

# **KINGWOOD TOWNSHIP COMMITTEE**

**May 5, 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**

### **2011 Municipal Budget – Public Hearing**

### **Opening of the Bids for the Animal Control Van**

**Delaware Valley Regional High School Budget – Resolution No. 2011-65**

### **Correspondence**

Letter from the N.J.D.E.P. Re: Green Acres Project – Open Space Plan

Letter from Department of Law and Public Safety – Re: Emergency Operations Plan Approval

Resolution from Alexandria Township Committee – Requesting Support for a Change in the Assessment Formula per Student for the Del Val Sending Districts

### **Bills and Claims**

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

### **Reports**

Tax Collector's Reports of March and April 2011

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

Municipal Court Report of March 2011  
Construction Reports of April 2011  
Zoning Permits Report  
General Code Enforcement Report  
Township Engineer's Monthly Report  
Dog License Reports  
Animal Control Report  
Zoning Officer Report  
Annual Variance Report

### **Future Meetings & Activities**

May 14 - Recycling at Township Garage from 9:00am-12:00noon  
May 14 - Clean-up Program at Township Garage from 9:00am-12:00noon  
May 17 - Voter Registration Deadline for the Primary Election  
May 21- Township Open Space/Ag Adv. Committees Having a Spring Hike  
at the Felix Farm on Horseshoe Bend Road - Start Time 2:00PM  
May 24 - Presentation on Deer and Deer Hunting by Larry Herrightly –  
Sponsored by the Kingwood Township Environmental  
Commission on Tues, May 24<sup>th</sup> 7:30PM  
June 2 - Regular Monthly Meeting of the Township Committee at  
Municipal Building beginning at 7:00 PM  
June 4 - Senior Picnic at the Kingwood Park Pavilion – 12:00PM  
June 7 - Primary Election – Kingwood Twp. Firehouse 6:00PM-8:00PM  
June 11 - Fishing Derby – 9:00AM-12:00Noon – Melnyk Pond

### **Ordinances**

**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 – Public Hearing and Final Adoption**

**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 – Public Hearing and Final Adoption**

**Ordinance No. 16-14-2011 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 Establishing the Route 12 Scenic Corridor Overlay (SCO) Zone and Route 12 Scenic Corridor Overlay Zone Regulations - Public Hearing and Final Adoption**

## April 7, 2011 Township Committee Agenda Continued

**Ordinance No. 16-15-2011 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 Establishing Eastern Gateway Village Center Overlay (EGVCO) Zone and Regulations – Public Hearing and Final Adoption**

**Ordinance No. 16-17-2011 An Ordinance to Fund Permanent Financing Cost For Open Space Acquisition – Introduction and Adoption on First Reading**

**Ordinance No. 16-18-2011 An Ordinance Providing for the Reconstruction of Spring Hill Road, Section II By the Township of Kingwood, in the County of Hunterdon, New Jersey, Appropriating \$160,000 Therefore - Introduction and Adoption on First Reading**

**Ordinance No. 16-19-2011 An Ordinance To Provide for the Resurfacing of Roads as a General Improvement for the Township of Kingwood in the County of Hunterdon and State of New Jersey and Appropriating \$50,000.00 from the Capital Improvement Fund – Introduction and Adoption on First Reading**

### Resolutions

- Resolution No. 2011- 66** -Tax Sale Redemption – Block 7, Lot 5.02
- Resolution No. 2011- 67** -Tax Sale Redemption - Block 12, Lot 55
- Resolution No. 2011- 68** -September 17<sup>th</sup>, 2011 Fireworks Display
- Resolution No. 2011- 69** -Accepting Highest Bid on the Gergar Farm
- Resolution No. 2011- 70** -Force Account Agreement for Spring Hill Road
- Resolution No. 2011- 71** -Permanent Financing
- Resolution No. 2011- 72** -Permanent Financing

### New Business

- PWTA Results for Sampling Conducted – Gergar Farm, April 20, 2011
- Annual Covered Bridges Bicycle Ride – Sunday, October 9, 2011
- Discuss Road Materials Used at the Kingwood Township School
- Authorization and Motion for Home Depot Card – Department of Public Works Supervisor, Mark Petro
- Authorize Preparation of the Master Plan Reexamination Report –
- Resolution No. 2011 – 73**
- Public Works Department – Motion to Appoint New Foreman
- Approval for Application for Raffle License # 2011-02 – Saint Anna Greek Orthodox Church – November 12, 2011 At Razberry’s Banq. Center
- FYI – Funds from the SRECs Sale

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

### **Old Business**

Record Management Services, LLC – Annual Record Management  
Maintenance Proposal  
Sun Saver Installation Project  
Bob Miller, Habitat for Humanity – Presentation of Architectural Drawings for  
the Ukarish Property  
Ordinances on Website - Update

### **Minutes**

April 7, 2011 Special Meeting  
April 7, 2011 Executive Session 6:02PM  
April 7, 2011 Regular Meeting

November 4, 2003 Regular Meeting

### **Executive Session – Resolution No. 2011-74**

Contractual Negotiations – Shared Services  
Personnel Matter

### **Return to Regular Session**

### **Adjournment**

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

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May 5, 2011

A Regular Meeting of the Kingwood Township Committee was called to order at 7:05P.M. with Mayor Lubitz presiding.

Also present at the meeting were Deputy Mayor Niemann, Committeeman Burke, Attorney Kopen, Auditor B. Colantano, C.F.O. D. Laudenbach, Deputy Clerk Keller and Clerk MacConnell.

Mayor Lubitz asked everyone to keep in mind Navy Seal Team #6 which are the fighting men who have risked their lives, and all the civilians who have lost their lives in this war on terror.

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**

**Present: James Burke, Elaine Niemann, Phil Lubitz**

**Absent: None**

**Delaware Valley Regional High School Budget – Resolution No. 2011-65**

**RESOLUTION**

Mayor Lubitz read aloud the following Resolution that was introduced:

**RESOLUTION NO. 2011 – 65**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF  
KINGWOOD, HUNTERDON COUNTY, NEW JERSEY IN REGARD TO  
CERTIFICATION OF THE LOCAL TAX LEVY FOR THE DELAWARE VALLEY  
REGIONAL HIGH SCHOOL DISTRICT**

**WHEREAS**, the Board of Education of the Delaware Valley Regional High School District presented to the voters, at the annual School Election held on April 27, 2011, a question concerning the tax levy requirements for the said Board of Education for current expenses and capital outlay, designated as the General Fund, in the amount of \$12,911,477 for the school year 2011-2012; and

**WHEREAS**, the voters of Kingwood Township rejected the current expense and capital outlay budget designated as the General Fund, by a vote of 148 - Yes votes and 270 - No votes; and

**WHEREAS**, the total votes cast of the five municipalities comprising the Delaware Valley Regional High School District rejected the current expense and capital outlay budget, designated as the General Fund, by a total vote of 961 -Yes votes, 1,166 - No votes; and

**WHEREAS**, the said Delaware Valley Regional High School Board of Education transmitted an official copy of the rejected current expense and capital outlay budget designated as the General Fund to the Township Committee of the Township of Kingwood by April 28, 2011; and

**WHEREAS**, the Township Committee of the Township of Kingwood has reviewed information on the current expense and capital outlay budget, designated as the General Fund submitted by the said Board of Education; and

**WHEREAS**, a joint meeting of the mayors of the five municipalities was held on May 2, 2011, to discuss the current expense and capital outlay budget, designated in the General Fund as submitted by the Board of Education; and

**WHEREAS**, careful consideration has been given to the information received from the Board of Education, with a view toward providing a thorough and efficient system of education in the school system of the Delaware Valley Regional High School District;

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

The tax levy amount of \$12,911,477 on the ballot was rejected by the voters for the General Fund (base budget);

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The Mayor and Township Committee have determined that the rejected General Fund is above the maximum T & E budget and that a reduction of \$275,000 will not adversely affect the Board of Education's ability to meet the thoroughness and efficiency standard as set forth in N.J.S.A. 18A:7F. Therefore, the Mayor and Township Committee hereby reduce the General Fund tax levy by \$275,000. It is recommended that such reductions come from the following line-item accounts:

<b>ACCOUNT</b>					<b>DEPT</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
<b>CODE</b>							
11	401	100	104	019	CO-CURRICULAR	SALARIES	\$25,000
11	230	100	101	022	BASIC SKILLS INSTR	SALARIES	\$50,000
11	402	100	104	021	ATHLETICS	SALARIES	\$25,000
11	000	223	104	039	STAFF TRAINING	SUPPLIES	\$30,000
					CAPITAL	GRADES 9-12	\$95,000
11	140	100	730		OUTLAY/EQUIP	EQUIPMENT	
					REGULAR		
11	140	100	101		EDUCATION	SALARIES	\$50,000
						<b>TOTAL:</b>	
							\$275,000

In consideration of these reductions, the tax levy will be adjusted as follows:

\$12,911,477	-	presented to the voters
<u>- 275,000</u>	-	above reductions
<b>\$12,636,477</b>		certified tax levy amount

1. The Mayor and Township Committee hereby certify that the amount of the tax levy herein above certified by this Municipal Government for the General Fund (base budget) is sufficient to provide a thorough and efficient system of education for the Delaware Valley Regional High School District.
2. The aforementioned tax levy herein certified by the Township of Kingwood for the base budget exceeds minimum local share required by the N.J.S.A. 18A:7F-5.
3. The Township Clerk of the Township of Kingwood is directed to certify no later than May 19, 2011, to the Hunterdon County Board of Taxation, the Hunterdon County Superintendent of Schools, the Delaware Valley Regional High School District Board of Education, the Kingwood Township Tax Assessor, the Division of Local Finance of the Department of the Treasury of the State of New Jersey, and to any other parties required by law to receive such certification, that the amount of **\$3,200,456.31** is necessary to be raised by taxation for General Fund revenues (District tax levy); this proportionate amount

representing 25.3271249% of the District's total general fund tax levy shall be included in the taxes to be raised, levied and collected in this Township for current expense and capital outlay, designated as

General Fund set forth herein, for the Delaware Valley Regional High School District; and copies of this Resolution, to be executed by the Mayor and Township Clerk, shall be forwarded by the Township Clerk to the persons and/or departments named herein, for certification purposes.

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

Mayor Lubitz noted that the reduction in the Delaware Valley Regional High Schools budget takes them to below the current years budget, which is actually below the budget of the prior year.

<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>

**Opening of the Bids for the Animal Control Van**

Clerk MacConnel noted that three bids were received. Mayor Lubitz asked if there were any other bids to be handed in at this time. No other bids were received.

Attorney Kopen opened and read allow the following bids received:

<b>Ann C. Mule</b>	<b>Bid Amount:</b>	<b>\$600.00</b>
<b>1645 Thistlewood Drive</b>		
<b>Washington Crossing PA 18977</b>	<b>10% check received:</b>	<b>\$ 60.00</b>
<b>Dan Dames</b>	<b>Bid Amount:</b>	<b>\$461.06</b>
<b>2539 Ramshorn Drive</b>		
<b>Manasquan, NJ 08736</b>	<b>No check received</b>	<b>-</b>
<b>Jersey One Auto Sales, Inc.</b>	<b>Bid Amount:</b>	<b>\$527.00</b>
<b>95 Tonnele Ave</b>		
<b>Jersey City, NJ 07307</b>	<b>No check received</b>	<b>-</b>



Attorney Kopen noted that the highest bidder was Ann C. Mule with a bid amount of \$600.00, and a 10% check received in the amount of 60.00.

She noted that the other bids were without deposit checks for the bid amount.

It was moved by Mrs. Niemann, Mayor Lubitz stepped down from the Chair, second the motion and carried to accept the bid from Ann C. Mule in the amount of \$600.00 for the purchase of the Animal Control Van.

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

**CORRESPONDENCE**

Letter from the N.J.D.E.P. Re: Green Acres Project – Open Space Plan

Mayor Lubitz read aloud and commented on the award.

Letter from Department of Law and Public Safety – Re: Emergency Operations Plan Approval

Mayor Lubitz read aloud and thanked Jack MacConnell as the Emergency Management Coordinator.

Resolution from Alexandria Township Committee – Requesting Support for a Change in the Assessment Formula per Student for the Del Val Sending Districts

Mayor Lubitz stated that Alexandria is requesting support for a change in the assessment formula per student for the Delaware Valley sending districts. He noted that the Delaware Valley School Budget has a substantial affect on Kingwood and the only thing that will make a difference is a true change in the formula. The Committee members expressed their opinion on the resolution, and all agree they would like to support this resolution.

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2011-76**

**REQUESTING A CHANGE IN ASSESSMENT FORMULA PER  
STUDENT FOR THE DEL VAL SENDING DISTRICTS**

**WHEREAS**, the Township of Kingwood in the County of Hunterdon, State of New Jersey is one of five municipalities that send their high school students to the Delaware Valley Regional High School in Hunterdon County; and

**WHEREAS**, the five participating municipalities are the Townships of Kingwood, Alexandria, Holland, and the Boroughs of Frenchtown and Milford; and

**WHEREAS**, currently, the participating municipalities are assessed a fee per student based upon a formula which is based, in part upon equalized assessed valuation of real estate within each respective participating municipality, and said formula results in varying per student fees amongst the participating municipalities; and

**WHEREAS**, there is a proposal to place a referendum question on the 2011 School Ballot to allow the voters to elect to equalize the per student assessment amongst the participating municipalities so that the per student assessment is the same, regardless of the municipality within which the student resides; and

**WHEREAS**, the governing body of the Township of Kingwood is in favor of an equal assessment per student because it more evenly distributes the educational costs per student based on the actual number of students, rather than a formula specific to the municipal tax base; and because it will allow for more predictability in budgeting such that the participating municipalities can rely on a pro rata share based upon student count, rather than a formulaic calculation which yield results which vary from year to year.

**NOW, THEREFORE BE IT RESOLVED** on this 5<sup>th</sup> day of May, 2011 by the Kingwood Township Committee, in the County of Hunterdon, State of New Jersey, that the Township Committee of the Township of Kingwood desires to express their position in favor of placing on the School Board Ballot a Referendum Question which would allow the voters to vote for a referendum to amend the per student formula so as to assess an equal pro rata share to each participating municipality in the Delaware Valley Regional High School, based upon the number of students from each participating municipality.

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

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**Roll Call Vote:**

<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 Municipal Budget – Public Hearing**

Mayor Phil Lubitz review a power point presentation of the Township’s budget that was prepared by Diane Laudenbach. He noted that these are now available on the Township’s website for everyone to review.

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to open the public hearing for the 2011 Municipal Budget. **All** voted **Aye** on **Roll Call Vote**.

Public Comments:

Sandra McNicol, Oak Grove Road Commented on everyone’s effort to make it clear to the Township residents where their tax dollars go. She noted that not many people realize that the taxes are affected by many different things. She stated that the municipal budget, and the school budgets are totally different budgets, and just wanted to thank the Committee members for everything, and keeping everyone informed.

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

Auditor William Colantano handed out a budget form of numbers for the Township Committee members to review. He explained that it was a resolution showing the adoption of the budget with dollar amounts that reflect the local taxes, and the farmland preservation of the open space tax. Mr. Colantano stated that the State of New Jersey has approved the Township’s 2011 Budget and they had no comments. He noted that the Township has apparently done a very good job with their budget.

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2011 - 77**

**BE IT RESOLVED**, by the Township Committee of the Township of Kingwood, County of Hunterdon that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

- (a) \$ 1,162,954.00 (Items 2 below) for municipal purposes; and
- (b) \$\_\_\_\_\_ (Items 3 below) for school purposes in Type I School District only (NJS18A:9-2) to be raised by taxation; and  
(Item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in Type II School Districts only (NJS 18A:9:3) and certification to the County Board of
- (c) \$\_\_\_\_\_ Taxation of the following summary of general revenues and appropriations.
- (d) \$ 182,500.00 (Sheet 43) Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy

**SUMMARY OF REVENUES**

1. General Revenues:		
Surplus Anticipated	08-100	\$657,000.00
Miscellaneous Revenues Anticipated	13-099	\$548,153.73
Receipts from Delinquent Taxes	15-499	\$403,253.00
2. Amount to be raised by taxation		
for municipal purposes (item 6(a), Sheet 11)	07-190	\$1,162,954.00
3. Amount to be raised by taxation for		
schools in type I school districts only:	07-195	\$_____
Item 6, Sheet 41	07-191	\$_____
Item 6 (b), Sheet 11 (NJS 40A:4-14)		
Total Amount to raised by taxation for schools in type I school districts only		
4. To be added to the certificate for amount to be raised by taxation for schools in type II		
school districts only:		
Item 6 (b), Sheet 11 (NJS 40A:4-14) 07-191		
Total Revenues	13-299	\$2,771,360.73
General Appropriations:		
Within "CAPS"		
(a & b) Operations including		
Contingent	34-201	\$1,653,735.50
(e) Deferred Charges and Statutory		
Expenditures - Municipal	34-209	\$152,070.00

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(g) Cash Deficit	46-885		
Excluded from "CAPS"			
(a)Operations – Total Operations			
Excluded from "CAPS"	34-305	\$	15,770.23
(c)Capital Improvements	44-999	\$	163,600.00
(d)Municipal Debt Service	45-999	\$	189,885.00
(e)Deferred Charges - Municipal	46-999	\$	30,000.00
(f)Judgements	37-480		
(n)Transferred to Board of			
Education for Use of Local Schools			
(NJS 40:48-17.1&17.3)	29-405		
(g)Cash Deficit	46-885		
(k)For Local District School			
Purposes	29-410		
(m)Reserve for Uncollected taxes	50-899	\$	566,300.00
6. School Appropriations – Type 1			
School Districts Only (NJS 40A:4-13)	07-195		
Total Appropriations	34-499	\$	2,771,360.73

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 Mr. Burke, seconded by Mrs. Niemann and carried to approve and pay all bills and claims in the amount of \$1,121,662.47 that are in order and attached as Bill List for June 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>

Mayor Lubitz announced that the Township's ordinances are now available on the Township's website at [www.kingwoodtownship.com](http://www.kingwoodtownship.com).

**PUBLIC COMMENT – PRIVILEGE OF THE FLOOR**

Kathy Kolvites, 55 Slacktown Road, Commented on the beauty of Kingwood and how it is in its rural character. She stated that she feels that it is reasonable to require 50 percent open space for solar farms that are in residential areas. She noted that this fits in with the rural character of the area, and that we need to remember that these are not industrial zones. She stated that the people living in residential areas that will now be living next to or near solar farms, should not lose the rural character of their homes to benefit those who profit from the solar farms.

Caroline Beidelman, Fairview Road, Thanked the Township Committee for putting the ordinances on the website. She also commented on a concern she has about the solar farms moving into the residential areas, and the drainage issues along the roads, which will require more road maintenance by the Township DPW. The Committee members responded. Mrs. Beidelman also thanked the Committee for their preservation efforts.

Joseph Zgurzynski, Route 519 Thanked the Township Committee for their efforts with the Township's budget, and concerns for the solar panels that are being constructed in Kingwood. He also asked questions regarding the taxes that will be on the solar farms. The Committee members responded.

Adam Belle, Barbertown Point Breeze Road, Addressed the Township Committee asking them if they had received a letter by e-mail from Mr. Gregory Nemeč, 5 Tree Top Terrace, Morristown, NJ. Mr. Belle stated that Mr. Gregory Nemeč had contacted him and asked if he could be at the Township meeting to read aloud his letter, as he was unable to attend due to his father being ill. He stated that he was asked to come in their place to speak for them at the meeting and make sure that their questions were answered. Mr. Belle proceeded to read the letter aloud to the Committee members, regarding Mr. Nemeč's parent's property, which is located at 226 Barbertown Point Breeze Road. The letter explained their concern with the implementation of ordinances to restrict and limit the use of their land. They explained that they were approached by solar developers with an offer for the land, which would help with their retirement. The Nemeč's stated in their letter that housing developments can dramatically change the landscape of a community in many different ways such as an influx of people which leads to more schools and other public services, but feel that solar only provides economic benefit for the people of the town in the form of tax revenue. They asked if the Township Committee would clarify their perspective on the economics, and why the Township instituted policies to restrict and limit the amount of profit their citizens can generate from their assets. Mayor Lubitz responded.

Liz Schmid, Tumble Idell Road, Commented on the sale of homes in Kingwood Township and how it has historically taken longer than other municipalities in Hunterdon County to sell. She had concerns about the small property owner and if the solar farms will decrease the value of their properties.

Committeeman Burke explained that when he was on the Planning Board they had the same concerns. He stated what State regulations enforce, as far as, inherently beneficial use, and that the Township has tried to control it, but it is limited. He feels that the solar ordinance was done correctly, well done and will benefit the residents of the Township. Mayor Lubitz feels more optimistic about the taxes, and feels it could be a definite benefit.

Joseph Zgurzynski, Route 519, Commented that he enjoys the Township and his farmland, which is about eight acres. He noted that he is concerned about the bees he raises and if they will be affected by the power lines from the solar farms.

Adam Belle, Barbertown Point Breeze Road Noted that he is speaking for himself and stated that he has a problem with the way the Township has compared the residential development ordinance and the solar ordinance. He explained an example to the Committee members. He has a problem with the 50% of restricted development rights. He reviewed several of the items in the solar ordinance adopted last November. He stated that there are so many applicants that are moving forward, but now Kingwood Township has now changed the rules in the ordinance. He stated that he has a problem with the way the Township has structured the recently adopted solar ordinance, and gave his opinion on what he feels should be included in the ordinance. He noted that it appears what the Township is conveying to the residents by purchasing development rights to properties, but they want the right for others to give it up.

John Mathieu, Federal Twist Road Asked the Township Attorney if Kingwood has to grant rights beyond what currently exists in an AR-2 District to a solar developer, or a tank farm operator. He also asked the question, if a “J” line goes through a property, is the Township required to grants rights. Attorney Kopen responded by stating the Township is required by law to abide by the current ordinances. He noted that he has been on the Planning Board for many years and that they have been very careful in developing this ordinance. He stated that he feels that it is a very responsible ordinance with a lot of input especially from the industry, and that the Township must protect all of the residents, even for two acre property owners.

Adam Belle, Barbertown Point Breeze Road Asked the Township Committee if they could clarify the AR-2 zone use right as it was stated in the November solar ordinance, and the changes that have been made in the most recent ordinance. The Committee members responded.

## **REPORTS**

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

Tax Collector’s Reports of March and April 2011  
Municipal Court Report of March 2011

**REPORTS CONTINUED**

Construction Reports of April 2011  
Zoning Permits Report  
General Code Enforcement Report  
Township Engineer's Monthly Report  
Dog License Reports  
Animal Control Report  
Zoning Officer Report  
Annual Variance Report

**FUTURE MEETINGS AND ACTIVITIES**

Mayor Lubitz reviewed as per the Agenda.

**ORDINANCES**

**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** - 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 7<sup>th</sup> day of April, 2011. The Ordinance was published in the Hunterdon County Democrat on April 21, 2011 and has been posted in the Kingwood Township Municipal Building on April 8<sup>th</sup>, 2011. Copies of the Ordinance have been available for inspection by the public since April 8<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 Mr. Burke, seconded by Mrs. Niemann and carried to close the public comment portion of the hearing. **All voted Aye on Roll Call Vote.**

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adopt on final 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.**

**Roll Call Vote:**

<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. 16-12-2011 – 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 - 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 7<sup>th</sup> day of April, 2011. The Ordinance was published in the Hunterdon County Democrat on April 21, 2011 and has been posted in the Kingwood Township Municipal Building on April 8<sup>th</sup>, 2011. Copies of the Ordinance have been available for inspection by the public since April 8<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:

Adam Belle, Barbertown Point Breeze Road Asked for clarification on the location of the property, and if it is the property that was previously a proposal for 55 homes on Horseshoe Bend Road. He also noted that he believes that the Township is buying the development rights to this property and feels that this should be cut in half immediately, as he feels that the Township has done to the solar. Mayor Lubitz stated that the Township is not really buying the rights of the property. He stated that this will become an equestrian village with the assistance from the Township. Committeeman Burke stated that this will be used as a recreational park. He stated that the appropriation of this three million is not Kingwood Township funds, but the \$950,000.00 in bonds are the Kingwood portion. The rest of the funding came directly from State and non-profit organizations. He noted that the \$950,000.00 in bonds,

which the Township is financing will be taken completely out of the open space tax, which has been voter approved by the citizens.

Caroline Beidelman, Fairview Road Commented on the property on Horseshoe Bend Road.

Mayor Lubitz Commented and thanked Jim Burke for his perseverance and hard work since 2007 keeping with this to obtain this property for the Township. He noted that the key thing is that the State of New Jersey recognizes the effort that the Township has put into this project. He noted that the Township has allocated one million five hundred thousand dollars from the State to put towards this property. Mayor Lubitz noted that although the Township is preserving most of the property, there will be one residence on the property remaining that will be a large part of the taxes and still on the tax rolls, which the previous owner will be keeping along with 15 acres.

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 **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.**

<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. 16-14-2011 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 ESTABLISHING THE ROUTE 12 SCENIC CORRIDOR OVERLAY (SCO) ZONE AND ROUTE 12 SCENIC CORRIDOR OVERLAY ZONE REGULATIONS** - Public Hearing

and Final Adoption

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

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.**

This Ordinance was introduced and adopted on first reading at a meeting of the Kingwood Township Committee on the 7<sup>th</sup> day of April, 2011. The Ordinance was published in the Hunterdon County Democrat on April 14, 2011 and has been posted in the Kingwood Township Municipal Building on April 8<sup>th</sup>, 2011. Copies of the Ordinance have been available for inspection by the public since April 8<sup>th</sup>, 2011.

Mayor Lubitz noted that due to technical issues with the notices to be sent out, the ordinance will be carried to the next Township Committee meeting for a continued open hearing.

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adjourn the public hearing to the next Township Committee Meeting of June 2, 2011, after which the requisite notices have been supplied. **All voted Aye on Roll Call Vote.**

Mayor Lubitz noted that any hearings will be scheduled at our regularly scheduled meetings.

### **ORDINANCE**

**ORDINANCE NO. 16-15-2011 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 ESTABLISHING EASTERN GATEWAY VILLAGE CENTER OVERLAY (EGVCO) ZONE AND REGULATIONS** – Public Hearing and Final Adoption

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

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.**

This Ordinance was introduced and adopted on first reading at a meeting of the Kingwood Township Committee on the 7<sup>th</sup> day of April, 2011. The Ordinance was published in the Hunterdon County Democrat on April 14, 2011 and has been posted in the Kingwood Township Municipal Building on April 8<sup>th</sup>, 2011. Copies of the Ordinance have been available for inspection by the public since April 8<sup>th</sup>, 2011.

Mayor Lubitz noted that due to technical issues with the notices to be sent out, the ordinance will be carried to the next Township Committee meeting for a continued open hearing.

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adjourn the public hearing to the next Township Committee Meeting of June 2, 2011, after which the requisite notices have been supplied. **All voted Aye on Roll Call Vote.**

**ORDINANCE**

**ORDINANCE NO. 16-17-2011 AN ORDINANCE TO FUND PERMANENT FINANCING COST FOR OPEN SPACE ACQUISITION** – Introduction and Adoption on First Reading

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

It was moved by Mr. Burke, seconded by Mrs. Niemann and carried to adopt on first reading **AN ORDINANCE TO FUND PERMANENT FINANCING COST FOR OPEN SPACE ACQUISITION.**

<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 Thursday, June 2, 2011 at a meeting beginning at 7:00 P.M. at the municipal building.**

**ORDINANCE**

**ORDINANCE NO. 16-18-2011 AN ORDINANCE PROVIDING FOR THE RECONSTRUCTION OF SPRING HILL ROAD, SECTION II BY THE TOWNSHIP OF KINGWOOD, IN THE COUNTY OF HUNTERDON, NEW JERSEY, APPROPRIATING \$160,000 THEREFORE** – 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 **AN ORDINANCE PROVIDING FOR THE RECONSTRUCTION OF SPRING HILL ROAD, SECTION II BY THE TOWNSHIP OF KINGWOOD, IN THE COUNTY OF HUNTERDON, NEW JERSEY, APPROPRIATING \$160,000 THEREFORE.**

<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 Thursday, June 2, 2011 at a meeting beginning at 7:00 P.M. at the municipal building.**

Committeeman Burke clarified the amount and stated that this was a grant from the New Jersey Department of Transportation, and that the only cost to the Township will be the cost to pay the Township’s Department of Public Works.

**ORDINANCE**

**ORDINANCE NO. 16-19-2011 AN ORDINANCE TO PROVIDE FOR THE RESURFACING OF ROADS AS A GENERAL IMPROVEMENT FOR THE TOWNSHIP OF KINGWOOD IN THE COUNTY OF HUNTERDON AND STATE OF NEW JERSEY AND APPROPRIATING \$50,000.00 FROM THE CAPITAL IMPROVEMENT FUND –**

Introduction and Adoption on First Reading

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

It was moved by Mr. Burke, seconded by Mrs. Niemann and carried to adopt on first reading **AN ORDINANCE TO PROVIDE FOR THE RESURFACING OF ROADS AS A GENERAL IMPROVEMENT FOR THE TOWNSHIP OF KINGWOOD IN THE COUNTY OF HUNTERDON AND STATE OF NEW JERSEY AND APPROPRIATING \$50,000.00 FROM THE CAPITAL IMPROVEMENT FUND.**

Committeeman Burke noted that this is money the Township does have to spend to oil and chip for the sealing of the roads.

<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 Thursday, June 2, 2011 at a meeting beginning at 7:00 P.M. at the municipal building.**

**RESOLUTIONS**

The following Resolution was introduced:

**RESOLUTION NO. 2011 - 66**

**TAX SALE REDEMPTION**

**WHEREAS**, the Tax Collector has received redemption monies in the amount of \$24,583.25 to redeem Tax Sale Certificate No. 200904 on Block 7, Lot 5.02.

**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 \$24,583.25 to Royal Tax Lien Services, LLC, 179 Washington Lane, Jenkintown, PA, 19046 for the redemption of Tax Sale Certificate No. 200904.

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 - 67**

**TAX SALE REDEMPTION**

**WHEREAS**, the Tax Collector has received redemption monies in the amount of \$12,162.79 to redeem Tax Sale Certificate No. 10-001 on Block 12, Lot 55, and

**WHEREAS**, the lienholder paid a premium of \$2,100.00 at the time of the sale.

**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 \$14,262.79 to U.S. Bank Cust for CCTS Capital, LLC, 2 Liberty Place, 50 S. 16<sup>th</sup> Street, Suite 1950, Philadelphia, PA, 19102, for the redemption of Tax Sale Certificate No. 10-001.

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 - 68**

**SEPTEMBER 17, 2011 FIREWORKS DISPLAY**

**WHEREAS**, the Kingwood Township Parks & Recreation Committee has scheduled "Kingwood Community Day" on September 17, 2011; and

**WHEREAS**, the Kingwood Township Parks & Recreation Committee plans various activities for the day and wishes to display fireworks for the community to help enjoy this day; and

**WHEREAS**, **Garden State Fireworks** has submitted a certificate of insurance with the Township named as additional insured; and

**WHEREAS**, the Kingwood Township Volunteer Fire Company No. 1, and the Kingwood Township First Aid & Rescue Squad will be standing by at the scene;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Kingwood, County of Hunterdon, State of New Jersey that approval is given for the fireworks display on September 17, 2011, rain date September 18, 2011, on the Kingwood Park property located at 200 Union Road, known as Block 19 Lot 8 in Kingwood Township, New Jersey.

**BE IT FINALLY RESOLVED** by the Township Committee of the Township of Kingwood, County of Hunterdon, State of New Jersey that the Mayor and Clerk are hereby authorized to execute and enter into an agreement with Garden State Fireworks, Inc. and execute the application for a fireworks permit from 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>

**RESOLUTION**

The following Resolution was introduced:

**Resolution No. 2011 - 69**

**RESOLUTION AUTHORIZING ACCEPTANCE OF HIGHEST BID**

**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**, the Township advertised the parcel of Property for public sale to the highest bidder on April 28, 2011 at which time bids were received and a high bid in the amount of \$200,000.00 was entered; and

**WHEREAS**, the high bidder has executed a contract to purchase the Property and supplied the required deposit and the Township desires to accept this high bid.

**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 accepts the bid of, April 28, 2011 at 12:00 Noon, in the amount of \$200,000.00, for the purchase of the Property.

2. 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 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 - 70**

**A RESOLUTION AUTHORIZING THE TOWNSHIP OF KINGWOOD TO ENTER INTO FORCE ACCOUNT AGREEMENT FOR STATE AID PROJECT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION**

**WHEREAS**, Kingwood Township wishes to authorize entry into an agreement with the New Jersey Department of Transportation, Division of Local Aid and Economic Development (hereafter, NJDOT) for the reimbursement for Township labor and equipment costs for completion of improvements to Spring Hill Road Section II, for which the Township entered an agreement with the State on 2/28/11, under which the State's share for such improvements was not to exceed \$160,000; and

**WHEREAS**, in order to receive reimbursement, the NJDOT requires the Township to execute the Force Account Agreement, attached hereto as Ex. A; and

**WHEREAS**, it is in the best interests of the Township of Kingwood to execute the Force Account Agreement in order to receive reimbursement for labor and materials in connection with the improvement of Spring Hill Road Section II.

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

1. The Township of Kingwood hereby authorizes execution of the Force Account Agreement, attached hereto as Exhibit A, with New Jersey Department of Transportation, Division of Local Aid and Economic Development, in order to receive reimbursement for labor and materials in connection with the improvement of Spring Hill Road Section II.

2. The Mayor and Clerk and/or Chief Financial Officer, and all other necessary officers or officials of this Township are authorized to sign the Force Account Agreement, attached hereto as Exhibit A, with New Jersey Department of Transportation, Division of Local Aid and Economic Development, in order to receive reimbursement for labor and materials in connection with the improvement of Spring Hill Road Section II, as well as any and all other documents necessary for the transactions contemplated by the Agreement as to the Spring Hill Road Section II improvements.

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 - 71**

**RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES OF GENERAL IMPROVEMENT BONDS OF THE TOWNSHIP OF KINGWOOD, IN THE COUNTY OF HUNTERDON, NEW JERSEY INTO A SINGLE ISSUE OF BONDS AGGREGATING \$2,375,000 IN PRINCIPAL AMOUNT**

BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF KINGWOOD, IN THE COUNTY OF HUNTERDON, NEW JERSEY AS FOLLOWS:

Section 1. Pursuant to the provisions of N.J.S.A. 40A:2-26(f), the Bonds of the Township of Kingwood, in the County of Hunterdon, New Jersey (the “Township”) authorized pursuant to the bond ordinances of the Township heretofore adopted and described in Section 2 hereof shall be combined into a single and combined issue of General Improvement Bonds in the principal amount of \$2,375,000.

Section 2. The principal amount of Bonds authorized by each ordinance to be combined into a single issue as above provided, the bond ordinances authorizing the Bonds described by reference to the number, the improvement description and the date of adoption, and the period or average period of usefulness determined in each of the bond ordinances are respectively as follows:

<b>Principal Amount of Bonds</b>	<b>Number of Ordinance</b>	<b>Description of Improvement and Date of Adoption of Ordinance</b>	<b>Useful Life</b>
\$950,000	14-23-2007	Acquisition of open space, finally adopted 12/4/07	40 years
\$1,425,000	15-12-2008	Acquisition and/or preservation of open space, finally adopted 7/1/08	40 years

Section 3. The following matters are hereby determined with respect to the combined issue of Bonds:

a. The average period of usefulness, computed on the basis of the respective amounts of Bonds presently authorized to be issued pursuant to each of the bond ordinances and the respective periods or average period of usefulness therein determined, is not less than 40 years.

b. The Bonds of the combined issue shall be designated "General Improvement Bonds" and shall mature within the average period of usefulness herein determined.

c. The Bonds of the combined issue shall be sold and issued in accordance with the provisions of the Local Bond Law applicable to the sale and the issuance of bonds authorized by a single bond ordinance and accordingly may be sold with other issues of bonds.

d.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

a. None of the Bonds described in Section 2 hereof has been sold or issued heretofore, and the several bond ordinances described in Section 2 have not been rescinded and now remain in full force and effect as authorizations for the respective amounts of Bonds set opposite the descriptions of the bond ordinances in Section 2.

b. The several purposes or improvements authorized by the respective bond ordinances described in Section 2 hereof are purposes for which bonds may be issued lawfully pursuant to the Local Bond Law and are all purposes for which no deduction may be taken in any annual or supplemental debt statement.

Section 5. This resolution shall take effect immediately.

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 – 72**

**RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF \$2,375,000 GENERAL IMPROVEMENT BONDS OF THE TOWNSHIP OF KINGWOOD, IN THE COUNTY OF HUNTERDON, NEW JERSEY AND PROVIDING FOR THEIR SALE**

BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF KINGWOOD, IN THE COUNTY OF HUNTERDON, NEW JERSEY AS FOLLOWS:

Section 1. The \$2,375,000 General Improvement Bonds of the Township of Kingwood, in the County of Hunterdon (the “Township”) referred to and described in the resolution adopted by the Township pursuant to the Local Bond Law of the State of New Jersey on May 5, 2011 and entitled, “Resolution Providing for the Combination of Certain Issues of General Improvement Bonds of the Township of Kingwood, in the County of Hunterdon, New Jersey into a Single Issue of Bonds Aggregating \$2,375,000 in Principal Amount,” shall be issued as General Improvement Bonds (the “Bonds”). The Bonds shall mature in the principal amounts on February 1 as follows:

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<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
2012	\$100,000	2020	\$200,000
2013	100,000	2021	200,000
2014	100,000	2022	200,000
2015	100,000	2023	200,000
2016	100,000	2024	200,000
2017	100,000	2025	200,000
2018	100,000	2026	200,000
2019	100,000	2027	175,000

The Bonds are subject to redemption prior to maturity in accordance with the terms of the Notice of Sale authorized herein. The Bonds shall be sixteen in number, with one certificate being issued for each year of maturity, and shall be numbered GI-1 to GI-16, inclusive.

Section 2. The Bonds will be issued in fully registered form. One certificate shall be issued for the aggregate principal amount of Bonds maturing in each year. Both principal of and interest on the Bonds will be payable in lawful money of the United States of America. Each certificate will be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York, which will act as securities depository (the "Securities Depository"). The certificates will be on deposit with the Securities Depository. The Securities Depository will be responsible for maintaining a book-entry system for recording the interests of its participants or the transfers of the interests among its participants. The participants will be responsible for maintaining records regarding the beneficial ownership interests in the Bonds on behalf of individual purchasers. Individual purchases may be made in the principal amount of any multiple of \$1,000 (with a minimum purchase of \$5,000 required) through book-entries made on the books and records of The Depository Trust Company and its participants.

The Bonds will bear interest payable semiannually on the first day of February and August in each year until maturity or earlier redemption, commencing on February 1, 2012, at a rate or rates per annum, expressed in a multiple of 1/8 or 1/20 of 1% and proposed by the successful bidder in accordance with the Notice of Sale authorized herein.

The principal of and the interest on the Bonds will be paid to the Securities Depository by the Township or a duly authorized paying agent on the respective maturity dates and due dates and will be credited on the respective maturity dates and due dates to the participants of The Depository Trust Company as listed on the records of The Depository Trust Company as of each next preceding January 15 and July 15 (the "Record Dates" for the Bonds). The Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under the official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and

attested by the manual signature of the Township Clerk. The following matters are hereby determined with respect to the Bonds:

Date of Bonds:                      Date of Delivery

Interest Payment

Dates:                                      Each February 1 and August 1, until maturity or earlier redemption, commencing on February 1, 2012.

Section 3. The Bonds shall be substantially in the following form with such additions, deletions and omissions as may be necessary for the Township to deliver and to market the Bonds in accordance with the requirements of The Depository Trust Company and the final terms of sale:

REGISTERED  
REGISTERED NUMBER R-\_\_ \$\_\_\_\_\_

UNITED STATES OF AMERICA  
STATE OF NEW JERSEY  
COUNTY OF HUNTERDON

TOWNSHIP OF KINGWOOD

GENERAL IMPROVEMENT BOND

DATED DATE:	MATURITY DATE:	RATE OF INTEREST PER ANNUM:	CUSIP:
__/__/2011	02/01/20__	_____%	__ _____

TOWNSHIP OF KINGWOOD, in the County of Hunterdon, New Jersey (the "Township") hereby acknowledges itself indebted and for value received promises to pay to CEDE & CO., as nominee of The Depository Trust Company, which will act as Securities Depository, on the Maturity Date specified above, the principal sum of \_\_\_\_\_ DOLLARS (\$\_\_\_\_\_), and to pay interest on such sum from the Dated Date of this bond at the Rate of Interest Per Annum specified above semiannually on the first day of February and August in each year until maturity or earlier redemption as provided herein, commencing on February 1, 2012. Interest on this bond will be paid to the Securities Depository by the Township or a duly appointed paying agent and will be credited to the participants of The Depository Trust Company as listed on the records of The Depository Trust Company as of the January 15 and July 15 next preceding the date of such payments (the

"Record Dates" for such payments). Principal of this bond, upon presentation and surrender to the Township, will be paid to the Securities Depository by the Township and will be credited to the participants of The Depository Trust Company.

This bond is not transferable as to principal or interest except to an authorized nominee of The Depository Trust Company. The Depository Trust Company shall be responsible for maintaining the book-entry system for recording the interests of its participants or the transfers of the interests among its participants. The participants are responsible for maintaining records regarding the beneficial ownership interests in the bonds on behalf of individual purchasers.

The bonds of this issue maturing prior to February 1, 2022 are not subject to redemption prior to their stated maturities. The bonds of this issue maturing on or after February 1, 2022 are redeemable at the option of the Township in whole or in part on any date on or after February 1, 2021 upon notice as required herein at par, plus in each case unpaid accrued interest to the date fixed for redemption.

Notice of redemption shall be given by mailing by first class mail in a sealed envelope with postage prepaid to the registered owners of the bonds not less than thirty (30) days, nor more than sixty (60) days prior to the date fixed for redemption. Such mailing shall be to the owners of such bonds at their respective addresses as they last appear on the registration books kept for that purpose by the Township or a duly appointed Bond Registrar. Any failure of the Securities Depository to advise any of its participants or any failure of any participant to notify any beneficial owner of any notice of redemption shall not affect the validity of the redemption proceedings. If the Township determines to redeem a portion of the bonds prior to maturity, the bonds to be redeemed shall be selected by the Township. The bonds to be redeemed having the same maturity shall be selected by the Securities Depository in accordance with its regulations.

If notice of redemption has been given as provided herein, the bonds or the portion thereof called for redemption shall be due and payable on the date fixed for redemption at the redemption price, together with unpaid accrued interest to the date fixed for redemption. Interest shall cease to accrue on the bonds after the date fixed for redemption. Payment shall be made upon surrender of the bonds redeemed.

This bond is one of an authorized issue of bonds issued pursuant to the Local Bond Law of the State of New Jersey, a resolution of the Township adopted May 5, 2011 and entitled, "Resolution Providing for the Combination of Certain Issues of General Improvement Bonds of the Township of Kingwood, in the County of Hunterdon, New Jersey into a Single Issue of Bonds Aggregating \$2,375,000 in Principal Amount," and the various bond ordinances referred to therein, each in all respects duly approved and published as required by law (the "Authorization Proceedings")

The full faith and credit of the Township are hereby irrevocably pledged for the punctual payment of the principal of and the interest on this bond according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the constitution or the statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this bond exist, have happened and have been performed and that the issue of bonds of which this is one, together with all other indebtedness of the Township, is within every debt and other limit prescribed by such constitution or statutes.

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**

PWTA Results for Sampling Conduced – Gergar Farm, April 20, 2011

Mayor Lubitz reviewed.

Annual Covered Bridges Bicycle Ride – Sunday, October 9, 2011

Mayor Lubitz reviewed.

Discuss Road Materials Used at the Kingwood Township School

Committeeman Burke commented that the Department of Public Works has been trying to patch up areas of the parking lot at the school that are all beat up as a courtesy to our citizens and students. He stated that the entire parking lot needs to be paved over completely. He explained that the DPW for the Township has offered to pave the parking lot for the school if they supply the funds for the materials. He noted that the school board does not have money to pave the parking lot and that this is not the Township's responsibility. Committeeman Burke just wanted to bring this up to the Kingwood Township Committee members to keep them informed.

Authorization and Motion for Home Depot Card – Department of Public Works Supervisor, Mark Petro



It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to authorize a Home Depot Card for the Public Works Supervisor, Mark Petro.

<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>

Authorize Preparation of the Master Plan Reexamination Report – **Resolution No. 2011 – 73**

Mayor Lubitz reviewed the report.

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2011 - 73**

**A RESOLUTION AUTHORIZING THE DEVELOPMENT OF A MASTER PLAN REEXAMINATION REPORT**

**WHEREAS**, the Municipal Land Use Law, N.J.S.A. 40:55D-89, requires that each municipality provide, at least every six years, for a general reexamination of the municipality's Master Plan and development regulations by the municipal Planning Board; and

**WHEREAS**, the last Master Plan reexamination report for the Kingwood Township Master Plan was completed and adopted by the Kingwood Township Planning Board in 2004; and

**WHEREAS**, the Township Committee desires to satisfy the requirements of the Municipal Land Use Law and to secure the benefit of the presumption of validity of the Township's zoning ordinance and development regulations;

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

1. The Planning Board of Kingwood Township is hereby authorized and directed to undertake and complete, a general reexamination of the Township's Master Plan and development regulations in conformance with N.J.S.A. 40:55D-89.
2. Notice of this action will be printed once in the Hunterdon Democrat.

2011 – 194

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>

Public Works Department – Motion to Appoint New Foreman

It was moved by Mr. Burke, seconded by Mrs. Niemann and carried to appoint Walter Cotier as the Department of Public Works Forman for Kingwood Township starting date of May 9<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>

Approval for Application for Raffle License # 2011-02 – Saint Anna Greek Orthodox Church – November 12, 2011 At Razberry’s Banq. Center

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to approve application number 2011-02 for raffle license to be conducted at Razberry’s Banquet Center for the Saint Anna Greek Orthodox Church scheduled on November 12, 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>

FYI – Funds from the SRECs Sale

C.F.O. D. Laudenbach stated that this was just for the Committee’s information. She had received a check in the amount of \$14, 355.00 for credits from the solar panels on the Township Public Works Garage.

**OLD BUSINESS**

Record Management Services, LLC – Annual Record Management Maintenance Proposal

Clerk MacConnell reported on the maintenance proposal. This will be postponed until the next Township Committee meeting.

Sun Saver Installation Project

Deputy Mayor noted that she had attended a workshop last week and reviewed several of the details. She stated that she spoke to someone who told her that it may be possible for the Township to receive free solar. She explained the concept of what they would be interested in doing. She reported that this group has already looked at the Fairview School House structure on Fairview Road and determined that it would be ideal for their purposes. She noted that they do very small solar projects, and that it is another grant program that does this for non-profit and municipalities. She explained that they install it for free and it can be on the ground or on the roof top. She stated that they would own it for five years and maintain it, then after five years the Township would own it, but that they would continue to collect the SREC's, and continue to maintain the system. She noted that this would pay for at least \$250.00 of the electric bill each month that is used at the Old Fair View School House. Mayor Lubitz noted that there has been an on going discussion on how the Township can lower the cost of the electric bill at the Old Fairview School House, and that this may be a way for the Merry Mixers, seniors, and non-profit organizations to continue to use the building without the Township considering closing the building due to the cost. This will be discussed more at the next Township Committee.

Bob Miller, Habitat for Humanity – Presentation of Architectural Drawings for the Ukarish Property

Mayor Lubitz introduced Bob Miller from Habitat for Humanity, who was present to give a presentation of the architectural drawings for the homes to be built on the Ukarish property. Mayor Lubitz explained that there were seven acres set aside on the Ukarish farm, which were designated strictly for Kingwood Township's COAH obligation. He noted at that time the Township had developed its own housing authority, but then there was a change in the Township Committee, and also a change in philosophy, and rather than the Township go into the housing business, the Township started working with a partner called Habitat for Humanity. Bob Miller explained the design of the home and showed everyone a detailed layout of the plans. He noted that a smaller home is very difficult to design. He commented on a home they are presently building in Bridgewater, New Jersey. Nancy Asbury Executive Director for Habitat for Humanity commented on the handicap accessible entryway for the homes if needed. She also commented on some of the other aspects of the design. She noted that the next step is for Habitat to begin the family selection process. They noted that they will probably start the construction project in approximately a year from now. She also noted that interested parties for COAH

housing can go to their website and join their data base so they would receive any announcements. Everyone thanked Mr. Miller and Ms. Asbury for their presentation

Ordinances on Website - Update

Mayor Lubitz noted again that the Township's ordinances are now on the Township's website.

Update on Energy Grant Installation

Deputy Mayor Niemann noted that the installation should begin the week of July 4, 2011 and to be completed by the week of July 25.

Ukarish Dedication

Deputy Mayor Niemann noted that a member and historian of the Kingwood Township Fire Department named Gary Lezak was present at the dedication for the Ukarish property and expressed a possible proposal for the Township. Mayor Lubitz explained that an artist that was a resident of the Township named Mr. Andrew Weisz was a famous illustrator for stories of Bambi, Ponoccio, and Ping. He noted that he also did murals that are inside the Union Hotel in Flemington NJ, and he has also done a painting that is in the Kingwood Township Fire House of the original firemen and fire truck, and beside it is a key to identify the firemen of the company. He explained that the Kingwood Fire Company is looking to restore the painting, and is looking for a place to put the painting after it is completed, so that it is in good climate and able to last for years. Mayor Lubitz noted that they are hopeful that after it is restored that it will be donated to the Township. He stated that it is a very nice painting and also a large painting about six feet long.

**MINUTES**

April 7, 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 April 7, 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>

April 7, 2011 Executive Session 6:02PM

2011 – 197

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adopt the Township Committee Executive Session Minutes of the April 7, 2011 at 6:02PM.

<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>

April 7, 2011 Regular Meeting

These minutes will be tabled until next month for approval.

November 4, 2003 Regular Meeting

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to approve the November 4, 2003, Regular Meeting Minutes of the Township Committee.

<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 - 74**

The following Resolution was introduced to enter into closed session at approximately 9:30P.M.:

**RESOLUTION NO. 2011 – 74**

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

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

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

1. The public shall be excluded from the meeting or a portion of a meeting at which this public body discusses the hereinafter specified subject matter.

2. The general nature of the subject matter to be discussed is as follows:

**Contract Negotiations – Shared Services**  
**Contract Negotiations - Professional Services – Taylor Wiseman  
& Taylor**  
**Personnel – Finance Office**  
**Personnel - Ethics**

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 10:40P.M. All voted **Aye** on **Roll Call Vote**.

**ADJOURNMENT**

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adjourn the meeting at 10:41PM. All voted **Aye** on **Roll Call Vote**.

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



