

# **KINGWOOD TOWNSHIP COMMITTEE**

**JANUARY 5, 2012**

**Regular Meeting Agenda 7:00PM**

**Call to Order**

**Roll Call**

**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 on December 29, 2011 and Courier News on December 23, 2011 and by telefaxing copies of the notice to the Express Times and Star Ledger on December 21, 2010. Copies of the notice were also posted in the Kingwood Township Municipal Building and Baptistown Post Office on December 20, 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 from NJDEP re: Recycling Enhancement Act

Copy of Resolution from Glen Gardner re: NJ State Highway 31 and Main Street Intersection

Letter from Hunterdon Cty Planning Bd re: Open Space & Historic Preservation Trust Programs

Copy of Resolution from Readington Twp re: Opposing S1954/A4358 Approval Purchase of Generator for DPW

**Resolution No. 2012-06 – 2011 Reserve Budget Appropriation Transfers**

**Bills and Claims**

**Public Comment – Privilege of the Floor**

**Reports**

Tax Collector's Report of November 2011

Municipal Court Report of November 2011

Construction Reports of November 2011 and December 2011

Township Engineer's Monthly Report

Affordable Housing

Dog Licensing Report

**January 5, 2012 Township Committee Agenda Continued**  
**Reports Continued**  
SRECs

**Future Meetings & Activities**

- January 14, 2012** - Recycling at Township Garage from 9:00am – 12:00noon
- January 14, 2012** - Free Rabies Clinic – DPW Garage from 1:00pm-3:00pm
- February 2, 2012** - Monthly Township Committee Meeting at Municipal Building beginning at 7:00pm

**Resolutions**

**New Business**

- Request from Bethlehem Township Mayor re: Shared Service Agreement for CMFO
- Request from Hunterdon Cty. Administrator re: PILOT Program Funds
- Discuss 2012 Salary Ordinance
- Request to Use Kingwood Park Parking Lot
- Memo and Draft Ordinances from D. Banisch re: Flood Plain District & Attached Affordable Housing

**Ordinance**

- Ordinance No. 17-01-2012 To Amend And Supplement The Land Use Regulations Of The Township, Specifically “Zoning, Chapter 132, Article III, district Regulations” Of The General Ordinances To Permit “Municipally Sponsored Or Authorized Attached Affordable Housing” As A Principal Permitted Use In All Zoning Districts In Kingwood Township** – Introduction and Adoption on First Reading

Parks & Recreation Resignations: J Ferrara, J Spinelli

Recycling Center – Trash-Issue, Sandra McNicol

**Old Business**

**Minutes**

- December 1, 2011 Regular Meeting
- December 1, 2011 Executive Session
- December 29, 2011 Special Meeting
- December 29, 2011 Executive Session
- February 14, 2012 Regular Meeting
- February 14, 2012 Executive Session

**Executive Session – Resolution No. 2012-07**

- Litigation – Abel
- Contract Negotiations – Lease of Property

**Return to Regular Session**  
**Adjournment**

2012 - 23

January 5, 2012

A Regular Meeting of the Kingwood Township Committee was called to order at 7:09P.M. with Mayor Niemann presiding.

Also present at the meeting were Deputy Mayor Lubitz, Committeeman Burke, Attorney Judith Kopen, C.F.O. Diane Laudenbach, Deputy Clerk Cynthia Keller and Clerk Mary E. MacConnell. Mayor Niemann called the meeting to order and following the salute to the flag read aloud the following:

### **NOTICE REQUIREMENTS**

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**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 from NJDEP re: Recycling Enhancement Act

Mayor Niemann reviewed. She explained that this notice is a reminder of a requirement of the Recycling Enhancement Act. She stated that each municipality must annually file a recycling tonnage report, grant resolution, and tax certification in order to receive a "Municipal Recycling Tonnage Grant". She also noted that beginning April of 2012 each municipality is required to have their annual recycling tonnage report submitted by a certified recycling coordinator. She stated that since Kingwood does not have a CRP, we will be sharing this service with Franklin Township. Their certified recycling coordinator is Alan Dilley, who will be taking care of Kingwood's reports.

Copy of Resolution from Glen Gardner re: NJ State Highway 31 and Main Street Intersection

Mayor Niemann briefly reviewed.

Letter from Hunterdon Cty Planning Bd re: Open Space & Historic Preservation Trust Programs

Mayor Niemann briefly reviewed.

Copy of Resolution from Readington Twp re: Opposing S1954/A4358

Mayor Niemann briefly reviewed.

Approve Purchase of Generator for DPW

Committeeman Burke explained that the generator that he has looked into for the Department of Public Works building, is a 35 kilowatt generator for sale in the amount of \$8,500.00. He explained that it was originally \$12,500 and it is for sale at Power Pro Rentals in Flemington. He stated that he asked DPW Supervisor Mark Petro, and Forman Walter Cotier to go look at the generator. Committeeman Burke stated that it is a trailer model and will power the entire DPW building during a power outage. He explained that if the Township Committee approved the purchase of the generator, the DPW employees would be able to pick up the generator on Tuesday of next week. Emergency Management Coordinator Jack MacConnell was present and stated that he will probably be able to obtain reimbursement from the State for the cost of the generator for emergency reasons.

It was moved by Mr. Lubitz, seconded by Mr. Burke and carried to approve for the purchase of a 35 kilowatt generator for the DPW building for power outages in the amount of \$8,500.00.

<b>Roll Call Vote:</b>	<b>AYE</b>	<b>- Burke, Lubitz, Niemann</b>
	<b>NAY</b>	<b>- None</b>
	<b>ABSTAIN</b>	<b>- None</b>
	<b>ABSENT</b>	<b>- None</b>

**Resolution No. 2012-06 – 2011 Reserve Budget Appropriation Transfers**

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2012- 06**

**2011 BUDGET RESERVE 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 Reserve Appropriations:

**2012 - 25**

<b>FROM ACCOUNT</b>	<b>TO ACCOUNT</b>	<b>AMOUNT</b>
121-0009-299	121-0001-299	200.00
121-0750-299	121-0750-101	225.00
<b>TOTAL TRANSFERRED:</b>		425.00

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

**Roll Call Vote:**

<b>AYE</b>	<b>- Burke, Lubitz, Niemann</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 Mr. Lubitz, seconded by Mr. Burke and carried to approve and pay all bills and claims in the amount of **\$192,082.40** that are in order and attached as Bill List for January 2012.

**Roll Call Vote:**

<b>AYE</b>	<b>- Burke, Lubitz, Niemann</b>
<b>NAY</b>	<b>- None</b>
<b>ABSTAIN</b>	<b>- None</b>
<b>ABSENT</b>	<b>- None</b>

**PUBLIC COMMENT – PRIVILEGE OF THE FLOOR**

Jack MacConnell, Emergency Management Coordinator – Stated that he met with several FEMA Representatives who will be in charge of the County in December. He explained that this will be for reimbursement for Hurricane Irene, Lee and the snowstorm in October of 2011. He stated that the Township will be reimbursed for one day of snowplowing, broken windows, and a windshield. He also explained that the Township may also be able to get reimbursed for repairs to the downstairs area of the municipal building by the doorway, and the damages from the water by putting in french drains.

Melissa Lebuis, Frenchtown Boro - Asked the Committee Members if it would be possible to take some old wood from the barn at the Ukarish property. She explained that she would like to have her husband make a table for her. She noted that Clerk MacConnell suggested that she come to the meeting and get permission from the Township Committee.

Deputy Mayor Lubitz stated that there is a contract currently with a company that will be building on the property. He suggested that the Township contact Habitat for Humanity first and then get back to Mrs. Lebuis as to whether or not she would be able to come and take a few pieces of wood. She thanked the Committee Members for their time.

Elizabeth Pandy – Spring Hill Road Came before the Township Committee and reported that every morning that she walks from her farm to the Horseshoe Bend Park. She stated that within the last month someone has been throwing garbage in an area of the park. She stated that there were all kinds of trash in another area. She explained that there was broken glass, empty lemon extract bottles and papers everywhere. She noted that there has not been any trash until about a month ago. Ms. Pandy stated that Anthony Hauck a resident of Spring Hill Road, has been going over every day and picking up the garbage. She noticed that this is happening every four to five days. The Committee Members suggested that the park be locked up at dusk and unlocked at dawn. Ms. Pandy offered to open the gate in the morning and Emergency Management Coordinator, Jack MacConnell offered to lock up the park gate at dusk each day. Ms. Pandy also mentioned that someone had been hunting on the property during the first week of hunting season, where she saw a homemade tree stand along one of the trails. Mayor Niemann stated that there is no hunting allowed on the park grounds until the Steering Committee for the Horseshoe Bend Park decide what and where activities will be allowed.

Jack MacConnell, commented on the herds of deer, and that there are too many of them. He also stated that there is a geese problem at the former Ukarish Farm. Committeeman Burke suggested a few ideas for hunting at the park. Mayor Niemann noted that the Environmental Commission has looked into the amount of deer in the last few years, and have found that there is a huge population in this area. She stated that they are ruining a lot of the habitat.

## **REPORTS**

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

Tax Collector's Report of November 2011

Municipal Court Report of November 2011

Construction Reports of November 2011 and December 2011

Township Engineer's Monthly Report

Deputy Mayor Lubitz commented that it would be good idea to reopen the subject of repairing the Frenchtown Boroughs portion of Horseshoe Bend Road. He stated that he will give the new Mayor of Frenchtown Borough a call to discuss what they can do to work together to repair the road.

### Affordable Housing

Deputy Mayor Lubitz stated that there was a flyer from Habitat for Humanity that was sent to the Township for an orientation that will be held at the Kingwood School for families that may be interested in affordable housing.

## 2012 - 27

He noted that this orientation will be held on Sunday, February 5<sup>th</sup> and also on Saturday, February 11<sup>th</sup>, at 2:00PM both days, and that this is open to all residents. He stated that the Township has agreed to pay for half of the cost to have a custodian at the school to open up for those dates.

Dog Licensing Report

### SRECs

The Committee Members discussed the current numbers of SREC's with C.F.O. Diane Laudenbach, which are numbers of credits for the solar panels on the D.P.W. garage.

### Future Meetings & Activities

Mayor Niemann reviewed as per the Agenda. She stated that the Township's "Free Rabies Clinic" is also scheduled on January 14, 2012 from 1:00 – 3:00PM at 255 Union Road inside the DPW garage.

### RESOLUTIONS

N/A

### NEW BUSINESS

#### Request from Bethlehem Township Mayor re: Shared Service Agreement for CMFO

The Committee Members reviewed a letter from the Township of Bethlehem regarding shared services for a part time (CMFO) Certified Municipal Finance Officer. They also discussed this request with the Township's CMFO, Diane Laudenbach who was present, and asked her to follow-up and find out more information.

#### Request from Hunterdon County. Administrator re: PILOT Program Funds

The Committee Members reviewed the letter from the County Administrator regarding a payment in lieu of taxes program funds that the Township receives from the federal government. Mayor Niemann stated that this letter explains that these funds help offset losses in property taxes due to non-taxable federal lands. The County stated in their letter that they are to receive a portion of the PILOT program funds. It also stated that the law obligates the municipality to remit to the County five percent of the annual service charge. The County included a spreadsheet for the Committee Members to review. C.F.O. Diane Laudenbach explained that she called into the State and will contact the County Administrator to find out more information. She stated that she is waiting for a response so that she can talk to them and find out if the Township owes interest on the amount.

Discuss 2012 Salary Ordinance

Mayor Niemann stated that she would like to review the current salaries and percentage figures for non-union employees with C.F.O. D. Laudensch. Mayor Niemann requested an analysis across the board from D. Laudensch for the Committee Members to review. She stated that this will be discussed at the next Township Committee Meeting on February 2, 2012.

Request to Use Kingwood Park Parking Lot

Clerk MacConnell reported on a request from the Nelson Tree Cutting Company that works for Jersey Central Power and Light Co. She explained that they would like to park approximately seven large trucks for a few weeks while they work in this area trimming trees. The Committee Members all agreed to let them park in the lower parking lot at the Kingwood Park. They stated that this will only be allowed until the end of February.

Memo and Draft Ordinances from D. Banisch re: Flood Plain District & Attached Affordable Housing

It was moved by Mr. Lubitz, seconded by Mr. Burke and carried to accept the draft ordinance for the Flood Plain District from Planner David Banisch, and to send it to the D.E.P. for comments before consideration of introduction.

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

**ORDINANCES**

**ORDINANCE NO. 17-01-2012 AN ORDINANCE OF THE TOWNSHIP OF KINGWOOD, COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT THE LAND USE REGULATIONS OF THE TOWNSHIP OF KINGWOOD, SPECIFICALLY “ZONING, CHAPTER 132, ARTICLE III, DISTRICT REGULATIONS” OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF KINGWOOD TO PERMIT “MUNICIPALLY SPONSORED OR AUTHORIZED ATTACHED AFFORDABLE HOUSING” AS A PRINCIPAL PERMITTED USE IN ALL ZONING DISTRICTS IN KINGWOOD TOWNSHIP** – Introduction and Adoption on First

Reading

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

It was moved by Mr. Burke, seconded by Mr. Lubitz and carried to adopt on first reading **ORDINANCE NO. 17-01-2012 AN ORDINANCE OF THE TOWNSHIP OF KINGWOOD, COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO AMEND**



**AND SUPPLEMENT THE LAND USE REGULATIONS OF THE TOWNSHIP OF KINGWOOD, SPECIFICALLY “ZONING, CHAPTER 132, ARTICLE III, DISTRICT REGULATIONS” OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF KINGWOOD TO PERMIT “MUNICIPALLY SPONSORED OR AUTHORIZED ATTACHED AFFORDABLE HOUSING” AS A PRINCIPAL PERMITTED USE IN ALL ZONING DISTRICTS IN KINGWOOD TOWNSHIP.**

The Committee Members reviewed. Mayor Niemann stated that the Township has a proposal with Habitat for Humanity to put up a duplex housing project, and that the Township’s current zoning does not allow for this type of construction. She explained that this ordinance is allowing the project to be municipally approved for affordable housing projects for the Township. Deputy Mayor Lubitz noted that the plan for multiple affordable housing has been in the plans since 2002.

<b>Roll Call Vote:</b>	<b>Aye</b>	-	<b>Burke, Lubitz, Niemann</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, February 2, 2012 at a meeting beginning at 7:00 P.M. at the municipal building.**

Parks & Recreation Resignations: J Ferrara, J Spinelli

The Committee Members reviewed resignation letters from Jeff Ferrara, who was a member of the Parks and Recreation Committee, and from James Spinelli, who was a member of the Citizen Advisory Panel to Parks and Recreation. Mayor Niemann explained that Eric Scher a resident of Kingwood Township would be happy to serve on the Sustainable Kingwood Team. She noted that she will contact him to confirm.

Sandra McNicol, Oak Grove Road

Sandra McNicol was present and addressed the Township Committee about the problem of loose bags blowing from the recycling center out of the bins into the woods along the school walkway. She stated that she went for a walk recently and picked many garbage bags that were stuck in the trees and bushes, and that several of the D.P.W. workers came to help pick up the bags. She feels that something needs to be done about this problem. She explained that the D.P.W. workers suggested a double off snow fence be put up to block off the dumpsters and to prevent the bags and trash from blowing into the fields and trees. Committeeman Burke stated that the D.P.W. can use clean community funds related to cleaning up the roads, including their equipment. There was a lengthy discussion regarding putting up a fence or utilizing tarps to cover the dumpsters at the recycling center. The Committee Members thanked Sandy McNicol for her suggestions.

**OLD BUSINESS**

**MINUTES**

December 1, 2011 Regular Meeting

It was moved by Mr. Lubitz, seconded by Mr. Burke and carried to adopt the December 1, 2011 Regular Meeting Minutes of the Township Committee.

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

December 1, 2011 Executive Session

It was moved by Mr. Lubitz, seconded by Mr. Burke and carried to adopt the December 1, 2011 Executive Session Meeting Minutes of the Township Committee.

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

December 29, 2011 Special Meeting

It was moved by Mr. Lubitz, Mayor Niemann stepped down from the Chair, seconded the motion and carried to adopt the December 29, 2011 Special Meeting Minutes of the Township Committee.

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

December 29, 2011 Executive Session

It was moved by Mr. Lubitz, Mayor Niemann stepped down from the Chair, seconded the motion and carried to adopt the December 29, 2011 Executive Session Meeting Minutes of the Township Committee.

**2012 - 31**

**Roll Call Vote:**

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

February 14, 2002 Regular Meeting

It was moved by Mr. Burke, Mayor Niemann stepped down from the Chair, seconded the motion and carried to adopt the February 14, 2002 Regular Meeting Minutes of the Township Committee.

**Roll Call Vote:**

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

February 14, 2002 Executive Session

It was moved by Mr. Burke, Mayor Niemann stepped down from the Chair, seconded the motion and carried to adopt the February 14, 2002 Executive Session Meeting Minutes of the Township Committee.

**Roll Call Vote:**

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

Deputy Clerk Keller left the meeting at 8:15PM

**EXECUTIVE SESSION – Resolution No. 2012 - 07**

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

**RESOLUTION NO. 2012 –07**

**WHEREAS**, Section 7 of the Open Public Meetings Act, Chapter 231 P.L. 1975 (R.S.10:4-13) permits the exclusion of the public from a meeting or a portion of a meeting of this public body in certain circumstances; and

**WHEREAS**, this public body is of the opinion that such circumstances presently exist;

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

1. The public shall be excluded from the meeting or a portion of a meeting at which this public body discusses the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:

**Litigation – Abel  
Contract Negotiations – Lease of Property**

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 Mr. Lubitz, seconded by Mr. Burke and carried to adopt the foregoing Resolution.

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

**RETURN TO REGULAR SESSION**

It was moved by Mr. Burke, seconded by Mr. Lubitz and carried to return to regular session at 8:55P.M. All voted Aye on Roll Call Vote.

**ADJOURNMENT**

It was moved by Mr. Burke, seconded by Mr. Lubitz and carried to adjourn the meeting at 8:56P.M. All voted Aye on Roll Call Vote.

**Respectfully Submitted,**

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