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April 7, 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.**

**2009 Municipal Budget** – Introduction and Adoption on First Reading

The following Resolutions were prepared by the Township's Auditor, Mr. William Colantano.

**RESOLUTION**

The following Resolution were introduced:

**RESOLUTION**

**WHEREAS**, regulations of the State of New Jersey provide for the deferral of school taxes in an amount not to exceed fifty percent of the annual school tax levy when such taxes are raised on a fiscal year basis (school year July 1 through June 30); and

**WHEREAS**, said taxes subject to deferral have not been requisitioned by or paid to the school district; and

**WHEREAS**, it is the desire and intent of the governing body of the Township of Kingwood, County of Hunterdon, to avail the Township of the deferral as permitted by regulations promulgated by the Local Finance Board, Division of Local Government Services, New Jersey Department of Community Affairs; and

**WHEREAS**, fifty percent of the school tax levy of the Kingwood School District is \$2,585,531.00.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Committee of the Township of Kingwood, County of Hunterdon, hereby authorize the Chief Financial Officer of the Township to defer \$1,034,212.40 of school taxes as permitted by the aforementioned regulation; and

**BE IT FURTHER RESOLVED**, that certified copies of this resolution be forwarded to the Chief Financial Officer of the Township and the Director of the Division of Local Government Services, Department of Community Affairs.

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

<b>Roll Call Vote:</b>	<b>AYE</b>	<b>- Burke, Lubitz, Niemann</b>
	<b>NAY</b>	<b>- None</b>
	<b>ABSTAIN</b>	<b>- None</b>
	<b>ABSENT</b>	<b>- None</b>

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION**

**WHEREAS**, regulations of the State of New Jersey provide for the deferral of school taxes in an amount not to exceed fifty percent of the annual school tax levy when such taxes are raised on a fiscal year basis (school year July 1 through June 30); and

**WHEREAS**, said taxes subject to deferral have not been requisitioned by or paid to the school district; and

**WHEREAS**, it is the desire and intent of the governing body of the Township of Kingwood, County of Hunterdon, to avail the Township of the deferral as permitted by regulations promulgated by the Local Finance Board, Division of Local Government Services, New Jersey Department of Community Affairs; and

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**WHEREAS**, fifty percent of the school tax levy of the Delaware Valley Regional High School District is \$1,374,318.33.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Committee of the Township of Kingwood, County of Hunterdon, hereby authorize the Chief Financial Officer of the Township to defer \$549,727.33 of school taxes as permitted by the aforementioned regulation; and

**BE IT FURTHER RESOLVED**, that certified copies of this resolution be forwarded to the Chief Financial Officer of the Township and the Director of the Division of Local Government Services, Department of Community Affairs.

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

<b>Roll Call Vote:</b>	<b>AYE</b>	<b>- Burke, Lubitz, Niemann</b>
	<b>NAY</b>	<b>- None</b>
	<b>ABSTAIN</b>	<b>- None</b>
	<b>ABSENT</b>	<b>- None</b>

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION**

**WHEREAS**, the Township of Kingwood desires to anticipate as an item of general revenue with prior written consent of the Director of Local Government Services in the amount of \$10,667.15; and

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Kingwood that the prior written consent of the Director of Local Government Services be requested to include as an item of general revenue in the 2009 Budget under the following caption:

**Clean Communities Program**

**BE IT FURTHER RESOLVED**, that TWO certified copies of this Resolution be forwarded to the Office of the Director of Local Government Services.

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**

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION**

**WHEREAS**, the Township of Kingwood desires to anticipate as an item of general revenue with prior written consent of the Director of Local Government Services in the amount of \$8,735.00; and

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Kingwood that the prior written consent of the Director of Local Government Services be requested to include as an item of general revenue in the 2009 Budget under the following caption:

**Cable TV Franchise Fee**

**BE IT FURTHER RESOLVED** that TWO certified copies of this Resolution be forwarded to the Office of the Director of Local Government Services.

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**

**Request from Tax Assessor David Gill**

Mr. David Gill, Tax Assessor for Kingwood Township was present at the meeting. He suggested to the Committee members that he would like to do a reassessment on several homes built since 1988, approximately 400 homes. He noted that it will cost about \$5,000. He feels that the assessments done in 2006 were not done properly on certain properties. The Committee members discussed with the Township's C.F.O. Diane Laudenbach, the funds that are available for this to be completed. Mrs. Laudenbach responded, noting that there is money left over in the emergency fund from the revaluation done in 2006, which would be paid out of that account.

Mr. Gill explained that if the Township does not decide to allow this reassessment, then there will be an increasing amount of tax appeals, but if done, it should lower the amount of a 10% to 15% drop in appeals. Mrs. Laudenbach noted that there will be no need to add this amount of \$5,000 to the new budget, it is already appropriated.

It was moved by Mr. Burke, seconded by Mr. Lubitz and carried the motion to appropriate funds already set aside for the reassessment of homes from 1988 and newer, which are necessary to be completed by the Township's Tax Assessor David Gill.

<b>Roll Call Vote:</b>	<b>AYE</b>	<b>- Burke, Lubitz, Niemann</b>
	<b>NAY</b>	<b>- None</b>
	<b>ABSTAIN</b>	<b>- None</b>
	<b>ABSENT</b>	<b>- None</b>

**Funding for the Kingwood Township Volunteer Fire Company**

Mayor Niemann noted that the Township did not receive the Fire Company's audit from 2007 as they expected. She explained that the current leadership of the Fire Company will provide their 2008 audit report, but as of this evening there is nothing to review. The Township will be willing to meet them half way with their proposal. The Mayor explained that under the circumstances this year, it will be difficult for the Township to go beyond what they have already increased, as a significant increase for the Fire Company, where the Township has reduced funding in many other areas. The Township Committee has decided to remain at the level of funding that they have committed to this year of 2009. The Committee members would like to be in contact with the Fire Company more this year, so they can be prepared for next years budget.

Mayor Niemann read aloud the Budget Resolution to introduce the Budget.

It was moved by Mr. Burke, seconded by Mr. Lubitz and carried to introduce on first reading the Municipal Budget for the year 2009.

<b>Roll Call Vote:</b>	<b>AYE</b>	<b>- Burke, Lubitz, Niemann</b>
	<b>NAY</b>	<b>- None</b>
	<b>ABSTAIN</b>	<b>- None</b>
	<b>ABSENT</b>	<b>- None</b>

It was noted that a meeting scheduled for May 5, 2009 at 7:00 P.M., will be a hearing of the hearing for the 2009 Municipal Budget.

**Animal Control Officer – Flemington Council Member Linda Mastellone**

Mayor Niemann introduced Council Member Linda Mastellone from Flemington Borough.

Mayor Niemann noted that the Township of Kingwood is working together with Flemington Borough on making arrangements for the shared use of Kingwood Township's animal control van, and Animal Control Officer. Mayor Niemann explained that there is a Resolution on the table to review. Linda Mastellone approached the Committee with a few questions and concerns in reference to the insurance on the van and the deductible, and how much they will owe Kingwood Township. Ms. Mastellone noted there Borough is concerned about the liability protection on the van in case of a collision or if it is vandalized. She also explained that they would like to know how much they owe per mile for reimbursement. Attorney Kopen explained that since Kingwood is sharing the same with Union Township there may be concerns that overlap. J. Kopen noted that she spoke with the Attorney for Union Twp. who also spoke with their insurance company, who happens to be Kingwood Township's insurance company. He stated that there are two areas of concern to deal with and the fact that there may not be coverage for the Towns that Kingwood is sharing services with the van. The insurance agent explained that the other Towns should have indemnification coverage under their own insurance, as well as Kingwood. Ms. Mastellone explained that the Clerk in Flemington Borough will be looking into additional coverage for the van. Deputy Mayor Burke suggested, and asked if this could be solved by an interlocal agreement with all the municipalities involved. Attorney Kopen explained that when she spoke with the Attorney from Union Twp., he suggested that the Resolution be amended that all the Municipalities entered into an interlocal memorialized agreement. Attorney Kopen reviewed the Resolution with the amendments aloud.

**Interposal Agreement with Flemington Borough In Regard To Use Of Animal Control Vehicle – Resolution No. 2009 – 41**

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2009 - 41**

**AUTHORIZING THE SHARING OF VEHICLE FOR THE USE OF THE  
OFFICE OF  
ANIMAL CONTROL OFFICER BETWEEN THE TOWNSHIP  
OF KINGWOOD AND BOROUGH OF FLEMINGTON, COUNTY OF  
HUNTERDON, STATE OF NEW JERSEY PURSUANT TO  
40A:65-1, ET SEQ. AND 4:19-15.16B, ET. SEQ.**

**WHEREAS**, the Township of Kingwood (hereby referred to as “Kingwood”) and the Borough of Flemington (hereby referred to as “Flemington”), in the County of Hunterdon, State of New Jersey, are desirous of achieving cost savings and efficiencies by sharing a vehicle which is owned by Kingwood for the use of the office of Animal Control Officer; and

**WHEREAS**, Section 40A:65-1, et seq. allows for two or more municipalities to enter into an Agreement for the purpose of providing for the joint provision of services, and Section 40A:65-4 recognizes the provision of animal control services, and services incidental to the provision of animal control as an applicable joint service; and

**WHEREAS**, Section 4:19-15.16B, et seq. sets forth the powers and duties of municipal animal control offices; and

**WHEREAS**, Kingwood and Flemington have agreed upon the sharing of services by way of use of the vehicle owned by Kingwood Township for the office of Animal Control Officer, which form of agreement shall be approved by most municipal attorneys and which shall be open to public inspection of both municipal attorneys.

**WHEREAS**, Kingwood and Flemington desire to pass reciprocal resolutions approving the form of Agreement for each township;

**NOW, THEREFORE, BE IT RESOLVED**, that the Township of Kingwood and the Borough of Flemington hereby agree to share services by way of the use of the vehicle owned by Kingwood for the office of Animal Control Officer of Flemington, and to enter into an Agreement, the form of which shall be approved by both municipal attorneys setting forth the administrative and financial responsibilities of each municipality for this shared service on this day, April 7, 2009; and

**BE IT FURTHER RESOLVED**, that the Mayor, the Clerk of the Township, the Chief Financial Officer, and any other proper official of the Township, be and each of them is hereby authorized to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things necessary and proper for carrying out the transactions contemplated by this resolution. As required by NJSA 40A:65-4 (b), a copy of the Agreement entered into pursuant to this Resolution shall be filed with the Division of Local Government Services in the Department of Community Affairs for informational purposes.

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

**Roll Call Vote:**

<b>AYE</b>	-	<b>Burke, Lubitz, Niemann</b>
<b>NAY</b>	-	<b>None</b>
<b>ABSTAIN</b>	-	<b>None</b>
<b>ABSENT</b>	-	<b>None</b>

**RESOLUTION**

**Interlocal Agreement With Union Township In Regard To Use Of Animal Control Vehicle – Resolution No. 2009 – 42**

The following Resolution was introduced:

**RESOLUTION NO. 2009 - 42**

**AUTHORIZING THE SHARING OF VEHICLE FOR THE USE OF THE OFFICE OF ANIMAL CONTROL OFFICER BETWEEN THE TOWNSHIP OF KINGWOOD AND TOWNSHIP OF UNION, COUNTY OF HUNTERDON, STATE OF NEW JERSEY PURSUANT TO 40A:65-1, ET SEQ. AND 4:19-15.16B, ET. SEQ.**

**WHEREAS**, the Township of Kingwood (hereby referred to as “Kingwood”) and the Township of Union (hereby referred to as “Union”), in the County of Hunterdon, State of New Jersey, are desirous of achieving cost savings and efficiencies by sharing a vehicle which is owned by Kingwood for the use of the office of Animal Control Officer; and

**WHEREAS**, Section 40A:65-1, et seq. allows for two or more municipalities to enter into an Agreement for the purpose of providing for the joint provision of services, and Section 40A:65-4 recognizes the provision of animal control services, and services incidental to the provision of animal control as an applicable joint service; and

**WHEREAS**, Section 4:19-15.16b, et seq. sets forth the powers and duties of municipal animal control offices; and

**WHEREAS**, Kingwood and Union Twp. have agreed upon the sharing of services by way of use of the vehicle owned by Kingwood Township for the office of Animal Control Officer, which form of agreement shall be approved by both municipal attorneys and which shall be open to public inspection of both municipal attorneys.

**WHEREAS**, Kingwood and Union desire to pass reciprocal resolutions approving the form of Agreement for each township;

**NOW, THEREFORE, BE IT RESOLVED** that the Township of Kingwood and the Township of Union hereby agree to share services by way of the use of the vehicle owned by Kingwood for the office of Animal Control Officer of Union, and to enter into an Agreement, the form of which shall be approved by both municipal attorneys setting forth the administrative and financial responsibilities of each municipality for this shared service on this day, April 7, 2009; and

**BE IT FURTHER RESOLVED**, that the Mayor, the Clerk of the Township, the Chief Financial Officer, and any other proper official of the Township, be and each of them is hereby authorized to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things necessary and proper for carrying out the transactions contemplated by this resolution. As required by NJSA 40A:65-4 (b), a copy of the Agreement entered into pursuant to this Resolution shall be filed with the Division of Local Government Services in the Department of Community Affairs for informational purposes.

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

<b>Roll Call Vote:</b>	<b>AYE</b>	<b>- Burke, Lubitz, Niemann</b>
	<b>NAY</b>	<b>- None</b>
	<b>ABSTAIN</b>	<b>- None</b>
	<b>ABSENT</b>	<b>- None</b>

**CORRESPONDENCE**

**Letter from resident M. Mazewski re: Requests Waiver from Late Dog License Fee**

Mayor Niemann reviewed the letter from Mr. Mazewski, requesting a waiver for his late fee for his dog license. Dog License Official Traci Fleming was present and explained to the Committee members that there was one written mailing and a phone call prior to the due date for dog licenses of February 10, 2009, and an addition written letter sent after that date as a reminder. The Committee members asked the Clerk to respond by letter to Mr. Mazewski on behalf of the Township Committee. The Township Committee will not be waiving the dog license fee for Mr. Mazewski.

**Letter & Info from Cty Dept of Health re: Mosquito & Black Flies Control Program**

Mayor Niemann reviewed the letter.

**Letter from KTS Principal re: 8<sup>th</sup> Grade Awards Banquet**

The Committee members all agreed to sponsor an award for outstanding achievement in social studies. It will be a bond in the amount of \$50.00, and a plaque presented to the child at the awards banquet.

Mayor Niemann offered to attend the awards banquet and present the bond and plaque on June 11<sup>th</sup>, 2009.

**Letter from American Heart Assoc & Sample Proclamation re: National Start! Walking Day Proclamation**

Mayor Niemann reviewed and explained that it is a great idea, but it is too late to be involved this year, as the date of the event is April 8, 2009.

**Letter from County Senior Servs & Sample Proclamation re: Older Americans Month**

The Committee members all agreed to adopt a Proclamation designating May as Older Americans Month.

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2009 – 48**

**OLDER AMERICANS MONTH  
PROCLAMATION**

**WHEREAS**, the month of May is traditionally designated and observed throughout the nation as **Older Americans Month**; and

**WHEREAS**, the 2009 theme is “**Live Today for a Better Tomorrow**” in honor of older Americans; and

**WHEREAS**, this Municipality recognizes the contributions older Americans have made to our families, our communities, and our nation; and

**WHEREAS**, older Americans remain active and productive, volunteering their time, talents and expertise, thereby enriching all our lives;

**NOW, THEREFORE, BE IT RESOLVED** that this Municipality does hereby proclaim the month of May as Older Americans Month and calls upon individuals and entities to honor and celebrate the outstanding contributions of this Municipality's older residents.

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

<b>Roll Call Vote:</b>	<b>AYE</b>	<b>- Burke, Lubitz, Niemann</b>
	<b>NAY</b>	<b>- None</b>
	<b>ABSTAIN</b>	<b>- None</b>
	<b>ABSENT</b>	<b>- None</b>

**Letter from NJDOT re: 2009 Municipal Aid Program**

Mayor Niemann reviewed the letter from the N.J.D.O.T. She noted this will be forwarded to the Township Engineer Thomas Decker.

**Letter from NJ Council On Special Transportation re: Membership Application**

Mayor Niemann reviewed.

**Resolution No. 2009-43 - Extension of 2009 Temporary Budget Appropriations**

The following Resolution was introduced:

**RESOLUTION NO. 2009 – 43**

**2009 TEMPORARY APPROPRIATIONS**

**WHEREAS**, the 2009 Budget of the Township of Kingwood has not been adopted and the appropriations provided for in Resolution No. 2009-02 are insufficient to cover the expenses in April of 2009; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey, that the Temporary 2009 Budget Appropriations be raised by the statutory one-twelfth (1/12<sup>th</sup>).

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

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**Roll Call Vote:**

<b>AYE</b>	- <b>Burke, Lubitz, Niemann</b>
<b>NAY</b>	- <b>None</b>
<b>ABSTAIN</b>	- <b>None</b>
<b>ABSENT</b>	- <b>None</b>

**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 \$ 917,330.73 that are in order and attached as **Bill List** for **April** 2009.

**Roll Call Vote:**

<b>AYE</b>	- <b>Burke, Lubitz, Niemann</b>
<b>NAY</b>	- <b>None</b>
<b>ABSTAIN</b>	- <b>None</b>
<b>ABSENT</b>	- <b>None</b>

**PUBLIC COMMENT – PRIVILEGE OF THE FLOOR**

Mr. Gilbert Dick, 413 Oak Grove Road- Was present to thank the Committee members for the services that they provide to the residents of Kingwood Township. He also addressed the matter regarding letters he had sent to the Committee members concerning the executive session minutes of November 3, 2008. He explained that there were several e-mails leading up to the executive session of November 3, 2008 from the Township Clerk to the Committee members. He stated that he requested copies of the minutes from the executive session. The Township Clerk notified Mr. Dick explaining to him that the Township Attorney has advised her not to release the executive session minutes at that time, and that they cannot be released until voted upon until sometime in the future by the Township Committee members. On January 30, 2009 Mr. Dick explained that he wrote a follow up letter to the Committee members stating that he felt that an ambiguous or general statement regarding legal action served to support the need for a closed session. He noted that at the last Township Committee meeting of March 3, 2009 there was a reference in the agenda under correspondence to the last letter Mr. Dick had written to the Committee members. He stated that as to this date there has been no follow up response back to him, but is not looking for any response at this time. Mr. Dick is requesting a timely follow up response, which states definitively why an executive session was granted, and also requesting a clear statement that the minutes will not be released and the basis for that decision. Mr. Dick also noted that in several agendas it was referenced that there was a discussion of a General Code Enforcement Report. He would like to be advised when this report would be available to the public. Mr. Dick feels that once an investigation has been complete, and a summary report has been issued, that this would be public information. Attorney Kopen addressed Mr. Dick with a brief reply. She apologized to Mr. Dick for not responding to him sooner.

She explained that the reason for the executive session was on the basis on potential litigation upon her advice to the Governing Body, and the basis of that is the section of the open public meetings act, which does indicate that it is an appropriate topic for executive session. Attorney Kopen explained that the minutes would be available once the matter has been resolved one way or another.

Jack MacConnell, Spring Hill Road – Thanked Mr. Burke for all his time and efforts for everything he has done to obtain the property on Horseshoe Bend Road for the Township.

## **REPORTS**

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

Tax Collector's Report of February 2009  
Municipal Court Report of February 2009  
Construction Department Report of March 2009  
Zoning Permits Report of March 2009  
Township Engineer's Monthly Report  
Dog License Report  
Animal Control Report  
Zoning Board of Adjustment Annual Report on Variance Applications  
SSP Architectural Group – Review of Municipal Building  
New Jersey State Police Report – Troop C Kingwood Station

## **FUTURE MEETINGS AND ACTIVITIES**

Mayor Niemann reviewed as per the Agenda.

## **ORDINANCES**

**ORDINANCE NO. 15-05-2009 AMENDING ORDINANCE NO. 15-01-2009  
FIXING THE SALARIES AND COMPENSATION OF THE VARIOUS  
OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF KINGWOOD IN THE  
COUNTY OF HUNTERDON AND STATE OF NEW JERSEY VOL.15, PG. 15-05**  
**Public Hearing and Final Adoption**

Mayor Niemann read Ordinance aloud by title. She explained the purpose of the adoption of the Ordinance was to reflect the reduction in payroll for the Township's Animal Control Officer and the change in her role. Mrs. Niemann explained that previously Kingwood Township had a joint agreement with Franklin Township, where they shared the salary by 50% and that the agreement was terminated, therefore, her salary has been amended to reflect the reduction.

This Ordinance was introduced and adopted on first reading at a meeting of the Kingwood Township Committee on the 3<sup>RD</sup> day of March, 2009. The Ordinance was published in the Hunterdon County Democrat on March 12, 2009 and has been posted in the Kingwood Township Municipal building on March 4, 2009. Copies of the Ordinance have been available for inspection by the public since March 4, 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. 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. Burke, seconded by Mr. Lubitz and carried the motion to adopt on final reading **ORDINANCE NO. 15-05-2009 AMENDING ORDINANCE NO. 15-01-2009 FIXING THE SALARIES AND COMPENSATION OF THE VARIOUS OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF KINGWOOD IN THE COUNTY OF HUNTERDON AND STATE OF NEW JERSEY.**

<b>Roll Call Vote:</b>	<b>AYE</b>	<b>- Burke, Lubitz, Niemann</b>
	<b>NAY</b>	<b>- None</b>
	<b>ABSTAIN</b>	<b>- None</b>
	<b>ABSENT</b>	<b>- None</b>

## **RESOLUTIONS**

The following Resolution was introduced:

### **RESOLUTION NO. 2009 - 44**

#### **TAX SALE REDEMPTION**

**WHEREAS**, the Tax Collector has received redemption monies in the amount of \$11,234.27 to redeem Tax Sale Certificate No. 2006-10 on Block 38, Lot 21.

**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 \$11,234.27 to Mooring Tax Asset Group, P.o. Box 281856, Atlanta, GA, 30384-1856 for the redemption of Tax Sale Certificate No. 2006-10, and

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

<b>Roll Call Vote:</b>	<b>AYE</b>	<b>- Burke, Lubitz, Niemann</b>
	<b>NAY</b>	<b>- None</b>
	<b>ABSTAIN</b>	<b>- None</b>
	<b>ABSENT</b>	<b>- None</b>

**RESOLUTION**

The following Resolution was introduced:

**APPROVAL OF LOSAP LISTS FOR 2008**

**RESOLUTION NO. 2009 – 45**

**WHEREAS**, the Kingwood Township Volunteer Fire Company and Kingwood Township First Aid and Rescue Squad have provided to the Township Committee annual certification identifying all active volunteer members who have qualified for credit for the year; and

**WHEREAS**, after initial review by the Township Committee the lists have been posted in the respective buildings of each participating emergency service organization for a period of at least 30 days for review by members; and

**WHEREAS**, there has been no objection or complaint received from any member of those organizations or from the organizations themselves, or the lists have been corrected, and the lists have again been reviewed by the Township Committee;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Kingwood, County of Hunterdon, State of New Jersey that the attached lists indicating qualified members for each agency for the respective year and amounts are approved.

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

<b>Roll Call Vote:</b>	<b>AYE</b>	<b>- Burke, Lubitz, Niemann</b>
	<b>NAY</b>	<b>- None</b>
	<b>ABSTAIN</b>	<b>- None</b>
	<b>ABSENT</b>	<b>- None</b>

Clerk MacConnell reported that there was a person added to the list for the LOSAP Resolution.

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2009 – 46**

**FARMLAND PRESERVATION PROPERTY**

**WHEREAS**, Kingwood Township has previously resolved to participate in the preservation of a property in the Township, which has been 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 this acquisition 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 the following is the property and the amount:

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.

<b>Roll Call Vote:</b>	<b>AYE</b>	<b>- Burke, Lubitz, Niemann</b>
	<b>NAY</b>	<b>- None</b>
	<b>ABSTAIN</b>	<b>- None</b>
	<b>ABSENT</b>	<b>- None</b>

**NEW BUSINESS**

**Professional Services Proposal - Smart Growth Open Space Farmland Preservation Project**

Mayor Niemann noted that a professional services proposal has not been received at this time.

**Info from PAICF re: Model Program for Volunteers in Local Government and Sample Resolution**

Mayor Niemann reviewed and would like to table this until next months meeting on May 5, 2009.

**Info from PAICF re: Tort Notice of Claim and Suggested Resolution**

Mayor Niemann reviewed and would like to table this until next months meeting on May 5, 2009.

**New Members for Open Space Advisory Committee and Agriculture Advisory Committee / Appointment**

Mayor Niemann explained that she has received three different inquiries in reference to service on boards and committees. She noted a woman by the name of Linda Pfingst Oesterwinter is interested in volunteering. Mayor Niemann appointed Linda Pfingst Oesterwinter as a new member of the Open Space Advisory Committee filling an unexpired term. This term will expire on 12/31/2009.

**Shared Services**

Committeeman Phil Lubitz shared with everyone information he received from a breakfast he attended for municipal officials. He noted it was very interesting and all about shared services. Mr. Lubitz handed out a chart of items appropriate for shared services. He feels that this is a good starting point for the Township. Mayor Niemann expressed speaking with the local school and the local fire department on possible ways to work together with shared services.

Deputy Mayor Burke discussed speaking with a representative from the Kingwood Township Volunteer Fire Co. in reference to the Fire Co. hooking up to natural gas. Mr. Burke noted that he is possibly looking into a proposal for the Township Garage, as the fuel bill was so expensive in 2008.

**Electrical Work Necessary for Rental at the Melnyk Farm**

Deputy Mayor Burke noted that he received a call from a tenant informing him that there are a few electrical problems in the home. Mr. Burke immediately called a local electrician to look at the situation to make sure there was no danger involved. He stated that the electrician explained that there was a wire that needed to be replaced by the dryer, also in the bathroom. Mr. Burke requested to discuss this matter in executive session to decide whether this situation needs to be addressed immediately.

**OLD BUSINESS**

**Proposed Amendments to Chapter 86 – Junkyards and Chapter 127-Vehicles, Inoperable and Chapter 132 – Zoning**

Mayor Elaine Niemann noted that the subcommittee working on the ordinances reviewed the amendments. She explained that there were some minor changes to be made on page#6 of Chapter 132, under automobile repair shop. There was a suggestion to amend one word, which is replacing the word (the) to (a). “Any building, premises or land in which a business service or activity is located in which (a) primary pursuit is vehicular maintenance, servicing, painting, body and fender replacement and repair, chassis repair and straightening, auto dismantling and auto wrecking or other similar activities. This definition does not include automobile junkyards. The Mayor feels this is ready to be introduced as a first reading.

**ORDINANCES**

**ORDINANCE NO. 15-06-2009 AN ORDINANCE TO REVISE AND REENACT CHAPTER 86, JUNKYARDS, AND TO AMEND CHAPTER 127, VEHICLES, INOPERABLE AND CHAPTER 132, ZONING** - 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 **ORDINANCE NO. 15-06-2009 AN ORDINANCE TO REVISE AND REENACT CHAPTER 86, JUNKYARDS, AND TO AMEND CHAPTER 127, VEHICLES, INOPERABLE AND CHAPTER 132, ZONING.**

<b>Roll Call Vote:</b>	<b>AYE</b>	<b>- Burke, Lubitz, Niemann</b>
	<b>NAY</b>	<b>- None</b>
	<b>ABSTAIN</b>	<b>- None</b>
	<b>ABSENT</b>	<b>- None</b>

**Consideration of final adoption at a public hearing is scheduled for Tuesday, May 5, 2009 at a meeting beginning at 7:00 P.M. at the municipal building.**

**ORDINANCES**

**ORDINANCE NO. 15-07-2009 AN ORDINANCE REGARDING EXTERIOR PROPERTY MAINTENANCE** - Introduction and Adoption on First Reading

Mayor Niemann read the Ordinance aloud and summarized the reasons for the ordinance, which was introduced.

It was moved by Mr. Burke, seconded by Mr. Lubitz and carried the motion to adopt on first reading **ORDINANCE NO. 15-07-2009 AN ORDINANCE REGARDING EXTERIOR PROPERTY MAINTENANCE .**

**Roll Call Vote:**

<b>AYE</b>	- Burke, Lubitz, Niemann
<b>NAY</b>	- None
<b>ABSTAIN</b>	- None
<b>ABSENT</b>	- None

**Consideration of final adoption at a public hearing is scheduled for Tuesday, May 5, 2009 at a meeting beginning at 7:00 P.M. at the municipal building.**

**Sustainable Jersey Small Grants**

Mayor Niemann gave a brief update. She noted that the Township is currently registered in the program and working actively to pull together a grant application for an energy audit. She noted that the application is due on May 7, 2009, and the Environmental Commission is very pleased to be a part of the program. She also stated that they are working on forming a committee to serve as the “Green Committee” for the program, which is required.

**Labor Assistance Program**

Mayor Niemann brought to the Committee members attention an update on the program to utilize as community service for the Township. The program is for non-violent offenders to help out and do volunteer work in lieu of their jail time for municipalities and non-profit organizations. The Mayor picked up a packet of information to send over to the Labor Assistance Program. She noted that she and a resident will be meeting with an officer to explain what they have in mind. Mayor Niemann noted that if any of the Township’s departments, such as parks and recreation or the offices need help, these volunteers are available to work all day long. Deputy Mayor Burke stated that he was contacted by someone needing to do community service. They stated that they would be interested in picking up garbage off the roads. Mr. Burke discussed with the Committee members and the Township Attorney, whether this would be a liability since there would be no supervision. Mr. Burke noted that this person needs to do 51 hours of community service. Jack MacConnell a retired State Police Officer who was present at the meeting, gave his opinion on the situation. It was decided it would be best for this individual and the Township to just do community service around the park area, where there will be supervision at all times. Mayor Niemann also mentioned contacting the high school to see if there are any students who would be interested in volunteering for the Township.

**MINUTES**

**January 1, 2004 Reorganizational Meeting**

It was moved by Mr. Burke, seconded by Mr. Lubitz and carried the motion to adopt the Minutes of January 1, 2004 Reorganization Meeting.

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

**February 25, 2009 Special Meeting**

It was moved by Mr. Lubitz, seconded by Mr. Burke and carried the motion to adopt the Minutes of February 25, 2009 Special Meeting.

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

**February 25, 2009 Executive Session**

It was moved by Mr. Burke, seconded by Mr. Lubitz and carried the motion to adopt the Minutes of February 25, 2009 Executive Session.

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

**March 3, 2009 Regular Meeting**

It was moved by Mr. Lubitz, seconded by Mr. Burke and carried the motion to adopt the Minutes of March 3, 2009 Regular Township Committee Meeting.

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

**March 3, 2009 Executive Session**

It was moved by Mr. Lubitz, seconded by Mr. Burke and carried the motion to adopt the Minutes of March 3, 2009 Executive Session.

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

**March 11, 2009 Special Meeting**

It was moved by Mr. Lubitz, seconded by Mr. Burke and carried the motion to adopt the Minutes of March 11, 2009 Special Meeting.

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

**March 23, 2009 Special Meeting**

It was moved by Mr. Lubitz, seconded by Mr. Burke and carried the motion to adopt the Minutes of March 23, 2009 Special Meeting.

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

**EXECUTIVE SESSION – RESOLUTION NO. 2009 - 47**

At approximately 8:50 P.M., the following Resolution was introduced to enter into closed session:

**RESOLUTION NO. 2009 – 47**

**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:

**Potential Litigation – General Code Enforcement Report  
Litigation – Buckeye Pipeline  
Contract Negotiations – Habitat for Humanity  
Property Acquisition – Gergar  
Contractual - Rentals**

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. Burke, seconded by Mr. Lubitz and carried the motion to return to regular session at 9:50 P.M. **All voted Aye on Roll Call Vote.**

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2009 - 49**

**RESOLUTION AUTHORIZING HIRING OF SURVEYOR**

**WHEREAS**, the Township of Kingwood requires survey work in connection with Block 2, Lot 16 and Block 7, Lot 2, both of which are currently owned by the estate of Helen Gergar in order to facilitate the bequest of the previously mentioned property from the estate of Helen Gergar to the Township of Kingwood; and

**WHEREAS**, the Township of Kingwood received proposals for survey work and has determined to use the services of David M. Newton of Newton Land Surveyors, who provided the lowest proposal to perform this work for the total amount of \$6130.00, per his proposal which is attached hereto and made a part hereof as Exhibit A, which amount is less than the statutory bid threshold; and

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

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1, *et seq.*) authorizes the hiring of a professional, such as a surveyor, without competitive bidding providing that the amount to be paid for the work of the professional is less than the bid threshold set forth in the law.

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

1. David M. Newton of Newton Land Surveyors, is hereby engaged to perform professional surveyor services for the Township of Kingwood in connection with the bequest to the Township of Block 2, Lot 16 and Block 7, Lot 2, both of which are currently owned by the estate of Helen Gergar, per the proposal of David M. Newton dated December 8, 2008, which is attached hereto and made a part hereof as Exhibit A.
2. This contract is awarded without competitive bidding as "Professional Services" as well as being in an amount for less than the bid threshold under the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-5.

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

<b>Roll Call Vote:</b>	<b>AYE</b>	<b>- Burke, Lubitz, Niemann</b>
	<b>NAY</b>	<b>- None</b>
	<b>ABSTAIN</b>	<b>- None</b>
	<b>ABSENT</b>	<b>- None</b>

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2009 - 50**

**RESOLUTION AUTHORIZING ADDITIONAL WORK BY APPRAISER**

**WHEREAS**, the Township of Kingwood authorized the services of appraiser Barry Krauser of Integra Realty Resources to perform a preliminary evaluation of Buckeye Pipeline, lots 100 and 101 in connection with the NJ Tax Court case, Buckeye Pipeline Co. v. Kingwood Township for the amount of \$1500.00, which evaluation has been provided; and

**WHEREAS**, the Township of Kingwood has determined that additional services of Barry Krauser are required in order for Mr. Krauser to engage in settlement negotiations on behalf of the Township consistent with his preliminary evaluation, such services not to exceed the amount of \$1750.00; and

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

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1, *et seq.*) authorizes the hiring of a professional, such as an appraiser, without competitive bidding providing that the amount to be paid for the work of the professional is less than the bid threshold set forth in the law.

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

1. Barry Krauser of Integra Realty Resources, is hereby engaged to perform professional appraisal services for the Township of Kingwood in connection with the NJ Tax Court case, Buckeye Pipeline Co. v. Kingwood Township, for an amount not to exceed \$1750.00.
2. This contract is awarded without competitive bidding as "Professional Services" as well as being in an amount for less than the bid threshold under the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-5.

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

**Roll Call Vote:**

<b>AYE</b>	-	<b>Burke, Lubitz, Niemann</b>
<b>NAY</b>	-	<b>None</b>
<b>ABSTAIN</b>	-	<b>None</b>
<b>ABSENT</b>	-	<b>None</b>

**Tentative Meeting Scheduled for Township Committee and B.O.E. Kingwood Township School**

A tentative meeting will be scheduled for Wednesday, April 29, 2009 at 6:00 PM for a Township Committee Special Meeting with the B.O.E. of the Kingwood Township School to discuss the defeated school budget of necessary.

**Bonding for Road Repairs Considered**

Deputy Mayor Burke noted speaking with the Township's Public Works Supervisor Jack Search. They discussed the work that needs to be done on the Township Roads. Mr. Burke is considering speaking to the Township's Auditor Mr. William Colantano for possibly bonding for various road issues and their deterioration. Mr. Burke explained that if the Township waits too long it will cost the Township much more. He is planning on scheduling a meeting with the Township's Engineer Thomas Decker along with Jack Search to do a road trip of all the roads to identify all the major problems.

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

**Respectfully Submitted,**

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