

2010 – 297

**December 30, 2010
Township Committee
Special Meeting Minutes**

A Special Meeting of the Kingwood Township Committee was called to order at 7:30 P.M. with Mayor James Burke.

Also present at the meeting were Deputy Mayor Lubitz, Committeewoman Niemann, and the C.F.O. Diane 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 on December 23, 2010 and the Courier News on December 24, 2010 and by telefaxing copies of the notice to the Express Times and Star Ledger on December 21, 2010. Copies of the notice were also posted in the Kingwood Township Municipal Building and Baptistown Post Office on December 21, 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.

CALL TO ORDER

The meeting was called to order by Mayor Burke at 7:30 PM.

Discuss 2011 Insurance Renewal

Mr. Chris Tarricone was present to discuss the renewal for the Township's insurance coverage. He suggested to the Committee members that they make a decision as the Township's insurance will expire on 1-1-2011. The Committee members stated that the requested information that they had asked for had been received. Committeewoman Niemann expressed she was really looking for a history of each fund's surplus. Mr. Chris Tarricone noted that he had discussed the information she was referring to last month, and that he further elaborated on how they determine the return of surplus funds (Statewide), and the surplus that has been returned by PAICF. Committeewoman Niemann asked about premium charges spiking. Mr. Tarricone stated that he doesn't know if the fund size has anything to do with spiking prices. He noted that he has been looking at the different size funds and referred on the different numbers of members, their sizes, and how this affects the amount of retained earnings.

He believes that when you compare the two funds and some of the basics, the two funds are very similar. He noted where there is a difference in the public official's liability, a different deductible, and that Statewide does offer some back pay coverage. He did explain that PAIC does not offer the same at this time, although it may happen in 2011. Mayor Burke asked about deductibles. Mr. Tarricone noted that both have similar deductibles, but the MEL philosophy is that if you have some dollars at risk, it will make you more careful with your undertakings, and that Statewide has a flat deductible. He noted that PAIC has a separate deductible if your personnel manual is not compliant with their guidelines, as high as a \$100,000.00 deductible. Committeewoman Niemann expressed her dissatisfaction with the communications from Wells Fargo, as far as, the status of the manual. She noted that the recommended amendments are nothing more than clerical. Mr. Tarricone stated that he will have the amendments the Committee members requested ready for the January meeting. Mrs. Niemann stated for the record, that she doesn't have any kind of working relationship with Statewide Insurance Fund, but that her employer does. She stated that she will not participate in the roll call vote.

It was moved by Mr. Lubitz, Mayor Burke stepped down from the Chair, second the motion and carried to accept Statewide Insurance Fund for the renewal for the Township's Insurance.

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

Resolution No. 2010-132 – 2010 Budget Appropriation Transfers

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2010 - 132

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:

2010 - 299

From Account:	To Account:	Amount:
120-0007-299	120-0007-101	\$ 20.00
120-1300-440	120-1300-400	\$ 1,000.00
120-0650-101	120-0050-299	\$ 2,000.00
120-0650-299	120-0651-299	\$ 3,000.00
120-0650-101	120-1300-420	\$ 1,500.00
120-0650-101	120-1300-400	\$ 2,000.00
		\$ 9,520.00

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

PAYMENT OF 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 **\$145,608.98** that are in order and attached as Bill List for December 2010.

Roll Call Vote:

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

Mayor Burke noted that the Township has received a check for the grant from the NJ Clean Energy Program.

ORDINANCES

2010 - 300

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 VOL. 16, PG. 16-19

- 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 7th day of December, 2010. The Ordinance was published in the Hunterdon County Democrat on December 16, 2010 and has been posted in the Kingwood Township Municipal Building on December 13th, 2010. Copies of the Ordinance have been available for inspection by the public since December 13th, 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. 16-19-2010 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	-	Burke, Lubitz, Niemann
	Nay	-	None
	Abstain	-	None
	Absent	-	None

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 VOL. 16, PG. 16-20- Public Hearing and Final Adoption

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

2010 - 301

This Ordinance was introduced and adopted on first reading at a meeting of the Kingwood Township Committee on the 7th day of December, 2010. The Ordinance was

published in the Hunterdon County Democrat on December 16, 2010 and has been posted in the Kingwood Township Municipal Building on December 13th, 2010. Copies of the Ordinance have been available for inspection by the public since December 13th, 2010.

Committeeman Lubitz noted that he did a bit of research, and stated that every community around has a Reading Road, which is impossible to come up with an address for 911. He noted that he spoke to the homeowner who originally asked that the road name be changed. He also spoke with Mildred Wehr, the secretary to the Historical Society who suggested that the Historical Society do more research. Committeeman Lubitz suggested that the ordinance be tabled at this time. The Committee members agreed.

RESOLUTIONS

The following Resolution was introduced:

RESOLUTION NO. 2010 – 133

REFUND OF RETAIL FOOD LICENSE FEE

WHEREAS, the following individuals or vendors have paid a fee to the Township for a Retail Food License; and

WHEREAS, the collected fees were in excess of the amount charged by the County or are exempt for the inspection.

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 the following refunds for 2010:

Vendor		Amount
Sherij Liquors	866 State Route 12, Frenchtown, NJ 08825	\$ 100.00
RTS Packaging, LLC	869 State Highway 12, Frenchtown, NJ 08825	\$ 100.00

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

2010 – 302

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

Abstain - **None**
Absent - **None**

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2010 – 134

REFUND OF VARIANCE FEE

WHEREAS, Gabriel, Carole and Brian Nagy paid a variance fee for a boundary line adjustment application before the Planning Board for Block 14, Lot 31.03 and 33; and

WHEREAS, during the completeness review it was determined no variance would be required; and

WHEREAS, the Planning Board moved, seconded and carried a motion to return the variance fee.

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 Gabriel, Carole and Brian Nagy, 266 Fairview Road, Frenchtown, New Jersey, 08825, in the amount of \$ 350.00.

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

Discuss Retiree Health Benefits

This was already discussed, this is just for clarification.

2010 - 303

Discuss Amendments to Employee Manual & Personnel Handbook

Committeewoman Niemann noted that she will have some amendments to the Employee Manual and Personnel Handbook to approve at the January 2011 Township meeting.

Discuss Dedication Ceremony for Gergar Property

Mayor Burke feels it would be appropriate to have a dedication in January. The Committee members discussed the advertisement coverage for the dedication, and they expressed that they would like to prepare it a few weeks prior to the event. The Committee members made a tentative date for the dedication to be on Saturday, January 15, 2011 at 12:00 noon. Mayor Burke noted that he will contact the newspapers, the seniors, the Oak Summit Historical Society and the Township's Historical Society regarding the dedication date and time.

Request for Waiver of Construction Fee – KT Vol. Fire Co No 1

The Township's Construction Official gave some information clarifying the situation. The Committee members discussed the request, and have decided to have a resolution prepared for the January 2011 Township Committee meeting to be adopted.

Discuss Amendment to Ordinance No. 15-11-2009 – Testing for Possible Affordable Housing

C.F.O. Diane Laudenbach reported that there are two additional bills with no funds remaining in the ordinance. She recommended that the Township do an amendment of approximately \$14,000 in addition to the change order. The bills from Gilmore & Assoc. and Uhl have stated that these are their final bills.

Earl Steves - Auctioneer

Mr. Steves was present and reviewed the auction process. He also reported on the auction itself, how many were present, checks that they had, and the five different properties that were also reviewed. He also talked about what they did to promote and advertise the auction by mailing out brochures and e-mail. Mr. Steves reviewed the results of the marketing campaign, as they spent about \$15,000 on the media/marketing program. He noted that 23 people attended the open house for the Gergar home and that 19 people actually preregistered for the property. He stated that the total sale price would be \$145,000, which would go to the Township, plus the buyer's premium for a total of \$159,500. He said that he is very pleased with the results, and believes that the Township got a fair market value on the property. He also reported on some of the other properties for sale that same day. Committeeman Lubitz asked about the difference in the asking price and the actual price of the property.

Mr. Steves responded by stating that he feels that the condition of the house and the renovations needed in addition to the current economic climate make the difference. He feels that the current bid accurately reflects the current economic climate. He doesn't feel that the Township would have gotten a higher amount for the property.

It was moved by Mrs. Niemann, seconded Mr. Lubitz and carried to accept the bid and authorize the Mayor and Clerk of the Township of Kingwood to execute the paperwork.

Committeewoman Niemann noted the reasons the Township chose to sell the house and property. She noted that the Township is responsible for maintaining the property and the expense that goes with the home.

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

Mr. Waddle who was the buyer of the home and property, asked if the picture was for sale of the Gergar property. Mayor Burke noted that the picture was given to the Township, but is willing to provide him with a copy of the picture. There was some additional discussion with Mr. Waddle, which was that his son currently farms the Gergar property.

Executive Session – Resolution No. 2010 - 135

The following Resolution was introduced to enter into closed session at approximately 8:25P.M.:

RESOLUTION NO. 2010 – 135

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

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

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

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

**Contract Negotiations – DPW Union Agreement
Auction Proposal for Gergar Property
Personnel – General Code Enforcement Officer/Zoning Officer Position**

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 Mrs. Niemann, seconded by Mr. Lubitz and carried to return to regular session at 8:50P.M. **All voted Aye on Roll Call Vote.**

Motion to Hire Zoning Official/Code Enforcement Official

It was moved by Mrs. Niemann, seconded by Mr. Lubitz and carried to hire John Barczyk as the new Zoning/Code Enforcement Official at the same salary of the current amount set with a hire date of January 4, 2011.

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

Update on Ukarish Tenant

Clerk MacConnell reported on an update of one of the Ukarish tenants.

PUBLIC COMMENT – PRIVILEGE OF THE FLOOR

N/A

ADJOURNMENT

It was moved by Mrs. Niemann, seconded by Mr. Lubitz and carried to adjourn the meeting at 9:00P.M.

Respectfully submitted,

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