

KINGWOOD TOWNSHIP COMMITTEE

JULY 7, 2011

Regular Meeting Agenda 7:00PM

Call to Order

Pledge of Allegiance

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

In order to ensure full public participation in this meeting, all members of this Committee or Board, and also members of the public are requested to speak only when recognized by the Chair so that there is no simultaneous discussion or over-talk, and further, all persons are requested to utilize the microphones which are provided for your use by the Township. Your cooperation is appreciated.

Roll Call

Correspondence

Thank You Letter from KTS re: Social Studies Award
Press Release from the N.J.D.E.P.

Bills and Claims

Open Space & Recreation Plan
Tax Assessor Invoice

Public Comment – Privilege of the Floor

Reports

Tax Collector's Report of May 2011
Construction Reports of May 2011
Township Engineer's Monthly Report
Dog License Report
Statewide Insurance Loss Control Meeting

Future Meetings and Activities

July 9, 2011 - Recycling at Township Garage from 9:00am – 12:00noon
July 9, 2011 - Clean-up Program at Township Garage from 9:00am – 12:00noon

July 7, 2011 Township Committee Agenda Continued

Future Meetings and Activities Continued

- July 9, 2011 - Household Hazardous Waste Cleanup Day at
Cty Complex on Rte 12 from 9:00am – 1:00pm
- August 4, 2011 - Regular Monthly Meeting of Township Committee
Beginning at 7:00pm at Municipal Building

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. 16-20-2011 To Amend And Supplement The Land Use Regulations Of The Township Of Kingwood, Specifically “Zoning, Chapter 132” Of The General Ordinances Of The Township – Wind Energy – Introduction and Adoption on First Reading

Resolutions

- Resolution No. 2011-88 - Tax Sale Redemption Bl 20 L 6.01**
- Resolution No. 2011-89 - Tax Sale Redemption Bl 24 L 7.02**
- Resolution No. 2011-90 - Cancellation of Taxes Bl 14 L 28.02 & 30**
- Resolution No. 2011-91 - Refund of Tax Payment Bl 14 L 28.02 & 30**
- Resolution No. 2011-92 - Award Road Maintenance & Repair Materials**
- Resolution No. 2011-93 - Maser Change Order #1**

New Business

- Vital Computer Assessor & Collector Programs
- Report of Rates for Bankcard Program
- Report of General Improvement Bonds
- Raffles License Applications – Woman’s Club Flemington
- Raffles License Application - Kingwood Twp Vol Fire Co. #1
- Elizabeth Gas Company Discussion
- Authorize Township Engineer – Prepare Bid Pkgs for New DPW Truck

July 7, 2011 Township Committee Agenda Continued

Ordinance No. 16-21-2011 An Ordinance To Provide For The Purchase Of a 2012 Ford F-550 Super Duty XL Regular Cab, 4x4 Dual Rear Wheel Cab and Chassis, or Equivalent Thereof, For The Township Of Kingwood In The County Of Hunterdon and State Of New Jersey and Appropriating \$90,000.00 From The Capital Improvement Fund – Reserve For Purchase of Municipal Equipment – Introduction and Adoption on First Reading

Resolution No. 2011 – 95 Capital Budget Amendment

Municipal Audit
Advisory Committee for New Park
Construction Department – Solar Applications

Old Business

Letter and Sample Ordinance from Cty Prosecutor re: Regulate Underage Possession or Consumption of Alcoholic Beverages on Private Property – carried from June 2, 2011 meeting
Dogs at Park Ordinance
Mayor's Roundtable Update
Discussion on Releasing Draft Minutes

Minutes

June 2, 2011 Special Meeting
June 2, 2011 Special Meeting Executive Session
June 2, 2011 Regular Meeting
June 2, 2011 Regular Meeting Executive Session

December 2, 2003 Regular Meeting
December 2, 2003 Executive Session
December 29, 2003 Special Meeting

Discussion on New Policy to be Adopted
Request from Parks and Recreation

Executive Session – Resolution No. 2011-94

Litigation – Sundancer Capital LLC
Litigation – Abel
Possible Litigation – Effi Solar
Possible Litigation – Old Fairview School
Personnel – Municipal Court

Return to Regular Session

Adjournment

PLEASE NOTE THIS AGENDA IS SUBJECT TO LAST MINUTE CHANGE

2011 -

July 7, 2011

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

Also present at the meeting were Deputy Mayor Niemann, Committeeman Burke, Attorney L. Staples, C.F.O. D. Laudenbach, Deputy Clerk Keller and Clerk MacConnell. Mayor Lubitz called the meeting to order and following the salute to the flag read aloud the following:

NOTICE REQUIREMENTS

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

In order to ensure full public participation in this meeting, all members of this Committee or Board, and also members of the public are requested to speak only when recognized by the Chair so that there is no simultaneous discussion or over-talk, and further, all persons are requested to utilize the microphones which are provided for your use by the Township. Your cooperation is appreciated.

ROLL CALL

CORRESPONDENCE

Thank You Letter from KTS re: Social Studies Award

Mayor Phil Lubitz noted and congratulated Adam Belle who was present at the meeting regarding his daughter Hannah Belle, for her outstanding achievement in social studies, and for receiving the award given by Kingwood Township.

Press Release from the N.J.D.E.P

Mayor Lubitz reviewed a press release that he just received from the New Jersey Department of Environmental Protection regarding a joint effort by the Green Acres Program, the Federal Government, the County, non-profit organizations and the Township of Kingwood to preserve 313 acres of open space property on Horseshoe Bend Road. He noted that there was a ribbon ceremony on Wednesday, July 6th for the opening of the new park and that it was a great day.

PUBLIC COMMENT – PRIVILEGE OF THE FLOOR

Barbara Schlichting, Federal Twist Road, Stated that she is the Executive Director of Somerset Treatment Services.

2011 -

She was representing the Hope Coalition, which is led by Raritan Valley Community College. She explained that she has worked in the addiction field and has seen the damage it has done when young children drink at an early age. She noted that they are looking to reduce alcoholic abuse among the ages of 18 – 25 year olds, because of the large percentage of binge drinking. She read aloud the statistics for New Jersey. She stated that they have been working on many activities planned to educate and to rehabilitate individuals at campuses, workplaces and that they would like each municipality to adopt an ordinance to enforce against teen drinking on private property. She distributed information to the committee members to review. She responded to several questions asked by Mayor Lubitz. The committee members thanked Barbara Schlichting for sharing the information.

Dave Frank, Muddy Run Road, Commented on all the sensitivity regarding the solar development. He stated how he has been reading the newspapers and mentioned other townships that have all had public open space land, and have leased it for solar use. He was wondering if Kingwood Township has considered this idea for the Township. Committeeman Burke responded. There was a discussion on the two farm properties that the Township owns located on Route 519, which are both preserved. It was discussed that solar farms could not be constructed on those locations, but that Mr. Frank's idea have been considered by the Township.

Open Space & Recreation Plan

C.F.O. Diane Laudenbach discussed an amount exceeded by the Township's Planner, for his work on the open space & recreation plan in the amount of \$3,500. She asked the Township Committee for their approval to pay this amount out of the master plan special appropriation account. Deputy Mayor Niemann explained that she had involvement with the open space and recreation plan and that she would like a chance to speak to Mr. Banisch first before the committee member make a decision. She asked the other committee members if it would be possible to postpone making a decision regarding the expenditure until next month's meeting. Mayor Lubitz and Committeeman Burke both approved the request.

Tax Assessor Invoice

Mayor Lubitz reviewed an invoice for reimbursement received by the Township's Tax Assessor, David Gill for expenses he has accumulated for supplies used for Township business at his home office for the Township. The committee members reviewed the invoice and would like to look into this further before making a decision to reimburse Mr. Gill.

REPORTS

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

- Tax Collector's Report of May 2011
- Construction Reports of May 2011
- Township Engineer's Monthly Report
- Dog License Report
- Statewide Insurance Loss Control Meeting

2011 -

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 **\$2,687,447.60** that are in order and attached as Bill List for July 2011.

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

FUTURE MEETINGS AND ACTIVITIES

Mayor Lubitz reviewed as per the Agenda.

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

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 withdraw Ordinance No. 16-14-2011.

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

Mayor Lubitz noted that Ordinance No. 16-14-2011 has been available for public review for several months now. He stated that the ordinance has been aired at several public meetings and also discussed at the business round table, but, as part of the master plan it is still going to be heard at a public hearing. He stated that there will be an opportunity for public comments at future public hearings to be scheduled for this ordinance.

ORDINANCE

2011 -

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

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to withdraw Ordinance No. 16-15-2011.

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

Mayor Lubitz stated that there will be an opportunity for public comments for Ordinance No. 16-15-2011 at future public hearings to be scheduled for this ordinance also.

Deputy Mayor Niemann clarified the reasons these two ordinances have been withdrawn. She explained that the Township is going to do a master plan re-examination, and some of the issues raised in these ordinances will be incorporated. She stated that the Township realized that there were more global issues, which they would like to examine. She stated that this will tie it all together in a coherent manner, and then be brought to the Planning Board for review and then to the Township Committee when they feel that they are ready to introduce them again.

ORDINANCE

ORDINANCE NO. 16-20-2011 AN ORDINANCE OF THE TOWNSHIP OF KINGWOOD, COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT THE LAND USE REGULATIONS OF THE TOWNSHIP OF KINGWOOD, SPECIFICALLY “ZONING, CHAPTER 132” OF THE GENERAL ORDINANCES OF THE TOWNSHIP PERTAINING TO WIND ENERGY FACILITIES AND STRUCTURES – Introduction and Adoption on First Reading

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

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adopt on first reading **AN ORDINANCE OF THE TOWNSHIP OF KINGWOOD, COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT THE LAND USE REGULATIONS OF THE TOWNSHIP OF KINGWOOD, SPECIFICALLY “ZONING, CHAPTER 132” OF THE GENERAL ORDINANCES OF THE TOWNSHIP PERTAINING TO WIND ENERGY FACILITIES AND STRUCTURES.**

2011 -

Consideration of final adoption at a public hearing is scheduled for Thursday, August 4, 2011 at a meeting beginning at 7:00 P.M. at the municipal building.

RESOLUTIONS

The following Resolution was introduced:

RESOLUTION NO. 2011 - 88

TAX SALE REDEMPTION

WHEREAS, the Tax Collector has received redemption monies in the amount of \$25,735.51 to redeem Tax Sale Certificate No. 2009-07 on Block 20, Lot 6.01, and

WHEREAS, the lienholder paid a premium of \$3,900.00 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 \$29,635.51 to Plymouth Park Tax Services, PO Box 2288, Morristown, New Jersey, 07962, for the redemption of Tax Sale Certificate No. 2009-07.

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

The following Resolution was introduced:

RESOLUTION NO. 2011 - 89

TAX SALE REDEMPTION

WHEREAS, the Tax Collector has received redemption monies in the amount of \$15,214.58 to redeem Tax Sale Certificate No. 2009-09 on Block 24, Lot 7.02, and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey, that the Chief Financial Officer be authorized to issue a check in the amount of \$15,214.58 to Tad Dabrowski, 132 Mc Kinley Street, South Plainfield, New Jersey, 07080, for the redemption of Tax Sale Certificate No. 2009-09.

2011 -

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 – 90

CANCELLATION OF TAXES

WHEREAS, Kingwood Township acquired Block 14, Lots 28.02 and 30 on June 7, 2011, and

WHEREAS, due to the transfer of title, the real estate taxes for Block 14, Lots 28.02 and 30 have been pro-rated through June 7, 2011.

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 following amounts be cancelled:

Block 14, Lots 28.02	-	\$2,252.97
Block 14, Lot 30	-	\$4,004.11

and

BE IT FURTHER RESOLVED by the Mayor and Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey, that the Tax Collector is relieved from collecting the above mentioned amounts.

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 – 91

2011 -

REFUND OF TAX PAYMENT

WHEREAS, Kingwood Township acquired Block 14, Lots 28.02 and 30 on June 7, 2011, and

WHEREAS, due to the transfer of title, the current owner of Block 14, Lots 28.02 and 30 is entitled to a refund of a pro-rated share of the real estate taxes for 2011.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey, that the Chief Financial Officer be authorized to issue a refund to Horseshoe Bend, LLC, P.O. Box 159, Gwynedd Valley, Pennsylvania, 19437 in the following amounts:

Block 14, Lots 28.02	-	\$2,252.97
Block 14, Lot 30	-	\$4,004.11

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 – 92

WHEREAS, bids for Maintenance and Repair Materials were received on June 16, 2011 on behalf of the Townships of Delaware, Franklin and Kingwood as part of their Joint Road Maintenance Agreement; and

WHEREAS, the contracts for the maintenance and repair materials in the Township of Kingwood, County of Hunterdon, be and are hereby awarded to the following:

<u>Item</u>	<u>Description</u>	<u>Qty</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Bidder</u>
1	Hot Mix Asphalt, Mix I-4 or I-5, Surface Course (FOB)	400	Ton	\$ 60.45	Flemington Bituminous Corp.
2	Superpave Hot Mix Asphalt 9.5M64 (FOB)	1700	Ton	\$ 60.45	Flemington Bituminous Corp.

2011 -

3	Hot Mix Asphalt, Mix I-2, Base Course (FOB)	200	Ton	\$ 58.45	Flemington Bituminous Corp.
4	Superpave Hot Mix Asphalt 25M64 (FOB)	1150	Ton	\$ 58.45	Flemington Bituminous Corp
5	Emulsified Asphalt - Grade CRS-2P (FDA)	25000	Gal	\$ 2.449	Garden State Asphalt Materials
6	3/8" (#8) Clean Crushed Stone (Screw Or Belt Washed) No Limestone (FDS)	600	Ton	\$ 18.24	Haines & Kibblehouse
7	1" Quarry Process/ Road Blend (FOB)	600	Ton	\$ 8.00	Trap Rock Industries Inc.
8	3/4" Clean Crushed Stone (FDS)	500	Ton	\$ 16.09	Haines & Kibblehouse
9	Screenings (FOB)	100	Ton	\$ 4.00	Haines & Kibblehouse
10	RipRap, d50=8" (FDS)	100	Ton	\$ 16.24	Haines & Kibblehouse
11	12" HDPE Corrugated Smooth Wall Drainage Pipe-perforated w/plain end & couplers	40	LF	\$ 5.10	Campbell Foundry Co.
12	15" HDPE Corrugated Smooth Wall Drainage Pipe-perforated w/plain end & couplers	740	LF	\$ 6.25	Campbell Foundry Co.
13	24" HDPE Corrugated Smooth Wall Drainage Pipe-perforated w/plain end & couplers	160	LF	\$ 14.95	Campbell Foundry Co.

2011 -

14	NJDOT Type 'E' Precast 2 Concrete Storm Inlet w/ 24" knockouts on three sides (FDS)	EA	\$295.00	Campbell Foundry Co.
15	NJDOT Type 'a' Precast 8 Concrete Storm Inlet w/ 21" knockouts on three sides (FDS)	EA	\$455.00	Campbell Foundry Co.

WHEREAS, the mileage adjustments have been taken into account for hauling costs and the selected hauling route was determined to be from the Department of Public Works Facility to the production plant one way; and

WHEREAS, the presiding officer of this body be and is hereby directed to sign for and on its behalf the contracts in the prescribed form for said road maintenance and materials; and

WHEREAS, the Clerk of this body be and is hereby directed to seal said contracts with the corporate seal of this body and to attest to the same.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey that on receipt of a bond for not less than the amount of said contract executed in the prescribed form and heretofore approved by the solicitor of this body, the presiding officer and finance committee thereof be and are hereby in their discretion, empowered to approve said bond.

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

The following Resolution was introduced:

RESOLUTION NO. 2011 - 93

**RESOLUTION AUTHORIZING CHANGE ORDER #1 TO PROFESSIONAL SERVICES
AGREEMENT WITH MASER CONSULTING, P. A.**

2011 -

WHEREAS, the Township of Kingwood determined that professional engineering and planning services from Maser Consulting, P.A. (hereinafter, "Maser") were required in connection with Phase 2, Public Visioning, regarding possible Village Center and Eastern Village Center development in connection with the State Development and Redevelopment Plan; and

WHEREAS, Maser submitted a Planning Estimate, which was approved by the Township Committee of the Township of Kingwood by way of Resolution No. 2010-81 for services as set forth in the prior paragraph in an amount not to exceed \$17,180.00; and

WHEREAS, due to an expansion of the scope of services required of Maser as is set forth in Change Order #1, dated May 11, 2011 and attached hereto as Exhibit A, an additional payment of \$4,252.50 is due to Maser; and

WHEREAS, funds in the amount of \$4252.50 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 planner or an engineer, 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. The Township Committee of the Township of Kingwood authorizes the payment of Change Order #1 to Maser Consulting, P. A. for the performance of professional planning and engineering services for the Township of Kingwood in connection with the Phase 2, Public Visioning, for the Kingwood Baptistown and Route 12 Plan, as further described on Exhibit A attached hereto, for an amount not to exceed \$4,252.50.
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.
3. The Mayor, Clerk, Chief Financial Officer and all other necessary Township officials are hereby authorized to execute any and all documents necessary for the transactions contemplated by this Resolution.

Deputy Mayor Niemann stated that this was carried over from last month's meeting and that she did obtain more information. She explained that the change order came after the work was completed. She gave an explanation of what happened during the time the work had begun.

2011 -

Deputy Mayor Niemann feels that the Township Committee should approve this request for the change order from Maser Consulting, and that going forward she would like to know in advance any additional work or charges to be occurred. Mayor Lubitz and Committeeman Burke both agreed that they would like to be informed of additional charges before the work has been completed.

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

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

NEW BUSINESS

Vital Computer Assessor & Collector Programs

Mayor Lubitz explained that this has already been discussed in the beginning of the meeting.

Report of Rates for Bankcard Program

C.F.O. Diane Laudenbach explained that she applied to Skylands Community Bank for a quote for the merchants bankcard program. She explained that this is to set up to accept credit cards payments at the municipal building. She stated that the Township has done this in the past and feels that it was not utilized often enough, and that it would not be worth the Township spending the funds to set up the program, which would be \$225.00, and an annual compliance fee of \$125.00, and also stated that this is not including all the other expenses for each transaction made with a credit card.

Report of General Improvement Bonds

C.F.O. Diane Laudenbach advertised for bond proposals. Mayor Lubitz reviewed the results received. He stated that the lowest interest rate was listed as 3.54%. Committeeman Burke noted that this rate will bring the payments much lower than what the Township first anticipated.

The following are proposals received at the advertised time and place for the Bonds offered for sale pursuant to the Resolution, each in legally acceptable form and accompanied by the check, wire or sure bid required by the advertised notice:

2011 –

Name of Bidder	Net Interest Cost	Amount of Bonds Bid For	Amount Bid
<u>Fidelity Capital Markets</u>	<u>3.540179%</u>	<u>\$2,375,000.00</u>	<u>\$2,375,000.00</u>
<u>UBS Financial Services</u>	<u>3.563578%</u>	<u>\$2,375,000.00</u>	<u>\$2,397,288.75</u>
<u>Robert W. Baird & Co.</u>	<u>3.661546%</u>	<u>\$2,375,000.00</u>	<u>\$2,375,000.00</u>
<u>Janney Montgomery Scott, Inc.</u>	<u>3.791908%</u>	<u>\$2,375,000.00</u>	<u>\$2,375,000.00</u>

C.F.O. Diane Laudenbach noted that the Township has chosen, Fidelity Capital Markets from Boston MA, Bid Amount of \$2,375,000, with an interest rate of 3.540179%.

Raffles License Applications – Woman’s Club Flemington

Mayor Lubitz briefly reviewed both applications from the Woman’s Club Flemington.

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to approve Raffle License Application # 2011-04 for the Woman’s Club Flemington for a 50/50 Cash Raffle scheduled on October 28, 2011 to be conducted at Razberry’s Banquet Center from 11:00a.m. – 3:30p.m.

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

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to approve Raffle License Application # 2011-05 for the Woman’s Club Flemington for a Tricky Tray on October 28, 2011 to be conducted at Razberry’s Banquet Center from 11:00a.m. – 3:30p.m.

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

Raffles License Application - Kingwood Township Volunteer Fire Co. #1

Mayor Lubitz reviewed Raffle License Application # 2011 – 03 for the Kingwood Township Volunteer Fire Company #1.

2011 –

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to approve Raffle License Application # 2011-03 for a 50/50 Cash Raffle on December 10, 2011 at the Kingwood Township Volunteer Fire House beginning at 1:00p.m.

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

Elizabethtown Gas Company Discussion

Deputy Mayor Niemann explained a brief background of the situation with Elizabethtown Gas. She stated that a resident from the Township came into the municipal building inquiring with the interest of being connected with the natural gas that was being installed along Route 519 going south towards the Kingwood Township Elementary school. She explained that the Township became aware that the gas company never obtained the proper approval from the Township, nor from BPU (Board of Public Utilities) for the State of New Jersey. Mrs. Niemann explained that all construction has been ceased until they get approval. Attorney L. Staples, noted that the gas company stopped construction after she had contacted the BPU. She stated that the BPU contacted Elizabethtown Gas immediately to find out what they knew about the situation. She explained that she spoke to their attorney and found out that the gas company was not in consistent with the consent agreement of 2008 with the Township. She noted that there is a procedure for this that requires them to prepare an ordinance to be adopted, and explained that the gas company would have to advertise for a public hearing of an ordinance to be adopted. She stated that they would also have to send an application to the BPU with the consideration of acting on this request if the ordinance is adopted by the Township Committee. She noted that Elizabethtown Gas is willing to come before the Township Committee for approval, and to have an ordinance introduced. It was discussed that a special meeting may be scheduled to introduce the ordinance in order for it to be adopted in a timely manner. Mayor Lubitz asked about Township fees incurred, as in legal fees, and feels that due to their error that they should be responsible for these fees. Sandra McNicol a resident of the Township stated that she has been trying to work with the gas company trying to get them to help train with the Township's first responders as they promised back in 2008, but they have not been responsive. She noted that they continue to postpone the training. Two members of the Kingwood Township Volunteer Fire Company, F. Floyd and J. Drake were present at the meeting and commented that they should have them post a bond to guarantee the training. Mayor Lubitz noted that the Township will make it a condition to set the training date. The Township Committee agreed that it would be best to set a date and request a cash bond in the amount of \$4,500.00 from Elizabethtown Gas Company to cover training with the Township's first responders.

Authorize Township Engineer – Prepare Bid Packages for New Department of Public Works Truck

2011 -

Committeeman Burke reported that he spoke to DPW Supervisor, Mark Petro and explained that Mark is looking for a small dump truck, which will help with plowing the smaller roads. Mayor Lubitz asked the Township’s C.F.O. regarding the funds for the purchase of the truck. C.F.O. D. Laudenbach confirmed the amounts that are in the capital budget that will be used for the truck.

ORDINANCE

ORDINANCE NO. 16-21-2011 - AN ORDINANCE TO PROVIDE FOR THE PURCHASE OF A 2012 FORD F-550 SUPER DUTY XL REGULAR CAB, 4X4 DUAL REAR WHEEL CAB AND CHASSIS, OR EQUIVALENT THEREOF, FOR THE TOWNSHIP OF KINGWOOD IN THE COUNTY OF HUNTERDON AND STATE OF NEW JERSEY AND APPROPRIATING \$90,000.00 FROM THE CAPITAL IMPROVEMENT FUND – RESERVE FOR PURCHASE OF MUNICIPAL EQUIPMENT – 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 **ORDINANCE NO. 16-21-2011 - AN ORDINANCE TO PROVIDE FOR THE PURCHASE OF A 2012 FORD F-550 SUPER DUTY XL REGULAR CAB, 4X4 DUAL REAR WHEEL CAB AND CHASSIS, OR EQUIVALENT THEREOF, FOR THE TOWNSHIP OF KINGWOOD IN THE COUNTY OF HUNTERDON AND STATE OF NEW JERSEY AND APPROPRIATING \$90,000.00 FROM THE CAPITAL IMPROVEMENT FUND – RESERVE FOR PURCHASE OF MUNICIPAL EQUIPMENT.**

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

Consideration of final adoption at a public hearing is scheduled for Thursday, August 4, 2011 at a meeting beginning at 7:00 P.M. at the municipal building.

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2011 – 95

CAPITAL BUDGET AMENDMENT

WHEREAS, the Capital Budget of the Township of Kingwood was approved on May 5, 2011; and

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WHEREAS, it has been determined that said Capital Budget must be amended due to a change in Municipal priorities.

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 following amendment to the Capital Budget of the Township of Kingwood is hereby amended as follows:

**CAPITAL BUDGET
LOCAL UNIT TOWNSHIP OF KINGWOOD**

PLANNED FUNDING SERVICE FOR CURRENT YEAR 2011

Project	Estimated Total Cost	Capital Improvement Fund – Reserve for Purchase of Municipal Equipment
Purchase of 2012 Mason Dump Truck	\$90,000.00	\$90,000.00
Total All Projects	\$285,000.00	\$285,000.00

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

Municipal Audit

Mayor Lubitz noted that he would like to commend our Township Officials for a clean audit this year, especially the C.F.O. for her efforts to make this happen. He noted that there were no recommendations or courses of action. He explained that this has always been a goal for a Township Committee.

Advisory Committee for New Park

Mayor Lubitz noted that there will be an advisory committee formed to study and advise the uses and some of the operational issues at the new park on Horseshoe Bend Road.

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Mayor Lubitz asked Committeeman Burke to lead the committee and to include such individuals both citizens and interested parties that may be necessary to add expertise to that committee. Attorney Staples confirmed that this committee will be just an advisory committee.

Construction Department – Solar Applications

Deputy Mayor Niemann noted that she had spoken to the Township's Construction Official, Mark Fornaciari regarding solar applications. She noted that he has requested that the Township hire some temporary part-time seasonal help due to the extensive work involved. She briefly reviewed the expenses and how they will be paid with the Township's C.F.O. D. Laudenbach. She noted that Mark Fornaciari expects to spend approximately about \$360.00 a week, between now and December for two to three hours a day, twice a week for electrical and building inspections. Mayor Lubitz recommended that D. Laudenbach speak to Mark Fornaciari, to obtain more information and get back to the committee members at a special meeting that will be schedule within the next two weeks.

OLD BUSINESS

Letter and Sample Ordinance from County Prosecutor re: Regulate Underage Possession or Consumption of Alcoholic Beverages on Private Property – carried from June 2, 2011 meeting

Mayor Lubitz explained that this has been carried from last month's meeting in June. Attorney Staples reported and reviewed what Attorney Judith Kopen has sent them during the month regarding changes made to the ordinance. There was a brief discussion on the revisions of the sample ordinance concerning counseling, fines, and suspended driving privileges by the municipal court. Mayor Lubitz noted that he will speak to Barbara Schlichting to review the information and get back to Attorney Staples.

Dogs at Park Ordinance

Mayor Lubitz noted that the Township currently has an ordinance and a fine in place for not curbing dogs at the park. Committeeman Burke explained several incidents that occurred at the park. He noted that Park Director, Lisa Marie Weinschenk discussed several of the problems that have been happening. There was a discussion on enforcement and who would be in charge of following up with the offenders. The Committee members agreed to review the ordinance and find out if the State police are authorized to follow through with enforcement when necessary at the park, and if they are not authorized to enforce the Township's ordinance, the ordinance would then be amended. Attorney Staples explained what the process would be if enforcement is authorized. Mayor Lubitz noted that if the police are authorized to do so, he will schedule a meeting to speak with the Commander of the Kingwood Township State police barracks, and Park Director Lisa Marie Weinschenk.

Mayor's Roundtable Update

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Deputy Mayor Niemann requested a review of the last Roundtable meeting of June 21, 2011, as she was unable to attend. Mayor Lubitz stated who attended the meeting and briefly reviewed what they discussed. He noted that the next Roundtable will be scheduled for September.

Discussion on Releasing Draft Minutes

Mayor Lubitz noted that he had spoken to resident Gill Dick of Oak Grove Road. Mayor Lubitz stated that Mr. Dick asked if it would be possible to release the township committee meeting minutes in a draft form before they are adopted at a meeting. Attorney Staples noted that the minutes should be available to the public as soon as they are completed, but if the committee members have not approved them, a note should be in the minutes that they are only a draft and have not been approved by the township committee. It was agreed by the township committee to release the township committee meeting minutes in a draft form with the proper wording at the top of the minutes noting that the document is only a draft, and that they have not been adopted by the township committee. They all agreed that they would be available to the public by the Monday prior to the next township meeting.

MINUTES

June 2, 2011 Special Meeting

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adopt the Special Township Committee Meeting Minutes of June 2, 2011.

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

June 2, 2011 Special Meeting Executive Session

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adopt the Special Meeting Executive Session minutes of June 2, 2011.

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

June 2, 2011 Regular Meeting

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adopt the Regular Township Committee Meeting Minutes of June 2, 2011.

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

June 2, 2011 Regular Meeting Executive Session

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adopt the Regular Meeting Executive Session minutes of June 2, 2011.

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

December 2, 2003 Regular Meeting

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adopt the Regular Township Committee Meeting Minutes of December 2, 2003.

Mayor Lubitz commented on a statement regarding a new formula for COAH commented by the attorney at that time in 2003, which was stated in the December 2, 2003 minutes.

Mayor Lubitz asked the Attorney a few questions regarding a request from Errico's Sports Bar that was stated in the minutes of the December 2, 2003, to extend their hours from 2:00am to 3:00am. He stated that the liquor license is now being transferred to a new owner and wanted to know if this time frame still holds for the new owner now in 2011. There was a lengthy discussion on the Sports Bar and the request at that time. Mayor Lubitz noted that this will be researched by the Township attorney as to whether the extended times that were granted in 2003, will transfer with the license.

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

December 2, 2003 Executive Session

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adopt the Regular Meeting Executive Session minutes of December 2, 2003.

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

December 29, 2003 Special Meeting

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adopt the Special Township Committee Meeting Minutes of December 29, 2003.

Mayor Lubitz noted that this meeting of December 29, 2003 was scheduled at 9:00 in the morning.

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

Discussion on New Policy to be Adopted

Deputy Mayor Niemann commented on holidays occurring on a Monday of three day weekend. She feels that the Township should adopt a policy for the Friday's before a Monday holiday to allow the employees of the municipal building to leave at 3:00p.m. after the building is closed to the public.

It was moved by Mr. Burke, seconded by Mrs. Niemann and carried to approve for the offices to be closed at 3:00pm on the Friday prior to a holiday for the remainder of 2011, so that employees are free to leave then if they so choose.

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

Request from Parks and Recreation

Committeeman Burke asked if it would be possible to give a list to the Municipal Judge requesting assignments for community service be given there hours to work at the Kingwood Park. Attorney Staples noted that she will look into this request.

EXECUTIVE SESSION – Resolution No. 2011- 94

Executive Session – Resolution No. 2011 - 94

2011 -

The following Resolution was introduced to enter into closed session at approximately 9:15P.M.:

RESOLUTION NO. 2011 – 94

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:

Litigation – Sundancer Capital LLC
Litigation – Abel
Possible Litigation – Effi Solar
Possible Litigation – Old Fairview School
Personnel – Municipal Court

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.

2011 -

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 9:45P.M. **All** voted **Aye** on **Roll Call Vote**.

Deputy Mayor Niemann noted that she will be contacting Secretary Cynthia Keller to speak to her to see if they could use individuals for community service at the park.

Committeeman Burke asked the Township Committee members if they had any ideas for the Skylark Park now that the Township owns the property. He stated that there is a sandy beach which has ducks and geese almost constantly, and that a lot of the time the island is under water. Mayor Lubitz and Deputy Mayor Niemann stated they will think about what could be done.

ADJOURNMENT

It was moved by Mr. Burke, seconded by Mrs. Niemann and carried to adjourn the meeting at 9:50PM. **All** voted **Aye** on **Roll Call Vote**.

Respectfully submitted,

Cynthia L. Keller, RMC
Deputy Clerk

