

2009 - 35

**February 3, 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 Courier News on January 15, 2009 and by telefaxing copies of the notice to the Express Times and Star Ledger on January 14, 2009. Copies of the notice were also posted in the Kingwood Township Municipal Building and Baptistown Post Office on January 13, 2009.

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

Memo from Cty. Open Space Program Coordinator re: 2009 Allocation of Funds

Mayor Niemann noted receiving the Memo from the County Open Space Program re: 2009 Allocation of Funds for Kingwood Township.

Letter from KT Planning Board re: 2009 Budget Request

Mayor Niemann explained this involves a program where conservation easement markers are to be installed by property owners around easement boundaries. She noted that the Planning Board will want to acquire several markers to have available for the residents to make improvements on their properties. Mayor Niemann stated that the Township Committee will have to consider this when its time to go over the budget.

Letter from SSP Architects & Planners re: Complimentary Evaluation

Mayor Niemann reviewed letter from SSP Architects & Planners regarding a complimentary energy efficiency evaluation. She feels that the Township should look into this further to see what they have to offer on a complimentary basis. She noted receiving an estimate from a company called Metro Energy last year and that they gave an estimate of around 10 to 11 thousand dollars to do the audit.

Letter from SIS re: Request for Look-Only Access

Mayor Niemann read letter aloud. Tax Collector Diane Laudenbach explained that the Township Committee needs to make a decision on whether to allow Signature Information Solutions to “look-only” access to the municipal tax records through Vital Computer. Ms. Laudenbach explained that look only access is where they pay a fee to the Township’s software company to obtain information on the Township’s tax records. She noted that it is a look-only access.

It was moved by Mr. Lubitz, Mayor Niemann stepped down from the chair and second the motion to allow Signature Information Solutions access to “look-only” access to the municipal tax records through Vital Computer.

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

PUBLIC COMMENT – PRIVILEGE OF THE FLOOR

Reverend George Batchelder- Revelation Generation, Commented that he was present to represent the Revelation Generation concert. He explained that they will be having the concert again this year for their fifth year. The concert is scheduled to be the weekend of Labor Day September 5th and 6th. Mr. Batchelder thanked the Township for all their support and assistance through out the years and for helping make their concert a success. The Committee members thanked Mr. Batchelder for coming. Mayor Niemann asked for a contact number in case the Township needs to get in touch with someone if necessary. Mr. Batchelder gave the Committee members his business card.

Louis Trilone, Oak Grove Road Asked about Ordinance regulations regarding commercial vehicles on private properties. He was concerned as to what will be transpired as far as a ordinance for businesses in the Township that have commercial vehicles on their property. Mayor Niemann explained that the ordinances are currently being reviewed, specifically on businesses that are being run out of their homes, and that have not been given the proper variance to do so. Mayor Niemann explained that there are few issues that have come up as far as residents trying to sell their properties.

She also noted that there are a lot of debris on properties where there are businesses, which make it hard for people to sell their homes and property, The Township is trying to find ways of solving this issue before it becomes a problem. Mr. Trilone explained that they take their vehicles home in the evening, and that they are on a 24 hour call for business. Mayor Niemann thanked Mr. Trilone for coming and talking to the Committee and requested his contact information to keep him informed on any ordinance changes in the future.

Jack MacConnell, Spring Hill Road requested that the Township Committee write a letter to Senator Leonard Lance in support of his by partisan request for the budget for the Senate and the Legislature. He feels that the Democrats are really pounding Senator Lance because he has not supported the budget, and that they have not been fair to him. The Committee members thanked Mr. MacConnell for his information.

Resolution No. 2009-13 - 2008 Budget Appropriation Transfers

RESOLUTION NO. 2009 - 13

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:	To:	Amount
118-0650-101		\$16,875.00
	118-0009-299	\$ 6,000.00
	118-0010-299	\$ 550.00
	118-0050-299	\$ 600.00
	118-0650-299	\$ 3,300.00
	118-0300-299	\$ 800.00
	118-0650-299	\$ 200.00
	118-0652-299	\$ 350.00
	118-1300-440	\$ 2,700.00
	118-1300-400	\$ 100.00
	118-0200-299	\$ 2275.00
		\$16,875.00

It was moved by Mr. Lubitz, Mayor Niemann stepped down from the chair and second the motion to adopt the foregoing Resolution.

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

BILLS AND CLAIMS

It was moved by Mr. Lubitz, Mayor Niemann stepped down from the Chair and second the motion and carried to approve and pay the bills and claims in the amount of **\$ 1,460,194.06** that are in order and attached as **Bill List** for **February** 2009.

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

REPORTS

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

- Municipal Court Report of December 2008
- Construction Department Report of January 2009
- Zoning Permits Report of January 2009
- Township Engineer's Monthly Report
- Dog License Report
- Animal Control Report
- NJSP Kingwood Station

PAIC Survey of Township Facilities and Playground – Mayor Niemann feels that there will not be any trouble complying with the recommendations. She noted that this should be referred to the Parks and Recreation Commission in reference to the signage request. Clerk MacConnell will pass the information on to the Parks and Recreation Commission.

FUTURE MEETINGS AND ACTIVITIES

Mayor Niemann reviewed as per the Agenda.

Deputy Mayor Burke arrived to the meeting at 7:20 P.M.

ORDINANCE

ORDINANCE NO. 15-01-2009 FIXING THE SALARIES AND COMPENSATION OF THE VARIOUS OFFICERS AND EMPLOYEES OF THE TOWNSHIP VOL.15, PG. 15-01 Public Hearing and Final Adoption

Mayor Niemann read Ordinance aloud by title.

This Ordinance was introduced and adopted on first reading at a meeting of the Kingwood Township Committee on the 6th day of January, 2009. The Ordinance was published in the Hunterdon County Democrat on January 15, 2009 and has been posted in the Kingwood Township Municipal building on January 7, 2009. Copies of the Ordinance have been available for inspection by the public since January 7, 2009.

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

Public Comments: No comments

It was moved by Mr. Lubitz, seconded by Mr. Burke and carried the motion to close the public comment portion of the hearing. **All voted Aye on Roll Call Vote.**

It was moved by Mr. Lubitz, seconded by Mr. Burke and carried the motion to adopt on final reading **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

Franklin Township re: Animal Control Officer

Mayor Niemann had some questions with regard to the change of the Townships relationship with Franklin Township and the animal control officer. There was a brief discussion whether or not anything needs to be done as far as modifying the ordinance. C.F.O. D. Laudenbach explained that an amendment will be done after the services are completed with Franklin Township.

Recycling Coordinator

Mayor Niemann explained that the Township may not need to train the Township's Recycling Coordinator, therefore, a pay in salary may not be necessary.

She noted that when it is time to amend an ordinance for the animal control officer, an amendment for the recycling coordinator will take place at the same time.

TOWNSHIP ENGINEER'S MONTHLY REPORT

Mayor Niemann asked Mr. Burke about the funding from State D.O.T. and Spring Hill Road. Mr. Burke responded. He noted that there is no way to appeal this round and the Engineer has decided that it would be best to apply in two phases, as was done for Oak Grove Road and it would cut the price in half. He also noted that after speaking with the Road Department, the lower half is in pretty good condition, therefore, the work would start at the upper tear from the intersection on Route 519, with the specification from the D.O.T. to widen the road and make an easier turn. Mr. Burke noted that the Engineer is now in the process of reapplying for Spring Hill Road.

ORDINANCE

ORDINANCE NO. 15-02-2009 AN ORDINANCE 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 VOL.15, PG.15-02 Public Hearing and Final Adoption

Mayor Niemann read Ordinance aloud by title.

This Ordinance was introduced and adopted on first reading at a meeting of the Kingwood Township Committee on the 6th day of January, 2009. The Ordinance was published in the Hunterdon County Democrat on January 15, 2009 and has been posted in the Kingwood Township Municipal building on January 7, 2009. Copies of the Ordinance have been available for inspection by the public since January 7, 2009.

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

Public Comments: No comments

It was moved by Mr. Burke, seconded by Mr. Lubitz and carried the motion to close the public comment portion of the hearing. **All voted Aye on Roll Call Vote.**

It was moved by Mr. Lubitz, seconded by Mr. Burke and carried the motion to adopt on final reading **ORDINANCE NO. 15-02-2009 AN ORDINANCE 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.**

2009 - 41

Roll Call Vote:

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

ORDINANCE

ORDINANCE NO. 15-03-2009 CALENDAR YEAR 2009 MODEL ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A.40A:4-45:14) - 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. 15-03-2009 CALENDAR YEAR 2009 MODEL ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14).**

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, March 3, 2009 at a meeting beginning at 7:00 P.M. at the municipal building.

ORDINANCE

ORDINANCE NO. 15-04-2009 AN ORDINANCE OF THE TOWNSHIP OF KINGWOOD, COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO AMEND THE DEVELOPMENT REGULATIONS OF THE TOWNSHIP OF KINGWOOD, SPECIFICALLY “CHAPTER 115 – SUBDIVISION OF LAND” AND “CHAPTER 132 – ZONING” OF THE GENERAL ORDINANCE OF 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. 15-04-2009 AN ORDINANCE OF THE TOWNSHIP OF KINGWOOD, COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO AMEND THE DEVELOPMENT REGULATIONS OF THE TOWNSHIP OF KINGWOOD, SPECIFICALLY “CHAPTER 115 – SUBDIVISION OF LAND” AND “CHAPTER 132 – ZONING” OF THE GENERAL ORDINANCE 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, March 3, 2009 at a meeting beginning at 7:00 P.M. at the municipal building.

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2009 – 14

2009 MUNICIPAL PLANNING INCENTIVE GRANT PROGRAM

WHEREAS, the Hunterdon County Agriculture Development Board has informed Kingwood Township that it has been awarded a \$750,000 (sixty percent) cost share grant by the State Agriculture Development Committee for the 2009 Municipal Planning Incentive Grant (PIG) Program; and

WHEREAS, the State Agriculture Development Committee provides sixty percent of the funds to acquire a development easement on a farm; and

WHEREAS, for the balance of the easement purchase funds, Hunterdon County will employ a modified cost share formula based on the appraised value of the farm to determine the portion to be paid by the County and the portion to be paid by Kingwood Township; and

WHEREAS, the Hunterdon County Agriculture Development Board requested confirmation from the Township that Kingwood Township will cost-share on applications in the 2009 funding round;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey that Kingwood Township will definitely cost share on applications in Kingwood Township for the 2009 farmland preservation funding round, in an amount not to exceed \$250,000.00.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Hunterdon County Agriculture Development Board.

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 - 15

FARMLAND PRESERVATION PROPERTIES

WHEREAS, Kingwood Township has previously resolved to participate in the preservation of various properties in the Township, some being in conjunction with the State of New Jersey, the County of Hunterdon and with non-profit organizations; and

WHEREAS, Kingwood Township has provided for the funding of these acquisitions by virtue of the authority in Ordinance No. 15-12-2008;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey that following are the properties and amounts:

Clark – Block 33, Lot 14 - \$270,000.00

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 - 16

TAX SALE REDEMPTION

WHEREAS, the Tax Collector has received redemption monies in the amount of \$20,886.14 to redeem Tax Sale Certificate No. 2006-04 on Block 23, Lot 19.

NOW, THEREFORE, 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 issue a check in the amount of \$20,886.14 to Ilene’s Kids, LLC, 145 North Franklin Turnpike, Suite 324, Ramsey, New Jersey, 07446 for the redemption of Tax Sale Certificate No. 2006-04, and

BE IT FURTHER RESOLVED, that the Chief Financial Officer be authorized to issue a check for the return of the premium, in the amount of \$5,100 paid at the time of sale, to the lien holder.

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 – 17

REFUND OF OVERPAYMENT

WHEREAS, the Resolution No. 2008-122 cancelled the third and fourth quarter 2008 taxes due to the owner qualifying for a property tax exemption for a disabled veteran; and

WHEREAS, the mortgage company, GMAC Mortgage, paid the third quarter 2008 real estate taxes.

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 Chief Financial Officer be authorized to refund the third quarter 2008 overpayment in the amount of \$2,240.58 to GMAC Mortgage, 3451 Hammond Avenue, Waterloo, Iowa, 50704.

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:

Mayor Niemann asked C.F.O. D. Laudenbach to explain the ordinance. D. Laudenbach responded.

RESOLUTION NO. 2009 – 18

CANCELLATION OF ORDINANCE NO. 15-20-2008

WHEREAS, the Township Committee of the Township of Kingwood is desirous of cancelling Ordinance No. 15-20-2008 for the Share of the Cost of Acquisition of Land for Farmland Preservation.

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 Ordinance No. 15-20-2008 is hereby cancelled.

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 - 19

**RESOLUTION AUTHORIZING THE AWARD OF NON-FAIR AND OPEN
CONTRACTS FOR TOWNSHIP PROFESSIONALS**

WHEREAS, the Township of Kingwood has a need to acquire professional services of Township Professionals as non-fair and open contracts pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Township Chief Financial Officer has determined and certified in writing that the value of the acquisition will exceed \$17,500, excepting the position of Bond Counsel, which shall not exceed \$17,500; and

WHEREAS, the anticipated term of these contracts is one year(s); and

WHEREAS, each of the Township professionals set forth below in Paragraph No. 1 has submitted a proposal indicating they will provide the professional services described below in Paragraph No. 1 for the amount set forth in each submitted proposal; and

WHEREAS, each of the Township professionals set forth in Paragraph No. 1 below has completed and submitted a Business Entity Disclosure Certification which certifies that each Township Professional has not made any reportable contributions to a political or candidate committee in the Township of Kingwood in the previous one year, and that the contract will prohibit the Township professionals from making any reportable contributions through the term of the contract, and

WHEREAS, a certification of availability of funds, specifying the line item appropriation(s) to be charged as to each contract set forth below in Paragraph No. 1 has been provided by the Chief Financial Officer of the Township of Kingwood.

NOW THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Kingwood authorizes the Mayor and Clerk to enter into contracts with the Township Professionals as described below;

Professional	Position	Term of Contract
--------------	----------	------------------

Judith A. Kopen, Gebhardt & Kiefer, P.C.	Township Attorney	One year
David R. Pierce	Planning Board Attorney	One year
David R. Pierce	Zoning Board of Adjustment Attorney	One year
Thomas R. Decker, Gilmore & Associates	Township Engineer	One year
William Colantano	Township Auditor	One year
David Banisch	Township Planner	One year
Andrea L. Kahn	Township Bond Counsel	One year
Vincent Uhl	Township Hydrogeologist	One year

BE IT FURTHER RESOLVED that a copy of this Resolution shall be published in the Hunterdon County Democrat and the Courier News as required by law, within ten days of its passage.

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

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

Resolution No. 2009 – 20 A Resolution Authorizing Wetlands Delineation and LOI

Mr. Burke explained that the Township will be sharing the costs for the Wetland Delineation/LOI application proposal with Habitat for Humanity, which they agreed to do. He noted that he obtained two quotes, one from Amy Green Environmental Consultants in the amount of \$6,500.00, and Jeff Tareila Environmental Consulting in the amount of \$1,800.00. Mr. Burke explained that Jeff Tareila’s quote was much less, so he had the following Resolution written and prepared to adopt if the Committee members agreed to the quotation received.

The following Resolution was introduced:

RESOLUTION NO. 2009 - 20

A RESOLUTION AUTHORIZING WETLANDS DELINEATION AND LOI

WHEREAS, Kingwood Township is negotiating an agreement to facilitate the provision of affordable housing in the Township by working with Raritan Valley Habitat for Humanity (“RVHFH”), whose corporate purposes include and significantly involve the provision of affordable housing; and

WHEREAS, in furtherance of entering an agreement between the Township of Kingwood and RVHFH the Township and RVHFH require a wetlands delineation and LOI (letter of interpretation) for Block 20, Lot 1 in connection with the proposed agreement with RVHFH; and

WHEREAS, the Township has obtained two proposals; and

WHEREAS, funds are or will be made available for this purpose to be certified by the Township Chief Financial Officer; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq. authorizes engaging a professional without competitive bidding providing that the resolution authorizing the award of contracts for “professional services” without competitive bidding and the contracts be made available for public inspection;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of Kingwood, Hunterdon County, as follows:

1. Jeff Tareila Environmental Consulting is hereby authorized to conduct a wetlands delineation and LOI on Block 20, Lot 1 in the Township of Kingwood pursuant to the proposal of Jeff Tareila Environmental Consulting dated December 22, 2008.
2. The Township agrees to pay 50% of the total proposal amount, not to exceed \$2,000.00.
3. This agreement is awarded without competitive bidding as a “professional service” under the provision of the Local Public Contracts Law, N.J.S.A. 40A:11-5.
4. Notice of this action will be printed once in the Hunterdon County Democrat and Courier News.

It was moved by Mr. Burke, seconded by Mr. Lubitz and carried the motion to adopt the foregoing Resolution, awarding the professional agreement to Jeff Tareila Environmental Consulting, with the attached bid for the LOI for the Melnyk property Block 20, Lot 1.

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

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2009 - 21

RECYCLING TONNAGE GRANT

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grants may be made to municipalities in recycling programs; and

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and indicate the assent of the Kingwood Township Committee to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure that the application is properly completed and timely filed; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood that the Township of Kingwood hereby endorses the submission of a Municipal Recycling Grant Application to the New Jersey Department of

Environmental Protection, Office of Recycling and designated Cynthia Niciecki, Recycling Coordinator for the year 2009, 1116 State Highway 12, Frenchtown, New Jersey, 08825, to ensure that the said Application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a recycling trust fund to be used solely for the purposes of recycling.

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

Clerk MacConnell explained that by the year 2010 each municipality must have a certified recycling coordinator. She noted that the current coordinator maybe reappointed without having a certification at this time.

RESOLUTION

Resolution No. 2009 – 22 National Incident Management System

Mr. Burke explained that Mr. Irving MacConnell has offered to work on the NIM's Report for the Township. Mr. MacConnell addressed the Township Committee with the information. He noted that the Township is about 95% compliant except with the following resolution. He explained that the Township has signed onto their program and the Township will be in compliance with the State. They request a resolution to accompany the report. Mr. Burke also noted that there will be grants available through this program.

The following Resolution was introduced:

RESOLUTION NO. 2009 – 22

NATIONAL INCIDENT MANAGEMENT SYSTEM

2009 - 51

WHEREAS, in Homeland Security Presidential Directive (HSPD) 5, the President directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS) which would provide a consistent nationwide approach for Federal, State and Local governments to work together more effectively and efficiently to prevent, prepare for, respond to, and recover from domestic incidents, regardless of cause, size or complexity; and

WHEREAS, the 9-11 Commission recommended adoption of a standardized Incident Command System; and

WHEREAS, it is necessary that all Federal, State and Local emergency management agencies and other public safety agencies coordinate their efforts to effectively and efficiently provide the highest levels of incident management; and

WHEREAS, to facilitate the most efficient and effective incident management, it is critical that Federal, State and Local organizations utilize standard terminology, standardized organizational structures, uniform personnel qualification standards, uniform standards for planning, training and exercising comprehensive resource management and designated incident facilities during emergencies or disasters; and

WHEREAS, the NIMS standardized procedures for managing personnel, communications, facilities and resources will improve the ability to utilize State and Federal funding to enhance County and Local agency readiness, maintain first responder safety and streamline incident management processes; and

WHEREAS, the Incident Command System components of NIMS are already an integral part of various incident management activities throughout the State, County and Local Municipalities including all public safety and emergency response organizations training programs; and

WHEREAS, over fifty Federal grant programs mandate that NIMS be adopted as a prerequisite for obtaining these grants;

NOW, THEREFORE, BE IT RESOVED that the Township Committee of the Township of Kingwood hereby adopts the NIMS and mandates that the National Incident Management System (NIMS) be utilized for all incident management in the Township of Kingwood.

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

2009-52

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

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2009 – 23

“Designating the Month of March as “Women’s History Month”

WHEREAS, New Jersey women of every race, class, and ethnic background have made historic contributions to the growth and strength of our State in countless recorded and unrecorded ways; and

WHEREAS, New Jersey women have played and continue to play a critical economic, cultural, and social role in every sphere of the life of the State by constituting a significant portion of the labor force working inside and outside of the home; and

WHEREAS, New Jersey women have played a unique role throughout the history of the State by providing the majority of the volunteer labor force of the State; and

WHEREAS, New Jersey women were particularly important in the establishment of early charitable, philanthropic, and cultural institutions in our State; and

WHEREAS, New Jersey women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement; and

WHEREAS, New Jersey women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements, especially the peace movement, which create a more fair and just society for all; and

WHEREAS, despite these contributions, the role of women in history has been consistently overlooked and undervalued, in the literature, teaching and study of American history; and

WHEREAS, the Department of Community Affairs, specifically the Division on Women’s goals are to remember and celebrate New Jersey women and to:

2009-53

- ◆ ensure that NJ women are offered equal opportunities in education, the workforce and healthcare regardless of age, sexual orientation, income, ethnicity, race or religion.
- ◆ identify, implement, measure and coordinate programs that address the needs of NJ women.

- ♦ engage in continuous study and research on issues affecting NJ women and their families, develop policy papers and legislative recommendations.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon, State of New Jersey, that March 2009 is designated as "**Women's History Month**" under the National Women History Project's 2009 theme: *Women Taking the Lead to Save our Planet*.

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

NEW BUSINESS

RESOLUTION

Hunterdon Cty Education Services Commission – Cooperative Pricing Agreement – Resolution No. 2009-24

Deputy Mayor Burke noted that he acquired quotes for fuel oil since the municipal garage fuel oil prices have been so high. He explained that he spoke with Attorney Kopen to see if the Township would be able to enter into an agreement with ESC, Hunterdon County Education Services Commission, and found out that the Township is able to enter into an agreement with ESC. Attorney Kopen said she spoke with a gentleman, from the Department of Community Affairs to research the regulations that may be involved.

Attorney Kopen reviewed statute N.J.A.C5:34-720 that gives the lead agency, which is the Hunterdon County Education Services Commission, the option to determine prior to solicitation of bids, whether any estimates submitted by a local unit, which would be Kingwood Township, shall be considered firm and binding if they chose that option. She noted that a local unit cannot withdraw its estimate after a supplier has been selected. Mr. Burke explained speaking to the administrator from Kingwood Township School and found out they are paying a lot less for fuel oil through HCESC. The Committee members would like the Township to enter into this agreement.

2009 - 54

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2009 - 24

**A RESOLUTION AUTHORIZING COOPERATIVE PRICING AGREEMENT WITH
HUNTERDON COUNTY EDUCATIONAL SERVICES COMMISSION**

WHEREAS, Kingwood Township has a need for certain goods and services that are offered through cooperative purchasing with the Hunterdon County Educational Services Commission (“HCESC”); and

WHEREAS, N.J.S.A. 40A:11-10 and 11-11 authorize a municipality to enter into cooperative pricing agreements with an educational services commission for the provision of goods and services through an educational services commission, rather than through public bidding; and

WHEREAS, in order to become a member participating in the Hunterdon ESC cooperative purchasing program, it is necessary for a municipality to authorize such action by resolution;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of Kingwood, Hunterdon County, as follows:

1. The Township of Kingwood desires to become a member of the Hunterdon County Educational Services Commission.
2. The Township of Kingwood authorizes the Mayor and Clerk to enter into a cooperative pricing agreement with the Hunterdon County Educational Services Commission for the provision of goods and services as set forth in the attached cooperative pricing agreement, which is attached hereto and made a part hereof.
3. The manner of advertising bids by the HCESC, the manner of awarding contracts by the HCESC and the method of payment for any goods and services purchased through the HCESC is as is set forth in the attached cooperative pricing agreement.
- 4 Notice of this action will be printed once in the Hunterdon Count Democrat and Courier News.

It was moved by Mr. Burke, Mayor Niemann stepped down from the Chair second to carry the motion to adopt the foregoing Resolution.

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

2009 - 55

Feral and Stray Cat Populations in Kingwood Township

Animal Control Officer Traci Fleming discussed the situation with the Committee members. She reviewed quotes she received from several vets to get the cats neutered. She feels that this would keep the cat population under control in the Township. Traci explained that the Township is allowed to license cats and that none of the fees would go to the State, the Township would profit all the funds. This would also help keep the cats under control and the population to a minimum. There was a discussion on possibly using another facility to take the cats to get neutered at a lower price, and that the ordinance for animal control may need to be amended if the Committee decides to send the cats to a facility to be neutered. The Committee members thanked Traci for all her help and for getting the Township on the right track. The Township Committee will be working with the Township Attorney and Traci Fleming to gather more information to amend the Animal Control ordinance within the next month.

Length of Service Awards Program (LOSAP)

Clerk MacConnell reviewed the lists for the LOSAP program.

It was moved by Mr. Burke, seconded by Mr. Lubitz and carried the motion to approve the lists for the Kingwood Township First Aid and Rescue Squad LOSAP and the Kingwood Township Volunteer Fire Company No. 1 LOSAP.

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

Application for Special Permit for Social Affair

There was a brief discussion on the Special Permit for Social Affair for the Hunterdon Central Regional High School, Project Graduation 2009. The event is scheduled to be at Razberry's on Route 12, in Kingwood Township on February 21, 2009 from 6:30 PM till 10:30 PM, with a rain date of February 22, 2009. The event is for a Midwinter Night of Tasting.

It was moved by Mr. Burke, seconded by Mr. Lubitz and carried the motion to approve an application for the Hunterdon Central Regional High School Project Graduation, for a Special Permit for Social Affair.

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

2009 – 56

Computer Consulting Services Proposal

The Committee members briefly reviewed the agreement for consulting services for the year 2009 with FYI Computer Services. They noted that the rate has increased \$5.00 per hour.

It was moved by Mr. Burke, seconded by Mr. Lubitz and carried the motion to approve an agreement with FYI Computer Services in the amount of \$80.00 an hour for consulting services for the Township.

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

Contract for Bank to Act as Agent for Tax Collector

The Committee members reviewed a contract with the Skylands Community bank to act as agent for tax collector by accepting tax payments. C.F.O Diane Laudenschach explained the details to the Committee members.

It was moved by Mr. Burke, seconded by Mr. Lubitz and carried the motion to approve a Contract for Bank to Act as Agent for the Tax Collector.

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

Records Storage on Disk

C.F.O., Tax Collector, Planning Board Secretary, and Board of Health Secretary Diane Laudenschach discussed with the Committee members the possibility of storing Township records on a disk. Committeeman Lubitz asked if the records are fire safe. D. Laudenschach noted that the disks could be filed in the fire proof cabinet in the copy machine room. The Committee members all agreed it would be a great idea.

2009 Municipal Clean-Up Program

The Committee members reviewed a newsletter for the Municipal Clean-Up Program for 2009. They all agreed there will be no changes for this year. Mr. Lubitz mentioned that several residents ask about electronic disposal.

Appointment to Citizen Advisory Panel to Parks & Recreation Committee – Anthony Gioffre, James Spinelli, Kristine Marinelli

Mayor Niemann read aloud the following appointments to the Citizen Advisory Panel to Parks and Recreation Committee.

OLD BUSINESS

Hunterdon Industrial Gases – Proposal for Site Assessment

Deputy Mayor Burke reviewed the proposal he received for a Phase I Environmental Site Assessment. He noted that the quote was for \$1,550.00 and it could be done fairly quickly. He would like to also obtain another quote from Quest Environmental as the Township has utilized in the past. The Committee members all agreed to look into getting another quote and making a decision for the near future.

Recommendation from Twp Atty. & Twp. Eng – Grading Ordinance

Attorney Kopen reviewed her report and the Township Engineer's report of the comments on the Grading Ordinance. Attorney Kopen asked if there was any action the Committee would like to take at this time. There was a lengthy discussion on the changes that need to be looked into in reference to the changes in the ordinance. Deputy Mayor Burke suggested that someone from the Township speak to a representative from the Hunterdon County Soil Conservation District on their thoughts. Mr. Burke will speak with Township Engineer Thomas Decker, and suggest that he contact a representative from the H.C. Soil Conservation District.

Township Newsletter

Mayor Niemann explained that there will be a Township Newsletter in the annual mailing this year. This will include several articles from Committees/Commissions and other officials such as the Dog License Official. The deadline date to have all documents, including the Township Newsletter shall be submitted no later than February 27, 2009. The Township Committee will review a draft of the Newsletter at their meeting on Tuesday, March 3, 2009.

Radon Testing

Attorney Kopen noted that she looked into this requirement for municipalities. She stated that the State pre-empt's field requiring testing. This is not considered under municipal control. Deputy Mayor Burke suggested that the Environmental Commission inquire about getting kits for the residents to test their homes. This would be a good idea for them to be given out at the Kingwood Park on Community Day.

Transition to Digital TV Signal

Mayor Niemann explained that the Township has no control over the transition to digital TV signal. Mrs. Niemann noted that the transition is scheduled to happen on February 17, 2009 to strictly digital format. She explained that televisions without cable or satellite connections will not receive the transition without a converter. Committeeman Lubitz noted that there may be a delay in the date by the decision of congress in reference to the transition. Mayor Niemann noted that there are about 300 residents in the Township without cable.

Public Works – Employee

John Barry Ewing was given a rice notice so that the Committee members could speak about his position. Mr. Ewing requested that the Committee members discuss his employment during open session. Mr. Ewing was present at the meeting to speak to the Committee members. Deputy Mayor Burke asked Mr. Ewing if he would be able to wait and speak in Executive Session. Mr. Ewing responded and will be speaking to the Committee members in Executive Session.

Mr. Jeff Scott, Planning and Zoning – Frenchtown Boro

Mr. Burke also invited Mr. Jeff Scott, who has been a Planning Board/Board of Adjustment Chairman in Frenchtown to come meet and speak with the Township Committee since the Township is now having a zoning issue. Mr. Burke asked him to come and explain how the Township should proceed in the conforming of the Township zoning. Mr. Scott introduced himself and spoke to the Committee members on the strategies of Smart Growth Planning. He feels that there should be some type of strategic leadership on the Committee level. He suggested that committees be formed and make a plan for the Township. He shared a few examples from Frenchtown Borough. Mr. Scott feels that it is important to maintain the character of the Township, and to have opportunities to keep it the way it is now. Mr. Burke would like Mr. Scott to come and speak to the Township's Planning Board members. The Committee members thanked Mr. Scott for coming and sharing his ideas.

January 15, 2008 Special Meeting Minutes

It was moved by Mr. Burke, Mayor Niemann stepped down from the Chair and carried the motion to adopt the minutes of the January 15, 2008 Special Meeting Minutes and placed on file.

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

January 15, 2008 Executive Session Meeting Minutes

It was moved by Mr. Burke, Mayor Niemann stepped down from the Chair and carried the motion to adopt the minutes of the January 15, 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.

January 6, 2009 Reorganizational Meeting Minutes

It was moved by Mr. Burke, seconded by Mr. Lubitz and carried to adopt the minutes of the January 6, 2009 Reorganization Meeting Minutes and placed on file.

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

January 6, 2009 Regular Meeting Minutes

It was moved by Mr. Burke, seconded by Mr. Lubitz and carried to adopt the minutes of the January 6, 2009 Regular Meeting Minutes and placed on file.

Roll Call Vote:	AYE	- Burke, Lubitz, Niemann
------------------------	------------	---------------------------------

NAY - None
ABSTAIN - None
ABSENT - None

January 6, 2009 Executive Session Meeting Minutes

It was moved by Mr. Lubitz, seconded by Mr. Burke and carried to adopt the minutes of the January 6, 2009 Executive Session Meeting Minutes and placed on file.

Roll Call Vote:

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

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

EXECUTIVE SESSION – RESOLUTION NO. 2009 - 25

At approximately 9:15 P.M., the following Resolution was introduced to enter into closed session:

RESOLUTION NO. 2009 – 25

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:

2009 – 61

**Personnel - Ewing
Contractual – Leases, Animal Control Services**

**Contract Negotiations – Habitat for Humanity
Litigation – Buckeye Pipeline, Skylark Island, Combe Landfill
Litigation/Property Acquisition – Hunterdon Industrial Gases
Property Acquisition - Gergar**

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. 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

RETURN TO REGULAR SESSION

It was moved by Mr. Lubitz, seconded by Mr. Burke and carried to return to regular session at 10:30 P.M. **All voted Aye on Roll Call Vote.**

Motion to Amend Resolution No. 2009-20

It was moved by Mr. Burke, seconded by Mr. Lubitz and carried the motion to amend Resolution No. 2009-20 by where the Township will be responsible to pay 50% of the above contract price, not to exceed \$2,000.

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

2009 – 62

Motion to Approve Amount for Appraisal

It was moved by Mr. Burke, seconded by Mr. Lubitz and carried the motion to approve that the Township spend up to \$1,500.00 to Integra Reality Conservative for further investigation of the appraisal of the pipeline.

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

It was moved by Mr. Burke, seconded by Mr. Lubitz and carried the motion to adjourn the meeting at 10:31 P.M. **All** voted **Aye** on **Roll Call Vote**.

Respectfully Submitted,

Cynthia L. Keller, RMC
Deputy Clerk