP WEBSITE CONTENTS

The Township Committee thanked Debra Kratzer, Hill Road for volunteering to help with agendas and minutes on web site. It was decided that our web master will be able to do this for the township. It was agreed by the Township Committee that agendas and minutes to be put on the Twp. web site. This will be done for all the committees and commissions. Minutes to be put on web site as soon as approved by all committees and commissions. Lengthy discussion continued on a system to catch up on Twp. Comm. meeting minutes.

Committee agreed that the current minutes shall be done by the Deputy Clerk. The Township

Clerk will prepare minutes for past meetings beginning January 2005 until current.

It was moved by Mr. Burke, seconded by Mr. Zdepski and carried to close the municipal building on Tuesdays and Thursdays at 12:00 Noon, Mondays, Wednesdays, and Fridays at 3:00 P.M. Also for a closed sign to be put up at the end of the ramp with the new hours.

All voted Aye on Roll Call Vote.

Heating units in the rentals at the Ukarish property

It was discussed by the Township Committee that the rental units at the Ukarish property need heating units in the apartments. They were removed when the Township purchased the property. Committee asked J. Abel to look into pricing a heating system for the apartments. J. Abel explains he has looked at the apartments and discusses which systems would be best. It was also discussed which utilities were the responsibility of the tenants.

It was moved by Mr. Burke, seconded by Mr. Zdepski and carried to authorize Joe Abel, COAH Compliance Officer/Housing Officer to price, purchase, and install the heating units, and enroll the rental units on the Ukarish property in the COAH program.

All voted Aye on Roll Call Vote.

ADJOURNMENT

It was moved by Mr. Burke, seconded by Mr. Zdepski and carried to adjourn the meeting at

11:42 P.M. **All voted Aye on Roll Call Vote.**

Respectfully submitted,

Cynthia L. Brown, RMC

Deputy Clerk