

KINGWOOD TOWNSHIP COMMITTEE

June 2, 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

Correspondence

- Letter and Sample Ordinance from Cty Prosecutor re: Regulate Underage Possession or Consumption of Alcoholic Beverages on Private Property
- Letter from Cty Open Space Program re: Application Approval
- Copy of Resolution from Cty Freeholders re: Supporting Repeal of Global Warming Response Act and Regional Greenhouse Gas Initiative
- Copy of Resolution from Readington Twp re: Opposing Repeal of Global Warming Response Act and Regional Greenhouse Gas Initiative

Bills and Claims

Public Comment – Privilege of the Floor

Reports

- Budget Report
- SRECs Sale
- Township Engineer's Monthly Report
- Municipal Court Report of April 2011
- Planning Board – Open Space & Recreation Plan Element Adopted Clean Communities
- Recycling – Cindy Niciecki
- KT First Aid & Rescue Financial Statement for 2010

June 2, 2011 Township Committee Agenda Continued

Future Meetings and Activities

- June 4 - Senior Picnic at Kingwood Park beginning at 12:00noon
- June 7 - Primary Election Day, Voting at Kingwood Firehouse in Baptistown from 6:00am-8:00pm
- June 7 - Deadline for Independent Candidate to File with County Clerk by 4:00pm for General Election
- June 11 - Fishing Derby at Former Melnyk Farm Pond from 9:00am–12:00noon
- June 11 - Recycling at Township Garage from 9:00am-12:00noon
- June 11 - Clean-up Program at Township Garage from 9:00am-12:00noon
- June 18 - 5K Run Daddy Run at Kingwood Park beginning at 7:30am
- July 7 - Regular Monthly Meeting of Township Committee at Municipal Building beginning at 7:00pm

Ordinances

Ordinance No. 16-14-2011 To Amend And Supplement The Land Use Regulations Of The Township, 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

Ordinance No. 16-15-2011 To Amend And Supplement The Land Use Regulations Of The Township, 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 Appropriating \$100,000 From The Open Space Fund To Provide A Supplemental Appropriation To The Township’s Existing Open Space Ordinances – Public Hearing and Final Adoption

Ordinance No. 16-18-2011 Providing For The Reconstruction Of Spring Hill Road, Section II, By The Township, Appropriating \$160,000 Therefore – Public Hearing and Final Adoption

Ordinance No. 16-19-2011 To Provide For The Resurfacing Of Roads As A General Improvement For The Township And Appropriating \$50,000 From The Capital Improvement Fund – Public Hearing and Final Adoption

June 2, 2011 Township Committee Agenda Continued

Resolutions

- Resolution No. 2011-79 -** Alcoholic Beverage License Renewals 2011-2012
- Resolution No. 2011-80 -** Change Order #3 for Equestrian Village Bl 12 L 31 & Bl 14 L 28.02 & 30
- Resolution No. 2011-81 -** Change Order #1 Rte. 12 Corridor Planning
- Resolution No. 2011-82 -** Cancel General Capital Appropriation Balances
- Resolution No. 2011-83 -** Refund of Taxes Bl 23 L 10.03
- Resolution No. 2011-85 -** Designating Certifying Officer & Supervisor for State administered pension systems
- Resolution No. 2011-86 -** Designating Municipal Housing Liaison and Monitoring Report Preparer

New Business

- Approve Local Union 469 Agreement for DPW
- Approve New Employee for DPW
- Annual Record Management Maintenance Proposal
- Discussion on Ordinance for Dogs at Kingwood Park
- Resolution No. 2011-81- Substitute Court Recorder**

Old Business

- Status of Energy Grant for the Township

Minutes

- April 7, 2011 Regular Meeting
- April 25, 2011 Special Meeting
- April 25, 2011 Executive Session
- May 4, 2011 Special Meeting
- May 5, 2011 Regular Meeting

Executive Session – Resolution No. 2011-84

- Potential Litigation – DPW Personnel
- Potential Litigation – Moskal Zoning Violations
- Litigation – Sundancer Capital LLC

Return to Regular Session

Adjournment

PLEASE NOTE THIS AGENDA IS SUBJECT TO LAST MINUTE CHANGES

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June 2, 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. Laudenschach, 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

CORRESPONDENCE

Letter and Sample Ordinance from County Prosecutor re: Regulate Underage Possession or Consumption of Alcoholic Beverages on Private Property

The committee members reviewed. Attorney Judith Kopen noted she will be looking into this further and suggested that this be tabled until the July 7, 2011 meeting so that the Township Committee can review this further.

Letter from County Open Space Program re: Application Approval

Mayor Lubitz briefly reviewed the letter from the County Open Space Trust Fund Program and read aloud the approved allocated amount for Kingwood Township, which he stated is \$85,215.07.

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Copy of Resolution from Cty Freeholders re: Supporting Repeal of Global Warming Response Act and Regional Greenhouse Gas Initiative

Mayor Lubitz reviewed.

Copy of Resolution from Readington Twp re: Opposing Repeal of Global Warming Response Act and Regional Greenhouse Gas Initiative

Mayor Lubitz reviewed.

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 **\$551,563.17** that are in order and attached as Bill List for May 2011.

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

PUBLIC COMMENT – PRIVILEGE OF THE FLOOR

Lynn Kocot, 43 Slacktown Road Commented that as a resident on Slacktown Road, she feels that the current Township Committee are looking out for the residents, and quite the opposite of Communists. She commented on the zoning put into place in the past, and the results on the residents. She thanked the Township Committee for what they are doing now, and how they try to protect the residents of the Township. She also commented on the recent work being done on her road at the solar farm property, and the inconvenience it has caused all the residents nearby. She noted that she has spoken with the foreman on the site, and they are trying to alleviate the problem with the lights that are shining all night long into their homes. She thought that the Township Committee should be aware that as the permits are being given out, the Township should be looking at the construction permits very closely. Mayor Lubitz commented on the site and suggested that Mrs. Kocot come to the Township on Tuesday evening between 5:00 - 6:30PM to speak to the Zoning Officer about these issues.

REPORTS

Budget Report

SRECs Sale

Committeeman Burke stated that these are energy credits the Township can sell from the solar panels located on the roof of the Department of Public Works.

2011 -

Township Engineer's Monthly Report

Mayor Lubitz briefly commented on the engineer's report.

Municipal Court Report of April 2011

Recycling – Cindy Niciecki

Cynthia Niciecki was present and gave the committee members a packet of information, which she prepared and read aloud. She explained how things were going at the recycling depot, and reviewed her yearly tonnage report for 2010, which she listed the tonnage collection amounts for each year since 2007. She stated that in 2007 the total tonnage collected was 729.90 tons, and in 2010 the total tonnage collected was 4780.57, which is six times the amount collected since 2007. She also reviewed a flyer of Holland Township's Recycling program and their rules. She explained that they are only open two days a week with an attendant on duty and that their residents are provided with a recycling ID card in order to gain access to the recycling center. She explained that they encourage their residents to use the curbside pickup through their trash hauler. She stated for Kingwood she receives the tonnage report of all the recycling that is picked up at curbside from Raritan Valley Disposal. Cynthia noted that she has also prepared a flyer for the residents of Kingwood Township regarding electronic recycling collection items that are acceptable, and not acceptable now available for recycling at the Department of Public Works. Cynthia explained that the dumpsters for recycling are being switched with new dumpsters after about a week to ten days. She stated that she is in the process of obtaining a quote from Green Star Recycling Services to try to get a better deal than what the Township is paying now for the dumpsters. She also provided a copy of a workshop she is interested in attending on June 15th, from 8:00am – noon at the Somerset County Emergency Services Training Academy in Hillsborough, NJ. She stated the workshop is called recycling enforcement at the local level. Everyone thanked Cynthia for the great job she has been doing. Mayor Lubitz stated that there is one thing that Cynthia Niciecki has not mentioned, how successful she has been by involving community groups such as the boy scouts and girl scouts in the recycling effort. Cynthia stated that the scouts spent a day cleaning up the trash that had blown out of the dumpsters. She noted that the recycling bins will be moved and placed next to the salt building in hopes that it helps prevent the trash from blowing out of the bins into the field and woods.

Planning Board – Open Space & Recreation Plan Element Adopted

Mayor Lubitz briefly reviewed the Open Space & Recreation Plan that was recently adopted by the Township's Planning Board. He noted that several members spent many months working on the plan. He announced that it is now available for review on the Township website at www.kingwoodtownship.com.

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Clean Communities

Mayor Lubitz stated that the Township received a check from the State in the amount of \$13,977.86 for Clean Community projects for the Township. Mayor Lubitz mentioned how the organizations such as the local scouts have been working hard volunteering their time to keep our community clean. He noted that at the same time the Township is supporting those organizations as much as possible.

KT First Aid & Rescue Financial Statement for 2010

Mayor Lubitz noted that the Kingwood Township First Aid and Rescue Squad have submitted their Financial Statement for 2010. He stated that they all do a great job.

FUTURE MEETINGS AND ACTIVITIES

Mayor Lubitz reviewed as per the Agenda.

ORDINANCES

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 7th 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 8th, 2011. Copies of the Ordinance have been available for inspection by the public since April 8th, 2011.

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

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It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adjourn the public hearing to the next Township Committee Meeting of July 7, 2011, after which the requisite notices have been supplied. **All voted Aye on Roll Call Vote.**

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 7th 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 8th, 2011. Copies of the Ordinance have been available for inspection by the public since April 8th, 2011.

Mayor Lubitz noted that due to technical issues with the notices to be sent out, the ordinance will be tabled until 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 July 7, 2011, after which the requisite notices have been supplied. **All voted Aye on Roll Call Vote.**

ORDINANCE

ORDINANCE NO. 16-17-2011 APPROPRIATING \$100,000 FROM THE OPEN SPACE FUND TO PROVIDE A SUPPLEMENTAL APPROPRIATION TO THE TOWNSHIP’S EXISTING OPEN SPACE ORDINANCES – 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.**

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This Ordinance was introduced and adopted on first reading at a meeting of the Kingwood Township Committee on the 5th day of May, 2011. The Ordinance was published in the Hunterdon County Democrat on May 12, 2011 and has been posted in the Kingwood Township Municipal Building on May 6th, 2011. Copies of the Ordinance have been available for inspection by the public since May 6th, 2011.

Comments: None

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to close the hearing to the public. **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. 16-17-2011 APPROPRIATING \$100,000 FROM THE OPEN SPACE FUND TO PROVIDE A SUPPLEMENT APPROPRIATION TO THE TOWNSHIP’S EXISTING OPEN SPACE ORDINANCES.**

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

ORDINANCE

ORDINANCE NO. 16-18-2011 PROVIDING FOR THE RECONSTRUCTION OF SPRING HILL ROAD, SECTION II, BY THE TOWNSHIP, APPROPRIATING \$160,000 THEREFORE – 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 5th day of May, 2011. The Ordinance was published in the Hunterdon County Democrat on May 12, 2011 and has been posted in the Kingwood Township Municipal Building on May 6th, 2011. Copies of the Ordinance have been available for inspection by the public since May 6th, 2011.

Comments: None

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

2011 -

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adopt on final reading **ORDINANCE NO. 16-18-2011 PROVIDING FOR THE RECONSTRUCTION OF SPRING HILL ROAD, SECTION II, BY THE TOWNSHIP, APPROPRIATING \$160,000 THEREFORE.**

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

ORDINANCE

ORDINANCE NO. 16-19-2011 TO PROVIDE FOR THE RESURFACING OF ROADS AS A GENERAL IMPROVEMENT FOR THE TOWNSHIP AND APPROPRIATING \$50,000 FROM THE CAPITAL IMPROVEMENT FUND –
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 5th day of May, 2011. The Ordinance was published in the Hunterdon County Democrat on May 12, 2011 and has been posted in the Kingwood Township Municipal Building on May 6th, 2011. Copies of the Ordinance have been available for inspection by the public since May 6th, 2011.

Comments: None

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to close the hearing to the public. **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. 16-19-2011 TO PROVIDE FOR THE RESURFACING OF ROADS AS A GENERAL IMPROVEMENT FOR THE TOWNSHIP AND APPROPRIATING \$50,000 FROM THE CAPITAL IMPROVEMENT FUND.**

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

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RESOLUTIONS

Deputy Mayor recused herself from the adoption of this Resolution at this time.

The following Resolution was introduced:

**RESOLUTION NO. 2011 - 79
LIQUOR LICENSE APPLICATION RENEWALS**

WHEREAS, applications have been made to the Kingwood Township Committee for the renewal of Plenary Retail Consumption Licenses, Plenary Retail Distribution Licenses and Club Licenses for the 2011-2012 licensing period; and

WHEREAS, the Township Committee of the Township of Kingwood, County of Hunterdon, State of New Jersey, at a meeting assembled, has reviewed all applications and the submitted application forms are complete in all respects, the applicant is qualified to be licensed according to all statutory, regulatory and local governmental ABC laws and regulations, and the issuing authority has reviewed the source of any additional financing obtained in the previous license term for use in the licensed business; and

WHEREAS, the submitted club application is complete in all respects, including submission of the club member list, the officers and directors of the club are qualified according to all statutory, regulatory and local government ABC laws and regulations, and the club maintains all records required by N.J.A.C. 13:2-8.8 and N.J.A.C. 13:2-8.12 and therefore are found to be in order;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon, State of New Jersey that the following Plenary Retail Consumption Licenses, Plenary Retail Distribution Licenses and Club Licenses be hereby renewed for the 2011-2012 licensing period effective July 1, 2011:

1016-31-006-001 Kingwood Township Fire Company No. 1
 PO Box 99
 Baptistown, NJ 08803

Municipal Fee: \$50.00 State Fee: \$200.00
Club License

1016-33-001-003 Uncle Scotts Steakhouse LLC
 15 Homestead Farm Road
 Milford, NJ 08848

Municipal Fee: \$2,500.00 State Fee: \$200.00
Plenary Retail Consumption License

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1016-33-003-004 B D A Highland Company LLC
343 County Road 519
Stockton, NJ 08559

Municipal Fee: \$2,500.00 State Fee: \$200.00

Plenary Retail Consumption License

1016-33-005-004 Razberry's Banquets Inc.
PO Box 167
Baptistown, NJ 08803

Municipal Fee: \$2,500.00 State Fee: \$200.00

Plenary Retail Consumption License

SPECIAL CONDITION: That the doors on the west side of the building be closed from 10:00PM to 2:00AM while there is music, live or recorded, playing in the premises.

1016-44-002-006 Shreji Liquor Inc
866 Route 12
Frenchtown, NJ 08825

Municipal Fee: \$2,500.00 State Fee: \$200.00

Plenary Retail Distribution License

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

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

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2011 - 80

RESOLUTION AUTHORIZING ADDITIONAL WORK BY SURVEYOR

WHEREAS, the Township of Kingwood previously authorized the services of surveyors Taylor Wiseman & Taylor (hereafter sometimes referred to as TWT) to perform certain survey work for Equestrian Village, Block 14, Lots 28.02 & 30, and Deer Run, Block 12, Lot 31, in connection with the preservation of the properties; and

WHEREAS, the Township of Kingwood has been advised that additional services of Taylor Wiseman & Taylor are required in order for TWT to address

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review comments of the NJDEP as is more specifically set forth in the correspondence of David R. Pierce, Kingwood Planning Board attorney and Change Order #3 of TWT, dated May 10, 2011, attached hereto as Exhibit A and B, respectively; and

WHEREAS, funds in the amount of \$13,500.00 are or will be made available for this purpose to be certified by the Chief Financial Officer; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, *et seq.*) authorizes the hiring of a professional, such as a surveyor, without competitive bidding providing that the amount to be paid for the work of the professional is less than the bid threshold set forth in the law.

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

1. Taylor Wiseman & Taylor, is hereby engaged to perform professional surveying services for the Township of Kingwood in connection with addressing further review comments from NJDEP, as to Equestrian Village, Block 14 Lots 28.02 & 30, and Deer Run, Block 12, Lot 31, for an amount not to exceed \$13,500.00 per the "DESCRIPTION OF SERVICES AND FEES", designated "Change Order #3, dated May 10, 2011, provided by TWT and attached hereto as Exhibit B; and
2. This contract is awarded without competitive bidding as "Professional Services" as well as being in an amount for less than the bid threshold under the provisions of the Local Public Contracts Law, N.J.S.A.40A:11-5.

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

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

RESOLUTION

Resolution No. 2011 – 81 – Change Order #1 Route 12 Corridor Planning

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

2011 –

The committee members reviewed the resolution. Deputy Mayor Niemann would like to have the opportunity to find out more about this resolution before adopting. The Committee members agreed to table this motion until next month’s meeting.

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to withdraw their motions to adopt this resolution until further review. **All** voted **Aye** on **Roll Call Vote**.

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2011 – 82

RESOLUTION TO CANCEL GENERAL CAPITAL APPROPRIATION BALANCES

WHEREAS, certain General Capital Improvement appropriation balances remain dedicated to projects now completed; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balance may be returned to the appropriate source of funding.

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 cancel the unexpended and dedicated balances of the following ordinances:

Ordinance Number	Date Authorized	Original Authorization	Project Description	Source of Funding	Amount Cancelled
16-01-2010	April 12, 2010	\$225,000.00	Installation of Solar Panels at the DPW Building	Bonds in the amount of \$104,500, NJ Board of Public Utilities \$115,000 & CIF Downpayment \$5500	\$29,139.47

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

Roll Call Vote:

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

2011 -

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2011 – 83

REFUND OF TAXES

WHEREAS, the Township received a request from the owner of Block 23, Lot 10.03 for a refund of the homestead rebate credited to the above referenced property in the amount of \$263.00, and

WHEREAS, the property is now tax exempt.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Kingwood that the Chief Financial Officer be authorized to issue a refund to the owner of Block 23, Lot 10.03 in the amount of \$ 263.00, which represents the homestead rebate credit on the above referenced block and lot.

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

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

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2011 – 85

**DESIGNATING CERTIFYING OFFICER AND
CERTIFYING OFFICER’S SUPERVISOR FOR
STATE ADMINISTERED RETIREMENT SYSTEMS**

WHEREAS, Chapter 52, P.L. 2011, (N.J.S.A. 43:3C-15) establishes new procedures and employer training requirements for enrollment and/or transfer of employees into the State-administered Retirement Systems; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey that Diane Laudenbach is hereby designated as Certifying Officer for the Township; and

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BE IT FURTHER RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey that Mary E. MacConnell is hereby designated as Supervisor of the Certifying Officer.

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

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

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2011 – 86

**DESIGNATING MUNICIPAL HOUSING LIAISON
AND MONITORING REPORT PREPARER**

WHEREAS, the State of New Jersey Council On Affordable Housing requires that municipalities that maintain affordable housing trust funds provide monitoring information pursuant to N.J.A.C. 5:97-8.12;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey that Diane Laudenbach is hereby designated as the Municipal Housing Liaison and the Monitoring Report Preparer, for the COAH Tracking and Monitoring (CTM) system.

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

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

The committee members thanked Diane Laudenbach for filling this role at no additional cost to the Township. Mayor Lubitz noted that at one time this roll was filled by a \$35,000 a year position, and stated that this is a great savings.

NEW BUSINESS

Approve Local Union 469 Agreement for DPW

Mayor Lubitz noted that he really appreciates the employees of the DPW, as they realize and understand the cuts and have worked with the Township to save money. He thanked the employees for reaching out with a resolution concerning the contract negotiations.

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to approve Local Union 469 Agreement effective, January 1, 2011 to December 31, 2013 for the Department of Public Works.

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

Approve New Employee for DPW

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to approve to hire John Kertesz of Milford NJ, to be a new employee for the Department of Public Works beginning on June 20, 2011, and to start with an hourly rate of \$27.96 during the probation period and then when completed successfully the hourly rate will be \$28.96.

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

Annual Record Management Maintenance Proposal

Clerk MacConnell reviewed the proposal. The committee members decided to wait until next year to consider a maintenance proposal for annual record management.

Possible Ordinance to Prohibit Dogs at Kingwood Park

Committeeman Burke reviewed what was discussed at the Parks and Recreation Committee meeting, regarding the public that use the park and do not curb their dogs. He stated that this has been a problem for a while now. He stated that boxes with bags are now available to use to clean up after the dogs. He mentioned that signs have also been put up stating "Please Clean Up After Your Dog". He explained that people have ignored these requests the township has asked of them, and that it is a problem because children are stepping into it, and it is in the soccer fields. He explained that the Parks and Recreation Committee had suggested at their last meeting that it might be best to adopt an ordinance stating that dogs are prohibited on park grounds. The committee members discussed this suggestion and did not feel that this would be the right thing to do.

2011 –

The committee members all agreed that the Township should adopt an ordinance to fine dog owners if they are caught not picking up after their dogs. They are not in favor of prohibiting dogs in the park. The committee members suggested that Attorney Kopen work on an ordinance to be introduced at the next township meeting setting a fine if the owners do not pick up after their dogs.

Authorize Substitute Court Recorder

RESOLUTION

RESOLUTION NO. 2011 – 81

SUBSTITUTE COURT RECORDER

WHEREAS, the Township of Kingwood is in need of a substitute court recorder; and

WHEREAS, in the absence of the Township Court Recorder the Township Committee is appointing Cynthia Keller as a substitute; and

WHEREAS, the compensation will be \$16.68 per hour;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey to appoint Cynthia Keller as substitute to the Township Court Recorder.

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to authorize Cynthia L. Keller, to be a substitute court recorder for the Kingwood/Milford Court when needed at an hourly rate of \$16.68.

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

OLD BUSINESS

Status of Energy Grant for the Township

Deputy Mayor Niemann explained that Jack MacConnell, agreed to help the Township by taking the contractor who will be doing the work through all the various buildings so they could see what items they will be replacing. She stated that she was informed with new dates to begin the project on June 17th, 2011, and the approximate completion date is set to be from July 8th thru July 29th.

2011 –

Committeeman Burke asked what items were being replaced in the buildings. Mrs. Niemann explained lighting through the municipal building, park director’s residence and the storage facility at the park. She stated a new furnace will be installed at the park director’s home and municipal building. She explained that lighting outside the municipal building will also be replaced. Committeeman Burke expressed thanks to Deputy Mayor Niemann for applying for the grant that she had gotten for the Township to save energy and reduce costs. She noted that the Township has only invested \$8,000 in the project, and received a grant in the amount \$75,000, which will be paid back by energy cost savings in about six months, and then the Township will benefit from reduced energy costs going forward.

MINUTES

April 7, 2011 Regular Meeting

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adopt the Regular Township Committee Meeting Minutes of April 7, 2011.

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

April 25, 2011 Special Meeting

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adopt the Special Township Committee Meeting Minutes of April 25, 2011 with the following corrections:

Committeeman Burke stated a correction needs to be made on page 2011-156 the first sentence should be stated as follows: Committeeman Burke stated that he feels that the Township’s ordinance which is referencing to comments made by David Frank of Muddy Run Road regarding the solar farm, the fact that the Township is trying to figure out a way to make solar farms a ratable for the Township, so that the Township could obtain income from the solar farms, as they are a business.

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

April 25, 2011 Executive Session

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adopt the Executive Session meeting minutes of April 25, 2011 with the following corrections.

2011 –

Correction: First paragraph, second sentence should state: Attorney Kopen read aloud the final amendments as follows, provided that the perfection (1) in Article 38 Longevity is removed and subsequent sections renumbered accordingly, and the renumbered (section 1) in the last sentence – a set payment shall be a one time payment only to be made in the qualifying year and shall be permanently added to the base wage, also correcting the date, which will be effective until December 31, 2013.

May 4, 2011 Special Meeting

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adopt the Special meeting minutes of the May 4, 2011.

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

May 5, 2011 Regular Meeting

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adopt the meeting minutes of the May 5, 2011.

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

EXECUTIVE SESSION – Resolution No. 2011- 84

Executive Session – Resolution No. 2011 - 84

The following Resolution was introduced to enter into closed session at approximately 8:15P.M.:

RESOLUTION NO. 2011 – 84

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:
2011 –

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:

Potential Litigation – DPW Personnel
Potential Litigation – Moskal Zoning Violations
Litigation – Sundancer Capital LLC

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.

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

RETURN TO REGULAR SESSION

It was moved by Mr. Burke, seconded by Mrs. Niemann and carried to return to regular session at 9:15P.M. **All voted Aye on Roll Call Vote.**

ADJOURNMENT

It was moved by Mr. Burke, seconded by Mrs. Niemann and carried to adjourn the meeting at 9:16P.M. **All voted Aye on Roll Call Vote.**

Respectfully submitted,

Cynthia L. Keller, RMC
Deputy Clerk