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February 3, 2011

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

Also present at the meeting were Committeeman Burke, Attorney Kopen, C.F.O. Diane Laudenbach, Clerk MacConnell and Deputy Clerk Keller. Deputy Mayor Niemann was absent. Mayor Lubitz 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 in the Hunterdon Democrat on December 23, 2010 and 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.

Mayor Lubitz asked everyone that has a cell phone to please turn off or silence them.

CORRESPONDENCE

Letter from President of BPU re: Phase II EECEBG

Clerk MacConnell explained that Deputy Mayor Elaine Niemann was unable to be at the meeting this evening and asked her to review with the Committee members the Phase II of the Energy Efficiency and Conversation Block Grant. Clerk MacConnell explained that the grant is a program that provides supplemental funding up to \$50,000 for eligible New Jersey local government entities to lower the cost of installing energy conservation measures. She explained that Mrs. Niemann offered to look into applying for the Phase II grant and would like approval from the Committee members.

It was moved by Mr. Burke, Mayor Lubitz stepped down from the Chair, seconded and carried the motion to agree that Deputy Mayor Niemann apply for the Phase II Energy Efficiency and Conservation Block Grant.

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

Letter & Info from Township Engineer Decker re: Transportation & Infrastructure Grant & Funding Opportunities

Mayor Lubitz noted that the Township's Engineer Thomas Decker provided an extensive lists of grants that the Township may be eligible to apply. He explained that the engineering firm could act as a writer. Mayor Lubitz announced that Kingwood has just received notice that they are the recipients of a grant in the amount of \$160,000 for Phase II of Spring Hill Road.

Letter & Info from County Open Space Coordinator re: 2011 Municipal Allocation & Distribution

Mayor Lubitz explained the letter, which was received from County Open Space Coordinator, Kevin Scott Richardson regarding the 2010 County Open Space Tax calculation, which is 10% percent allocated, and the annual distribution amounts in each municipality. The 2010 Municipal Contribution for Kingwood Township was \$208,519.12, and 10% percent allocation is \$20,851.91.

NJDEP Notice of Rule Proposal Reoption re: Financial Assistance Programs

Mayor Lubitz briefly reviewed the notice.

Thank you letter from Township Residents

Mayor Lubitz stated that he wanted to read the following letter to everyone.

Dear Township Committee: We wanted to recognize our Road Department and Mr. Jack Search. We are so fortunate that Mr. Search and his road crew do such a good job on our snow and ice covered roads. After what we see on TV concerning other roads we are so lucky to have our roads in such good shape. This is truly a good credit to Kingwood Township. Sincerely, Jack and Barbara Slabinski, 365 Oak Grove Road
A copy of the letter has been given to the Township Road Department.
Mayor Lubitz, agreed that the Road Department crew did a great job on the roads this wintertime, as they worked day and night during the bad weather on several weeks during the winter.

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Letter from the New Jersey Trinity Forestry Program

Mayor Lubitz explained the contents of the letter from the New Jersey Trinity Forestry Program. He noted that this should be passed on to the Environmental Commission or the Open Space/Agriculture Advisory Committees.

Resolution No. 2011-16 - 2010 Reserve Budget Appropriation Transfers

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2011- 16

2010 RESERVE 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 Reserve Budget Appropriations:

From Account:	To Account:	Amount:
120-0650-101	120-0050-299	\$1000.00
	120-0651-299	\$1500.00
	120-1300-400	\$1000.00
		\$3500.00

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

Roll Call Vote:

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

BILLS AND CLAIMS

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It was moved by Mr. Burke, Mayor Lubitz stepped down from the Chair, seconded and carried the motion to approve and pay all bills and claims in the amount of **\$1,660,542.61** that are in order and attached as Bill List for February 2011.

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

PUBLIC COMMENT - PRIVILEGE OF THE FLOOR

Jack MacConnell, Emergency Management Coordinator Commented on e-mails he has received from the County regarding the recent storms. He stated that he will forward them to the Committee members to review. He also commented on the need for an ordinance for the Kingwood Township Fire Department and the solar units being marked. He feels that an ordinance should have information of the control area of the solar units to mark the meter boxes or the outside that can alert the fire department. Mayor Lubitz noted that the Kingwood Township Fire Department has been notified already. He also noted that Mr. MacConnell's suggestions should be forwarded to the Planning Board for consideration. Jack MacConnell commended the Township's Road Department for their great job on the roads this winter.

Lee Frank, 41 Tumble Idell Road Stated that the Township's Road Department has done an excellent job this winter clearing the roads. He asked the Township Committee if they know anything about the drilling going on along Route 12. Mayor Lubitz suggested that the Township's Construction Official be notified and suggested that an inspection be done in that the area to check out the fields.

Mr. and Mrs. Scioscia, 208 Reading Road Commented on the problem of changing their road name. They came to ask the Committee members to consider not changing the road name because of the inconvenience it will cause them, as far as, changing all their personal documents, and notifying everyone about the change. Mayor Lubitz explained problems they and other members may have with 911 if it is not changed, and also that GPS is unable to pick up Reading Road in Kingwood Township. He discussed the safety issues regarding the fire department and the emergency response units finding the correct location. Mayor Lubitz suggested that the Township send a notarized letter to each residence on Reading Road, which may help with identification that the road name has changed to Heath Road.

EXECUTIVE SESSION – Resolution No. 2011-24

Executive Session – Resolution No. 2011 - 24

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

RESOLUTION NO. 2011 – 24

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

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

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

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

Sale of Public Land – Gergar Property Bl 7 L 2

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

The minutes of the closed session will be made public upon conclusion, dismissal or settlement of litigation; or final resolution of agreements or personnel matters; and in any event, when appropriate pursuant to N.J.S.A. 10:4-7 and 13.

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

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

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

RETURN TO REGULAR SESSION

It was moved by Mr. Burke, Mayor Lubitz stepped down from the Chair, seconded and carried the motion to return to regular session at 7:40P.M. All voted **Aye** on **Roll Call Vote**.

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2011 - 25

RESOLUTION AUTHORIZING RETURN OF DEPOSIT

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

WHEREAS, the Township, pursuant to Resolution No. 2010-97, and Ordinance No. 16-15-2010, conducted a public sale of the property to the highest bidder on December 10, 2010; and

WHEREAS, the highest bidder was Walter Wadle, and, as required by the Township documents, Mr. Wadle provided a deposit of \$15,950.00 for the purchase of the property, which deposit is being held by the Township Attorney’s office, Gebhardt and Kiefer, P.C.

WHEREAS, Mr. Wadle died unexpectedly prior to the closing for the Property, and the Township has been informed by Peter Jost, Esq., the attorney for the estate of Mr. Wadle, that the estate does not wish to proceed with the purchase of the Property.

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

1. The Township Committee hereby authorizes the return of the deposit moneys in the full amount of \$15,950.00 to the estate of Walter Wadle by forwarding the same to Peter Jost, the attorney for the estate of Mr. Wadle.
2. The contract entered into between the Township and Mr. Wadle is voided by the Township. The Township shall have no further responsibility to the estate of Walter Wadle and the estate shall have no further obligation or responsibility to the Township arising from the contemplated sale of the Property to Mr. Wadle.

3. The Mayor, the Clerk of the Township, the Chief Financial Officer, and any other proper official of the Township, be and each of them is hereby authorized to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things necessary and proper for carrying out the transactions contemplated by this resolution.

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

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

REPORTS

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

Tax Collector's Reports of November 2010 & December 2010
Municipal Court Report of December 2010
Construction Reports of January 2011
Township Engineer's Monthly Report
Zoning Permits Report of January 2011
General Code Enforcement Report of January 2011
Animal Control Report
Dog License Report

Mayor Lubitz would like to thank all the officials and professionals for submitting their reports in a timely manner so that the Committee members had a chance to review them before the meeting.

FUTURE MEETINGS AND ACTIVITIES

Mayor Lubitz reviewed as per the Agenda.

ORDINANCE

**ORDINANCE NO. 16-01-2011 TO AMEND ORDINANCE NO. 15-11-2009
TO PROVIDE FOR THE FEASIBILITY TESTING FOR POSSIBLE
AFFORDABLE HOUSING AS A GENERAL IMPROVEMENT FOR THE
TOWNSHIP AND APPROPRIATING \$90,000 FROM THE CAPITAL
IMPROVEMENT FUND** –Public Hearing and Final Adoption

Mayor Lubitz 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 6th day of January, 2011. The Ordinance was published in the Hunterdon County Democrat on January 13, 2011 and has been posted in the Kingwood Township Municipal Building on January 7, 2011. Copies of the Ordinance have been available for inspection by the public since January 7, 2011.

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

Public Comments: Mayor Lubitz commented that this will not raise the tax levy.

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

It was moved by Mr. Burke, Mayor Lubitz stepped down from the Chair, seconded and carried the motion to adopt on final reading **ORDINANCE NO. 16-01-2011 TO AMEND ORDINANCE NO. 15-11-2009 TO PROVIDE FOR THE FEASIBILITY TESTING FOR POSSIBLE AFFORDABLE HOUSING AS A GENERAL IMPROVEMENT FOR THE TOWNSHIP AND APPROPRIATING \$90,000 FROM THE CAPITAL IMPROVEMENT FUND.**

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

ORDINANCE

ORDINANCE NO. 16-02-2011 OF THE TOWNSHIP REGARDING AUTHORIZATION TO RENAME READING ROAD –Public Hearing and Final Adoption

Mayor Lubitz 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 6th day of January, 2011. The Ordinance was published in the Hunterdon County Democrat on January 13, 2011 and has been posted in the Kingwood Township Municipal Building on January 7, 2011. Copies of the Ordinance have been available for inspection by the public since January 7, 2011.

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

Public Comments: No Comments

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

It was moved by Mr. Burke, Mayor Lubitz stepped down from the Chair, seconded and carried the motion to adopt on final reading **ORDINANCE NO. 16-02-2011 OF THE TOWNSHIP REGARDING AUTHORIZATION TO RENAME READING ROAD.**

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

Mayor Lubitz commented that he was unaware that another family lived on Reading Road, and that he was very sensitive to their hardships with the changing of the name of the road. He explained that the Township will try to do everything they can to assist and provide certified copies, but feels prudent to act now before additional families move onto the road. Committeeman Burke stated that it should not be a problem to the residents regarding changing the name of the road.

ORDINANCE

ORDINANCE NO. 16-03-2011 TO AMEND ORDINANCE NO. 15-11-2009 AND 16-01-2011 TO PROVIDE FOR THE FEASIBILITY TESTING FOR POSSIBLE AFFORDABLE HOUSING AS A GENERAL IMPROVEMENT FOR THE TOWNSHIP AND APPROPRIATING \$95,000 FROM THE CAPITAL IMPROVEMENT FUND– Introduction and Adoption on First Reading

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

C.F.O. Diane Laudenbach commented on the funds. Mayor Lubitz noted that not only does it not raise the tax rate, but that it will not be paid out of the taxpayer’s money, and that it will be paid out of our Affordable Housing Trust Fund. He noted that these are the general development fees that are called for under the COAH Legislation.

It was moved by Mr. Burke, Mayor Lubitz stepped down from the Chair, seconded and carried the motion to adopt on first reading **ORDINANCE NO. 16-03-2011 TO AMEND ORDINANCE NO. 15-11-2009 AND 16-01-2011 TO PROVIDE FOR THE FEASIBILITY TESTING FOR POSSIBLE AFFORDABLE HOUSING AS A GENERAL IMPROVEMENT FOR THE TOWNSHIP AND APPROPRIATING \$95,000 FROM THE CAPITAL IMPROVEMENT FUND.**

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

Consideration of final adoption at a public hearing is scheduled for Thursday, March 3, 2011 at a meeting beginning at 7:00 P.M. at the municipal building.

ORDINANCE

ORDINANCE NO. 16-04-2011 STEEP SLOPE ORDINANCE– Introduction and Adoption on First Reading

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

Mayor Lubitz thanked Attorney Judith Kopen for having this ready well before the deadline time before the meeting.

It was moved by Mr. Burke, Mayor Lubitz stepped down from the Chair, seconded and carried the motion to adopt on first reading **ORDINANCE NO. 16-04-2011 STEEP SLOPE ORDINANCE.**

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

Mayor Lubitz noted that the Township is being required by the State to adopt a revised ordinance regarding the Township's Steep Slopes.

Consideration of final adoption at a public hearing is scheduled for Thursday, March 3, 2011 at a meeting beginning at 7:00 P.M. at the municipal building.

ORDINANCE

ORDINANCE NO. 16-05-2011 RIPARIAN ZONE ORDINANCE – Introduction and Adoption on First Reading

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

It was moved by Mr. Burke, Mayor Lubitz stepped down from the Chair, seconded and carried the motion to adopt on first reading **ORDINANCE NO. 16-05-2011 RIPARIAN ZONE ORDINANCE.**

Mayor Lubitz explained that this is the companion to the Steep Slope Ordinance and the concern of water runoff and the water quality.

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

Consideration of final adoption at a public hearing is scheduled for Thursday, March 3, 2011 at a meeting beginning at 7:00 P.M. at the municipal building.

RESOLUTIONS

The following Resolution was introduced:

RESOLUTION NO. 2011 - 17

A RESOLUTION OF THE TOWNSHIP OF KINGWOOD, COUNTY OF HUNTERDON, STATE OF NEW JERSEY REGARDING AUTHORIZATION FOR EXECUTION OF MICHALENKO LIEN RELEASE

WHEREAS, the Township of Kingwood is the holder of a First Priority Lien which is referred to in the Deed dated September 8, 2010, from the Sheriff of Hunterdon County to Carmela Michalenko, a/k/a Millie Michalenko, which was recorded October 8, 2010 in the Hunterdon County Clerk's Office in Deed Book 2257 at page 704, and the Writ of Execution directed to the Sheriff of Hunterdon County recorded in the Office of the Clerk of the Superior Court of New Jersey, 20082F-09, being Docket No. F-15307-08; and

WHEREAS, the Township of Kingwood, at the request of Carmela Michalenko, a/k/a Millie Michalenko, has agreed to release the lands and premises heretofore described from the lien to the intent that said lands and premises shall be released, discharged and freed from the lien; and

WHEREAS, the Township of Kingwood has been paid a total of \$1,433.75, and other valuable consideration, in full payment for making this Release.

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

1. The Mayor, Clerk, and all other necessary officers or officials of the Township of Kingwood are hereby authorized to execute a Release of Lien and any and all other documents necessary for the transactions contemplated by this Resolution.

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

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

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2011-18

**REIMBURSEMENT TO KINGWOOD TOWNSHIP
FIRST AIDE AND RESCUE**

WHEREAS, Kingwood Township has received, from the State of New Jersey, reimbursement for the costs associated with vaccinating the Kingwood Township 1st Aid and Rescue Squad for Hepatitis “B” in the amount of \$279.00, and

WHEREAS, Kingwood Township desires to reimburse the Kingwood Township 1st Aid and Rescue Squad for their costs associated with the vaccinations.

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 check to the Kingwood Township 1st Aid and Rescue Squad, PO Box 89, Baptistown, New Jersey, 08803 in the amount of \$279.00.

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

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

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2011-19

QUALIFIED PURCHASING AGENT APPOINTMENT

WHEREAS, the Local Public Contracts Law gives local contracting units the ability to increase their bid threshold up to \$36,000; and

WHEREAS, N.J.S.A. 40A:11-3a permits an increase in the bid threshold if a Qualified Purchasing Agent is appointed, as well as granted the authorization to negotiate and award such contracts below the bid threshold; and

WHEREAS, N.J.A.C. 5:34-5 et seq. establishes the criteria for qualifying as a Qualified Purchasing Agent; and

WHEREAS, Diane Laudenbach, who effectively serves as Chief Financial Officer, also possesses the designation of Qualified Purchasing Agent, as issued by the Director of the Division of Local Government Services, in accordance with N.J.A.C. 5:34-5 et seq.

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 Diane Laudenbach be appointed as Qualified Purchasing Agent through December 31, 2011, to exercise the duties of purchasing agent, pursuant to N.J.S.A. 40A:11-2(30), with specific relevance to authority, responsibility and accountability of the purchasing activity of the contracting unit;

BE IT FURTHER RESOLVED that the Mayor and Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey, hereby increase its bid threshold to \$36,000, and its quote threshold is fifteen percent (15%) of the approved bid threshold; and

BE IT FURTHER RESOLVED that, in accordance with N.J.A.C. 5:34-5.2, the Township Clerk shall forward a certified copy of the within Resolution to the following:

Director of the Division of Local Government Services and Mark Pfeiffer, Deputy Director of the Division of Local Government Services.

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

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

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2011 – 20

RESOLUTION FOR INCREASING BID THRESHOLD AND APPOINTING A QUALIFIED PURCHASING AGENT IN A BOARD OF EDUCATION OR OTHER ENTITY SUBJECT TO THE PROVISIONS OF N.J.S.A. 18A:18A-1

WHEREAS, 18A:18A-3 permits a municipal government to authorize its purchasing agent to award contracts that do not exceed in a contract year the annual limit as established by the Governor; and

WHEREAS, municipal governments have been advised by the Local Finance Board that the Governor has authorized the following bid and quotation thresholds effective January 1, 2011:

	Bid Threshold	Quotation Threshold
Base Amount	\$17,500	\$2,625
With Qualified Purchasing Agent	\$36,000	\$5,400

WHEREAS, Diane Laudenbach possesses the designation of Qualified Purchasing Agent as issued by the Director of the Division of Local Government Services in accordance with N.J.A.C. 5:34-5 et seq.; and

WHEREAS, the Kingwood Township Committee desires to increase its bid and quotation thresholds as provided in N.J.S.A. 18A:18A-3;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Kingwood in the County of Hunterdon and the State of New Jersey hereby increases its bid threshold to \$36,000 and its quotation threshold to \$5,400; and

BE IT FURTHER RESOLVED that the governing body hereby appoints Diane Laudenbach as the Qualified Purchasing Agent to exercise the duties of a purchasing agent pursuant to N.J.S.A. 18A:18A-2b, with specific relevance to the authority, responsibility, and accountability of the purchasing activity of the Township of Kingwood.

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

Roll Call Vote:

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

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2011-21

TAX SALE REDEMPTION

WHEREAS, the Tax Collector has received payment from the homeowner of Block 2, Lot 10.01 for redemption of Tax Sale Certificate Nos. 07-002 in the amount of \$5,774.40, and 08-001 in the amount of \$7,142.17.

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 check in the amount of \$12,916.57 to Park Finance, LLC, PO Box 109, Cedar Knolls, New Jersey 07927.

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

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

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2011 - 22

PROCLAMATION

WHEREAS, February 2011 marks the 101st anniversary of the Boy Scouts and the 81st anniversary of Cub Scouting; and

WHEREAS, the mission of the Boy Scouts of America has been to prepare young people to make ethical and moral choices over their lifetimes by instilling in them the values of the Scout Oath and; and

WHEREAS America's young people have always been treasured as our most precious resource. And since Scouting has had a strong positive influence on young people, it has played a vital role in shaping America's future through programs which mold our youth, that build confidence and competence, and instill in them principles that can guide them through their lives; and

WHEREAS, the success of Scouting for Tiger Cubs, Wolf Cub Scouts, Bear Cub Scouts and Webelos Scouts has been a culmination of many hours of selfless volunteerism by many leaders, community organizations and dedicated parents whose ideas and generosity helped to shape the lives of many young boys; and

WHEREAS, Scouts traditionally grow to become trustworthy, loyal, helpful, friendly, courteous, kind, brave and reverent human beings; and

NOW, THEREFORE, BE IT RESOLVED these values make for a strong community, and as a result benefit all citizens of Kingwood Township and our surrounding communities;

BE IT FURTHER RESOLVED, I, Phillip Lubitz, by virtue of the authority vested in me as Mayor of the Township of Kingwood, do hereby commend the members of Pack 251 and congratulate the many volunteer leaders, the parents and guardians of the scouts themselves, and the many community organizations that assist in benefiting the youth in our community.

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

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

NEW BUSINESS

Individual Subsurface Sewage Disposal Systems Ordinance Amendment

Clerk MacConnell explained that the amendment needs to be adopted by the Board of Health, and that this was for the Township Committees information.

2011 Municipal Budget – Cap Ordinance

Mayor Lubitz noted that each year the Township passes an ordinance that allows over a two year span to exceed the cap threshold when it is necessary under certain circumstances. He noted that this is a safety valve for the Township when it is needed.

ORDINANCE

**ORDINANCE NO. 16 – 06 – 2011 CALENDAR YEAR 2011 MODEL
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION
LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)** – Introduction
and Adoption on First Reading

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

It was moved by Mr. Burke, Mayor Lubitz stepped down from the Chair, seconded and carried the motion to adopt on first reading **ORDINANCE NO. 16 – 06 – 2011 CALENDAR YEAR 2011 MODEL ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14).**

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

Consideration of final adoption at a public hearing is scheduled for Thursday, March 3, 2011 at a meeting beginning at 7:00 P.M. at the municipal building.

Morris County Cooperative Pricing Council

Mayor Lubitz noted that the Township’s Engineer did some research and has found that the Township is able to get some decent prices for several items purchased over the course of the year from the Morris County Cooperative Pricing Council. Committeeman James Burke stated that after speaking to the Township’s Engineer that the Township must pay for the membership fee of \$1,100.00. He stated that the Township will get a lower price and that probably there will be a make up fee over the course of the year, however, it is mostly good for the convenience of not having to go out for bids.

It was moved by Mr. Burke, Mayor Lubitz stepped down from the Chair, seconded and carried the motion to enter into an agreement with the Morris County Cooperative Pricing Council to pay \$1,100.00 for the yearly membership.

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

Length of Service Award Program – 2010 Lists

Mayor Lubitz explained that this program is for the Kingwood Township Volunteer Fire Company and Kingwood Township Rescue Squad. He stated that there are very few members listed that are eligible. Clerk MacConnell reviewed the program and noted that each organization must post their lists for thirty days.

Governor's Vetoe of S-1

Mayor Lubitz noted that he had asked this to be put on the agenda. He explained that this is the COAH legislation that is included in each meeting package. He explained that there was a compromise version that worked its way through the legislature. He stated that the Governor vetoed this and asked that the legislation to go back to the original S-1. Mayor Lubitz noted that one of the big differences is that the provisional S-1 that the Governor prefers, would require 10% of the new construction to be affordable, whereas the version that passed would have resulted in 10% of the total housing of the Township being affordable.

He explained that years ago there would have been approximately seventeen new houses a year, which would have resulted in about two affordable units a year. He noted that the Township's Planner David Banisch informed Mayor Lubitz that there have been approximately fifteen hundred houses in the Township, which would have required Kingwood Township to have a hundred and fifty affordable units. He stated that even under the high third round of COAH, the Township was only required to have eighty six units.

Environmental Commission – To Nominate Township Garage Solar Project

Clerk MacConnell explained that Chairwoman Debbie Kratzer of the Environmental Commission could not be present this evening. She explained that Mrs. Kratzer asked if the Clerk would announce to everyone that the Environmental Commission has nominated the Kingwood Township Solar Panel Project, which was constructed at the Township's Public Works Garage at 200 Union Road to be considered for the Hunterdon County Planning Board Awards. Clerk MacConnell noted that Debbie Kratzer has worked very hard on the application that she has submitted. The Committee members all agreed it was a great idea to enter the Solar Panel Project for the County Planning Award.

OLD BUSINESS

Payroll Services

C.F.O. Diane Laudenbach stated that she looked into getting new price quotes for payroll services as recommended by the Township Committee at their last meeting. She explained that she could only find one other person that was advertising in one of the magazines that she receives.

She stated that the quote was from a company called ADS Payroll Services and that their quote was approximately four to five hundred dollars more than the current company that the Township uses now. She stated that the total quote from ADS is \$3,618.00, and the total quote from the current company R & L Data Center is \$3,184.00. Diane Laudenbach recommended the Township stay with the current company.

It was moved by Mr. Burke, Mayor Lubitz stepped down from the Chair, seconded and carried the motion to sign an agreement with R & L Data Center for the year 2011.

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

Mayor Lubitz asked C.F.O. Laudenbach if it would be possible in the future to use shared services for the payroll services. There was a brief discussion.

Telephone System at Municipal Building Quotation

Clerk MacConnell stated that a date has been scheduled for February 16, 2011 at 11:00A.M. at the municipal building with representatives from Century Link to give a demonstration of their phone system. Clerk MacConnell reported that Deputy Mayor Niemann has informed her that she will be attending the demonstration.

Handbook Update

Clerk MacConnell noted that this will be carried until next months meeting, and Deputy Mayor Niemann will be present to give an update.

Part Time Snow Plowing

C.F.O. Laudenbach noted that the Public Works Department needed to hire someone new for part time temporary snow plowing. She stated that the new temporary employee will be Mark Berezny at the rate of \$20.00 per hour. Mayor Lubitz asked if it would be an advantage to hire several temporary snow plowing individuals in case someone was unable to work. Diane Laudenbach noted that the Public Works Supervisor feels that one person should be sufficient.

It was moved by Mr. Burke, Mayor Lubitz stepped down from the Chair, seconded and carried the motion to approve to hire Mark Berezny for part time temporary snow plowing as need at the rate of \$20.00 an hour.

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

Letter from Delaware Twp re: Joint Road Maintenance Agreement – carried over from January meeting

Mayor Lubitz stated that he would like to table this until next month to have more time to review the agreement.

Information & Sample Resolution from Delaware Twp re: Supporting The Delaware & Raritan Canal Commission – carried over from January meeting

The Committee members reviewed the resolution from Delaware Township.

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2011 – 26

IN SUPPORT OF THE DELAWARE AND RARITAN CANAL COMMISSION

WHEREAS, the Delaware and Raritan Canal Commission provides important regulatory protection to the Delaware and Raritan Canal, a key source of drinking water for 1.5 million people; and

WHEREAS, the Canal water can be compromised by inappropriate land use development regulatory land-use program within the area where new development could have drainage, visual or other ecological impact on the Canal Park; and

WHEREAS, the Delaware and Raritan Canal Commission prepares and administers an independent regulatory land-use program within the area where new development could have drainage, visual or other ecological impact on the Canal Park; and

WHEREAS, the Delaware and Raritan Canal Commission is self-funded with revenue from fees for review, and therefore there would be no cost savings to the State from elimination of the Commission; and

WHEREAS, the Delaware and Raritan Canal Commission independently and impartially reviews and approves or rejects permits for development in its review zones in central New Jersey without delay and without undue blockage of projects; and

WHEREAS, the Delaware and Raritan Canal Commission independently and impartially reviews and approves, rejects or modifies any action by the State in the Delaware and Raritan Canal State Park, or any permit for action in the Park; and

WHEREAS, the Delaware and Raritan Canal and its larger historic, natural and scenic corridor, are part of New Jersey history, and generations of New Jerseyans have treasured and enjoyed the Delaware and Raritan Canal Park and its historic, natural, scenic recreational corridor; and

WHEREAS, the generally narrow width of the Delaware and Raritan Canal State Park requires oversight of the adjacent area to protect its historic and natural character; and

WHEREAS, the Delaware and Raritan Canal Commission provides invaluable oversight not only to the historic Delaware and Raritan Canal State Park, but also the larger historic, natural, and scenic corridor through which the narrow Canal Park passes; and

WHEREAS, the Canal State Park itself is a State and National recreational area for close to 1 million visitors each year; and

WHEREAS, the Delaware and Raritan Canal corridor includes New Jersey's two National Scenic Byways – the Delaware River and the Millstone Valley Scenic Byways, and review by the Delaware and Raritan Canal Commission protects their historic, natural and scenic values; and

WHEREAS, the legislation that created the Delaware and Raritan Canal Commission is a model for resource based regional planning, regulation and enforcement in a diverse cultural landscape; and

WHEREAS, the Delaware and Raritan Canal Commission protects the integrity of the Canal park and the historic, natural and scenic corridor of which it is the core, fosters education about the enjoyment of the Canal, the Canal State Park, and the many historic and natural areas in its corridor and functions in an open and public manner.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood in the County of Hunterdon, New Jersey that the Township of Kingwood supports the continued empowerment and funding of the Delaware and Raritan Canal Commission.

BE IT FURTHER RESOLVED that the Township of Kingwood urges the New Jersey Legislature to act to preserve the Delaware and Raritan Canal Commission as chartered, currently structured and functioning with responsibilities, authority and public oversight.

BE IT FINALLY RESOLVED that copies of this resolution be distributed to the Governor of the State of New Jersey, the Legislative leaders and agencies, including the Speaker of the State Assembly and the President of the State Senate, and the Commissioner of the New Jersey Department of Environmental Protection.

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

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

Request from Resident for Cancellation of Taxes

There was a brief discussion regarding the cancellation of taxes with the Township Attorney Judith Kopen.

It was moved by Mr. Burke, Mayor Lubitz stepped down from the Chair, seconded and carried the motion to return all taxes from the date of determination of the individuals disability.

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

MINUTES

December 7, 2010 Executive Session 9:31-11:00PM

It was moved by Mr. Burke, Mayor Lubitz stepped down from the Chair, seconded and carried the motion to adopt the minutes of the December 7, 2010 Executive Session 9:31-11:00PM.

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

December 7, 2010 Executive Session 11:05-11:35PM

It was moved by Mr. Burke, Mayor Lubitz stepped down from the Chair, seconded and carried the motion to adopt the minutes of the December 7, 2010 Executive Session 11:05- 11:35PM.

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

December 20, 2010 Special Meeting

It was moved by Mr. Burke, Mayor Lubitz stepped down from the Chair, seconded and carried the motion to adopt the minutes of the December 20, 2010 Special Township Committee Meeting.

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

December 20, 2010 Executive Session

It was moved by Mr. Burke, Mayor Lubitz stepped down from the Chair, seconded and carried the motion to adopt the minutes of the December 20, 2010 Executive Session.

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

December 21, 2010 Special Meeting

It was moved by Mr. Burke, Mayor Lubitz stepped down from the Chair, seconded and carried the motion to adopt the minutes of the December 21, 2010 Special Township Committee Meeting.

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

December 21, 2010 Executive Session

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It was moved by Mr. Burke, Mayor Lubitz stepped down from the Chair, seconded and carried the motion to adopt the minutes of the December 21, 2010 Executive Session.

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

December 30, 2010 Special Meeting

It was moved by Mr. Burke, Mayor Lubitz stepped down from the Chair, seconded and carried the motion to adopt the minutes of the December 30, 2010 Special Township Committee Meeting.

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

December 30, 2010 Executive Session

It was moved by Mr. Burke, Mayor Lubitz stepped down from the Chair, seconded and carried the motion to adopt the minutes of the December 30, 2010 Executive Session.

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

January 4, 2011 Reorganizational Meeting

It was moved by Mr. Burke, Mayor Lubitz stepped down from the Chair, seconded and carried the motion to adopt the minutes of the January 4, 2011 Reorganizational Meeting.

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

January 6, 2011 Regular Meeting

It was moved by Mr. Burke, Mayor Lubitz stepped down from the Chair, seconded and carried the motion to adopt the minutes of the January 6, 2011 Regular Township Committee Meeting.

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Roll Call Vote:

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

January 6, 2011 Executive Session

It was moved by Mr. Burke, Mayor Lubitz stepped down from the Chair, seconded and carried the motion to adopt the minutes of the January 6, 2011 Executive Session.

Roll Call Vote:

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

Request from Kingwood Township Fire Department

Committeeman Burke reported that he received a phone call from a representative from the Kingwood Township Fire Department asking if the Township could resume plowing their parking lot. He explained that the individual that he spoke with stated that the Township has always plowed out the parking lot in the past and would appreciate it if they would continue plowing. They are concerned about being able to get their equipment and trucks out for calls, and for the safety concern for the Township. Committeeman Burke stated that he will contact the Department of Public Works and ask them to continue plowing out the Fire Departments parking lot.

EXECUTIVE SESSION – Resolution No. 2011-23

Executive Session – Resolution No. 2011 - 23

The following Resolution was introduced to enter into closed session at approximately 8:12P.M.:

RESOLUTION NO. 2011 – 23

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

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

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

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

Sale of Public Land – Gergar Property Bl 7 L 2
Discuss Questions Involving Qualifications For Insurance Benefits
Discuss Proposals For Township Engineer And Township Planner
Potential Litigation – Zoning Issues
Potential Litigation – Bl 19 L 5
Contract Negotiations – Renewal of DPW Local Union Agreement
Bl 50 L 9

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. Burke, Mayor Lubitz stepped down from the Chair, seconded and carried the motion to adopt the foregoing Resolution.

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

RETURN TO REGULAR SESSION

It was moved by Mr. Burke, Mayor Lubitz stepped down from the Chair, seconded and carried the motion to return to regular session at 9:15P.M. All voted **Aye** on **Roll Call Vote**.

Zoning / Code Enforcement Salary

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It was moved by Mr. Burke, Mayor Lubitz stepped down from the Chair, seconded and carried the motion to amend the motion to pay John Barczyk a salary in the amount of \$12,316.50 for the Positions of Zoning Officer and General Code Enforcement Official for the year 2011.

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

Motion to Sign Agreements for Planner and Engineer

It was moved by Mr. Burke, Mayor Lubitz stepped down from the Chair, seconded and carried the motion to sign agreements for VanCleeef Engineering Associates with Thomas Decker, and Banisch Associates with Planner David Banisch for the year 2011.

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

ADJOURNMENT

It was moved by Mr. Burke, Mayor Lubitz stepped down from the Chair, seconded and carried the motion to adjourn the meeting at 9:16PM. **All present Voted Aye on Roll Call Vote.**

Respectfully submitted,

Cynthia L. Keller, RMC
Deputy Clerk