

2010 - 271

December 7, 2010

A Regular Meeting of the Kingwood Township Committee was called to order at 7:02 P.M. with Mayor Burke presiding.

Also present at the meeting were Deputy Mayor Lubitz, Committeewoman Niemann, Attorney Kopen, C.F.O. Diane Laudenbach, Clerk MacConnell and Deputy Clerk Keller. Mayor Burke called the meeting to order and following the salute to the flag 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 to the Hunterdon County Democrat and the 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.**

**2011 Insurance Renewal – Chris Tarricone**

Mayor Burke introduced Mr. Chris Tarricone from Wells Fargo Insurance Services Northeast Inc. to discuss the Township's 2011 insurance renewal. Mr. Tarricone was present and handed out information. He discussed a summary of the comparison of markets, which were three standard and two joint. He noted that all three standard declined to quote because they didn't feel that they could be competitive. He stated that it came down to two proposals, PAICF and Statewide, and reviewed each one. The Committee members had many questions regarding each company and their coverage. Mr. Tarricone will obtain more information as requested by the Township Committee, and will return to discuss insurance renewals at the Township Committees next months meeting.

**CORRESPONDENCE**

Memo & Copy of Resolution from Readington Twp. re: Opposition to County Logging Plan

Mayor Burke reviewed.

**2010 - 272**

Letter from Cty Dept of Health re: Register Ready Program & Demonstration

Mayor Burke reviewed.

Letter from Meals on Wheels re: Request for Donation

Mayor Burke reviewed.

Habitat for Humanity Newsletter

Mayor Burke reviewed.

Memos from County Cultural & Heritage Commission re: Protection of Historic Structures

Mayor Burke reviewed.

**RESOLUTION**

**Resolution No. 2010-122 – 2010 Budget Appropriation Transfers**

The following Resolution was introduced:

**RESOLUTION NO. 2010- 122**

**2010 BUDGET APPROPRIATION TRANSFERS**

**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 make the following transfers within the 2010 Budget Appropriations:

| FROM ACCOUNT              | TO ACCOUNT   | AMOUNT             |
|---------------------------|--------------|--------------------|
| 120-0650-101              | 120-0050-299 | \$6,000.00         |
| 120-0650-101              | 120-1300-460 | \$500.00           |
| 120-0650-101              | 120-1300-420 | \$1,500.00         |
| 120-0650-101              | 120-0400-302 | \$2,050.00         |
| <b>TOTAL TRANSFERRED:</b> |              | <b>\$10,050.00</b> |

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

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

**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 \$734,954.60 that are in order and attached as Bill List for December 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**

Sandra McNicol, Oak Grove Road - Noted that she was present to inform the Committee members that the Well Subcommittee met and discussed some changes to the well ordinance, and also referred several questions to the Township Attorney, which they discussed. She stated that the subcommittee will be giving a presentation at the next Board of Health Meeting, which is the third Wednesday of each month at 8:00PM. Sandra McNicol also stated that the subcommittee discussed a septic ordinance for the Township, which was a sample of several ideas from other nearby Townships, which the Township’s Engineer provided for them to review. Sandra McNicol also thanked all of the Committee members for their hard work and dedicated service for everything that they have done for the Township and the residents in 2010.

Position for Board of Adjustment

Committeewoman Elaine Niemann introduced Mr. Tom Ciacciarelli, who was present at the meeting. She stated that he has expressed interest in volunteering as a member on the Board of Adjustment. She noted that there will be an opening on the Board, and would be very happy to have Mr. Ciacciarelli as a member. The Township Committee will be appointing Tom Ciacciarelli as a member of the Board of Adjustment in January 2011 at the reorganization meeting. The Committee members thanked Mr. Ciacciarelli for coming to the meeting to meet everyone, and look forward to having him serve for Kingwood Township.

Greg Keibler, County Route 519 Asked who to contact regarding the conduction of the most recent elections last month. He expressed that he has an issue with the laid back nature of identifying respective voters. He explained that he has moved from the Midwest the State of Michigan, and was never once allowed to vote with out his voter registration card and driver's license picture ID. He stated that he loves a lot of the laid back things in the area, but not the voting. Mr. Keibler was referred to the Hunterdon County Board of Elections and County Clerk. He also commented on his opinion of the campaign signs.

## **REPORTS**

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

Tax Collector's Report of October 2010

Municipal Court Report of October 2010

Construction Reports of November 2010

Township Engineer's Monthly Report

Zoning Permits Report of November 2010

General Code Enforcement Reports of October 2010 & November 2010

Mayor Burke stated that Barbertown Point Breeze Road has been made part of the grant for Kingwood Station Barbertown Road and down to Route 29. Deputy Mayor Lubitz noted that he would like to receive the Engineers report in a more timely fashion, so that the Committee members would have time to review the report before the meeting.

Animal Control Report

Dog License Reports

Budget Report

PARIS Grant

Clerk MacConnell briefly reported what the PARIS Grant was all about.

Mayor Burke noted that he has found someone to work on the medal studs at the Township Garage records file room. The Committee members thanked Clerk MacConnell for her explanation of the PARIS Grant.

## **FUTURE MEETINGS AND ACTIVITIES**

Mayor Burke reviewed as per the Agenda.

Schedule Reorganization Meeting & January Monthly Meeting

Committeewoman Niemann suggested moving the Township Committee meetings to the first Thursday of each month starting in 2011. She explained that this is to accommodate the public by having all office departments open and to have all the Township officials available on Tuesday evenings for the residents. She noted that the goal is to have all committees, commissions and board meetings to start at the same time, which would be 7:00P.M.

2010 - 275

It was moved by Mrs. Niemann, seconded by Mr. Lubitz and carried to schedule the Township Committee Reorganization meeting on Tuesday, January 4, 2011 at 6:00P.M. and for the first regular Township Committee meeting to be scheduled on Thursday, January 6, 2011 at 7:00P.M.

|                        |                |   |                               |
|------------------------|----------------|---|-------------------------------|
| <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>                   |

**ORDINANCES**

**ORDINANCE NO. 16-16-2010 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 VOL. 16, PG. 16-16** – Public Hearing and Final Adoption

Mayor Burke read aloud the ordinance by title, which was then introduced:

This Ordinance was introduced and adopted on first reading at a meeting of the Kingwood Township Committee on the 1<sup>st</sup> day of November, 2010. The Ordinance was published in the Hunterdon County Democrat on November 18, 2010 and has been posted in the Kingwood Township Municipal Building on November 15, 2010. Copies of the Ordinance have been available for inspection by the public since November 15, 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:

Lee Frank, Tumble Idell Road Stated that he read the ordinance and feels the focus is 99% on trees, bushes, heights, but nothing about safety. He feels that there are no safety standards and that the focus needs to be changed from aesthetics to safety. He also feels that the Township’s Fire Department, Rescue Squad and Public Works Department should be included, and also feels that the Township owes it to the public to see that it is safe. Committeewoman Niemann responded regarding the Planning Board completeness review.

Adam Belle, Barbertown Point Breeze Road Asked the Committee members many questions regarding rationale behind concrete footings, grade of prime farmlands, construction of berms, standard height requirements, buffers, BP Zoning on 20 acres, and 50’ setbacks. Mayor Burke and Committeewoman Niemann responded.

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. 16-16-2010 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.**

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

**ORDINANCE**

**ORDINANCE NO. 16-18-2010 AN ORDINANCE TO PROVIDE FOR THE RENOVATIONS TO THE MUNICIPAL BUILDING AS A GENERAL IMPROVEMENT FOR THE TOWNSHIP OF KINGWOOD IN THE COUNTY OF HUNTERDON AND STATE OF NEW JERSEY AND APPROPRIATING \$5,600.00 FROM THE CAPITAL IMPROVEMENT FUND RESERVE FOR RENOVATIONS TO MUNICIPAL BUILDING VOL. 16, PG. 16-18 - Public**

Hearing and Final Adoption

Mayor Burke read aloud the ordinance by title, which was then introduced:

This Ordinance was introduced and adopted on first reading at a meeting of the Kingwood Township Committee on the 1<sup>st</sup> day of November, 2010. The Ordinance was published in the Hunterdon County Democrat on November 11, 2010 and has been posted in the Kingwood Township Municipal Building on November 9, 2010. Copies of the Ordinance have been available for inspection by the public since November 9, 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. 16-18-2010 AN ORDINANCE TO PROVIDE FOR THE RENOVATIONS TO THE MUNICIPAL BUILDING AS A GENERAL IMPROVEMENT FOR THE TOWNSHIP OF KINGWOOD IN THE COUNTY OF HUNTERDON AND STATE OF NEW JERSEY AND APPROPRIATING \$5,600.00 FROM THE CAPITAL IMPROVEMENT FUND RESERVE FOR RENOVATIONS TO MUNICIPAL BUILDING.**

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

**ORDINANCE**

**ORDINANCE NO. 16-19-2010 AN ORDINANCE AMENDING ORDINANCE NO. 16-07-2010 FIXING THE SALARIES AND COMPENSATION OF THE VARIOUS OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF KINGWOOD IN THE COUNTY OF HUNTERDON AND STATE OF NEW JERSEY** – Introduction and Adoption on First Reading

Mayor Burke read aloud the ordinance 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. 16-19-2010 AN ORDINANCE AMENDING ORDINANCE NO. 16-07-2010 FIXING THE SALARIES AND COMPENSATION OF THE VARIOUS OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF KINGWOOD IN THE COUNTY OF HUNTERDON AND STATE OF NEW JERSEY.**

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

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

**ORDINANCE**

**ORDINANCE NO. 16-20-2010 AN ORDINANCE OF THE TOWNSHIP OF KINGWOOD, COUNTY OF HUNTERDON, STATE OF NEW JERSEY REGARDING AUTHORIZATION TO RENAME READING ROAD** – Introduction and Adoption on First Reading

**2010 - 278**

Mayor Burke read aloud the ordinance by title, which was then introduced:

A letter of request from Mr. Michael New, who is a Township resident, was distributed to the Committee members.

It was moved by Mrs. Niemann, seconded by Mr. Lubitz and carried to adopt on first reading **ORDINANCE NO. 16-20-2010 AN ORDINANCE OF THE TOWNSHIP OF KINGWOOD, COUNTY OF HUNTERDON, STATE OF NEW JERSEY REGARDING AUTHORIZATION TO RENAME READING ROAD.**

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

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

**RESOLUTIONS**

The following Resolution was introduced:

**RESOLUTION NO. 2010 – 123**

**HUNTERDON COUNTY MUNICIPAL GRANT PROGRAM ALLOCATION**

**WHEREAS**, the Township of Kingwood has been allocated an amount in the Hunterdon County Open Space, Recreation, Farmland and Historic Preservation Trust Fund Municipal Grants Program for the year 2009;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Kingwood, County of Hunterdon, State of New Jersey to request the County to bank and reserve the funds allotted in the year 2009 of \$32,226.23 in the Municipal Grant Program, due to the Township’s intention to preserve Block 7 Lot 6 in the Township, with such project intended to be completed by December 31, 2012.

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>-</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>                   |



**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2010 - 124**

**A RESOLUTION AUTHORIZING PURCHASE FROM THROUGH THE COUNTY OF HUNTERDON**

**WHEREAS**, Kingwood Township has a need for certain goods and services that are offered through cooperative pricing with the County of Hunterdon; and

**WHEREAS**, N.J.S.A. 40A:11-10 and 11-11 authorize a municipality to enter into cooperative pricing agreements with a County for the provision of goods and services through a County, rather than through public bidding; and

**WHEREAS**, the Township of Kingwood is a member of the County of Hunterdon Cooperative Pricing System.

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

1. The Township of Kingwood, as a member of the Hunterdon County Cooperative Pricing, hereby authorizes the purchase of Snow and Ice Control Materials from the low bidder for these items, International Salt Company, LLC, per the bid amounts set forth in correspondence from Hunterdon County dated November 17, 2010, attached hereto and made a part hereof as Exhibit A.

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

The Committee members briefly discussed the resolution with C.F.O. Diane Laudenbach and made a few changes to the wording.

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

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2010 – 125**

**REQUESTING THE HUNTERDON COUNTY FREEHOLDERS ENGAGE IN AN ANALYSIS OF MUNICIPAL SERVICES**

**WHEREAS**, the cost of operating school districts generally represents the largest component of property owners’ overall property tax bills; and

**WHEREAS**, in other States it is common for police, fire and rescue services, as well as schools, to be operated by county rather than municipal government; and

**WHEREAS**, there are twenty-six municipalities in Hunterdon County; and

**WHEREAS**, State policies favor the sharing of services among public entities; and

**WHEREAS**, for those municipalities that maintain local police departments the cost of operating local police departments generally represents the largest part of the municipal component of the overall property tax bill;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey that the Hunterdon County Board of Chosen Freeholders is hereby encouraged to seek grant money from the State of New Jersey to conduct an analysis of all government services including police, fire and rescue services and school districts within Hunterdon County to determine whether any significant economies or efficiencies could be gained through the operation of said services by Hunterdon County rather than individual municipalities; and

**BE IT FURTHER RESOLVED** that a true copy of this Resolution shall be sent to the Hunterdon County Board of Chosen Freeholders and all Hunterdon County municipalities.

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

Deputy Mayor Lubitz noted that this resolution came from a meeting on shared services, and how the County is going to receive State funds for a study. He explained that they need encouragement and support from the Townships and the County.

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

**RESOLUTION**

The following Resolution was introduced:

**REFUND OF THIRD QUARTER PAYMENT**

**WHEREAS**, PNC Mortgage paid the third quarter tax installment for Block 23, Lot 13 in the amount of \$2056.57 and for Block 23, Lot 13 Q0194 in the amount of \$62.01; and

**WHEREAS**, PNC Mortgage has requested a refund of the above amounts;

**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 PNC Mortgage, PO Box 1804, Dayton, OH, 45401 in the amount of \$2,118.58.

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

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

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2010 – 127**

**RETURN OF SECURITY**

**WHEREAS**, Dennis Brass paid a security deposit in the amount of \$630.00 for rental of a unit at 254 Union Road; and

**WHEREAS**, Dennis Brass will be vacating the unit on December 1, 2010 and has requested a refund of the security deposit originally paid.

**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 of the original amount paid for the security deposit, \$630.00, plus the interest accrued since the posting of such deposit in the amount of \$14.26.

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

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

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2010 – 128**

**SUPPORTING CURRENT STAFFING LEVELS AT  
HUNTERDON COUNTY PLANNING DEPARTMENT**

**WHEREAS**, the vast majority of Hunterdon County residents support farmland preservation, as indicated by the continued approval of the County Open Space Tax; and

**WHEREAS**, farmland and open space preservation protects water supply, high quality soils, wetlands and the quality of life; and

**WHEREAS**, preservation ultimately helps to keep taxes down in the County and municipalities by controlling growth, thereby limiting the need for increased services; and

**WHEREAS**, the Hunterdon County Planning Department staff is crucial to the continuing success of farmland preservation in the County; and

**WHEREAS**, any cut in Planning Department staff would severely impair County and Municipal farmland preservation efforts; and

**WHEREAS**, State cap regulations will make it very difficult to replace staff once they are lost;

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey supports the current staffing levels at the Hunterdon County Planning Department and hopes that the Hunterdon County Freeholders will continue staffing at this level.

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

Committeewoman Niemann noted that this was discussed at the Open Space/Agriculture Advisory Committee meeting, and that the majority of these Committees recommended to the Township Committee to support the resolution.

Deputy Mayor Lubitz stated that he feels that the County has the right to determine how to allocate their personnel and is more interested in the functions of the personnel. He also feels that the resolution should be rewritten. Committeewoman Niemann feels that having worked with the County Planning Board that the staff is very small and that it is important to make sure all the duties are fulfilled.

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

**NEW BUSINESS**

Retail License #1016 33 004 006 Transfer Application

Clerk MacConnell briefly reported on the transfer application for the mentioned retail liquor License No. 101633-004-006, also the background of the license, and the process that needs to be done before it is approved. She explained that this is for the Committee members to review. Deputy Mayor Lubitz asked several questions regarding the license.

Letter & Info from G. DeSapio's Office re: Request for Waiver

Attorney Kopen briefly reviewed information from G. DeSapio's letter, which requested a waiver from the Deed of Conservation Easement on Bl 9, L 13 for the purpose of conveying a 0.0689 acre portion of the property to be merged with Bl 9, L 13.01 in order to cure an encroachment of a septic system on the property. Deputy Mayor Lubitz asked if the conditions that existed were conveyed to the Board of Health when approval was given. He feels that if you allow it to be placed in an area where it has already failed, the second system in the same spot will inevitably fail. He suggested that this be referred back to the Planning Board, and then determine if it should go back to the Board of Health.

Retiree Health Benefits

Clerk MacConnell explained that Jack Search could not be present this evening, but he would like to know if he will be receiving any benefits when he retires. C.F.O Diane Laudenbach reviewed the current Union Agreement and that it only refers to the current health program. She stated that the current program doesn't allow health benefits at retirement. She read aloud the wording in the Union Agreement. Committeewoman Niemann feels that a resolution was done at the end of 2007 to change the stipulations prior to the last contract. The Township Committee would like to look into this further and table until the December 30<sup>th</sup>, 2010 Special Township Committee meeting.

Part Time Snow Plowing

Mayor Burke discussed the position for part time snow plowing and asked if the Township needs to advertise every year. Attorney Kopen stated that it would depend on the amount paid out and if it is a fairly minimal amount that the Township would be able to rehire the same person if they choose. C.F.O. Laudenbach noted that it is definitely under the threshold.

It was moved by Mrs. Niemann, seconded by Mr. Lubitz and carried to reappoint Mark Hendrickson for part time snow plowing as needed at the amount of \$20.00 per hour for the 2010 – 2011 winter season.

|                        |                |   |                               |
|------------------------|----------------|---|-------------------------------|
| <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 General Code Enforcement/Zoning Officer Request from Parks & Recreation

The Township Committee members reviewed the applications received and they will review and choose several applicants for interviews that will be scheduled at a special meeting.

Committee re: Reappointment of members - Request from Parks & Recreation

Mayor Burkler read aloud the request from the Parks and Recreation Committee. The Township Committee members had no objections to the names on the list for renewal for 2011 appointments for the Parks and Recreation Committee and Secretary.

Committee re: Installation of fire alarm system - Request from Parks & Recreation

The Committee members feel that this would be a good idea to put an alarm system in the building of the Old Fairview School. Mayor Burke will speak to the woman who is interested in utilizing the building for a daycare/nursery school and recommend that she obtain quotes for an alarm system.

Committee re: Plumbing at Park House

Mayor Burke explained the problem that has been happening at the park residence regarding the hot water heater. He stated that a plumber inspected the pipes while he was repairing the leaks, and said that all the plumbing in the basement should be replaced. He stated that the plumber will be giving the Township some kind of estimate/price for the work needed. He would like to get this information in time for the budget requests.

Adopt Amended OPRA Request Form

Clerk MacConnell explained the amended OPRA request.

It was moved by Mr. Lubitz, seconded by Mrs. Niemann and carried to adopt the amended OPRA form.

|                        |                |   |                               |
|------------------------|----------------|---|-------------------------------|
| <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**

Waterproofing at Municipal Building

Mayor Burke stated that he is familiar with the system proposed, and feels it is not an appropriate system for an office area. He explained that a trench would have to be made throughout the entire area inside the building, and that it is good for a basement, but not an office basement. Mayor Burke noted that due to the high costs that this will not work for the Township. He suggested that this be brought to the attention of the Engineer, who will then speak to the Township's Public Works Department so that they can work on making a better drainage system to solve the problem and prevent mold and mildew.

Telephone System at Municipal Bldg Quotation

Clerk MacConnell explained that she has not heard from the gentleman regarding the new system. The Committee members asked Clerk MacConnell to reach out to contact him and find out if he is still interested.

NJBPU Clean Energy Program Grant

Committeewoman Niemann reviewed the grant which is available and stated that it would cover up to \$50,000 without any out of pocket expenses. She explained that they looked at the municipal building, the park building, the Old Fairview School and the new Department of Public Works building. She explained that the Township would have to contribute \$8,154.00 to do everything that needs to be replaced or repaired. She stated that they are almost sure that it would fall outside the cap. She explained that this work would begin, depending on the delivery of the supplies and materials, by the end of January to middle of February. Deputy Mayor Lubitz would want to confirm that the Township receives the grant money within the budget year. There was some discussion on the time frame, the work to be preformed, and the grant money being received.

Mayor Burke feels that it should all be done in its entirety because of the cost and the amount that the Township will be saving.

It was moved by Mrs. Niemann, seconded by Mr. Lubitz and carried to approve the proposed application for the grant, to authorize projects outlined by Donnelly & Associates for all four municipal facilities, and to approve that all the work to be completed.

|                        |                |   |                               |
|------------------------|----------------|---|-------------------------------|
| <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>                   |

Committeewoman Niemann noted that the municipal offices are now open every day Monday through Friday 9:00A.M. - 3:00P.M. She explained that the hours have changed for Financial Assistant, Lynn Porter for a trial period. These days are Tuesdays, Wednesdays and Thursdays from 9:00A.M. - 3:00P.M. She explained that this way the offices will be open all day and available for residents all week long in several departments. She explained that in 2011 there will be evening office hours for all the departments and officials, and that the building will be open until 8:00P.M. on Tuesday evenings each week.

**MINUTES**

October 5, 2010 Regular Meeting

It was moved by Mr. Lubitz, seconded by Mrs. Niemann and carried to adopt the October 5, 2010 Regular Meeting Minutes.

|                        |                |   |                               |
|------------------------|----------------|---|-------------------------------|
| <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>                   |

November 1, 2010 Regular Meeting

It was moved by Mr. Lubitz, seconded by Mrs. Niemann and carried to adopt the November 1, 2010 Regular Meeting Minutes.

|                        |                |   |                               |
|------------------------|----------------|---|-------------------------------|
| <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>                   |



November 1, 2010 Executive Session

It was moved by Mr. Lubitz, seconded by Mrs. Niemann and carried to adopt the Minutes of the November 1, 2010 Executive Session.

|                        |                |   |                               |
|------------------------|----------------|---|-------------------------------|
| <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>                   |

November 15, 2010 Special Meeting

It was moved by Mr. Lubitz, seconded by Mrs. Niemann and carried to adopt the Minutes of the November 15, 2010 Special Meeting .

|                        |                |   |                               |
|------------------------|----------------|---|-------------------------------|
| <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>                   |

November 15, 2010 Executive Session

It was moved by Mr. Lubitz, seconded by Mrs. Niemann and carried to adopt the Minutes of the November 15, 2010 Executive Session.

|                        |                |   |                               |
|------------------------|----------------|---|-------------------------------|
| <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>                   |

2004 Meeting Minutes

November 2, 2004 Executive Session  
December 7, 2004 Regular Meeting  
December 7, 2004 Executive Session  
December 15, 2004 Special Meeting  
December 16, 2004 Special Meeting  
December 16, 2004 Executive Session  
December 21, 2004 Special Meeting  
December 21, 2004 Executive Session

It was moved by Mr. Lubitz, seconded by Mrs. Niemann and carried to adopt the Minutes of the 2004 Meeting Minutes for the Township Committee from November 2, 2004 through December 21, 2004, Regular and Executive Sessions.

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

Deputy Mayor Lubitz commended the staff for all the work that has been done to complete the minutes, and the importance of them being approved and available to the public. He noted some of the important matters that were contained in the 2004 minutes, and why they were so important.

Executive Session – Resolution No. 2010 - 129

The following Resolution was introduced to enter into closed session at approximately 9:31P.M.:

**RESOLUTION NO. 2010 – 129**

**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:

**Personnel/Contractual – Discuss Appointments**  
**Contractual – Milford Court**  
**Contract Negotiations – Habitat for Humanity BI 15 L 8.04**  
**Potential Litigation – BI 19 L 5**  
**Potential Litigation – Zoning Issues**  
**Litigation - Abel**

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.

|                        |                |   |                               |
|------------------------|----------------|---|-------------------------------|
| <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 11:00P.M. All voted **Aye** on **Roll Call Vote**.

Special Meeting to be Scheduled

The Committee members would like to schedule a special meeting on Tuesday, December 21, 2010 at 5:00 – 6:30PM to interview interested applicants for the Zoning Official/General Code Enforcement Official position, and to possibly take action that evening.

Executive Session – Resolution No. 2010 - 130

The following Resolution was introduced to enter into closed session at approximately 11:05P.M.:

**RESOLUTION NO. 2010 – 130**

**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:

**Personnel – DPW Contract Negotiations**

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.

|                        |                |   |                               |
|------------------------|----------------|---|-------------------------------|
| <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 Mrs. Niemann, seconded by Mr. Lubitz and carried to return to regular session at 11:35P.M. **All** voted **Aye** on **Roll Call Vote**.

Special Meeting to be Scheduled

The Committee members discussed scheduling a special meeting to review the Department of Public Works Local Union Agreement. The Committee would like to schedule the date for Monday, December 20<sup>th</sup>, 2010 at 5:00P.M. There will be no action taken at that meeting.

**2010 – 291**

The Committee members have scheduled an end of the year meeting on Thursday, December 30, 2010 at 7:30PM to discuss end of year bills, retirement benefits, and to adopt an updated employee handbook.

Rental Fee for Milford Court

It was discussed to contact Milford Borough to reduce the cost of the rental fee for the use of the municipal building to \$400 per month for the joint Court.

Proposals for 2011 for Planning and Engineer

The Township Committee would like to advertise for proposals for Planning and Engineering services for 2011.

**ADJOURNMENT**

It was moved by Mrs. Niemann, seconded by Mr. Lubitz and carried to adjourn the meeting at 11:41P.M. **All voted Aye on Roll Call Vote.**

**Respectfully submitted,**

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