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**January 6, 2009
Regular Township Committee
Meeting Minutes**

A Regular Meeting of the Kingwood Township Committee was called to order at 7:00 P.M. with Mayor Niemann presiding.

Also present at the meeting were Deputy Mayor Burke, Committeeman Lubitz, Attorney Judith Kopen, C.F.O. D. Laudenbach, Deputy Clerk Brown and Clerk MacConnell. Following the salute to the Flag, Mayor Niemann 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 Hunterdon County Democrat and the Express Times on December 25, 2008 and by telefaxing copies of the notice to the Courier News and Star Ledger on December 19, 2008. Copies of the notice were also posted in the Kingwood Township Municipal Building and Baptistown Post Office on December 19, 2008.

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.

CORRESPONDENCE

Letter from Skylands Community Bank re: Municipal Rate

Mayor Niemann reviewed letter from Skylands Community Bank with the Committee members and Township C.F.O., Diane Laudenbach.

Memo & Resolution from Raritan Twp. re: support of A-3570 Abolish COAH

The Committee members reviewed Resolution from Raritan Township.

Letter From Hunterdon CADB re: 2009 Municipal PIG Program

Mayor Niemann read aloud the 2009 Municipal PIG Program Round Application deadline information. Deputy Mayor James Burke reviewed what information he knew about the program. The application deadline to the County is January 15, 2009 for the Municipal PIG and non profit project applications.

Letter from Hunterdon Program Administrator re: New Open Space, Farmland and Historic Preservation Policy

Mayor Niemann reviewed a letter from Kevin Richardson, Program Administrator. The letter explained that Mr. Richardson would be forwarding a copy of the Open Space Farmland and Historic Preservation Policy to the Township.

Letter from State DOA re: Planning Incentive Grant Program

Mayor Niemann reviewed a letter from the Department of Agriculture. It was a thank you letter for all the hard work Kingwood has done in making the planning incentive grant process a success, and they look forward to working with the Township to ensure preservation in New Jersey.

EXECUTIVE SESSION – RESOLUTION NO. 2009 - 06

At approximately 7:05 P.M., the following Resolution was introduced to enter into closed session:

RESOLUTION NO. 2009 – 06

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:

Personnel – Interview Applicants for General Code Enforcement Official
Potential Litigation – General Code Enforcement Report
Litigation – Combe Landfill, Michalenko
Personnel – Secretary – Committees/Commission, Road Department
Acquisition of Property – HIG, Augustine, Gergar
Contract Negotiations – Habitat for Humanity

- 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.

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

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

Roll Call Vote:	AYE	- Burke, Lubitz, Niemann
	NAY	- None
	ABSTAIN	- None
	ABSENT	- None

RETURN TO REGULAR SESSION

It was moved by Mr. Burke, seconded by Mr. Lubitz and carried to return to regular session at 9:45 P.M. All voted Aye on Roll Call Vote.

RESOLUTION NO. 2009 – 07 – GENERAL CODE ENFORCEMENT OFFICIAL

RESOLUTION NO. 2009 – 07

GENERAL CODE ENFORCEMENT OFFICIAL

WHEREAS, the Township Committee of the Township of Kingwood advertised in the local newspapers for the position of General Code Enforcement Officer; and

WHEREAS, the Township Committee interviewed several applicants on January 6, 2009 and;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Kingwood, County of Hunterdon, State of New Jersey hired on January 6, 2009, William S. Sidote of 31 Plennert Road, Flemington, NJ 08822, at an annual salary of \$4,100.00, with a 90 day probationary period as General Code Enforcement Officer.

It was moved by Mr. Burke, seconded by Mr. Lubitz and carried the motion to employ William Sidote, on a 90 day probationary period for General Code Enforcement Officer, with an annual salary of \$4,100.00.

Roll Call Vote:	AYE	- Burke, Lubitz, Niemann
	NAY	- None
	ABSTAIN	- None
	ABSENT	- None

TEMPORARY POSITION TO COMPLETE PROJECT

It was moved by Mr. Burke, seconded by Mr. Lubitz and carried to hire Michael DeSapio to continue a project involved with General Code Enforcement, temporarily only, to complete the Godown property project at \$20.00 per hour, and a total maximum of 50 hours.

Roll Call Vote:	AYE	- Burke, Lubitz, Niemann
	NAY	- None
	ABSTAIN	- None
	ABSENT	- None

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2009-08

2008 RESERVE 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 2008 Reserve Budget Appropriations:

From Account:	Amount:	To Account:
118-0004-101	\$2,000.00	118-1300-400
118-0450-101	\$1,000.00	118-0010-299
118-0400-300	\$750.00	118-0010-299

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

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Roll Call Vote:

AYE	-	Burke, Lubitz, Niemann
NAY	-	None
ABSTAIN	-	None
ABSENT	-	None

BILLS AND CLAIMS

It was moved by Mr. Burke, seconded by Mr. Lubitz and carried the motion to approve and pay the bills and claims in the amount of **\$ 920,749.03** that are in order and attached as **Bill List** for **January 2009**.

Roll Call Vote:

AYE	-	Burke, Niemann, Augustine
NAY	-	None
ABSTAIN	-	None
ABSENT	-	None

PUBLIC COMMENTS

No one from the public was present.

REPORTS

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

Tax Collector's Report of November 2008 and December 2008

Municipal Court Report of November 2008

Construction Department Report of November and December 2008

Zoning Permits Report of January 2009

Township Engineer's Monthly Report – There was a discussion on the road grants.

Animal Control Report of December 2008 – There was a brief discussion about how well Traci Fleming is doing with her reports.

Animal Control Report – Year End Summary – The Committee members commented that they are very pleased with the animal control officer.

FUTURE MEETINGS AND ACTIVITIES

Mayor Augustine reviewed as per the Agenda.

ORDINANCES

ORDINANCE NO. 15-01-2009 FIXING THE SALARIES AND COMPENSATION OF THE VARIOUS OFFICERS AND EMPLOYEES OF THE TOWNSHIP-

Introduction and Adoption on First Reading

Mayor Niemann read the Ordinance aloud which was introduced.

It was moved by Mr. Lubitz, seconded by Mr. Burke and carried the motion to adopt on first reading with an amendment to the General Code Enforcement Official’s salary to be \$4,100.00, and to review within 60 days the positions and compensations for secretary jobs. **ORDINANCE NO. 15-01-2009 FIXING THE SALARIES AND COMPENSATION OF THE VARIOUS OFFICERS AND EMPLOYEES OF THE TOWNSHIP.**

Roll Call Vote: **AYE** - **Burke, Lubitz, Niemann**
 NAY - **None**
 ABSTAIN - **None**
 ABSENT - **None**

Consideration of final adoption at a public hearing is scheduled for Tuesday, February 3, 2009 at a meeting beginning at 7:00 P.M. at the municipal building.

ORDINANCE

ORDINANCE NO. 15-02-2009 GRANTING RENEWAL OF MUNICIPAL CONSENT TO SERVICE ELECTRIC CABLE TV OF HUNTERDON, INC. TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATIONS SYSTEM IN THE TOWNSHIP-

Introduction and Adoption on First Reading

Mayor Niemann read the Ordinance aloud which was introduced.

It was moved by Mr. Burke, seconded by Mr. Lubitz and carried the motion to adopt on first reading **ORDINANCE NO. 15-02-2009 GRANTING RENEWAL OF MUNICIPAL CONSENT TO SERVICE ELECTRIC CABLE TV OF HUNTERDON, INC. TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATIONS SYSTEM IN THE TOWNSHIP.**

Roll Call Vote: **AYE** - **Burke, Lubitz, Niemann**
 NAY - **None**
 ABSTAIN - **None**
 ABSENT - **None**

Consideration of final adoption at a public hearing is scheduled for Tuesday, February 3, 2009 at a meeting beginning at 7:00 P.M. at the municipal building.

RESOLUTIONS

The following Resolution was introduced:

RESOLUTION NO. 2009 - 05

PUBLIC WORKS DEPARTMENT SALARIES FOR 2009

WHEREAS, Ordinance No. 15-01-2009 contains the Salary Range for the Public Works Employees for the year 2009;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey, that the following salaries are established for the year 2009:

Jack Search	\$ 40.88
Mark Petro	\$ 31.30
J. Barry Ewing	\$ 29.23
David Zyck	\$ 27.58
Walter Cotier	\$ 27.58
Ryan Osborne	\$ 27.58
Seasonal Part-Time	\$ 18.00

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

Roll Call Vote:

AYE	- Burke, Lubitz, Niemann
NAY	- None
ABSTAIN	- None
ABSENT	- None

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2009 – 09

CANCELLATION OF OUTSTANDING CHECKS

WHEREAS, the following checks have been outstanding for more than one year;

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 cancel the following check and return the funds to the appropriate fund:

Recreation Account – No. 26 - \$42.00

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

Roll Call Vote:	AYE	- Burke, Lubitz, Niemann
	NAY	- None
	ABSTAIN	- None
	ABSENT	- None

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2009 – 10

**ENDORING THE KINGWOOD TOWNSHIP BOARD OF
EDUCATION AND APPLIED WATER MANAGEMENT, INC. TREATMENT
WORKS APPROVAL PERMIT APPLICATION FOR CONSTRUCTING
A NEW WASTEWATER EQUALIZATION TANK**

WHEREAS, the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey is desirous of endorsing the Treatment Works Approval Permit Application of the Kingwood Township Board of Education; and

WHEREAS, it is in the best interest of the Township of Kingwood to support the Kingwood Township Board of Education’s desire to construct a new wastewater equalization tank; and

WHEREAS, the New Jersey Department of Environmental Protection requires a Treatment Works Approval Permit before construction can begin; and

WHEREAS, the New Jersey Department of Environmental Protection’s Treatment Works Approval Permit requires endorsement of the project by the Township of Kingwood;

NOW, THEREFORE, BE IT RESOLVED that the Kingwood Township Committee endorses the application of the Kingwood Township Board of Education and Applied Water Management, Inc. to the New Jersey Department of Environmental Protection for a Treatment Works Approval Permit to construct a new wastewater equalization tank;

BE IT FINALLY RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey that the Mayor is hereby authorized to execute this agreement and other documents as required by the New Jersey Department of Environmental Protection Treatment Works Approval Permit for the Kingwood Township Board of Education and Applied Water Management, Inc.

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

Roll Call Vote:	AYE	- Burke, Lubitz, Niemann
	NAY	- None
	ABSTAIN	- None
	ABSENT	- None

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2009 - 11

**RESOLUTION TO RELIEVE THE TAX COLLECTOR
FROM COLLECTING CERTAIN TAXES**

WHEREAS, the Assessor has discovered an error in the Tax Book of the Township of Kingwood, County of Hunterdon, State of New Jersey; and

WHEREAS, the Assessor of the Township of Kingwood during his course of work has discovered the following errors:

WHEREAS, NJSA54:4-91.1 and NJSA54:4-91.2 authorizing in circumstances present in this matter, relieving the Tax Collector of collecting taxes, other than those that are due under correct assistance on this Block and Lot.

Block 39 Lot 21

This said line item was assessed incorrectly in the Tax Book for the land at \$ 355,000 and \$30,000 for the Improvement with a total of \$385,000. This is a 3A, 1 acre housesite which does not reflect the fact that this assessment should be for only 1 acre of land.

This assessment should be **\$187,000 for the land and \$30,000 for the improvement with a total assessment of \$217,000, which reflects a reduction in the 2008 taxes in the amount of \$2,788.80.**

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey relieve the Tax Collector from collecting taxes other than the corrected assessment on this block and lot.

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

Roll Call Vote:	AYE	- Burke, Lubitz, Niemann
	NAY	- None
	ABSTAIN	- None
	ABSENT	- None

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2009 – 12

RADON ACTION PARTNERSHIP

WHEREAS, radon is a naturally occurring radioactive gas that is the second leading cause of lung cancer, causing as many as 500 lung cancer deaths annually in New Jersey; and

WHEREAS, elevated radon levels are found in many homes and pose a serious health threat to families residing in these homes; and

WHEREAS, any home may have high levels of radon – even if neighboring homes do not; and

WHEREAS, radon testing is easy and inexpensive – and elevated levels of radon can be effectively reduced at the cost of a typical home repair; and

WHEREAS, a significant number of homes in Kingwood Township have elevated levels of radon;

WHEREAS, by mitigating homes with radon concentrations at or above 4pCi/L in New Jersey, 140-250 lives are saved annually.

NOW, THEREFORE, I, Elaine Niemann, Mayor of Kingwood Township, on behalf of the Kingwood Township Committee and residents of Kingwood Township, do hereby proclaim the month of January 2009 as

RADON ACTION MONTH

in the Township of Kingwood and call upon all residents who have not yet tested to test their homes for radon and to reduce radon levels if elevated levels are found, to protect their families from the serious health risk of radon.

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

Roll Call Vote:	AYE	- Burke, Lubitz, Niemann
	NAY	- None
	ABSTAIN	- None
	ABSENT	- None

There was some discussion on the fact that this should be brought to the Board of Health to review, and also for the Environmental Commission to possibly promote kits for testing for the community.

NEW BUSINESS

Bond Anticipation Note #2008-2

C.F.O. Diane Laudenbach reported to the Committee members that she only received one bid of 3.7% interest rate per annum, in the amount of \$535,000, also prepared an Authorization of Certificate of Determination and Award to issue the Bond Anticipation Note. The authorization, sale and issuance of the obligation of the Township describes as follows:

\$535,000 Bond Anticipation Note dated December 17, 2008, maturing December 17, 2009, bearing interest at the rate of 3.70% per annum payable to maturity and numbered 2008-2.

OLD BUSINESS

Transition to Digital TV Signal

Mayor Niemann noted speaking with Tom Allibone a man who wrote an article in the newspaper in reference to TV Signal Problems. Mayor Niemann feels that there may be a few hundred residents in the Township that will have problems once the conversation takes place. She would like the Township to support Mr. Allibone's request to postpone the deadline of February 17, 2009 to a later date in the year. She asked the Township Committee if they were in agreement with her contacting the County and surrounding municipalities, to speak as a group. This would give the Township residents more time to prepare for the change. Mr. Burke suggested a letter be written to the County Freeholders for support. It was suggested that it may be beneficial to contact the Cable Co. and talk with them about an introductory rate for residents that would need cable hookup.

Truck Bid

Public Works Supervisor, Jack Search requested the Township Committee authorize two additional options to the truck bid from DBA Quality Bus Sales & Services, Inc., Maybrook, NY. These options include the following:

Upgrade Swenson spreader to stainless steel - an additional \$395.00
Add revolving amber light mounted on swivel bracket on cab shield – an additional \$385.00

It was moved by Mr. Burke, seconded by Mr. Lubitz and carried the motion to authorize expenditures for options #3 – to upgrade Swenson spreader to stainless steel in the amount of \$395.00, and option #5 – to add revolving amber light mounted on swivel bracket on cab shield in the amount of \$385.00, and that a letter be written to DBA Quality Bus Sales & Services, Inc., informing them of the additions.

Roll Call Vote:	AYE	- Burke, Lubitz, Niemann
	NAY	- None
	ABSTAIN	- None
	ABSENT	- None

Motion of Approval for Road Dept. Employee

C.F.O. Laudenbach explained the Family Leave Act to the Committee members.

It was moved by Mr. Burke, seconded by Mr. Lubitz and carried the motion to allow Public Works employee, David Zyck to pre-pay his health benefits as subject to the Family Leave Act.

Roll Call Vote:	AYE	- Burke, Lubitz, Niemann
	NAY	- None
	ABSTAIN	- None
	ABSENT	- None

MINUTES

December 2, 2008 Regular Meeting

It was moved by Mr. Burke, seconded by Mr. Lubitz and carried the motion to adopt the minutes of the December 2, 2008 Regular Meeting Minutes with the attached corrections and placed on file.

Corrections: Page#2008-345 Under New Jersey League of Municipalities – 5th line
Omit (State) and add (Court)

Page#2008-362 Under Salaries – 6th line – Omit sentence (The Committee feels they should look into the alternative with the State.)

Roll Call Vote:

AYE	- Burke, Niemann
NAY	- None
ABSTAIN	- Lubitz
ABSENT	- None

December 2, 2008 Executive Session

It was moved by Mr. Burke, seconded by Mr. Lubitz and carried the motion to adopt the minutes of the December 2, 2008 Executive Session and placed on file.

Roll Call Vote:

AYE	- Burke, Niemann
NAY	- None
ABSTAIN	- Lubitz
ABSENT	- None

It should be noted that the minutes of executive sessions shall be held as closed until officially released by the Township Committee.

December 9, 2008 Special Meeting Minutes

It was moved by Mr. Burke, seconded by Mr. Lubitz and carried to adopt the minutes of the December 9, 2008 Special Meeting Minutes and placed on file.

Roll Call Vote:

AYE	- Burke, Niemann
NAY	- None
ABSTAIN	- Lubitz
ABSENT	- None

December 30, 2008 Special Meeting Minutes

It was moved by Mr. Burke, seconded by Mr. Lubitz and carried to adopt the minutes of the December 30, 2008 Special Meeting Minutes and placed on file.

Roll Call Vote:

AYE	- Burke, Niemann
NAY	- None
ABSTAIN	- Lubitz
ABSENT	- None

December 30, 2008 Executive Session

It was moved by Mr. Burke, seconded by Mr. Lubitz and carried the motion to adopt the minutes of the December 30, 2008 Executive Session and placed on file.

Roll Call Vote:	AYE	- Burke, Niemann
	NAY	- None
	ABSTAIN	- Lubitz
	ABSENT	- None

It should be noted that the minutes of executive sessions shall be held as closed until officially released by the Township Committee.

It was moved by Mr. Burke, seconded by Mr. Lubitz and carried the motion to adjourn the meeting at 10:40 P.M. **All voted Aye on Roll Call Vote.**

Respectfully Submitted,

**Cynthia L. Keller, RMC
Deputy Clerk**