

**KINGWOOD TOWNSHIP COMMITTEE**

**AUGUST 4, 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**

**Executive Session – Resolution No. 2011-96**

Personnel – Municipal Court

Litigation - Abel

**Return to Regular Session**

**Public Comment – Privilege of the Floor**

**Pivotal Utility Holdings, Inc., d/b/a Elizabethtown Gas, Petition for Municipal Franchise – Public Hearing**

**Ordinance No. 16-23-2011 To Amend Chapter A164 Gas Franchise – Introduction and Adoption on First Reading**

**Parks and Recreation Pavilion - Approval**

**Correspondence**

Letter from NJ Dept of Agriculture re: Survey of Gypsy Moth Egg Masses  
(Response Requested)

Letter from Cty Admin re: Tax Payments

Letter & Info from Nat'l MSS re: Annual Bike Ride

Letter from Frenchtown Mayor Sworen re: Dog Park

## **August 4, 2011 Township Committee Agenda Continued**

### **Correspondence Continued**

Letter from Mayor McCormick re: Senior Olympics

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

#### **Bills and Claims**

Open Space & Recreation Plan

Tax Assessor Invoice

### **Second Public Comments – Privilege of the Floor**

#### **Reports**

Municipal Court Reports of May 2011 and June 2011

Construction Reports of June 2011 & July 2011

Township Engineer's Monthly Report

Dog License Report

Animal Control Report

Recycling Tonnage Funds 2009

Emergency Management – **Resolution No. 2011-103** to adopt County Hazardous  
Mitigation Plan

Liz Schmid – Open Space Coordinator's Report

#### **Future Meetings and Activities**

**August 13, 2011** - Recycling at Township Garage from 9:00am –  
12:00noon

**August 13, 2011** - Clean-up Program at Township Garage from  
9:00am – 12:00noon

**August 23, 2011** - Receipt & Opening of Bids for new DPW Truck at Municipal  
Building at 10:00am

**September 1, 2011** - Regular Monthly Meeting of Township Committee  
beginning at 7:00pm at Municipal Building

#### **Ordinances**

**Resolution No. 2011-97 To Amend Capital Budget**

**AND**

**Ordinance No. 16-17-2011 Of The Township Of Kingwood  
Appropriating \$100,000 From The Open Space Fund To  
Provide A Supplemental Appropriation To The Township's  
Existing Open Space Ordinances – Introduction and Adoption  
on First Reading**

## **August 4, 2011 Township Committee Agenda Continued**

**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 Pertaining To Wind Energy Facilities And Structures – Public Hearing and Final Adoption**

**Ordinance No. 16-21-2011 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 And Appropriating \$90,000.00 From The Capital Improvement Fund – Reserve For Purchase Of Municipal Equipment – Public Hearing and Final Adoption**

### **Resolutions**

- Resolution No. 2011-98 -** Refund of 1<sup>st</sup> & 2<sup>nd</sup> Qtr Payments Bl 13 L 14
- Resolution No. 2011-99 -** Redemption Within 10 Days Bl 39 L 21
- Resolution No. 2011-100 -** Extend 3<sup>rd</sup> Qtr Tax Payments
- Resolution No. 2011-101 -** Application for NJDOT 2012 Municipal Aid

### **New Business**

2010 Municipal Audit Report:

**Resolution No. 2011-102 -** Certification of Annual Audit  
Group Affidavit Form

Municipal Alliance Renewal Application 2012

Best Practices Inventory:  
Cash Receipts Policy  
Elected Officials Policy

### **Ordinance**

**Ordinance No. 16-22-2011 An Ordinance Establishing that a Business Entity Which makes Political Contributions to Municipal Candidates and Municipal and County Political Parties in Excess of Certain Thresholds Shall be Limited in its Ability to Receive Public Contracts from the Township of Kingwood in the County of Hunterdon (Contractor Pay to Play Reform Ordinance) – Introduction and Adoption on First Reading**

### **Vote to Employ Part Time Building/Electrical Inspector**

### **Old Business**

Extended Time – ABC License  
Release of Draft Minutes  
Park & Rec Committee – Community Service  
Model Ordinance for Underage Drinking  
Skylark Island

## **August 4, 2011 Township Committee Agenda Continued**

Approval for Appraisal for Preliminary Expenses  
Clean Energy Program  
First Advisory Committee Meeting – Horseshoe Bend Road

### **Minutes**

July 7, 2011 Regular Meeting  
July 7, 2011 Executive Session

January 1, 2002 Reorganizational Meeting

### **Adjournment**

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

2011 -

August 4, 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, Att'y Kopen, C.F.O. D. Laudenbach, 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**

**EXECUTIVE SESSION – Resolution No. 2011- 96**

The following Resolution was introduced to enter into closed session at approximately 7:02P.M.:

**RESOLUTION NO. 2011 – 96**

**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.

2011 -

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

**Personnel – Municipal Court  
Litigation - Abel**

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

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

4. This resolution shall take effect immediately.

5. The Township Committee may take additional action upon returning to regular session.

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

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

**RETURN TO REGULAR SESSION**

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to return to regular session at 8:20P.M. All voted **Aye** on **Roll Call Vote**.

Mayor Lubitz asked if anyone from the public wished to speak at this time since they did not anticipate the executive session to be that lengthy.

**PUBLIC COMMENT – PRIVILEGE OF THE FLOOR**

Glen Selner, Byram Lane – Stated that he came to the meeting as he saw that the Hazardous Mitigation Plan was listed on the agenda. He asked the Committee Members what impact it would have on Byram residents, because they are interested in elevating their homes. Mayor Lubitz asked the Township’s Emergency Management Coordinator, Jack MacConnell to answer Mr. Selner. Mr. MacConnell noted that if the County Hazardous Mitigation Plan is approved by the Township by resolution, all the residents in Byram would receive a certified letter regarding a meeting that will be set up with the State Police and FEMA.

2011 -

He stated that at that meeting they will explain about a special grant through FEMA that will be available until September 30<sup>th</sup>, 2011, which then he stated the residents will be able to apply for the grant. Mr. Selner asked if the resolution will be approved this evening. Mayor Lubitz stated that the resolution will be adopted later in the meeting. Mr. Selner thanked the Committee Members and EMC, Jack MacConnell for their time.

**Pivotal Utility Holdings, Inc., d/b/a Elizabethtown Gas, Petition for Municipal Franchise – Public Hearing**

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to open the public hearing for the Pivotal Utility Holdings, Inc., d/b/a Elizabethtown Gas, Petition for Municipal Franchise.

<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>

Attorney Richard Valenti and Mr. Gary Marmo representing Elizabethtown Gas Company were present. Mr. Valenti briefly reviewed the history of what has happened with Elizabethtown Gas so far, starting back in 1996 and what they are proposing this evening. They are asking for an extension of their gas lines to go down to the Kingwood Township School and any properties along the way. He then reviewed a time frame required by PBU. He explained that they can request PBU to allow them to hook up to the school, as long as the Township introduces the ordinance presented this evening. Mr. Marmo stated that they are not interested in proposing any approval to enter any other roads in the Township other than the area of Route 519. They are requesting that the franchise be approved for an additional 25 years. He also commented that they plan to complete training for volunteers between now and the final adoption of the ordinance. Mayor Lubitz asked about the performance bond in the amount of \$4,500 for that training, which was discussed at the Township Committee's last meeting. Attorney Richard Valenti stated that their preference would be to get the training completed within the month, and noted that he is confident that they will be able to accomplish this training. He stated that he has two names he will call to set up a date and time. Mayor Lubitz feels that the performance bond is the only way that the Township will feel confident the training will be accomplished, especially after waiting several years for it to be completed. He noted that delaying the second reading of the ordinance will create a problem with the Township, because the school is counting on the Township to approve the ordinance by September for a hookup. He explained how Elizabethtown Gas made the mistake of going out of their franchise area. Committeeman Burke and Deputy Mayor Niemann asked several questions as far as the lack of completeness on the last franchise petition. Mayor Lubitz asked if they knew if there were any developers who have asked for hookup along the 519 route. Mr. Marmo and Mr. Valenti stated that no other developers they know of have requested hookup, only the existing individual property owners.

## 2011 -

### Public Comments:

Sandra McNicol, Oak Grove Road Expressed concern as she had attended the last time Elizabethtown Gas was present at a meeting with their overdue application for their franchise years ago. She stated that she was the person who kept in touch with Bruce Garrett, who was supposed to get individuals to train our first responders, which was now three years ago. She stated that she had several e-mail conversations with him and another individual from EGC to set up a date that never happened. She feels that Elizabethtown Gas Company has not been very responsible, and is very concerned with providing the school with their gas. She expressed that she feels that they should not be granted 25 years, but possibly every 5 years, so that they can be reviewed from time to time. She does feel that a performance bond is a good idea.

Mayor Lubitz asked the representatives from Elizabethtown Gas, besides the school, the firehouse and a couple of the houses along the way, what is the economic advantage. Mr. Marmo responded. Mayor Lubitz also asked what the downside would be for them if they never get final approval if the school is already hooked up. Mr. Marmo stated the downside would be that they would be losing the customers in between, which would be approximately 10 to 12 customers.

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

### **ORDINANCE**

#### **ORDINANCE NO. 16-23-2011 - AN ORDINANCE TO AMEND CHAPTER A164 GAS FRANCHISE** – Introduction and Adoption on First Reading

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

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adopt on first reading **ORDINANCE NO. 16-23-2011 - AN ORDINANCE TO AMEND CHAPTER A164 GAS FRANCHISE.**

### Discussion:

Deputy Mayor Niemann expressed her concern on the length of time of the agreement for 25 years. Committeeman Burke noted that he has the same concerns. There was a discussion on the length of time the Committee Members should approve the agreement for, due to the last five years they have not had an agreement with the Township. It was agreed for the franchise to be renewed for 15 years, with 10 years forward from now. Attorney R. Valenti stated that their intention is to accomplish the training this month. Attorney Kopen noted that the Township could ask for the performance bond at the time of the second reading of the ordinance, but that the Township could postpone the adoption of the ordinance for another month.



2011 -

She stated that the school will be taken care of under an emergency application. There was some discussion on the time line of their petitions. The Committee Members asked several additional questions.

Eric Carr from the Kingwood Township School was present and he described what work still would be required to get ready for gas. He stated that they currently have hot water and that it wouldn't be a problem if the school had to wait a month or two. Attorney Kopen suggested adding a sentence to the ordinance regarding the training for the Kingwood Township first responders. She noted that it should read, "As to proper emergency response procedures by Elizabethtown Gas Company regarding the gas line issues, which should be completed prior to hookup of any additional customers to the line, the commencement of the gas service and to any additional customers in the service area.

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

**Consideration of final adoption at a public hearing is scheduled for Thursday, September 1, 2011 at a meeting beginning at 7:00 P.M. at the municipal building.**

Parks and Recreation Pavilion

Committeeman Burke reported on the Parks and Recreation news from last evening's meeting. He stated that Jim DeSapio was present and submitted plans for a small pavilion to be built on a small slab, where the shuffleboard used to be. He stated that the persons involved with the bocce club have raised money to put up an open pavilion. He explained that it is similar to the larger pavilion that exists at the park. He noted that they currently have three bids, and the lowest bid for the project was \$14,745, and they currently have a total of \$10,000 that they raised and have a commitment for the remainder. Committeeman Burke noted that they are currently asking the Township Committee to vote to approve the construction of the pavilion at the park provided they receive the rest of the money and can complete the project. He stated that there will be no electricity, no plumbing, just a cover over the existing slab. He explained that the Parks and Recreation Committee have already approved the construction of the pavilion last evening.

It was moved by Mr. Burke, seconded by Mrs. Niemann and carried to approve the construction of the bocce pavilion over the old shuffle board court at the Kingwood Park and to leave it to the Parks and Recreation to implement the plan.

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

## 2011 -

There was a brief discussion with C.F.O. Diane Laudenbach regarding the funds involved with the bocce pavilion.

### CORRESPONDENCE

#### Letter from NJ Dept of Agriculture re: Survey of Gypsy Moth Egg Masses (Response Requested)

Mayor Lubitz reviewed the letter from the NJ Department of Agriculture. The Committee Members discussed the Township participating in the survey. They all agreed that it would be a good idea to fill out the survey and send it in to the State.

#### Letter from County Administration re: Tax Payments

Mayor Lubitz stated that although the State budget was on time there were a number of conditional line item vetoes which delayed the budget from being fully adopted. He noted that as a result, the tax bills will be late for the month of August, and the Township must ask for an extension of time to be granted by the County.

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to write a letter to the County in response to their letter asking for a response by August 13<sup>th</sup>, 2011. **All voted Aye on Roll Call Vote.**

#### Letter & Information from National MSS re: Annual Bike Ride

Mayor Lubitz read aloud the letter from the National MSS regarding permission to have their Annual Bike Ride through the Township.

#### Letter from Frenchtown Mayor Sworen re: Dog Park

Mayor Lubitz explained the letter of request from Mayor Sworen of Frenchtown, NJ regarding the plans for having a dog park. Mayor Sworen suggested the property along the river where the superfund site used to be along Route 29. Committeeman Burke feels that it is not a good idea, and it may be more of a problem than it is worth. Clerk MacConnell stated that there may be restrictions on that piece of property by the EPA, and the D.E.P., who purchased the lot with the house and certain portions of the remaining two lots. There was some discussion on the property restrictions.

#### Letter from Mayor McCormick re: Senior Olympics

Mayor Lubitz reviewed a letter from Mayor McCormick regarding the Senior Olympics.

### BILLS AND CLAIMS

Open Space & Recreation Plan

Deputy Mayor Niemann explained that this was regarding the invoice for the work completed on the Open Space and Recreation Plan, which the Township received from Banisch Associates. She stated that after looking into this further, the Township realized that the grant parameters required no more than \$15,000 expenditure and that the Township had exceeded that by \$3,000, as of funds that the Township had already paid. Mrs. Niemann noted that she and Open Space Chairwoman Sandra McNicol, went over to see Mr. David Banisch, to discuss the bill and she explained that it was very easily resolved. She stated that the overpayment that was made will be credited to the Township with regard to the Land Use Plan work that is coming up with the Planning Board. She stated that she will be drafting a letter confirming that this will be done. She noted that she spoke to C.F.O. Diane Laudenbach, and that they would be deducting the amount from his bills. She wanted to add that Mr. Banisch had bills for 6 and 7 thousand dollars for the plan that he never handed into the Township. She noted that he did a spectacular job on the plan and maps. Mayor Lubitz wanted to thank Sandra McNicol for all the time and the great job she put into the Open Space and Recreation Plan and maps.

Tax Assessor Invoice

Mayor Lubitz noted that the Township’s Tax Assessor has handed in an invoice recently. He noted that the Township Committee just wanted to make sure that this was being distributed in the correct manner since he does work for several municipalities. He noted that he works from his home and orders materials for all of the municipalities. He stated that there was a document that Mr. Gill gave to the Committee Members indicating the amounts spent specifically for Kingwood Township.

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to approve and pay all bills and claims in the amount of \$ 2,346,525.30 that are in order and attached as Bill List for August 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>

**SECOND PUBLIC COMMENTS – PRIVILEGE OF THE FLOOR**

Sandra McNicol, Oak Grove Road Wanted to bring to the Committee Members attention that some communities in the northern County are preparing ordinances regarding hydro-fracking for natural gas. She would like to refer this to the Planning Board to review. She asked the Township Committee if they would recommend this to be brought to the Planning Board to look into further, as she feels this is under the ground in the Township.

2011 –

Jack MacConnell, Spring Hill Road and Member of the Well Ordinance Committee Stated that he thinks that this is covered in the well ordinance, that there is no hydro fracking. He noted that he will look at the current well ordinance for the information and inform Sandra McNicol and the Township Committee Members. Mayor Lubitz suggested having the Township's Geologist review this as well.

Jennie Pandy, Spring Hill Road Commented on how she has heard something recently in the news that Governor Christie has come up with something regarding hydro fracking. Mayor Lubitz stated that Sandra McNicol's point is worth looking into further. Mrs. Pandy also commented on having a kennel license. She stated that the licenses for kennels require inspections and are usually done in the springtime between January and the end of April. She stated that basically they like to have it done by the end of May, and that the State likes it done by the end of June. She stated that the paper she recently received has the license going from January 1<sup>st</sup> to December 1<sup>st</sup>, which leaves a gap of time of about four months. She would like the Committee to consider that when they issue the licenses that they run from June 1<sup>st</sup>, to June 1<sup>st</sup> of next year. Mayor Lubitz needed more clarification on what Mrs. Pandy was trying to explain. She noted that everyone with a kennel license receives paperwork stating that they are a licensed kennel. She explained that the license states that it is good from January 1<sup>st</sup> of the new year thru till December 31, of that same year, but noted that they never receive the paperwork until April or May until after the inspections are all completed. Mayor Lubitz asked who issues the licenses to the residents for the kennel licenses. Mrs. Pandy responded by stating that the Township sends out the kennel licenses and the County does the inspections. She explained all the tests that need to be done, which are usually done in the beginning of the year and that there is a gap from when the license is due, when it becomes affective, and the time the license is issued. She said there is a blank of time from January 1<sup>st</sup> for about four months. She would like the licenses to go from June 1<sup>st</sup> to June 1<sup>st</sup> each year rather than January to December. She feels that it is an annoyance, because she is posting an expired license for several months. Diane Laudenbach explained the process as she had issued these licenses years ago, and stated that this is a board of health issue. The Committee Members suggested this be brought to the Township's Board of Health to consider that the licenses be issued from July 1<sup>st</sup> thru June 30<sup>th</sup> of each year. A letter will be written by the Township Attorney regarding this subject to the Township's Dog License Official.

## **REPORTS**

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

Municipal Court Reports of May 2011 and June 2011

Construction Reports of June 2011 & July 2011

Township Engineer's Monthly Report

Dog License Report

Animal Control Report

Recycling Tonnage Funds 2009

Emergency Management – Resolution No. 2011-103 to adopt County Hazardous Mitigation Pla

2011 –

Jack MacConnell, the Township's Emergency Management Coordinator explained the correspondence that he gave to the Committee Members. He stated that if this resolution is passed this evening, then he will send this to the State Police, and once they find out it is completed, then he will send a certified letter to all the property owners. Committeeman Burke noted there are approximately 41- 42 homes. Mr. MacConnell noted that he has a lot of information if the Committee Members are interested in receiving the packet. He explained how important it is to adopt this resolution this evening, because there is money available to FEMA, and it may be possible that something can be done for some of the homes. He explained that the plan covers everything from forest fires to floods. He also suggested certified letters be mailed to all the residents of Byram Colony to schedule a meeting to discuss the plan.

### **RESOLUTION**

The following Resolution was introduced:

#### **RESOLUTION NO. 2011 – 103**

#### **ADOPTING HUNTERDON COUNTY ALL HAZARDS PRE-DISASTER MITIGATION PLAN**

**WHEREAS**, the Hunterdon County All Hazards Pre-Disaster Mitigation Plan has been approved by the Federal Emergency Management Agency Region 2 and the New Jersey State Police, Emergency Management Section, Hazards Mitigation Unit; and

**WHEREAS**, the Hunterdon County All Hazards Pre-Disaster Mitigation Plan has been adopted by the Hunterdon County Board of Chosen Freeholders; and

**WHEREAS**, the adoption of said Plan is in the best interests of the residents of Kingwood Township;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey that the Township does hereby adopt the Hunterdon County All Hazards Pre-Disaster Mitigation Plan as the Township's Natural Hazard Mitigation Plan, and resolves to execute the actions in the Plan.

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution be forwarded to the New Jersey State Police, Emergency Management Section, Hazard Mitigation Officer and to the Hunterdon County Department of Public Safety, Division of Emergency Management and 9-1-1 Coordination.

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

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>

Liz Schmid – Open Space Coordinator’s Report

Liz Schmid was present at the meeting and explained that the Township had four farms approved by the county for Farmland Preservation in the current round. She explained that the Township took over one of the original farms that were to go into the County PIG Program, and into our Municipal PIG Program. She stated that this was after one of the municipal PIG farms had been removed, and that one of the farms existing in the municipal PIG is creating an issue. She noted that when the county sends out the option agreements for both municipal and county farms, they put a set amount per acre price for preservation on the option agreement. She stated that she told the county not to send it, because she knows they will say no to it, because this is due to the numbers being off. She explained that the farm that she is talking about is very large with approximately 87% prime soil, and the rest is State soil and has endless amounts of road frontage on it, plus it’s dry. She stated that this farm was ranked fifth in county. She feels that the only reason it was cut down is because they are two separate 6 to 8 acre parcels. Liz Schmid explained to the Committee Members, that she was present to ask if they would authorize that appraisals be done on that property, and to have it certified from the State. She explained that if the appraisals come in lower, the Township and farmer will not be reimbursed for the appraisal costs. Mayor Lubitz asked several questions regarding the appraisals. He feels that the owner should pay for one of the appraisals, and that the Township would pay for an additional one if needed. She explained that times are hard and it is too expensive, but she did offer to go back to the owner and ask them if they would pay for at least one of the appraisals. Liz Schmid explained that if the Committee Members agreed to go ahead with the appraisals of their own, she would want the option agreement with the property owner to protect the Township. She noted that the appraisals cost approximately 2,400 to 2,500 dollars, and that this one should not be so complex. She noted that the Hunterdon Land Trust will be supporting this substantially with federal funds, which is approximately \$300,000. Deputy Mayor Niemann asked about the sale of the Gergar homestead, and if the funds from that sale could be utilized for this property. C.F.O. Diane Laudenbach stated that yes the funds from that sale may be used towards the preservation of this farm.

Deputy Mayor Niemann noted that she will contact the property owner tomorrow to find out if they will sign an agreement at \$10,000 or higher. She noted that the Township Attorney can then work on an option for the wording in the agreement before an appraisal is conducted.

Mayor Lubitz noted the remaining reports listed.

There was a brief discussion on a neutering cats program in the Township.

2011 –

Mayor Lubitz commended Cynthia Niciecki, the Township’s Recycling Coordinator and Clean Communities Coordinator regarding her tonnage numbers for the Township’s Recycling Program. He stated she is doing a great job.

**FUTURE MEETINGS AND ACTIVITIES**

Mayor Lubitz reviewed as per the Agenda.

**RESOLUTION**

**Resolution No. 2011-97 To Amend Capital Budget**

The following Resolution was introduced:

**RESOLUTION NO. 2011 – 97  
CAPITAL BUDGET AMENDMENT**

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

**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**

<b>Project</b>	<b>Estimated Total Cost</b>	<b>Open Space Fund</b>
Costs of Permanent Financing	\$100,000.00	\$100,000.00
Total All Projects	\$385,000.00	\$385,000.00

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>

2011 -

**ORDINANCES**

The following Resolution was introduced:

**ORDINANCE NO. 16-17-2011 - AN ORDINANCE OF THE TOWNSHIP OF KINGWOOD IN THE COUNTY OF HUNTERDON AND STATE OF NEW JERSEY APPROPRIATING \$100,000 FROM THE OPEN SPACE FUND TO PROVIDE A SUPPLEMENTAL APPROPRIATION TO THE TOWNSHIP’S EXISTING OPEN SPACE ORDINANCES** – Introduction and Adoption on First Reading

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

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adopt on first reading **ORDINANCE NO. 16-17-2011 - AN ORDINANCE OF THE TOWNSHIP OF KINGWOOD IN THE COUNTY OF HUNTERDON AND STATE OF NEW JERSEY APPROPRIATING \$100,000 FROM THE OPEN SPACE FUND TO PROVIDE A SUPPLEMENTAL APPROPRIATION TO THE TOWNSHIP’S EXISTING OPEN SPACE ORDINANCES.**

<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, September 1, 2011 at a meeting beginning at 7:00 P.M. at the municipal building.**

**ORDINANCE**

**ORDINANCE NO. 16-20-2011 AN ORINANCE 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** – 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 July, 2011.



2011 -

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

Comments: No comments.

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. 16-20-2011 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.**

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

**ORDINANCE**

**ORDINANCE NO. 16-21-2011 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** – 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 July, 2011.

The Ordinance was published in the Hunterdon County Democrat on July 14, 2011 and has been posted in the Kingwood Township Municipal Building on July 8<sup>th</sup>, 2011. Copies of the Ordinance have been available for inspection by the public since July 8<sup>th</sup>, 2011.

2011 -

Comments: Sandra McNicol, Oak Grove Road asked the Committee Members where the truck is being purchased. Mayor Lubitz responded by stating the Township will be receiving bids.

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 Mr. Burke, seconded by Mrs. Niemann and carried to adopt on final 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

<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>

**RESOLUTIONS**

**Resolution No. 2011-98 - Refund of 1<sup>st</sup> & 2<sup>nd</sup> Qtr Payments Bl 13 L 14**

The following Resolution was introduced:

**RESOLUTION NO. 2011 – 98**

**REFUND OF FIRST AND SECOND QUARTER PAYMENTS**

**WHEREAS**, Bank of America as well as the homeowner paid the FIRST and SECOND quarter 2011 tax installment for Block 13, Lot 14 in the amount of \$4,870.26; and

**WHEREAS**, Bank of America has requested a refund of the duplicate payment.

**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 Bank of America, PO Box 10211, Van Nuys, CA, 91499 in the amount of \$4,870.26.

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>

2011 -

**RESOLUTION**

**Resolution No. 2011-99 - Redemption Within 10 Days Bl 39 L 21**

The following resolution was introduced:

**RESOLUTION NO. 2011 - 99**

**REDEMPTION WITHIN TEN DAYS**

**WHEREAS**, the Tax Collector has been paid the amount to redeem the tax sale on Block 39, Lot 21 within ten days of the date of the tax sale in the amount of \$2,824.48; and

**WHEREAS**, the tax sale certificate has not been issued by the Tax Collector.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey, that the Chief Financial Officer be authorized to issue a check in the amount of \$2,824.48 to FNA Jersey Lien Services, LLC, PO Box 1030, Brick, New Jersey, 08723.

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**

**Resolution No. 2011-100 - Extend 3<sup>rd</sup> Quarter Tax Payments**

The following resolution was introduced:

**RESOLUTION NO. 2011 - 100**

**EXTENDING THE GRACE PERIOD OF THE PAYMENT OF THE THIRD QUARTER 2011 REAL ESTATE TAXES**

**WHEREAS**, N.J.S.A. 54:4-66.3(d) requires that at least 25 days elapse between the time tax bills are mailed to the date taxes are due; and

**2011 -**

**WHEREAS**, it is the desire of the Mayor and Township Committee of the Township of Kingwood to allow sufficient time for preparation and mailing of the 2011-2012 tax bills after the rate has been struck and for compliance with the statute first above cited.

**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 grace period for the payment of the 3<sup>rd</sup> quarter 2011 property tax installment is extended to August 31, 2011 and any tax payments received after August 31, 2011, interest will be assessed from August 1, 2011.

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**

**Resolution No. 2011-101 -** Application for NJDOT 2012 Municipal Aid

The following resolution was introduced:

**RESOLUTION NO. 2011 – 101**

**APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE SPRING HILL ROAD WIDENING AND DRAINAGE IMPROVEMENT SECTION THREE PROJECT**

**WHEREAS**, there is a need in the Township of Kingwood for certain improvements to Spring Hill Road Section Three; and

**WHEREAS**, the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey has determined to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the Spring Hill Widening and Drainage Improvement Section Three Project; and

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Kingwood formally approves the grant application for the above stated project.

**2011 -**

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2012-Kingwood Township-00032 to the New Jersey Department of Transportation on behalf of Kingwood Township.

**BE IT FURTHER RESOLVED** that the Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of Kingwood Township and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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**

2010 Municipal Audit Report:

Mayor Lubitz noted that this was discussed at last month’s meeting. He stated that the Township had a clean audit with no remediation. He thanked Diane Laudenbach, along with the rest of the staff for their best efforts.

**RESOLUTION**

**Resolution No. 2011-102 - Certification of Annual Audit**

The following resolution was introduced:

**RESOLUTION NO. 2011 - 102**

**GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT**

**WHEREAS**, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

**WHEREAS**, the Annual Report of Audit for the year 2010 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

**WHEREAS**, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

2011 -

**WHEREAS**, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations”; and

**WHEREAS**, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the annual Audit entitled “Comments and Recommendations”, as evidenced by the group affidavit form of the governing body attached hereto: and

**WHEREAS**, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

**WHEREAS**, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Board of the State of New Jersey, and stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

**WHEREAS**, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit;

**R.S. 52:27BB-52 – A local officer or member of the local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.**

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Kingwood hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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>

Group Affidavit Form

**Municipal Alliance Renewal Application 2012**

Best Practices Inventory:

Mayor Lubitz commended C.F.O. Laudenbach for her hard work to see that the Township had a clean audit. He stated that last year Governor Christie issued what is called “Best Practices in Municipal Government” and that he had a number of practices that were suggested to improve the performance of municipal government and transparency. He noted that the Township is going to adopt three policies that go along with these best practices as well. He reviewed for the public present all what is involved.

Cash Receipts Policy

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to approve the Cash Receipts Policy for 2012.

<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>

Elected Officials Policy

Mayor Lubitz explained that this is a policy for Elected Officials who will receive a variety of training with ethics being among one of the courses.

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to approve the Elected Officials Policy for 2012.

<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>

Contractor Pay-To-Play Reform Ordinance

**ORDINANCE**

**ORDINANCE NO. 16 – 22 – 2011 - AN ORDINANCE ESTABLISHING THAT A BUSINESS ENTITY WHICH MAKES POLITICAL CONTRIBUTIONS TO MUNICIPAL CANDIDATES AND MUNICIPAL AND COUNTY POLITICAL PARTIES IN EXCESS OF CERTAIN THRESHOLDS SHALL BE LIMITED IN ITS ABILITY TO RECEIVE PUBLIC CONTRACTS FROM THE TOWNSHIP OF KINGWOOD IN THE COUNTY HUNTERDON (Contractor Pay to Play Reform Ordinance)** – Introduction and Adoption on First Reading

2011 -

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

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adopt on first reading **ORDINANCE NO. 16 – 22 – 2011 - AN ORDINANCE ESTABLISHING THAT A BUSINESS ENTITY WHICH MAKES POLITICAL CONTRIBUTIONS TO MUNICIPAL CANDIDATES AND MUNICIPAL AND COUNTY POLITICAL PARTIES IN EXCESS OF CERTAIN THRESHOLDS SHALL BE LIMITED IN ITS ABILITY TO RECEIVE PUBLIC CONTRACTS FROM THE TOWNSHIP OF KINGWOOD IN THE COUNTY HUNTERDON (Contractor Pay to Play Reform Ordinance).**

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

**Consideration of final adoption at a public hearing is scheduled for Thursday, September 1, 2011 at a meeting beginning at 7:00 P.M. at the municipal building.**

Vote to Employ Part Time Building/Electrical Inspector

Mayor Lubitz briefly commented on the need to hire inspectors for the solar project being constructed in the Township.

It was moved by Mr. Burke, seconded by Mrs. Niemann and carried to employ Thomas Lance at the rate of \$28.00 per hour as a part time employee as building inspector for the work needed to be done on the solar projects.

<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>

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to employ Dan Longo at the rate of \$28.00 per hour as a part time employee as electrical inspector for the work needed to be done on the solar projects.

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

**OLD BUSINESS**



2011 -

Extended Time – ABC License

Mayor Lubitz explained the discussion that was taken place at last month's meeting regarding the old Errico's Sports Bar and Grill and the time that was approved for an extension till 3:00a.m. Attorney Kopen noted that she has researched this approval regarding this extension, and stated that this only applied to one event that they requested that the time be extended. Deputy Mayor Niemann would like to review this license the next time it is renewed and to look into the outside area noise for the future.

Release of Draft Minutes

Mayor Lubitz briefly reviewed last month's discussion. Attorney Kopen reviewed the language she suggested adding to the draft minutes that would be available if requested. The Committee Members all agreed to release the minutes on the Monday prior to a meeting with the Attorney's wording added to them.

Park & Rec Committee – Community Service

Attorney Kopen apologized that she has not been able to get in touch with the Court Administrator, Dawn Augustine and the Township's Prosecutor Mary Mott, but she will be speaking to them before next month's meeting.

Model Ordinance for Underage Drinking

Mayor Lubitz gave out a model ordinance he had received from Dunellen, which is not so punitive, but does call for community service. He stated that he will be looking for additional model ordinances for the Township to consider.

Skylark Island

The Committee Members noted that there is nothing new regarding Skylark Island at this time.

Approval for Appraisal for Preliminary Expenses

It was moved by Mr. Burke, seconded by Mrs. Niemann and carried to authorize one appraisal to be done for preliminary expenses up to an amount of \$3,000 and an agreement signed by the owner if the appraisals comes in at \$10,000 an acre or higher for the preservation of block 7, lot 6.

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

2011 -

Clean Energy Program

Deputy Mayor Niemann gave an update of the Clean Energy program and when the work would be started. She also reviewed a few details of what they will be replacing. She stated that this work will begin at the beginning of August. There was some discussion on the insulation over the office and lounge area in the D.P.W. garage. It was suggested that the Committee Members authorize the new scope so that it may be completed.

It was moved by Mr. Burke, Mayor Lubitz stepped down from the Chair seconded the motion and carried to authorize the revised new scopes for the Clean Energy Program. **All voted Aye on Roll Call Vote.**

First Advisory Committee Meeting – Horseshoe Bend Park

Committeeman Burke reported on the first meeting with the First Advisory Committee for the Horseshoe Bend Park. He stated that they decided to mark and color code the trails. He also explained that they took a look at the existing rules and regulations for the Kingwood Park and stated that they feel that these rules can also apply to the new park on Horseshoe Bend Road. He noted that as soon as two main trails have been marked, he will be in contact with several groups who are interested in using the park. He also explained that there was a brief discussion on the agreements they have to firm up with the Parks & Forestry, the Flagg property and the Kirkland property. He feels that the Advisory Committee accomplished a lot for their first meeting.

**MINUTES**

July 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 July 7, 2011 with the following corrections:

Deputy Mayor Elaine Niemann requested additional information be added to the paragraph right under Resolution No. 2011-93, which she explained in detail at the meeting of July 7<sup>th</sup>, 2011 to give a more descriptive explanation for the change order. The paragraph currently reads:

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. 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 changes 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.

Corrections to the above paragraph are the following:

2011 -

Deputy Mayor Niemann stated that this was carried over from last month's meeting and that she did obtain more information. (Sentences added to paragraph: **After Speaking with Maser Consulting, she learned that they took on some of the ordinance work that had originally been assigned to Banisch Associates. It was decided this was the most expeditious way to proceed, given the May 5<sup>th</sup> "Time of Application" rule deadline.** She explained that the change order came after the work was completed. (The following sentence will be omitted: **She gave an explanation of what happened during the time the work had begun.**) Deputy Mayor Niemann feels that the Township Committee should approve this request for the change order from Maser Consulting, (change the word (and) and replace with, (**but**) that going forward she would like to know in advance (add the word : (**about**) any additional work changes (omit: to be occurred) replace with: (**that might be incurred**)).

**Correction:** Under New Business – Elizabethtown Gas Company Discussion – 10<sup>th</sup> sentence down are the following corrections added:

She explained that she spoke to their attorney and found out that the gas company was not in (omit: consistent) replace with (**compliance**) with the consent agreement of 2008 with the Township.

**Correction:** Under Return to Regular Session – Third paragraph, first sentence currently reads with added corrections:

Committeeman Burke asked the Township Committee members if they had any ideas for the Skylark Park (omit: Park) and replace with (**Island**) now that the Township owns the property.

<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>

July 7, 2011 Executive Session

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

January 1, 2002 Reorganizational Meeting

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adopt the Reorganizational Meeting Minutes of January 1, 2002.

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>

**ADJOURNMENT**

It was moved by Mr. Burke, seconded by Mrs. Niemann and carried to adjourn the meeting at 10:55p.m. **All** voted **Aye** on **Roll Call Vote**.

**Respectfully submitted,**

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