

KINGWOOD TOWNSHIP COMMITTEE

OCTOBER 6, 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.

Correspondence

Letter & Proclamation from American Planning Association – **Resolution No. 2011 – 127** Designation of October 2011 as Community Planning Month
Thank you Letter from Bike MS re: September Hops to Hops
Letter from ANJEC re: Contribution Check and Thank You

Bills and Claims

Reports

Tax Collector's Report of August 2011
Municipal Court Report of August 2011
Construction Reports of August 2011 and September 2011
Township Engineer's Monthly Report
General Code Enforcement Report of August 2011
Dog License Report
Animal Control Report
Emergency Management Coordinator

Future Meetings and Activities

October 8, 2011 - Recycling at Township Garage from 9:00am - 12:00noon
October 8, 2011 - Clean-up Program at Township Garage from 9:00am - 12:00noon

October 6, 2011 Township Committee Agenda Continued

Future Meetings and Activities Continued

- October 8, 2011** - Computer & Electronics Collection Day at Cty. Library Complex on Rte. 12, 9:00am - 1:00pm
- October 8, 2011** - Open Space Sponsored Walk at Horseshoe Bend Park at 2:00pm
- October 13, 2011** - Special Township Committee Meeting beginning at 7:00pm at Municipal Building
- October 18, 2011** - Last Day to Register to Vote in November General Election
- October 20, 2011** - Mayors' Special Forum at DVRHS for Superintendent Search, beginning at 6:00pm. Forum for General Community beginning at 7:00pm
- October 26, 2011** - Dedication of Melynk Farm – 5:30PM
- November 1, 2011** - Last Day to Apply **by Mail** for a Mail-In Ballot for General Election
- November 3, 2011** - Regular Monthly Meeting of Township Committee beginning at 7:00pm at Municipal Building
- November 5, 2011** - Free Senior Dinner at Kingwood United Methodist Church from 12:00noon – 2:00pm

Public Comment – Privilege of the Floor

Ordinances

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 – Public Hearing and Final Adoption

Ordinance No. 16-24-2011 Amending Chapter 34 Park & Rec Fees – Introduction and Adoption on First Reading

Resolutions

- Resolution No. 2011-114** - Authorizing Developer's Agreement for Garden Solar Bl 12 L 16 & 16.01
- Resolution No. 2011-126** - Authorizing Developer's Agreement for Garden Solar Bl 15 L 14.03
- Resolution No. 2011-115** - Authorizing Amendment to DEP Green Acres Open Space Plan Acquisition Project
- Resolution No. 2011-116** - Waiver of Construction Fees for Flood Damage Repairs
- Resolution No. 2011-117** - Authorization to Purchase Rip Rap
- Resolution No. 2011-118** - Emergency Appropriations for Flood Damage Repair Expenses

October 6, 2011 Township Committee Agenda Continued

Resolutions Continued

- Resolution No. 2011-119** - Tax Sale Redemption Bl 15 L 8.02, 8.03 & 8.04
- Resolution No. 2011-120** - Tax Sale Redemption Bl 23 L 17 & 17
- Resolution No. 2011-121** - Tax Sale Redemption Bl 23 L 17.03Q
- Resolution No. 2011-122** - Renewal of ABC License for 2011-2012
- Resolution No. 2011-123** - Transfer of ABC License

New Business

- Designate Trick-or-Treat Hours
- Proposal from AccessPoint Solutions
- Middlesex Regional Education Services Commission
- Recommendation from Agriculture Advisory and Open Space Advisory
Committees – Preservation of Bl 24 L 13, 13.08, 13.09 and 13.10
- Recommendation from Agriculture Advisory Committee – Margaret Waldock-
- Resolution No. 2011 – 128** - Resolution to Honor Margaret Waldock
Hunterdon Land Trust
- Court Recorder Maintenance Contract Proposal - Gramco

Appointments

- Municipal Court** – Letter of Resignation
- Temporary Replacement – **Resolution No. 2011-124**

Old Business

- Resolution to Join MCCPC – carried over from September meeting
- Skylark Island Property
- Resident Complaint – Oak Summit Road

Minutes

- September 1, 2011 Regular Meeting
- January 21, 2002 Regular Meeting
- January 21, 2002 Executive Session

Executive Session – Resolution No. 2011-125

- Personnel – Amendments to Employee Manual and Handbook
- Litigation – Abel
- Litigation - Sundancer

Return to Regular Session

Adjournment

PLEASE NOTE THIS AGENDA IS SUBJECT TO LAST MINUTE CHANGES

2011 -

October 6, 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, 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 who may have a cell phone to please silence or turn it off during the meeting.

CORRESPONDENCE

Letter & Proclamation from American Planning Association

Mayor Lubitz reviewed a letter from the American Planning Association, which explained that its members will be celebrating the importance of planning during National Community Planning Month. He stated that it is a request for the Township to consider adopting a proclamation to recognize the contributions of professional planners and the dedication of the Township's planning/zoning board members to announce the launch of its new Community Planning Assistance Program. Deputy Mayor Niemann noted that she had attended a Hunterdon County Planning Board meeting recently and explained that it is basically recognition of all the hard work from volunteers, planning members and people that support what efforts planning boards are taking.

RESOLUTION

2011 -

The following Resolution was introduced:

RESOLUTION NO. 2011 - 127

**DESIGNATION OF OCTOBER 2011 AS
COMMUNITY PLANNING MONTH**

WHEREAS, New Jersey municipalities, counties and regional planning entities continually face changes in their communities and natural environment; and

WHEREAS, community planning and plans can help manage this change in a way that provides better choices for how people work and live; and

WHEREAS, community planning provides an opportunity for all residents to be meaningfully involved in making choices that determine the future of their community; and

WHEREAS, the full benefits of planning requires public officials and citizens who understand, support and demand excellence in planning and plan implementation; and

WHEREAS, the American Planning Association has designated the month of October as National Community Planning Month throughout the United States of America and its territories to highlight the contributions of sound planning and plan implementation; and

WHEREAS, the celebration of National Community Planning Month gives us the opportunity to publicly recognize the participation and dedication of the members of planning and zoning boards and other citizen volunteers who have contributed their time and expertise to the improvement of the Township of Kingwood in Hunterdon County, New Jersey; and

WHEREAS, we recognize the many valuable contributions made by professional planners in the Township of Kingwood and extend our heartfelt thanks for the continued commitment to public service by these professionals;

NOW, THEREFORE, BE IT RESOLVED that the month of October 2011 is hereby designated as Community Planning Month in the Township of Kingwood, New Jersey in conjunction with the celebration of National Community Planning Month.

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

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

2011 -

Thank you Letter from Bike MS re: September Hops to Hops

Mayor Lubitz reviewed.

Letter from ANJEC re: Contribution Check and Thank You

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 \$ **1,503,846.44** that are in order and attached as Bill List for October 2011.

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

REPORTS

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

- Tax Collector's Report of August 2011
- Municipal Court Report of August 2011
- Construction Reports of August 2011 and September 2011
- Township Engineer's Monthly Report
- General Code Enforcement Report of August 2011
- Dog License Report

Animal Control Report

Mayor Lubitz stated that he would like to recognize the public servants Mrs. Niemann and Mrs. Mott, who were very helpful by observing the goats that were on the loose in the Township and taking action to take care of the situation.

Emergency Management Coordinator

Jack MacConnell was present and gave a report on a kickoff meeting with FEMA as a result of the recent hurricane and tropical storm. He noted that they will be trying to recruit some of the money that has been spent. He feels that the DPW should have a generator as soon as possible. He reported information on a Corps of Engineers meeting that he attended on September 21, 2011 in Phillipsburg NJ. He noted that at the meeting he brought up the old piers that were left from the bridge from the 1955 flood. He explained that they will be researching to see if the turbulence contributed to any of the flooding in Byram.

He would like to get a radio committee together and have a system working so that the Fire Department, Rescue Squad and the Department of Public Works can be on the same frequency and communication together. He would like to obtain FEMA funds to purchase a generator and also a radio system. He explained that the Department of Public Works is our secondary shelter for the township, and feels that this may be a good justification for them. He noted that he has been contacted by Sgt. Gallagher from the NJSP OEM, in regard to the repetitive damage on several properties, mitigation and monies that may be available for the Byram area. He stated that this has been the fourth repetitive severe loss of damages along the river. He explained how they went door to door residents in the township to discuss the damage as a result of the storms. He described the severe damage on a home along Route 651 near the creek. Mr. MacConnell stated that they will be looking for a time period that there will be a waiver of fees for construction permits for those who need to rebuild due to damages from the floods. He wanted to thank everyone who came out on October 1, for helping out at the new Horseshoe Bend Park. He wanted to commend Mr. James Burke for working so hard and going out of his way regarding the acquisition for the new park on Horseshoe Bend Road. Mr. MacConnell feels that the Township should write a letter of commendation to the County Office on Emergency Management for keeping everyone informed so well during the storms. He feels that it was all handled very well.

Mayor Lubitz commented on the Township's Engineer's report. He noted that Habitat for Humanity seem to be moving forward on two properties. He explained that a subdivision design will be started on the Melynk property. He noted that Habitat has also looked at bids to remove the structure at the Ukarish property. Committeeman Burke suggested that they speak to the DPW. He feels they can do the job for a lot less and leave the well and septic items for the company. He noted that a preliminary subdivision will be done for Melynk property and submitted to NJDEP to find out if there are any environmental constraints. There was a brief discussion on the cell tower project on Featherbed Rd.

FUTURE MEETINGS AND ACTIVITIES

Mayor Lubitz reviewed as per the Agenda. Mayor Lubitz noted that on October 26th at 5:30PM, there will be a Dedication of the Melynk Farm on Route 519. He stated he will be out of town on that day and will not be able to attend the ceremony.

PUBLIC COMMENT – PRIVILEGE OF THE FLOOR

No comments.

ORDINANCES

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) VOL.16, PG. 16-22 – Public Hearing and Final Adoption

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

It was moved by Mr. Burke, seconded by Mrs. Niemann 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 1st day of September, 2011. The Ordinance was published in the Hunterdon County Democrat on September 15, 2011 and has been posted in the Kingwood Township Municipal Building on September 2nd, 2011. Copies of the Ordinance have been available for inspection by the public since September 2nd, 2011.

Comments: N/A

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. 16-22-2011 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).**

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

ORDINANCE

ORDINANCE NO. 16-24-2011 AMENDING CHAPTER 34 PARK AND RECREATION FEES – Introduction and Adoption on First Reading

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

Mayor Lubitz commented on the \$50 cancellation fee in the ordinance, and asked if the Township Committee felt that they should charge a deposit to use the facilities.

2011 -

Committeeman Burke noted that there have been several discussions on the Parks and Recreation regarding a deposit or a guarantee, but it seems not to be worth the administrative expense as a separate account would need to be maintained. He noted that this has never happened.

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adopt on first reading **ORDINANCE NO. 16 – 24 – 2011 AMENDING CHAPTER 34 PARK AND RECREATION FEES.**

| | | | |
|------------------------|----------------|---|-------------------------------|
| 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, November 3, 2011 at a meeting beginning at 7:00 P.M. at the municipal building.

RESOLUTIONS

The following Resolution was introduced:

RESOLUTION NO. 2011 - 114

A RESOLUTION AUTHORIZING THE TOWNSHIP OF KINGWOOD, TO EXECUTE A DEVELOPER'S AGREEMENT WITH FRENCHTOWN I SOLAR, LLC

WHEREAS, Frenchtown I Solar, LLC, (hereinafter, "the Developer") is the owner of the tract or parcel or land shown on the Tax Map of the Township of Kingwood in Hunterdon County as Block 12, Lots 16 and 16.01 (the "Property") ; and

WHEREAS, the Developer received the final site plan approval for certain development on the Property as aforesaid from the Kingwood Township Planning Board (the "Approving Board"), by its Memorializing Resolution of August 10, 2011, based on the following plat:

Plat (the "Plat") prepared by James J. Chmielak, P.E. of Engineering & Land Planning Associates, Inc. dated April 12, 2011, and entitled "Final Site Plan Clean Generation Solar Energy Farm V4-069 1038 Route 12 Block 12 Lots 16 and 16.01 Kingwood Township, Hunterdon County, New Jersey."

The foregoing approval is sometimes referred to below as the "Approval."

WHEREAS, the Developer and Township of Kingwood (hereinafter, “the Township”) desire to enter into an agreement in the form attached hereto setting forth the rights, duties and obligations of the parties in connection with the Approval; and

WHEREAS, the Developer desires to proceed with the development of the Property and to install the improvements as shown on the Plat for which the Approval has been received; and

WHEREAS, the Township Development Regulations Ordinance and the Approval require a performance guarantee, together with a deposit toward engineering inspection, which items are required as set forth in the attached agreement.

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

1. The Township of Kingwood hereby authorizes entry into the Developers Agreement, attached hereto as Exhibit A, with the Frenchtown I Solar, LLC.
2. The Mayor and Clerk and/or Chief Financial Officer of this Township are authorized to sign the Developer’s Agreement with the Frenchtown I Solar, LLC, attached hereto as Exhibit A, and to sign any and all other documents necessary for the transactions contemplated by the Developer’s Agreement.

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

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

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2011 - 126

**A RESOLUTION AUTHORIZING THE TOWNSHIP OF KINGWOOD, TO EXECUTE
A DEVELOPER’S AGREEMENT
WITH FRENCHTOWN II SOLAR, LLC**

2011 -

WHEREAS, Frenchtown II Solar, LLC, (hereinafter, “the Developer”) is the owner of the tract or parcel or land shown on the Tax Map of the Township of Kingwood in Hunterdon County as Block 15, Lot 14.03 (the “Property”); and

WHEREAS, the Developer received the final site plan approval for certain development on the Property as aforesaid from the Kingwood Township Planning Board (the "Approving Board"), by its Memorializing Resolution of August 10, 2011, numbered Resolution No. 2011-10, based on the following plat:

Plat (the “Plat”) prepared by James J. Chmielak, P.E. of Engineering & Land Planning Associates, Inc. dated April 12, 2011, and entitled “Final Site Plan Clean Generation Solar Energy Farm V4-070 873 Route 12 Block 15 Lot 14.03 Kingwood Township, Hunterdon County, New Jersey.”

The foregoing approval is sometimes referred to below as the "Approval."

WHEREAS, the Developer and Township of Kingwood (hereinafter, “the Township”) desire to enter into an agreement in the form attached hereto setting forth the rights, duties and obligations of the parties in connection with the Approval; and

WHEREAS, the Developer desires to proceed with the development of the Property and to install the improvements as shown on the Plat for which the Approval has been received; and

WHEREAS, the Township Development Regulations Ordinance and the Approval require a performance guarantee, together with a deposit toward engineering inspection, which items are required as set forth in the attached agreement.

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

1. The Township of Kingwood hereby authorizes entry into the Developers Agreement, attached hereto as Exhibit A, with the Frenchtown II Solar, LLC.
2. The Mayor and Clerk and/or Chief Financial Officer of this Township are authorized to sign the Developer’s Agreement with the Frenchtown II Solar, LLC, attached hereto as Exhibit A, and to sign any and all other documents necessary for the transactions contemplated by the Developer’s Agreement.

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

2011 -

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

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2011 - 115

STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION GREEN ACRES ENABLING RESOLUTION

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program (“State”), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Township of Kingwood has previously obtained a loan of \$-0- and/or a grant of \$2,850,000 from the State to fund the following project(s):

Open Space Plan Acquisition; and

WHEREAS, the State and the Township of Kingwood intend to increase Green Acres funding; and

WHEREAS, the applicant is willing to use the State’s funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an Amendment of the Agreement with the State for the above named project;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF KINGWOOD

1. That Phillip Lubitz or the successor to the office of Mayor is hereby authorized to execute an Amendment to the Agreement increasing funding to a total of \$3,300,000; and
2. That the applicant has its matching share of the project, if a match is required, in the amount of \$3,150,000; and
3. That, in the event the State’s funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project; and
4. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and

2011 -

5. That this resolution shall take effect immediately.

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

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

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2011 – 116

**WAIVER OF CONSTRUCTION PERMIT FEES
FOR FLOOD DAMAGE REPAIRS**

WHEREAS, the Kingwood Township Committee has considered waiving construction permit fees for work done as a result of damages caused by Hurricane Irene and Tropical Storm Lee; and

WHEREAS, pursuant to N.J.A.C. 5:23-4.19(b)5 the State permit fees will also be waived;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey that the Construction Official is hereby authorized to waive construction permit fees for repairs to damages resulting from Hurricane Irene and Tropical Storm Lee, which occurred from August 26, 2011 through September 16, 2011, and upon receipt of a completed *Application for Fee Waiver*, as attached.

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

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

RESOLUTION

2011 -

The following Resolution was introduced:

RESOLUTION NO. 2011 – 117

AUTHORIZATION TO PURCHASE

WHEREAS, Executive Order #73 (EO#72) declared a state of emergency for the response and recovery efforts required by Hurricane Irene; and

WHEREAS, as of the issuance of the notice, September 8, 2011, the State of Emergency continues.

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 encumber and pay the following items without regard to public bidding:

H & K Materials/Plumstead Materials/Warren Materials – R-6 Rip Rap - \$ 3,000.00.

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

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

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2011 - 118

EMERGENCY RESOLUTION – N.J.S.A. 40A:4-48

WHEREAS, an emergency has arisen with respect to emergency response and recovery of Hurricane Irene and Tropical Storm Lee, no adequate provision was made in the 2011 budget for the aforesaid purpose, and N.J.S.A. 40A:4-46 provides for the creation of an emergency appropriation for the purpose mentioned above; and

WHEREAS, the total amount of the emergency appropriations created, including the appropriation to be created by this resolution is \$25,000, and three (3) percent of the total operating appropriations in the budget for 2010 is \$53,280.83; and

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three (3) percent of the total operating appropriations (including utility operation appropriations) in the budget for 2010.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Kingwood (by not less than 2/3 of all governing body members affirmatively concurring), County of Hunterdon and State of New Jersey, that in accordance with N.J.S.A. 40A:4-48:

1. An emergency appropriation is hereby made for Emergency Appropriation – Hurricane Irene and Tropical Storm Lee Salaries and Wages and/or Other Expenses in the amount of \$25,000.00;
2. That said emergency appropriation shall be provided for in full in the 2012 budget, and is requested to be excluded from the CAPS, pursuant to N.J.S.A. 40A:4-53.3C(1);
3. That two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services.

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

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

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2011 - 119

TAX SALE REDEMPTION

WHEREAS, the Tax Collector has received redemption monies in the amount of \$163,473.06 to redeem Tax Sale Certificate Nos. 11-003, 11-004 and 11-005 on Block 15, Lots 8.02, 8.03 and 8.04; and

WHEREAS, the lienholder paid a premium of \$167,000.00 at the time of the sale for Tax Sale Certificate Nos. 11-003, 11-004 and 11-005.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey, that the Chief Financial Officer be authorized to issue a check in the amount of \$330,473.06 to FWDSL Associates LP, 290 US Highway 22, Green Brook, NJ, 08812, for the redemption of following:

2011 -

TSC # 11-003 - Block 15, Lot 8.02 - \$ 3,832.97 – Premium - \$ 3,000.00

TSC # 11-004 - Block 15, Lot 8.03 - \$ 3,084.92 – Premium - \$ 4,000.00

TSC # 11-005 - Block 15, Lot 8.04 - \$156,555.17 – Premium - \$160,000.00

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

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

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2011 - 120

TAX SALE REDEMPTION

WHEREAS, the Tax Collector has received redemption monies in the amount of \$19,417.37 to redeem Tax Sale Certificate No. 08-003 on Block 23, Lot 17 & 17 Q0193.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey, that the Chief Financial Officer be authorized to issue a check in the amount of \$19,417.37 to Park Finance, LLC, PO Box 109, Cedar Knolls, New Jersey, 07927 for the redemption of Tax Sale Certificate No. 08-003.

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

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

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2011 - 121

TAX SALE REDEMPTION

WHEREAS, the Tax Collector has received redemption monies in the amount of \$173.01 to redeem Tax Sale Certificate No. 2010-08 on Block 23, Lot 17.03Q0193, and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey, that the Chief Financial Officer be authorized to issue a check in the amount of \$173.01 to Tad Dabrowski, 132 Mc Kinley Street, South Plainfield, New Jersey, 07080, for the redemption of Tax Sale Certificate No. 2010-08.

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

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

RESOLUTION

The following Resolution was introduced:

**RESOLUTION NO. 2011 - 122
LIQUOR LICENSE APPLICATION RENEWAL
SPECIAL RULING BY DIRECTOR**

WHEREAS, application has been made to the Kingwood Township Committee for the renewal of Plenary Retail Consumption License No. 1016-33-004-006 for the 2011-2012 licensing period; and

WHEREAS, Plenary Retail Consumption License No. 1016-33-004-006 became inactive as the licensed premises were not open and operating for two full license terms since on or before June 30, 2009, and the licensee subsequently filed a verified petition with the Director of the Division of Alcoholic Beverage Control requesting authorization for the local issuing authority to consider a renewal application for the 2011-2012 license term; and

WHEREAS, the Kingwood Township Committee has now received a copy of the Special Ruling issued by the Director of the Division of Alcoholic Beverage Control finding that the licensee has established good cause in accordance with the statutory requirements to warrant an application for renewal pursuant to the provision of N.J.S.A. 33:1-12.39; and

WHEREAS, the Kingwood Township Committee, at a meeting assembled, has reviewed the “12.39” Special Ruling and the renewal application, and the submitted application form is complete in all respects, the applicant is qualified to be licensed according to all statutory, regulatory and local governmental ABC laws and regulations, and the issuing authority has reviewed the source of any additional financing obtained in the previous license term for use in the licensed business; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon, State of New Jersey that the following Plenary Retail Consumption License be hereby renewed for the 2011-2012 licensing period effective October 6, 2011:

1016-33-004-006 **BTS Enterprises LLC**
1121 Highway 12
Frenchtown, NJ 08825
Municipal Fee: \$2,500.00 State Fee: \$200.00
Plenary Retail Consumption License

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

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

There was a brief discussion regarding the expanded outdoor activity by the previous owner of the liquor license. The Committee Members felt that it was disruptive to the surrounding neighbors, especially in the summertime. Deputy Mayor Niemann stated that she is very happy to see a local business get back into business again, but she does have some concerns about the noise. Attorney Lee Roth who represents BMA Enterprises was present and stated that he believes the outside of the building does include a bar area, and that they would like to utilize the outside bar area in pleasant weather. Mr. Battimelli of BMA Enterprises Inc. was present and commented that they do not want to upset the neighbors. He noted that there are presently three bars and they would like to make use of all them, as well as, the volleyball court. He explained that he plans on keeping the outside area pretty much the same as it was before. He would like the neighbors to know that they will always try to work with them and try to accommodate them. Mayor Lubitz made a suggestion to not have any sound outside after 10:00PM. Attorney Roth suggested that a decision be made after the operation has been opened to see how it works out. There was a discussion regarding the noise ordinance that the Township has in place. Mayor Lubitz noted that there are also State regulations that must be complied with in the Township. Attorney Roth explained that it would be a very short test period, and that the new owner could always impose a condition at the next renewal.

Committeeman Burke asked the Township's attorney about sound meters. Attorney Kopen responded by stating she feels that in order for it to stand up in court, that it would have to be operated by a qualified health inspector.

Sandra McNicol, Oak Grove Road – Asked if the outside area is legal. She commented on the outside signs that are presently in place, and the previous enforcement of ordinances. Committeeman Burke stated that he feels comfortable renewing this liquor license application request. He noted that if there is a problem after it is opened for business, the problem can be addressed at the next annual renewal. The Committee Members agreed that if they grant this approval that they are taking the new owner's word that the noise level will comply with the regulations.

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2011 – 123

LIQUOR LICENSE APPLICATION FOR PERSON TO PERSON TRANSFER

WHEREAS, an application has been filed for a Person-to-Person Transfer of Plenary Retail Consumption License Number 1016-33-004-006, heretofore issued to BTS Enterprises LLC for premises located at 1121 Highway 12, Kingwood Township, New Jersey; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and licensed business and all additional financing obtained in connection with the license business;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey does hereby approve, effective October 6, 2011, the transfer of the aforesaid Plenary Retail Consumption License to BMA Enterprises, Inc., and does hereby direct the Township Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to BMA Enterprises, Inc., effective October 6, 2011."

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

2011 -

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

NEW BUSINESS

Designate Trick-or-Treat Hours

The Committee Members discussed the hours for Trick- or -Treat on Monday, October 31, 2011 Halloween.

It was moved by Mr. Burke, seconded by Mrs. Niemann and carried to approve the hours between 5:00PM – 8:00PM for Trick-or-Treat on Monday, October 31, 2011.

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

Proposal from AccessPoint Solutions

Clerk MacConnell reviewed the proposal with the Committee Members. She explained that this is a proposal for collaborate e-mail system for the Township's First Class. She reviewed speaking with a representative from AccessPoint Solutions regarding the problem some officials are having getting their e-mail on their phones, and the amount of space to store information for archives. She explained that the company can store e-mails up to three years at a time for now. The Committee Members decided it would be best to schedule a meeting with a representative from AccessPoint Solutions. This way they will be able to obtain more information and discuss the problems addressed before making any decision.

Middlesex Regional Education Services Commission

The Committee Members reviewed the information regarding the New Jersey State Approved Co-op telecommunication services through the Middlesex Regional Education Services Commission. Mayor Lubitz suggested that the Township request a list of items and prices to review before the Township makes a decision.

Recommendation from Agriculture Advisory and Open Space Advisory Committees – Preservation of B1 24 L 13, 13.08, 13.09 and 13.10

The Committee Members reviewed the letter of recommendation from the Agriculture Advisory and Open Space Advisory Committees.

2011 -

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to approve the Township to contribute \$59,000 towards the preservation of Block 24, Lots 13, 13.10, and 13.09.

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

Recommendation from Agriculture Advisory Committee – Margaret Waldock

The Committee Members reviewed the recommendation from the Agriculture Advisory Committee regarding adopting a resolution in honor of Margaret Waldock who is retiring from the Hunterdon Land Trust.

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2011 - 128

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

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

Gramco – Court Recorder Maintenance Contract Proposal

Clerk MacConnell reviewed the proposal to the Committee Members. She stated that the Township’s C.F.O. Diane Laudenbach has also reviewed this proposal, and feels it would be a good idea to go with the proposal for a year. Clerk MacConnell noted that there have been several service calls in the past with no charge, but recently had to pay for services. The Committee Members feel it is a good idea to sign up with Gramco’s maintenance contract agreement for a year.

It was moved by Mr. Burke, seconded by Mrs. Niemann and carried to approve to sign a maintenance agreement contract with Gramco for the services for the court recorder for one year.

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

APPOINTMENTS

Municipal Court – Letter of Resignation

Mayor Lubitz reviewed the letter of resignation. The Committee Members discussed the details and suggested this be followed up with a letter to Mr. Evans. There was also a discussion on the effective date the substitute public defender will begin.

Temporary Replacement – Resolution No. 2011-124

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2011 – 124

SUBSTITUTE PUBLIC DEFENDER

2011 -

WHEREAS, the Township of Kingwood is in need of a substitute public defender due to the resignation of the Township Public Defender;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey that Scott M. Wilhelm is appointed as Substitute Public Defender effective October 6, 2011 through December 31, 2011, with the rate of \$3,345.00 for the year 2011 being prorated.

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

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

OLD BUSINESS

Resolution to Join MCCPC – Carried over from September Meeting

Clerk MacConnell explained that this has been carried over from last month’s meeting. The Committee Members would like this tabled until next month.

Skylark Island Property

Attorney Kopen noted that the title insurance for the property would be approximately \$4,000.00. There was some discussion on the sale of the property and when would be the best time to sell.

Complaint

Mr. Anthony Em, Oak Summit Road, Was present to report a complaint he has regarding his neighbor’s driveway, which is causing a flooding problem and affecting his property and basement. He drew a picture and explained the problem being that there is a cul-de-sac in the neighbor’s driveway and stated that the job was never completed. He stated that it has been there for three years. Mayor Lubitz stated that the Township now has evening hours and suggested that he come in on Tuesday evening to talk to the zoning and building officials. Mayor Lubitz noted that he will also be there from 6:00 – 8:00PM to also help resolve this problem. Mr. Em agreed to meet with everyone on Tuesday evening.

MINUTES

September 1, 2011 Regular Meeting

2011 -

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adopt the September 1, 2011 meeting minutes of the Regular Township Committee.

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

January 21, 2002 Regular Meeting

It was moved by Mrs. Niemann, seconded by Mrs. Burke and carried to adopt the January 21, 2002 meeting minutes of the Regular Township Committee.

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

January 21, 2002 Executive Session

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adopt the January 21, 2002 Executive Session meeting minutes of the Township Committee.

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

EXECUTIVE SESSION – Resolution No. 2011 - 125

The following Resolution was introduced to enter into closed session at approximately 8:50P.M.:

RESOLUTION NO. 2011 – 125

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 – **Amendments to Employee Manual and Handbook**
 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.

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

RETURN TO REGULAR SESSION

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to return to regular session at 9:26P.M. **All** voted **Aye** on **Roll Call Vote**.

Deputy Mayor Niemann stated that she was unable to attend the Board of Health meeting last month, and had a few questions regarding whether there was a discussion about the septic ordinance, reserve tank, and the septic management ordinance. Attorney Kopen stated that there was no discussion on the septic ordinance, but that there was a discussion on amendments to the well ordinance. Committeeman Burke briefly reviewed the discussion that took place, which he stated was an issue of the number of animals when an aquifer test would be required. He noted that a lot of the discussion seemed to be a clarification of different sections of the ordinance.

2011 -

Deputy Mayor Niemann wanted to acknowledge and recognize the office staff regarding continuing on with their hard work with all the flood and computer problems in the downstairs in the offices of the last few weeks.

ADJOURNMENT

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adjourn the meeting at 9:31P.M. **All** voted **Aye** on **Roll Call Vote**.

Respectfully Submitted,

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