

2010 - 83

**April 12, 2010  
Regular Township Committee  
Meeting Minutes**

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

Also present at the meeting were Deputy Mayor Lubitz, Committeewoman Niemann arrived at 7:20P.M., Attorney Judith Kopen, Auditor William Colantano, C.F.O. D. Laudenbach, Deputy Clerk Keller and Clerk MacConnell. 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 Hunterdon Democrat and Courier News on March 18, 2010 and by telefaxing copies of the notice to the Express Times and Star Ledger on March 11, 2010. Copies of the notice were also posted in the Kingwood Township Municipal Building and Baptistown Post Office on March 11, 2010.**

**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 Dennis Scalera re: Preserving Veterans Foot Markers Project**

Mayor Burke reviewed.

**Letter from Sandra Smiley re: Flooding at 137 Kingwood Locktown Rd**

Mayor Burke suggested that this should be referred to the Township's Engineer Thomas Decker for review.

**Letter from KTS Principal re: Eight Grade Awards Banquet**

Mayor Burke noted that he would be attending the Awards Banquet to present the Social Studies Bond, and Plaque.

**2010 - 84**

It was moved by Mr. Lubitz, Mayor Burke stepped down from the Chair, to approve for the Township of Kingwood to sponsor an Outstanding Award in Social Studies for a \$50.00 Bond, and a plaque in the amount of \$12.50 at a Banquet on June 14, 2010.

<b>Roll Call Vote:</b>	<b>Aye</b>	<b>- Lubitz, Burke</b>
	<b>Nay</b>	<b>- None</b>
	<b>Abstain</b>	<b>- None</b>
	<b>Absent</b>	<b>- Niemann</b>

**Letter and Info from Cty Dept of Hlth re: Mosquito Control Program**

Mayor Burke reviewed.

**Letter and Info from PA DEP re: Black Fly Aerial Spraying Program**

Mayor Burke reviewed.

**Letter from Cty Planning Bd re: Open Space & Preservation Policy Changes**

Mayor Burke reviewed.

**Resolution from Glen Gardner re: Support of Governor Christie**

Mayor Burke noted this was a well written resolution. Deputy Mayor Phil Lubitz noted that he has a problem with this resolution. He explained that Hagadoorn Psychiatric ward is closing in Glen Gardner, and that this will leave the seniors without a place to go. He noted that he supports the Governor's general plan, but not this one.

**Resolution from Readington Twp re: Reform Interest Arbitration**

Mayor Burke reviewed.

**Resolution from Clinton Twp re: Oppose "Bloomsbury Industrial Park"**

Mayor Burke reviewed.

**Resolution No. 2010 - Temporary Budget Appropriations**

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2010 – 36**

**2010 TEMPORARY APPROPRIATIONS**

**WHEREAS**, the 2010 Budget of the Township of Kingwood has not been adopted and the appropriations provided for in Resolution No. 2010-02I are insufficient to cover the expenses in April of 2010; 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 2010 Budget Appropriations be raised by the statutory one-twelfth (1/12<sup>th</sup>).

It was moved by Mr. Lubitz, Mayor Burke stepped down from the Chair second and carried to adopt the foregoing Resolution.

<b>Roll Call Vote:</b>	<b>Aye</b>	-	<b>Lubitz, Burke</b>
	<b>Nay</b>	-	<b>None</b>
	<b>Abstain</b>	-	<b>None</b>
	<b>Absent</b>	-	<b>None</b>

**BILLS AND CLAIMS**

It was moved by Mr. Lubitz, Mayor Burke stepped down from the Chair second and carried to approve and pay all bills and claims in the amount of **\$ 1,424,925.90** that are in order and attached as **Bill List** for **April 2010**.

<b>Roll Call Vote:</b>	<b>Aye</b>	-	<b>Lubitz, Burke</b>
	<b>Nay</b>	-	<b>None</b>
	<b>Abstain</b>	-	<b>None</b>
	<b>Absent</b>	-	<b>Niemann</b>

**Delaware Valley Regional High School – Budget Presentation**

Dr. Elizabeth Nastus, Superintendent for the Delaware Valley Regional High School was present and introduced Daria Wasserbach, School Business Administrator/Board Secretary, Leslie Callanan, President of the School Board and Board of Education Member, Debra Frank. Mrs. Callanan distributed handouts to the Committee members. Dr. Nastus explained the information, which was handed out. She noted that it is a power point presentation, a copy of their budget, and a copy of the budget reductions that have been made that are a result of the cuts that have been made to their budget. She noted that they have lost approximately 20% of State Aid. She noted that the cuts that have been made are 1.25 million in the budget, which is very dramatic for a district of their size. She compared the difference in the cost per pupil with other districts. She talked about looking into shared services as a way of saving money. She noted that unfortunately they will be losing many teachers.

Deputy Mayor, Phil Lubitz stated that he really appreciates the Delaware Valley School communicating every step of the way. He asked them if they had heard of any discussion regarding consolidation with other Towns. Dr. Elizabeth Nastus responded. There was a lengthy discussion on consolidating with other schools. Mr. Lubitz asked how much would be saved if they teachers did not receive raises this year. Daria Wasserbach stated that it would be a approximately \$200,000. They noted that the teacher's contract has not been settled at this time. Mayor Burke asked everyone present in the audience if they had any questions for the Del Val Budget representatives. No questions were asked by the public. The Committee members thanked everyone from Delaware Valley High School for coming.

### **PUBLIC COMMENT PRIVILEGE OF THE FLOOR**

Earle Steves, Max Spann was present to follow up, and to see if the Committee members had any questions regarding the Gergar Farm project. Mr. Steves had given a proposal presentation to the Committee members at last months meeting. He noted that he had completed some follow up work, and also had several questions for the Committee. Attorney Kopen reviewed several questions that were asked by Mr. Steves, and would like to look into some of the facts before answering the questions. Mr. Steves explained that he would be willing to work with the Township. The Township Committee members thanked Mr. Steves for coming, and noted that the Attorney will be in contact with him.

### **REPORTS**

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

Tax Collector's Reports of February 2010 and March 2010  
Municipal Court Reports of January 2010, February 2010 & March 2010  
Construction Reports of February 2010 and March 2010  
Township Engineer's Monthly Report  
Zoning Permits Report of February 2010 and March 2010  
General Code Enforcement Report of March 2010  
Dog License Report  
Animal Control Report  
Records Disposal  
2010 Census

Committeewoman Niemann noted a County meeting, which was held last week, and stated that it is important to the significance to the response rate. She stated that the response for Kingwood, so far, is approximately about 60% , which is about average for Hunterdon County. She explained that the more Township residents that send back their census form the better, cause the Federal and State dollars are directly tied to the census. She stated they encouraged everyone to get people to send in their forms, and to go to the County website if they have any concerns, questions, or to find out more information.

**FUTURE MEETINGS AND ACTIVITIES**

Mayor Burke reviewed as per the Agenda. There was a discussion on the Board of Health Meeting regarding the review of the well ordinance on April 21, 2010 at 8:00PM. The Committee members discussed the date with the Township Clerk, and advised her to advertise for a Special Meeting for the Township Committee since they will all be present on April 21. Sandra McNicol, Oak Grove Road, announced that on April 24, 2010 the Open Space Committee will be having a hike at the Kugler Woods from 10:00a.m. till 12:00 noon on Saturday, and anyone that would like to join them is welcome.

**2010 MUNICIPAL BUDGET – Introduction**

Auditor William Colantano was present to review the 2010 Municipal Budget to the Committee members. Mr. Colantano stated that the worksheets were slightly different from what the Township's C.F.O Diane Laudenbach had indicated. He reviewed the changes to the items that are different. He noted that every line item had no changes, and that the Committee members had done a very good job with the budget. He noted that there were not many changes other than the exception for health benefits, which can be put outside the CAP. He noted that the Township will also get 1.5 percent contribution from employees towards their health benefits beginning in the month of June of 2010.

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2010-33**

**WHEREAS**, regulations of the State of New Jersey provide for the deferral of school taxes in an amount not to exceed fifty percent of the annual school tax levy when such taxes are raised on a fiscal year basis (school year July 1 through June 30); and

**WHEREAS**, said taxes subject to deferral have not been requisitioned by or paid to the school district; and

**WHEREAS**, it is the desire and intent of the governing body of the Township of Kingwood, County of Hunterdon, to avail the Township of the deferral as permitted by regulations promulgated by the Local Finance Board, Division of Local Government Services, New Jersey Department of Community Affairs; and

**WHEREAS**, fifty percent of the school tax levy of the Delaware Valley Regional High School District is \$1,457,541.06;

**2010 - 88**

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Committee of the Township of Kingwood, County of Hunterdon, hereby authorize the Chief Financial Officer of the Township to defer \$641,318.07 of school taxes as permitted by the aforementioned regulation; and

**BE IT FURTHER RESOLVED** that certified copies of this resolution be forwarded to the Chief Financial Officer of the Township and the Director of the Division of Local Government Services, Department of Community Affairs.

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

<b>Roll Call Vote:</b>	<b>Aye</b>	<b>- Lubitz, Niemann, Burke</b>
	<b>Nay</b>	<b>- None</b>
	<b>Abstain</b>	<b>- None</b>
	<b>Absent</b>	<b>- None</b>

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2010-34**

**WHEREAS**, regulations of the State of New Jersey provide for the deferral of school taxes in an amount not to exceed fifty percent of the annual school tax levy when such taxes are raised on a fiscal year basis (school year July 1 through June 30); and

**WHEREAS**, said taxes subject to deferral have not been requisitioned by or paid to the school district; and

**WHEREAS**, it is the desire and intent of the governing body of the Township of Kingwood, County of Hunterdon, to avail the Township of the deferral as permitted by regulations promulgated by the Local Finance Board, Division of Local Government Services, New Jersey Department of Community Affairs; and

**WHEREAS**, fifty percent of the school tax levy of the Kingwood School District is \$2,649,679.00;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Committee of the Township of Kingwood, County of Hunterdon, hereby authorize the Chief Financial Officer of the Township to defer \$1,165,858.76 of school taxes as permitted by the aforementioned regulation; and

**2010 - 89**

**BE IT FURTHER RESOLVED** that certified copies of this resolution be forwarded to the Chief Financial Officer of the Township and the Director of the Division of Local Government Services, Department of Community Affairs.

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

<b>Roll Call Vote:</b>	<b>Aye</b>	<b>- Lubitz, Niemann, Burke</b>
	<b>Nay</b>	<b>- None</b>
	<b>Abstain</b>	<b>- None</b>
	<b>Absent</b>	<b>- None</b>

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2010-35**

**WHEREAS**, the Township of Kingwood desires to anticipate as an item of general revenue with prior written consent of the Director of Local Government Services in the amount of \$8,818.00; and

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Kingwood that the prior written consent of the Director of Local Government Services be requested to include as an item of general revenue in the 2010 Budget under the following caption:

**Cable TV Franchise Fee**

**BE IT FURTHER RESOLVED** that TWO certified copies of this Resolution be forwarded to the Office of the Director of Local Government Services.

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

<b>Roll Call Vote:</b>	<b>Aye</b>	<b>- Lubitz, Niemann, Burke</b>
	<b>Nay</b>	<b>- None</b>
	<b>Abstain</b>	<b>- None</b>
	<b>Absent</b>	<b>- None</b>

Deputy Mayor Lubitz noted that he is in hopes that Service Electric will have the Township wired with high speed fiber optics a year earlier than first agreed.

**Vote to Introduce the 2010 Municipal Budget**

It was moved by Mrs. Niemann, seconded by Mr. Lubitz and carried to introduce the 2010 Municipal Budget.

<b>Roll Call Vote:</b>	<b>Aye</b>	- Niemann, Burke
	<b>Nay</b>	- Lubitz
	<b>Abstain</b>	- None
	<b>Absent</b>	- None

**ORDINANCES**

**ORDINANCE NO. 16-02-2010 FIXING THE SALARIES AND COMPENSATION OF THE VARIOUS OFFICERS AND EMPLOYEES OF THE TOWNSHIP -**  
Public Hearing and Final Adoption

This Ordinance was introduced and adopted on first reading at a meeting of the Kingwood Township Committee on the 2<sup>nd</sup> day of March, 2010. The Ordinance was published in the Hunterdon County Democrat on March 18, 2010 and has been posted in the Kingwood Township Municipal Building on March 3<sup>rd</sup>, 2010. Copies of the Ordinance have been available for inspection by the public since March 3<sup>rd</sup>, 2010.

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

**Public Comments:** No Comments

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

It was moved by Mrs. Niemann, seconded by Mr. Lubitz and carried to adopt on final reading **ORDINANCE NO. 16-02-2010 FIXING THE SALARIES AND COMPENSATION OF THE VARIOUS OFFICERS AND EMPLOYEES OF THE TOWNSHIP.**

<b>Roll Call Vote:</b>	<b>Aye</b>	-	<b>Burke, Lubitz, Niemann</b>
	<b>Nay</b>	-	<b>None</b>
	<b>Abstain</b>	-	<b>None</b>
	<b>Absent</b>	-	<b>None</b>

**ORDINANCE**



**ORDINANCE NO. 16-03-2010 TO AMEND CHAPTER 24, BOARD OF HEALTH, MEMBERSHIP OF BOARD** - Public Hearing and Final Adoption

This Ordinance was introduced and adopted on first reading at a meeting of the Kingwood Township Committee on the 2<sup>nd</sup> day of March, 2010. The Ordinance was published in the Hunterdon County Democrat on March 18, 2010 and has been posted in the Kingwood Township Municipal Building on March 3<sup>rd</sup>, 2010. Copies of the Ordinance have been available for inspection by the public since March 3<sup>rd</sup>, 2010.

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

**Public Comments:** No Comments

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

It was moved by Mr. Lubitz, seconded by Mrs. Niemann and carried to adopt on final reading **ORDINANCE NO. 16-03-2010 TO AMEND CHAPTER 24, BOARD OF HEALTH, MEMBERSHIP OF BOARD.**

<b>Roll Call Vote:</b>	<b>Aye</b>	-	<b>Burke, Lubitz, Niemann</b>
	<b>Nay</b>	-	<b>None</b>
	<b>Abstain</b>	-	<b>None</b>
	<b>Absent</b>	-	<b>None</b>

Committeewoman Niemann explained that the ordinance is to expand two alternate members to the Board of Health.

**ORDINANCE**

**ORDINANCE NO. 16-04-2010 AMENDING SUBDIVISION, SITE PLAN, VARIANCE AND CONDITIONAL USE CHECKLISTS** - Public Hearing and Final Adoption

This Ordinance was introduced and adopted on first reading at a meeting of the Kingwood Township Committee on the 2<sup>nd</sup> day of March, 2010. The Ordinance was published in the Hunterdon County Democrat on March 18, 2010 and has been posted in the Kingwood Township Municipal Building on March 3<sup>rd</sup>, 2010. Copies of the Ordinance have been available for inspection by the public since March 3<sup>rd</sup>, 2010.

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

**Public Comments:** No Comments

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

It was moved by Mr. Lubitz, seconded by Mrs. Niemann and carried to adopt on final reading **ORDINANCE NO. 16-04-2010 AMENDING SUBDIVISION, SITE PLAN, VARIANCE AND CONDITIONAL USE CHECKLISTS.**

<b>Roll Call Vote:</b>	<b>Aye</b>	-	<b>Burke, Lubitz, Niemann</b>
	<b>Nay</b>	-	<b>None</b>
	<b>Abstain</b>	-	<b>None</b>
	<b>Absent</b>	-	<b>None</b>

**ORDINANCE**

**ORDINANCE NO. 16-05-2010 CALENDAR YEAR 2010 TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK** - Public Hearing and Final Adoption

This Ordinance was introduced and adopted on first reading at a meeting of the Kingwood Township Committee on the 2<sup>nd</sup> day of March, 2010. The Ordinance was published in the Hunterdon County Democrat on March 18, 2010 and has been posted in the Kingwood Township Municipal Building on March 3<sup>rd</sup>, 2010. Copies of the Ordinance have been available for inspection by the public since March 3<sup>rd</sup>, 2010.

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

**Public Comments:** No Comments

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

It was moved by Mrs. Niemann, seconded by Mr. Lubitz and carried to adopt on final reading **ORDINANCE NO. 16-05-2010 CALENDAR YEAR 2010 TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK.**

<b>Roll Call Vote:</b>	<b>Aye</b>	-	<b>Burke, Lubitz, Niemann</b>
	<b>Nay</b>	-	<b>None</b>
	<b>Abstain</b>	-	<b>None</b>
	<b>Absent</b>	-	<b>None</b>

**ORDINANCE**

Committeewoman Elaine Niemann recused herself from the meeting at 8:00PM for this ordinance.

**ORDINANCE NO. 16-06-2010 TO AMEND THE DEVELOPMENT REGULATIONS SPECIFICALLY “CHAPTER 132 – ZONING” OF THE GENERAL ORDINANCES OF THE TOWNSHIP** - Public Hearing and Final Adoption

This Ordinance was introduced and adopted on first reading at a meeting of the Kingwood Township Committee on the 2<sup>nd</sup> day of March, 2010. The Ordinance was published in the Hunterdon County Democrat on March 18<sup>th</sup>, 2010 and has been posted in the Kingwood Township Municipal Building on March 3<sup>rd</sup>, 2010. Copies of the Ordinance have been available for inspection by the public since March 3<sup>rd</sup>, 2010.

It was moved by Mr. Lubitz, Mayor Burke stepped down from the Chair second and carried to open the hearing to the public. **All voted Aye on Roll Call Vote.**

Bruno Casuscelli handed out a letter for the Township Committee to review. Mayor Burke read aloud the letter Mr. Casuscelli gave them, which was a letter from the Township’s Zoning Officer Michael DeSapio addressed to the Township Committee members. The letter stated that Mr. DeSapio reviewed Ordinance No. 16-06-2010, the owner’s request, and gave a summary of his opinion on the regulations for the zoning situation regarding the Casuscelli’s request.

**Public Comments:**

Liz Schmid, Tumble Idell Road - Hopes that the Township Committee takes into consideration the multiple concerns expressed by the Planning Board from last months meeting, and to consider their suggestions.

Sandra McNicol, Oak Grove Road – Commented that she had a draft set of minutes from the last Planning Board Meeting that she read aloud. She noted that the Planning Board respectfully has recommended to the Township Committee not to adopt Ordinance No. 16-06-2010 in its current form, and to wait for additional information from the public and the results from the Community Land Survey. She stated that it was a unanimous vote at the Planning Board meeting to recommend that the Township adopt this ordinance until there has been a complete review of the surveys. Mrs. McNicol feels that it is not appropriate at this time to adopt the ordinance.

Linda Lezak, Route 519 – Expressed her opinion on the stacking of the pods, and she is also concerned that Kingwood Township will start to look like Newark, NJ, if we allow these type of businesses in the Township.

Public Comment Continued:

Steven Zdepski, Federal Twist Road – Commented on the way the Ordinance was proposed at its current state is arbitrary. He expressed his opinion on the many uses for the property. He feels that the zoning officer’s letter explained the zoning, and that the business being proposed is allowed on that property.

Bruno Casuscelli, Flemington NJ – Commented on residents coming into the Township who own property, and pay property taxes, should be able to use their property within the regulations of the zone.

Linda Lezak, Route 519 – Hopes that the Township Committee makes the right decision, and does not approve this ordinance to be adopted, especially after what she has been through in the past.

Steven Zdepski, Federal Twist Road – Requested to the Committee members that if they introduced this ordinance this evening, that they remove under Chapter 132-11, A and F, but with no other changes. He thanked the Committee members.

It was moved by Mr. Lubitz, Mayor Burke stepped down from the Chair and carried to close the public hearing. **All voted Aye on Roll Call Vote.**

It was moved by Mr. Lubitz, Mayor Burke stepped down from the Chair and carried to table this ordinance pending the recommendations from the Planning Board, and to be further reviewed at the Planning Board Meeting tomorrow evening.

Mr. Steven Zdepski asked Mayor Burke his view on the ordinance. Mayor Burke noted that he has reserved his opinion at this time, and would like to hear more information from the Planning Board before commenting.

<b>Roll Call Vote:</b>	<b>Aye</b>	-	<b>Burke, Lubitz,</b>
	<b>Nay</b>	-	<b>None</b>
	<b>Abstain</b>	-	<b>None</b>
	<b>Absent</b>	-	<b>Niemann</b>

Committeewoman Elaine Niemann rejoined the meeting at this time.

**ORDINANCE**

**ORDINANCE NO. 16-07-2010 AN ORDINANCE FIXING THE SALARIES AND COMPENSATION OF THE VARIOUS OFFICERS AND EMPLOYEES OF THE TOWNSHIP** - Introduction and Adoption on First Reading

Mayor Burke read the Ordinance aloud which was introduced.

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

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

**Consideration of final adoption at a public hearing is scheduled for Thursday, May 13, 2010 at a meeting beginning at 7:30 P.M. at the municipal building.**

**ORDINANCE**

**ORDINANCE NO. 16-09-2010 PROVIDING FOR RECONSTRUCTION OF TUMBLE FALLS ROAD APPROPRIATING \$393,000 THEREFORE AND AUTHORIZING ISSUANCE OF \$373,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING THE COST THEREOF** – Introduction and Adoption on First Reading

Mayor Burke read the Ordinance aloud which was introduced.

It was moved by Mrs. Niemann, seconded by Mr. Lubitz and carried to adopt on first reading **ORDINANCE NO. 16-09-2010 PROVIDING FOR RECONSTRUCTION OF TUMBLE FALLS ROAD APPROPRIATING \$393,000 THEREFORE AND AUTHORIZING ISSUANCE OF \$373,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING THE COST THEREOF.**

<b>Roll Call Vote:</b>	<b>Aye</b>	<b>-</b>	<b>Lubitz, Niemann, Burke</b>
	<b>Nay</b>	<b>-</b>	<b>None</b>
	<b>Abstain</b>	<b>-</b>	<b>None</b>
	<b>Absent</b>	<b>-</b>	<b>None</b>

**Consideration of final adoption at a public hearing is scheduled for Thursday, May 13, 2010 at a meeting beginning at 7:30 P.M. at the municipal building.**

Mayor Burke explained that the Township received a grant in the amount of \$373,000 for the entire job to be paid for by the Bridge Commission.

**RESOLUTIONS**

The following Resolution was introduced:

**RESOLUTION NO. 2010 – 37**

**TAX SALE REDEMPTION**

**WHEREAS**, the Tax Collector has received redemption monies in the amount of \$5,592.57 to redeem Tax Sale Certificate No.2009-13 on Block 38, Lot 21.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey, that the Chief Financial Officer be authorized to issue a check in the amount of \$5,592.57 to Tad Dabrowski, 132 McKinley Street, South Plainfield, New Jersey, 07080 for the redemption of Tax Sale Certificate No. 2009-13.

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

<b>Roll Call Vote:</b>	<b>Aye</b>	-	<b>Lubitz, Niemann, Burke</b>
	<b>Nay</b>	-	<b>None</b>
	<b>Abstain</b>	-	<b>None</b>
	<b>Absent</b>	-	<b>None</b>

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2010 - 38**

**CANCELLATION OF REAL ESTATE TAXES**

**WHEREAS**, the Township of Kingwood became the owner of the following Block and Lots in 2009:

- Block 2, Lot 16Q0016
- Block 7, Lot 2
- Block 7, Lot 2Q0016

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Township Committee that the tax collector be relieved from collecting the following real estate taxes:

- Block 2, Lot16Q0016 – 11/1/2009 - \$ 122.69
- Block 7, Lot 2 – 11/1/2009 - \$1470.39
- Block 7, Lot 2Q0016 – 11/1/2009 - \$ 122.69

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

<b>Roll Call Vote:</b>	<b>Aye</b>	-	<b>Lubitz, Niemann, Burke</b>
	<b>Nay</b>	-	<b>None</b>
	<b>Abstain</b>	-	<b>None</b>
	<b>Absent</b>	-	<b>None</b>

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2010 – 39**

**TAX APPEAL REAL ESTATE TAX REFUND**

**WHEREAS**, Block 28, Lot 18 was successful in a Tax Court appeal for a decrease of the assessment in the amount of \$264,500.00, which resulted in a reduction in the taxes due for 2009 in the amount of \$4,480.63.

**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 issue a refund to Daniel G. Keough, Trustee and Pine Brook Farm Associates, 783 Springfield Avenue, Summit, New Jersey, 07901 in the amount of \$4,480.63.

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

<b>Roll Call Vote:</b>	<b>Aye</b>	-	<b>Lubitz, Niemann, Burke</b>
	<b>Nay</b>	-	<b>None</b>
	<b>Abstain</b>	-	<b>None</b>
	<b>Absent</b>	-	<b>None</b>

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2010 – 40**

**OLDER AMERICANS MONTH  
PROCLAMATION**

**WHEREAS**, the month of May is traditionally designated and observed throughout the nation as **Older Americans Month**; and

2010 – 98

**WHEREAS**, the 2010 theme is “**Older Americans: Age Strong! Live Long!**” in honor of older Americans; and

**WHEREAS**, this Municipality recognizes the contributions older Americans have made to our families, our communities, and our nation; and

**WHEREAS**, older Americans remain active and productive, volunteering their time, talents and expertise, thereby enriching all our lives;

**NOW, THEREFORE, BE IT RESOLVED** that this Municipality does hereby proclaim the month of May as Older Americans Month and calls upon individuals and entities to honor and celebrate the outstanding contributions of this Municipality’s older residents.

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

<b>Roll Call Vote:</b>	<b>Aye</b>	-	<b>Lubitz, Niemann, Burke</b>
	<b>Nay</b>	-	<b>None</b>
	<b>Abstain</b>	-	<b>None</b>
	<b>Absent</b>	-	<b>None</b>

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2010 - 41**

**SEPTEMBER 18, 2010 FIREWORKS DISPLAY**

**WHEREAS**, the Kingwood Township Parks & Recreation Committee has scheduled "Kingwood Community Day" on September 18, 2010; and

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

**WHEREAS**, **Garden State Fireworks** has submitted a certificate of insurance with the Township named as additional insured; and

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



**2010 – 99**

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Kingwood, County of Hunterdon, State of New Jersey that approval is given for the fireworks display on September 18, 2010, rain date September 19, 2010, on the Kingwood Park property located at 200 Union Road, known as Block 19 Lot 8 in Kingwood Township, New Jersey.

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

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

<b>Roll Call Vote:</b>	<b>Aye</b>	-	<b>Lubitz, Niemann, Burke</b>
	<b>Nay</b>	-	<b>None</b>
	<b>Abstain</b>	-	<b>None</b>
	<b>Absent</b>	-	<b>None</b>

**RESOLUTION**

The following Resolution was introduced:

**APPROVAL OF LOSAP LISTS FOR 2009**

**RESOLUTION NO. 2010 – 42**

**WHEREAS**, the Kingwood Township Volunteer Fire Company and Kingwood Township First Aid and Rescue Squad have provided to the Township Committee annual certification identifying all active volunteer members who have qualified for credit for the year; and

**WHEREAS**, after initial review by the Township Committee the lists have been posted in the respective buildings of each participating emergency service organization for a period of at least 30 days for review by members; and

**WHEREAS**, there has been no objection or complaint received from any member of those organizations or from the organizations themselves, or the lists have been corrected, and the lists have again been reviewed by the Township Committee;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Kingwood, County of Hunterdon, State of New Jersey that the attached lists indicating qualified members for each agency for the respective year and amounts are approved.

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

<b>Roll Call Vote:</b>	<b>Aye</b>	-	<b>Lubitz, Niemann, Burke</b>
	<b>Nay</b>	-	<b>None</b>
	<b>Abstain</b>	-	<b>None</b>
	<b>Absent</b>	-	<b>None</b>

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2010 - 43**

**CANCELLATION OF REAL ESTATE TAXES**

**WHEREAS**, Block 4, Lot 7.08 qualified, as per the Tax Assessor, for a full disabled veteran’s exemption.

**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 4, Lot 7.08 – 1 <sup>st</sup> Quarter 2010 -	\$ 1515.46
Block 4, Lot 7.08 – 2 <sup>nd</sup> Quarter 2010 -	\$ 1515.46

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

<b>Roll Call Vote:</b>	<b>Aye</b>	-	<b>Lubitz, Niemann, Burke</b>
	<b>Nay</b>	-	<b>None</b>
	<b>Abstain</b>	-	<b>None</b>
	<b>Absent</b>	-	<b>None</b>

**RESOLUTION**

The following Resolution was introduced:

2010 – 101

RESOLUTION NO. 2010 - 44

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 order to encourage local source separation and 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 to expand existing programs; and

**WHEREAS**, the New Jersey Department of Environmental Protection has promulgated 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 the 2009 Recycling Tonnage Grant 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 the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Cynthia Niciecki to ensure that the said Application is properly filed; and

2010 – 102

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

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

<b>Roll Call Vote:</b>	<b>Aye</b>	-	<b>Lubitz, Niemann, Burke</b>
	<b>Nay</b>	-	<b>None</b>
	<b>Abstain</b>	-	<b>None</b>
	<b>Absent</b>	-	<b>None</b>

**RESOLUTION**

The following Resolution was introduced:

*Resolution No. 2010- 45*

*Whereas, Kingwood Township Boy Scout Troup 519 of the Boy Scouts of America is a longstanding asset to our community, with a rich history of supporting the development of boys into productive, moral leaders in our society, and Troop 519 continues to undertake numerous service projects benefiting our residents and our municipality; and*

*Whereas, on May 1, 2010, Boy Scout Ryan Markmann, a member of Troop 519 was honored at a special Court of Honor Ceremony to honor his achievement of Eagle Scout rank, Boy Scouts highest honor; and*

*Whereas, Ryan achieved the Order of the Arrow, Ordeal and Brotherhood level, the Boy Scout Honor Society dedicated to service; and*

*Whereas, Ryan earned the Order of the Arrow Service Award for helping flood victims in his community; and*

*Whereas, Ryan completed his Eagle Service Project by implementing a program to make and distribute custom wooden collection boxes for the Flemington Food Pantry to five places of worship and Delaware Valley Regional High School's Key Club. This project totaled more than 130 hours of community service; and*

*Whereas, on May 1, 2010, a Court of Honor was convened for the purpose of bestowing upon Ryan Markmann the highest honor of Scouting, after which, and for the rest of his life, Ryan will carry the title of EAGLE SCOUT; and*

2010 – 103

*Whereas, EAGLE SCOUT RYAN MARKMANN has joined the ranks of a select fraternity of Eagle Scouts in our Nation, including Presidents, Elected Representatives, Clergymen, Doctors, Lawyers, Business and World Leaders.*

***NOW, THEREFORE, BE IT RESOLVED on this the 12th day of April, 2010 by the Mayor and Township Committee of the Township of Kingwood, that on behalf of the Governing Body and the residents of our community, we congratulate and honor with great pride.***

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

<b>Roll Call Vote:</b>	<b>Aye</b>	-	<b>Lubitz, Niemann, Burke</b>
	<b>Nay</b>	-	<b>None</b>
	<b>Abstain</b>	-	<b>None</b>
	<b>Absent</b>	-	<b>None</b>

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2010-48**

**CHANGE ORDER NUMBER ONE  
SOLAR ARRAYS – ORDINANCE NO. 16-01-2010**

**WHEREAS**, the need has arisen for a change order for the solar array project provided under Ordinance No. 16-01-2010;

**WHEREAS**, this change order is as a result of the solar modules originally designed for this system are no longer being manufactured in the USA (as of 2010) and to stay in compliance with ARRA requirements, the installer has chosen to substitute Evergreen Solar 230 Watt Modules, with SolarWorld 230 Watt Modules which has resulted in a credit to the project;

**WHEREAS**, the contractor, EMSA Construction has agreed to the amount in Change Order Number One as follows:

Amount of Original Contract	\$ 184,464.00
Total Change Order #1	<u>-2,525.40</u>
Total Adjusted Contract	\$181,938.60

**2010 – 104**

**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 Change Order Number One in the amount of -\$2,525.40 be approved.

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

<b>Roll Call Vote:</b>	<b>Aye</b>	-	<b>Lubitz, Niemann, Burke</b>
	<b>Nay</b>	-	<b>None</b>
	<b>Abstain</b>	-	<b>None</b>
	<b>Absent</b>	-	<b>None</b>

### **NEW BUSINESS**

#### **Request from Parks & Recreation Committee – Old Fairview School**

Mayor Burke explained what the Parks and Recreation Committee had requested. They would like the Township Committee to come up with a decision on whether to raise the rent for the profitable organizations that are presently using the Old Fairview School, or decide if they will no longer be able to have use of the building. The Parks and Recreation Committee have researched and determined that it is costing the Township approximately \$6,000 to heat and maintain the building for all the organizations using the Old Fairview School. The Township Committee members had a very lengthy discussion on the subject. They feel that the profitable organizations should pay an appropriate amount for the time they are using to help pay for the maintenance of the building. Mayor Burke will relay the message to the Parks and Recreation Committee. Deputy Mayor Lubitz, would like to thank the Parks and Recreation for their concern, and the time they have put into the effort to save money for the Township. Mayor Burke noted that he will also relay the message from Mr. Lubitz.

#### **Sample Source Separation & Recycling Ordinance – Must be adopted by 6-24-2010**

Committeewoman Niemann noted that this is just to inform everyone, and that she would like to see this ordinance introduced at the May meeting. She noted that she and Cynthia Niciecki will be working on the ordinance together for May.

#### **Cty Inventory of Septic Systems Available**

Committeewoman Niemann noted that she wanted the Committee members to be aware that they are working on a data base, and that there will be excel spread sheets available.

**2010 – 105**

She noted that Sandra McNicol has successfully obtained quarterly reports from the County Board of Health, which explains the number of repairs and installations on septic systems throughout the Township. The Committee members thanked Sandra McNicol.

### **Online Surveys Service**

Committeewoman Niemann noted that the Township had a free trial on line to do our Open Space/Recreation Plan Survey to see how it would work. She explained that for \$15.00 a month, she would like to try this out for approximately for a year. The Township would be able to utilize it two to three times per year. She explained how it works, and how it could spread the word. Committeewoman Niemann offered to pay for the service for a year out of her own pocket and see how it works out.

### **Kingwood Township School Budget**

The Committee members all reviewed the Kingwood Township School Budget, which they all received. The Committee members all met with the school administration to discuss the school budget. Mayor Burke feels that there are some time constraints for the meeting and approval, and wondered if the Committee members had any thoughts on what to decide. The Committee members decided to wait and take a closer look at the budget, and also see what happens after Election Day, and what the voters decide.

### **OLD BUSINESS**

#### **Gergar Property**

Mayor Burke explained that this was discussed earlier, and that the Attorney will be looking into what the possibilities are for that property and what is allowed. Deputy Mayor Lubitz noted that he would like to see the property remain as true to the way it stands in the most possible way. Committeewoman Niemann stated that Helen Gergar requested that the property be kept the way it stands today. Mayor Burke agreed with both Committee members.

#### **Revised Cargo Container Ordinance**

Mayor Burke explained that he wanted this on the agenda to discuss with Deputy Mayor Lubitz since he is not on the Planning Board, so that he could be aware of the changes that were given to the Board in the event that the current ordinance was not passed this evening. He wanted Mr. Lubitz to be able to review the changes that Attorney Pierce has suggested for that ordinance.

#### **DRJTBC Grant – Resolution No. 2010 – 46 and Agreement**

#### **RESOLUTION**

**2010 – 106**

Attorney Kopen briefly reviewed that Resolution.

**RESOLUTION NO. 2010 - 46**

**A RESOLUTION AUTHORIZING THE RECIPIENT, THE TOWNSHIP OF  
KINGWOOD, TO ENTER INTO AGREEMENT  
WITH THE DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION FOR  
FUNDING OF TUMBLE FALLS ROAD PROJECT**

**WHEREAS**, on January 31, 2005, the DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION ( hereafter, "COMMISSION") adopted the Compact Authorized Investment Program (the "Program") pursuant to a resolution, R: 677-02-05 - ADM - 07-01-05, to provide funding in the amount of \$40,000,000 for Compact Authorized Investment projects over two years; and

**WHEREAS**, Kingwood Township, referred to in the Agreement as "RECIPIENT", submitted its Application for Compact Authorized Investment, dated February 8, 2010, to the COMMISSION for consideration of grant funding in connection with the project proposed by the RECIPIENT, the Tumble Falls Road Project (hereafter, the "PROJECT"); and

**WHEREAS**, at its meeting on February 22, 2010, the COMMISSION adopted a Resolution (R: 1970-02-10 - ADM 04-02-10) to award funds under the Program to the RECIPIENT in connection with the PROJECT, as further described in the Agreement; and

**WHEREAS**, in its letter dated February 22, 2010, the COMMISSION provided the RECIPIENT with Notice of Compact Authorized Investment Grant Award in connection with the PROJECT; and

**WHEREAS**, in order to finance the PROJECT, the COMMISSION has authorized the RECIPIENT to receive an amount not to exceed \$373,000.00 from the fund known as the "CAI Grant Project Fund"; and

**WHEREAS**, the RECIPIENT and the COMMISSION desire to enter into an Agreement, the form of which is attached hereto as Exhibit A, to specify the conditions applicable to the financing of the costs of the PROJECT out of the CAI Grant Project Fund and the obligations of the RECIPIENT and the COMMISSION with respect to the PROJECT and the funding thereof; and

**WHEREAS**, paragraph 23 of the Agreement requires that the Township, as Recipient, supply the necessary resolution authorizing the Township to enter in the Agreement, the form of which has been received and reviewed by the Township; and

**2010 – 107**

**WHEREAS**, it is in the best interests of the Township of Kingwood to enter into the Agreement for funding the Tumble Falls Road Project.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Committee of the



Township Kingwood, County of Hunterdon, State of New Jersey as follows:

1. The Township of Kingwood hereby authorizes entry into the Agreement, attached hereto as Exhibit A, with the Delaware River Joint Toll Bridge Commission to specify the conditions applicable to the financing of the costs of the Tumble Falls Road project out of the CAI Grant Project Fund and to set forth the obligations of the RECIPIENT Township and the COMMISSION with respect to the PROJECT and the funding thereof.
2. The Mayor and Clerk and/or Chief Financial Officer of this Township are authorized to sign the Agreement with the COMMISSION regarding the Tumble Falls Road Project, attached hereto as Exhibit A, and to sign any and all other documents necessary for the transactions contemplated by the Agreement as to the PROJECT.

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

<b>Roll Call Vote:</b>	<b>Aye</b>	<b>-</b>	<b>Lubitz, Niemann, Burke</b>
	<b>Nay</b>	<b>-</b>	<b>None</b>
	<b>Abstain</b>	<b>-</b>	<b>None</b>
	<b>Absent</b>	<b>-</b>	<b>None</b>

## **MINUTES**

### **March 2, 2010 Regular Meeting**

It was moved by Mrs. Niemann, seconded by Mr. Lubitz and carried to adopt the minutes of March 2, 2010 Regular Meeting for the Township Committee.

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

### **March 2, 2010 Executive Session (9:20-9:30PM)**

It was moved by Mr. Lubitz, seconded by Mrs. Niemann and carried to adopt the minutes of March 2, 2010 Executive Session from (9:20 – 9:30PM) for the Township Committee.

**2010 – 108**

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



**August 3, 2004 (11:40-11:45PM)**  
**August 11, 2004 Special Meeting Minutes**

It was moved by Mrs. Niemann, seconded by Mr. Lubitz and carried to adopt the minutes for 2004 above for the Township Committee.

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

Deputy Mayor commented on the spending spree that went on in the past with the COAH Attorney, and the Housing Official.

**Executive Session – Resolution No. 2010-47**

The following Resolution was introduced to enter into closed session at approximately 8:55PM.

**RESOLUTION NO. 2010-47**

**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:

**Contract Negotiations – Habitat for BI 20 L1 and BI 15 L 8.04  
Housing Administration Services for Fair Share Plan Sale  
of BI 50 L 9**

**2010 – 110**

**Litigation – Abel Complaint  
Bunker Hill Homes  
Possible Litigation – Zoning Issues**

**NJSA 10:4-11 Exception 6 – Public Safety and Exception 7 – Possible Litigation Review Release of Executive Session Minutes Code Enforcement Report**

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

<b>Roll Call Vote:</b>	<b>AYE</b>	<b>- Lubitz, 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 Mr. Lubitz, seconded by Mrs. Niemann and carried to return to regular session at 10:00 P.M. **All voted Aye on Roll Call Vote.**

**Release Executive Session Minutes**

It was moved by Mrs. Niemann, seconded by Mr. Lubitz and carried to release executive session minutes of January 3, 2006, January 24, 2006, February 7, 2006, March 7, 2006, April 4, 2006, May 2, 2006, June 6, 2006, July 5, 2006, August 1, 2006, August 17, 2006, August 23, 2006, September 5, 2006 (7:35PM-7:50PM), September 5, 2006 (9:45PM-11:35PM), September 8, 2006, October 10, 2006, November 2, 2006, November 7, 2006, December 5, 2006, December 15, 2006, December 15, 2006, January 14, 2010, March 2, 2010.

**2010 – 111**

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

**ABSENT - None**

**Harms Property Trail Clearing**

Committeewoman Niemann noted that there was trail clearing at the Harms property last weekend. Mrs. Niemann explained that she was unable to attend, but she heard that it was a huge success. She stated that they were many boy scouts and residents who volunteered there time in shifts from 9:00AM – 12:00PM, and then again from 12:00PM – 3:00PM. She stated they did a very nice job and the Township owes them a very big thanks.

**ADJOURNMENT**

It was moved by Mr. Lubitz, seconded by Mrs. Niemann and carried to adjourn the meeting at 10:01PM. **All** voted **Aye** on **Roll Call Vote**.

Respectfully submitted,

Cynthia L. Keller, RMC  
Deputy Clerk