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**October 5, 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, Engineer Thomas Decker, Planner David Banisch, 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 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.**

**ORDINANCE**

**ORDINANCE NO. 16-16-2010 TO AMEND THE LAND USE REGULATIONS OF THE TOWNSHIP OF KINGWOOD, SPECIFICALLY “ZONING, CHAPTER 132” 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 7<sup>th</sup> day of September, 2010. The Ordinance was published in the Hunterdon County Democrat on September 23<sup>rd</sup>, 2010 and has been posted in the Kingwood Township Municipal Building on September 8, 2010. Copies of the Ordinance have been available for inspection by the public since September 8, 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:

Mayor James Burke thanked everyone for attending the meeting. He noted that the Township Committee members are very “open minded” with all of their ordinances. Mayor Burke would like to give everyone a chance to comment, therefore, he has put a three minute time limit for each person to comment. Mayor Burke introduced the Township’s Planner David Banisch to explain and give an overview of where the ordinance started, and the reasons why this ordinance is needed.

Planner David Banisch explained the application of conditional uses in the ordinance, what the ordinance does, and the natural resources and farmland preservation objectives of the Township. He referred to several sections of the Master Plan, and the standards the Planning Board must utilize when considering the application.

John Van Dalen, Esq., Representative from Sundance Capital LLC.- Reviewed a letter he recently sent on October 1, 2010 to the Township Committee members regarding objections to the proposed Solar Ordinance No. 16-16-2010. He stated that they are in the process of obtaining property, and planning solar installations. He commented on moving toward cleaner, alternative forms of energy. He also mentioned several laws and documents on Federal and State levels that support development of alternative energy power generation. He feels that the provisions of the ordinance effectively prohibit major solar development.

At approximately 7:30PM, Deputy Mayor Lubitz excused himself from the meeting. He stated that he would have to be away for approximately forty five minutes for personal reasons.

Gene McColligan, Representative from Sundance Capital LLC. - Mr. McColligan gave the Committee members and the professionals a picture of what their solar farm will look like. He commented on sections of the prime farmland, and farmland of statewide significance. He also showed a map of the Township’s properties and noted that 98 to 99% of Township land falls into riparian buffers and other environmentally sensitive lands. He noted that about 75% of the land in the Township has endangered or threatened species. He also commented on the 300 foot buffers, and the floodplains. He feels that the ordinance completely prevents solar placement, and also commented on stormwater and wastewater regulations.

Kathy Kolvites, Slacktown Road - Supports the ordinance, and expressed that she would hate to see Kingwood lose the farmland.

Nick Casello, International Brotherhood of Electrical Workers – Present to support the the applicants who are presenting the proposed solar panels. He asked the Township Committee to be responsible by adopting this ordinance.

Ashley Tice, present for Walter Wilson, Representative from Garden Solar LLC – Present to submit a letter in support of Sundancer LLC. She stated that she opposes the ordinance presented.

David Frank, Muddy Run Road - Asked the Township professionals several questions. Planner David Banisch, and Engineer Thomas Decker responded. Mr. Frank also asked about threatened and endangered species of areas that are currently being farmed. Mr. Frank feels that the ordinance is very controlled and that it will be very difficult to manage in the future.

Ann Hall, Muddy Run Road – Feels that this will be an impact on the environment. She also feels that in 20 years there will not be much farmland existing. She noted that she is in favor of solar panels in the Township.

Charles Graybar, Chief Executive Official of Sundance Capital – Wanted to explain and clear up some misunderstandings regarding the solar panels. He talked about the power lines, and their access along Route 12. He gave an example of another Township, East Amwell, which designed a specific area that consisted of a four to five square mile zone that solar panels could be constructed only within those zones. He stated that there will not be more than 5 or 6 solar farms with 15 to 20 megawatts in Kingwood Township before it became economically unfeasible for a solar developer. Mayor Burke asked if there were any other comments from the public.

It was moved by Mrs. Niemann, Mayor Burke stepped down from the Chair and carried the motion to close the public comment portion of the hearing. **All voted Aye on Roll Call Vote**, except Deputy Mayor Lubitz, who was absent.

It was moved by Mrs. Niemann, Mayor Burke stepped down from the Chair and carried the motion to table Ordinance No. 16-16-2010, and refer the ordinance to the Kingwood Township Planning Board for further review.

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

Chris Tarricone – Wells Fargo Insurance Services

Mr. Tarricone explained the process of renewing insurance, and where the Township stands at this time in the process. He explained that the Township's three year term will be expiring at the end of this year 2010. He explained that he has submitted several different applications to six different markets with other options with joint insurance funds.

He explained that he researched the information to give the Township the best available opportunities to compare, and determine to be the best renewal for the Township. He noted that when he receives all the information, he will put it all on a spread sheet and review everything with the Township Committee. Several questions were reviewed with Mr. Tarricone. He explained that he should be receiving the information by the end of November, and will present all the information to the Committee members at their meeting in December.

Deputy Mayor Phil Lubitz returned to the meeting at approximately 8:10PM. Mayor Burke and Committeewoman Niemann explained to Deputy Mayor Lubitz what they had already discussed.

### **CORRESPONDENCE**

Letter from Hunterdon Cty. Freeholder Walton re: Shared Services

Mayor Burke reviewed.

Letter from HART Commuter Inf Servs re: Speed Sentry Road Sign

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 \$1,111,343.60 that are in order and attached as Bill List for October 2010.

<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>

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

No public comments at this time.

### **REPORTS**

Tax Collector's Report of August 2010  
Municipal Court Report of August 2010  
Construction Reports of September 2010  
Township Engineer's Monthly Report

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Engineer Thomas Decker was present and reviewed his report. He reported on the well aquifer testing at the Ukarish Farm, Spring Hill Road, and Tumble Fall Road progress.

**Recommendation for Award of Guiderail Installation Bid – Res. No. 2010-110**

Engineer Decker reviewed his letter of recommendation of three bids that were received by the Township for guiderail installation. The bids were the following:

J. Fletcher Creamer & Son Inc. 101 East Broadway Hackensack NJ 07601-6846	Bid	\$28,280.00
Highway Safety Systems 716 Whitehorse Pike Hammonton NJ 08037	Bid	\$31,240.00
Road Safety System, LLC 1 Linda Lane, Suite D Vincentown NJ 08088	Bid	\$31,395.00

Engineer Decker noted that after reviewing the bids, it was determined the bid package as submitted by the apparent low bidder, J. Fletcher Creamer & Son, is responsive and complete.

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2010 - 110**

**RESOLUTION TO AWARD BID FOR TUMBLE FALLS ROAD  
GUIDERAIL INSTALLATION**

**WHEREAS**, Kingwood Township advertised for and received bids for Tumble Falls Road Guiderail Installation; and

**WHEREAS**, the bids were reviewed by the Township Engineer as is reflected in his report of October 5, 2010, and were also reviewed by the Township Attorney; and

**WHEREAS**, according to the report of the Township Engineer dated October 5, 2010, and attached hereto as Exhibit A, as well as the review of the Township Attorney, the lowest responsible bidder is J. Fletcher Creamer & Son, as set forth in Exhibit A.

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

- 1. The contract for item #1, Steel Post and Beam Guiderail at the unit price of \$17.00/lf (Total \$24,480.00) is hereby awarded to J. Fletcher Creamer & Son.
- 2. The contract for item #2, Guiderail Breakaway Terminus at the unit price of \$950.00 each (Total \$3,800.00) is hereby awarded to J. Fletcher Creamer & Son.

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>- Niemann, Lubitz, Burke</b>
	<b>Nay</b>	<b>- None</b>
	<b>Abstain</b>	<b>- None</b>
	<b>Absent</b>	<b>- None</b>

**Reports Continued**

- Zoning Permits Reports of September 2010
- General Code Enforcement Report of September 2010
- Animal Control Report
- Dog License Reports
- Budget Report
- NJBPU Clean Energy Program Grant

Committeewoman Elaine Niemann explained the availability of the grant, which would be up to 50,000 to upgrade the lighting and other areas in need in Township owned buildings. She explained that she gave the auditor who works for a contracting company a tour of the buildings and properties to see what would be covered 100% from grant funds. She stated that they would also make a list of all the items that need to be repaired or replaced, which are not covered by the grant to see if it would be beneficial for the Township to spend the funds. Mrs. Niemann explained all the items that would be covered by the grant.

**FUTURE MEETINGS AND ACTIVITIES**

Mayor Burke reviewed as per the Agenda.  
Committeewoman Niemann noted that the regular monthly meeting for the Township Committee was scheduled in the beginning of the year on Monday, November 1, 2010, due to Tuesday, November 2<sup>nd</sup> Election Day.

**ORDINANCES**

**Ordinance No. 16-17-2010 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**

Township Clerk Mary E. MacConnell explained that this ordinance was scheduled to be introduced after the solar ordinance No. 16-16-2010 was adopted. Since Ordinance No. 16-16-2010 has been tabled at this time and recommended to be sent to the Planning Board for further review, Mayor Burke noted that Ordinance No. 16-17- 2010 will also be tabled.

**ORDINANCE**

**ORDINANCE NO. 16-18-2010 AN ORDINANCE AMENDING ORDINANCE NO. 16-07-2010 FIXING THE SALARIES AND COMEPATION OF THE VARIOUS OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF KINGWOOD IN THE COUNTY OF HUNTERDON AND STATE OF NEW JERSEY** – Introduction and Adoption on First Reading

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

It was moved by Mrs. Niemann, seconded by Mr. Lubitz and carried to adopt on first reading **ORDINANCE NO. 16-18-2010 AN ORDINANCE AMENDING ORDINANCE NO. 16-07-2010 FIXING THE SALARIES AND COMEPATION OF THE VARIOUS OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF KINGWOOD IN THE COUNTY OF HUNTERDON AND STATE OF NEW JERSEY.**

<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 Monday, November 1, 2010 at a meeting beginning at 7:00 P.M. at the municipal building.**

**RESOLUTIONS**

**Resolution No. 2010-111 - Farmland Preservation Bl 26 L 24**

The following Resolution was introduced:

**RESOLUTION NO. 2010 – 111**

**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 Ecker farm (Block 26 Lot 24) is a sixty one acre farm almost totally surrounded by preserved farmland, and scored well on the top ranking scale; and

**WHEREAS**, the Hunterdon Land Trust Alliance is working with the Ecker family in an attempt to add this farm to the block of preserved land; and

**WHEREAS**, the Hunterdon Land Trust Alliance would need funding assistance from Kingwood Township in order to complete this project;

**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:

Ecker                      Bl 26 L 24                      61 acres                      (at a price to be determined on appraisal)

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 No. 2010-112 - Farmland Preservation Bl 5 L 4.03**

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2010 – 112**

**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 Gross farm (Block 5 Lot 4.03) is approximately sixty acres of cropland adjoining the Zander farm, which is seeking preservation through the County; and ; and

**WHEREAS**, the Gross farm meets all local, County and State requirements for farmland preservation; and

**WHEREAS**, the Gross family is applying for farmland preservation 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:

Gross                      B1 5 L 4.03                      60 acres                      (at a price to be determined on appraisal)

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**

**Resolution No. 2010-113 - Farmland Preservation B1 20 L 7**

**RESOLUTION NO. 2010 – 113**

**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 Tozzi farm (Block 20 Lot 7) is fifty five acres of cropland and pasture which scored highly on this year’s top ranking list; and

**WHEREAS**, the owners have requested that this farm be included in the 2011 Kingwood PIG Application for farmland preservation;

**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:

Tozzi                      Bl 20 L 7                      55 acres                      (at a price to be determined on appraisal)

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>

Open Space/Farmland Coordinator Liz Schmid briefly reviewed the three farms that have applied for Farmland Preservation.

**NEW BUSINESS**

**Request for Use of Old Fairview School – Amy Weckesser**

Amy Weckesser was present to address the Committee members to speak to them regarding possibly renting the Old Fairview School House for a pre-school/daycare center during the daytime hours. She handed out a business plan that she had prepared to review with the Committee members. She explained that she would be able to pay the Township \$640.00 per month, or \$12 per sq. foot, plus utilities. She would provide general liability insurance and would also be responsible for routine maintenance, such as, daily cleaning, lawn maintenance, snow removal, and play ground maintenance. She explained that she would need access to the building for improvements and to setup the appropriate equipment in the spring/summer of 2011. She explained that she would like an opening date of September 2011. She noted that an inspector would need to come and inspect the building in the near future. The Committee members discussed the concerns and problems they have had with other tenants, the costs for keeping the building open and running, and whether it would interfere with the Historical Society in any way. Debra Stryker, a member of the Historical Society was present and addressed Mrs. Weckesser by asking several questions regarding her plans for her pre-school/daycare center. There was a discussion also regarding how the Historical Society would feel about renting this out full time, and how they would feel if any of their materials would be moved around or changed inside the building. There were several comments from the public about their concerns regarding the Historical Society’s displays. Mayor Burke and the Secretary for Parks and Recreation Cynthia Keller responded. Attorney Kopen will research whether public bidding will be required for the leased space, should the Township decide to proceed with permitting its full time use by tenant.

The Committee members all agreed this may be a possible consideration for a pre-school/daycare center, due to the fact that the cost has been extremely high to keep it up and running. Mayor Burke noted that this will all go into consideration before any decisions are made.

It was moved by Mr. Lubitz, seconded by Mrs. Niemann and carried to allow an inspection to be completed on the Old Fairview School House building for the possible use for a pre-school/daycare center.

<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>

Request from Zoning Officer – Zoning Map

The Township’s Zoning Officer Michael DeSapio was present to request that the Township have a new and updated clear zoning map constructed. He explains that he needs to hand them out to the residents, and also for his own use as Zoning Officer. Mayor Burke stated that he will contact the Township Engineer regarding a new zoning map.

Hepatitis Inoculation Fund Reimbursement for Rescue Squad

Township Clerk Mary E. MacConnell explained that the Township has participated in projects such as this in the past with the Rescue Squad. She explained that they will provide all the information to her so that she can submit a letter for reimbursement.

It was moved by Mrs. Niemann, seconded by Mr. Lubitz and carried to approve for the Kingwood Township Rescue Squad to submit an application for hepatitis inoculation reimbursement to the Kingwood Township Clerk.

<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>

Applications for Raffle Licenses – Project Graduation HCRHS:  
50/50 Cash Raffle/Trick Tray

The Township Clerk reviewed the application submitted by Project Graduation HCRHS for a raffle license and noted that everything was in order.

It was moved by Mrs. Niemann, seconded by Mr. Lubitz and carried to approve an application for a raffle license to Project Graduation HCRHS for a 50/50 Cash Raffle to be conducted on November 14, 2010 at Razberry’s Banquet and Conference Center from 11:30AM – 4:00PM in Kingwood Township.

<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>

It was moved by Mr. Lubitz, seconded by Mrs. Niemann and carried to approve an application for a raffle license to Project Graduation HCRHS for a Tricky Tray Raffle to be conducted on November 14, 2010 at Razberry’s Banquet and Conference Center from 11:30AM – 4:00PM in Kingwood Township.

<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>

Designate Trick-or-Treat Hours

The Committee members discussed times for Halloween trick-or-treating on Sunday, October 31, 2010. The Committee members all agreed that the time for trick-or-treating in Kingwood Township would be set from 5:00PM – 8:00PM.

New Recording Equipment For Meeting Room

Committeewoman Elaine Niemann explained the reasons for the replacement of the recorder and the benefits of a digital recorder for all areas of the Township. She explained that the current Court recorder no longer is working and the Township must replace it with a new recorder. She explained that after a demonstration of the equipment, all departments that will be using the recorder have agreed that this would be the best for the Township. She explained that the system will be ordered and hopefully be installed by the middle of October. Committeewoman Niemann explained that part of the cost will be offset by Milford’s share for the use of the Court expenses.

Appointment of New Member to Housing Board

Deputy Mayor Phil Lubitz explained that a resident of Kingwood, Cynthia Ostergaard is very interested in becoming a member of the Housing Board. Mr. Lubitz explained that there is currently an opening on the Board. He recommends that Mrs. Ostergaard be appointed to the Housing Board.

It was moved by Mr. Lubitz, seconded by Mrs. Niemann and carried to appoint Cynthia Ostergaard to the Kingwood Township Housing Board with a term to expire on 12/31/2010.

<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>

**Eagle Scout - Resolution No. 2010-115**

**RESOLUTION**

The following Resolution was introduced:

**Resolution No. 2010 - 115**

*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 November 13, 2010, Boy Scout Cory Snyder, 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, Cory has worked through different levels of scouting including the brotherhood of the order of the arrow; and*

*Whereas, Cory continues to give back to younger scouts by serving as a den chief to a Cub Scout webelos den; and*

*Whereas, Cory was inspired to create water environment for black bears being rehabilitated at the Woodland Wildlife Center as his Eagle Scout project, devoting 350 hours to the project and raising 3,000 dollars in donations ; and*

*Whereas on November 13, 2010 a Court of Honor will be convened for the purpose of bestowing upon Cory Snyder the highest honor of Scouting, after which, and for the rest of his life, Cory will carry the title of EAGLE SCOUT; and*

*Whereas, EAGLE SCOUT CORY SNYDER 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 5<sup>th</sup> day of October 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 Cory Snyder.*

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>

### **OLD BUSINESS**

#### Department of Public Works Roof Snow Stops Quotations

Clerk MacConnell reported that she has not received additional quotes as of this month.

#### Telephone System at Municipal Bldg. Quotation

Clerk MacConnell reported that she has not heard anything further at this time.

### **MINUTES**

#### September 7, 2010 Regular Meeting

It was moved by Mr. Lubitz, seconded by Mrs. Niemann and carried to adopt the September 7, 2010 Regular Township Committee meeting minutes.

Comments: None

<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>

September 7, 2010 Executive Session (7:25pm – 7:35pm)

It was moved by Mr. Lubitz, seconded by Mrs. Niemann and carried to adopt the September 7, 2010 Executive Session meeting minutes (7:25pm – 7:35pm).

Comments: None

<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>

September 7, 2010 Executive Session (8:55pm – 9:20pm)

It was moved by Mr. Lubitz, seconded by Mrs. Niemann and carried to adopt the September 7, 2010 Executive Session meeting minutes (8:55pm – 9:20pm).

Comments: None

<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>

Zoning Officer – Resolution No. 2010 - 116

The Township’s Zoning Officer Michael DeSapio received a Rice Notice from the Township Committee. Mr. DeSapio has chosen to have any discussions about his work held in Open Session. Attorney Judith Kopen explained that there are situations when the Zoning Officer may have a conflict of interest. She noted that the term is defined under the New Jersey Statutes under the Municipal Ethics Law 40A:9-22.5. Attorney Kopen explained the reasons for this discussion. She explained that after the Zoning Officer has reviewed a situation, if he puts in writing that he has a conflict with that specific situation, the Township Committee could then authorize the General Code Enforcement Officer to act as the Zoning Official, in that matter. If the Zoning Officer has put in writing that he has no conflict or if he puts nothing in writing as to a conflict of interest, then at that time the Township Committee could request that the Township Attorney make a determination to advise them as to whether a conflict exists, and the Township Committee could then authorize the General Code Enforcement Official to act as the Zoning Official in that specific situation. She explained that this is authorized by Kingwood Township’s Ordinance Section 31- 51, which gives the General Code Enforcement Officer the power to serve as the Zoning Officer in the Township in certain circumstances. Attorney Kopen noted that the existence of a conflict is no reflection on the Zoning Officer’s performance of his duties. Michael DeSapio was present, and requested a copy of the Statute from Attorney Kopen.

Attorney Kopen suggested that after Michael DeSapio reviews the Statute, that he indicate to the Township Committee whether or not he believes a conflict exists in the case of Chris' Citgo.

Deputy Mayor Phil Lubitz noted that last year he arranged for an ethics training here at the Township. He explained that the Township Committee was hoping that all the professionals would have taken that course, and stated that many of the volunteers did take the course. Mr. Lubitz stated that a list was submitted to the Governor's office regarding best practices for municipal government, and how important it is to have your municipal employees attend and achieve ethics training. Deputy Mayor Lubitz stated that he would like the Township to adopt a policy in resolution form stating that all the professionals and municipal employees must receive ethics training as a requirement for their position. Mayor Burke noted that a resolution will be created as requested by Deputy Mayor Lubitz.

Mayor Burke asked the Township Attorney for a time line for making a decision to allow the General Code Enforcement Official to act as Zoning Officer if a situation exists. Attorney Kopen stated that the Township Committee members would adopt a resolution indicating that the Township's General Code Enforcement Officer be appointed as the acting Zoning Officer in situations where there is a conflict of interest for the Zoning Officer. She stated that in the absence of written notification of a conflict by the Zoning Officer, the Township Committee can ask the Township Attorney to determine if the Zoning Officer has a conflict. Attorney Kopen noted that she has thoroughly reviewed this situation, and finds there is definitely a conflict of interest for the Zoning Officer in the case of Chris's Citgo, as the Zoning Officer's father represents Chris' Citgo as attorney. Therefore, she is recommending the Township Committee adopt a resolution authorizing the General Code Enforcement Officer act as Zoning Officer in the case of Chris' Citgo.

### **RESOLUTION**

The following Resolution was introduced:

#### **RESOLUTION NO. 2010 – 116**

#### **A RESOLUTION OF THE TOWNSHIP OF KINGWOOD, COUNTY OF HUNTERDON, STATE OF NEW JERSEY REGARDING AUTHORIZATION FOR TOWNSHIP CODE ENFORCEMENT OFFICER TO ACT AS TOWNSHIP ZONING OFFICER WHERE CURRENT TOWNSHIP ZONING OFFICER HAS A CONFLICT OF INTERESTS**

**WHEREAS**, the Township of Kingwood, by way of Resolution No. 2010-02A, appointed Michael DeSapio as Township Zoning Officer for a one year term; and

**WHEREAS**, the Township of Kingwood, by way of Resolution No. 2010-02A, appointed William Sidote as Township General Code Enforcement Officer; and

**WHEREAS**, from time to time, situations arise wherein the Township Zoning Officer has a conflict of interest as the same is described in N.J.S.A. 40A:9-22.5 et. seq., and is, therefore unable to act in a particular matter; and

**WHEREAS**, The Code of the Township of Kingwood, in section 31-51, states that the General Code Enforcement Officer may serve as the Zoning Officer of the Township; and

**WHEREAS**, the Township needs to be able to take all necessary and proper actions in regard to alleged zoning violations.

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

1. In those matters in which the Township Zoning Officer has a conflict of interest as the same is described in N.J.S.A. 40A:9-22.5 et. seq., and is, therefore unable to act in that particular matter, the Township authorizes the General Code Enforcement Officer of the Township of Kingwood to act as Zoning Officer of the Township of Kingwood for any and all necessary and proper actions related to alleged zoning or site plan violations, including but not limited to, enforcement actions related to Chapter 132 of the Code of the Township of Kingwood.

2. In all matters in which the General Code Enforcement officer acts as the Zoning Officer, he shall issue any correspondence, summonses, citations, or any and all documentation as Acting Zoning Officer.

3. The final determination as to the existence of a conflict shall be made by 1) written statement of conflict from the Township Zoning Officer, or 2) in the absence of a written statement from the Township Zoning Officer, the opinion of the Township Attorney.

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>

Executive Session – Resolution No. 2010-114

The following Resolution was introduced to enter into closed session at approximately 9:25 P.M.:

**RESOLUTION NO. 2010 – 114**

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

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

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

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

**Potential Conflicts Regarding Zoning Violations – Zoning Officer,  
General Code Enforcement Officer  
Potential Litigation – Lezak BI 8 L 40  
Litigation – Abel Complaint**

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 10:05P.M. **All voted Aye on Roll Call Vote.**

**ADJOURNMENT**

It was moved by Mrs. Niemann, seconded by Mr. Lubitz and carried to adjourn the meeting at 10:06 P.M. **All voted Aye on Roll Call Vote.**

**Respectfully submitted,**

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