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**June 1, 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, Auditor W. Colantano, C.F.O. D. Laudenbach, 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 Adoption – Resolution No. 2009 – 80

Auditor William Colantano was present for the adoption of the 2009 Municipal Budget.

Mayor Niemann announced that the final adoption of the 2009 Municipal Budget will take place.

RESOLUTION OF THE 2009 MUNICIPAL BUDGET

The following Resolution was introduced for final adoption.

RESOLUTION NO. 2009 – 80

BE IT RESOLVED, by the Township Committee of the Township of Kingwood, County of Hunterdon that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

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Item 6 (b), Sheet 11		
(NJS 40A:4-14)	07-191	
Total Revenues	13-299	\$2,634,695.27
5. General Appropriations:		
Within "CAPS"		
(a & b) Operations		
including Contingent	34-201	\$1,573,308.00
(e) Deferred charges and		
Statutory Expenditures		
- Municipal	34-209	\$135,193.10
(g) Cash Deficit		
	46-885	
Excluded from "CAPS"		
(a) Operations - Total		
Operations Excluded from		
"CAPS"	34-305	\$ 29,759.17
(c) Capital Improvements	44-999	\$ 147,000.00
(d) Municipal Debt Service	45-999	\$ 221,435.00
(e) Deferred Charges-Municipal	46-999	\$ 60,000.00
(f) Judgements	37-480	
(n) Transferred to Board of		
Education for Use of Local		
Schools (NJS 40:48-17.1		
& 17.3)		
	29-405	
(g) Cash Deficit	46-885	
(k) For Local District		
School Purposes		
	29-410	
(m) Reserve for Uncollected		
taxes		
	50-899	\$ 468,000.00
6. School Appropriations - Type		
1 School Districts Only		
(NJS 40A:4-13)	07-195	
Total Appropriations	34-499	\$ 2,634,695.27

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

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

Resolution No. 2009-70 - Self Examination of Budget Resolution

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2009 - 70

SELF-EXAMINATION OF BUDGET RESOLUTION

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of Kingwood has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2009 budget year.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

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

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

CORRESPONDENCE

Letter from Randolph Twp re: Morris Cty Cooperative Pricing Council

Mayor Niemann reviewed letter received.

BILLS AND CLAIMS

It was moved by Mr. Burke, seconded by Mr. Lubitz and carried to approve and pay the bills and claims in the amount of **\$1,392,847.69** that are in order and attached as **Bill List** for **June 2009**.

Roll Call Vote:

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

PUBLIC COMMENT – PRIVILEGE OF THE FLOOR

N/A

REPORTS

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

- Tax Collector's Report of April 2009
- Municipal Court Report of April 2009
- Construction Department Report of May 2009
- Zoning Permits Report of May 2009
- Township Engineer's Monthly Report

There was a brief discussion in reference to resubmitting a grant application agreement with the New Jersey Department of Transportation for the Spring Hill Road widening and drainage improvement project.

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2009 - 78

Resolution: Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the Spring Hill Road Widening and Drainage Improvement project.

WHEREAS, there is a need in the Township of Kingwood for certain improvements to Spring Hill Road; and

WHEREAS, the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey has determined to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the Spring Hill Widening and Drainage Improvement project; and

NOW, THEREFORE, BE IT RESOLVED that Council of Kingwood Township, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Deputy Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2010-Kingwood Township-00434 to the New Jersey Department of Transportation on behalf of Kingwood Township.

BE IT FURTHER RESOLVED that the Deputy Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Kingwood Township and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

Roll Call Vote:	Aye	- Burke, Lubitz, Niemann
	Nay	- None
	Abstain	- None
	Absent	- None

Dog License Report
Animal Control Report
Recycling Tonnage Reports

Cynthia Niciecki, Recycling Coordinator was present to give an overview of the 2008 Recycling Tonnage Summary. She provided the tonnage reports from 2006, 2007, and 2008 to compare the increase over the years. She explained that there has been a 1000 ton increase since 2007. Mrs. Niciecki noted that she and her husband have been keeping an eye on the dumpsters at the public work parking lot weekly. She noted that the dumpsters get switched about every two weeks with new dumpsters. She explained that even though Kingwood Township opted out of the Shared Services with the County, the Township has three months from when the State approves the County Plan to come up with a plan for Kingwood Township. She also noted that within six months of the County Plans approval, we must update our recycling ordinance.

Mrs. Niciecki brought a sample ordinance. There was a discussion of the uniformity of the fees. She plans to reach out to the local businesses, citizens, and students for educational purposes. Mr. Niciecki spoke to the Township Committee and asked if the Township would pay for her to take the recycling course at Rutgers in the future, so that she may become certified.

Septic Subcommittee

Mayor Niemann noted that she has information to bring to the next meeting. She noted she would like to table the discussion until the July meeting.

FUTURE MEETINGS AND ACTIVITIES

Mayor Niemann reviewed as per the Agenda. She announced that the regular scheduled meeting of the Township Committee for the month of July, which is usually the first Tuesday of the month, has been rescheduled from Tuesday, July 7, 2009 to Thursday, July 2, 2009. She also announced that there will be a meeting on Monday, June 8, 2009 in Flemington NJ, at 7:00 PM. The topic to be discussed will be Regionalization of Hunterdon County Schools. Deputy Mayor Burke offered to attend the meeting in Flemington.

ORDINANCES

Ordinance No. 15-06-2009 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 ordinance aloud by title. Mayor Niemann reviewed the history of the ordinance and explained that it was first introduced in April. It was then given to the Planning Board for review. They reviewed the ordinance and made several changes. Attorney Kopen reviewed several of the amendments since the May Township Committee meeting, which were completed after speaking to the Planning Board Attorney. She handed out a list of the Recycling Rules of the New Jersey Administrative Code for the Committee to review. She noted that there are about twenty-four different situations where certain facilities operate without being licensed, and a number of facilities that could come under that provision. Twenty-seven facilities that do not need to go under recycling are considered to be recycling. She explained that it is controlled by the N.J.D.E.P. Mayor Niemann suggested that this ordinance be tabled for introduction until the July Township Committee meeting, as to give the public and the Planning Board the opportunity to review the ordinance.

Comments from the Public

Gary Lezak, Route 519 Commented by asking the Committee members several questions. He asked about zoning areas where the ordinance will effect. Mayor Niemann responded and noted that the draft ordinance would prohibit recycling centers in AR-2 only. The Lezaks are very concerned about the value of their home and property due to the neighbor next to them.

Attorney Kopen stated that there are provisions regarding the prohibited expansions of preexisting nonconforming uses. Attorney Kopen will research the possibility of adding VR-Zone to the areas in which recycling centers are prohibited. Mayor Niemann stated the Township will try to do their best to find a resolution. She stated that this will be addressed to the Code Enforcement Official, and possibly the Lezaks can also meet with him. Attorney Kopen noted that this will also be addressed with the Planning Board Attorney for further review. Mayor Niemann announced that if anyone is interested in a copy of the proposed ordinance after the amendments have been completed, to please make a note of their name and address or e-mail address on the sign in sheet at the back of the meeting room.

ORDINANCE

ORDINANCE NO. 15-07-2009 REGARDING EXTERIOR PROPERTY MAINTENANCE VOL.15, PG. 15-07 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 5th day of May, 2009. The Ordinance was published in the Hunterdon County Democrat on May 14, 2009 and has been posted in the Kingwood Township Municipal building on May 6, 2009. Copies of the Ordinance have been available for inspection by the public since May 6, 2009.

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

Public Comments:

Sandra McNicol, Oak Grove Road noted that the Ordinance is complete and is now in place.

Linda Lezak, Route 519 Asked the Committee if her property would be involved in this ordinance. Mayor Niemann responded by explaining that the Township has adopted this ordinance as a new ordinance instead of relying strictly on the modification of the old ordinance, to make it available as a tool to use in residential areas where it seems less confusing to people where there is no junk yard present. This is an ordinance that would be more applicable for the zoning of AR-2 in a residential area, where there is no appearance of a junkyard. This would help the Code Enforcement Officer to go out and talk to people in reference to removing items off their property.

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

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

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

ORDINANCE

ORDINANCE NO. 15-08-2009 AN ORDINANCE TO PROVIDE FOR THE RESURFACING OF ROADS AS A GENERAL IMPROVEMENT FOR THE TOWNSHIP OF KINGWOOD IN THE COUNTY OF HUNTERDON AND STATE OF NEW JERSEY AND APPROPRIATING \$50,000.00 FROM THE CAPITAL IMPROVEMENT FUND -

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 to adopt on first reading **ORDINANCE NO. 15-08-2009 AN ORDINANCE TO PROVIDE FOR THE RESURFACING OF ROADS AS A GENERAL IMPROVEMENT FOR THE TOWNSHIP OF KINGWOOD IN THE COUNTY OF HUNTERDON AND STATE OF NEW JERSEY AND APPROPRIATING \$50,000.00 FROM THE CAPITAL IMPROVEMENT FUND.**

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

Consideration of final adoption at a public hearing is scheduled for Thursday July 2, 2009 at a meeting beginning at 7:00 P.M. at the municipal building.

RESOLUTIONS

Resolution No. 2009 – 71 – Establishment of a Change Fund

The following Resolution was introduced:

RESOLUTION NO. 2009 - 71

ESTABLISHMENT OF A CHANGE FUND

WHEREAS, N.J.S.A. 40a:5-21 authorizes the establishment of a Change Fund in a municipality by application and resolution, and

WHEREAS, it is the desire of the Township of Kingwood, County of Hunterdon and State of New Jersey, to establish a change fund for the Municipal Court in the amount of \$50.00, and

WHEREAS, the custodian for this fund is Dawn Augustine, Court Administrator, who is bonded by the excess crime bond pool issued by the Municipal Excess Liability Joint Insurance Fund covering all municipal employees in the aggregate of \$950,000; such custodian shall maintain records for this fund in a manner conducive to proper accounting and auditing procedures.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey hereby authorizes such action.

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

Roll Call Vote:	Aye	- Burke, Lubitz, Niemann
	Nay	- None
	Abstain	- None
	Absent	- None

RESOLUTION

Resolution No. 2009 – 72 – Tax Sale Redemption

The following Resolution was introduced:

RESOLUTION NO. 2009 – 72

TAX SALE REDEMPTION

WHEREAS, the Tax Collector has received redemption monies in the amount of \$10,346.58 to redeem Tax Sale Certificate No. 08-002 on Block 18, Lot 1.05.

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 \$10,346.58 to Frank Gallagher, 6 Blackwell Road, Flemington, New Jersey, 08822 for the redemption of Tax Sale Certificate No. 08-002.

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 – 73 – Reserve For Preliminary Expenses

The following Resolution was introduced:

RESOLUTION NO. 2009- 73

RESERVE FOR PRELIMINARY EXPENSES

WHEREAS, the Township Committee of the Township of Kingwood hereby acknowledges the requirement of surveying costs to comply with the requirements of the New Jersey Department of Environmental Protection Green Acres program.

WHEREAS, the purpose of these preliminary costs is to contract for the expenditure of surveying work to be performed on Block 14, Lots 28.02 and 30.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey that the amount appropriated for preliminary costs shall not exceed \$14,450.00, which shall be funded from the Open Space Trust Fund.

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

Roll Call Vote:	Aye	- Burke, Lubitz, Niemann
	Nay	- None
	Abstain	- None
	Absent	- None

RESOLUTION

Resolution No. 2009 – 74 – Community Day Fireworks Agreement

The following Resolution was introduced:

RESOLUTION NO. 2009 - 74

SEPTEMBER 19, 2009 FIREWORKS DISPLAY

WHEREAS, the Kingwood Township Parks & Recreation Committee has scheduled "Kingwood Community Day" on September 19, 2009; and

WHEREAS, the Kingwood Township Parks & Recreation Committee plans various activities for the day and wishes to display fireworks for the community to help enjoy this day; and

WHEREAS, Garden State Fire Works Inc. has submitted a certificate of insurance with the Township named as additional insured; and

WHEREAS, the Kingwood Township Volunteer Fire Company No. 1, and the Kingwood Township First Aid & Rescue Squad will be standing by at the scene;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon, State of New Jersey that approval is given for the fireworks display on September 19, 2009, rain date September 20, 2009, on the Kingwood Park property located at 200 Union Road, known as Block 19 Lot 8 in Kingwood Township, New Jersey.

BE IT FINALLY RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon, State of New Jersey that the Mayor and Clerk are hereby authorized to execute and enter into an agreement with Garden State Fireworks, Inc. and execute the application for a fireworks permit from the State of New Jersey.

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

Roll Call Vote:	Aye	- Burke, Lubitz, Niemann
	Nay	- None
	Abstain	- None
	Absent	- None

RESOLUTION

Resolution No. 2009-75 – Renewal of ABC Licenses for 2009 – 2010

Mayor Niemann at this point recused herself from the matter, stepped down from the dais and joined the public.

The following Resolution was introduced:

**TOWNSHIP OF KINGWOOD
COUNTY OF HUNTERDON STATE OF NEW JERSEY**

RESOLUTION NO. 2009 - 75

LIQUOR LICENSE APPLICATION RENEWALS

WHEREAS, applications have been made to the Kingwood Township Committee for the renewal of Plenary Retail Consumption Licenses, Plenary Retail Distribution Licenses and Club Licenses for the 2009-2010 licensing period; and

WHEREAS, the Township Committee of the Township of Kingwood, County of Hunterdon, State of New Jersey, at a meeting assembled, have reviewed all applications and the submitted application forms are complete in all respects, the applicant is qualified to be licensed according to all statutory, regulatory and local governmental ABC laws and regulations, and the issuing authority has reviewed the source of any additional financing obtained in the previous license term for use in the licensed business; and

WHEREAS, the submitted club application is complete in all respects, including submission of the club member list, the officers and directors of the club are qualified according to all statutory, regulatory and local government ABC laws and regulations, and the club maintains all records required by N.J.A.C. 13:2-8.8 and N.J.A.C. 13:2-8.12 and therefore are found to be in order;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon, State of New Jersey that the following Plenary Retail Consumption Licenses, Plenary Retail Distribution Licenses and Club Licenses be hereby renewed for the 2009-2010 licensing period effective July 1, 2009:

1016-31-006-001 Kingwood Township Fire Company No. 1
 952 County Road 519
 PO Box 99
 Baptistown, NJ 08803
Municipal Fee: \$50.00 State Fee: \$200.00
Club License

1016-33-001-002 Uncle Scotts Steakhouse LLC
 650 County Road 519
 Frenchtown, NJ 08825
Municipal Fee: \$2,500.00 State Fee: \$200.00
Plenary Retail Consumption License

1016-33-003-004 B D A Highland Company LLC
 343 County Road 519
 Stockton, NJ 08559
Municipal Fee: \$2,500.00 State Fee: \$200.00
Plenary Retail Consumption License

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1016-44-002-006 Shreji Liquor Incorporated
866 State Highway 12
Frenchtown, NJ 08825
Municipal Fee: \$2,500.00 State Fee: \$200.00
Plenary Retail Distribution License

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

Roll Call Vote:	Aye	- Burke, Lubitz
	Nay	- None
	Abstain	- None
	Absent	- Niemann

RESOLUTION

Resolution No. 2009 – 76 – Authorize Use of Allied Oil

The following Resolution was introduced:

RESOLUTION NO. 2009 - 76

A RESOLUTION AUTHORIZING PURCHASE FROM ALLIED OIL THROUGH THE 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, the Township of Kingwood, by way of Resolution 2009-24, authorized the entry of the Township as a member of the Hunterdon County Educational Services Commission, which membership has been accomplished; and

WHEREAS, the Township of Kingwood desires to purchase fuel oil, diesel fuel and gasoline through the Hunterdon County Educational Services Commission.

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

1. The Township of Kingwood, as a member of the Hunterdon County Educational Services Commission, hereby authorizes the purchase of fuel oil, diesel fuel and gasoline from the low bidder for these items, Allied Oil, per the bid amounts set forth in correspondence from the Hunterdon County Educational Services Commission dated September 10, 2008, attached hereto and made a part hereof

as Exhibit A, and according to the terms set forth in the correspondence of the Township Clerk, Mary E. MacConnell, to Allied Oil, dated May 28, 2009, attached hereto and made a part hereof as Exhibit B.

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

Roll Call Vote:	Aye	- Burke, Lubitz, Niemann
	Nay	- None
	Abstain	- None
	Absent	- None

NEW BUSINESS

Application for Raffles License – Woman’s Club of Flemington

Mayor Niemann noted that the Woman’s Club of Flemington has applied for a raffle license, which will be held at Razberry’s located at 785 State Hwy. Route 12, Frenchtown, NJ 08825, on October 23, 2009 at 2:00PM. They are asking the Township Committee for approval of their application. The Committee members reviewed the applications and have agreed all is in place.

It was moved by Mr. Lubitz, seconded by Mr. Burke and carried the motion to approve raffle license number 2009-01 for the Woman’s Club of Flemington to hold a raffle on October 23, 2009.

Roll Call Vote:	Aye	- Burke, Lubitz, Niemann
	Nay	- None
	Abstain	- None
	Absent	- None

Schedule Special Meeting with DPW

Mayor Niemann explained that the Township Committee needs to schedule a special meeting to meet with the Department of Public Works at the request of Road Supervisor Jack Search. This way he will be able to meet with all three Committee members at one time. This will be to adopt a plan for the maintenance of the Township roads. A meeting will be tentatively scheduled for August 6, 2009 at 6:00PM, with an alternate date to be August 4, 2009 at 5:30PM in case Jack Search will not be available on the 6th.

Draft Flood Damage Prevention Ordinance

Attorney Kopen distributed copies of a draft ordinance. She explained that as a requirement from the State and FEMA, the Township must update the Flood Plain District ordinance in order to be entitled to qualify for flood insurance.

Attorney Kopen explained that attached to the copies she distributed, is a model form from the State that has to be adapted to Kingwood Township's ordinance. She noted that on page#15, Section P - Fees and Escrows need to be filled out in order for filling the fees and escrow amounts. She would like approval from the Township Committee whether she should file as a draft with the State to see if they have any comments. This will be sent to the Planning Board, and also to the Township Engineer for recommendations.

Recommendation from Planning Board re: Conservation Easement Verification

Mayor Niemann reviewed a recommendation from the Planning Board in reference to the verification of the installation of the conservation easement markers. There was a discussion on who will be doing the inspections. Mayor Niemann spoke to the Township Engineer in reference to the placement of the markers and the importance to where they are actually installed. Attorney Kopen will look into the language of the ordinance.

Eagle Scouts

Mayor Niemann noted that there are two Scouts, Christopher Wozniak and Brian Bloom that have been honored for becoming Eagle Scouts in the month of May. She stated that the Township Committee will be passing Resolutions in their honor in the month of July or August.

OLD BUSINESS

Zoning Bd. of Adj. – Report on 2008 Applications

The Township Committee reviewed recommendations from the Zoning Board of Adjustment, and feel that this should be forwarded to the Planning Board, so that they may incorporate this information when amending the zoning ordinance.

Discount for Prepayment of Real Estate Taxes

Mayor Niemann reviewed and read aloud memo from Township C.F.O. Laudenbach regarding research she did as requested by the Township Committee regarding a discount for prepayment of taxes. D. Laudenbach stated it does not make any sense for the Township to give discounts, because the advantage of having the funds early will not gain enough of a benefit to off set the discount.

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

Mayor Niemann noted that the Township received this several months ago and after reviewing the information on the anti-harassment training, she explained that it is a risk management recommendation from our insurance group. Mayor Niemann feels it is a good idea to initiate the training for the Township.

Mayor Niemann asked the Clerk to contact PAIC to obtain a copy of the video for all the Committees, Commissions and Boards to review for training. The Township Committee requested Attorney Kopen review the sample resolution to be adopted at the next Township Committee meeting in July.

Info from PAICF re: Tort Notice of Claim & Suggested Resolution

Mayor Niemann reviewed and explained the following Resolution.

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2009 – 79

WHEREAS, the Public Alliance Insurance Coverage Fund is authorized by statute to provide insurance coverage for local units of government who are desirous of same;

WHEREAS, the Township of Kingwood is a member of the Public Alliance Insurance Coverage Fund;

WHEREAS, N.J.S.A. 59:8-6 authorized public entities to require information in addition to that specified in N.J.S.A. 59:8-4 for the proper investigation and/or resolution of such claims; and

WHEREAS, the Public Alliance Insurance Coverage Fund has recommended that each of the participating public entities adopt and approve a Notice of Tort Claim form in the form attached to this resolution;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon, State of New Jersey that:

1. The Township of Kingwood hereby adopts and approves the attached Notice of Claim form pursuant to N.J.S.A. 59:86;
2. Nothing in this Resolution shall be construed as invalidating any Notice of Claim form authorized by the Township of Kingwood and the Public Alliance Insurance Coverage Fund prior to the implementation of this Resolution.

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

Roll Call Vote:

Aye	- Burke, Lubitz, Niemann
Nay	- None
Abstain	- None
Absent	- None

MINUTES

April 21, 2009 Special Meeting

It was moved by Mr. Lubitz, seconded by Mr. Burke and carried to adopt the Minutes of April 21, 2009 Special Meeting.

Roll Call Vote:

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

April 21, 2009 Executive Session

It was moved by Mr. Lubitz, seconded by Mr. Burke and carried to adopt the Minutes of April 21, 2009 Executive Session.

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.

April 29, 2009 Special Meeting

It was moved by Mr. Lubitz, seconded by Mr. Burke and carried to adopt the Minutes of April 29, 2009 Special Meeting.

Roll Call Vote:

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

At approximately 8:30 PM, Mayor Niemann requested a five minute recess to gather corrections that need to be made on the May 5, 2009 regular meeting minutes.

At approximately 8:35 PM, the meeting convened.

May 5, 2009 Regular Meeting

It was moved by Mr. Lubitz, seconded by Mr. Burke and carried to adopt the Minutes of May 5, 2009 Regular Township Committee Meeting with the following amendments to the minutes:

Page: 2009-125 Under Municipal Budget – Second line (spelling error) the word their replace with **(there)**.

Page: 2009-125 Middle of paragraph – omit entire sentence **(There is also another additional line item, which is an additional salary for the Parks and Recreation Secretary.)**

Page: 2009-125 Second to the last sentence in paragraph at end of page – (add words in () - He also noted that an increase in **(any one line item)** in an excess of 10% must be advertised prior to a public hearing.

Page: 2009-127 Under Correspondence - Spelling of **(Correspondence)** corrected.

Page: 2009-127 Under Correspondence – Under Letter from Cty. Freeholder Director re: Recycling – Respond Requested – Fourth sentence in paragraph - Omit the following – (Mrs. Niemann explained that the grant funding, which would pay for the compliance officer, would be half of the obligation of the participating municipality, and half of the Counties obligation. Replace omitted wording above with: **(Mrs. Niemann explained that half of the tonnage grant would pay for our share of the County Compliance Officer.)**

Page: 2009-127 Second to the last sentence under - Letter from the Cty. Freeholder Director re: Recycling – Respond Requested – Add where noted in () – The Township Committee decided that they are not interested in this sharing arrangement at this time, **(due to uncertainty with respect to its costs and its services provided with the County)**.

Page: 2009-128 Under Public Comment Privilege of the Floor (Word **(Privilege)** in title was miss spelled).

Page: 2009-128 Below Sandra McNicol, Oak Grove Road – first sentence - (change wording to): Discussed the hike that the Open Space Committee conducted on May 2nd at the (omit – word - **former**) now preserved, Flagg property on Horseshoe Bend Road.

Page: 2009 – 128 Below Sandra McNicol, Oak Grove Road – last sentence – Sentence before correction: She noted that the Committee will be making plans for another hike in the fall. Sentence with addition wording added: She noted that the Committee will be making plans for another hike **(on a preserved property)** in the fall.

Page: 2009-142 Under Lehigh Wheelmen Association: Bicycle Event on Route 29 – Correction on spelling of name **(Wheelmen)**.

Page: 2009-142 Under Solar Panel Grant – First sentence add: **(Burke)** after Deputy Mayor. Second sentence add: Omit sentence – The grant will be for \$99,000. In place of this sentence add: **(The grant will be up to \$115,000 depending on the consumption of the Township Garage).**

Third sentence add words in () – He stated that **(if the award drops below \$100,000 we will not have to go before the BPU Board).**

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

May 5, 2009 Executive Session

It was moved by Mr. Lubitz, seconded by Mr. Burke and carried to adopt the Minutes of May 5, 2009 Executive Session.

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 - 77

At approximately 8:45 P.M., the following Resolution was introduced to enter into closed session:

RESOLUTION NO. 2009 – 77

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
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. Burke, seconded by Mr. Lubitz and carried 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 9:20 P.M. All voted Aye on Roll Call Vote.

Labor Assistance Program

Mayor Niemann reported on how the program works. She reviewed two trips they made to Kingwood Township on May 10th, and May 24th. She noted that they come out on Saturdays and Sundays and work from 8:00am until 3:30 – 4:00PM.

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She described that they worked on stream bank invasive plant removal , cleaned up the farm dump behind the municipal garage, and painted all the baseball dugouts at the park. Mayor Niemann feels that this has been a success to have them come out. She asked for everyone to think of projects they may be able to work on and to keep her informed. She noted that they will be coming out next to paint the chicken coop at the park.

ADJOURNMENT

It was moved by Mr. Lubitz, seconded by Mr. Burke and carried to adjourn the meeting at 9:25 P.M. All voted Aye on Roll Call Vote.

Respectfully Submitted,

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

