

June 5, 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. D. Laudenschach, 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**

**Letter from NJDOT Commissioner re: FY2008 Municipal Aid Program**

Mayor Burke reviewed letter also asked for comments.

**Letter from Nat'l Multiple Sclerosis Society re: Annual Fall Bike Tour**

Mayor Burke reviewed. There were not objections and all Committee members agreed to the tour.

Memo & Resolution from Clinton Twp. re: Assembly & Senate Bills Providing for Cty. Offices for Disabled

Mayor Burke read aloud. Committee members stated that they would like to research this some more and possibly adopt a resolution at next month Township Committee meeting.

Letter and Resolution from Monroe Twp. Council re: Amend Abbott-Burke Funding

Mayor Burke reviews resolution and would like to carry to next month.

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 **June** 2007.

<b>Roll Call Vote: AYE</b>	-	<b>Augustine, Niemann, Burke</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

Nina Van Duyne, Volunteer at the Hunterdon Humane Shelter Was present to express her concerns about the abuse the volunteers have documented regarding the violations witnessed at the Hunterdon Humane Shelter. She explained that there needs to be changes and the only way to do this is to get new members on the board who are familiar with the shelter and are dedicated to changing the current conditions. She explained she would like all the surrounding Mayors to back them up, so they may persuade the current board members to vote in new members.

Denise Donnelly, Tumble Idell Road Was present on behalf of a benefit that will be held for a young boy that is very ill. It is scheduled to be at the Kingwood Park on June 24, 2007. She requested that the Township Committee create a Proclamation for the young boy Zachery Malina, so it can be presented it to him the day of the event. Mrs. Donnelly thanked everyone at the Township for all the help.

Jack MacConnell, Spring Hill Road Suggested to the Committee members that they change the Twp. meeting dates when there is an election on the same day. He expressed that it is a very long day for the Clerks to be working. Mr. MacConnell also thanked the Committee for all there support with the new well ordinance which is to be finally adopted this month at the Board of Health meeting.

William Kastning, Kingwood Locktown Road Expressed a concern the fact that there are no speed limit signs on his road. He feels that people driving on the road are going very fast and they have no idea what the speed limit is set at.

Sandra McNicol, Oak Grove Road Asked if there is an ordinance with regulations against construction vehicles visiting properties one half an hour before and after sunset. She states that these vehicles are very loud and very disturbing to the residents on the road.

Barbara Pauch, Barbertown Idell Road Handed out a letter to all the Committee members and would like them to review the letter in reference to their roll back taxes. Mayor Burke responded to Mrs. Pauch and told her someone will get in touch with them after reviewing the letter and discussing her situation.

#### **REPORTS**

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

Municipal Court Report of April 2007  
Construction Department Reports of April 2007 & May 2007  
Zoning Permits Report of May 2007  
Township Engineer's Monthly Report  
Mayor Burke review the Engineer's report, Soil Logs, and bridges currently being worked on.

Request and Authorization for Records Disposal - C.F.O./Tax Collector Diane Laudenschach.

#### **2006 Financial Report of KT First Aid & Rescue Squad, Inc.**

Mayor Burke reviewed.

**Solid Waste & Recycling Services**

Mayor Burke reviews.

**FUTURE MEETINGS AND ACTIVITIES**

Mayor Burke reviewed as per the Agenda.

**On August 4, 2007 Rep. Holt's Request for Facility to hold Town Meeting.**

Mayor Burke spoke to Rep. Holt's office and would like to schedule a meeting here in Kingwood Township. He explained needing a place large enough for residents to attend.

The Kingwood Township Firehouse was suggested and would be a large enough meeting place. Mr. Burke will contact president of Fire Co. Daren Errico, to see if it can be available for the meeting.

**ORDINANCE**

**ORDINANCE NO. 14-12-2007 TO AMEND THE DEVELOPMENT REGULATIONS OF THE TOWNSHIP, SPECIFICALLY "CHAPTER 114 - STEEP SLOPE CONSERVATION" AND " CHAPTER 115 - SUBDIVISION OF LAND" OF THE GENERAL ORDINANCES VOL 14, PG. 14-12** - Public Hearing and Final Adoption

Mayor Burke read Ordinance aloud by title. This Ordinance was introduced and adopted on first reading at a meeting of the Kingwood Township Committee on May 1, 2007. The Ordinance was published in the Delaware Valley News on May 17, 2007 and has been posted in the Kingwood Township Municipal building on May 2, 2007. Copies of the Ordinance have been available for inspection by the public since May 2, 2007.

It was moved by Mrs. Augustine, seconded by Mrs. Niemann and carried to open the hearing to the public. **All** voted **Aye** on **Roll Call Vote**.

Public Comments:

Jack MacConnell, Spring Hill Road Commented on the fact that this ordinance was eliminated years ago and feels it will be a positive move for Kingwood.

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

It was moved by Mrs. Augustine, seconded by Mrs. Niemann and carried to adopt on final reading **AN ORDINANCE TO AMEND THE DEVELOPMENT REGULATIONS OF THE TOWNSHIP, SPECIFICALLY "CHAPTER 114 - STEEP SLOPE CONSERVATION" AND "CHAPTER 115 - SUBDIVISION OF LAND" OF THE GENERAL ORDINANCES.**

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

**ORDINANCE**

**ORDINANCE NO. 14-13-2007 TO PROVIDE FOR THE PURCHASE OF MUNICIPAL EQUIPMENT AS A GENERAL IMPROVEMENT FOR THE TOWNSHIP AND APPROPRIATING \$6,900.00 FROM THE CAPITAL IMPROVEMENT FUND RESERVE FOR PURCHASE OF MUNICIPAL EQUIPMENT VOL. 14, PG. 14-13 - Public Hearing and Final Adoption**

Mayor Burke read Ordinance aloud by title. This Ordinance was introduced and adopted on first reading at a meeting of the Kingwood Township Committee on May 1, 2007. The Ordinance was published in the Delaware Valley News on May 10, 2007 and has been posted in the Kingwood Township Municipal building on May 2, 2007. Copies of the Ordinance have been available for inspection by the public since May 2, 2007.

It was moved by Mrs. Augustine, seconded by Mrs. Niemann and carried to open the hearing to the public. **All voted Aye on Roll Call Vote.**

No Comments.

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

It was moved by Mrs. Augustine, seconded by Mrs. Niemann and carried to adopt on final reading **AN ORDINANCE TO PROVIDE FOR THE PURCHASE OF MUNICIPAL EQUIPMENT AS A GENERAL IMPROVEMENT FOR THE TOWNSHIP AND APPROPRIATE \$6,900.00 FROM THE CAPITAL IMPROVEMENT FUND RESERVE FOR PURCHASE OF MUNICIPAL EQUIPMENT.**

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

**ORDINANCE**

**ORDINANCE NO. 14-14-2007 AMENDING ARTICLE VII, MUNICIPAL HOUSING LIASON VOL. 14, PG. 14-14** - Public Hearing and Final Adoption

Mayor Burke read Ordinance aloud by title. This Ordinance was introduced and adopted on first reading at a meeting of the Kingwood Township Committee on May 1, 2007. The Ordinance was published in the Delaware Valley News on May 10, 2007 and has been posted in the Kingwood Township Municipal building on May 2, 2007.

Copies of the Ordinance have been available for inspection by the public since May 2, 2007.

It was moved by Mrs. Niemann, seconded by Mrs. Augustine and carried to open the hearing to the public. **All** voted **Aye** on **Roll Call Vote**.

No Comments.

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

It was moved by Mrs. Niemann, seconded by Mrs. Augustine and carried to adopt on final reading **AN ORDINANCE AMENDING ARTICLE VII, MUNICIPAL HOUSING LIASON.**

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

**ORDINANCE**

**ORDINANCE NO. 14-15-2007 AMENDING ORDINANCE NO. 14-01-2007  
FIXING THE SALARIES AND COMPENSATION OF THE VARIOUS OFFICERS  
AND EMPLOYEES OF THE TOWNSHIP VOL. 14, PG. 14-15 - Public  
Hearing and Final Adoption**

Mayor Burke read Ordinance aloud by title. This Ordinance was introduced and adopted on first reading at a meeting of the Kingwood Township Committee on May 1, 2007. The Ordinance was published in the Delaware Valley News on May 10, 2007 and has been posted in the Kingwood Township Municipal building on May 2, 2007.

Copies of the Ordinance have been available for inspection by the public since May 2, 2007.

It was moved by Mrs. Niemann, seconded by Mrs. Augustine and carried to open the hearing to the public. **All** voted **Aye** on **Roll Call Vote**.

No Comments.

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

It was moved by Mrs. Niemann, seconded by Mrs. Augustine and carried to adopt on final reading **AN ORDINANCE AMENDING ORDINANCE NO. 14-01-2007 FIXING THE SALARIES AND COMPENSATION OF THE VARIOUS OFFICERS AND EMPLOYEES OF THE TOWNSHIP**.

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

**RESOLUTION**

The following Resolution was introduced:

RESOLUTION NO. 2007 - 65

WHEREAS, the Township of Kingwood desires to constitute the 2007 Capital Budget of said municipality by inserting therein the authorization for providing for the purchase of municipal equipment;

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

SECTION 1. The 2007 Capital Budget of the Township of Kingwood, County of Hunterdon, State of New Jersey is hereby constituted by the adoption of a schedule to read as follows:

Capital Budget of the  
Township of Kingwood  
County of Hunterdon, New Jersey  
Project Schedule for 2007

Resurfacing of Roads

Project	Estimated Cost	Method of Financing Capital Improvement Fund
Resurfacing of four (4) miles Of Township Roads		
	\$28,000.00	\$28,000.00

SECTION 2. The Clerk be and is authorized and directed to file a copy of this Resolution with the Division of Local Government Services, State of New Jersey, within three days after the adoption of this project for 2007 Capital Budget, to be included in the 2007 permanent Capital Budget.

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

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

ORDINANCE

ORDINANCE NO. 14-16-2007 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 \$28,000 FROM THE CAPITAL IMPROVEMENT FUND -

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 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 \$28,000 FROM THE CAPITAL IMPROVEMENT FUND.**

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 July 9, 2007 at a meeting beginning at 8:00 P.M. at the municipal building.

RESOLUTIONS

The following Resolution was introduced:

**RESOLUTION NO. 2007 - 53**

**TAX SALE REDEMPTION**

**WHEREAS**, the Tax Collector has received redemption monies in the amount of \$4,981.93 redeem Tax Sale Certificate No. 2006-01 on Block 6, Lot 55.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey, that the treasurer be authorized to issue a check in the amount of \$4,981.93 to U.S. BANK-CUST/SASS MUNI V DTR., TAX LIEN SERVICES GROUP, 2 Liberty Place, 50 South 16<sup>th</sup> Street, Suite 1950, Philadelphia, PA, 19102.

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 will be introduced:

**RESOLUTION NO. 2007 - 54**

**RESOLUTION AUTHORIZING IN REM FORECLOSURE**

**WHEREAS**, the records of the Tax Collector of the Township of Kingwood reflect that Birgfeld Hartshorne c/o Edith Birgfeld are the owners, as appears on the last tax duplicate, of property located in Kingwood Township and known as Block 50, Lot 9, and the Tax Collector has reported that the Township holds Tax Sale Certificate No. 289 as of April 21, 1999 and to May 23, 2007, the amount to redeem is \$35,644.64, plus interest, penalty and costs to continue to accrue, and

**WHEREAS**, the Tax Collector has prepared and certified pursuant to N.J.S.A. 54:5-104.29 A "Tax Foreclosure List) as attached hereto, and has advised the Township Committee that foreclosure proceedings can be instituted in that the criteria exists for the institution of action as established pursuant to law.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey that Judith Kopen of Gebhardt & Kiefer is authorized to institute an IN REM Tax Foreclosure suit pursuant to N.J.S.A. 54:5-104.29 et seq. against the certified Tax Foreclosure List.

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 will be introduced:

**RESOLUTION NO. 2007 - 55**

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

**FISCAL YEAR 2007 B CLEAN COMMUNITIES 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 \$862.65, which item is now available as a revenue from the State of New Jersey, as a grant to the Kingwood Township in the amount of \$862.65.

**BE IT FURTHER RESOVLED** that the like sum of \$862.65 is hereby appropriated under the caption AClean Communities Grant@, and

**BE IF FURTHER RESOVLED** that the above is a result of a grant of \$862.65 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 will be introduced:

**RESOLUTION NO. 2007 - 56  
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 2007-2008 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 2007-2008 licensing period effective July 1, 2007:

2007 -147

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 Forge and Anvil Incorporated  
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

1016-33-004-005 BTS Enterprises LLC  
P.O. Box 4  
Frenchtown, NJ 08825  
Municipal Fee: \$2,500.00 State Fee: \$200.00  
Plenary Retail Consumption License

1016-33-005-004 Razberry's Banquets Incorporated  
834 State Highway 12  
PO Box 167  
Baptistown, NJ 08803  
Municipal Fee: \$2,500.00 State Fee: \$200.00  
Plenary Retail Consumption License

**SPECIAL CONDITION:** That the doors on the west side of the building be closed from 10:00 PM to 2:00 AM while there is music, live or recorded, playing in the premises.

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

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 will be introduced:

**RESOLUTION NO. 2007 - 57**

**FARMLAND PRESERVATION PROGRAM  
2008 FUNDING ROUND**

**WHEREAS**, the Kingwood Township Committee has previously adopted Resolutions agreeing to cost-share on any applications from the Township selected for the Farmland Preservation Program; and

**WHEREAS**, the Township has been notified by the Hunterdon County Agriculture Development Board that Kingwood Township applications have been selected;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Kingwood, County of Hunterdon, State of New Jersey to approve and cost share funding on the following:

<b><u>Property Owner</u></b>	<b><u>Block/Lot</u></b>	<b><u>Acreage</u></b>
Crouse	12/19	54

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 will be introduced:

RESOLUTION NO. 2007 - 58

A RESOLUTION APPOINTING PROFESSIONAL APPRAISERS

**WHEREAS**, there exists a need for the provision of two professional appraisals in connection with Block 14, Lots 28 and 30 and Block 12, Lot 31 on the Tax Map of the Township of Kingwood; 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 professional appraiser, without competitive bidding providing that the resolution authorizing the award of contracts for "Professional Services" without competitive bidding and the contract itself must be available for public inspection.

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

1. Lawrence V. Melamed, CTA of Ronald A. Curini Appraisal Co., Inc. and Norman J. Goldberg, SRA, CRE, GAA, DFAS of Norman J. Goldberg, Inc. are hereby engaged to perform professional appraisal services for the Township of Kingwood in connection with Block 14, Lots 28 and 30 and Block 12, Lot 31 on the Tax Map of the Township of Kingwood.

2. The Mayor and Clerk shall enter into mutually agreeable written Professional Services Agreements, the forms of which are attached hereto as: 1) Schedule A, with Lawrence V. Melamed, CTA and 2) Schedule B, With Norman J. Goldberg, both within fourteen (14) days of the date of this resolution generally in accordance with the terms of the Proposals submitted by Ronald A. Curini Appraisal Co., Inc. as to Schedule A and Norman J. Goldberg, Inc. as to Schedule B, for appraisal services as to Block 14, Lots 28 and 30 and Block 12, Lot 31 on the Tax Map of the Township of Kingwood.

3. These contracts are awarded without competitive bidding as "Professional Services" under the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-5.

4. A copy of this resolution shall be published in the Delaware Valley News and the Express Times as required by law, within ten days of its passage.

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 will be introduced:

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

**RESOLUTION NO. 2007 - 59**

**IN SUPPORT OF THE DELAWARE RIVER SCENIC BYWAY  
CORRIDOR MANAGEMENT PLAN UPDATE**

**WHEREAS**, in accordance with the New Jersey Scenic Byway Program, the section of State Route 29 between Mileposts 3.2 (immediately South of NJ AMTRAK bridge) to Milepost 34.1 (just south of the Frenchtown border) was designated as a State Scenic Byway; and

**WHEREAS**, in accordance with the New Jersey Scenic Byway Program, a Scenic Byway Corridor Management Plan was prepared with participation by a Corridor Management Committee, which included all municipalities along the Byway as well as Mercer and Hunterdon Counties, under the sponsorship of NJDOT and adopted in August 1997; and

**WHEREAS**, since 1997, substantial changes have occurred in the corridor, including implementation of Scenic Byway Management Plan recommendations, roadway improvements, land preservation initiatives and other regulatory and institutional changes, and the Corridor Management Plan was updated to incorporate strategies to address emergent issues and also to qualify the Byway for National Scenic Byway designation under FHWA's National Scenic Byway Program; and

**WHEREAS**, the byway has been re-named as the Delaware River Scenic Byway; and

**WHEREAS**, a Scenic Byway Corridor Management Plan Update has been prepared with participation by a Corridor Management Committee, which included all municipalities along the Byway as well as Mercer and Hunterdon Counties, and two public meeting opportunities were provided to explain the Corridor Management Plan and obtain input from the general public; and

**WHEREAS**, the Corridor Management Plan includes strategies to preserve, protect and promote intrinsic qualities of the byway through actions that are not regulatory or otherwise mandated by the Plan; and

**WHEREAS**, successful implementation of the Plan depends on cooperation, collaboration and support of municipalities and counties along the Byway; and

**WHEREAS**, the Township of Kingwood wishes to express its support for the concept of a Scenic Byway and its commitment to participating in the process necessary for its implementation; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Committee of the Township of Kingwood, County of Hunterdon, and State of New Jersey, that it expresses its support of the Delaware River Scenic Byway Corridor Management Plan Update and its intention to participate in future efforts to implement strategies described in the Plan.

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

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

**NEW BUSINESS**

**Tax Cancellations**

**Tax Collector D. Laudenbach would like to address this matter after the executive session.**

**Commercial and Industrial Committee Appointment**

Committeewoman Elaine Niemann noted there are no volunteers at this time. This will be addressed again next month.

**Receipt of Price Quotations for Heating Oil, Diesel & Gasoline**

Mayor Burke reviews quotations. There was some discussion on whether the Township could award from the next highest quote who proposed on all three items. Attorney Kopen would like to speak with the Public Works Supervisor, Jack Search and look at the statues before the Township makes a decision.

**Application No. 2007-02 for Raffles License**

It was moved by Mrs. Augustine, seconded by Mrs. Niemann and carried to approve application no. 2007-02 for a raffle license.

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

**Municipal Alliance Renewal Application for 2008**

C.F.O. D. Laudenbach reviews letter and renewal of the application for municipal alliance to provide substance abuse prevention programming to the schools, and the entire community. She explains this is County funded and County run.

It was moved by Mrs. Augustine, seconded by Mrs. Niemann and and carried to approve the renewal application for 2008 for the Municipal Alliance Abuse Prevention Program. **All** voted **Aye** on **Roll Call Vote**.

**Application for Special Permit for Social Affair event at Razberry's Banquet Center**

This application was formally approved by a letter of consent given to all Committee members.

It was moved by Mrs. Augustine, seconded by Mrs. Niemann and carried to approve a Special Permit for Social Affair at Razberry's Banquet Center. **All** voted **Aye** on **Roll Call Vote**.

**Presentation of Gift to Municipal Clerk**

Mayor Burke presented a gift for her excellent services and congratulations to Municipal Clerk Mary E. MacConnell, who has been a Municipal Clerk for twenty years with Kingwood Township.

**Political Fundraisers and Solicitors**

Mayor Burke feels there are times when it is necessary to attend political functions in order to obtain benefits for the Township. Mr. Burke asked the Attorney if it would be appropriate for the Township to pay for the contribution to such functions. D. Laudenbach noted she has not seen any bills of that sort come through, as she works for several other towns. Attorney Kopen will look into the ethics law. Deputy Mayor Augustine feels it is not appropriate for the Township to pay for the fundraisers. Committeewoman stated she is not sure on the matter and would like for attorney Kopen to research more on the subject.

**New Jersey State League of Municipalities Conference  
November 13, - November 16, 2007 in Atlantic City**

Clerk MacConnell briefly reviews a letter from the League of Municipalities for the conference in Atlantic City. She asked the Committee members if the Township will be paying for expenses for officials that would be interested in attending the conference. Mr. Burke feels that anyone who is interested in attending educational or beneficial seminars to obtain credits for their position should be able to attend. The Committee members would like all persons interested to fill out a request form and they will review and decide who will be appropriate for attending the conference. They did note that the Township will be paying for lodging and meals for officials attending the conference.

**ANJEC Grant**

Clerk MacConnell reviews an e-mail received from Debbie Kratzer in reference to a grant from ANJEC for a Smart Growth Planning Grant.

It was moved by Mrs. Niemann, seconded by Mrs. Augustine and carried to accept ANJEC funding for a Smart Growth Planning Grant for an ERI Update and Conservation Plan. Funded by ANJEC in the amount of \$6,250.00, Township cash match in the amount of \$3,750.00, and Township in-kind match in the amount of \$2,500.00. **All voted Aye on Roll Call Vote.**

**OLD BUSINESS**

**Calo Property Bl 33 L 2 - Update**

Mayor Burke reported on the property located on Barbertown Idell Road. He explained that he asked the Board of Adjustment not to take action on this just yet. Mr. Calo obtained a variance to build a new house on the same lot, but was also instructed to tear down the old existing structure. Mayor Burke asked the board not to force him to do it just yet, he would like to see if it could be used for a COAH unit for the Township. An informal appraisal has been done on the home and it has been determined what it is worth, what it would be worth if it would be fixed up and how much money it would take to repair it. Mr. Burke explained that Mr. Calo is willing to take the value of the property when an amount is determined and donate this to the Township and deduct this from his income taxes over several years rather than have him tear the structure down and have it carted away, as this would cost Mr. Calo a lot of money to do. Mr. Burke reviewed the options and discussed with the attorney on the idea of accepting the home and land and possibly making it available to someone that would rehab the unit and use it as a rental, but agree for it to be a COAH unit for several years. Attorney Kopen states that there is a thirty year restriction under the COAH unit. Mr. Burke also explained that if the Township could not find a buyer, that it would be the Township's responsibility to tear it down and cart it away. A subdivision would need to be done on a half acre. Also part of the rehab would be to drill a new well, because Mr. Calo is using the existing well. It was discussed that a decision must be made tonight. Mr. Burke explained that if the house is rehabilitated it could be worth approximately \$350,000.00. Attorney Kopen suggested a Resolution be adopted. A lengthy discussion continued about the positive and negative aspects of the situation. Mayor Burke will speak with Mr. Calo about the procedures.

**MINUTES**

It was moved by Mayor Burke and carried to adopt the minutes of the August 2, 2005 Special Meeting (7:00P.M.) and placed on file.

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

It was moved by Mayor Burke and carried to adopt the minutes of the August 2, 2005 Executive Session (7:00P.M.) and placed on file.



It was moved by Mrs. Augustine, seconded by Mrs. Niemann and carried to adopt the minutes of the April 23, 2007 Special Meeting and placed 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 May 1, 2007 Regular Meeting and placed 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 May 1, 2007 Executive Session and placed on file.

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

**EXECUTIVE SESSION - RESOLUTION NO. 2007 - 60**

Following a brief recess, at approximately 9:55 P.M., the following Resolution was introduced to enter into closed session:

**RESOLUTION NO. 2007 - 60**

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

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

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

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

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

**Personnel  
Contract Negotiations  
Anticipated/Pending Litigation**

1. 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:

2. 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.

1. This resolution shall take effect immediately.

2. 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.

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

**RETURN TO REGULAR SESSION**

It was moved by Mrs. Augustine, seconded by Mrs. Niemann and carried to return to regular session at 11:30 P.M. All voted Aye on Roll Call Vote.

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2007 - 61**

**CANCELLATION OF REAL ESTATE TAXES**

**WHEREAS**, due to a tax assessor's error, real estate taxes for 2006 were assessed on Block 14, Lot 13 Q0202, and

**WHEREAS**, no such lot exists.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey that the tax collector be authorized to cancel, pursuant to N.J.S.A. 54:4-99 and N.J.S.A. 54:4-100, the following amounts:

Third quarter 2006 - \$ 100.10  
Fourth quarter 2006 - \$ 100.10

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

**Roll Call Vote:**

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

There was a discussion reference to changing the date of the Township meeting dates during the days of the primary and the general election since the meetings fall on the dates of the elections.

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2007 - 62**

**WHEREAS**, Block 26, Lots 4.02 and 4.03 were the subject of a minor subdivision which had not been perfected as of the end of 2006, and

**WHEREAS**, due to an assessor's error, the lots were assessed at the full value for 2006.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey, that the tax collector be authorized to cancel for 2006 pursuant to N.J.S.A. 54:4-99 and N.J.S.A. 54:4-100, the following amounts:

Block 26, Lot 4.02 - \$ 1772.08  
Block 26, Lot 4.03 - \$ 1362.44

It was moved by Mr. 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 - 63**

**A RESOLUTION TO CANCEL AN EXISTING PENALTY**

**WHEREAS**, the Township Committee has reviewed municipal penalty provisions as to the collection of delinquent taxes against Brent and Beth Giakas, Block 37, Lot 3A; and

**WHEREAS**, pursuant to N.J.S.A. 54:4-99 the Township Committee has determined that it would be equitable, just and for the best interest of the municipality to cancel the existing interest & penalty against the Block 37, Lot 3A; and

**NOW, THEREFORE, BE IT RESOLVED**, that the interest & penalty against property, Block 37 Lot 3A is hereby canceled.

It was moved by Mr. 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 - 64**

**DENIAL OF REQUEST  
REGARDING ABANDONED PROPERTY**

**WHEREAS**, the Zoning Officer of the Township has received a request to execute a certification noting Block 23 Lot 19 to be an abandoned property, by an owner of a tax sale certificate, in order that the owner of the certificate could more easily complete the foreclosure of such certificate; and

**WHEREAS**, the Township Committee investigated the request; 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 request for the Zoning Officer to execute a certification verifying Block 23 Lot 19 to be an abandoned lot pursuant to NJSA 55:19-18 is denied, since further investigation would be required involving an expenditure of Township funds in order to make such a determination, and the certificate owner may pursue such an investigation under the relevant statute, NJSA 54:5-86, by other means which do not involve the expenditure of Township funds.

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

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

**CONSTRUCTION OFFICIAL**

The Township Committee has requested a Rice Notice be sent to Construction Official Wayne Degan. Mr. Degan responded and has requested to be discussed during open session. Mayor Burke explained the reasons for the need to discuss Mr. Degan and his position. Committeewoman Elaine Niemann explained a conversation she had with Mr. Degan. The Township Committee has expectations for all employees and they would like to have more time to get to know everyone, their positions while evaluating each employee. Mrs. Niemann explained they have not had enough time to work with him to feel they have reached that level of comfort with him in the position. Mrs. Niemann suggested that he continue working for the Township without being granted tenure until they get to know him and his work better.

Mr. Degan stated that he will be retiring within 4 to 6 years and would not like to wait to be given tenure. Attorney Kopen advises the Committee the legal aspects of the situation. The Committee explained they are happy with his service as Construction Official and they would like to give the Township Committee the opportunity to review his performance.

**BANKING PROPOSALS**

C.F.O. Diane Laudenbach reviewed proposals from several banks. Also deciding the Committee if they would like to remain with the bank that they have now, which is Skylands Community Bank so it would give them more time to review the proposals. Mayor Burke suggests giving the bank either 60 or 90 days until they fulfill the Townships requirements.

It was moved by Mrs. Augustine, seconded by Mrs. Niemann and agreed to extend our banking with Skylands Community Bank for 90 days then to be reviewed with the Township's C.F.O. to see if the services required have been rendered satisfactorily and reassess their association.

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

**REQUEST FOR A PROCLAMATION FOR ZACHARY MALINA**

Committeewoman Niemann suggested the Township draw up a proclamation written up for a young boy who is very ill, to wish him well. There will be a fundraiser for him at the Kingwood Park on June 24, 2007.

*K*ingwood Township cares deeply for the well-being of its children and the governing

*body recognizes and appreciates the community support that is so generously being given to*

*Zachary Malina and his family. Mets fans, Yankees fans and Phillies fans alike have*

*banded together in an outpouring of love and caring that surely has helped Zachary (also*

*known as metsfan 1) and his family through a very challenging time. For almost two months Zachary worked hard to make himself well enough to come home. He showed courage and determination that inspired all of us and he capped it all off by coming home for Father's Day, a gift that we are sure will always be cherished by his father.*

*Now therefore, I, James Burke, Mayor of Kingwood Township, in accordance with the wishes of the Kingwood Township Committee as set forth on June 5, 2007, do hereby proclaim that the Homerun Derby for Zack is a celebration of the community spirit of the people of Kingwood Township. We wish Zachary continued success with his recovery.*

*In witness whereof, I have hereunto set my hand this twenty-fourth day of June in the year of our Lord two thousand seven.*

*James Burke, Mayor*

It was moved by Mrs. Augustine, seconded by Mrs. Niemann and carried to approve the foregoing proclamation for Zachary Malina to be presented to him on June 24, 2007.

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

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It was moved by Mrs. Augustine, seconded by Mrs. Niemann and carried to adjourn the meeting at 11:50 P.M. **All** voted **Aye** on **Roll Call Vote**.

**Respectfully Submitted,**

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

