

2008 - 39

**February 4, 2008
Regular Township Committee
Meeting Minutes**

A Regular Meeting of the Kingwood Township Committee was called to order at 7:00 P.M. with Mayor Augustine presiding.

Also present at the meeting were Deputy Mayor Burke, Committeewoman Niemann, Attorney Judith Kopen, C.F.O. D. Laudenschick, and Clerk MacConnell. Following the salute to the Flag, Mayor Augustine 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 December 27, 2007 and by telefaxing copies of the notice to the Courier News and Star Ledger on December 27, 2007. Copies of the notice were also posted in the Kingwood Township Municipal Building and Baptistown Post Office on December 20, 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.

TOWNSHIP AUDITOR – Bill Colantano

Application to Local Finance Board and Resolution No. 2008-17

Mr. Colantano was present at the meeting and explained the resolution and a waiver request application that he will be taking to the State on February 13, 2008.

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2008-17

**RESOLUTION OF THE TOWNSHIP OF KINGWOOD MAKING APPLICATION TO
THE LOCAL FINANCE BOARD
PURSUANT TO N.J.S.A. 40A:4-45.3(dd)**

WHEREAS, the Township Committee of the Township of Kingwood in the County of Hunterdon desires to make application to the Local Finance Board for its approval of a proposed Sale of Assets waiver pursuant to N.J.S.A. 40:4-45.3(dd) and,

WHEREAS, the Township Committee believes that:

- (a) it is in the public interest to accomplish such purpose; and,
- (b) the Sale of Assets waiver is for the health, wealth, convenience or betterment of the inhabitants of the Township of Kingwood; and
- (c) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the Township of Kingwood and will not create an undue financial burden to be placed upon the Township of Kingwood;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood as follows:

Section 1. The application to the Local Finance Board is hereby approved, and the Chief Financial Officer, along with other representatives of the Township of Kingwood are hereby authorized to prepare such application and to represent the Township of Kingwood in matters pertaining thereto.

Section 2. The Municipal Clerk of the Township of Kingwood is hereby directed to file a copy of the proposed Sale of Assets waiver with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings recommendations and/or approvals as provided by the applicable New Jersey Statute.

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

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

CORRESPONDENCE

Memo from County Planning Dept. Director re: Transportation Topics

Mayor Augustine reviewed.

Letter from NJEA re: Read Across America – Resolution No. 2008-28

Mayor Augustine read aloud the resolution.

The following Resolution was introduced:

RESOLUTION NO. 2008 – 28

WHEREAS, the citizens of the Township of Kingwood stand firmly committed to promoting reading as the catalyst for our students’ future academic success, their preparation for America’s jobs of the future, and their ability to compete in a global economy; and

WHEREAS, the Township of Kingwood has provided significant leadership in the area of community involvement in the education of our youth, grounded in the principal that educational investment is the key to the community’s well-being and long-term quality of life; and

WHEREAS, *NEA’s Read Across America*, a national celebration of reading, will be conducted on March 3, 2008, which would have been the 104th birthday of Theodore Seuss Geisel, better known as Dr. Seuss; and

WHEREAS, *Read Across America – NJ* is being conducted statewide by the New Jersey Education Association in partnership with the New Jersey State League of Municipalities, the New Jersey Library Association, Saturn-UAW, and their local affiliates across the state to promote reading and adult involvement in the education of our community’s students:

NOW, THEREFORE, BE IT RESOLVED that the Kingwood Township Committee calls on the citizens of the Township of Kingwood to assure that every child is in a safe place reading together with a caring adult on March 3, 2008;

AND BE IT FURTHER RESOLVED that the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey enthusiastically endorses NEA’S Read Across America and Read Across America-NJ, and recommits our community to engage in programs and activities to make America’s children the best readers in the world.

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

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

Letter from Service Electric Cable TV re: Move Customer Service Office

Mayor Augustine reviewed letter noting SECTV will be seeking to relocate their facility.

RESOLUTION

The following Resolution was introduced:

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

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

APPROVAL FOR PURCHASE OF VAN FOR ANIMAL CONTROL OFFICER

Mayor Augustine spoke to salesman at R & R Auto. Township Public Works checked it over and noted that the van only needed a set of brakes. Mr. Burke noted that the dealer will take care of the inspection. There was a discussion on where to park the van. The Animal Control Officer does not have room in her driveway. Mr. Burke suggested that the van be parked up at the new Township Garage parking lot.

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to approve to purchase a van for the Animal Control Officer in the amount of \$2,000 plus additional expenses. Kingwood will be sharing one half of the expenses with Franklin Township.

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

BILLS AND CLAIMS

It was moved by Mr. Burke, seconded by Mrs. Niemann and carried to approve and pay the bills and claims that are in order and attached as **Bill List** for **February** 2008.

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

PUBLIC COMMENT – PRIVILEGE OF THE FLOOR

Jack MacConnell, Spring Hill Road Asked the Committee about the drilling that is going on at the Kingwood School on the Melnick Farm for their new septic system. Deputy Mayor Burke explained that he has not received results back from the tests, and also explained the best and the worst areas on the property that were tested. Mr. MacConnell also reviewed an Ethics Bill that Raritan Township developed and would like Kingwood to look into this and adopt something similar to Raritan Townships. He also mentioned a resident who did not obtain building permits and would like to see the Township pursue this offense.

Mr. MacConnell also gave his opinion about Elizabethtown Gas Co. He also suggested that the Township write a letter to Governor Corzine about the tolls that he plans to increase in price for the State. A question about dead stray animals also was addressed.

Sandra McNicol, Oak Grove Road feels that the Township should take more of a proactive stand in reference to Elizabethtown Gas Company. Also suggested putting together questions for ETG, and ask them to provide plans for exactly what they plan on doing. Mrs. McNicol also brought up a few zoning issues.

REPORTS

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

Tax Collector's Report of December 2007
Municipal Court Report of December 2007
Construction Department Report of January 2008
Zoning Permits Report of January 2008

Township Engineer's Monthly Report

Deputy Mayor Burke commented on the Engineer's report. He reviewed the changes for Thatcher Road, and the problems on Oak Grove Road.

Animal Control Report of January 2008

Dog Licensing Reports of 2006, 2007, and January 2008
There was a brief discussion on the Dog License and Animal Control.

Gypsy Moth – Clerk MacConnell gave a report on the Gypsy Moth Program

Elizabethtown Gas Project – Planning Board Letter – Mayor Augustine read aloud a letter from the Planning Board re: Elizabethtown Gas and their concerns in regards to the installation of the gas line along Route 12.

Municipal Building Repairs Update – Deputy Mayor Burke noted that two more people came to look over the repairs and he is now waiting for their quotations.

FUTURE MEETINGS AND ACTIVITIES

Mayor Augustine reviewed as per the Agenda. Deputy Mayor Burke stated he will be attending the New Jersey Conference of Mayors in Atlantic City, April 10 – 11, 2008.

ORDINANCES

ORDINANCE NO. 15-01-2008 FIXING THE SALARIES AND COMPENSATION OF THE VARIOUS OFFICERS AND EMPLOYEES OF THE TOWNSHIP VOL.15, PG.15-01– Public Hearing and Final Adoption

Mayor Augustine read Ordinance aloud by title. This Ordinance was introduced and adopted on first reading at a meeting of the Kingwood Township Committee on the 7th day of January, 2008.

This Ordinance has been posted in the Kingwood Township Municipal building on January 7th, 2008. Copies of the Ordinance have been available for inspection by the public since January 7th, 2008.

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

Public Comments: None

It was moved by Mr. Burke, 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 Mr. Burke, seconded by Mrs. Niemann and carried to adopt on final reading **AN ORDINANCE FIXING THE SALARIES AND COMPENSATION OF THE VARIOUS OFFICERS AND EMPLOYEES OF THE TOWNSHIP.**

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

ORDINANCE

ORDINANCE NO. 15-02-2008 CALENDAR YEAR 2008 MODEL ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14) VOL.15, PG.15-02– Public Hearing and Final Adoption

Mayor Augustine read Ordinance aloud by title. This Ordinance was introduced and adopted on first reading at a meeting of the Kingwood Township Committee on the 7th day of January, 2008.

This Ordinance has been posted in the Kingwood Township Municipal building on January 7th, 2008. Copies of the Ordinance have been available for inspection by the public since January 7th, 2008.

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

Public Comments: None

It was moved by Mr. Burke, 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 Mr. Burke, seconded by Mrs. Niemann and carried to adopt on final reading **CALENDAR YEAR 2008 MODEL ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14).**

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

ORDINANCE

ORDINANCE NO. 15-03-2008 AN ORDINANCE AMENDING ORDINANCE #74-5
“AGRICULTURAL ADVISORY COMMITTEE OF THE TOWNSHIP OF KINGWOOD
VOL.15, PG.15-03– Public Hearing and Final Adoption

Mayor Augustine read Ordinance aloud by title. This Ordinance was introduced and adopted on first reading at a meeting of the Kingwood Township Committee on the 7th day of January, 2008.

This Ordinance has been posted in the Kingwood Township Municipal building on January 7th, 2008. Copies of the Ordinance have been available for inspection by the public since January 7th, 2008.

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

Public Comments: None

It was moved by Mr. Burke, 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. Niemann, seconded by Mr. Burke and carried to adopt on final reading **AN ORDINANCE AMENDING ORDINANCE #74-5 “AGRICULTURAL ADVISORY COMMITTEE OF THE TOWNSHIP OF KINGWOOD.**

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

ORDINANCE

ORDINANCE NO. 15-04-2008 AN ORDINANCE AMENDING SECTION 32-5 “OPEN SPACE ADVISORY COMMITTEE” OF THE TOWNSHIP OF KINGWOOD VOL.15, PG.15-04– Public Hearing and Final Adoption

Mayor Augustine read Ordinance aloud by title. This Ordinance was introduced and adopted on first reading at a meeting of the Kingwood Township Committee on the 7th day of January, 2008.

This Ordinance has been posted in the Kingwood Township Municipal building on January 7th, 2008. Copies of the Ordinance have been available for inspection by the public since January 7th, 2008.

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

Public Comments: None

It was moved by Mrs. Niemann, 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 Mrs. Niemann and carried to adopt on final reading **AN ORDINANCE AMENDING SECTION 32-5 “OPEN SPACE ADVISORY COMMITTEE” OF THE TOWNSHIP OF KINGWOOD.**

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

ORDINANCE

ORDINANCE NO. 15-05-2008 AN ORDINANCE REGARDING DOG LICENSE FEES VOL.15, PG.15-05– Public Hearing and Final Adoption

Mayor Augustine read Ordinance aloud by title. This Ordinance was introduced and adopted on first reading at a meeting of the Kingwood Township Committee on the 7th day of January, 2008.

This Ordinance has been posted in the Kingwood Township Municipal building on January 7th, 2008. Copies of the Ordinance have been available for inspection by the public since January 7th, 2008.

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

Public Comments: None

It was moved by Mrs. Niemann, 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 Mrs. Niemann and carried to adopt on final reading **AN ORDINANCE REGARDING DOG LICENSE FEES.**

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

ORDINANCE

ORDINANCE NO. 15-06-2008 AN ORDINANCE AMENDING ORDINANCE NO. 15-01-2008 FIXING THE SALARIES AND COMPENSATION OF THE VARIOUS OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF KINGWOOD IN THE COUNTY OF HUNTERDON AND STATE OF NEW JERSEY– Introduction and adoption on First Reading

Mayor Augustine read the Ordinance aloud which was introduced.

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adopt on first reading **AN ORDINANCE AMENDING ORDINANCE NO. 15-01-2008 FIXING THE SALARIES AND COMPENSATION OF THE VARIOUS OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF KINGWOOD IN THE COUNTY OF HUNTERDON AND STATE OF NEW JERSEY.**

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

Consideration of final adoption at a public hearing is scheduled for Tuesday, March 4, 2008 at a meeting beginning at 7:00 P.M. at the municipal building.

ORDINANCE

ORDINANCE NO. 15-07-2008 AN ORDINANCE TO AMEND THE TOWNSHIP'S DEVELOPMENT FEE ORDINANCE– Introduction and adoption on First Reading

Mayor Augustine read the Ordinance aloud which was introduced and reviewed briefly.

It was moved by Mr. Burke, seconded by Mrs. Augustine and carried to adopt on first reading **AN ORDINANCE TO AMEND THE TOWNSHIP'S DEVELOPMENT FEE ORDINANCE.**

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

Consideration of final adoption at a public hearing is scheduled for Tuesday, March 4, 2008 at a meeting beginning at 7:00 P.M. at the municipal building.

RESOLUTIONS

The following Resolution was introduced:

RESOLUTION NO. 2008 - 20

REFUND OF ERRONEOUS PAYMENT

WHEREAS, the mortgage company paid the fourth quarter 2007 real estate taxes on Block 34, Lot 10, and

WHEREAS, the mortgage company's responsibility is for Block 34, Lot 10.03, and

WHEREAS, the mortgage company has requested a refund of the erroneous payment.

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 refund in the amount of \$1,339.26 to Wells Fargo Home Mortgage, P.O. Box 14506, Des Moines, IA 50306-9395 and cancel the credit balance on Block 34, Lot 10.

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

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

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2008 - 21

REFUND OF DUPLICATE PAYMENT

WHEREAS, both the homeowner and mortgage company have paid the real estate taxes on Block 13, Lot 14.12 for the fourth quarter 2007 Added, and

WHEREAS, the mortgage company has requested a refund in the amount of \$7,407.17 for the fourth quarter 2007 Added.

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 refund in the amount of \$7,407.17 to Avelo Mortgage, LLC, P.O. Box 961223, Fort Worth, TX, 76161-0223, Refund Department.

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

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

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2008 - 22

TAX SALE REDEMPTION

WHEREAS, the Tax Collector has received redemption monies in the amount of \$8,165.55 to redeem Tax Sale Certificate No. 2005-02 on Block 24, Lot 7.02.

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 \$8,165.55 to Park Finance, LLC, P.O. Box 109, Cedar Knolls, New Jersey, 07927 for the redemption of Tax Sale Certificate No. 2005-02.

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

Roll Call Vote:

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

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2008 - 23

A RESOLUTION APPOINTING TOWNSHIP HYDROGEOLOGIST AND AUTHORIZING THE AWARD OF NON-FAIR AND OPEN CONTRACT FOR TOWNSHIP HYDROGEOLOGIST

WHEREAS, the Township of Kingwood has a need to acquire professional services of Township Hydrogeologist as set forth below by way of a non-fair and open contract pursuant to the provisions of NJSA 19:44A-20.5; and

WHEREAS, the Township Committee has determined to award the contract set forth below through a non-fair and open process pursuant to the provisions of N.J.S.A. 19:44A-20.5 et. seq.; and

WHEREAS, the Township of Kingwood purchasing agent has determined and certified in writing that the value of this acquisition will exceed \$17,500; and

WHEREAS, the anticipated term of the contract is as set forth below; and

WHEREAS, the Township professional set forth below has submitted a proposal indicating he will provide the professional services described below for the amount set forth in each submitted proposal; and

WHEREAS, the Township Professionals set forth below has completed and submitted a Business Entity Disclosure Certification which certifies that the Township Professional has not made any reportable contributions to a political or candidate committee in the Township of Kingwood in the previous one year, and that the contract will prohibit the Township Professional from making any reportable contributions through the term of the contract; and

WHEREAS, a certification of availability of funds, specifying the line item appropriation(s) to be charged as to the contract set forth below has been provided by the Chief Financial Officer of the Township of Kingwood.

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

1. The Mayor and Clerk are hereby authorized to execute a contract with the following Professional as described below:

Professional	Position	Term of Contract
Vincent Uhl of Uhl, Baron & Rana & Associates, Inc.	Township Hydrogeologist	One year

2. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

3. 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 Mr. Burke, seconded by Mrs. Augustine and carried to adopt the foregoing Resolution.

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

RESOLUTION

The following Resolution was introduced:

**RESOLUTION NO. 2008 - 24
RECYCLING TONNAGE GRANT**

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood that the Township of Kingwood hereby endorses the submission of a Municipal Recycling Grant Application to the New Jersey Department of Environmental Protection, Office of Recycling and designated Cynthia Niciecki, Recycling Coordinator for the year 2008, 1116 State Highway 12, Frenchtown, New Jersey, 08825, to ensure that the said Application is properly filed; and

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

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

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

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2008 - 25

A RESOLUTION REQUESTING AN EXTENSION AND A SCOPE MODIFICATION FROM NJDOT FOR THATCHER ROAD IMPROVEMENTS

WHEREAS, on January 29, 2005, NJDOT awarded Kingwood Township with a State Municipal Aid Allotment of \$140,000 for Thatcher Road, Section 2 in a Force Account; and

WHEREAS, the award stipulated that the project be awarded by the Township within 12 months of the award; and

WHEREAS, the proposed improvements impact wetlands areas along the roadway, and discharges are proposed within the Special Resource Protection Areas of a Category 1 Stream; and

WHEREAS, NJDEP permits have yet to be obtained regarding the wetlands and discharge issues; and

WHEREAS, in November 2007, NJDEP adopted revised Flood Hazard Area creating Riparian Zones adjacent to waterways; and

WHEREAS, on July 13, 2007, NJDOT granted an extension to the Township until January 29, 2008 to commence construction of Thatcher Road Improvements; and

WHEREAS, due to NJDEP Flood Hazard Area revisions and to substantial degradation sustained to Thatcher Road during the permitting process, the commencement of Thatcher Road Improvements has been further delayed; and

WHEREAS, in order to address the NJDEP Flood Hazard Zone revisions and the repair of Thatcher Road due to the sustained substantial degradation, the Township Engineer has revised the specifications for Thatcher Road improvements, which revisions are set forth in the Engineer's report of 2/1/08 addressed to the NJDOT and attached hereto as Exhibit A; and

WHEREAS, Exhibit A requests both a further extension of time from the NJDOT for an additional 30 days, as well as a scope modification as to the improvements on Thatcher Road in order to address the November 2007 NJDEP revisions as well as the road degradation during the permitting process; and

WHEREAS, due to the permitting and seasonal weather delays, pavement may not be placed until Spring of 2008; and

WHEREAS, Kingwood Township therefore needs an additional extension from the NJDOT as to the award date of the project by the Township in relation to the State Municipal Aid Allotment of \$140,000.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Committee of the Township of Kingwood, County of Hunterdon, that the Township of Kingwood hereby requests from NJDOT that the date of award for the project by Kingwood Township regarding Thatcher Road, Section 2 improvements for which a State Municipal Aid Allotment of \$140,000 has been awarded be extended until March 5, 2008, and that a scope modification of the project be approved as set forth in Exhibit A attached hereto.

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

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

NEW BUSINESS

Length of Service Award Program

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to approve the eligible Length of Service Award Program lists for the Kingwood Township First Aid & Rescue Squad and the Kingwood Township Volunteer Fire Company.

Letter of Resignation – Public Defender

It was moved by Mr. Burke, seconded by Mrs. Niemann and carried to accept resignation from the Township’s Public Defender David Evans.

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

Approve McManimon & Scotland

It was moved by Mr. Burke, seconded by Mrs. Niemann and carried to engage McManimon & Scotland for the services of the renewal of the Bond Anticipation Note.

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

Price Quotations for Township Garage Gate

Mayor Burke reviewed all quotes that were submitted. York Fence with the lowest price quote. It shall be scheduled and started as soon as possible.

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to approve York Fence to install an aluminum fence at the Township garage in the amount of \$10,940.00.

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

Info from Herder Tarricone Assoc re: Public Officials Libility Coverage

The Committee decided not to obtain this at this time.

Info for Website – Friends of Suzanne, FEMA Flood Insurance Study and Digital Rate Map

The Committee decided to post this under Community Events, with a link to their website for more information on the web site. There was also a discussion on whether the employment application for the Township should be posted on the web.

It was decided that it will not be posted on the web, but if someone is interested in a position that has been advertised, the Clerks shall e-mail the application to the interested party.

Support of Special Protection Waters Regulations – Letter from Planning Board

It was moved by Mr. Burke, seconded by Mrs. Niemann and carried to submit application for support for special protection waters regulations.

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

Price Quotations for Tractor Rake

Deputy Mayor Burke briefly explained the uses for the rake to be purchased.

ORDINANCE

ORDINANCE NO. 15-08-2008 AN ORDINANCE TO PROVIDE FOR THE PURCHASE OF MUNICIPAL EQUIPMENT AS A GENERAL IMPROVEMENT FOR THE TOWNSHIP OF KINGWOOD IN THE COUNTY OF HUNTERDON AND STATE OF NEW JERSEY AND APPROPRIATING \$6,750.00 FROM THE CAPITAL IMPROVEMENT FUND RESERVE FOR PURCHASE OF MUNICIPAL EQUIPMENT -

Introduction and adoption on First Reading

Mayor Augustine read the Ordinance aloud which was introduced and reviewed briefly.

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adopt on first reading **AN ORDINANCE TO PROVIDE FOR THE PURCHASE OF MUNICIPAL EQUIPMENT AS A GENERAL IMPROVEMENT FOR THE TOWNSHIP OF KINGWOOD IN THE COUNTY OF HUNTERDON AND STATE OF NEW JERSEY AND APPROPRIATING \$6,750.00 FROM THE CAPITAL IMPROVEMENT FUND RESERVE FOR PURCHASE OF MUNICIPAL EQUIPMENT.**

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

Consideration of final adoption at a public hearing is scheduled for Tuesday, March 4, 2008 at a meeting beginning at 7:00 P.M. at the municipal building.

Resolution to follow next month in March

OLD BUSINESS

Animal Control Officer – Shared Services Agreement & Resolution No. 2008-26

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2008 - 26

AUTHORIZING THE SHARING OF SERVICES FOR THE OFFICE OF ANIMAL CONTROL OFFICER BETWEEN THE TOWNSHIP OF KINGWOOD AND TOWNSHIP OF FRANKLIN, COUNTY OF HUNTERDON, STATE OF NEW JERSEY PURSUANT TO 40:8A-1, ET SEQ. AND 4:19-15.16B, ET. SEQ.

WHEREAS, the Township of Kingwood (hereby referred to as “Kingwood”) and the Township of Franklin (hereby referred to as “Franklin”), in the County of Hunterdon, State of New Jersey, are desirous of achieving cost savings and efficiencies by sharing services for the office of Animal Control Officer; and

WHEREAS, Section 40:8A-1, et seq. allows for two or more municipalities to enter into an Agreement for the purpose of providing for the joint provision of services, and Section 40:8A-5 recognizes the provision of animal control services as an applicable joint service; and

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

WHEREAS, Kingwood and Franklin have agreed in principle on the sharing of services for the office of Animal Control Officer and shall enter into an agreement in a form which will be approved by upon each Township’s attorney, and when approved will be open to public inspection at the offices of both municipalities; and

WHEREAS, Kingwood and Franklin desire to pass reciprocal resolutions approving the form of Agreement for each Township;

NOW, THEREFORE, BE IT RESOLVED that the Township of Kingwood and the Township of Franklin hereby agree to share services for the office of Animal Control Officer, which office shall be held by the Animal Control Officer agreed upon by Kingwood and Franklin, and enter into an Agreement setting forth the administrative and financial responsibilities of each municipality for this shared service on this day, 2008; and

BE IT FURTHER RESOLVED, that the Mayor, the Clerk of the Township, the Chief Financial Officer, and any other proper official of the Township, be and each of them is hereby authorized to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things necessary and proper for carrying out the transactions contemplated by this resolution.

It was moved by Mr. Burke, seconded by Mrs. Augustine and carried to adopt the foregoing Resolution as revised by the Township Attorney.

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

METRO ENERGY SOLUTIONS

The Committee members feel this is too expensive at this time.

LETTER FROM M. CAPABIANCO OF COUNTY SHARED SERVICES RE: PARTICIPATION IN ENERGY INITIATIVES

There was a brief discussion. Information was not provided this month.

VARIOUS APPOINTMENTS

The Committee reviewed the suggested names for the Planning Board vacancies.

Mayor Augustine appointed Maureen Syrnick as Alternate #1 member of the Planning Board.

Mayor Augustine appointed David Posey as Alternate #2 member of the Planning Board.

Mayor Augustsine announced an appointment which will be filled by Cynthia Niciecki as a member of the Agriculture Advisory Committee.

It was moved by Elaine Niemann, seconded by Mr. Burke and carried to appoint Cynthia Niciecki as an additional member to the Agriculture Advisory Committee.

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

Mayor Augustine announced an appointment which will be filled by Richard Dodds as a member of the Open Space Advisory Committee.

It was moved by Mr. Burke, seconded by Mrs. Niemann and carried to appoint Richard Dodds as an additional member to the Open Space Advisory Committee.

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

Committeewoman suggested the Township write Elizabethtown Gas Co. a letter requesting their response by the March Township Committee meeting. Deputy Mayor Burke had a question about the first responders training in reference to the gas installation.

MINUTES

It was moved by Mayor Burke and carried to adopt the minutes of the March 14, 2005 Special Meeting Minutes for the (8:00 A.M.) and placed on file.

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

It was moved by Mayor Burke and carried to adopt the minutes of the March 14, 2005 Special Meeting Minutes for the (7:12 P.M.) and placed on file.

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

It was moved by Mayor Burke and carried to adopt the minutes of the March 16, 2005 Executive Session Meeting Minutes and placed on file.

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

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

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adopt the minutes of the January 7, 2008 Reorganization Meeting and place on file.

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

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adopt the minutes of the January 7, 2008 Regular Meeting with the following corrections and place on file.

Corrections to be made on page 2008 – 19 – name correction from Judy Rounsaville to Judy Ronzo.

Also page 2008-19 name correction from Debbie Dimicco to Debbie D’Amico.

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

It was moved by Mr. Burke, seconded by Mrs. Niemann and carried to adopt the minutes of the January 7 , 2008 Executive Session and place on file.

Roll Call Vote:	AYE	- Burke, Niemann, Augustine
	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. 2008 - 27

Following a brief recess, at approximately 9:00 P.M., the following Resolution was introduced to enter into closed session:

RESOLUTION NO. 2008 - 27

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:

Litigation
Potential Litigation

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 Mrs. Niemann and carried to adopt the foregoing Resolution.

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

RETURN TO REGULAR SESSION

It was moved by Mr. Burke, seconded by Mrs. Niemann and carried to return to regular session at 9:50 P.M. All voted **Aye** on **Roll Call Vote**.

Deputy Mayor Burke discussed a letter which has been drafted to send to Elizabethtown Gas Co. from the Township Committee explaining all the concerns regarding to the installation of the gas line, and a list of items they feel that need to be addressed. This was requested by the Township's Planning Board. This letter will be sent out as soon as possible with a request for a response from Elizabethtown Gas by February 20, 2008.

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2008 - 29

RESOLUTION AUTHORIZING IN REM FORECLOSURE

WHEREAS, the records of the Tax Collector of the Township of Kingwood reflect that Miller, Fred c/o Mrs. Wm. Harris are the owners, as appears on the last tax duplicate, of property located in Kingwood Township and known as Block 50.02, Lot 1, and the Tax Collector has reported that the Township holds Tax Sale Certificate No. 2004-06 as of October 29, 2004 and to May 1, 2009, the amount to redeem is \$2,730.58, 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 Mr. Burke, seconded by Mrs. Niemann and carried to adopt the foregoing Resolution.

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

RECYCLING

It was moved by Mr. Burke, seconded by Mrs. Niemann and carried to award Raritan Valley Disposal for the New Recycling Program for 2008.

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

RESOLUTION

RESOLUTION NO. 2008-30

CANCELLATION OF REAL ESTATE TAXES

WHEREAS, due to a tax assessor’s error, real estate taxes for 2007 were assessed on Block 14, Lot 38.03Q0465 as a building lot, and

WHEREAS, the lot should have been assessed as farmland qualified.

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 amount:

2007 Taxes - \$ 3,794.04

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adopt the foregoing Resolution, and to apply the amount for future taxes as a credit.

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

PARK DIRECTOR

There was a brief discussion about the tenant at the Kingwood Park.

It was moved by Mr. Burke, seconded by Mrs. Niemann and carried to authorize Attorney Kopen to write a letter to the tenant, Donn Brown currently at the Kingwood Park, in reference to terminating his residency at the home and property at the Kingwood Park by April 1, 2008.

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

AFFORDABLE HOUSING TRUST FUND

Mr. Burke distributed information on Affordable Housing Trust Fund to the Committee members and briefly explained the correspondence.

PROPOSAL TO PROVIDE ENVIRONMENTAL CONSULTING SERVICES

There was a brief discussion on information sent from Amy S. Greene, Environmental Consultants, Inc. to the Township’s Engineer Tom Decker. The proposal is to prepare a complete application to the NJDEP for a Township-Wide Freshwater Wetlands General Permit #1. The Committee feels this would be beneficial to the projects to be completed on several areas in the Township.

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2008 – 31

WHEREAS, the Township Committee of the Township of Kingwood has reviewed a proposal to provide environmental consulting services to the Township; and

WHEREAS, the proposal is to prepare and submit permit applications to the New Jersey Department of Environmental Protection to allow Kingwood Township to perform routine maintenance activities in stormwater management facilities that have become jurisdictional wetlands, and in stormwater management facilities that are located in the flood hazard area or riparian zones adjacent to streams;

NOW, THEREFORE BE IT RESOLVED, that in the event that official action was not taken to approve the proposal at a meeting in December of 2007, we the Township Committee of the Township of Kingwood, County of Hunterdon, State of New Jersey hereby approve the proposal of Amy S. Greene Environmental Consultants, Inc., to prepare an application to the NJDEP for Freshwater Wetlands General Permit (GP) #1 for maintenance and repair of existing features in freshwater wetlands and State open waters in accordance with the *NJ Freshwater Wetlands Protection Act*.

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adopt the foregoing Resolution. The payment will be paid out of a new line item under roads budget.

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

Clerk MacConnell noted that the Kingwood Township Fire Co. has provided information in reference to the process of purchasing a new fire truck and is requesting authorization from the Township.

It was moved by Mr. Burke, seconded by Mr. Niemann, and carried to approve the agreement for Tax Exempt Financing for the Kingwood Township Volunteer Fire Co. No. 1, and to authorize the Mayor to execute the agreement upon the condition that they have had their public hearing.

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

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adjourn the meeting at 10:25 P.M. All voted Aye on Roll Call Vote.

Respectfully Submitted,

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