

**KINGWOOD TOWNSHIP COMMITTEE**

**SEPTEMBER 1, 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.**

**Ordinance**

**Ordinance No. 16-23-2011 To Amend Chapter A164 Gas Franchise – Public Hearing and Final Adoption**

**Correspondence**

Copy of Resolution from Union Twp re: Opposing SCR-107

Copy of Resolution from Hunterdon Cty re: Amendment to OPRA

**Resolution No. 2011 – 111** Amendment to OPRA

Copy of Resolutions from Clinton Twp re: Opposing Williams Transco Pipeline and Opposing Hydraulic Fracturing for Natural Gas

**Bills and Claims**

**Reports**

Tax Collector's Reports of June 2011 and July 2011

Municipal Court Report of July 2011

Township Engineer's Monthly Report

Dog License Report

Animal Control Report

Statewide Insurance Fund – Safety Committee Mtg & Inspection of Facilities

**Future Meetings and Activities**

**September 10, 2011 -Recycling at Township Garage from 9:00am-12:00noon**

## **September 1, 2011 Township Committee Agenda Continued**

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

**September 10, 2011** - Clean-up Program at Township Garage from  
9:00am-12:00noon

**September 17, 2011** - 15<sup>th</sup> Annual Community Day at Kingwood Park,  
12:00noon-8:00pm

**October 1 & 2** - Annual Township Wide Yard Sale, 8:30am-4:00pm

**October 6, 2011** - Regular Monthly Meeting of Township Committee  
beginning at 7:00pm at Municipal Building

### **Ordinances**

**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 –**  
Public Hearing and Final Adoption

**Ordinance No. 16-22-2011 Establishing That A Business Entity Which Makes Political Contributions To Municipal Candidates And Municipal Political Parties In Excess Of Certain Thresholds Shall Be Limited In Its Ability To Receive Public Contracts From The Township –** Introduction and Adoption on First Reading

### **Resolutions**

**Resolution No. 2011-104** - Refund of Tax Overpayment Bl 15.01 L 1

**Resolution No. 2011-105** - FY 2008 Recycling Tonnage Grant

**Resolution No. 2011-106** - Authorizing Purchase From Allied Oil Through Hunterdon Cty Educational Services Commission

**Resolution No. 2011-107** - Authorizing Purchase of 2012 Dump Truck

**Resolution No. 2011-108** - Amending Resolution 2011-92 M&R Bids

**Resolution No. 2011-109** - Award Professional Services for Appraisal of Bl 7 L 6

**Resolution No. 2011-112** - Reserve for Preliminary Expenses

**Resolution No. 2011-113** - No Idling Resolution for Municipalities in New Jersey

### **New Business**

Morris County Cooperative Pricing Council  
Parks & Recreation Fees – Discuss Fee Ordinance

### **Old Business**

Skylark Island Property  
Ordinance to Regulate Underage Consumption of Alcoholic Beverages  
On Private Property

## **September 1, 2011 Township Committee Agenda Continued**

### **Minutes**

August 4, 2011 Regular Meeting

Park Director – Taxes and Maintenance of Grounds

### **Executive Session – Resolution No. 2011-110**

Personnel – Finance Department

Litigation – Abel

Litigation - Sundancer

### **Return to Regular Session**

### **Adjournment**

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

2011 -

September 1, 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. Laudenschach, Deputy Clerk Keller, and Clerk MacConnell. Mayor Lubitz called the meeting to order and following the salute to the flag read aloud the following:

**NOTICE REQUIREMENTS**

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**

Mayor Lubitz asked everyone present to turn off or silence all cell phones during the meeting.

Mayor Lubitz stated that he wanted to commend all the first responders, the Township’s Emergency Management Coordinator, the Kingwood Township Fire Department and the Department of Public Works for all the time they have put in this past week giving many hours helping the public with the damages caused by the floods from this recent storm. He noted that the Kingwood Township Fire Department also spent time in the towns of Bound Brook and Irvington, NJ pumping out basements. He thanked everyone for all their countless hours of help.

**ORDINANCE**

**ORDINANCE NO. 16-23-2011 AN ORDINANCE OF THE TOWNSHIP OF KINGWOOD, COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO AMEND CHAPTER A164, GAS FRANCHISE VOL.16, PG.16-23– Public Hearing and Final Adoption – Public Hearing and Final Adoption**

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

2011 -

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

This Ordinance was introduced and adopted on first reading at a meeting of the Kingwood Township Committee on the 4<sup>th</sup> day of August, 2011. The Ordinance was published in the Hunterdon County Democrat on August 11, 2011 and has been posted in the Kingwood Township Municipal Building on August 5<sup>th</sup>, 2011. Copies of the Ordinance have been available for inspection by the public since August 5<sup>th</sup>, 2011.

Comments: Attorney Richard Valenti and Mr. Gary Marmo representing Elizabethtown Gas Company were present to speak to the Committee Members. Mr. Valenti noted that since last month's Township Committee meeting they scheduled the date of Monday, September 26, 2011, to meet with the first responders of Kingwood Township for the safety training. Attorney Kopen reviewed suggested changes that have been made to the ordinance. She stated that they are not substantive changes, and read aloud the following to be amended: Under paragraph C with the changes reads: Training of Kingwood Township first responders by Elizabethtown Gas as to emergency procedures in relation to the operation of the gas line shall be scheduled prior to the commencement of service to the Kingwood School and completed prior to the commencement of service to all other customers in the additional service area.

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. 16-23-2011 AN ORDINANCE OF THE TOWNSHIP OF KINGWOOD, COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO AMEND CHAPTER A164, GAS 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>

**CORRESPONDENCE**

Copy of Resolution from Union Twp re: Opposing SCR-107

Mayor Lubitz briefly reviewed.

Copy of Resolution from Hunterdon Cty re: Amendment to OPRA

The Committee Members reviewed the resolution from the County and feel that this amendment to the open public records act would be important to support.

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2011 – 111**

**WHEREAS**, the Open Public Records Act (OPRA) (N.J.S.A. 47:1A-1 et seq.) was adopted to assure the public's access to sufficient information to enable it to understand and evaluate the actions of public bodies by making accessible for inspection or copying all government records; and

**WHEREAS**, since the adoption of OPRA, there has been an escalating series of requests by private sector firms from all over the nation for voluminous public records, already freely accessible to the general public through government websites, with the intent of selling said information to the general public for a profit; and

**WHEREAS**, said information is already freely available to the public on government websites; and

**WHEREAS**, this information freely obtained for resale to the public involves an extra cost to the general public, once upon its creation by government employees, second upon extraction, copying and frequently, conversion to specific formats by government employees, and thirdly by sale to the same public who have already paid twice for this information; and

**WHEREAS**, this constitutes additional substantial costs to the taxpaying public solely to benefit a private entity; and

**WHEREAS**, in the new renaissance of fiscal responsibility, unnecessary expenses by government should strictly be curtailed.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey that the current Open Records Act be amended to preserve its original intent and reduce expenses to the public, by providing that in a situation where the requested documents are already available to the public on a downloadable government website, regardless of format, a referral of the requestor to the said website shall fully comply with the OPRA obligation of the governmental unit, with no need to convert the data contained therein to any other format; and

**BE IT FURTHER RESOLVED** that the Kingwood Township Committee requests as follows:

1. That Kingwood Township's Legislators draft and introduce such legislation;
2. That the President of the State Senate and the Speaker of the State Assembly urge adoption of such legislation;

2011 -

- 3. That the Governor, Chris Christie, sign and execute such legislation upon its adoption; and
- 4. That all municipalities in Hunterdon County adopt and distribute similar resolutions.

**BE IT FURTHER RESOLVED** that copies of this Resolution be sent to New Jersey Governor Chris Christie, State House, PO Box 001, Trenton, NJ 08625, Stephen M. Sweeney, President, New Jersey Senate, 935 Kings Highway, Suite 400, West Deptford, NJ 08086, Sheila Y. Oliver, Speaker of the New Jersey Assembly, 15-33 Halsted Street, Suite 202, East Orange, NJ 07018, Steven V. Oroho, State Senator, 115 Demarest Road, Suite 2B, Sparta, NJ 07871, Alison McHose, State Assemblywoman, 115 Demarest Road, Suite 2B, Sparta, NJ 07871, Gary R. Chiusano, State Assemblyman, 115 Demarest Road, Suite 2B, Sparta, NJ 07871, Michael J. Doherty, State Senator, 127 Belvidere Avenue, 2<sup>nd</sup> Floor, Washington, NJ 07882, John DiMaio, State Assemblyman, 1001 County Road 517, Suite 3, Hackettstown, NJ 07840, Erik C. Peterson, State Assemblyman, 23 Royal Road, Suite 201, Flemington, NJ 08822, and all municipalities in the County of Hunterdon.

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>

Copy of Resolutions from Clinton Twp re: Opposing Williams Transco Pipeline and Opposing Hydraulic Fracturing for Natural Gas

Mayor Lubitz reviewed.

**BILLS AND CLAIMS**

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to approve and pay all bills and claims in the amount of **\$4,051,139.06** that are in order and attached as Bill List for September 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>

**REPORTS**

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

2011 –

**REPORTS CONTINUED**

Tax Collector's Reports of June 2011 and July 2011  
Municipal Court Report of July 2011  
Township Engineer's Monthly Report

Mayor Lubitz noted that the Township's Engineer, Tom Decker explained that there may be some delays working on Spring Hill Road due to the storm damage and the utility poles.

Dog License Report  
Animal Control Report  
Statewide Insurance Fund – Safety Committee Mtg. & Inspection of Facilities

**FUTURE MEETINGS AND ACTIVITIES**

Mayor Lubitz reviewed as per the Agenda.

**ORDINANCES**

**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 VOL.16, PG.16-17– Public Hearing and Final Adoption  
– 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 4<sup>th</sup> day of August, 2011. The Ordinance was published in the Hunterdon County Democrat on August 11, 2011 and has been posted in the Kingwood Township Municipal Building on August 5<sup>th</sup>, 2011. Copies of the Ordinance have been available for inspection by the public since August 5<sup>th</sup>, 2011.

Comments: No comments.

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

2011 -

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adopt on final reading **ORDINANCE NO. 16-17-2011 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.**

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

### 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

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) with amendments.**

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, October 6, 2011 at a meeting beginning at 7:00 P.M. at the municipal building.**

### RESOLUTIONS

The following Resolution was introduced:

2011 -

**RESOLUTION NO. 2011 – 104**

**REFUND OF OVERPAYMENT**

**WHEREAS**, due an adjustment of the assessed value of Block 15.01, Lot 1 Q0022, an overpayment in the amount of \$110.71 was created on the second quarter of 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 Mildred Goodman and Sherry Hans, 719 Pittstown Road, Frenchtown, New Jersey, 08825 in the amount of \$110.71.

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

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

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2011- 105**

**APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION  
(N.J.S.A. 40A:4-87)**

**FISCAL YEAR 2008 RECYCLING TONNAGE GRANT**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, said Director may also approve the insertion of any item of appropriation for equal amount;

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Kingwood, in the County of Hunterdon, State of New Jersey, hereby requests the Director of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2011 in the sum of \$7,089.69, which item is now available as a revenue from the State of New Jersey, as a reimbursement to Kingwood Township in the amount of \$7,089.69.

2011 -

**BE IT FURTHER RESOLVED** that the like sum of \$7,089.69 is hereby appropriated under the caption 2008 Recycling Tonnage Grant; and

**BE IF FURTHER RESOLVED** that the above is a result of a grant of \$7,089.69 from the State of New Jersey.

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

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

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2011 - 106**

**A RESOLUTION AUTHORIZING PURCHASE FROM ALLIED OIL THROUGH THE HUNTERDON COUNTY EDUCATIONAL SERVICES COMMISSION**

**WHEREAS**, Kingwood Township has a need for certain goods and services that are offered through cooperative purchasing with the Hunterdon County Educational Services Commission (“HCESC”); and

**WHEREAS**, N.J.S.A. 40A:11-10 and 11-11 authorize a municipality to enter into cooperative pricing agreements with an educational services commission for the provision of goods and services through an educational services commission, rather than through public bidding; and

**WHEREAS**, the Township of Kingwood, by way of Resolution 2009-24, authorized the entry of the Township as a member of the Hunterdon County Educational Services Commission, which membership has been accomplished; and

**WHEREAS**, the Township of Kingwood desires to purchase fuel oil, diesel fuel and gasoline through the Hunterdon County Educational Services Commission.

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

2011 -

1. The Township of Kingwood, as a member of the Hunterdon County Educational Services Commission, hereby authorizes the purchase of fuel oil, diesel fuel and gasoline from the low bidder for these items, Allied Oil, per the bid amounts set forth in correspondence from the Hunterdon County Educational Services Commission dated August 25, 2011 attached hereto and made a part hereof as Exhibit A.

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

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

**RESOLUTION**

The following Resolution was Introduced:

**RESOLUTION NO. 2011 – 107**

**RESOLUTION TO AWARD CONTRACT FOR PURCHASE OF  
2012 FORD F550 MASON DUMP TRUCK  
SALT SPREADER, FRAME AND PLOW**

**WHEREAS**, Kingwood Township advertised for and received bids for a 2012 Ford F550 or equivalent Truck, Salt Spreader, Frame and Plow; and

**WHEREAS**, the bids were reviewed by the Township Engineer as is reflected in his report of August 26, 2011, who also consulted with the Township Attorney; and

**WHEREAS**, according to report of the Township Engineer dated August 26, 2011 and attached hereto as Exhibit A, as well as the consultation with the Township Attorney, the lowest responsible bidder is Maplecrest Ford Inc.;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Committee of the Township of Kingwood that:

The contract for the 2012 Ford F550 Truck, Spreader, Frame and Snow Plow be awarded to Maplecrest Ford Inc., 102 East Main Street, Mendham, NJ 07945 in the amount of \$75,724.00.

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

2011 -

**Roll Call Vote:**

<b>Aye</b>	-	<b>Burke, Niemann, Lubitz</b>
<b>Nay</b>	-	<b>None</b>
<b>Abstain</b>	-	<b>None</b>
<b>Absent</b>	-	<b>None</b>

**RESOLUTION**

The following Resolution was Introduced:

**RESOLUTION NO. 2011 – 108**

**WHEREAS**, the awards for Maintenance and Repair Materials were previously made on July 7, 2011 by Resolution No. 2011-92; and

**WHEREAS**, several items were awarded to Haines & Kibblehouse in Resolution No. 2011-92; and

**WHEREAS**, **Warren Materials** also does business as Haines & Kibblehouse and Plumstead Materials;

**NOW, THEREFORE, BE IT RESOLVED** that the following are amended from Resolution No. 2011-108, to reflect the appropriate bidder names:

<b><u>Item</u></b>	<b><u>Description</u></b>	<b><u>Qty</u></b>	<b><u>Unit</u></b>	<b><u>Unit Price</u></b>	<b><u>Bidder</u></b>
6	3/8" (#8) Clean Crushed Stone (Screw or Belt Washed) No Limestone (FDS)	600	Ton	\$ 18.24	Warren Materials d/b/a Plumstead Materials
8	3/4" Clean Crushed Stone (FDS)	500	Ton	\$ 16.09	Warren Materials d/b/a Plumstead Materials
9	Screenings (FOB)	100	Ton	\$ 4.00	Warren Materials d/b/a Plumstead Materials
10	Rip Rap, d50=8" (FDS)	100	Ton	\$ 16.24	Warren Materials d/b/a Plumstead Materials

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>

**RESOLUTION**

The following Resolution was Introduced:

**RESOLUTION NO. 2011 - 109**

**A RESOLUTION AUTHORIZING THE AWARD FOR THE RETENTION OF A REAL ESTATE APPRAISER AND CONSULTANT FOR THE TOWNSHIP**

**WHEREAS**, the Township of Kingwood has a need to acquire professional services of a Real Estate Appraiser and Consultant as set forth below by way of a non-fair and open contract pursuant to the provisions of NJSA 19:44A-20.5; and

**WHEREAS**, the Township Committee has obtained price quotations to perform appraisals in regard to Block 7 Lot 6 in the Township and has determined that possesses the qualifications; and

**WHEREAS**, funds are or will be made available for this purpose to be certified by the Township Chief Financial Officer;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey that C. L. Orbaker and Associates, Inc. is hereby awarded an agreement to perform an appraisal in regard to the Township’s Planning Incentive Grant Application on Block 7 Lot 6 in the Township in the amount of \$2,000.00. This award is subject to the execution of an Agreement in a form satisfactory to the Township Attorney and once approved, the Mayor and Clerk are hereby authorized and directed to execute the said Agreement on behalf of the Township of Kingwood.

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

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

**RESOLUTION**

2011 –

The following Resolution was introduced:

**RESOLUTION NO. 2011 – 112**

**RESERVE FOR PRELIMINARY EXPENSES**

**WHEREAS**, the Township Committee of the Township of Kingwood hereby acknowledges the requirement of preliminary costs to determine the scope and cost of a proposed undertaking; and

**WHEREAS**, the purpose of these preliminary costs is to contract for the expenditure of surveying work to be performed on Block 7, Lot 6 to explore the possible purchase of open space or easements of property located in 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 amount appropriated for preliminary costs shall not exceed \$2,000.00.

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>

Deputy Mayor Niemann explained that the Sustainable Team and the Environmental Commission both strongly support no idling and recommended that the Township adopt a new resolution encouraging no idling. She briefly reviewed a sample ordinance.

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2011 – 113**

**NO IDLING RESOLUTION FOR MUNICIPALITIES IN NEW JERSEY**

2011 –

**WHEREAS**, emissions from gasoline and diesel-powered vehicles contribute significantly to air pollution, including greenhouse gases, ozone production, fine particulates; and

**WHEREAS**, numerous scientific studies have found links between exposure to fine particles and health effects including premature death, and increased incidents of asthma, allergies, and other breathing disorders; and

**WHEREAS**, the United States Environmental Protection Agency has classified diesel exhaust as likely to be carcinogenic to humans; and

**WHEREAS**, vehicle idling occurs in locations, for example school grounds, parking lots of stores and restaurants, construction sites, business centers, where New Jerseyans can be exposed to concentrated sources of air pollutant emissions; and

**WHEREAS**, asthma is a significant public health concern in New Jersey, especially among children (up to 25% of New Jersey's school-age children are asthmatic) and the elderly; and

**WHEREAS**, the reduction of fine-particle emissions from diesel engines could also prevent 16,000 new asthma cases annually and save \$770 million to \$10 billion in health care and related costs in the State; and

**WHEREAS**, for every gallon of gasoline used, the average car produces about 20 pounds of carbon dioxide (CO<sub>2</sub>), the single largest contributor to greenhouse climate change, with one-third of greenhouse gas emissions coming from the transportation sector; and

**WHEREAS**, petroleum-based gasoline and diesel fuel are nonrenewable fuels and should be used wisely and not wasted; and

**WHEREAS**, idling is not generally beneficial to a vehicle's engine because it wears engine parts; and

**WHEREAS**, current state law prohibits the idling of vehicles for more than three minutes, and studies have shown that an anti-idling policy will save fuel, prolong engine life, and improve air quality.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of Kingwood Township, County of Hunterdon, State of New Jersey supports the adoption of a strong anti-idling policy by government agencies, schools, businesses, and other organizations by:

2011 –

1. Make enforcing existing violations and penalties under New Jersey’s existing no-idling law a priority for all municipal Peace Officers pursuant to C. 39:3-70.2 and C. 26:2C-1;
2. Encouraging any gasoline or diesel-powered motor vehicle to turn off their engines immediately at schools and off-site school related events to minimize exposure of children to vehicle emissions;
3. Maintaining municipal vehicles to eliminate any visible exhaust and complying with the annual inspection requirement for those vehicles;
4. Promote the widespread use of emission controls in construction contracts (for example, see the “Diesel Emission Controls in Construction Projects: Model Contract Specification” developed by the Northeast Diesel Collaborative); and
5. Supporting broad education of the public about the health, environmental and economic impacts of idling and ways to reduce idling.

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**

Morris County Cooperative Pricing Council

There was a brief discussion as to whether to authorize the execution of an agreement with the Morris County Cooperative Pricing Council to renew the membership for the period of October 1, 2011 thru September 30, 2016 with an annual fee of \$1,100. The Committee members reviewed and would like to research this further. It was agreed by all to table until next month’s meeting.

Resolution Supporting 911

Mayor Lubitz noted that there will be a sample resolution from Senator Frank Lautenberg’s office coming to the Township regarding 911.

Parks & Recreation Fees – Discuss Fee Ordinance

## 2011 -

C.F.O. Diane Laudenbach explained that the Township needs to establish an ordinance to charge fees for Township Park use. She stated after reviewing the current fee ordinance it seems that the Township should incorporate fees for the use of the facilities at all the parks. The Committee Members had a brief discussion of the existing fees the Parks and Recreation Committee charges for the use of the pavilion at the Kingwood Park, and the possible uses and fees collected at the new Horseshoe Bend Park located on Horseshoe Bend Road. Attorney Kopen noted that she will prepare an ordinance for next month's meeting.

### **OLD BUSINESS**

#### Skylark Island Property

Attorney Kopen asked the Committee Members their intentions for Skylark Island and whether they intended to sell or retain the property. She explained that if the Township intends to retain the property for an extended period of time the Township may want to purchase title insurance. She stated that this will provide a record of the current state of ownership as it is vested in the Township, however if the Township intends to sell the property then it is less important to have the title insurance in place. The Committee Members discussed the options and have asked Attorney Kopen to look into prices for the insurance.

#### Ordinance to Regulate Underage Consumption of Alcoholic Beverages On Private Property

Attorney Kopen reviewed a sample ordinance regarding the same regulation from Dunellen Borough. She stated that they are not in compliance with the authorizing statute and reviewed the list. She also explained additional provisions that Dunellen Borough included in the Statute. Mayor Lubitz stated that there may be another bill in the works, and feels that the Township should hold off on this until more information is obtained.

### **MINUTES**

#### August 4, 2011 Regular Meeting

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adopt the August 4, 2011 meeting minutes of the Regular Township Committee Meeting.

Corrections: Deputy Mayor Niemann stated the following changes and corrections to be made:

Following the opening of the public hearing:

Under the title Pivotal Utility Holdings, Inc., d/b/a Elizabethtown Gas, Petition for Municipal Franchise. 5<sup>th</sup> Line down – replace PBU with **BPU**. 6<sup>th</sup> Line down – replace PBU with **BPU**. 8<sup>th</sup> line down – Replace the words (of Route 519) with sentence to read: Mr. Marmo stated that they are not interested in proposing any approval to enter any other roads in the Township other than the area **between Route 12 and the Kingwood School**.

2011 -

Under the title Ordinance No 16-23-2011 – Under Discussion: 5<sup>th</sup> line - replace the words (**with 10 years forward from now**) with sentence to read: It was agreed for the franchise to be renewed for 15 years (**from the date of the last franchise renewal.**)

9<sup>th</sup> line – add words (to

BPU) with sentence to read: She stated that the school will be taken care of under an emergency application (**to BPU.**)

Under Parks and Recreation Pavilion – 1<sup>st</sup> line - correction on the word (evenings) for (**evening's**). 5<sup>th</sup> line- replace words (**there now**) with sentence to read: He explained that it is similar to the larger pavilion that exists (**at the park.**)

Under Second Public Comments – Privilege of the Floor – Jennie Pandy, Spring Hill Road – 2<sup>nd</sup> Line – work (**franking**) should be replaced with (**fracking.**)

Under Liz Schmid – Open Space Coordinator's Report – 8<sup>th</sup> and 9<sup>th</sup> lines – Omit word (**to**) (**it**) (**say no to it, because this is due to the numbers being off.**) Sentence should read with the changes: (**She stated that she told the county not to send the option agreements to the farmer, because the offer would not be acceptable.**) 12<sup>th</sup> line – Sentence reads before changes: (**She feels that the only reason it was cut down is because they are two separate 6 to 8 acre parcels.**) Replaced with sentence to read: (**She feels that the only reason it received a lower value is because they are two exception parcels.**) 15<sup>th</sup> line – Sentence reads before changes: (**She explained that if the appraisals come in lower, the Township and farmer will not be reimbursed for the appraisal costs.**) Replaced with sentence to read: (**She explained that if the appraisals are not acceptable the Township will not be reimbursed for the appraisal costs.**)

<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>

### **Park Director – Taxes and Maintenance of Grounds**

Committeeman Burke had several questions for C.F.O. D. Laudenbach regarding the park director and their taxes being offset for living in the residence. C.F.O. D. Laudenbach stated that she will check to see if funds have been added to the budget for these taxes. Mr. Burke also commented on the fact that springtime is always very difficult for the Park Director's to keep up with the mowing. He suggested that they find out if the DPW can help assist the Park Director's as far as mowing for the spring of 2012, or possibly look into hiring someone to supplement their mowing.

### **EXECUTIVE SESSION – Resolution No. 2011- 110**

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

**RESOLUTION NO. 2011 – 110**

**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:

**Personnel** – Finance Department  
**Litigation** – Abel  
**Litigation** - Sundancer

- 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>

2011 -

**RETURN TO REGULAR SESSION**

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to return to regular session at 9:03P.M. **All** voted **Aye** on **Roll Call Vote**.

**ADJOURNMENT**

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adjourn the meeting at 9:04P.M. **All** voted **Aye** on **Roll Call Vote**.

**Respectfully Submitted,**

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