

2010 - 203

**September 7, 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, Attorney Judith Kopen, CFO & Tax Collector D. Laudenbach 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 January 21, 2010 and by telefaxing copies of the notice to the Express Times and Star Ledger on January 19, 2010. Copies of the notice were also posted in the Kingwood Township Municipal Building and Baptistown Post Office on January 19, 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 & Survey from NJDCA re: Best Practices

Mayor Burke reviewed. Deputy Mayor Lubitz commented on the number of points we are not eligible to receive, and feels that the Township should express their concern with the methodology being flawed. Committeewoman Niemann suggested that the Township contact the liaison representative for our Township at the Governor's office to make sure this is noticed.

Letter & Notification re: Teamsters Local Union No. 469

Mayor Burke reviewed.

Letter & Resolution from Clinton Township re: Analysis of Emergency Services

Mayor Burke reviewed.

Letter from Resident G. Dick re: Suggested Revisions to Complaint Form

Mayor Burke reviewed.

BILLS AND CLAIMS

It was moved by Mrs. Niemann, seconded by Mr. Lubitz and carried to approve and pay all bills and claims in the amount of \$2,638,503.16 that are in order and attached as **Bill List for September** 2010.

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

PUBLIC COMMENT – PRIVILEGE OF THE FLOOR

Jack MacConnell, Emergency Management Coordinator Reported on the Revelation Generation Concert that took place over the Labor Day weekend. He stated that there were approximately 7,000 people that attended the concert this year, and approximately 33,000 were expected to attend. He explained that there were only minor issues such as bee stings, but nothing major. He noted that they had to cut back on pyrotechnics due to the wind. Mr. MacConnell also explained that the weather service out of Philadelphia will now have a flood innovation map available. He explained that he and the Township's Flood Mitigation Coordinator Joseph Zdrodowski will be attending a seminar on flood mitigation in Lambertville NJ this month. He also mentioned that he went to a Register Ready seminar to learn how to register "special need" residents, and that this will all be available for the residents at Community Day on September 18, 2010.

REPORTS

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

- Tax Collector's Report of July 2010
- Municipal Court Report of July 2010
- Construction Reports of August 2010
- Township Engineer's Monthly Report
- Zoning Permits Reports of July 2010 & August 2010
- General Code Enforcement Report of August 2010
- Animal Control Report
- Dog License Reports
- Budget Report
- PARIS Grant Program

Revisions to Complaint Form – General Code Enforcement Officer

Mayor Burke explained that a suggestion to the Township's complaint form under the General Code Enforcement Officer was recently submitted by resident, Mr. Gilbert Dick, who was present at the meeting. Mayor Burke apologized to Mr. Dick for not being able to respond sooner to him. He explained that the committee members are unable to discuss Township business outside a public Township meeting. Committeewoman Niemann addressed some of Mr. Dick's questions and suggestions. She explained that the Township currently does have a complaint form, and that the General Code Enforcement Official is generally in the office every Tuesday and Thursday of each week from approximately 9:30a.m. - 10:00a.m. She stated Code Enforcement Officer Mr. Bill Sidote would definitely be there at anytime if a resident requests an appointment to meet with him, and he is available by calling his cell phone, which is noted in the municipal directory. Committeewoman Niemann would like to have a phone number where people can leave messages for him at the Township building. Mr. Gill Dick commented and thanked the Township Committee for their time and consideration.

Oath of Office for Parks & Recreation Committee – Antimo Russano

Mayor Burke explained that the Parks and Recreation Committee unanimously voted at their last month's regular meeting to reappoint Antimo Russano as a member to the Parks and Recreation Committee. Mayor Burke proceeded to appoint Antimo Russano to the Parks and Recreation Committee, and Clerk MacConnell gave Mr. Russano his Oath of Office for the position. The committee members welcomed Mr. Russano.

FUTURE MEETINGS AND ACTIVITIES

Mayor Burke reviewed as per the Agenda.

ORDINANCES

ORDINANCE NO. 16-12-2010 PROVIDING FOR THE RECONSTRUCTION OF SPRING HILL ROAD BY THE TOWNSHIP, APPROPRIATING \$121,000 THEREFORE, VOL. 16, PG. 16-12 - Public Hearing and Final Adoption

This Ordinance was introduced and adopted on first reading at a meeting of the Kingwood Township Committee on the 3rd day of August, 2010. The Ordinance was published in the Hunterdon County Democrat on August 19, 2010 and has been posted in the Kingwood Township Municipal Building on August 4, 2010. Copies of the Ordinance have been available for inspection by the public since August 4, 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 Mr. Lubitz, seconded by Mrs. Niemann and carried to close the public comment portion of the hearing. **All voted Aye on Roll Call Vote.**

It was moved by Mrs. Niemann, seconded by Mr. Lubitz and carried to adopt on final reading **ORDINANCE NO. 16-12-2010 PROVIDING FOR THE RECONSTRUCTION OF SPRING HILL ROAD BY THE TOWNSHIP, APPROPRIATING \$121,000 THEREFORE.**

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

ORDINANCE

ORDINANCE NO. 16-13-2010 AMENDING SUBSECTION B., “COPIES” OF SECTION 75A – 2 OF CHAPTER 75A, “FEES” OF THE TOWNSHIP, VOL. 16, PG. 16-13 - Public Hearing and Final Adoption

This Ordinance was introduced and adopted on first reading at a meeting of the Kingwood Township Committee on the 3rd day of August, 2010. The Ordinance was published in the Hunterdon County Democrat on August 19, 2010 and has been posted in the Kingwood Township Municipal Building on August 4, 2010. Copies of the Ordinance have been available for inspection by the public since August 4, 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 comment portion of the 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. 16-13-2010 AMENDING SUBSECTION B., “COPIES” OF SECTION 75A – 2 OF CHAPTER 75A, “FEES” OF THE TOWNSHIP.**

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

ORDINANCE

ORDINANCE NO. 16-14-2010 TO AMEND THE DEVELOPMENT REGULATIONS OF THE TOWNSHIP, SPECIFICALLY “CHAPTER 132 – ZONING”, VOL. 16, PG. 16-14 - Public Hearing and Final Adoption

This Ordinance was introduced and adopted on first reading at a meeting of the Kingwood Township Committee on the 3rd day of August, 2010. The Ordinance was published in the Hunterdon County Democrat on August 19, 2010 and has been posted in the Kingwood Township Municipal Building on August 4, 2010. Copies of the Ordinance have been available for inspection by the public since August 4, 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 comment portion of the 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. 16-14-2010 TO AMEND THE DEVELOPMENT REGULATIONS OF THE TOWNSHIP, SPECIFICALLY “CHAPTER 132 – ZONING”**.

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

ORDINANCE

ORDINANCE NO. 16-15-2010 AUTHORIZING THE SALE OF SURPLUS LAND, VOL. 16, PG. 16-15 - Public Hearing and Final Adoption

This Ordinance was introduced and adopted on first reading at a meeting of the Kingwood Township Committee on the 3rd day of August, 2010. The Ordinance was published in the Hunterdon County Democrat on August 19, 2010 and has been posted in the Kingwood Township Municipal Building on August 4, 2010. Copies of the Ordinance have been available for inspection by the public since August 4, 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 comment portion of the 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. 16-15-2010 AUTHORIZING THE SALE OF SURPLUS LAND.**

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

EXECUTIVE SESSION – Resolution No. 2010-94

The following Resolution was introduced to enter into closed session at approximately 7:25 PM.:

RESOLUTION NO. 2010 – 94

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:

Sale of Public Land – Gergar Bl 7 L 2

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

The minutes of the closed session will be made public upon conclusion, dismissal or settlement of litigation; or final resolution of agreements

or personnel matters; and in any event, when appropriate pursuant to N.J.S.A. 10:4-7 and 13.

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

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

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

RETURN TO REGULAR SESSION

It was moved by Mr. Lubitz, seconded by Mrs. Niemann and carried to return to regular session at 7:35P.M. **All voted Aye on Roll Call Vote.**

RESOLUTIONS

Resolution No. 2010-92 - LOSAP Awards

The following Resolution was introduced:

RESOLUTION NO. 2010 – 92

WHEREAS, the Township of Kingwood requested the unvested funds of prior members in the Kingwood Township Volunteer Fire Company and the Kingwood Township Rescue Squad be returned to the Township according to the Kingwood Township Ordinance, Section 28-8; and

WHEREAS, the funds for Richard Frank in the amount of \$477.63 were included in the returned monies and Richard Frank passed away on December 10, 2008; and

WHEREAS, Section 28-8 of the Kingwood Township Ordinances provides that in the event that the volunteer attains age 65 or in the event of death or permanent disability, all amounts in the volunteer’s benefit program shall be fully vested as of the date of the said occurrence.

2010 - 210

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 \$477.63 made payable to the Estate of Richard Frank, c/o Collette Frank, 1041County Road 519, Frenchtown, New Jersey, 08803.

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

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

RESOLUTION

Resolution No. 2010-93 - Award Bid for Tumble Falls Road Materials

The following Resolution was introduced:

RESOLUTION NO. 2010 - 93

RESOLUTION TO AWARD BID for SPRING HILL ROAD & TUMBLE FALLS ROAD MATERIALS

WHEREAS, Kingwood Township advertised for and received bids for Tumble Falls Road Materials; and

WHEREAS, the bids were reviewed by the Township Engineer as is reflected in his report of August 19, 2010, and were also reviewed by the Township Attorney; and

WHEREAS, according to the report of the Township Engineer dated August 19, 2010, and attached hereto as Exhibit A, as well as the review of the Township Attorney, the lowest responsible bidder for items #1 and #2, is Mannon Excavating, as set forth in Exhibit A; and

WHEREAS, no bids were received for item #3, NJDOT Type E Precast Concrete Storm Inlet, for the second time after public advertisement for bids; and

WHEREAS, in accordance with Section 40:A11-5(3)(a) of the Local Public Contracts Law, should there be no bid after a second advertisement, a “contract may then be negotiated and may be awarded upon adoption of a resolution by a two-thirds affirmative vote of the authorizing membership of the governing body authorizing such contract”; and

2010 – 211

WHEREAS, the Township Engineer, as indicated in Exhibit A, engaged in negotiations and makes a recommendation as to the award of a contract as to item #3 to Modern Concrete for a unit cost of \$496.00.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Committee of the Township of Kingwood, that:

1. The contract for item #1, Superpave HMA 25M-64, Base Course (FDS-Tumble Falls Road) at the unit price of \$61.45/ton is hereby awarded to Mannon Excavating.
2. The contract for item #2, Superpave HMA 9.5M-64, Surface Course (FDS-Tumble Falls Road) at the unit price of \$63.45/ton is hereby awarded to Mannon Excavating.
3. The contracts for items # 3, NJDOT Type “E” Precast Concrete Storm Inlet with 24” knockouts on three sides (FDS- Kingwood Municipal Garage) at the unit price of \$496.00 is hereby awarded to Modern Concrete.

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

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

RESOLUTION

Resolution No. 2010-95 - Authorize Change Order #2 for Equestrian Village Survey Plan Bl 14 L 28.02 & 30 and Bl 12 L 31

The following Resolution was introduced:

RESOLUTION NO. 2010 - 95

RESOLUTION AUTHORIZING ADDITIONAL WORK BY SURVEYOR

WHEREAS, the Township of Kingwood previously authorized the services of surveyors Taylor Wiseman & Taylor (hereafter sometimes referred to as TWT) to perform certain survey work for Equestrian Village, Block 14, Lots 28.02 & 30, and Deer Run, Block 12, Lot 31, in connection with the preservation of the properties; and

WHEREAS, the Township of Kingwood has been advised that additional services of Taylor Wiseman & Taylor were required in order for TWT to address review comments as is more specifically set forth in the "Description of Services and Fees" of TWT, dated July 12, 2010, attached hereto as Exhibit A; and

WHEREAS, funds in the amount of \$4,150.00 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, 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 surveying services for the Township of Kingwood in connection with addressing review comments from NJDEP and Hunterdon County, as to Equestrian Village, Block 14 Lots 28.02 & 30, and Deer Run, Block 12, Lot 31, for an amount not to exceed \$4150.00 per the "DESCRIPTION OF SERVICES AND FEES", designated "Change Order #2, dated July 12, 2010, provided by TWT and attached hereto as Exhibit A; and
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 Mrs. Niemann, 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

Resolution No. 2010-96 - Professional Services Agreement w/Max Spann Real Estate & Auction Co.

The following Resolution was introduced:

RESOLUTION NO. 2010 – 96

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT FOR AUCTION SERVICES WITH MAX SPANN REAL ESTATE & AUCTION CO.. FOR THE SALE OF SURPLUS MUNICIPAL LAND

WHEREAS, the Township of Kingwood, County of Hunterdon, has determined that it is in the best interest to contract with Max Spann Real Estate & Auction Co. (the “Auction Company”), 1325 Route 31 South, Annandale, NJ 08801 for the public auction of certain public lands not needed by the Township of Kingwood; and,

WHEREAS, a “Professional Services Agreement” has been submitted by the Auction Company and the same is permitted and authorized pursuant to N.J.S.A. 40A:12-13;

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

1. That the Mayor and the Township Clerk are hereby authorized and directed to execute the attached “Auction Listing Agreement”.
2. That the Township Clerk send an executed copy of the “Professional Services Agreement” and this Resolution to the Auction Company at the above address.

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

Committeewoman Niemann noted that for the public’s clarification, Max Spann will be conducting our real state auction for the Gergar property this fall.

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

RESOLUTION

Resolution No. 2010-97 - Authorize Sale of Former Gergar Property Bl 7 L 2

The following Resolution was introduced:

RESOLUTION NO. 2010 - 97

RESOLUTION AUTHORIZING SALE OF SURPLUS PROPERTY

WHEREAS, the Township of Kingwood, in the County of Hunterdon (“Township”) is the owner of a parcel of land known as Block 7, portion of Lot 2, on the Tax Map of the Township of Kingwood in Hunterdon County, New Jersey (“Property”); and

WHEREAS, the Property is no longer needed or required by the Township of Kingwood for public use; and

WHEREAS, it is in the best interest of the Township to advertise the parcel of Property for public sale to the highest bidder; and

WHEREAS, the Township has adopted Ordinance No. 16-15-2010 regarding public sale of the Property and wishes to dispose of the Property pursuant to N.J.S.A. 40A:12-13;

NOW THEREFORE, be it resolved by the Township Committee of the Township of Kingwood, in the County of Hunterdon, New Jersey, as follows:

1. The Township Committee hereby authorizes the sale of the parcel of land owned by the Township of Kingwood, shown on the Tax Map of the Township of Kingwood, Hunterdon County, New Jersey, as Block 7, portion of Lot 2, located at 50 Oak Summit Road (the “Property”), at a public auction to the highest bidder. Said auction is to be held on a date to be determined in consultation with Max Spann Real Estate and Auction Co., auctioneers, which date is tentatively scheduled for November, 2010, and published by way of the Notice of Sale, which Notice shall be published as required by statute and this resolution.

2. The sale shall be advertised in a newspaper circulating in the Township by two insertions at least once a week during two consecutive weeks, the last publication to be not earlier than seven (7) days prior to said sale.

3. Bids shall be received for the Property orally by auctions, beginning at a date and time to be published in the Notice of Sale, as set forth in paragraph 1 and 2 above.

4. All persons intending to bid on the Property shall be required to present to the auctioneer, or a designated official of the Township, prior to the start of bidding, a bank cashier’s check or other immediately negotiable funds, in the amount of \$10,000.

2010 - 215

5. The sale of the parcel of the Property shall be subject to a written contract to be executed by the highest bidder. The form of Contract to be executed is attached to this Resolution. The form of Contract is not negotiable. The three (3) day attorney review period does not apply to this transaction. A buyer's premium of ten percent (10%) of the high bid will be added to the final bid, and will be included in the total sale price, and will be due and payable at closing. The sale is contingent upon the buyer's premium being paid by the purchaser.

6. At the close of bidding for each parcel of the Property, the high bidder shall be required to deposit with the auctioneer, by good check, an amount equaling ten percent (10%) of the high bid price. The \$10,000. deposit, referred to in Paragraph No. 4 above, may be utilized as all or part [as the case may be] of such deposit.

7. The Property shall be sold for use in accordance with the zoning regulations for the zoning district in which it is located.

8. The high bidder shall be required to execute and deliver to the Township the prescribed Contract with the Township at the close of the auction, which Contract shall include among other terms and conditions:

a. The Township shall convey by deed of bargain and sale, covenant against the acts of the grantors. The Property shall be sold subject to any easements and restrictions of record [including but not limited to utility easements, roadway, slope, drainage, and bridge maintenance easements], rights in any water courses abutting or traversing the Property, such facts as an accurate survey may reveal, and standard exclusions found in title insurance policies.

b. Title will close within forty-five (45) days from the date of the execution of the Contract by the Township. If title does not close on such date due to any default of the purchaser, the Township shall have the option to cancel the Contract unilaterally by writing to the purchaser and retaining the deposit monies as liquidated damages, in addition to any rights the Township shall have at law and in equity against the purchaser.

c. In the event that title to the parcel of the Property is deemed unmarketable because it is uninsurable by a reputable title insurer licensed in New Jersey, the Township shall return to purchaser of the parcel all monies paid by way of deposit without interest, without deduction, and without any liability for the payment of any fees or commission and without further liability between seller and purchaser as to the unmarketable parcel.

2010 - 216

9. The sale of the parcel of the Property is "as is" and without contingency, claim, promise, warranty or representation, including, by way of example, as to condition of land, suitability for construction of structures thereon, compliance with zoning regulations, compliance with construction codes, subdivision approval, issuance of building permit, environmental or hazardous substance conditions or factors affecting the Property, and septic or potable water suitability. No financing or inspection contingencies shall be allowed.

10. The Township will not pay a real estate commission on the sale of the Property.

11. A prospective bidder who wishes to inspect the Property may do so by contacting Earle Steeves, Max Spann Real Estate & Auction Co. at 908-735-9191, 1325 Rt. 31 South, Annandale, N.J. 08801 to establish a mutually convenient time or attend one of the advertised Open Houses. Prospective bidders are encouraged to carefully review the Property, the zoning ordinances, construction code regulations and the ordinances of the Township of Kingwood, and any other county, state and federal regulations, including flood plain regulations, in order to determine whether the prospective bidder's use can be accommodated. All sales are final, subject to acceptance of the bid by the Township. The successful bidder's deposit will not be returned for any reason except as otherwise provided in the Ordinance, Notice of Sale, this Resolution and proposed Contract of Sale.

12. It will not be a reason to return the successful bidder's deposit that the Property cannot be used for the purpose intended by the successful bidder or that the successful bidder cannot obtain the funds necessary to complete the purchase of the Property by the assigned closing date.

13. The Township of Kingwood reserves the right to reject any or all bids. Consideration of the acceptance or rejection of bids shall be placed on the agenda of the Township Committee at its next regular meeting following the auction. If the bid is accepted by resolution of the Township Committee, adopted at that or a subsequent meeting, the Township shall execute the Contract. If the Township Committee initially determines to reject the bid, the bidder will be notified and afforded a hearing [provided he requests it within 5 days of being notified of the potential bid rejection] before the final determination to reject [or accept] is made. If the bid is rejected by Resolution of the Township Committee, the deposit moneys of the bidder will promptly be returned to the bidder [without interest], and thereafter there shall be no obligation of the Township Committee to sell or the bidder to purchase. In no event shall the bidder withdraw his bid unless the Township Committee has failed to make a determination whether to accept or reject bids by resolution adopted within 28 days of the auction. If no resolution to accept or reject the bid is adopted by the

2010 - 217

Township Committee within such 28 day period [or an extension of such period agreed to by the bidder in writing], the bidder may request in writing the return of his deposit; in which case the deposit shall be promptly returned to the bidder, and if such occurs, thereafter neither the bidder nor the Township shall have any obligation to the other regarding or relating to the auction or purchase.

14. The Mayor, the Clerk of the Township, the Chief Financial Officer, and any other proper official of the Township, be and each of them is hereby authorized to execute and deliver any and all documents and instruments and to

do and cause to be done any and all acts and things necessary and proper for carrying out the transactions contemplated by this resolution.

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

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

RESOLUTION

Resolution No. 2010-98 - Cancellation of General Capital Appropriated Balances

The following Resolution was introduced:

RESOLUTION NO. 2010 – 98

RESOLUTION TO CANCEL GENERAL CAPITAL APPROPRIATION BALANCES

WHEREAS, certain General Capital Improvement appropriation balances remain dedicated to projects now completed; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpected balance may be returned to the appropriate source of funding.

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 cancel the unexpended and dedicated balances of the following ordinances:

2010 - 218

Ordinance Number	Date Authorized	Original Authorization	Project Description	Source of Funding	Amount Cancelled
15-08-2008	03-04-2008	\$6,750.00	Purchase of Municipal Equipment-Model T-6 Harley Tractor Rake	CIF – Reserve for Purchase of Municipal Equipment	\$485.50
15-19-2008	08-11-2008	\$132,000.00	Purchase of Municipal Equipment-Dump Truck	CIF – Reserve for Purchase of Municipal Equipment	\$229.27

It was moved by Mrs. Niemann, 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

Resolution No. 2010-100 - Tax Sale Redemption Bl 13 L 16

The following Resolution was introduced:

RESOLUTION NO. 2010 - 100

TAX SALE REDEMPTION

WHEREAS, the Tax Collector has received redemption monies in the amount of \$1454.53 to redeem Tax Sale Certificate No.10002 on Block 13, Lot 16; and

WHEREAS, at the time of sale the lienholder paid a premium in the amount of \$300.00.

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 \$1754.535 to Tad Dabrowski, 132 McKinley Street, South Plainfield, New Jersey, 07080 for the redemption of Tax Sale Certificate No. 10002.

2010 – 219

It was moved by Mrs. Niemann, 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

Resolution No. 2010-101 - Tax Sale Redemption Bl 13 L 16.04

The following Resolution was introduced:

RESOLUTION NO. 2010 - 101

TAX SALE REDEMPTION

WHEREAS, the Tax Collector has received redemption monies in the amount of \$1821.85 to redeem Tax Sale Certificate No.10003 on Block 13, Lot 16.04; 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 Chief Financial Officer be authorized to issue a check in the amount of \$1821.85 to Tad Dabrowski, 132 McKinley Street, South Plainfield, New Jersey, 07080 for the redemption of Tax Sale Certificate No. 10003.

It was moved by Mrs. Niemann, 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

Resolution No. 2010-102 - Tax Sale Redemption Bl 23 L 10.04

The following Resolution was introduced:

RESOLUTION NO. 2010 - 102

TAX SALE REDEMPTION

2010 - 220

WHEREAS, the Tax Collector has received redemption monies in the amount of \$6377.45 to redeem Tax Sale Certificate No.10006 on Block 23, Lot 10.04; and

WHEREAS, the lienholder paid a premium in the amount of \$3,200.00 at the time of sale.

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 \$9577.45 to Rainbow Associates, PO Box 117, Morris Plains, New Jersey, 07950 for the redemption of Tax Sale Certificate No. 10006.

It was moved by Mrs. Niemann, 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

Resolution No. 2010-103 - Tax Sale Redemption Bl 38 L 5

The following Resolution was introduced:

RESOLUTION NO. 2010 - 103

TAX SALE REDEMPTION

WHEREAS, the Tax Collector has received redemption monies in the amount of \$1175.84 to redeem Tax Sale Certificate No.10010 on Block 38, Lot 5.

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 \$1175.84 to Tad Dabrowski, 132 McKinley Street, South Plainfield, New Jersey, 07080 for the redemption of Tax Sale Certificate No. 10010.

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

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

Abstain - None
Absent - None

RESOLUTION

Resolution No. 2010-104 - Tax Appeal Refund Bl 15 L 8.01

The following Resolution was introduced:

RESOLUTION NO. 2010 – 104

TAX APPEAL REAL ESTATE TAX REFUND

WHEREAS, Block 15, Lot 8.01 was successful in a Tax Court appeal for a decrease of the assessment in the amount of \$100,000, which resulted in a reduction in the taxes due in the amount of \$1,694.00.

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 Michael A. Vespasiano, Attorney Trust Account and Lutz Welding and Fabricating, Inc., 331 Main Street, Chatham, New Jersey, 07928 in the amount of \$1,694.00.

It was moved by Mrs. Niemann, 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

Resolution No. 2010-105 - Farmland Preservation Bl 5 L 3

Open Space/Farmland Coordinator Liz Schmid was present and explained to the Committee members that she is looking for a way to reassure Alexandria Township that Kingwood Township is planning to participate. The committee members reviewed the Resolution details with Liz Schmid, and Attorney J. Kopen.

The following Resolution was introduced:

RESOLUTION NO. 2010 – 105

FARMLAND PRESERVATION PROPERTY

WHEREAS, Kingwood Township has previously resolved to participate in the preservation of various properties in the Township, some being in conjunction with the State of New Jersey, the County of Hunterdon and with non-profit organizations; and

WHEREAS, the Zander family would like to pursue farmland preservation for their farm, which is one half in Kingwood Township, and one half in Alexandria Township through the County PIG Program.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey that, Kingwood Township supports the preservation of the following property as funds are available:

Zander Bl 5 L 3 28.44 acres (at a price to be determined on appraisal)

It was moved by Mrs. Niemann, 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

Resolution No. 2010-106 - No Idling

The following Resolution was introduced:

RESOLUTION NO. 2010 - 106

NO IDLING RESOLUTION FOR MUNICIPALITIES IN NEW JERSEY

WHEREAS, emissions from gasoline and diesel-powered vehicles contribute significantly to air pollution, including greenhouse gases, ozone formation, fine particulates; and

WHEREAS, numerous scientific studies have found links between exposure to fine particles and health effects including premature death, and increased incidents of asthma, allergies, and other breathing disorders; and

2010 - 223

WHEREAS, the United States Environmental Protection Agency has classified diesel exhaust as likely to be carcinogenic to humans; and

WHEREAS, vehicle idling occurs in locations (e.g. school grounds, parking lots, distribution centers, strip malls, construction sites, business centers, etc.) where New Jerseyans can be exposed to concentrated sources of air pollutant emissions; and

WHEREAS, asthma is a significant public health concern in New Jersey, especially among children (up to 25% of New Jersey's school-age children are asthmatic) and the elderly; and

WHEREAS, the reduction of fine-particle emissions from diesel engines could also prevent 16,000 new asthma cases annually and save \$770 million to \$10 billion in health care and related costs in the State; and

WHEREAS, for every gallon of gasoline used, the average car produces about 20 pounds of carbon dioxide (CO₂), the largest contributor to greenhouse climate change, with one-third of greenhouse gas emissions coming from the transportation sector; and

WHEREAS, petroleum-based gasoline and diesel fuel are nonrenewable fuels and should be used wisely and not wasted; and

WHEREAS, idling is not generally beneficial to a vehicle's engine because it wears engine parts; and

WHEREAS, idling more than 10 seconds uses more fuel and emits more pollutants than turning an engine off and on again; and

WHEREAS, current state law prohibits the idling of vehicles for more than three minutes, and studies have shown that an anti-idling policy will save fuel, prolong engine life, and improve air quality.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of Kingwood Township, County of Hunterdon, State of New Jersey supports the adoption of a strong anti-idling policy by government agencies, schools, businesses, and other organizations by:

1. Make enforcing existing violations and penalties under New Jersey's existing no-idling law a priority for all municipal Peace Officers pursuant to C. 39:3-70.2 and C. 26:2C-1;
2. Encouraging any gasoline or diesel-powered motor vehicle to turn off their engines immediately at schools and off-site school related events to minimize exposure of children to vehicle emissions;

2010 - 224

3. Maintaining municipal vehicles to eliminate any visible exhaust and complying with the annual inspection requirement for those vehicles;
4. Promote the widespread use of emission controls in construction contracts (for example, see the “Diesel Emission Controls in Construction Projects: Model Contract Specification” developed by the Northeast Diesel Collaborative); and
5. Supporting broad education of the public about the health, environmental and economic impacts of idling and ways to reduce idling.

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

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

NEW BUSINESS

RESOLUTION

2009 Audit Report – Group Affidavit Form & Resolution No. 2010-107

The following Resolution was introduced:

RESOLUTION NO. 2010 - 107

GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2009 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body

have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations”; and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the annual Audit entitled “Comments and Recommendations”, as evidenced by the group affidavit form of the governing body attached hereto: and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Board of the State of New Jersey, and stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit;

R.S. 52:27BB-52 – A local officer or member of the local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of

this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Kingwood hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

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

It was moved by Mrs. Niemann, seconded by Mr. Lubitz and carried to approve the Corrective Action Report of the 2009 Audit.

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

Clerk MacConnell reported that the comment regarding adhering to the Local Public Contracts Law for all purchases stemmed from two items: a bill paid to Miller & Chitty for work on the boiler at the Township DPW building, the auditors were told this company are the only ones who could perform the service, however, evidence of other price quotations being solicited were not shown. Mayor Burke will speak with DPW about obtaining something in writing, in future. The other item was payment to Stem Brothers, and the Township is now a member of the Hunterdon County Educational Services Commission and obtains heating oil, fuel oil and diesel through the Commission.

Clerk MacConnell reported that the comment regarding obtaining “Pay to Play” political contribution disclosures shouldn’t be a problem, all certificates that were not obtained in the past have been obtained, and all certificates for 2010 have been obtained to date.

ORDINANCE

Draft Solar & Photovoltaic Energy Facilities & Systems Ordinance

There was a lengthy discussion regarding the draft ordinance to be introduced. The committee members all agreed to provide the Board of Adjustment and the Construction Official with a copy of the draft ordinance. They all agreed that the Planning Board will review the ordinance and make any necessary changes before the final adoption.

ORDINANCE NO. 16-16-2010 OF THE TOWNSHIP OF KINGWOOD, COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO AMEND THE LAND USE REGULATIONS OF THE TOWNSHIP OF KINGWOOD, SPECIFICALLY “ZONING, CHAPTER 132” OF THE GENERAL ORDINANCES OF THE TOWNSHIP –

Introduction and Adoption on First Reading

Mayor Burke read the Ordinance aloud by title, which was then introduced.

It was moved by Mr. Lubitz, seconded by Mrs. Niemann and carried to adopt on first reading **AN ORDINANCE OF THE TOWNSHIP OF KINGWOOD, COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO AMEND THE LAND USE REGULATIONS OF THE TOWNSHIP OF KINGWOOD, SPECIFICALLY “ZONING, CHAPTER 132” OF THE GENERAL ORDINANCES OF THE TOWNSHIP.**

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

Consideration of final adoption following a public hearing is scheduled for Tuesday, October 5, 2010 at a meeting beginning at 7:00 P.M. at the municipal building.

NJBPU Clean Energy Program Grants

Committeewoman Niemann commented on information that she obtained from Hunterdon County Architect Frank Bell. Clerk MacConnell reported on a contractor who stopped by the municipal building to discuss the NJBPU Clean Energy Program and how it works. Committeewoman Niemann noted that she will refer this representative to the Sustainable Team.

Morris County Cooperative Pricing Council

The committee members reviewed the information on Cooperative Pricing. Mayor Burke noted that he will be in contact with Engineer Tom Decker, and the Township's Public Works Department to discuss whether this is comparable to what the prices have been in the past, and if it is wise to choose this program for next year.

Request from Priority Search Services

Tax Collector Diane Laudenbach was present and explained what this Company provides. She explained that they pay the Township's vital computer company a fee that allows them to look up block and lots, and the information they need to do title searches.

It was moved by Mrs. Niemann, seconded by Mr. Lubitz and carried to allow access services for Priority Search Services as requested.

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

Discuss Memorial Donations Policy

The Committee members discussed whether Kingwood Township should create their own policy for Memorial Donations. Mayor Burke suggested that the Township not set a policy on this. It was agreed that a memorial donation or remembrance of some kind could be discussed on a case by case basis.

Discuss October Clean Up

C.F.O. Laudenbach noted that as a result of reviewing the accounts the Township will not have enough funds to pay for the recycling dumpsters. She noted that recycling has become very popular and the costs have become very high. There was a discussion on utilizing clean communities monies. Committeewoman Niemann noted the clean communities regulations don't allow the Township to utilize those funds for recycling dumpsters. The committee members discussed whether to cancel the clean-up day program scheduled for October 9th.

It was moved by Mrs. Niemann, seconded by Mr. Lubitz and carried to cancel the October 9, 2010 Clean-up Day, and those funds will be utilized for the recycling dumpsters.

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

Eagle Scout Ceremony – Resolution No. 2010 – 109

RESOLUTION

The following Resolution was introduced:

Resolution No. 2010-109

Whereas, Kingwood Township Boy Scout Troup 251 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 251 continues to undertake numerous service projects benefiting our community; and

Whereas, on September 26, 2010, Boy Scout Gregory W. Reichardt, a member of Troop 251 is being honored at a special Court of Honor Ceremony to honor his achievement of Eagle Scout rank, Boy Scouts highest honor; and

Whereas, Greg worked through different levels to become a Boy Scout, his initial aversion to outdoor camping notwithstanding. Greg has since gained camping skills and appreciation for Boy Scout camp, being one of the few scouts who has attended summer camp every single year of his scouting career, now one of the seasoned veterans to whom the younger scouts look for guidance and encouragement; and

Whereas, Greg was inspired to run a cancer awareness and prevention event as his Eagle Scout project as a result of losing someone close to him as a boy. Greg created

an event attended by 150-200 people that included refreshments, entertainment, speakers, sports and games with the help of members of his troop he recruited and coordinated for assistance; and

Whereas, on September 26, 2010, a Court of Honor will be convened for the purpose of bestowing upon Gregory W. Reichardt the highest honor of Scouting, after which, and for the rest of his life, Greg will carry the title of EAGLE SCOUT; and

Whereas, EAGLE SCOUT GREGORY W. REICHARDT 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 7TH day of September, 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 Mrs. Niemann, seconded by Mr. Lubitz and carried to adopt the foregoing Resolution.

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

OLD BUSINESS

DPW Other Expense Budget

C.F.O. Laudenbach explained that this has been resolved. The committee members discussed the current road projects in the Township.

DPW Roof Snow Stops Quotations

Clerk MacConnell reported on an update of the quotes for the DPW roof snow stops. She stated that there are no new quotes this month. Mayor Burke asked about the quotes that have been already submitted.

Telephone System at Municipal Building Quotation

Clerk MacConnell reported.

Informational Sign for Front of Municipal Lawn

The Committee members discussed a sign they would like to put up outside the municipal building to inform the residents of the upcoming events and meetings. Committeewoman Niemann will be looking into a sign that may be available for the Township. There was also a discussion on signs to be ordered for the municipal offices to direct residents to the correct direction to enter the building. Committeewoman Niemann also suggested motion lights for the outside parking lot.

Coordinator at Recycling Dumpster

Committeewoman Niemann explained that the Recycling Coordinator Cindy Niciecki and her husband have been spending alot of time at the recycling center cleaning out the dumpsters of all the debris and other items that do not belong in the containers. She would like to see the Public Works Department get together with C. Niciecki and her husband to discuss several things regarding the recycling dumpsters. Mayor Burke will contact the Public Works Department and set up a date.

MINUTES

August 3, 2010 Regular Meeting

It was moved by Mr. Lubitz, seconded by Mrs. Niemann and carried to adopt the minutes of the Regular Meeting for the Township Committee for August 3, 2010 and place on file.

Comments: Correction on Page 2010-190 Under Patrick Donnelly, Lower Oak Grove Road. **5th line:** He explained that he heard approximately **(40,000)** people will be attending the concert on Fitzer Road.
8th line: He expressed that he is so **(disgusted)** that he has scheduled his vacation to go away for the entire weekend.

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

August 3, 2010 Executive Session

It was moved by Mr. Lubitz, seconded by Mrs. Niemann and carried to adopt the minutes of the Executive Session for the Township Committee for August 3, 2010 and place on file.

Comments: No Comments.

2010 - 231

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

August 9, 2010 Special Meeting

It was moved by Mr. Lubitz, seconded by Mrs. Niemann and carried to adopt the minutes of the Special Meeting for the Township Committee for August 9, 2010 and place on file.

Comments: No comments.

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

September 14, 2004 Special Meeting

It was moved by Mr. Lubitz, seconded by Mrs. Niemann and carried to adopt the minutes of the Special Meeting for the Township Committee for September 14, 2004 and place on file.

Comments: No Comments.

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

September 14, 2004 Executive Session

It was moved by Mr. Lubitz, seconded by Mrs. Niemann and carried to adopt the minutes of the Executive Session for the Township Committee for September 14, 2004 and place on file.

Comments: No comments.

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

October 5, 2004 Regular Meeting

It was moved by Mr. Lubitz, seconded by Mrs. Niemann and carried to adopt the minutes of the Regular Meeting for the Township Committee for October 5, 2004 and place on file.

Comments: No comments.

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

October 5, 2004 Executive Session

It was moved by Mr. Lubitz, seconded by Mrs. Niemann and carried to adopt the minutes of the Executive Session for the Township Committee for October 5, 2004 and place on file.

Comments: No Comments.

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

October 14, 2004 Special Meeting

It was moved by Mr. Lubitz, seconded by Mrs. Niemann and carried to adopt the minutes of the Special Meeting for the Township Committee for October 14, 2004 and place on file.

Comments: No Comments.

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

Deputy Mayor Lubitz commented on one of the executive session minutes, which refers to Steve Zdepski as Mayor, as Sal DeSapio was the Mayor in 2004, and Steve Zdepski was a Committeeman. The minutes have been noted to be corrected.

2010 - 233

Deputy Mayor Lubitz noted that the 2004 minutes that were approved this evening also discussed bonding. He noted that there has been a misunderstanding in the Township of when bonding began. Deputy Mayor Lubitz wanted it noted that these minutes explicitly state that bonding occurred while Committeemen Steve Rawlyk, Steve Zdepski and Mayor DeSapio were in office.

Executive Session – Resolution No. 2010-108

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

RESOLUTION NO. 2010 – 108

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

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

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

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

**Litigation – Chris’ Citgo Bl 9 L 2.01
Potential Litigation – Lezak Bl 8 L 40**

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.

2010 - 234

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

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

RETURN TO REGULAR SESSION

It was moved by Mr. Lubitz, seconded by Mrs. Niemann and carried to return to regular session at 9:20P.M. **All** voted **Aye** on **Roll Call Vote**.

Archives at the Municipal Township Garage

Committeewoman Niemann discussed the work to be constructed at the Kingwood Public Works Garage for the enclosure of the archives in the upper level of the building.

ADJOURNMENT

It was moved by Mr. Lubitz, seconded by Mrs. Niemann and carried to adjourn the meeting at 9:21P.M. **All** voted **Aye** on **Roll Call Vote**.

Respectfully submitted,

Cynthia L. Keller, RMC
Deputy Clerk