

**KINGWOOD TOWNSHIP COMMITTEE**

**APRIL 7, 2011**

**Regular Meeting Agenda 7:00PM**

**Call to Order**

**Pledge of Allegiance**

**Adequate notice of this meeting was provided in accordance with the Open Public Meetings Act by publication of the notice in the Hunterdon Democrat and Courier News on January 13, 2011 and by telefaxing copies of the notice to the Express Times and Star Ledger on January 10, 2011. Copies of the notice were also posted in the Kingwood Township Municipal Building and Baptistown Post Office on January 10, 2011.**

**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.**

**Roll Call**

**DVRHS Budget Presentation**

**KTS Budget Presentation**

**2011 Municipal Budget Introduction**

**Resolutions: Res. No. 2011-60 – Special Item of Revenue  
Res. No. 2011-61 - Deferral of School Taxes  
Res. No. 2011-62 - Cable TV Franchise Fee  
Res. No. 2011-63 - Recycling Tonnage Grant**

**Motion to Introduce the Municipal Budget**

**Correspondence**

Letter from JCP&L re: Posting Signs & Banners on Utility Poles  
Cty. Dept. of Health re: Mosquito Control Program  
Letter & Info from PA DEP re: Black Fly Suppression Program  
Letter from River-To-Sea re: Annual Relay Race  
Letter from KTS Assistant Principal re: Sponsor Social Studies Award

**Resolution No. 2011- 46 – 2011 Temporary Appropriations**

## **April 7, 2011 Township Committee Agenda Continued**

### **Bills and Claims**

### **Public Comment – Privilege of the Floor**

### **Reports**

Tax Collector's Reports of January 2011 & February 2011  
Municipal Court Report of February 2011  
Construction Reports of March 2011  
General Code Enforcement Report  
Township Engineer's Monthly Report  
Dog License Reports  
Animal Control Report  
Zoning Officer Report  
Annual Variance Report  
Insurance – Safety Committee Seminar

### **Future Meetings & Activities**

**April 8 - 5:00pm at former Ukarish Farm on Union Road, Unveiling of Preserved Farm Sign**  
April 9 - Recycling at Township Garage from 9:00am-12:00noon  
April 11 - Deadline to File Petition as Candidate for June Primary  
April 18 - HC Municipal Officers' Assoc Mtg. beginning at 6:15PM at the Clinton House, rsvp by 4-14-2011  
April 20 - Last Day to Apply by Mail for a Mail-In Ballot for Annual School Election  
April 27 - Board of Education Election from 2:00PM until 9:00PM at Kingwood Twp Volunteer Fire Co. in Baptistown  
May 5 - Regular Monthly Township Committee Meeting at Municipal Building beginning at 7:00pm

Announcement of the Gergar Auction – April 28<sup>th</sup> at 12:00PM

### **Ordinances**

**Ord No. 16-04-2011 Steep Slope Ordinance** – Public Hearing and Final Adoption

**Ord No. 16-05-2011 To Designate Riparian Zones And To Protect Streams, Lakes And Other Surface Water Bodies Of the Township** – Public Hearing and Final Adoption

**Ord No. 16-06-2011 To Exceed The Municipal Budget Appropriation Limits And To Establish A Cap Bank (N.J.S.A. 40A:4-45.14)** – Public Hearing and Final Adoption

## **April 7, 2011 Township Committee Agenda Continued**

### **Ordinances Continued**

**Ord No. 16-08-2011 To Provide For The Purchase Of A Nortel/Avaya Business Communication System (BCM50) As A General Improvement For The Township Of Kingwood And Appropriating \$5,500.00 From The Capital Improvement Fund – Public Hearing and Final Adoption**

**Ord No. 16-09-2011 Authorizing The Sale Of Surplus Land – Public Hearing and Final Adoption**

**Ord No. 16-10-2011 Amending Chapter 71-3(A)(3)(e), Uniform Construction Code Electrical Subcode Fee Schedule – Public Hearing and Final Adoption**

**Ord No. 16-11-2011 Fixing The Salaries And Compensation Of The Various Officers And Employees Of The Township – Introduction and Adoption on First Reading**

**Ord No. 16-12-2011 Providing for Preservation of Bl 14 L 28**

**Ord No. 16-13-2011 To Amend And Supplement The Land Use Regulations Specifically “Zoning, Chapter 132” Pertaining To Solar Or Photovoltaic Energy Facilities and Structures – Introduction and Adoption on First Reading**

**Ord No. 16-14-2011 To Amend And Supplement The Land Use Regulations, Specifically “Zoning, Chapter 132” Establishing The Route 12 Scenic Corridor Overlay (SCO) And Route 12 Scenic Corridor Overlay District Regulations – Introduction and Adoption on First Reading**

**Ord No. 16-15-2011 To Amend And Supplement The Land Use Regulations Specifically “Zoning, Chapter 132” Establishing Eastern Gateway Village District Zones And Regulations – Introduction and Adoption on First Reading**

**Ord No. 16-16-2011 An Ordinance of the Township of Kingwood, County of Hunterdon, State of New Jersey to amend and supplement the land use regulations of the Township of Kingwood, Specifically “Zoning, Chapter 132” of the General Ordinances of the Township Pertaining to Escrows Deposits for Major Solar or Photovoltaic Energy Facilities and Structures – Introduction and Adoption on First Reading**

### **Resolutions**

**Res 2011-47 - Dedication by Rider – Accrued Sick Days**

**Res 2011-48 – Resolution Authorizing Sale of Surplus Property**

**Res 2011-49 - Older Americans Month**

## **April 7, 2011 Township Committee Agenda Continued**

- Res 2011-50** - Tax Sale Redemption B. 24 L 7.02
- Res 2011-51** - Refund of First Quarter Payment Bl 34 L 10.03
- Res 2011-52** - Refund of First Quarter Payment Bl 23 L 13Q
- Res 2011-53** – Authorizing Sale Of Surplus Property Bl 7 L 2
- Res 2011-54** - LOSAP
- Res 2011-58** – Honoring Road Supervisor Jack Search Upon His Retirement

### **New Business**

- Hunterdon Cty Open Space Trust Program – Resolution No. 2011-55 & Application to Withdraw Municipal Grant
- Morris County Cooperative Pricing Council – Resolution No. 2011-56 & Agreement to Join
- ABC Application for Social Affair Permit at Razberry’s Banquet Center
- Raffle Applications
- Offer from Resident M Tiberi to Paint & Enhance Municipal Building Sign
- Permanent Financing
- SRECS
- DPW – Appointment of Road Supervisor
  - Appointment of Road Foreman
  - Appointment of New Employee
- Animal Control Van- Authorization of Sale – **Res. No. 2011-59**

### **Old Business**

- Proposals for Electronic Codes

### **Minutes**

- March 3, 2011 Regular Meeting
- March 15, 2011 Special Meeting
- March 17, 2011 Special Meeting
- March 17, 2011 Executive Session
- March 23, 2011 Special Meeting

### **Executive Session – Resolution No. 2011-57**

- Contractual Negotiations – Renewal of DPW Union Agreement
- Litigation – Abel

### **Return to Regular Session**

- Deputy Mayor Reports An Update On County Wastewater Management Plan

### **Adjournment**

**PLEASE NOTE THIS AGENDA IS SUBJECT TO LAST MINUTE CHANGES**

2011 - 116

April 7, 2011

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

Also present at the meeting were Deputy Mayor Niemann, Committeeman Burke, Attorney Kopen, C.F.O. D. Laudenbach, Deputy Clerk Keller and Clerk MacConnell. 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 and Courier News on January 13, 2011 and by telefaxing copies of the notice to the Express Times and Star Ledger on January 10, 2011. Copies of the notice were also posted in the Kingwood Township Municipal Building and Baptistown Post Office on January 10, 2011.**

**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.**

**Roll Call**

**DVRHS Budget Presentation**

Present at the meeting were representatives from the Delaware Valley Regional High School. Superintendent Elizabeth Nastus introduced herself and everyone that was present from the high school. She started out by thanking the Township Committee for meeting with them on a regular basis. She also explained that they are using state aid and federal aid jobs to get back some positions that they previously lost. She reviewed the information regarding their budget that she handed out. She also talked about shared services, and many donations they received from various groups. She feels that they would not be able to afford to do what they have scheduled this year without the help of others, and that they are doing a very efficient job.

Daria Wasserbach, Business Administrator/Board Secretary was present and spoke to the Committee members about last year, and the fact that they lost 16 positions. She explained that the proposed budget plans that 6 instructional positions will be restored this year.

She explained that the total tax rate for Kingwood Township will go from 51 cents to 56 cents, and that Kingwood's share of the total 12.9 million dollar tax levy will be approximately 25%. She noted that they reviewed how the taxes are allocated for the Delaware Valley High School by using the equalization method, which translates to a \$50 increase for every 100,000 of assessed value. She explained that she has prepared a very detailed analysis of how this is calculated. Mayor Lubitz commented on the figures that were presented to them, and asked how much would have to be cut from the budget to bring Kingwood Township to a zero tax increase. Mrs. Wasserbach stated that she will get back to Mr. Lubitz with the figures. Deputy Mayor Niemann commented on her disappointment of non-support from other municipalities, as far as, changing the formula to apportion the high school tax among the sending districts. Committeeman Burke stated that he feels that the fair way is to charge a cost per pupil. The representatives from the Delaware Valley High School thanked the Committee members for their time.

### **Kingwood Township School Budget Presentation**

Present from the Kingwood Township School was the Chief School Administrator, Rick Falkenstein, and Business Administrator Bobbie Beriont. Mr. Falkenstein explained that the focus for next year is first to maintain educational status, and second to recognize economic climate. He briefly reviewed some of the highlights, shared services, which included transportation, internet services with the Delaware Valley High School, technology services with the Frenchtown School and the maintenance person with the DVHS food services. He added that there were other shared services already in place. Bobbie Beriont reviewed some of the figures mentioned by Mr. Falkenstein. She reviewed the transportation, the energy grant, the HCESC, and insurance grants. Mrs. Beriont also stated that the operating budget is going up less than one percent, and that last year they lost a lot of their State aid. She explained that there will be an average of a \$15.00 increase per home in taxes. She noted that they have had fewer students over the last few years and the school board has tried to address that issue thru attrition of staff. Mayor Lubitz asked how much would need to be cut to have no increase in taxes for Kingwood residents. Bobbie Beriont responded and stated it would need to be cut \$33,000.00 to have no increase.

### **2011 Municipal Budget Introduction Resolutions**

Mayor Lubitz read aloud part of the budget message, and noted that there will be no municipal tax increase this year. He read aloud the following Budget Resolutions.

### **RESOLUTION**

The following Resolution was introduced:

### **RESOLUTION NO. 2011 – 60**

**SPECIAL ITEM OF REVENUE**

**WHEREAS**, regulations of the State of New Jersey provide for the deferral of School taxes in an amount not to exceed fifty percent of the annual school tax levy when such taxes are raised on a fiscal year basis (school year July 1 through June 30); and

**WHEREAS**, said taxes subject to deferral have not been requisitioned by or paid to the school district; and

**WHEREAS**, it is the desire and intent of the governing body of the Township of Kingwood, County of Hunterdon, to avail the Township of the deferral as permitted by regulations promulgated by the Local Finance Board, Division of Local Government Services, New Jersey Department of Community Affairs; and

**WHEREAS**, fifty percent of the school tax levy of the Kingwood School District is \$2,712,820.00.

**NOW, THEREFORE BE IT RESOLVED** that the Mayor and Committee of the Township of Kingwood, County of Hunterdon, hereby authorized the Chief Financial Officer of the Township to defer \$1,193,640.80 of school taxes as permitted by the aforementioned regulation; and

**BE IT FURTHER RESOLVED**, that certified copies of this resolution be forwarded to the Chief Financial Officer of the Township and the Director of the Division of Local Government Services, Department of Community Affairs.

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

<b>Roll Call Vote:</b>	<b>Aye</b>	<b>- Burke, Niemann, Lubitz</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. 2011 – 61**

**WHEREAS**, regulations of the State of New Jersey provide for the deferral of school taxes in an amount not to exceed fifty percent of the annual school tax levy when such taxes are raised on a fiscal year basis (school year July 1 through June 30); and

**WHEREAS**, said taxes subject to deferral have not been requisitioned by or paid to the school district; and

**WHEREAS**, it is in the desire and intent of the governing body of the Township of Kingwood, County of Hunterdon, to avail the Township of the deferral as permitted by regulations promulgated by the Local Finance Board, Division of Local Government Services, New Jersey Department of Community Affairs; and

**WHEREAS**, fifty percent of the school tax levy of the Delaware Valley Regional High School District is \$1,534,890.34.

**NOW, THEREFORE BE IT RESOLVED** that the Mayor and Committee of the Township of Kingwood, County of Hunterdon, hereby authorize the Chief Financial Officer of the Township to defer \$675,351.75 of school taxes as permitted by the aforementioned regulation; and

**BE IT FURTHER RESOLVED**, that certified copies of this resolution be forwarded to the Chief Financial Officer of the Township and the Director of the Division of Local Government Services, Department of Community Affairs.

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

<b>Roll Call Vote:</b>	<b>Aye</b>	<b>- Burke, Niemann, Lubitz</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. 2011 – 62**

**WHEREAS**, the Township of Kingwood desires to anticipate as an item of general revenue with prior written consent of the Director of Local Government Services in the amount of \$8,650.00 and

**THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Kingwood that the prior written consent of the Director of Local Government Services be requested to include as an item of general revenue in the 2011 Budget under the following caption:

**Cable TV Franchise Fee**



**2011 - 120**

**BE IT FURTHER RESOLVED** that TWO certified copies of this Resolution be forwarded to the Office of the Director of Local Government Services.

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

<b>Roll Call Vote:</b>	<b>Aye</b>	<b>- Burke, Niemann, Lubitz</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. 2011 - 63**

**WHEREAS**, the Township of Kingwood desires to anticipate as an item of general revenue with prior written consent of the Director of Local Government Services in the amount of \$4,235.73; and

**THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Kingwood that the prior written consent of the Director of Local Government Services be requested to include as an item of general revenue in the 2011 Budget under the following caption:

**Recycling Tonnage Grant**

**BE IT FURTHER RESOLVED** that TWO certified copies of this Resolution be forwarded to the Office of the Director of Local Government Services.

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

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

**MUNICIPAL BUDGET INTRODUCTION**

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to introduce the Municipal Budget for 2011.

2011 - 121

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

**CORRESPONDENCE**

Letter from JCP&L re: Posting Signs & Banners on Utility Poles

Mayor Lubitz reviewed.

Cty. Dept. of Health re: Mosquito Control Program

Mayor Lubitz reviewed.

Letter & Info from PA DEP re: Black Fly Suppression Program

Mayor Lubitz reviewed.

Letter from River-To-Sea re: Annual Relay Race

Mayor Lubitz reviewed.

Letter from KTS Assistant Principal re: Sponsor Social Studies Award

Mayor Lubitz reviewed the letter from the Kingwood Township School. The Committee members all agreed to sponsor the outstanding award and plaque in social studies for an eight grade student. Mayor Lubitz stated that he will be attending the ceremony to present the plaque and bond for Kingwood Township.

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to approve the sponsorship of the outstanding in social studies award with a bond costing \$50.00 and also a plaque costing \$13.50 for an eighth grader at the Kingwood Township School, to be presented at their commencement exercise.

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

**Resolution No. 2011- 46 – 2011 Temporary Appropriations**

**RESOLUTION**

**2011 - 122**

The following Resolution was introduced:

**RESOLUTION NO. 2011 – 46**

**2011 TEMPORARY APPROPRIATIONS**

**WHEREAS**, the 2011 Budget of the Township of Kingwood has not been adopted and the appropriations provided for in Resolution No. 2011-02 are insufficient to cover the expenses in April of 2011; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey, that the Temporary 2011 Budget Appropriations be raised by the statutory one-twelfth (1/12<sup>th</sup>). It was moved by Mrs. Niemann, seconded by Mr. Burke, and carried to adopt the foregoing Resolution.

<b>Roll Call Vote:</b>	<b>Aye</b>	<b>- Burke, Niemann, Lubitz</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. Burke and carried to approve and pay all bills and claims in the amount of **\$ 1,176,620.18** that are in order and attached as Bill List for April 2011.

<b>Roll Call Vote:</b>	<b>Aye</b>	<b>- Burke, Niemann, Lubitz</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**

Mayor Lubitz recognized Mr. William Dietze who was present at the meeting. He introduced him to everyone, as a former Mayor and Committeeman for Kingwood Township.

**REPORTS**

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

- Tax Collector’s Reports of January 2011 & February 2011
- Municipal Court Report of February 2011
- Construction Reports of March 2011

## 2011 - 123

### Township Engineer's Monthly Report

Committeeman Burke asked C.F.O. D. Laudenbach questions regarding the force account for Spring Hill road for the Department of Transportation grant. C.F.O. Laudenbach will look into this and speak to Engineer T. Decker. Mayor Lubitz commented on the grant and what it will cover.

Dog License Reports

Animal Control Report

Zoning Officer Report

Annual Variance Report

### Insurance – Safety Committee Seminar

Clerk MacConnell reported and update on the seminar.

### **FUTURE MEETINGS AND ACTIVITIES**

Mayor Lubitz reviewed as per the Agenda.

Deputy Mayor Niemann commented on the Gergar Auction to be on April 28<sup>th</sup> at 12:00 noon at the municipal building.

### **ORDINANCES**

**ORDINANCE NO. 16-04-2011 STEEP SLOPE ORDINANCE** – 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 3<sup>rd</sup> day of March, 2011. The Ordinance was published in the Hunterdon County Democrat on March 17, 2011 and has been posted in the Kingwood Township Municipal Building on March 4<sup>th</sup>, 2011. Copies of the Ordinance have been available for inspection by the public since March 4<sup>th</sup>, 2011.

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to open the hearing to the public. **All voted Aye on Roll Call Vote.**

Comments: No comments.

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to close the public comment portion of the hearing. **All voted Aye on Roll Call Vote.**

2011 - 124

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adopt on final reading **ORDINANCE NO. 16-04-2011 STEEP SLOPE ORDINANCE.**

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

**ORDINANCE**

**ORDINANCE NO. 16-05-2011 TO DESIGNATE RIPARIAN ZONES AND TO PROTECT STREAMS, LAKES AND OTHER SURFACE WATER BODIES OF THE TOWNSHIP** – 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 3<sup>rd</sup> day of March, 2011. The Ordinance was published in the Hunterdon County Democrat on March 17, 2011 and has been posted in the Kingwood Township Municipal Building on March 4<sup>th</sup>, 2011. Copies of the Ordinance have been available for inspection by the public since March 4<sup>th</sup>, 2011.

It was moved by Mr. Burke, seconded by Mrs. Niemann and carried to open the hearing to the public. **All** voted **Aye** on **Roll Call Vote**.

Comments: No comments.

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to close the public comment portion of the hearing. **All** voted **Aye** on **Roll Call Vote**.

It was moved by Mr. Burke, seconded by Mrs. Niemann and carried to adopt on final reading **ORDINANCE NO. 16-05-2011 TO DESIGNATE RIPARIAN ZONES AND TO PROTECT STREAMS, LAKES AND OTHER SURFACE WATER BODIES OF THE TOWNSHIP.**

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

**ORDINANCE**

**ORDINANCE NO. 16-06-2011 CALENDAR YEAR 2011 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATING LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A.40A:4-45.14) – 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 3<sup>rd</sup> day of March, 2011. The Ordinance was published in the Hunterdon County Democrat on March 17, 2011 and has been posted in the Kingwood Township Municipal Building on March 4<sup>th</sup>, 2011. Copies of the Ordinance have been available for inspection by the public since March 4<sup>th</sup>, 2011.

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to open the hearing to the public. **All voted Aye on Roll Call Vote.**

Comments: No comments.

It was moved by Mrs. Niemann, seconded by Mr. Burke 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. Burke and carried to adopt on final reading **ORDINANCE NO. 16-06-2011 CALENDAR YEAR 2011 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATING LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A.40A:4-45.14).**

<b>Roll Call Vote:</b>	<b>Aye</b>	<b>-</b>	<b>Burke, Niemann, Lubitz</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. 16-08-2011 AN ORDINANCE TO PROVIDE FOR THE PURCHASE OF A NORTEL/AVAYA BUSINESS COMMUNICATION SYSTEM (BCM50) AS A GENERAL IMPROVEMENT FOR THE TOWNSHIP OF KINGWOOD IN THE COUNTY OF HUNTERDON AND STATE OF NEW JERSEY AND APPROPRIATING \$5,500.00 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 3<sup>rd</sup> day of March, 2011. The Ordinance was published in the Hunterdon County Democrat on March 10, 2011 and has been posted in the Kingwood Township Municipal Building on March 4<sup>th</sup>, 2011. Copies of the Ordinance have been available for inspection by the public since March 4<sup>th</sup>, 2011.

It was moved by Mr. Burke, seconded by Mrs. Niemann and carried to open the hearing to the public. **All voted Aye on Roll Call Vote.**

Comments: No comments.

It was moved by Mr. Burke, seconded by Mrs. Niemann and carried to close the public comment portion of the hearing. **All voted Aye on Roll Call Vote.**

Mayor Lubitz explained that this is an ordinance for the purchase of a new phone system for the municipal building offices.

It was moved by Mr. Burke, Mayor Lubitz stepped down from the Chair, second the motion and carried to adopt on final reading **ORDINANCE NO. 16-08-2011 AN ORDINANCE TO PROVIDE FOR THE PURCHASE OF A NORTEL/AVAYA BUSINESS COMMUNICATION SYSTEM (BCM50) AS A GENERAL IMPROVEMENT FOR THE TOWNSHIP OF KINGWOOD IN THE COUNTY OF HUNTERDON AND STATE OF NEW JERSEY AND APPROPRIATING \$5,500.00 FROM THE CAPITAL IMPROVEMENT FUND.**

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

### **ORDINANCE**

#### **ORDINANCE NO. 16-09-2011 AN ORDINANCE AUTHORIZING THE SALE OF SURPLUS LAND** – 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 17<sup>th</sup> day of March, 2011. The Ordinance was published in the Hunterdon County Democrat on March 24, 2011 and has been posted in the Kingwood Township Municipal Building on March 18<sup>th</sup>, 2011. Copies of the Ordinance have been available for inspection by the public since March 18<sup>th</sup>, 2011.

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to open the hearing to the public. **All** voted **Aye** on **Roll Call Vote**.

Comments: No comments.

It was moved by Mrs. Niemann, seconded by Mr. Burke 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. Burke and carried to adopt on final reading **ORDINANCE NO. 16-09-2011 AN ORDINANCE AUTHORIZING THE SALE OF SURPLUS LAND.**

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

**ORDINANCE**

**ORDINANCE NO. 16-10-2011 AN ORDINANCE AMENDING CHAPTER 71-3(A)(3)(E), UNIFORM CONSTRUCTION CODE ELECTRICAL SUBCODE FEE SCHEDULE** – 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 17<sup>th</sup> day of March, 2011. The Ordinance was published in the Hunterdon County Democrat on March 24, 2011 and has been posted in the Kingwood Township Municipal Building on March 18<sup>th</sup>, 2011. Copies of the Ordinance have been available for inspection by the public since March 18<sup>th</sup>, 2011.

It was moved by Mr. Burke, seconded by Mrs. Niemann and carried to open the hearing to the public. **All** voted **Aye** on **Roll Call Vote**.

Comments: Charles Greybarr, Sundancer Capital LLC, noted that a new bill was introduced in a New Jersey General Assembly, which conflicts with this, and is not supported by the senate. He wanted to let Township Committee know this for their information.

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to close the public comment portion of the hearing. **All** voted **Aye** on **Roll Call Vote**.



Mayor Lubitz explained that this is an ordinance setting fees for major solar developments that are going up in the Township.

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adopt on final reading **ORDINANCE NO. 16-10-2011 AN ORDINANCE AMENDING CHAPTER 71-3(A)(3)(E), UNIFORM CONSTRUCTION CODE ELECTRICAL SUBCODE FEE SCHEDULE.**

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

**ORDINANCE**

**ORDINANCE NO. 16-11-2011 AN ORDINANCE 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 Lubitz read aloud the ordinance by title, which was then introduced:

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adopt on first reading **ORDINANCE NO. 16-11-2011 AN ORDINANCE 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.**

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

Consideration of final adoption at a public hearing is scheduled for Thursday, May 5, 2011 at a meeting beginning at 7:00 P.M. at the municipal building.

**ORDINANCE**

**ORDINANCE NO. 16-12-2011 AN ORDINANCE AMENDING ORDINANCE NO. 14-23-2007 AND 15-13-2009 PROVIDING FOR THE ACQUISITION OF OPEN SPACE BY THE TOWNSHIP OF KINGWOOD, IN THE COUNTY OF HUNTERDON, NEW JERSEY, APPROPRIATING \$3,301,940.38 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$950,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING THE COST THEREOF**– Introduction and

Adoption on First Reading

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

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adopt on first reading **ORDINANCE NO. 16-12-2011 AN ORDINANCE AMENDING ORDINANCE NO. 14-23-2007 AND 15-13-2009 PROVIDING FOR THE ACQUISITION OF OPEN SPACE BY THE TOWNSHIP OF KINGWOOD, IN THE COUNTY OF HUNTERDON, NEW JERSEY, APPROPRIATING \$3,301,940.38 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$950,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING THE COST THEREOF.**

Mayor Lubitz noted that for those of you that thought it would never happen, through Mr. Burkes perseverance we have been able to finally reach an agreement on the purchase and preservation of what is going to be a jewel of a property in the Township, the County and the State. Committeeman Burke noted that this is 335 plus acres, and contiguous 650 acres.

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

**Consideration of final adoption at a public hearing is scheduled for Thursday, May 5, 2011 at a meeting beginning at 7:00 P.M. at the municipal building.**

**ORDINANCE**

**ORDINANCE NO. 16-13-2011 AN ORDINANCE OF THE TOWNSHIP, COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT THE LAND USE REGULATIONS OF THE TOWNSHIP OF KINGWOOD, SPECIFICALLY “ZONING, CHAPTER 132” OF THE GENERAL ORDINANCES OF THE TOWNSHIP PERTAINING TO SOLAR OR PHOTOVOLTAIC ENERGY FACILITIES AND STRUCTURES** – Introduction and Adoption on First Reading

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

David Banisch, the Township’s Planner explained that this Ordinance No. 16-13-2011 pertaining to solar or photovoltaic energy facilities and structures that is being introduced is a revision to the ordinance that is currently on the books regulating these installations. He reviewed the changes that have been made. One of the changes is regarding installation in the AR-2 zone.

He stated that the AR-2 zone currently permits residential subdivisions at densities of approximately one dwelling per seven acres, but on larger lots forty acres or more, it requires a 50% open land set aside in conjunction. He stated that it requires clustering or lot size averaging. He explained that it was noticed that solar facilities permitted as conditional uses in the AR-2 zone, were not held to the same standard as major residential development. He explained that this is land over 40 acres in size, land contiguous with preserved land, and land contiguous with farmland or open space must provide that 50% open lands set a side in the same way it is required for the residential in the AR-2 zone. Mr. Banisch stated that a request to preserve the equivalent open land set aside offsite will require the Planning Board and the Township Committee's consent. He also reviewed some of the other amendments reviewed by the Planning Board, which were basically safety issues raised by the fire company, and the rescue squad that have been incorporated in the ordinance. Attorney Kopen noted that there needs to be a correction on the heading of the ordinance, stating that the Township Committee meeting begins at 7:00PM, not 8:00PM. Deputy Mayor Niemann asked several questions regarding the safety requests, and David Banisch responded to all her questions.

Mayor Lubitz decided to allow public comment at this time.

Charles Greybarr of Sundance Capital LLC was present and asked since this is the first reading of this ordinance, was this ordinance properly noticed since it was revised yesterday. Attorney Kopen reviewed the normal public hearing procedures that take place and availability of the ordinance to the public. Mayor Lubitz responded to Mr. Greybarr's questions and stated that he appreciates his comments, and stated that it is the Township's intention to make all the ordinances available to the public, not only by coming to the Township building, but that they are now available on the Township's website prior to a hearing. Mayor Lubitz thanked Mr. Greybarr for his concerns.

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adopt on first reading **ORDINANCE NO. 16-13-2011 AN ORDINANCE OF THE TOWNSHIP, COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT THE LAND USE REGULATIONS OF THE TOWNSHIP OF KINGWOOD, SPECIFICALLY "ZONING, CHAPTER 132" OF THE GENERAL ORDINANCES OF THE TOWNSHIP PERTAINING TO SOLAR OR PHOTOVOLTAIC ENERGY FACILITIES AND STRUCTURES.**

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

**Consideration of final adoption at a public hearing is scheduled for Thursday, May 5, 2011 at a meeting beginning at 7:00 P.M. at the municipal building.**

**ORDINANCE**

**ORDINANCE NO. 16-14-2011 AN ORDINANCE TO AMEND AND SUPPLEMENT THE LAND USE REGULATIONS, SPECIFICALLY “ZONING, CHAPTER 132” ESTABLISHING THE ROUTE 12 SCENIC CORRIDOR OVERLAY (SCO) AND ROUTE 12 SCENIC CORRIDOR OVERLAY DISTRICT REGULATIONS** – Introduction and Adoption on First Reading

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

David Banisch the Township’s Planner distributed new copies of the ordinance, just due to slight editorial items, and also included a map of the area. He stated that he answered questions from the Planning Board about landscaping standards and also how it will affect the Baptistown area and how non-conforming properties will be affected. Attorney Kopen noted that the meeting time in the heading of the ordinance needs to be corrected, from 8:00PM to 7:00PM.

It was moved by Mr. Burke, seconded by Mrs. Niemann and carried to adopt on first reading **ORDINANCE NO. 16-14-2011 AN ORDINANCE TO AMEND AND SUPPLEMENT THE LAND USE REGULATIONS, SPECIFICALLY “ZONING, CHAPTER 132” ESTABLISHING THE ROUTE 12 SCENIC CORRIDOR OVERLAY (SCO) AND ROUTE 12 SCENIC CORRIDOR OVERLAY DISTRICT REGULATIONS** – Introduction and Adoption on First Reading

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

**Consideration of final adoption at a public hearing is scheduled for Monday, April 25, 2011 at a meeting beginning at 8:00 P.M. at the municipal building.**

**ORDINANCE**

**ORDINANCE NO. 16-15-2011 TO AMEND AND SUPPLEMENT THE LAND USE REGULATIONS SPECIFICALLY “ZONING, CHAPTER 132” ESTABLISHING EASTERN GATEWAY VILLAGE DISTRICT ZONES AND REGULATIONS** – Introduction and Adoption on First Reading

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

David Banisch, the Township’s Planner distributed new copies of the ordinance and map. He briefly reviewed the purpose of the ordinance and the substantial change to uses within the zone.

Mayor Lubitz commented on the History of Route 12 for the past 20 years, and noted that doing this may bring more revenue into the community to keep the taxes down. There was a discussion on the mixed use, and the fact that it will not be a heavy residential use as in the rest of the Township, where you have units with three and four bedrooms. He noted that this will allow more in the way of townhouses with one and two bedroom units. Committeeman Burke commented on the reasoning behind the concept. He noted that there are two sewer plants already in existence in the area and that the Township's COAH plan includes a provision for significant affordable housing to be constructed in this area. It's proximity to Flemington and Route 78 was also noted. Mayor Lubitz also commented on the buildings heights, the TDR (transfer of development rights), new fire and emergency equipment that would be needed for taller structures. Attorney Kopen noted that the time on the heading of this ordinance needs to be corrected, from 8:00PM to 7:00PM.

It was moved by Mr. Burke, seconded by Mrs. Niemann and carried to adopt on first reading **ORDINANCE NO. 16-15-2011 TO AMEND AND SUPPLEMENT THE LAND USE REGULATIONS SPECIFICALLY "ZONING, CHAPTER 132" ESTABLISHING EASTERN GATEWAY VILLAGE DISTRICT ZONES AND REGULATIONS.**

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

**Consideration of final adoption at a public hearing is scheduled for Monday, April 25, 2011 at a meeting beginning at 8:00 P.M. at the municipal building.**

**ORDINANCE**

**ORDINANCE NO. 16-16-2011 AN ORDINANCE OF THE TOWNSHIP OF KINGWOOD, COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT THE LAND USE REGULATIONS OF THE TOWNSHIP OF KINGWOOD, SPECIFICALLY "ZONING, CHAPTER 132" OF THE GENERAL ORDINANCES OF THE TOWNSHIP PERTAINING TO ESCROWS DEPOSITS FOR MAJOR SOLAR OR PHOTOVOLTAIC ENERGY FACILITIES AND STRUCTURES** – Introduction and Adoption on First Reading

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

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adopt on first reading **ORDINANCE NO. 16-16-2011 AN ORDINANCE OF THE TOWNSHIP OF KINGWOOD, COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO**

**AMEND AND SUPPLEMENT THE LAND USE REGULATIONS OF THE TOWNSHIP OF KINGWOOD, SPECIFICALLY “ZONING, CHAPTER 132” OF THE GENERAL ORDINANCES OF THE TOWNSHIP PERTAINING TO ESCROWS DEPOSITS IN THE AMOUNT OF \$5,000 FOR MAJOR SOLAR OR PHOTOVOLTAIC ENERGY FACILITIES AND STRUCTURES.**

Comments: Planner David Banisch noted that there is a time of essence for consideration of this ordinance to be adopted. By the new law it must be adopted and published prior to May 5<sup>th</sup>, 2011. The Committee members discussed a date to have a special meeting to adopt the ordinance. A date of April 25, 2011 at 8:00PM will be published and scheduled for a Special Township Committee meeting to adopt this ordinance.

Mr. Charles Greybarr, Sundance Capital LLC expressed his feelings by stating he is troubled by the acceleration of the ordinance, and that applicants who were approved previously did not have these fees to pay. He stated that he is very disturbed about several ordinances that have been rushed through for adoption and feels that this is unwise. Mayor Lubitz explained why the ordinance has been adopted, and that the escrow fees would have to be paid either way and that it may have cost them even more. He explained that the Township is under a deadline, a new industry and has to fashion ground rules to protect the Township. Attorney Kopen responded to questions regarding dates for consideration, and also noted that they are completely in compliance with statutory requirements. Planner, D. Banisch noted that the ordinances that have been introduced tonight have all been discussed previously, except for this ordinance regarding the change to the escrow fees. He noted that the provisions of open land set aside in connection with a major facility were very well aired in open session by the Planning Board previously. He stated that information was provided to Mr. Greybarrs attorney, and the last provision that was explained concerning the option to preserve land to meet that requirement offsite was also developed in consultation with his attorney. He stated that there has been an obvious effort for the Township to work across the lines and to address the needs of the municipality.

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

**Consideration of final adoption at a public hearing is scheduled for Monday, April 25, 2011 at a meeting beginning at 8:00 P.M. at the municipal building.**

**RESOLUTIONS**

The following Resolution was introduced:

**RESOLUTION NO. 2011 – 47**

**A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR ACCUMULATED ABSENCES LIABILITY TRUST FUND REQUIRED BY N.J.A.C. 5:30-15**

**WHEREAS**, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance; and

**WHEREAS**, N.J.A.C. 5:30-15 provides for receipt of funds by the municipality to provide for the operating costs to administer this act; and

**WHEREAS**, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Accumulated Absences Liability Trust Fund are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement.

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

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Accumulated Absences Liability Trust Fund.
2. The Clerk of the Township of Kingwood, County of Hunterdon and State of New Jersey is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

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

<b>Roll Call Vote:</b>	<b>Aye</b>	-	<b>Burke, Niemann, Lubitz</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. 2011 - 48**

**RESOLUTION AUTHORIZING SALE OF SURPLUS PROPERTY**

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

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

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

**WHEREAS**, the Township has adopted Ordinance No. 16-15-2010 **and 16-07-2011** regarding public sale of the Property and wishes to dispose of the Property pursuant to N.J.S.A. 40A:12-13;

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

1. The Township Committee hereby authorizes the sale of the parcel of land owned by the Township of Kingwood, shown on the Tax Map of the Township of Kingwood, Hunterdon County, New Jersey, as Block 7, portion of Lot 2, located at 50 Oak Summit Road (the “Property”), at a public auction to the highest bidder. Said auction ***is to be held on a date to be determined in consultation with Max Spann Real Estate and Auction Co., auctioneers, which date is tentatively scheduled for April, 2011***, and published by way of the Notice of Sale, which Notice shall be published as required by statute and this resolution.

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

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

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



5. The sale of the parcel of the Property shall be subject to a written contract to be executed by the highest bidder. The form of Contract to be executed is attached to this Resolution. The form of Contract is not negotiable.

The three (3) day attorney review period does not apply to this transaction. ***A buyer's premium of ten percent (10%) of the high bid will be added to the final bid, and will be included in the total sale price, and will be due and payable at closing. The sale is contingent upon the buyer's premium being paid by the purchaser.***

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

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

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

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

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

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

commission and without further liability between seller and purchaser as to the unmarketable parcel.

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

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

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

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

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

Township Committee to sell or the bidder to purchase. In no event shall the bidder withdraw his bid unless the Township Committee has failed to make a determination whether to accept or reject bids by resolution adopted within 28 days of the auction. If no resolution to accept or reject the bid is adopted by the Township Committee within such 28 day period [or an extension of such period agreed to by the bidder in writing], the bidder may request in writing the return of his deposit; in which case the deposit shall be promptly returned to the bidder, and if such occurs, thereafter neither the bidder nor the Township shall have any obligation to the other regarding or relating to the auction or purchase.

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

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

<b>Roll Call Vote:</b>	<b>Aye</b>	-	<b>Burke, Niemann, Lubitz</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. 2011 – 49**

**OLDER AMERICANS MONTH**

**WHEREAS**, Kingwood Township is fortunate to have a thriving and active group of older residents in the community; and

**WHEREAS**, the month of May is traditionally designated and observed throughout the nation as **Older Americans Month**; and

**WHEREAS**, the 2011 theme is “**Older Americans: Connecting the Community**” in honor of older Americans; and

**WHEREAS**, Kingwood Township recognizes the contributions older Americans have made to our families, our community, and our nation; and

**WHEREAS**, older Americans remain active and productive, volunteering their time, talents and expertise, thereby enriching all our lives;

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey does hereby proclaim the month of May as Older Americans Month and calls upon individuals and entities to honor and celebrate the outstanding contributions of Kingwood Township’s older residents.

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

<b>Roll Call Vote:</b>	<b>Aye</b>	-	<b>Burke, Niemann, Lubitz</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. 2011 - 50**

**TAX SALE REDEMPTION**

**WHEREAS**, the Tax Collector has received redemption monies in the amount of \$5,207.81 to redeem Tax Sale Certificate No. 08-005 on Block 24, Lot 7.02.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey, that the Chief Financial Officer be authorized to issue a check in the amount of \$5,207.81 to Park Finance, LLC, PO Box 109, Cedar Knolls, New Jersey, 07927 for the redemption of Tax Sale Certificate No. 08-005.

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

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

**RESOLUTION**

**2011 – 140**

The following Resolution was introduced:

**RESOLUTION NO. 2011 – 51**

**REFUND OF FIRST QUARTER PAYMENT**

**WHEREAS**, Bank of America as well as Tohickon Abstract Company paid the **FIRST** quarter 2011 tax installment for Block 34, Lot 10.03 in the amount of \$2435.64, and

**WHEREAS**, Tohickon Abstract Company has requested the payment made by Tohickon Abstract Company be refunded to the homeowner.

**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 Rick and Stacy Falkenstein, 28 Milltown Road, Stockton, New Jersey, 08559 in the amount of \$2435.64.

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

<b>Roll Call Vote:</b>	<b>Aye</b>	-	<b>Burke, Niemann, Lubitz</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. 2011 – 52**

**REFUND OF THIRD QUARTER PAYMENT**

**WHEREAS**, PNC Mortgage paid the **FIRST** quarter tax installment for Block 23, Lot 13 in the amount of \$1976.72 and for Block 23, Lot 13 Q0194 in the amount of \$52.39, 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 \$2,029.11.

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

<b>Roll Call Vote:</b>	<b>Aye</b>	-	<b>Burke, Niemann, Lubitz</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. 2011 - 53**

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

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

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

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

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

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

<b>Roll Call Vote:</b>	<b>Aye</b>	-	<b>Burke, Niemann, Lubitz</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:

**APPROVAL OF LOSAP LISTS FOR 2010**

**RESOLUTION NO 2011 – 54**

**WHEREAS**, the Kingwood Township Volunteer Fire Company and Kingwood Township First Aid and Rescue Squad have provided to the Township Committee annual certification identifying all active volunteer members who have qualified for credit for the year; and

**WHEREAS**, after initial review by the Township Committee the lists have been posted in the respective buildings of each participating emergency service organization for a period of at least 30 days for review by members; and

**WHEREAS**, there has been no objection or complaint received from any member of those organizations or from the organizations themselves, or the lists have been corrected, and the lists have again been reviewed by the Township Committee;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Kingwood, County of Hunterdon, State of New Jersey that the attached lists indicating qualified members for each for the respective year and amounts are approved.

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

<b>Roll Call Vote:</b>	<b>Aye</b>	-	<b>Burke, Niemann, Lubitz</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. 2011-58**

**A Resolution Honoring the Service of Jack Search,  
Supervisor, Dept. of Public Works, to the Residents of  
Kingwood Township  
on the Occasion of his Retirement**

**WHEREAS**, Jack Search joined the Kingwood Township Road Department over 49 years ago on March 23, 1962, and

**WHEREAS**, Jack rose through the ranks in the Road Department over the course of his career, culminating with his position as Superintendent, and

**WHEREAS**, Jack was personally involved in building every single road in Kingwood Township, and

**WHEREAS**, Jack leads by example, always working as hard or harder than what he expects of his crew, and

**WHEREAS**, Jack is like a guardian to Kingwood residents, riding the roads looking for downed trees and branches during storms and for roads made impassable by flooding or drifting snow, often while the residents slept peacefully in their homes, and

**WHEREAS**, Jack oversees the finances of his department as watchfully as he would oversee his own money, coaxing extra years of service out of equipment with regular maintenance and careful operation, and

**WHEREAS**, Jack's keen sense of humor and his wry smile, often delivered around the cigar in the corner of his mouth, makes people at ease and makes him easily recognizable to Kingwood residents, and

**WHEREAS**, Jack's tireless dedication to the safety of Kingwood's roads and his pride in the quality of the work done by the Road Department, more recently known as the Dept. of Public Works, in turn, builds community pride in Kingwood Township, and

**WHEREAS**, in addition to going above and beyond his obligations to Kingwood Township as an employee, Jack went even further to serve and to lead the Kingwood Township Volunteer Fire Company over many decades, and

**WHEREAS**, in addition to serving the township as a dedicated employee and volunteer, Jack is a lifelong farmer in Kingwood Township, carrying on our agricultural heritage,

**NOW, THEREFORE BE IT RESOLVED**, that the residents of Kingwood Township owe a debt of gratitude to Jack Search for all of his years of dedication, and



**BE IT FURTHER RESOLVED**, that in observance of Jack’s years of service to Kingwood, the Township Committee directs that, henceforth, the DPW building will be known as the Jack Search DPW, and

**BE IT FURTHER RESOLVED**, that the employees and elected officials of Kingwood Township will sorely miss Jack’s daily appearance out working on the roads, stopping in at the municipal building and being part of our daily working lives, and

**BE IT FURTHER RESOLVED**, that the Kingwood Township Committee acknowledges the many things beyond description that Jack Search has done for all of us over all of these years and on behalf of the employees and the residents of Kingwood Township, we wish him a long, peaceful and happy retirement.

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

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

**NEW BUSINESS**

Hunterdon Cty Open Space Trust Program – Resolution No. 2011-55 & Application to Withdraw Municipal Grant

Mayor Lubitz reviewed the resolution that was presented to be adopted.

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2011 – 55**

**APPLICATION FOR KINGWOOD TOWNSHIP ALLOCATION OF HUNTERDON COUNTY OPEN SPACE TRUST FUNDS**

**WHEREAS**, the Hunterdon County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Grants Program to provide County Funds in connection with preserving open space, natural areas, farmland and historic sites; to acquire, develop, improve and maintain county and municipal lands for recreation and conservation purposes; and preservation of historic structures, properties, facilities, sites, areas, or objects; or for the payment of debt service or indebtedness issued or incurred by the municipality for any of the purposes described above; and

**WHEREAS**, the Township of Kingwood desires to further the public interest by obtaining funding in the amount of \$85,215.07 from the County of Hunterdon to fund the following project: Preservation of Block 14 Lots 28.02 and 30 (Horseshoe Bend Road) in Kingwood Township at a cost of \$5,800,000.00;

**NOW, THEREFORE**, the Township Committee resolves that Phillip Lubitz, Mayor is hereby authorized to:

- (a) make application for such County Open Space Trust Funds,
- (b) provide additional application information and furnish such documents as may be required, and
- (c) act as the authorized correspondent of the above named municipality; and

**WHEREAS**, the County of Hunterdon shall determine if the application is complete and in conformance with the scope and intent of the Hunterdon County Open Space, Farmland and Historic Preservation Trust Fund Plan, applicable Freeholder Board Policies and the Procedures Manual for the Municipal Grant Program adopted thereto, and notify the municipality of the amount of the funding award; and

**WHEREAS**, the municipality is willing to use the County funds in accordance with such adopted Policies and Procedures, and applicable state and local government rules, regulations and statutes;

**NOW, THEREFORE, BE IT FURTHER RESOLVED** by the Kingwood Township Committee:

1. That the Mayor of the Township of Kingwood is hereby authorized to execute any documents and agreements with the County of Hunterdon for the project known as Preservation of Block 14 Lots 28.02 and 30 (Horseshoe Bend Road);
2. That the Municipality has its share of funds, if required, in the amount of \$85,215.07;
3. That, in the event the County of Hunterdon's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project;
4. That the applicant agrees to comply with all applicable federal, state, and local laws, rules and regulations in its performance of the project; and
5. That this Resolution shall take effect immediately.

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

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

Morris County Cooperative Pricing Council – Resolution No. 2011-56 & Agreement to Join

Mayor Lubitz reviewed the resolution that was presented to be adopted.

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2011 – 56**

**AGREEMENT TO JOIN MORRIS COUNTY  
COOPERATIVE PRICING COUNCIL**

**BE IT RESOLVED BY THE** Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey: This Resolution shall be known and may be cited as the Cooperative Pricing Resolution of the Township of Kingwood;

Pursuant to the provisions of N.J.S.A. 40A:11-10 and 11, the Township of Kingwood is hereby authorized to enter into a Cooperative Pricing Agreement with the “Lead Agency” (Township of Randolph) for the purchase of work, materials, supplies and services expiring on September 30, 2011.

The Lead Agency (Township of Randolph) entering into contracts on behalf of the Township of Kingwood shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq) and all other provisions of the revised statutes of the State of New Jersey.

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

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

ABC Application for Social Affair Permit at Razberry’s Banquet Center

Clerk MacConnell explained the ABC application for a Social Affair Permit to the Committee members, who then reviewed the details of the event. She noted that the event is scheduled to be held at Razberry's Banquet Center on May 27<sup>th</sup>, 28<sup>th</sup>, and 29<sup>th</sup>, 2011 from 11:00AM to 9:00PM. The Committee members had no objections to the permit, and approved the application to be sent to the State.

Raffle Application

The Committee members reviewed the Raffle License Application for the Woman's Club of Flemington.

It was moved by Mr. Burke, seconded by Mrs. Niemann and carried to approve Raffle License Application for October 28, 2011 at 2:00PM at Razberry's Banquet Center for the Woman's Club of Flemington.

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

Offer from Resident Marisa Tiberi to Paint & Enhance Municipal Building Sign

Mayor Lubitz read aloud a letter from a Kingwood Township resident named Marisa Tiberi, a certified landscape designer, artist and professional engineer. He noted that she stated that she often drives by the Township Hall and she would like to offer her services at no cost to the Township to paint and visually enhance the sign in the front of the building. She attached a computer generated visual aid with the color suggestions. She also gave some suggestions for the landscaping surrounding the sign. The Township Committee stated yes that they would very much like to have work on the sign. Mayor Lubitz noted that Clerk MacConnell will contact Ms. Tiberi to let her know about their decision, and stated that he will also call her to discuss her plans and to thank you her for her offer. The Committee members were very happy and grateful for this very generous offer from Marisa Tiberi.

Permanent Financing

Committeeman Burke noted that this financing will be for the former equestrian village property located on Horseshoe Bend Road. C.F.O. D. Laudenbach discussed the process of financing with the Township Committee. She asked the Township Committee if it was their desire to go with permanent financing and to process the paperwork. The Committee members all agreed that they would like her to proceed with the permanent financing for the equestrian village property.

SRECS

C.F.O. Diane Laudenbach noted that the Township must sign up in order to register their SRECS. She stated that the State of New Jersey has authorized for the Township to use three vendors currently. She explained that the Township Committee needs to decide how they want to sell the SRECS. She explained that in order to go through a broker there is a fee and if you do it yourself it is a lot of work. It was noted that there is no bidding or advertising required. Deputy Mayor Niemann would like C.F.O. Laudenbach to contact the broker that she had spoken to, and notify them that the Township Committee agreed to sell their SRECS.

It was moved by Mr. Burke, seconded by Mrs. Niemann and carried to authorize our C.F.O. Diane Laudenbach to contact the broker recommended and to sell the SRECS from the solar panels at the Public Works Garage.

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

Department of Public Works – Appointment of Road Supervisor

It was moved by Mr. Burke, seconded by Mrs. Niemann and carried to appoint Mark Petro as the Township’s Public Works Supervisor at a salary of \$85,000 a year effective May 1, 2011.

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

Appointment of Road Foreman

Mayor Lubitz noted that the Township was informed that this position must be posted at the garage before someone can be appointed. An appointment for the Public Works Road Foreman will be considered at the special twp. committee meeting scheduled on April 25, 2011 at 8:00PM.

Appointment of New Employee

It was moved by Mr. Burke, seconded by Mrs. Niemann and carried to appoint Mark Berezny as a public works employee to fill the vacancy of the Township’s recent retiree, at a salary of one dollar less an hour than what is provided in the public works agreement while under probation.

Animal Control Van

Deputy Mayor Niemann noted that she spoke to Traci Fleming the Township's Animal Control officer. She stated that she is not really using the animal control van any longer, and that if the Township wanted to dispose of it, that it would be fine with her. Attorney Kopen explained that the Township would need to pass a resolution authorizing the sale of the van with all the terms of the sale. The Committee members discussed the ad that will be placed in the newspaper and noted that they would like to sell the van as is, with sealed bids received by the starting time of 7:00PM at the next Township Committee meeting of May 5, 2011. There will be no minimum bid required, but must submit 10% deposit of the amount of the bid offered at the time the bids are open, and that the van must be removed with three days of the sale from the public works garage.

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2011 – 59**

**SALE OF ANIMAL CONTROL VAN**

**WHEREAS**, it has been determined that the Township of Kingwood possesses a surplus van which is no longer needed for municipal use; and

**WHEREAS**, the Township of Kingwood may sell the equipment in accordance with **N.J.S.A. 40A:12-13**;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Kingwood, County of Hunterdon, State of New Jersey that the Clerk is hereby authorized to publish a Notice to Bidders in the Hunterdon Democrat for two consecutive weeks, the last insertion not earlier than seven days prior to the bid date, on April 21, 2011 and April 28, 2011; and

1. The van is used equipment, in its "as is" condition, without any warranty or guaranty of any nature.
2. Sealed proposals for the above item may be delivered to the Municipal Building in person up to the time of bid opening or by mail prior to the bid opening as hereinafter set forth. Bids must be enclosed in a sealed envelope bearing the name and address of the bidder, marked that it is an Animal Control Van Bid and addressed to the Kingwood Township Committee.
3. Sealed bids will be received for the May 5, 2011 Township Committee Meeting with payment by cash or certified check for 10% of the bid amount. No minimum bid is required.

4. The van must be removed by the successful bidder within three days of notification of the award.
5. Interested bidders may inspect the van by appointment with the Township Road Supervisor.
6. The Township Committee reserves the right to reject all proposals.

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to dispose of the animal control van by receiving sealed bids with no minimum bid amount, but a 10% deposit of the amount and to be received by 7:00PM on May 5<sup>th</sup>, 2011.

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

### OLD BUSINESS

#### Proposals for Electronic Codes

There was a brief discussion with Deputy Clerk Keller regarding the proposals for the electronic codes. Deputy Clerk Keller reported on the two companies that she spoke to that submitted proposals. The Township Committee reviewed the proposals and there was a discussion on the difference of the two proposals. The Committee members decided to stay with the original company that the Township has worked with for several years.

It was moved by Mr. Burke, seconded by Mrs. Niemann and carried to utilize General Code Corporation for the Township's electronic ordinances on line version.

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

### MINUTES

#### March 3, 2011 Regular Meeting

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adopt the Township Committee Regular Meeting Minutes of the March 3, 2011 Township Committee meeting.

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

2011 – 151

March 15, 2011 Special Meeting

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adopt the Township Committee Special Meeting Minutes of the March 15, 2011.

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

March 17, 2011 Special Meeting

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adopt the Township Committee Special Meeting Minutes of the March 17, 2011.

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

March 17, 2011 Executive Session

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adopt the Township Committee Executive Session Minutes of the March 17, 2011.

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

March 23, 2011 Special Meeting

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adopt the Township Committee Special Meeting Minutes of the March 23, 2011.

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

**EXECUTIVE SESSION – Resolution No. 2011-57**

**Executive Session – Resolution No. 2011 -57**



The following Resolution was introduced to enter into closed session at approximately 9:12P.M.:

**RESOLUTION NO. 2011 – 57**

**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:

**Contractual Negotiations – Renewal of DPW Union Agreement  
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. Burke and carried to adopt the foregoing Resolution.

<b>Roll Call Vote:</b>	<b>Aye</b>	-	<b>Burke, Niemann, Lubitz</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. Burke, seconded by Mrs. Niemann and carried to return to regular session at 9:46P.M. **All voted Aye on Roll Call Vote.**

Deputy Mayor Niemann commented that the County had applied for a year extension for their wastewater management plan. Committeeman Burke noted that the Kingwood Township Board of Health was unprepared and not ready to introduce their septic ordinance. He noted that they would like to form a subcommittee to review the clauses in the ordinance.

C.F.O. Diane Laudenbach noted that she spoke to Elaine Niemann regarding upgrading the Microsoft Office 2010 on the computers in the offices. She explained that she is obtaining a quote from Doug Frey the Township's IT. She will look into seeing if we can install it ourselves.

**ADJOURNMENT**

It was moved by Mr. Burke, seconded by Mrs. Niemann and carried to adjourn the meeting at 9:51PM. **All present Voted Aye on Roll Call Vote.**

**Respectfully submitted,**

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