

NOVEMBER 1, 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.

MINUTES

It was moved by Mr. Zdepski, seconded by Mr. Burke and carried to adopt the minutes of the October 4, 2005 Regular Meeting and place on file. **All voted Aye on Roll Call Vote.**

It was moved by Mr. Burke, seconded by Mr. Zdepski and carried to adopt the minutes of the January 4, 2005 Regular Meeting and place on file. **All voted Aye on Roll Call Vote.**

It was moved by Mr. Zdepski, seconded by Mr. Burke and carried to adopt the minutes of the January 4, 2005 Executive Session and place on file. (Litigation and Personnel) **All voted Aye on Roll Call Vote. It should be noted that all minutes of executive sessions shall be held as closed until officially released by the Township Committee.**

It was moved by Mr. Zdepski, seconded by Mr. Burke and carried to adopt the minutes of the January 4, 2005 Executive Session and place on file. (Litigation – Revaluation) **All voted Aye on Roll Call Vote. It should be noted that all minutes of executive sessions shall be held as closed until officially released by the Township Committee.**

RESOLUTIONS

The following Resolutions were introduced:

**WINBERRY WEST MAJOR SUBDIVISION - LETTER OF CREDIT
AMENDMENT**

RESOLUTION NO. 2005 - 95

**WINBERRY WEST MAJOR SUBDIVISION
BLOCK 23 LOTS 13 AND 13.02**

WHEREAS, CDMA, Inc., the developer of Winberry West Major Subdivision - Phase I and II previously posted a Performance Guarantee to ensure the installation of public improvements; and

WHEREAS, CDMA, Inc. has requested and the Township Engineer has inspected the installation of the required public improvements; and

WHEREAS, the Township Engineer by way of written report dated August 30, 2005 has recommended the acceptance of the roadway, the release of the Performance Guarantee and the posting of a Maintenance Bond on the public improvements and several additional items to be completed:

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Kingwood that the Performance Guarantee posted on the Winberry West Development shall be released to CDMA, Inc., upon the posting by the Developer of a Maintenance Bond in proper form and order, and which Maintenance Bond shall cover all required improvements for the period of two years ending October 5, 2007 and which Maintenance Bond shall also cover several additional items contained in the Township Engineer's written report of August 30, 2005.

BE IT FURTHER RESOLVED that the Maintenance Bond shall be posted in the minimum amount of \$47,617.65 which is 15% of the total municipally required improvement costs and it shall include reviews or inspections as required by the Township Engineer; and such Maintenance Bond shall be in the form as acceptable and approved by the Township Attorney.

BE IT FINALLY RESOLVED that the Developer will also prepare and file as part of the acceptance process a deed conveying the road right-of-way to the Township, and containing a metes and bounds description of the roadway which will be used and incorporated into an ordinance accepting the roadway as a municipal street, in the form as acceptable and approved by the Township Attorney.

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

ROLL CALL VOTE:

AYE	- Burke, Zdepski, Rawlyk
NAY	- None
ABSTAIN	- None
ABSENT	- None

RESOLUTION

Release of Cash Portion:

RESOLUTION NO. 2005 - 96

**WINBERRY WEST MAJOR SUBDIVISION
BLOCK 23 LOTS 13 AND 13.02**

WHEREAS, CDMA, Inc., the developer of Winberry West Major Subdivision - Phase I and II previously posted a Performance Guarantee to ensure the installation of public improvements; and

WHEREAS, CDMA, Inc. has requested and the Township Engineer has inspected the installation of the required public improvements; and

WHEREAS, the Township Engineer by way of written report dated August 30, 2005 has recommended the acceptance of the roadway, the release of the Performance Guarantee including the cash portion and the posting of a Maintenance Bond on the public improvements and several additional items to be completed:

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Kingwood that the cash portion of the Performance Guarantee in the amount of \$5,000.00 posted on the Winberry West Development shall be released to CDMA, Inc.

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

ROLL CALL VOTE:

AYE	- Burke, Zdepski, Rawlyk
NAY	- None
ABSTAIN	- None
ABSENT	- None

LONGVIEW MAJOR SUBDIVISION -Acceptance of Roads

Engineer Robert Lorentz reports that the process of completing and accepting the improvements with the Longview subdivision took place five years ago. Also Lorentz stated that the metes and bounds descriptions and an actual deed conveying the roads right-of-way for Longview Road, was presented to the Township and accepted. The deed has been filed on record in the Hunterdon County Court House. He also explains the

Township now owns the road. Lorentz states he would like to put an Ordinance together for a future meeting which will complete the paper work for this project. Also states that there has been no change in the status.

MILLTOWN ROAD PROJECT

J. Burke reported to the Township Committee that he went to Mr. Rossano's of Milltown Road to see the damage from the last rain. Mr. Burke contacted Mr. Lorentz, Township Engineer to speak of the possibilities of increasing the size of the pipe, therefore, to increase the amount of water that could be diverted and go to the south side. Engineer Lorentz sees no problem with obtaining the permits to do the work. The committee members agreed to proceed with the work on the south side and to do what ever is needed to resolve the problem.

WARSAW ROAD STREAMBED IMPROVEMENTS

Engineer Lorentz reported that he received the permit and now can proceed to complete the project. Most of the work involving the permit is now completed. Only a small section is left that needs to be completed.

THATCHER ROAD PROJECT

Engineer Lorentz states the project is basically finished and now starting to put together the paperwork for the final payment. Lorentz states there is pressure from the State to get all of the projects underway due to the trust fund renewal that has not yet occurred. The Oak Grove Road project will be the last worked on within this program.

OAK GROVE ROAD PROJECT

It was discussed that Engineer Lorentz may need to contact the Electrical Company to move some of the utility poles. Lorentz also stated that the Township had obtained additional right-of-way along the Perrotti property.

KINGWOOD SCHOOL AND PARK WALKWAY PROJECT

Engineer Lorentz reports that we just need to compile all the paperwork to obtain final payment.

RESOLUTION

ROAD MAINTENANCE MATERIALS - Amend Award of Contract Resolution No. 2005-97

Engineer Lorentz reports he needs to prepare and authorize a change order on the contract that effectively reduces the quantities of the contract to zero. These items were intended to be an alternate on the Thatcher Rd. project. Lorentz also states that the contractor has

signed the change order proposed and since its change exceeds 20% of the contract, it requires action by the Township Committee in the form of a Resolution.

The following Resolution was introduced:

RESOLUTION #2005-97

**Authorizing Change Order No. 1 (Final)
Amending Contract Dated July 5, 2005 with Mannon Excavating & Paving
Company, Inc.**

WHEREAS, the Township Committee of the Township of Kingwood, County of Hunterdon, adopted Resolution #2005-66 on June 7, 2005 awarding contracts for various road materials to several firms as a result of bids received for those items, and

WHEREAS, a Contract for the materials covered by Item 3cFABC, Mix I-4/I-5 (FDSAR) and Item 6c Bituminous Stabilized Base, Mix I-2 (FDSAR) has been made with Mannon Excavating and Paving base on the bid prices submitted, in the total amount of \$145,750.00, and

WHEREAS, it has been determined that there is no requirement for the materials covered by said Contract, and

WHEREAS, the Township and Mannon Excavating and Paving have agreed to a Change Order, reducing the contract quantities to "0".

NOW THEREFORE BE IT RESOLVED, as follows:

The Contract dated July 5, 2005 between Kingwood Township and Mannon Excavating and Paving is hereby amended by Change Order #1 (Final);

The Mayor is hereby authorized and directed to sign Change Order #1 (Final);

All performance bonds furnished by said Mannon Excavating and Paving to the Township of Kingwood be returned to Mannon Excavating and Paving for cancellation;

A certified copy of this Resolution be provided to Mannon Excavating and Paving as evidence of the action taken herein.

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

SPEED LIMITS - Horseshoe Bend Road and Spring Hill Road

Engineer Lorentz reported that he has reviewed both roadways and their applicability of a

35 M.P.H. limit. He states that Spring Hill Road would be determination as a self contained roadway and meets the suburban residential district requirements. He also states that all prior speed limit enactments have been done by Resolution amending our speed limit ordinance. As for Horseshoe Bend Road it is not a self contained roadway and runs into the Boro of Frenchtown. Lorentz checked Horseshoe Bend Road and its compliance statutory for suburban residential district and found that it also qualifies. He states that both roads can be put into the 35 M.P.H. speed limit. As for Horseshoe Bend Road this only applies for the portions affected in Kingwood Township up to the Boro of Frenchtown.

Mayor Rawlyk suggested that Engineer Lorentz notify Frenchtown Boro as to our speed limit change. It was discussed that both roads will require road signs posted and to be enforced. Lorentz stated that Kingwood Township's Road Supervisor, Jack Search will be in charge of taking care of the signs. The following Ordinance to be introduced is an amendment of the actual Ordinance in the Code book, Section E.

ORDINANCES

ORDINANCE NO. 13-15-2005 AN ORDINANCE OF THE TOWNSHIP OF KINGWOOD, COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO AMEND CHAPTER 124 - VEHICLES AND TRAFFIC OF THE CODE OF THE TOWNSHIP OF KINGWOOD, AND SPECIFICALLY, ARTICLE II - SPEED LIMITS, SUBSECTION 124 -5-SPEED LIMITS ESTABLISHED - Introduction and Adoption on First Reading

Mayor Rawlyk read Ordinance aloud by title.

It was moved by Mr. Zdepski, seconded by Mr. Burke and carried to introduce and adopt on first reading **AN ORDINANCE TO AMEND CHAPTER 124 - VEHICLES AND TRAFFIC OF THE CODE OF THE TOWNSHIP OF KINGWOOD, AND SPECIFICALLY, ARTICLE II - SPEED LIMITS, SUBSECTION 124 -5-SPEED LIMITS ESTABLISHED.**

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, December 6, 2005 at a meeting beginning at 8:00 P.M. at the municipal building.

ORDINANCE NO. 13-14-2005 AMENDING CHAPTER 115 OF THE TOWNSHIP ENTITLED, "SUBDIVISION OF LAND" AMENDING THE CHECKLIST FOR SUBDIVISION APPLICATIONS AND AMENDING CHAPTER 132, AMENDING THE CHECKLIST FOR SITE PLAN, CONDITIONAL USE AND VARIANCE APPLICATIONS - Introduction and Adoption on First Reading

Mayor Rawlyk read the Ordinance aloud by title. An amendment was voted on to correct Section 132-113.

It was moved by Mr. Zdepski, seconded by Mr. Burke and carried to introduce and adopt on first reading **AN ORDINANCE AMENDING CHAPTER 115 OF THE TOWNSHIP ENTITLED, “SUBDIVISION OF LAND” AMENDING THE CHECKLIST FOR SUBDIVISION APPLICATIONS AND AMENDING CHAPTER 132, AMENDING THE CHECKLISTS FOR SITE PLAN, CONDITIONAL USE AND VARIANCE APPLICATIONS**, which includes a typing correction previously discussed.

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, December 6, 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 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 -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 October 4, 2005. The Ordinance was published in the Delaware Valley News on October 13, 2005 and has been posted in the Kingwood Township Municipal Building on October 5, 2005. Copies of the Ordinance have been available for inspection by the public since October 5, 2005. A recommendation to adopt the Ordinance has been received from the Planning Board.

It was moved by Mr. Zdepski, seconded by Mr. Burke and carried to open the hearing to the public. **All voted Aye on Roll Call Vote.**

COAH Counsel Ed Halpern reviewed and explained the ordinance.

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. Zdepski, seconded by Mr. Burke and carried to adopt on final reading **An Ordinance 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 Add a Subsection 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

CORRESPONDENCE

Mayor Rawlyk reviewed the correspondence.

Letter from LSI Tax Services re: Agreement for Access to Vital Computer Resources

This was reviewed and the Township Committee approved the Agreement whereby LSI Tax Service is provided access to Vital Computer Resources for quarterly tax amounts, liens, water/sewer and payments.

It was moved by Mr. Burke, seconded by Mr. Zdepski to approve services with LSI Tax Services.

Roll Call Vote:

AYE	-	Burke, Zdepski, Rawlyk
NAY	-	None
ABSTAIN	-	None
ABSENT	-	None

Letter from B. Wilson of Skylands Community Bank re: Property Tax Payments

It was moved by Mr. Zdepski, seconded by Mr. Burke to approve Skylands Community Bank, located at Route 12 and Route 519 in Kingwood Township to be a location where the residents of Kingwood Township may go to pay their taxes. They may be paid at this location up until the last day of the grace period for the convenience of the residents.

Roll Call Vote:

AYE	-	Burke, Zdepski, Rawlyk
NAY	-	None
ABSTAIN	-	None
ABSENT	-	None

Letter from Resident J. Foley re: Waiver of Late Fee

The letter was reviewed by the Township Committee and they all agreed to deny the request. Statutorily the Township cannot waiver a request of this kind.

Copy of Resolution from Flemington Borough re: NJ Senior Property Tax Freeze

Mr. Burke commented and stated that he is in support of this resolution. Attorney Nergaard also reviewed the Resolution. It was discussed by the Committeemen and voted to adopt.

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2005 - 103

WHEREAS, the Kingwood Township Committee recognizes the severe plight of senior citizens with restricted incomes in meeting the monetary demands caused by ever increasing real property taxes, cost of living increases and the freeze of State aid to both Kingwood Township and the Kingwood Township Board of Education; and

WHEREAS, the New Jersey state legislature has enacted at N.J.S.A. 54:4-8.67 to 54:4-8.75 the New Jersey Senior Property Tax Freeze Protection Act (“SPTFPA”) which purpose is to keep senior citizens on fixed incomes from being forced from their homes by unbearable real property tax increases; and

WHEREAS, the SPTFPA took effect in 1998; and

WHEREAS, eligible state resident homeowners receive a “Homestead Property Tax Reimbursement,” defined as the difference between real property taxes paid on a residence and the amount of the property taxes paid in the base year when the applicant enrolled in the program if the amount in the base year is the lower amount; and

WHEREAS, the SPTFPA effectively freezes applicants’ real property taxes at an affordable level; and

WHEREAS, the SPTFPA is available for homeowners (1) at least 65 years of age or disabled who paid real property taxes on a principal residence in New Jersey; (2) who have paid property tax or rent for at least ten consecutive years, (3) including at least three years’ ownership of the homestead with respect to which the tax reimbursement is sought, and

WHEREAS, the amount payable to an eligible claimant in a given tax year is equal to the amount by which the claimants’ property tax liability for tax year 1997 (or later tax year as the person qualifies for reimbursement under the program); and who meet certain income limits, which income eligibility limits increase annually by the amount of the maximum Social Security benefit cost of living increase for that year for singles and married persons respectively; and

WHEREAS, the calendar year 2004 limitations for single applicants was set by the Director of Taxation at \$40,869 and \$50,113 for married couples; and

WHEREAS, the Kingwood Township Committee strongly believes that such income limitations are insufficient to alleviate the plight of senior citizens in Kingwood Township given the cost of living in not only Kingwood Township but also in many municipalities in other Counties throughout New Jersey, based on information available from, in part, the 2000 census, the 2004 Council On Affordable Housing Regional Income Limits; and

WHEREAS, the Kingwood Township Committee is of the opinion that such income eligibility limitations for senior citizens should be increased by the New Jersey State Legislature to enable seniors to remain in the communities they have established as their home, despite the tremendous rise in property taxes and the cost of living increases realized within many counties;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Kingwood, County of Hunterdon, State of New Jersey, by adoption of this resolution, strongly urges the New Jersey State Legislature to proceed in a diligent and expeditious fashion to enact legislation that would amend the SPTFPA, N.J.S.A. 54:4-8.67 to 8.75, effectively to increase, for the calendar year 2005 and forward, the income eligibility limitations to the median regional income limits as established by the Council on Affordable Housing.

BE IT FURTHER RESOLVED that the Clerk of the Township of Kingwood is directed to forward copies of this resolution to Assemblyman Michael Doherty and Assemblywoman Connie Myers, to State Senator Leonard Lance and to each and every State Assemblyperson, State Senator and the Governor's Office so that all members of the New Jersey State Legislature will seriously and diligently consider this request for amended legislation to alleviate the plight of senior citizens in Kingwood Township who continuously struggle with the increasing burdens of real property taxes.

It was moved by Mr. Burke, seconded by Mr. Zdepski to adopt the foregoing Resolution for Kingwood Township.

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

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2005 – 102

2005 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 2005 Budget Appropriations:

From:

Tax Assessment Administration – Tax Map Maintenance	\$2,000.00
Roads – Salary and Wages	\$4,800.00
Roads – Other Expense	\$ 850.00

To:

Administration & Executive – Other Expense	\$ 250.00
Tax Assessment Administration – Other Expense	\$ 500.00
Revenue Administration – Other Expense	\$ 500.00
Board of Health – Other Expense	\$ 100.00
Board of Adjustment – Salary and Wages	\$2,000.00
Board of Adjustment – Other Expense	\$ 500.00
Buildings and Grounds – Other Expense	\$2,300.00
Streets & Roads – Gasoline	\$ 700.00
Utilities – Heating Fuel Oil	\$ 800.00

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

BILLS AND CLAIMS

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

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

PUBLIC COMMENT - PRIVILEGE OF THE FLOOR

Beth Pandy, Spring Hill Road Commented when traveling on Horseshoe Bend Rd it is very unsafe to pass another car. Ms. Pandy feels it would be a good idea to make the speed limit below 35 miles per hour for the safety of the drivers especially when the development is built on that road.

Robert Lorentz, Township Engineer explains to all that in order to lower the speed lower than 35 miles per hour on Horseshoe Bend Rd it would be a very long process and also very expensive for the Township.

Deputy Mayor Burke would like to see the speed limit reduced to a lower speed around curves and to also have a traffic study on how many vehicles are traveling on the road.

William Pandy, Spring Hill Road Comments on the high volume of traffic on Spring Hill Rd and Horseshoe Bend Rd.

Engineer Lorentz explains that in order to have a test for speed on these roads it would be done by clocking with radar the speed of at least one hundred cars in order to set a lower speed limit.

Anthony Hauck, Spring Hill Road Asks the Township Committee and Engineer if the Planning Board could ask the developer to have an independent traffic study for Spring Hill Rd and Horseshoe Bend Rd.

Anthony Russano, Milltown Road Thanks the Township Committee and the Engineer for coming to the conclusion of the work that is being done by the Township Road Department on Milltown Road and is in hopes that everything will be done correctly.

William Pandy, Spring Hill Road Had some questions whether the County has been notified in reference to the weight limit of the bridge on Spring Hill Road. Mr. Pandy feels the bridge is very old and needs several repairs and also to be better maintained. Township Committee requested that Engineer Lorentz call the County to see if something can be done.

Sandra McNichol, Spring Hill Road Would like to see signs on our roads and bridges, indicating the weight limits allowed. She states there are many large trucks traveling on the township roads which creates lot of damage to the surface of the roadway.

Engineer Lorentz explains that it is possible to have a weight limit on roads and bridges and that it would need approval from the D.O.T.

REPORTS

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

Tax Collector's Report of September 2005
Municipal Court Report of September 2005
Construction Department Report of September 2005
Zoning Permits Report of October 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 – Public Hearing and Final Adoption

Mayor Rawlyk read the Ordinance aloud by title.

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

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

RESOLUTIONS

The following Resolution was introduced:

**RESOLUTION NO. 2005 – 98
SPECIAL EMERGENCY RESOLUTION – N.J.S.A. 40A:4-53
AND N.J.S.A. 40A:4-55**

WHEREAS, the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey (the “Township”) has adopted Ordinance No. 13-12-2005 creating a Special Emergency Appropriation in the amount of \$150,000.00 to meet certain extraordinary expenses incurred, or to be incurred, for the preparation and execution of a complete reassessment of all real property located in the Township (the “Reassessment”); and

WHEREAS, N.J.S.A. 40A:4-53 and N.J.S.A. 40A:4-55 provide that it shall be lawful to make such appropriation, which appropriation and/or special emergency notes issued to finance the same shall be provided for in succeeding annual budgets by the inclusion of an appropriation of at least one-fifth (1/5th) of the amount authorized pursuant to this act.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood, in the County of Hunterdon, State of New Jersey (not less than two-thirds of all members thereof concurring) that in accordance with the provisions of N.J.S.A. 40A:4-48, N.J.S.A. 40A:4-53 and N.J.S.A. 40A:4-55:

1. A special emergency appropriation, in the total amount of \$150,000.00 is hereby made for the Reassessment pursuant to Ordinance No. 13-12-2005, and the Township hereby requests that an exclusion from the “CAP” be granted by the Director of the Division of Local Government Services in accordance with law in the amount of \$30,000.00 per year in the budgets of the next five (5) succeeding years commencing with the budget of 2006, in accordance with N.J.S.A. 40A:4-55(c).
2. The special emergency appropriation shall be provided for in the budgets of the next five (5) succeeding years, by the inclusion of not less than \$30,000.00 per year.
3. That a special emergency note or notes not in excess of \$150,000.00, the amount authorized pursuant to Ordinance No. 13-12-2005, be authorized (“Note”).
4. That such Note or Notes shall be executed by the Township’s Chief Financial Officer and Mayor.
5. That said Note or Notes shall be dated February 15, 2006, and may be renewed from time to time, provided that all such Notes and any renewals thereof shall mature and be paid in the amount of not less than one-fifth (1/5th) of the total amount appropriated by this Resolution in each fiscal year thereafter until all are paid.
6. That the statement required by the Local Finance Board has been filed with the Township Clerk and a copy will be transmitted to the Director of the Division of Local Government Services.
7. That two (2) certified copies of this Resolution will be filed with the Director of the Division of Local Government Services, however, no approval is required from the Division.

It was moved by Mr. Burke to adopt the foregoing resolution, it was briefly reviewed. Mayor Rawlyk stepped down from the chair, seconded and carried the motion.

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

The following Resolution was introduced:

**RESOLUTION NO. 2005 - 99
TAX SALE REDEMPTION**

WHEREAS, the tax collector has received redemption monies in the amount of \$6,667.26 to redeem Tax Sale Certificate No.05-001 on Block 24, Lot 3, and

WHEREAS, the tax collector, at the time of sale, received a premium in the amount of \$9,800.00.

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 \$16,467.26 to Park Finance, LLC, P.O. Box 199, Cedar Knolls, New Jersey, 07927

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

The following Resolution was introduced:

RESOLUTION NO. 2005 - 100

**APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION (N.J.S.A. 40A:4-87)
FISCAL YEAR 2005 – RECYCLING TONNAGE GRANT**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Kingwood, in the County of Hunterdon, State of New Jersey, hereby requests the Director of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2005 in the sum of \$471.63, which item is now available as a revenue from the State of New Jersey, as a grant to the Kingwood Township in the amount of \$471.63.

BE IT FURTHER RESOLVED that the like sum of \$471.63 is hereby appropriated under the caption “Recycling Tonnage Grant”; and

BE IF FURTHER RESOLVED that the above is a result of a grant of \$471.63 from the State of New Jersey.

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

OLD BUSINESS

MARKET ANALYSES - BLOCK 19 LOTS 5 & 5.01

Mayor Rawlyk reads aloud, states that there is nothing to report at this time. This no longer needs to be placed on the future agendas.

Committeeman Zdepski asks the Township Clerk about the figure for Route 29 property. Engineer Lorentz will call to follow up on this subject.

Mayor Rawlyk commented on a letter received from Joseph Abel, Housing Officer on all the damages to Old Fairview School House. Mayor Rawlyk read the letter reviewing all the details.

There was also discussion about the insurance and reimbursements.

NEW BUSINESS

EXECUTIVE SESSION - RESOLUTION NO. 2005-101

Following a brief recess, and at approximately 9:10 P.M., the following Resolution was introduced to enter into closed session:

RESOLUTION NO. 2005 - 101

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:

Contractual - BI 40 L 5 & BI 50 L 17

Litigation - BI 1.02 L 4
Personnel - Municipal Court Resumes
Attorney Client Privilege

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.

- I. This resolution shall take effect immediately.
- I. The Township Committee may take additional action upon returning to regular session.

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

RETURN TO REGULAR SESSION

It was moved by Mr. Burke, seconded by Mr. Zdepski and carried to return to regular session at 9:40 P.M. **All voted Aye on Roll Call Vote.**

It was moved by Mr. Zdepski, seconded by Mr. Burke and carried to adjourn the meeting at 9:45 P.M. **All voted Aye on Roll Call Vote.**

Respectfully submitted,

Cynthia L. Brown, RMC
Deputy Clerk