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October 2, 2007

A Regular Meeting of the Kingwood Township Committee was called to order at 8:00 P.M. with Mayor Burke presiding.

Also present at the meeting were Deputy Mayor Augustine, Committeewoman Niemann, Attorney Kopen, C.F.O. Diane Laudenbach, Clerk MacConnell and Deputy Clerk Brown. Following the salute to the Flag, Mayor Burke read aloud the following:

NOTICE REQUIREMENTS

Adequate notice of this meeting was provided in accordance with the Open Public Meetings Act by publication of the notice in the Delaware Valley News and the Express Times on January 11, 2007 and by telefaxing copies of the notice to the Courier News and Star Ledger on January 9, 2007. Copies of the notice were also posted in the Kingwood Township Municipal Building and Baptistown Post Office on January 9, 2007.

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

Resolution from West Amwell Twp re: Opposing Assembly Bill Amending the Local Public Contracts Law

Mayor Burke reviewed resolution from West Amwell opposing assembly bill amending the local public contracts law.

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2007 – 99

**OPPOSING ASSEMBLY BILL A-4393
AMENDING THE LOCAL PUBLIC CONTRACTS LAW**

WHEREAS, Assembly Bill A-4393 requires contracting units requesting bids for construction projects to advertise their projected cost estimate range, requires that the projected cost estimate range be attested to by the person preparing the advertisement for bid 120 days prior to the bid due date; and

WHEREAS, this bill is unnecessary legislation that will adversely impact an essential function of local government and create an additional and unnecessary level of bureaucracy on the already cumbersome Local Public Contracts Law and numerous other statutes (i.e. New Jersey Business Registration Certificate, Public Works Contractors Registration, "Lazy Bidders Law", Affirmative Action, Prompt Payment and Pay to Play) affecting the public contracting process; and

WHEREAS, this bill undermines the efficiency not only of procurement, but general government as well, particularly when there may be a need to perform expedited procurement to protect the health and safety of the public; and

WHEREAS, this bill will likely diminish full, fair, open competition among potential vendors as contractors would have little incentive to provide a bid lower than the projected costs; and

WHEREAS, this bill could facilitate or encourage collusion among bidders; and

WHEREAS, this bill restrains the discretion of the governing body in rejecting all bids for any of the six reasons currently under NJSA 40A: 11-13.2; and

WHEREAS, this bill contains ambiguous language and open ended criteria that could lead to protracted disputes and even litigation; and

WHEREAS, this bill ignores provisions of NJSA 40A: 11-1 et seq. which have been in place since 1971 and have enabled the efficient, effective and responsible construction of public facilities; and

WHEREAS, this bill replaces a responsible competitive bidding process that is driven by the market place with a new process tied to estimated costs.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Kingwood, County of Hunterdon, State of New Jersey hereby opposes the passage of A-4393 for the aforesaid reasons; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be sent to Governor Corzine, New Jersey State Legislature –23rd legislative District, New Jersey State League of Municipalities, New Jersey Conference of Mayors, all Hunterdon County municipalities, Division of Local Government Services and the New Jersey Governmental Purchasing Association.

It was moved by Mrs. Niemann, seconded by Mrs. Augustine and carried to adopt the foregoing Resolution.

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

Memo and Sample Resolution Endorsing the “Green Acres, Farmland, Blue Acres and Historic Preservation Bond Act of 2007” and Sample Proclamation for Open Space and Preservation Ballot Question this November

Mayor Burke read aloud sample resolution.

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2007 – 100

ENDORING THE “GREEN ACRES, FARMLAND, BLUE ACRES AND HISTORIC PRESERVATION BOND ACT OF 2007”

WHEREAS, continued investment in open space, farmland and historic preservation is vitally important to the State, as it enhances New Jersey’s economy, safeguards its remaining natural, agricultural, recreational and cultural resources and preserves its character; and

WHEREAS, New Jersey continues to face incredible pressure from development, losing over 40 acres of open space daily to new development projects; and

WHEREAS, protecting open spaces and improving community parks throughout the State, including urban areas, supports New Jersey state and local economies by stabilizing local property taxes and revitalizing communities; and

WHEREAS, the Garden State Preservation Trust, the financing authority for the Green Acres, Farmland and Historic Preservation programs is virtually depleted despite the continued need for the programs it makes possible; and

WHEREAS, on November 6, 2007 the voters of New Jersey will be asked to approve the Green Acres, Farmland, Blue Acres, and Historic Preservation Bond Act of 2007, which authorizes the state to issue \$200 million in bonds to fund New Jersey’s preservation programs for one year and the Blue Acres Program to purchase flood prone properties; and

WHEREAS, passage of the Bond Act is desperately needed to fund the continued protection of New Jersey’s natural areas and cultural sites while a long-term funding solution for the Garden State Preservation Trust is determined and secured.

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

1. The Township of Kingwood encourages the voters of New Jersey to vote yes on the Green Acres, Farmland, Blue Acres and Historic Preservation Bond Act of 2007 on November 6, 2007.
2. The Municipal Clerk is hereby authorized to provide a copy of this Resolution to the Honorable Jon Corzine, Governor, State Senators, State Assemblypersons, Keep It Green c/o NJ Audubon Society and Daily and Weekly Newspapers.

It was moved by Mrs. Niemann, seconded by Mrs. Augustine and carried to adopt the foregoing Resolution.

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

Memo from NJ Water Supply Authority re: Lockatong & Wickecheoke Flow Monitoring

Mayor Burke briefly reviewed. They are asking the Township if they have an interest in sponsoring in the continuation of the operation of one or both of the flow-monitoring sites. There was a discussion whether the Township would be able to fund this as a sponsor.

C.F.O Laudenbach explained there is not enough money available in the clean communities account. Mayor Burke requested that a letter be written to Mr. Kratzer, thanking him for considering Kingwood and that the Township may reconsider sponsoring the project next year after the budget has been adopted.

BILLS AND CLAIMS

It was moved by Mrs. Augustine, seconded by Mrs. Niemann and carried to approve and pay the bills and claims that are in order and attached as **Bill List** for **October 2007**.

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

PUBLIC COMMENT PRIVILEGE OF THE FLOOR

Ken Garay, Muddy Run Road Commented on a Board of Adjustment resolution, which he feels will effect his property. He expressed his concerns about the noise coming from the kennel and how it will lower the value of his property and home. Committeewoman Niemann responded briefly as she attended the public hearing.

Carol Conard, Muddy Run Road Expressed her concerns about her property value going down, septic problems and not being able to enjoy the outdoors. Board of Health Secretary Diane Laudenbach responded.

Bernice Kubian, Muddy Run Road Expressed her feelings on the kennel and the fact she is very unhappy that they are rebuilding. She stated it takes away from the country life.

Dave Frank, Muddy Run Road Was present at the Board of Adjustment hearing. He explained he needed more questions answered by the Township Committee. Mr. Frank wanted to know the procedure on what a resident can do as far as complaint about noise. Mayor Burke responded by explaining that there is a lack of a noise ordinance in Kingwood Township and the reasons.

Attorney Kopen suggested to all residents that they could file an appeal with the B.O.A. and they would have to do this within 45 days from the last hearing.

REPORTS

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

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Tax Collector's Report of September 28, 2007
Municipal Court Report of August 2007
Construction Department Report of September 2007
Zoning Permits Report of September 2007

Township Engineer's Monthly Report

Mayor Burke reported on the Township Engineers Report. He also noted that Mr. Pandy will have crops off the field in about two weeks. Mayor Burke reviewed Milltown Road. Committeewoman Niemann was concerned whether Mr. Russano needed a repair to his driveway. Mr. Russano has been satisfied with the road and drive at this time. He feels the County was helpful with the work they completed, and that there has not been too much damage from a flood for a while now.

Municipal Building Repairs Update

Mayor Burke reported no response from anyone in reference to reconstructing the doorway entrance into the basement of the municipal building. Committeewoman Niemann has a few names and will pass them onto the Mayor.

Gypsy Moth Suppression Program

Mayor Burke reviewed the areas that are affected in the Township. The Committee would like to postpone this until next month.

Emergency Management First Responder Program

Mayor Burke reported on the exercise that was taken place last weekend.

FUTURE MEETINGS AND ACTIVITIES

Mayor Burke reviewed as per the Agenda. It was noted that the Township Committee Meeting scheduled for November has been changed. The meeting will be on Monday, November 5, 2007 at the municipal building beginning at 8:00 P.M. in place of Tuesday November 6, which is Election Day.

SCHEDULE TRICK OR TREAT HOURS

The hours for trick or treat will be from 5:00 P.M. to 7:00 P.M. on Wednesday, October 31, 2007.

WINBERRY WEST SUBDIVISION – LETTER OF CREDIT EXPIRATION 10-05-2007 – Report from Township Engineer

Mayor Burke reviewed that the Township had provided a report requesting that CDMA LLC. Inc. reissue a letter of extension and replenish their escrow account.

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2007 – 98

**WINBERRY WEST SUBDIVISION
LETTER OF CREDIT # 01-07**

WHEREAS, CDMA, Inc., the developer of Winberry West Major Subdivision would like the Township to accept the dedication of Opdyke Road as a Township Road; and

WHEREAS, CDMA, Inc., the developer of Winberry West Major Subdivision – Phase I and II previously posted a Maintenance Bond to ensure the installation of public improvements and several additional items to be completed; and

WHEREAS, the Maintenance Bond that is posted is due to expire on October 5, 2007, and the Escrow Account needs to be replenished;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey that CDMA, Inc., the developer of Winberry West Major Subdivision is requested to renew the Letter of Credit #01-07 in the amount of \$47,617.65 for an additional period of not less than one year, and to replenish the Escrow Account in the amount of \$1,500.00, as per the written report of Gilmore & Associates, Inc. dated October 1, 2007.

It was moved by Mrs. Niemann, seconded by Mrs. Augustine and carried to require CDMA, Inc., the developer of Winberry West Major Subdivision, to renew their Letter of Credit #01-07 in the amount of \$47,617.65 for an additional period of not less than one year, and to replenish the Escrow Account in the amount of \$1,500.00.

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

ORDINANCE

ORDINANCE NO. 14-19-2005 AMENDING CHAPTER 75a OF THE CODE OF THE TOWNSHIP OF KINGWOOD ENTITLED "FEES" -

Introduction and adoption on First Reading

Mayor Burke read the Ordinance aloud which was introduced.

It was moved by Mrs. Augustine, seconded by Mrs. Niemann and carried to adopt on first reading **AN ORDINANCE TO AMENDING CHAPTER 75A OF THE CODE OF THE TOWNSHIP OF KINGWOOD OF KINGWOOD ENTITLED "FEES".**

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

Consideration of final adoption at a public hearing is scheduled for Monday, November 5, 2007 at a meeting beginning at 8:00 P.M. at the municipal building.

ORDINANCE

ORDINANCE NO. 14-20-2007 AMENDING SUBDIVISION, SITE PLAN, VARIANCE AND CONDITIONAL USE CHECKLISTS - Introduction and

adoption on First Reading

Mayor Burke read the Ordinance aloud which was introduced.

It was moved by Mrs. Niemann, seconded by Mrs. Augustine and carried to adopt on first reading **AN ORDINANCE TO AMENDING SUBDIVISION, SITE PLAN, VARIANCE AND CONDITIONAL USE CHECKLISTS.**

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

Consideration of final adoption at a public hearing is scheduled for Monday, November 5, 2007 at a meeting beginning at 8:00 P.M. at the municipal building.

RESOLUTIONS

The following Resolution was introduced:

RESOLUTION NO. 2007 – 92

TAX SALE REDEMPTION

WHEREAS, the Tax Collector has received redemption monies in the amount of \$425.75 to redeem Tax Sale Certificate No. 2007-08 on Block 51, Lot 17.

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 \$425.75 to Stuart Lasher, P.O. Box 83, Milltown, New Jersey 08850.

It was moved by Mrs. Augustine, seconded by Mrs. Niemann and carried to adopt the foregoing Resolution.

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

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2007 - 93

**APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION
(N.J.S.A. 40A:4-87)**

FISCAL YEAR 2007 – ANJEC GRANT

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

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

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Kingwood, in the County of Hunterdon, State of New Jersey, hereby requests the Director of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2007 in the sum of \$6,250.00, which item is now available as a revenue from the Association of New Jersey Environmental Commissions, as a grant to Kingwood Township in the amount of \$6,250.00.

BE IT FURTHER RESOLVED that the like sum of \$6,250.00 is hereby appropriated under the caption "ANJEC Grant"; and

BE IF FURTHER RESOLVED that the above is a result of a grant of \$6,250.00 from the Association of New Jersey Environmental Commissions.

It was moved by Mrs. Niemann, seconded by Mrs. Augustine and carried to adopt the foregoing Resolution.

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

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2007 - 94

**APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION
(N.J.S.A. 40A:4-87)**

FISCAL YEAR 2007 B RECYCLING GRANT

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

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

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Kingwood, in the County of Hunterdon, State of New Jersey, hereby requests the Director of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2007 in the sum of \$712.82, which item is now available as a revenue from the State of New Jersey, as a grant to Kingwood Township in the amount of \$712.82.

BE IT FURTHER RESOLVED that the like sum of \$712.82 is hereby appropriated under the caption "Recycling Grant", and

BE IF FURTHER RESOLVED that the above is a result of a grant of \$712.82 from the State of New Jersey.

It was moved by Mrs. Augustine, seconded by Mrs. Niemann and carried to adopt the foregoing Resolution.

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

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2007 – 95

PRELIMINARY COSTS OAK GROVE ROAD – SECTION 1A & SECTION 1B

WHEREAS, the Township is anticipating receiving grants from the State of New Jersey, Department of Transportation for the above referenced projects; and

WHEREAS, the Township will be expending funds to obtain the appropriate wetlands permits and engineering services;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee, Township of Kingwood, County of Hunterdon and State of New Jersey, that the amount appropriated for preliminary costs shall not exceed \$ 30,000.00 and the Chief Financial Officer is authorized to set up a Reserve for Preliminary Expenses out of the Capital Improvement Fund of the General Capital Fund.

It was moved by Mrs. Augustine, seconded by Mrs. Niemann and carried to adopt the foregoing Resolution.

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

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2007 – 96

UTILIZATION OF OPEN SPACE FUNDS

WHEREAS, the Township Committee of the Township of Kingwood hereby acknowledges the requirement of preliminary costs to determine the scope and cost of a proposed undertaking; and

WHEREAS, the purpose of these preliminary costs is to explore the possible purchase of open space or easements of property located in Kingwood Township.

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 for 2007 shall not exceed \$10,000.00.

It was moved by Mrs. Niemann, seconded by Mrs. Augustine and carried to adopt the foregoing Resolution.

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

NEW BUSINESS

Deer Carcass Removal Services

There was a lengthy discussion on the need for services for deer carcass removal. The Committee asked the Clerk to follow up and contact the vendor.

It was moved by Mrs. Niemann, seconded by Mrs. Augustine and carried to approve the deer carcass removal vendor listed to remove deer carcass from the Township roads, and the cost of the program to be taken out of the roads account.

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

OLD BUSINESS

Hunterdon Humane Shelter

Mayor Burke read aloud a letter received from the Hunterdon Humane Animal Shelter.

Attorney Kopen excused herself from the meeting. Township Attorney David Pierce who is handling the case, contacted their attorney. Attorney Pierce requested several items and they submitted everything except the minutes of their meetings. A meeting that was scheduled with both attorneys has been canceled until the HHAS submits all of the documents requested by the Township Attorney. The Dog License Official was present and explained that she has been doing some research searching for a animal control facility to replace HHAS. Attorney Pierce will review HHAS agreement for information on what they are required to provide for the Township.

Mrs. Vandine a volunteer at the shelter was present and had a few questions about the HHAS by-laws and whether they are registered with the attorney general. Committeewoman Niemann reviewed the research that she has been pursuing. Mayor Burke explained that the Township may need to use another source until this is resolved.

NEW RECYCLING REQUIREMENTS

Mayor Burke reported attending the SWAC meeting with Twp. Representative Sandra Siano. He explained that Franklin Twp. recycling is at 100% with about the same population as Kingwood. Mayor Burke would like to see Kingwood with the same kind of setup having separate bins for all recyclable materials. Mrs. Siano announced there is now a bin for recycling batteries effective as of October 6. A workshop will be scheduled for the Committee members and the recycling coordinator.

KTS SEWER TREATMENT PLANT

This was reviewed under Township Engineers Report.

MINUTES

It was moved by Mayor Burke and carried to adopt the minutes of the May 9, 2005 Special Meeting and placed on file.

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

It was moved by Mrs. Augustine, seconded by Mrs. Niemann and carried to adopt the minutes of the September 4, 2007 Regular Meeting and place on file.

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

It was moved by Mrs. Augustine, seconded by Mrs. Niemann and carried to adopt the minutes of the September 4, 2007 Executive Session and placed on file.

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

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. 2007 - 97

Following a brief recess, at approximately 9:26 P.M., the following Resolution was introduced to enter into closed session:

RESOLUTION NO. 2007 - 97

WHEREAS, Section 7 of the Open Public Meetings Act, Chapter 231 P.L. 1975 (R.S.10:4-13) permits the exclusion of the public from a meeting or a portion of a meeting of this public body in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist;

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

1. The public shall be excluded from the meeting or a portion of a meeting at which this public body discusses the hereinafter specified subject matter.

- 2. The general nature of the subject matter to be discussed is as follows:

**Contractual
Pending Litigation
Personnel**

- 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 Mrs. Augustine, seconded by Mrs. Niemann and carried to adopt the foregoing Resolution.

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

RETURN TO REGULAR SESSION

It was moved by Mrs. Augustine, seconded by Mrs. Niemann and carried to return to regular session at 10:16 P.M. **All** voted **Aye** on **Roll Call Vote**.

Mayor Burke reported on a double booking at the park pavilion. Two families reserved the park for reunions on the same day. The Township will rent a tent, tables, chairs, and port a potty for one of the families. This will be paid out of the Parks and Recreation account for the rented items.

Committeewoman Niemann requested that Shared Services be listed on the November Township Committee meeting agenda.

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It was moved by Mrs. Niemann, seconded by Mrs. Augustine and carried to extend the appointment for the Municipal Housing Liaison Joseph Abel until a successor is appointed and qualified, or until he is reappointed.

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

It was moved by Mrs. Niemann, seconded by Mrs. Augustine and carried to adjourn the meeting at 10:20 P.M. **All** voted **Aye** on **Roll Call Vote**.

Respectfully Submitted,

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