

May 5, 2009
Regular Township Committee
Meeting Minutes

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

Also present at the meeting were Deputy Mayor Burke, Committeeman Lubitz, Attorney Judith Kopen, Auditor W. Colantano, C.F.O. D. Laudenschlager, Deputy Clerk Brown and Clerk MacConnell. Following the salute to the Flag, Mayor Niemann read aloud the following:

NOTICE REQUIREMENTS

Adequate notice of this meeting was provided in accordance with the Open Public Meetings Act by publication of the notice in the Hunterdon County Democrat and the Courier News on January 15, 2009 and by telefaxing copies of the notice to the Express Times and Star Ledger on January 14, 2009. Copies of the notice were also posted in the Kingwood Township Municipal Building and Baptistown Post Office on January 13, 2009.

In order to ensure full public participation in this meeting, all members of this Committee or Board, and also members of the public are requested to speak only when recognized by the Chair so that there is no simultaneous discussion or over-talk, and further, all persons are requested to utilize the microphones which are provided for your use by the Township. Your cooperation is appreciated.

2009 Municipal Budget – Public Hearing

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

The Township's Auditor, William Colantano was present. Mr. Burke explained a few of the reasons for the amendments to the Budget. He explained that there will be an amendment, which will be an additional salary to a seasonal employee to cut the grass for all the Township properties including the park grounds at \$750.00 per week gross. This will be an additional \$12,000, so the Township does not have to hire another Public Works employee. There will be no additional benefits for this position. There is also another additional line item, which is an additional salary for the Parks and Recreation Secretary. Mr. Colantano commented on the Clean Communities and LOSAP and briefly explained that the amounts will be coming from surplus and grants. He also noted that an increase in an excess of 10% must be advertised prior to a public hearing. Mr. Colantano briefly reviewed a worksheet and a tax analysis, which he handed out to the Committee members.

There were no comments from the public.

It was moved by Mr. Burke, seconded by Mr. Lubitz and carried to close the public hearing of the municipal budget.

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

Resolution No. 2009 – 54 Amend 2009 Municipal Budget

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2009 - 54**2009 MUNICIPAL BUDGET AMENDMENT**

WHEREAS, the local municipal budget for the year 2009 was approved on the 7th day of April, 2009;
and

WHEREAS, the public hearing on said budget has been held as advertised;

THEREFORE BE IT RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey that the following amendments to the approved budget of 2009 be made:

ROLL CALL	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
James Burke		X	X			
Phillip Lubitz	X		X			
Elaine Niemann			X			

CURRENT FUND

GENERAL REVENUES-CURRENT FUND	<u>FROM</u>	<u>TO</u>
Surplus Anticipated	\$621,000.00	\$633,715.00
Public & Private Revenues Offset With Appropriations:		
Clean Communities Program-Yr 2008 Reserve		1,180.37
Clean Communities Program-Yr2009	\$ 10,667.15	\$ 13,609.30
Total	<u>\$ 10,667.15</u>	<u>\$ 14,789.67</u>
Total General Revenues	<u>\$2,617,857.75</u>	<u>\$2,634,695.27</u>

APPROPRIATIONS-CURRENT FUND

Operations Within "CAPS"		
Maintenance of Parks:		
Salaries & Wages	\$ 10,000.00	\$ 22,000.00
Total Operations Including Contingent Within "CAPS"	<u>\$1,561,308.00</u>	<u>\$1,573,308.00</u>
Operations Excluded from "CAPS"		
LOSAP	\$ 8,720.00	\$ 9,435.00
Clean Communities Program:		
Other Expenses	<u>\$ 10,667.15</u>	<u>\$ 14,789.67</u>

Total Operations Excluded from "CAPS"	<u>\$ 24,921.65</u>	<u>\$ 29,759.17</u>
Total Appropriations	<u>\$2,617,857.75</u>	<u>\$2,634,695.27</u>

BE IT FURTHER RESOLVED that two (2) certified copies of this Resolution be filed forthwith in the Office of the Director of Local Government Services for his certification of the local municipal budget so amended;

BE IT FURTHER RESOLVED that this complete amendment, in accordance with the provisions of NJSA 40A:4-9, be published in the Hunterdon County Democrat in the issue of May 14, 2009 and that said publication contain notice of public hearing on said amendment to be held at the Municipal Building on May 21, 2009 at 5:00 PM.

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

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

Mayor Niemann announced that a Special Township Committee meeting has been scheduled for May 21, 2009 at 5:00 PM to Adopt the Municipal Budget. The Committee members thanked Mr. Colantano for attending the meeting.

CORRESPONDANCE

Letter from Cty. Freeholder Director re: Recycling – Respond Requested

Mayor Niemann reviewed a letter received from the Hunterdon County Utilities Authority in reference to a Solid Waste Management Plan (Recycling Plan). Mayor Niemann noted they are inquiring with the Township's interest in sharing with the County to provide a compliance officer for the newly created modified recycling coordinator's responsibilities, as mandated requirements by the State. Mrs. Niemann noted that two members of the Environmental Commission attended a County meeting on the subject, and recommended to the Township that it would best not to share this role with the County at this time. Mrs. Niemann explained that the grant funding, which would pay for the compliance officer, would be half of the obligation of the participating municipality, and half of the Counties obligation. The Township Committee decided that they are not interested in this sharing arrangement at this time. Clerk M. MacConnell to write a letter in response to the County.

Letter from State DOT re: Transportation Enhancement Program

Mayor Niemann reviewed.

Letter from USEPA re: American Recovery & Reinvestment Act

Mayor Niemann reviewed.

Letter from Dick Francavilla Re: Discount on Taxes

Mayor Niemann reviewed. Deputy Mayor Burke suggested that D. Laudenschlager, Township Tax Collector to inquire what other towns do as far as discounts they may have on taxes.

Resolution No. 2009-55 - Extension of 2009 Temporary Budget Appropriations

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2009 – 55

2009 TEMPORARY APPROPRIATIONS

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

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

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

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

BILLS AND CLAIMS

It was moved by Mr. Burke, seconded by Mr. Lubitz and carried to approve and pay the bills and claims in the amount of **\$630,155.88** that are in order and attached as **Bill List** for **May 2009**.

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

PUBLIC COMMENT PRIVILEGE OF THE FLOOR

Jack MacConnell, Spring Hill Road Commented on the preserved properties on Spring Hill and Horseshoe Bend Roads. He suggested a steering committee to work on the property and to consider various issues such as hunting to establish areas for where they could hunt, and restitution for damages from RV's. Mr. MacConnell feels that the deer have done a lot of damage in destroying crops. Mr. Lubitz feels that there should be additional signage for County bridges. Mr. Burke explained that there is an agreement with the County on the management of the bridges. He noted that he has started scheduling several meetings with various groups to review what can and cannot be done on these properties. Mr. MacConnell thanked Mr. Burke for all his hard work and efforts towards this project.

Sandra McNicol, Oak Grove Road Discussed the hike that the Open Space Committee conducted on May 2nd, at the former Flagg property on Horseshoe Bend Road. She expressed that it went very well and everyone had a great time and is looking forward to the next hike. She noted that the Committee will be making plans for another hike in the fall.

Mrs. McNicol commented on problems of large trucks trying to go over the small bridge at Copper Creek. Mr. Burke responded, and noted that he has already spoken with the County, and the Mayor from Frenchtown. He stated that we could have a restriction of weight on the bridge, but the County would have to conduct an entire study to establish an actual weight limit. Mr. Burke will be contacting John Glen, Director at the County Road, Bridges and Engineering Department. Committeeman Phil Lubitz thanked Sandra McNicol and Richard Dodds, for organizing the hike, trails and their effort and time put into making the tour so successful.

Terri Jones – Director of the Arcadia Bird Sanctuary Came to the meeting to express that they are still looking for space to have a sanctuary in the area. She expressed that she would like to have the Committee members keep them in mind if by chance a piece of property becomes preserved and available. Mayor Niemann thanked Mrs. Jones for coming and explained that the Township is in the process of preserving a large piece of property that has many large buildings, which may be a possibility for a bird sanctuary. The Township will be in contact with Mrs. Jones if something is available.

Gil Dick, Oak Grove Road Commented on a previous meeting of the Township Committee in reference to a policy for the General Code Enforcement Report, and whether such material would be available to the public to review. Mr. Dick also would like to see the monthly Township minutes in a draft form to be available at each meeting. Attorney Kopen commented that she would have to research this more, and let the Committee members know whether the minutes should be available before they have been reviewed and approved. Mrs. Kopen noted that in most of the municipalities the Township minutes are never released before approved by the Governing Body at a meeting. Mr. Lubitz commented that this should not be allowed until they are discussed and reviewed by the Township Committee members, in case there are corrections to be addressed. Mr. Dick commented that he would like to have the opportunity to review the minutes in draft before the next meeting for the Township Committee. This will be pending until the Committee receives a response from Attorney Kopen.

REPORTS

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

Tax Collector's Report of March 2009
Municipal Court Report of March 2009
Construction Department Report of April 2009
Zoning Permits Report of April 2009
Township Engineer's Monthly Report
Dog License Report
Animal Control Report
New Jersey State Police Report – Troop C Kingwood Station
Housing Board Update
New Jersey Conference of Mayors – Report from Mayor Niemann
Environmental Commission meeting with MEL Chemicals – 4-22-09
Hazardous Mitigation Plan – Deputy Mayor Burke Reports

Upcoming Meeting for The Stormwater Program

Mayor Niemann announced a meeting for the County Wastewater Management Plan scheduled on Wednesday, May 20, 2009 from 8:00 A.M. – 10:00 A.M., regarding the Model Septic Maintenance Ordinance that will be proposed as part of this plan. She noted that the Environmental Commission will be attending this meeting. She explained some of the mandatory rules that may be in effect in New Jersey in the near future.

Mayor Niemann also noted speaking with the D.O.T. Commissioner at a recent conference, which she attended. She expressed that she would like to pursue the project regarding Spring Hill Road. She noted that she spoke to many representatives from other municipalities, as they are all going through the same situation with the State at this time.

Housing Board Update – Committeeman Lubitz

Committeeman Lubitz referred to the correspondence that was in the meeting packages in regard to a letter from COAH. He explained that the Housing Board has submitted the Township's COAH Housing Plan Element and Fair Share Plan, and COAH has requested additional information. Mr. Lubitz noted that additional information was submitted on April 25, 2009. He explained that the Township is moving forward with the plan with Habitat for Humanity. Mr. Lubitz noted that the Board did a lot of investigating with the Cooperative Housing Corporation, who recently backed out of a project that was being looked into as a prospective addition to the COAH plan. He explained that a group from Community Hope for the Veteran's Program may be interested in researching property in Kingwood Township. The Township Planner David Banisch, will be meeting with various groups in the next couple of weeks.

Environmental Commission Meeting with MEL Chemicals – 4-22-09

Mayor Niemann wanted to share news from a meeting that six of the Environmental Commission members attended on April 22nd, at MEL Chemicals, formerly MEI. She noted that the Township has not been in touch with this company for a long time, regarding the mitigation of the pollution. The Mayor explained that MEL prepared a review of where they have been, and where they are today, as far as, the types of products they produce. She noted the Environmental Commission members left the meeting with an understanding that there are about twenty test wells off site that are locked, but, are not sealed. At the present time they are not being tested and have not been tested since the early 90's. They also learned that on site there are about eight wells, which are tested annually from August to October.

Readings on these wells have been improving dramatically since the early 90's to today. The Mayor explained she would like to see them come to an Environmental Commission meeting in the near future.

There were several comments from the public in reference to MEL:

Gary Lezak, Kingwood Township Fire Dept.
Sandra McNicol, Environmental Comm.
Jack MacConnell, Well Subcommittee

Hazardous Mitigation Plan – Deputy Mayor Burke Reports

Deputy Mayor Burke reported on an update of the Hazardous Mitigation Plan and FEMA. He noted that there was a meeting recently with State representatives to review the plan, and feels it was very productive. He explained that Joseph Zdrodowski will be making some modifications to the plan and should be completed by the end of the week. Mr. Burke commended on the procedure the plan must go through. He noted that Lambertville is the first town to be approved with their plan.

FUTURE MEETINGS AND ACTIVITIES

Mayor Niemann reviewed as per the Agenda. Mayor Niemann noted that the Township Committee meeting for the upcoming meeting on June 2nd, has been rescheduled to the first Monday of the month, June 1, 2009. She explained that the primary Elections are on Tuesday, June 2, 2009, and because the Clerk's office works long hours on Election Day, the meeting has been rescheduled.

ORDINANCES

ORDINANCE NO. 15-06-2009 TO REVISE AND REENACT CHAPTER 86, JUNKYARDS AND TO AMEND CHAPTER 127, VEHICLES, INOPERABLE AND CHAPTER 132, ZONING – Introduction and Adoption on First Reading

Mayor Niemann read aloud by title Ordinance No. 15-06-2009, and briefly summarized. Attorney Kopen noted that she has reviewed, and incorporated the changes for the Ordinance along with Planning Board Attorney David Pierce. Mayor Niemann asked the Committee members if they had any comments to discuss on the Ordinance. Mr. Gilbert Dick commented that at the last meeting there were copies available for the public to review, and that he would like to see the changes in the Ordinance presented for introduction. There was a brief recess at 8:20PM to make copies of the ordinance for the public. The meeting was reconvened at approximately 8:35PM.

The Committee members, the public, and the Township Attorney reviewed several aspects of the Ordinance. Several members of the public were invited to comment, which included Mr. Gilbert Dick, Mr. Jack MacConnell, Mrs. Sandra McNicol, and Mr. and Mrs. Gary Lezak. After a lengthy discussion there were several minor changes in the Ordinance. Attorney Kopen will be making those changes and reviewing them with the Planning Board Attorney David Pierce. The Planning Board members will then receive the ordinance to review and approve. This ordinance will then be reintroduced at a Township Committee meeting on scheduled for Monday, June 1, 2009 at 7:00PM.

ORDINANCES

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

Mayor Niemann read the Ordinance aloud which was introduced. Attorney Kopen briefly reviewed the amendments that were made, to make the language consistent with Ordinance No. 15-06-2009.

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

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

Consideration of final adoption at a public hearing is scheduled for Tuesday, June 1, 2009 at a meeting beginning at 7:00 P.M. at the municipal building.

RESOLUTIONS

The following Resolution was introduced:

RESOLUTION NO. 2009 – 56

CANCELLATION OF REAL ESTATE TAXES

WHEREAS, the following properties were purchased by the NJDEP in 2008 and became tax exempt as of January 1, 2009.

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 the following real estate taxes:

Block 38, Lot 20	–	February 1, 2009	-	\$ 1518.07
Block 38, Lot 20	–	May 1, 2009	-	\$ 1518.07
Block 38, Lot 20Q0448	–	February 1, 2009	-	\$23.66
Block 38, Lot 20Q0448	–	May 1, 2009	-	\$23.65
Block 38, Lot 36Q0448	–	February 1, 2009	-	\$63.91
Block 38, Lot 36Q0448	–	May 1, 2009	-	\$63.91
Block 40, Lot 100.05	–	February 1, 2009	-	\$52.71
Block 40, Lot 100.05	–	May 1, 2009	-	\$52.70

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

Roll Call Vote:

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

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2009 – 57

SUBSTITUTE BUILDING SUB CODE OFFICIAL

WHEREAS, situations have or will arise for the need to have a substitute Building Sub-Code Official to perform the duties of the Building Sub-Code Official when he is unable to fulfill his duties.

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 Chief Financial Officer be authorized to compensate the substitute Building Sub-Code Official \$25.00 per inspection.

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

Roll Call Vote:

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

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2009 – 58

REFUND OF OVERPAYMENT

WHEREAS, Block 33, Lot 8.01 had a reduction in assessment for 2008 which resulted in an overpayment of real estate taxes for the 2008 tax year in the amount of \$1,705.24.

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 Chief Financial Officer be authorized to refund to Keung B. & May T. Moy, 6988 Cromarty Drive, Alexandria, VA, 22315 the amount of \$1,705.24.

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

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

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2009 – 59

REFUND OF OVERPAYMENT

WHEREAS, Block 35, Lot 13.02 qualified for farmland assessment for 2008 which resulted in an overpayment of real estate taxes for the 2008 tax year in the amount of \$602.24.

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 Chief Financial Officer be authorized to refund to 10 Byram Rd LLC, 973 New Durham Road, Edison, New Jersey, 08817, the amount of the overpayment, \$602.24.

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

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

RESOLUTION

The following Resolution was introduced:

RESOLUTION No. 2009 - 60

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF KINGWOOD, HUNTERDON COUNTY, STATE OF
NEW JERSEY IN REGARD TO CERTIFICATION OF THE LOCAL TAX
LEVY FOR THE DELAWARE VALLEY REGIONAL HIGH SCHOOL
DISTRICT**

WHEREAS, the Board of Education of the Delaware Valley Regional High School District presented to the voters, at the annual School Election held on April 21, 2009, a question concerning the tax levy requirements for the said Board of Education for current expenses and capital outlay, designated as the General Fund, in the amount of \$12,659,722 for the school year 2009-2010; and

WHEREAS, the voters of Kingwood Township rejected the current expense and capital outlay budget designated as the General Fund, by a vote of 134 - Yes votes and 271 - No votes; and

WHEREAS, the total votes cast of the five municipalities comprising the Delaware Valley Regional High School District rejected the current expense and capital outlay budget, designated as the General Fund by a total vote of 832 -Yes votes, 1,161 - No votes; and

WHEREAS, the said Delaware Valley Regional High School Board of Education transmitted an official copy of the rejected current expense and capital outlay budget designated as the General Fund to the Township Committee of the Township of Kingwood by April 22, 2009; and

WHEREAS, the Township Committee of the Township of Kingwood have reviewed information on the current expense and capital outlay budget, designated as the General Fund submitted by the said Board of Education; and

WHEREAS, a joint meeting of the mayors of the five municipalities was held on April 28, 2009, to discuss the current expense and capital outlay budget, designated in the General Fund as submitted by the Board of Education; and

WHEREAS, careful consideration has been given to the information received from the Board of Education, with a view toward providing a thorough and efficient system of education in the school system of the Delaware Valley Regional High School District;

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

The tax levy amount of \$12,659,722 on the ballot was rejected by the voters for the General Fund (base budget);

The Mayor and Township Committee has determined that the rejected General Fund is above the maximum T & E budget and that a reduction of \$320,000 will not adversely affect the Board of Education's ability to meet the thoroughness and efficiency standard as set forth in N.J.S.A. 18A:7F. Therefore, the Mayor and Township Committee hereby reduce the General Fund tax levy by \$320,000. It is recommended that such reductions come from the following line-item accounts:

2009 – 135

<u>ACCOUNT NUMBER</u>				<u>DESCRIPTION</u>	<u>AMOUNT</u>
				<u>SUPPLIES</u>	
11	190	100	610	Instructional Supplies	\$29,858
11	213	100	610	Resource Center Supplies	\$250
11	401	100	610	Co-Curricular Supplies	\$430
11	402	100	610	Athletic Supplies	\$11,635
11	230	100	610	Basic Skills Supplies	\$251
11	000	219	610	Child Study Team Supplies	\$505
11	000	218	610	Guidance Supplies	\$750
11	000	213	610	Health Services Supplies	\$775
11	000	222	610	Media Center Supplies	\$1,660
11	000	251	610	Business Admin Supplies	\$657
11	000	230	610	General Admin Supplies	\$500
11	000	240	610	School Admin Supplies	\$3,379
11	000	262	610	Custodial Supplies	\$8,000
11	000	223	610	Staff Training Supplies	\$1,350
				TOTAL SUPPLIES	\$60,000
				<u>ADMINISTRATIVE STAFFING</u>	
11	000	221	102	Coordinator Salaries	\$17,628
11	000	221	102	Directors Salaries	\$14,686
11	000	230	103	Principal Salary	\$7,686
				TOTAL ADMINISTRATION	\$40,000
				<u>SUPPORT STAFFING</u>	
11	000	230	105	School Admin Support Salaries	\$30,000
11	190	100	106	Instructional Aides Salaries	\$50,000
				TOTAL SUPPORT STAFF	\$80,000
				<u>INSTRUCTIONAL STAFFING</u>	
11	140	100	101	Teacher Salaries	\$90,000
				TOTAL INSTR. STAFF	\$90,000
				<u>EMPLOYEE BENEFITS</u>	
11	000	291	270	Health Benefits	\$50,000
				TOTAL EMPLOYEE BENEFITS	\$50,000

In consideration of these reductions, the tax levy will be adjusted as follows:

\$12,659,722	-	presented to the voters
<u>- 320,000</u>	-	above reductions
\$12,339,722		certified tax levy amount

1. The Mayor and Township Committee hereby certifies that the amount of the tax levy herein above certified by this Municipal Government for the General Fund (base budget) is sufficient to provide a thorough and efficient system of education for the Delaware Valley Regional High School District.
2. The aforementioned tax levy herein certified by the Township of Kingwood for the base budget exceeds minimum local share required by the N.J.S.A. 18A:7F-5.
3. The Township Clerk of the Township of Kingwood is directed to certify no later than Monday, May 19, 2009, to the Hunterdon County Board of Taxation, the Hunterdon County Superintendent of Schools, the Delaware Valley Regional High School District Board of Education, the Kingwood Township Tax Assessor, the Division of Local Finance of the Department of the Treasury of the State of New Jersey, and to any other parties required by law to receive such certification, that the amount of **\$2,781,847.99** is necessary to be raised by taxation for General Fund revenues (District tax levy); this proportionate amount representing 22.5438465% of the District's total general fund tax levy shall be included in the taxes to be raised, levied and collected in this Township for current expense and capital outlay, designated as General Fund set forth herein, for the Delaware Valley Regional High School District; and copies of this Resolution, to be executed by the Mayor and Township Clerk, shall be forwarded by the Township Clerk to the persons and/or departments named herein, for certification purposes.

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

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

NEW BUSINESS

Professional Services Proposal – Smart Growth Open Space Farmland Preservation Project – Resolution No. 2009-61

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2009 – 61

**RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR TOWNSHIP CONSULTANT**

WHEREAS, the Township of Kingwood has a need to acquire professional services of a Township Consultant in the area of future Township planning, as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the Township Chief Financial Officer has determined and certified in writing that the value of the acquisition will exceed \$17,500 when calculated on an annual basis; and,

WHEREAS, the anticipated term of this contract is twelve (12) months, but the Township shall have, at its sole option, the right to terminate the contract on 30 days written notice; and

WHEREAS, the Township Consultant, set forth below in Paragraph No. 1 has agreed to enter into a Professional Services Agreement, which is attached hereto as Exhibit A and made a part hereof, indicating he will provide the professional services described below in Paragraph No. 1 for \$4,000.00 per month, with the understanding that all of the services described in Exhibit A shall be completed within twelve (12) months; and

WHEREAS, the Township Committee reserves the right to review the work of the Township Consultant on an ongoing basis, and, at the Township's sole option, to discontinue the services of the Township Consultant at any time on thirty (30) days written notice, as is more specifically described in Ex. A; and

WHEREAS, the Township Consultant set forth in Paragraph No. 1 below has completed and submitted a Business Entity Disclosure Certification which certifies that he 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 Consultant 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 in Paragraph No. 1 has been provided by the Chief Financial Officer of the Township of Kingwood.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Kingwood authorizes the Mayor and Clerk, to enter into contracts with the Township Consultant as described below;

2009 – 138

Professional	Position	Term of Contract
Jeff Scott, 1868 Public Affairs, Inc.	Consultant	Twelve (12) months, at the rate of \$4,000.00 per month

2. A copy of this resolution shall be published in the Hunterdon County Democrat and the Courier News as required by law, within ten days of its passage.

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

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

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

Professional Services Proposal – Monumentation and Survey Block 14 Lots 28.02 and 30 – Resolution No. 2009-62

Deputy Mayor Burke briefly commented on a meeting that is scheduled with the D.E.P. for May 12, 2009.

RESOLUTION

The following Resolution was introduced:

RESOLUTION # 2009 - 62

RESOLUTION AUTHORIZING AWARD OF SURVEY WORK

WHEREAS, the Township of Kingwood requires survey, property description and monumentation work (hereinafter “survey work”) in connection with Block 14, Lots 28.02 and 30 on the tax map of the Township of Kingwood (commonly known as “Equestrian Village”) in order to facilitate the open space purchase of the property and to comply with requirements of the New Jersey Department of Environmental Protection Green Acres program, and

WHEREAS, the Township of Kingwood received a proposal for the survey work and has determined to use the services of Taylor, Wiseman & Taylor, Engineers and Surveyors, (hereinafter, "TWT") to perform the survey work, as is more specifically described in the proposal of TWT, attached hereto and made a part hereof as Exhibit A, for the total amount of \$14,450.00, plus expense reimbursement not to exceed \$250.00, which amount is less than the statutory bid threshold; and

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

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

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

1. Taylor, Wiseman & Taylor is hereby engaged to perform professional surveyor services for the Township of Kingwood in connection with Block 14, Lots 28.02 and 30 on the tax map of the Township of Kingwood (commonly known as "Equestrian Village") in order to facilitate the open space purchase of the property and to comply with requirements of the New Jersey Department of Environmental Protection Green Acres program, per the proposal of TWT executed by TWT on August 9, 2008, which is attached hereto and made a part hereof as Exhibit A.
2. This contract is awarded without competitive bidding as "Professional Services" as well as being in an amount for less than the bid threshold under the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-5

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

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

Application for Special Permit for Social Affair – Greek Festival at Razberry’s Banquet Center – Saturday, June 20th

The Committee members reviewed the Special Permit for Social Affair.

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

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

Appointment for Seasonal Employee – Grass Cutter

Mayor Niemann explained that the current Park Director Charles Wilson will be in charge of cutting the grass for the Township owned properties for the season. He also will be working on all the handyman jobs needed for the Township. He will be hired and paid at a rate of \$ 516.00 per week.

It was moved by Mr. Burke, seconded by Mr. Lubitz and carried to hire Charles Wilson as a seasonal grass cutter at a rate of \$516.00 per week.

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

Letter from Stem Brothers, Inc. April 29, 2009 – Request for Payment

The Committee members briefly reviewed with the Township’s C.F.O. a letter received from Stem Brothers.

It was moved by Mr. Burke, seconded by Mr. Lubitz and carried to pay Stem Brother’s out of the 2009 Budget.

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

Date Change - Township Committee Meeting in the Month of July

It was discussed that the regular Township Committee meeting scheduled for July 7, 2009 at 7:00 PM, will be rescheduled to Thursday, July 2, 2009, at 7:00 PM.

Petition to Extend Licensed Premises Application – BTS Enterprises LLC

The Committee members reviewed an application submitted by BTS Enterprises. The application is to extend their alcoholic beverage license to a fenced area of the parking lot area of the Shack Sports Bar and Grill. This event is scheduled for June 20, 2009, a benefit for the American Cancer Society.

It was moved by Mr. Burke, seconded by Mr. Lubitz and carried to approve the Petition to Extend Licensed Premises Application to BTS Enterprises.

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

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2009 – 65

RESOLUTION OF SUPPORT AUTHORIZING THE SUSTAINABLE JERSEY™ GRANT FUNDED BY WAL-MART

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, Kingwood Township strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, Kingwood Township is participating in the Sustainable Jersey Program; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created a grant program called the Sustainable Jersey Small Grants funded by Wal-Mart;

THEREFORE, the Township Committee of Kingwood Township has determined that Kingwood Township should apply for the aforementioned Grant.

THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey authorizes the submission of the aforementioned Sustainable Jersey Grant funded by Wal-Mart.

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

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

Lehigh Wheelmen Association: Bicycle Event on Route 29

This letter is a request from the Lehigh Wheelmen Association, who has requested to use Route 29 in Kingwood Township during a bike event they have planned. The letter notes that the bike ride will go from mile marker #34 to #24 heading south on Route 29. This event will run three Wednesday evenings at 6:00PM to 8:30PM. These dates are June 17th, June 24th, and July 1, 2009. They expect to have about 50 riders for the event. The Committee members reviewed the information, and had no objections to the request.

Draft Form from Environmental Consultant

Deputy Mayor Burke handed out a draft form from Brockerhoff Environmental Services LLC, to work on the Phase I Environmental Site Assessment. He requested that the Committee members review the form, and if they have any questions please let him know.

Solar Panel Grant

Deputy Mayor noted that he received a call from a gentleman from B.P.U., who informed him that the Township has received a grant for a solar panel. The grant will be for \$99,000. He stated that this will not have to go before the BPU Board for approval. He explained that this will save the Township 6 to 7 thousand dollars a year on electrical costs. There was a discussion on when the award would be made, and the use of the funds.

Clinton Property Bonding

C.F.O. Diane Laudenbach commented what funds have been used and how much is left. She noted that she will work on a Resolution for preliminary expenses. Deputy Mayor Burke explained that the intention is to put all of the bonds into one.

Open Space News

Deputy Mayor Burke explained that he spoke to Kate Buttolph, and Katherine Suttle from the Hunterdon Count Land Trust Alliance. They are asking the Township to participate in property that they are currently working on preserving. Mr. Burke stated that he will bring this up at the Open Space Advisory Committee meeting.

OLD BUSINESS

2009 Maintenance and Repair Materials Bids – Recommendation from Township Engineer – Resolution No. 2009-63

On April 2, 2009 a Notice to Bidders was advertised in the Hunterdon County Democrat for the 2009 Maintenance and Repair Materials. The Bids were received, opened and read on Wednesday, April 22, 2009. The following Resolution is a Recommendation of Contract Award 2009 Maintenance and Repair Materials Bid:

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2009 – 63

WHEREAS, bids for road maintenance and materials were received on April 22, 2009 as part of the joint bid for Delaware, Franklin and Kingwood Townships;

WHEREAS, the contract for the municipal maintenance work and material in the Township of Kingwood in the County of Hunterdon be and is hereby awarded to the following:

2009 – 144

Item	Description	Qty	Unit	Unit Price	Distance (miles)	Mileage Adj	Adjusted Unit Price	Bidder
1	Hot Mix Asphalt, Mix I-4 or I-5, Surface Course (FOB)	500	Ton	\$48.65	11	\$3.96	\$52.61	Flemington Bituminous Corp.
2	Hot Mix Asphalt, Mix I-4 or I-5, Surface Course (FDS)	1,000	Ton	\$55.60	N/A	N/A	\$55.60	Flemington Bituminous Corp.
3a	Hot Mix Asphalt, Mix I-2, Base Course (FOB)	200	Ton	\$42.25	19.8	\$7.13	\$49.38	Warren Materials Inc.
3b	Hot Mix Asphalt, Mix I-2, Base Course (FOB)	200	Ton	\$45.70	11	\$3.96	\$49.66	Flemington Bituminous Corp.
4	Emulsified Asphalt – Grade CRS-2P (FDA)	40,000	GAL	\$1.84	N/A	N/A	N/A	Garden State Asphalt Materials
5	3/8" (#8) Clean Crushed Stone (Screw or Belt Washed), No Limestone (FOB)	1,000	Ton	\$10.90	16.5	\$5.94	\$16.84	Plumsted Materials
6	1" Quarry Process/Road Blend (FOB)	500	Ton	\$7.00	9	\$3.24	\$10.24	Trap Rock Industries, Inc.
7	3/4" Clean Crushed Stone (FOB)	500	Ton	\$7.90	16.5	\$5.94	\$13.84	Plumstead Materials
8	Screenings (FOB)	300	Ton	\$7.50	16.5	\$5.94	\$13.44	Plumstead Materials

WHEREAS, the mileage adjustments have been taken into account for hauling costs based on \$0.18 per ton per mile and the selected hauling route was determined to be from the Department of Public Works Facility to the production plant one way. The following summarizes the hauling distances for each plant; and

WHEREAS, the presiding officer of this body be and is hereby directed to sign for and on its behalf the contract in the prescribed form for said maintenance work and material; and

WHEREAS, the Clerk of this body be and is hereby directed to seal said contract with the corporate seal of this body and to attest to the same.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon, State of New Jersey that on receipt of a bond for not less than the amount of said contract executed in the prescribed form and heretofore approved by the solicitor of this body, the presiding officer and finance committee thereof be and are hereby in their discretion, empowered to approve said bond.

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

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

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

Mayor Niemann suggested that this be tabled until the June meeting.

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

Mayor Niemann suggested that this be tabled until the June meeting.

Letter from Mr. Michael Mazewski – Re: Dog License

Mayor Niemann reviewed letter received from Mr. Michael Mazewski, and suggested that Clerk MacConnell, and Dog License Official Traci Fleming respond back to Mr. Mazewski by a letter.

Mayor Niemann Reports on Labor Assistance Program – County Program

Mayor Niemann announced that she has a date made with them for Sunday, May 24th to come out to the Township. The location will be by the Lockatong waterway in the Township, where they will assist with removing invasive species, and potentially to plant several plants.

MINUTES

April 7, 2009 Regular Meeting

It was moved by Mr. Lubitz, seconded by Mr. Burke and carried to adopt the Minutes of April 7, 2009 Regular Township Committee Meeting.

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

April 7, 2009 Executive Session

It was moved by Mr. Lubitz, seconded by Mr. Burke and carried to adopt the minutes of the April 7, 2009 Executive Session Meeting Minutes and placed on file.

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

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

EXECUTIVE SESSION – RESOLUTION NO. 2009 - 64

At approximately 10:50 P.M., the following Resolution was introduced to enter into closed session:

RESOLUTION NO. 2009 – 64

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

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

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

1. The public shall be excluded from the meeting or a portion of a meeting at which this public body discusses the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:

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

3. The time when the circumstances under which the discussions conducted in closed session of this public body can be disclosed to the public is as follows:

The minutes of the closed session will be made public upon conclusion, dismissal or settlement of litigation; or final resolution of agreements or personnel matters; and in any event, when appropriate pursuant to N.J.S.A. 10:4-7 and 13.

4. This resolution shall take effect immediately.
5. The Township Committee may take additional action upon returning to regular session.

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

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

RETURN TO REGULAR SESSION

It was moved by Mr. Burke, seconded by Mr. Lubitz and carried to return to regular session at 11:20 P.M. **All voted Aye on Roll Call Vote.**

It was moved by Mr. Lubitz, seconded by Mr. Burke and carried to adjourn the meeting at 11:21 P.M. **All voted Aye on Roll Call Vote.**

Respectfully Submitted,

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