

**KINGWOOD TOWNSHIP COMMITTEE  
NOVEMBER 3, 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 & Application from NJDEP re: 2012 Recreational Trails Program Grant Program

Proposal for Telecommunications Site re: Township Properties

Letter from Residents re: Use of Kingwood Park – **Resolution No. 2011-135 Waiver to Serve Alcoholic Beverages at Kingwood Park**

Letter from Gebhardt & Kiefer re: Clothing Bins

Copy of Resolution from Raritan Twp re: County School District Consolidation – **Resolution No. 2011 – 136 To Request A Study of School District Consolidation in Hunterdon County**

Letter from NJ Courts re: Qualifications of Municipal Court Personnel

Copy of Resolution from Alexandria Twp re: Waiver of DEP Permit Fees – **Resolution No. 2011 – 137 Supporting A Reduction/Waiver of New Jersey Department of Environmental Protection Permit Fees for Hurricane Related Storm Damage**

Copy of Resolution from Delaware Twp re: Natural Gas Development in Delaware River

NJLM Advisory re: 2011 Holiday Blood Drive Campaign

Update on Homestead Rebates

**Public Comment – Privilege of the Floor**

**Resolution No. 2011-130 – 2011 Appropriations Transfer**

**Bills and Claims**

## **November 3, 2011 Township Committee Agenda Continued**

### **Reports**

Tax Collector's Report of September 2011  
Municipal Court Report of September 2011  
Township Engineer's Monthly Report  
Dog License Report  
General Code Enforcement Report of October 2011  
Emergency Management Coordinator  
Damages Reported at New Horseshoe Bend Park  
Update on Byram Colony  
EPA Five Year Review of Derewal Superfund Site

### **Future Meetings and Activities**

**November 5, 2011** – Free Senior Dinner at Kingwood United Methodist Church from 12:00 noon – 2:00pm  
**November 8, 2011** - General Election Day, All Residents Vote at Kingwood Township Firehouse on Cty. Rd. 519 in Baptistown, from 6:00am – 8:00pm  
**November 12, 2011** - Recycling at Township Garage from 9:00am – 12:00 noon  
**December 1, 2011** - Regular Monthly Meeting of Township Committee beginning at 7:00pm at Municipal Building  
**December 3, 2011** - Christmas Tree Lighting at Kingwood Park beginning at 4:00pm

### **Ordinances**

**Ordinance No. 16-24-2011 Amending Chapter 34 Park & Rec Fees** – Public Hearing and Final Adoption

### **Resolutions**

**Resolution No. 2011-131** - Tax Sale Redemption Bl 23 L 19  
**Resolution No. 2011-132** - Tax Sale Redemption Bl 33 L 22  
**Resolution No. 2011-133** - Authorizing Purchase from International Salt Through Cty Cooperative Pricing System for Snow & Ice Control

### **New Business**

SRECs Sale  
Parks and Recreation – Seasonal Closing of the Old Fairview School House

Proposal for Construction of Bocce Pavilion - **Ordinance No. 16-25-2011 To Provide For The Construction of A 54'x20'X9' Bocce Pavilion As A General Improvement For The Township Of Kingwood In The County Of Hunterdon And State of New Jersey And Appropriating \$14,100.00 From The Recreation Account – Bocce Pavilion** – Introduction and Adoption on First Reading

Discuss Requesting Proposals for Professional Services for 2012  
Report on Municipal Courts – Implementation of the Working Group  
Horseshoe Bend Road - Repairs

## **November 3, 2011 Township Committee Agenda Continued**

### **Old Business**

Resolution to Join MCCPC – carried over from October meeting  
Middlesex Regional Education Services Commission  
Option Agreement for the Agricultural Retention Development Program

### **Minutes**

October 6, 2011 Regular Meeting  
October 13, 2011 Special Meeting  
January 31, 2002 Special Meeting

### **Executive Session – Resolution No. 2011-134**

Personnel – Amendments to Employee Manual and Handbook  
Litigation - Abel

### **Return to Regular Session**

Energy Grant Program

### **Adjournment**

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

2011 - 312

November 3, 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, 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 who may have a cell phone to please silence or turn it off during the meeting.

**CORRESPONDENCE**

Letter & Application from NJDEP re: 2012 Recreational Trails Program Grant Program

Mayor Lubitz reviewed letter and application from the NJDEP. He stated the program deadline to apply is February 15<sup>th</sup>, 2011, and that either, Chairwoman Sandra McNicol or Chairman Richard Dodds from the Open Space Advisory Committee will be looking into this grant.

Proposal for Telecommunications Site re: Township Properties

Mayor Lubitz reviewed the proposal for a leasing agreement from Suffolk Wireless LLC.

**2011 - 313**

He explained that the Township has responded back by letter to Suffolk Wireless with a list of two possible sites that can be leased. He feels it should go to benefit the community by being placed on public land first, if possible. There was a discussion of the proposed sites for the towers, which have been approved by Suffolk Wireless already. Mayor Lubitz stated that the sites being considered are Block 14, Lot 43, 12 Fairview Road, and Block 20, Lot 1, 255 Union Road.

Letter from Residents re: Use of Kingwood Park

Mayor Lubitz invited Brenda Bishop and Jeffrey Frischer to speak to the Committee regarding their request. They explained that they would like to use the Kingwood Township park pavilion on Union Road on Saturday May 12, 2012 for their wedding ceremony and reception. They explained that they would also like to set up the Friday afternoon before on May 11<sup>th</sup>, and return to clean up the area the next morning on Sunday, May 13<sup>th</sup>. Ms. Bishop explained that it was her understanding that alcoholic beverages were not permitted on park grounds unless approved by the Township Committee. She and her fiancé were present to ask for permission to serve alcoholic beverages serving beer only at their wedding reception. They also explained that an umbrella insurance policy will also be purchased by them in the misfortune of any accident happening. They explained that they will have the beverages in a keg so guests can help themselves and keep it in an area away from children. Committeeman Burke explained that they had attended the Parks and Recreation meeting the night before for approval, and that the Parks and Recreation Committee recommended they get approval from the Township Committee for a one time event. The Committee Members discussed the circumstances and decided that they agreed to grant their request as long as they provide rider insurance at least thirty days prior to the event with Kingwood Township being named as additionally insured. They also requested that they locate these beverages in a place where children will not have easy access to them.

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2011 – 135**

**WAIVER TO SERVE ALCOHOLIC BEVERAGES  
AT KINGWOOD PARK**

**WHEREAS**, residents of the Township, Brenda Bishop and Jeffrey Frischer have reserved the use of the pavilion and parking area at Kingwood Park to utilize for their wedding ceremony and reception on May 12, 2012; and

**WHEREAS**, Brenda Bishop and Jeffrey Frischer have requested permission to serve alcoholic beverages during their reception on May 12, 2012;

2011 - 314

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey that a waiver is granted to Brenda Bishop and Jeffrey Frischer to provide alcoholic beverages during their wedding reception on May 12, 2012 at the Kingwood Park pavilion, property located at 200 Union Road, known as Block 19 Lot 8 in Kingwood Township, New Jersey, based on the following conditions and requirements being met by Brenda Bishop and Jeffrey Frischer:

1. The applicants shall arrange the alcoholic beverages area so that the area is separate and distinct in appearance;
2. The applicants shall prevent minors from entering the alcoholic beverages area, from serving the alcoholic beverages and from consuming the alcoholic beverages;
3. The applicants shall provide proof to the Township of Kingwood that they hold the following insurance:

General Liability: \$1,000,000 per occurrence/\$2,000,000 aggregate  
Host Liquor Liability: \$1,000,000 per occurrence/\$2,000,000 aggregate

In addition, the applicants shall name the Township of Kingwood as an additional insured, and the Certificate of Insurance shall be submitted to the Township at least 30 days prior to the event. The Certificate of Insurance must specifically note that coverage is provided for Liquor Liability.

4. The applicants, by accepting this waiver, acknowledge and hold harmless the Township of Kingwood and its municipal officials and employees from any and all claims, damages and cost of suit which may arise out of the waiver granted hereunder.

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>

Letter from Gebhardt & Kiefer re: Clothing Bins

Mayor Lubitz reviewed the letter regarding a new law that was passed by the State, N.J.S.A.40:48-2.6, which provides that a permit is required for clothing bins.

2011 - 315

Attorney Kopen explained that New Jersey municipalities are required to create an ordinance permitting new and existing clothing bins if an ordinance does not already exist. Attorney Kopen noted that this ordinance will need to be introduced and adopted next year.

Copy of Resolution from Raritan Twp. re: County School District Consolidation

Mayor Lubitz reviewed the resolution which was adopted by the Township of Raritan. He explained that this is a resolution requesting a study of school district consolidation in the County of Hunterdon. The Committee Members all agreed they would like to support this resolution. Mayor Lubitz expressed that he is in favor of this resolution except for the last paragraph, which states that the results of that study be implemented so that school districts be required to enter arrangements with one or more other school districts or educational services commission for the consolidation of the district's administrative services, and to the benefit of their respective taxpayers. He noted that he would not ask for a study to be implemented until a study has actually been conducted, and that there is a sense of what they have recommended. The Committee Members all agreed with Mayor Lubitz.

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2011 – 136**

**TO REQUEST A STUDY OF SCHOOL DISTRICT  
CONSOLIDATION IN HUNTERDON COUNTY**

**WHEREAS**, the largest portion of every Hunterdon County resident's property tax bill is for schools; and

**WHEREAS**, taxpayers in Hunterdon County will spend \$391,477,379.00 in 2011-2012 to educate 22,178 public school students; and

**WHEREAS**, Hunterdon County has thirty independent school districts, including four regional high school districts, one vocational school, one alternative school, one regional elementary district and twenty three elementary districts; and

**WHEREAS**, Hunterdon County residents are paying thirty Superintendents and thirty Business Administrators/Supervisors approximately \$4,085,000.00 and \$2,545,000.00 respectively, for a total of \$6,630,000.00 in 2011-2012; and

**WHEREAS**, those school districts are comprised of 3,340 employees in fifty buildings; and

**WHEREAS**, the average amount spent per every student per year is \$17,651.00; and

2011 - 316

**WHEREAS**, according to a poll of 1,000 likely voters conducted by Kean University's Center for History, Politics and Policy, sixty three percent favored "a decrease in property taxes, (if it meant) the merger of (their) town's schools with schools in neighboring towns in (their) home county"; and

**WHEREAS**, reassigning the highest level administrative personnel to serve five Regional Districts under one County School District would reduce related expenses by approximately \$3,631,000.00 saving fifty five percent; and

**WHEREAS**, duplicate administrative expenses can also be substantially reduced through consolidation; and

**WHEREAS**, every tax dollar spent to support administration and infrastructure directly reduces the capital available to educate our children; and

**WHEREAS**, the mechanisms to create a County Wide School District are already in place in State statutes;

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey requests a study be conducted through the office of the Commissioner of Education in accordance with New Jersey Statute Title 18A:7-8 to determine the cost savings of a county wide school district that also maintains or improves the educational outcome for our students.

It was moved 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>

Letter from NJ Courts re: Qualifications of Municipal Court Personnel

Mayor Lubitz reviewed a letter from the Director of Courts regarding municipal courts implementation of the working group report on professionalism and qualifications of municipal court directors, administrators, and deputy administrators. Clerk MacConnell reported that the Township's Court Administrator is certified. There was a discussion regarding the court assistant who is not required to be certified.

Copy of Resolution from Alexandria Twp re: Waiver of DEP Permit Fees



Mayor Lubitz reviewed the resolution from Alexandria and asked Construction Technical Assistant Diane Laudenbach if there have been any in the Township requiring permit fees for the hurricane related storm damage. Diane Laudenbach responded along with Emergency Management Coordinator Jack MacConnell. They explained that there has been a lot of damage throughout the Township, but no permits taken out as of this date. The Committee Members noted that they support the resolution.

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2011 – 137**

**SUPPORTING A REDUCTION/WAIVER OF  
NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION  
PERMIT FEES FOR HURRICANE RELATED STORM DAMAGE**

**WHEREAS**, the Township of Kingwood is located within Hunterdon County and has a land area of 35 square miles, is traversed by the Nishisackawick, Copper, Muddy Run, Warford, Warsaw, Wickecheoke and Lockatong creeks and their tributaries, and is also bounded by the Delaware River on the west; and

**WHEREAS**, a large portion of Kingwood Township is comprised of wetlands and hydric soils found along streams and in riparian areas with a seasonal high water table; and

**WHEREAS**, as a result of Hurricane Irene and related storm damage, public roadways, bridges, and public and private properties within the Township have suffered storm and water damage; and

**WHEREAS**, as a result of the severity of Hurricane Irene and related storm damage, on September 6, 2011 the Governor of the State of New Jersey announced that all Twenty One Counties within the State of New Jersey are eligible for Federal Disaster Aid; and

**WHEREAS**, the Township of Kingwood is a participant in the Hunterdon County All Hazards Pre-Disaster Mitigation Plan and may desire to execute the actions contained within that Plan; and

**WHEREAS**, in order to repair and remediate both PUBLIC and PRIVATE storm related damage within the Township of Kingwood, it may be necessary to obtain permits from the New Jersey Department of Environmental Protection (“NJDEP”) and the NJDEP fee schedule for said permits significantly increases the cost of repair/remediation and is cost prohibitive to some private persons and significantly increases the public cost for repair and remediation for possible Township sponsored projects; and

**2011 - 318**

**WHEREAS**, the Township Committee may receive requests from Township residents to assist with their request to the NJDEP for waiver/reduction of the permit fees schedule; and

**WHEREAS**, the Township may desire on behalf of the Township, as well as on behalf of the property owners within the Township, to petition the NJDEP for reduction and or waiver of the permit fees which are charged for projects related to the repair and remediation of Hurricane Irene and storm related events.

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

1. The Kingwood Township Committee hereby petitions Commissioner Bob Martin and the New Jersey Department of Environmental Protection to waive and or reduce NJDEP permit fees for permits which are related to the repair and remediation of damage caused by Hurricane Irene and related storms. Waiver/reduction of fees should be applicable to permits requested by public entities and by private persons.
2. A certified copy of this Resolution shall be sent to Governor Chris Christie and to Lt. Governor Kim Guadagno with a request for their assistance to have the NJDEP permit fee schedule reduced/waived as set forth above.
3. A certified copy of this Resolution shall be sent to Senator Michael J. Doherty, Assemblyman John DiMaio and Assemblyman Erick Peterson with a request for their assistance to have the NJDEP permit fee schedule reduced/waived as set forth above.
4. A certified copy of this Resolution shall be sent to the Hunterdon County Board of Chosen Freeholders with the request for their assistance to request that the NJDEP permit fee schedule be reduced/waived as set forth above.
5. The Township Committee extends sincere appreciation to these elected officials for their assistance with this request.

It was moved 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 Resolution from Delaware Twp. re: Natural Gas Development in Delaware River

**2011 - 319**

Mayor Lubitz reviewed. He noted that this is a statewide ban on natural gas development involving hydraulic fracturing. He recommended that this be forwarded to the environmental commission.

NJLM Advisory re: 2011 Holiday Blood Drive Campaign

Mayor Lubitz reviewed. He noted that it is to encourage the employees and residents to give blood.

Update on Homestead Rebates

Mayor Lubitz also mentioned a Mayor’s advisory he received regarding the Homestead Rebate Program, which is to remind residents that their rebate from 2010 will be granted by 2012. He stated that a notice will be sent out to residents notifying them that their rebate will be deducted in their quarterly property tax bill, which will be adjusted by the tax collector in the beginning of 2012.

**PUBLIC COMMENT – PRIVILEGE OF THE FLOOR**

No Comments.

**Resolution No. 2011-130 – 2011 Appropriations Transfer**

RESOLUTION

The following Resolution was introduced:

**RESOLUTION NO. 2011-130**

**2011 BUDGET APPROPRIATION TRANSFERS**

**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 make the following transfers within the 2011 Budget Appropriations:

<b>FROM ACCOUNT</b>	<b>TO ACCOUNT</b>	<b>AMOUNT</b>
121-0002-299	121-0003-299	100.00
	121-0004-299	1750.00
	121-0001-001	3750.00
	121-0001-299	400.00
121-0800-299	121-0200-299	100.00
	121-0050-299	1900.00
	121-0009-299	4000.00
<b>TOTAL TRANSFERRED:</b>		

2011 - 320

It was moved by Mr. Burke, seconded by Mrs. Niemann 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>

**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 \$1,139,331.19 that are in order and attached as Bill List for November 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:

- Tax Collector’s Report of September 2011
- Municipal Court Report of September 2011
- Township Engineer’s Monthly Report
- Dog License Report
- General Code Enforcement Report of October 2011

**Emergency Management Coordinator**

Emergency Management Coordinator, Jack MacConnell was present at the meeting and reported on a letter of intent regarding properties in Byram Colony along the river. He gave the Committee Members a copy of the investigation report. He noted that the Township has submitted a letter, which has been now submitted to the State. He noted that this means that the Township is now in a pool of applicants. He noted that the preliminary damage assessments regarding the recent snowstorm are approximately \$148,000, and that FEMA will start visiting each municipality throughout the County.

He reported on a kickoff meeting he attended in Mercer County for the recent Hurricane “Irene”. Mr. MacConnell noted that there will be two emergency management lines moved within the Township from the Kingwood Twp. Fire Department to the Municipal Building. He feels that it is too chaotic to have the command post at the firehouse. He stated that he is looking into a grant for a new radio system. There was a long discussion regarding the Department of Public Works Building as an alternate command post.

## 2011 - 321

Mr. MacConnell feels that the Township needs to obtain a generator for the DPW building, along with obtaining additional signs and barricades.

### Damages Reported at New Horseshoe Bend Park

Emergency Management Coordinator Jack MacConnell, described damages that he had noticed at the new Horseshoe Bend Park, and recommended that the persons who may have caused the damages, make restitution for them. He described seeing a tree lying down across the driveway where the vehicles involved actually drove around the tree on the lawn area making deep ruts on the grounds. He stated that whoever was involved cut trees down to get around the tree. He noted that he saw a vehicle holding young adults who were coming down the driveway leaving, while he was working in the park. He explained that he obtained their information since they had already been into the park and on their way out to leave. Resident Russell Oakes, of Horseshoe Bend Road was present at the meeting and asked if he could explain what he thought happened at the park. He stated that he thought that it could have involved a hunter who parks on the grounds of the park, while hunting on the property across the field. He feels that the young adults that were caught and stopped by Mr. MacConnell, who were driving through the park shouldn't be penalized for going through one time. The Committee Members suggested following up with the hunter who currently has permission to park on park grounds to find out if he knows anything about the damage. They would also like the young adults who were stopped by Mr. MacConnell, to be notified and have them explain what happened, and respond by a certain date encouraging them to make restitution for these damages. James Burke commented on the management of the park and enforcement. There were some additional comments on delineating Mr. Oakes' property, which is connected to the grounds of the Horseshoe Bend Park. The Mayor would like letters to be sent to the hunter and also to the young adults.

### Update on Byram Colony

The Committee Members reviewed an update with EMC Jack MacConnell, regarding the Hazardous Mitigation Plan. Jack MacConnell noted that he has been in contact several times a week with Mr. Zdrodowski, and that the plan and resolution is now in the States hands.

### EPA Five Year Review of Derewal Superfund Site

The Committee Members reviewed the update they received from Lawrence Granite of the EPA, and the testing that they are conducting on the Derewal Chemical Company Superfund Site.

## **FUTURE MEETINGS AND ACTIVITIES**

Mayor Lubitz reviewed as per the Agenda.

There was a discussion regarding Election Day, Tuesday, November 8<sup>th</sup>, which is a State Holiday. Clerk MacConnell explained that the Zoning Officer and the Construction Official will not be coming in on that day, as it is a State holiday and they have off in the other towns.

The Committee Members agreed that the building will be closed at 5:00PM on November 8th in recognition of Election Day.

**ORDINANCE**

**ORDINANCE NO. 16-24-2011 AN ORDINANCE AMENDING ARTICLE I OF CHAPTER 34, "RECREATION COMMISSION AND PARKS AND RECREATION COMMITTEE" OF THE CODE OF THE TOWNSHIP OF KINGWOOD TO PROVIDE FOR FEES FOR PARK USAGE VOL.16, PG. 16-24** – 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 6<sup>th</sup> day of October, 2011. The Ordinance was published in the Hunterdon County Democrat on October 20<sup>th</sup>, 2011 and has been posted in the Kingwood Township Municipal Building on October 7<sup>th</sup>, 2011. Copies of the Ordinance have been available for inspection by the public since October 7<sup>th</sup>, 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 Mrs. Niemann, seconded by Mr. Burke and carried to adopt on final reading **ORDINANCE NO. 16-24-2011 AN ORDINANCE AMENDING ARTICLE I OF CHAPTER 34, "RECREATION COMMISSION AND PARKS AND RECREATION COMMITTEE" OF THE CODE OF THE TOWNSHIP OF KINGWOOD TO PROVIDE FOR FEES FOR PARK USAGE.**

<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. 2011-131 - Tax Sale Redemption Bl 23 L 19**

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2011 - 131**

**TAX SALE REDEMPTION**

**WHEREAS**, the Tax Collector has received redemption monies in the amount of \$16,074.19 to redeem Tax Sale Certificate No. 2010-09 on Block 23, Lot 19; and

**WHEREAS**, the lienholder paid a premium of \$2,900.00 at the time of sale.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey, that the Chief Financial Officer be authorized to issue a check in the amount of \$18,974.19 to Tad Dabrowski, 132 Mc Kinley Street, South Plainfield, New Jersey, 07080, for the redemption of Tax Sale Certificate No. 2010-09.

It was moved 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 No. 2011-132 - Tax Sale Redemption Bl 33 L 22**

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2011 - 132**

**TAX SALE REDEMPTION**

**WHEREAS**, the Tax Collector has received redemption monies in the amount of \$22,531.67 to redeem Tax Sale Certificate No. 2007-07 on Block 33, Lot 22Q0268;

**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 \$22,531.67 to Crusader Lien Services, 179 Washington Lane, Jenkintown, PA, 19046 for the redemption of Tax Sale Certificate No. 2007-07.

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

2011 - 324

<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 No. 2011-133** - Authorizing Purchase from International Salt Through County Cooperative Pricing System for Snow & Ice Control

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2011 - 133**

**A RESOLUTION AUTHORIZING PURCHASE THROUGH THE COUNTY OF HUNTERDON**

**WHEREAS**, Kingwood Township has a need for certain goods and services that are offered through cooperative pricing with the County of Hunterdon; and

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

**WHEREAS**, the Township of Kingwood is a member of the County of Hunterdon Cooperative Pricing System.

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

1. The Township of Kingwood, as a member of the Hunterdon County Cooperative Pricing, hereby authorizes the purchase of Snow and Ice Control Materials from the low bidder for these items, International Salt Company, LLC, per the bid amounts set forth in correspondence from Hunterdon County dated October 12, 2011, attached hereto and made a part hereof as Exhibit A.

It was moved 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**

SRECs Sale



The Committee Members reviewed a memo received from C.F.O. D. Laudenbach, regarding the sale of three SREC's at \$200.00. There was a brief discussion on the decreasing value.

Parks and Recreation – Seasonal Closing of the Old Fairview School House

Committeeman James Burke noted that there have been a number of issues, including the expense of heating the building and deciding whether the Committee would like the building to be closed for the winter months. It was discussed that the Historical Society is opposed to winterizing the building due to deterioration of their records and artifacts. Mr. Burke explained that the Township could install a propane heater that was used in one of the homes at the Ukarish property. He explained the issues and problems that they have had over the years concerning the thermostat and how it was always being turned up. He even explained that they installed a programmable thermostat so no one would be able to change the temperature, but that someone broke it in order to turn it up. He suggested closing the building for the winter months January 1, 2012 to March 1, 2012, and by turning down the heat to 55 degrees and winterize the bathroom pipes since there is no heat in that area so they do not freeze. Mayor Lubitz stated that he would like letters to go out to all organizations that use the building. There was a decision to change the locks on the doors and put in a new programmable thermostat. Mayor Lubitz will be sending out letters stating the building will be closed as of January 1, 2012 through March 1, 2012, and each year following the building will close from November 1<sup>st</sup> to March 1<sup>st</sup>. He stated that it will also be mentioned that the only organizations that will be able to use the building when it reopens, will be government agency and non-profit organizations. The Township Committee has stated that organizations who are non-profit organizations must submit a 5013C form to the Township.

Proposal for Construction of Bocce Pavilion

Committeeman Burke explained that at the Parks and Recreation Committee meeting last evening the Committee reviewed the proposal and additional quotes. He noted that they voted to accept the bid and to hire the contractor listed to do the job. He stated that the Parks and Rec. Committee requested that the Township Committee review and approve this before going forward with the construction. He noted that Mayor Lubitz will need to sign the contract agreement if approved by the Township Committee. He also reviewed the contract and stated that it is under the prevailing wage threshold at \$14,100. C.F.O. Laudenbach advised the Township Committee that an ordinance needs to be adopted in order to spend the money that has been donated.

**ORDINANCE**

**ORDINANCE NO. 16 – 25 -2011 TO PROVIDE FOR THE CONSTRUCTION OF A 54' X 20' X 9' BOCCE PAVILION AS A GENERAL IMPROVEMENT FOR THE TOWNSHIP OF KINGWOOD IN THE COUNTY OF HUNTERDON AND STATE OF NEW JERSEY AND APPROPRIATING \$14,100.00 FROM THE RECREATION ACCOUNT – BOCCE PAVILION** – Introduction and Adoption on First Reading

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

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adopt on first Reading **AN ORDINANCE TO PROVIDE FOR THE CONSTRUCTION OF A 54' X 20' X 9' BOCCE PAVILION AS A GENERAL IMPROVEMENT FOR THE TOWNSHIP OF KINGWOOD IN THE COUNTY OF HUNTERDON AND STATE OF NEW JERSEY AND APPROPRIATING \$14,100.00 FROM THE RECREATION ACCOUNT – BOCCE PAVILION.**

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

Discuss Requesting Proposals for Professional Services for 2012

Mayor Lubitz reviewed last year that they requested professional services proposals for several contracts. He noted that they had decided to do this on a rotating three year basis. He stated that one of the services they were inquiring to get a proposal was for auditor’s services, which was going to be done in conjunction with five sending district municipalities, but will not be done this year. Mayor Lubitz explained that he would like to request proposals for hydrogeologist services. Deputy Mayor Niemann feels that the Township should proceed with the proposals for these services.

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to proceed with advertising for professional services for hydrogeologist services 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>

Report on Municipal Courts – Implementation of the Working Group

Clerk MacConnell reviewed the report for the Township Committees information. She noted that there are a few points of information that the Court Administrator would like the Township Committee to look over regarding the Township’s Court.

Horseshoe Bend Road – Repairs

## 2011 - 327

Mayor Lubitz noted that the Township has done some investigating regarding the portion of Horseshoe Bend road and the line of where Frenchtown and Kingwood separate.

He noted that the maintenance of the road is a continuing negotiation with the Borough of Frenchtown, and that this has been ongoing for several years. He explained that DPW Supervisor, Mark Petro has been instructed to fill in some of the potholes that exist in Frenchtown's portion of the road for now. Committeeman Burke noted that Mark Petro feels that just filling in the potholes will only be good temporarily, and will deteriorate over the winter months. Committeeman Burke stated that he has spoken to Engineer T. Decker regarding Kingwood Township maintaining the entire road for Frenchtown Borough for several years. He stated that Engineer Decker will be in contact with the engineer from Frenchtown and come up with some figures for each municipality. Committeeman Burke feels this would be the best way to communicate with them to repair their portion of the road.

### **OLD BUSINESS**

#### Resolution to Join MCCPC

Mayor Lubitz stated that this has been carried over from the October 6, 2011 meeting. He stated that the Township was going to look into price comparisons.

Committeeman Burke stated that he had spoken to the Township's DPW Supervisor Mark Petro, and Engineer Tom Decker about this agreement. He explained that after speaking to them they thought it would be beneficial for the Township to join the MCCPC. The Township Committee Members reviewed the agreement since the last meeting, and feel that it is not worth joining this year.

#### Middlesex Regional Education Services Commission – Carried over from October meeting

Clerk MacConnell explained that she tried to contact Delaware Valley Regional High School's Business Administrator/Bd. Secretary Daria Wasserbach, to discuss setting up a meeting to find out more information on the Commission.

#### Option Agreement for the Agricultural Retention Development Program

Attorney Kopen noted that she received the Option Agreement for the Agricultural Retention Development Program from Farmland Preservation Coordinator, Liz Schmid. She noted that it had been previously drafted by Attorney David Pierce. Attorney Kopen noted that she reviewed the agreement, made two minor changes which will be amended and sent back to Attorney Pierce.

### **MINUTES**

#### October 6, 2011 Regular Meeting

2011 - 328

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adopt the October 6, 2011 Township Committee Regular Meeting Minutes with the following corrections:

- (1). Under Reports – Emergency Management Coordinator: Second sentence - Should be read as follows: He noted that they will be trying to (**recoup**) (in place of (**recruit**) some of the money that has been spent.
- (2). Under Reports – Second paragraph – (starting with - Mayor Lubitz commented on Township Engineer’s Report – Fifth line down: Sentence should read as follows: (**He feels they can do the job for a lot less and leave the well and septic abandonment for the company that may be hired.**)
- (3). Under Reports – Second paragraph – Sixth line down: Sentence should read as follows: (He noted that a preliminary subdivision will be done for (add the word - **the**) Melynk property and submitted to NJDEP to find out if there are any environmental constraints.)

<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>

October 13, 2011 Special Meeting

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adopt the October 13, 2011 Special Meeting Minutes of the Township Committee.

Comments: No comments.

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

January 31, 2002 Special Meeting

Mayor Lubitz noted that these minutes are from nine years ago and have never been approved, therefore, they were never available for the public to review. He commented that there were only two days that this meeting was noticed publicly.

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adopt the October 13, 2011 Special Meeting Minutes of the Township Committee with the following corrections:

2011 - 329

First page, second paragraph it was noted that Deputy Mayor Zdepski was present. Correction: (Deputy Mayor Zdepski was absent).

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

Deputy Clerk Keller left the meeting at 9:06PM

**EXECUTIVE SESSION – Resolution No. 2011 - 134**

The following Resolution was introduced to enter into closed session at approximately 9:07P.M.:

**RESOLUTION NO. 2011 – 134**

**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**
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.

**2011 - 330**

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**

Committeeman Burke left the meeting previously during executive session at 9:15PM.

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to return to regular session at 9:40P.M. **All** voted **Aye** on **Roll Call Vote**.

Energy Grant Program

Deputy Mayor Niemann commented that she will be meeting with representatives from the Donnelly Corporation to inspect the work that has been completed for the energy program, and to note what needs to be finished. She explained that several lights in the conference room in the municipal building need to be repaired, and that the Township may have to pay for them. Mayor Lubitz asked about the possibilities for a grant to install new windows and doors for the municipal building. Deputy Mayor Niemann noted that the Sustainable Team will be working on these grants in the near future.

**ADJOURNMENT**

It was moved by Mrs. Niemann, Mayor Lubitz stepped down from the Chair, seconded the motion and carried to adjourn the meeting at 9:45P.M. **All** voted **Aye** on **Roll Call Vote**.

**Respectfully Submitted,**

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

