

KINGWOOD TOWNSHIP COMMITTEE

FEBRUARY 2, 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 and Courier News on January 12, 2012 and by telefaxing copies of the notice to the Express Times and Star Ledger on January 9, 2012. Copies of the notice were also posted in the Kingwood Township Municipal Building and Baptistown Post Office on January 9, 2012.

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.

Accept Letter of Resignation from Township Committee

Appoint Replacement to Vacancy on Township Committee

Oath of Office

Correspondence

Letter from Hunterdon Cty Admin re: PILOT Program Funds

Memo from DVRHS Bd of Ed & KTS Bd of Ed re: Move School Elections to November

Letter from US Army Corps of Engineers re: Public Open House on 2-22-2012

Letter and Resolution from Lebanon re: Shared Services & Cty Wide School District

Letter & Sample Resolution from NJLM re: Municipal Enlistment Military Initiative –

Resolution No. 2012 – 17 Supporting the NJ Employer Support Guard and Reserve with the Employment Initiative Program

Resolution No. 2012-08 – 2011 Reserve Budget Appropriation Transfers

Bills and Claims

Public Comment – Privilege of the Floor

February 2, 2012 Township Committee Agenda Continued

Reports

Tax Collector's Report of December 2011
Municipal Court Report of December 2011
Construction Reports of January 2012
Township Engineer's Monthly Report
Dog License Report
Animal Control Report
Rescue Squad – 2011 Calls

Future Meetings & Activities

February 11, 2012 - Recycling at Township Garage from 9:00am – 12:00noon
March 1, 2012 - Monthly Township Committee Meeting at Municipal
Building beginning at 7:00pm

Schedule Budget Workshop Meeting Dates

Ordinances

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
Ordinance tabled at this time – Ordinances renumbered – See below

Ordinance No. 17-01-2012 To Amend And Supplement The Land Use Regulations Of The Township, Specifically "Zoning, Chapter 132, Article III, District Regulations, Section 132-37 Floodplain District" Of The General Ordinances To Establish Consistency With Department Of Homeland Security Federal Emergency Management Agency (FEMA) Modifications To Base Flood Elevations And FEMA Amendments To Floodplain Management Regulations – Introduction and Adoption on First Reading

Ordinance No. 17-02-2012 To Amend And Supplement The Land Use Regulations Of The Township Of Kingwood, Specifically "Zoning, Chapter 132" Of The General Ordinances Of The Township Pertaining to "Small Wind Energy Systems" – Introduction and Adoption on First Reading

Ordinance No. 17-03-2012 To Amend And Supplement The Land Use Regulations Of The Township, Specifically "Zoning, Chapter 132" Of The General Ordinances Of The Township Pertaining To "Noise" In Accordance With Amended State Noise Control Regulations N.J.A.C. 7:29, Effective July 3, 2007 And The New Jersey Department Of Environmental Protection Model Noise Ordinance – Introduction and Adoption on First Reading

February 2, 2012 Township Committee Agenda Continued

Ordinance No. 17-04-2012 Calendar Year 2012 Ordinance To Exceed The Municipal Budget Appropriation Limits And To Establish A Cap Bank (N.J.S.A. 40A:4-45.14) – Introduction and Adoption on First Reading

Ordinance No. 17-05-2012 Amending Ordinance No. 14-23-2007, 15-13-2009 And 16-12-2011 Providing For The Acquisition Of Open Space By The Township Of Kingwood, Appropriating \$4,500,545.88 Therefore And Authorizing The Issuance Of \$950,000 Bonds Or Notes Of The Township For Financing The Cost Thereof – Introduction and Adoption on First Reading

Resolutions

- Resolution No. 2012-09** - Part Time Seasonal Workers
- Resolution No. 2012-10** - DPW 2012 Salaries
- Resolution No. 2012-11** - Refund of Tax Payment Bl 50.02 L 1
- Resolution No. 2012-12** - Eagle Scout Award - Augustine

New Business

Appoint Municipal Judge
Appoint Public Defender
Approve New Jersey Trails Application – **Resolution No. 2012-13**
LOSAP - Length Of Service Awards Program
Purchase of Toolbox & Mechanic's Toolset
Master Plan Funding
Review of Zoning & General Code Enforcement Department
Memo from Parks & Recreation Committee re: Various Subjects
Oath of Office for Parks and Recreation New Member
Discussion of Use of Facilities for Park and Recreation Grounds
Planning Board – Accept Resignation and New Appointments
Discuss Township Committee Responsibilities
Payroll Services
Township Newsletter

Old Business

DeSapio Memorial Bocce Pavilion:
Resolution No. 2012-14 - Award Professional Services Agreement
Resolution No. 2012-15 - Award Construction Contract
Letter to Franklin Township – Confirming Recycling Coordinator
Approval of NJDEP Green Acres Grant Renewal Letter
Board of Adjustment – Russell Oakes Variance Application Professional Fees Dispute

Minutes

February 2, 2012 Township Committee Agenda Continued

January 5, 2012 Reorganizational Meeting
January 5, 2012 Regular Meeting

Executive Session – Resolution No. 2012-16

Contract Negotiations – Habitat for Humanity BI 19 L 5, BI 20 L 1
Litigation – Sundancer Capital LLC

Return to Regular Session

Motion for Settlement Agreement

Adjournment

PLEASE NOTE THIS AGENDA IS SUBJECT TO LAST MINUTE CHANGES

February 2, 2012

A Regular Meeting of the Kingwood Township Committee was called to order at 7:00P.M. with Mayor Niemann presiding.

Also present at the meeting were Deputy Mayor Lubitz, newly appointed Committeewoman Diana Haywood, 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

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 12, 2012 and by telefaxing copies of the notice to the Express Times and Star Ledger on January 9, 2012. Copies of the notice were also posted in the Kingwood Township Municipal Building and Baptistown Post Office on January 9, 2012.

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.

Accept Letter of Resignation from Township Committee

Mayor Niemann noted that first order of business is a letter of resignation from Committeeman James Burke. She stated that the Township Committee needs to accept this letter by motion.

It was moved by Mr. Lubitz, Mayor Niemann stepped down from the Chair, seconded the motion and carried to accept a resignation letter from Committeeman James Burke, effective January 23, 2012.

Roll Call Vote:	AYE	- Lubitz, Niemann
	NAY	- None
	ABSTAIN	- None
	ABSENT	- None

Mayor Niemann read aloud to the public the letter of resignation from Committeeman James Burke. She explained the process of the transition, and the procedure to fill a vacancy on the Township Committee. She stated that the local Kingwood Township Republican County Committee members are asked to meet and identify three candidates that are residents of the Township, and who they feel would be best to fill the position. She explained that they are required to send a form letter to the Township Committee with their suggestions.

Mayor Niemann read aloud a letter from Republican Committee Member, Cynthia Niciecki and three names that have been chosen to fill the position of Township Committee. She noted that the three names are Diana Haywood, John Mathieu and John Niciecki. She explained that the Township Committee then chooses one of the individuals to serve the vacancy on the Township Committee until November of 2012. Deputy Mayor Lubitz feels that the Township is very fortunate to have three excellent candidates.

Appoint Replacement to Vacancy on Township Committee

It was moved by Mr. Lubitz, Mayor Niemann stepped down from the Chair, second the motion and carried to nominate Diana Haywood to fill the position of Township Committeewoman, effective February 2, 2012.

Roll Call Vote:	AYE	- Lubitz, Niemann
	NAY	- None
	ABSTAIN	- None
	ABSENT	- None

Oath of Office

Clerk Mary MacConnell administered the Oath of Office to Diana Haywood, who will be filling the vacant unexpired position as Township Committeewoman. The Committee Members all welcomed Diana Haywood to the Township Committee. Mayor Niemann and Deputy Mayor Lubitz thanked Diana Haywood, and stated that they are very grateful to have her serve on the Township Committee.

CORRESPONDENCE

Letter from Hunterdon Cty Admin re: PILOT Program Funds

Mayor Niemann reviewed the letter from the Hunterdon County Administrator’s Office regarding the PILOT Program. The letter stated that the County has conferred with the Division of Local Government Services, and has been informed that this particular program is not eligible for reimbursement to the County. The County office informed the Township of Kingwood that they do not owe any current or back reimbursement payments for the Garden State Preservation Trust PILOT Program.

Memo from DVRHS Board of Education & Kingwood Township School Board of Education re: Move School Elections to November

Mayor Niemann reviewed the memos and adopted resolutions from the Delaware Valley High School Board of Education and the Kingwood Township School, which will eliminate the public to vote on the annual school budgets when the budget remains within the cap, and to move the election of the school board members to the general election in November.

Letter from US Army Corps of Engineers re: Public Open House on 2-22-2012

Mayor Niemann explained that the US Army Corps of Engineers and the New Jersey Department of Environmental Protection are in the process of conducting a Delaware River Basin Comprehensive Interim Feasibility Study for New Jersey. She stated that the purpose of the study is to evaluate the feasibility of USACE participation in implementing flood risk management solutions along the Delaware River in sixteen New Jersey municipalities, which were originally identified as a result of the 2004, 2005, and 2006 flood events. She noted that additional areas have come to their attention and an investigation of the area has recently been initiated. As part of the study process they are hosting a Public Open House to disseminate study information to the public. She noted that representatives from USACE, NJDEP and the Study Contractors will be on hand at the open house to provide information about the study and to receive comments and feedback from attendees. She stated that the Public Open House is scheduled for February 22, 2012, from 3:30PM to 7:30PM at the Warren County Technical School, Cafeteria, at 1500 Route 57, Washington, NJ. She noted that the residents of Kingwood are invited to this Public Open House, and that there is more information at <http://www.nap.usace.army.mil/Projects/delbasin/> for anyone interested. Emergency Management Coordinator Jack MacConnell was present and explained that he and Planning Board Chairman Richard Dodds will be attending the meeting. He explained that they will be taking maps to discuss the situation at Lake Nockamixon in regards to the earth and dam and the change in category. They will be bringing several copies to handout. He explained they would like to go and find out what is happening with the earthen dam category, and how much of a danger it may be at this time. Mr. MacConnell explained that this may help with the mitigation grant that they are looking into. He noted that this would go towards the purchase of some or all of the properties along the river. He stated that this would help the Township a great deal. Mayor Niemann thanked Mr. MacConnell for all his efforts and for offering to be at attendance at that meeting.

Letter and Resolution from Lebanon re: Shared Services & County Wide School District

Mayor Niemann reviewed the letter and resolution from Lebanon Borough regarding Shared Services and County Wide School Districts. She stated that their goal is to provide municipal leaders with an understanding of the impacts and potential positive or negative consequences of county wide consolidation, and to also present a strategy of improving efficiency in local government services. She stated that the letter explains that the ideas expressed in the resolution are intended to ensure our individual municipal taxpayers retain their voice in the use of 70% of their tax dollars. It also describes several steps that may be in place in varying degrees across Hunterdon County's municipalities and school districts that represent a starting point to create a framework and strategy for identifying, communicating and leveraging shared services in a consistent and measurable fashion.

Letter & Sample Resolution from NJLM re: Municipal Enlistment Military Initiative

Mayor Niemann reviewed letter and resolution form NJLM regarding Municipal Enlistment Military Initiative. She explained that they are asking all municipalities to support the New Jersey Employer Support Guard and Reserve with their Employment Initiative Program, by adopting a resolution of support.

RESOLUTION

The following Resolution was introduced:

**TOWNSHIP OF KINGWOOD
COUNTY OF HUNTERDON
STATE OF NEW JERSEY**

RESOLUTION NO. 2012 – 17

**SUPPORTING THE NJ EMPLOYER SUPPORT GUARD AND RESERVE WITH THE
EMPLOYMENT INITIATIVE PROGRAM**

Whereas, on Tuesday, January 24, the Commander-in-Chief of our Armed Forces reminded all Americans that, “Above all, our freedom endures because of the men and women in uniform who defend it,” and that “... this generation of heroes has made the United States safer and more respected around the world.”; and

Whereas, the President further promised “As they come home, we must serve them as well as they’ve served us. That includes giving them the care and the benefits they have earned ... And it means enlisting our veterans in the work of rebuilding our nation.”; and

Whereas, National Guard and Reserve forces today total over 1 million service members and represent 48 percent of our total military force; while every day around the globe, thousands of men and women in uniform, including dedicated members of the National Guard and Reserves, risk their lives and make great sacrifices to defend our national interests, serving extended tours away from their homes, families and jobs; and

Whereas, at the same time, we are now seeing unprecedented levels of unemployment and underemployment among members of the Guard and Reserve, as up to 22 percent of Guard and Reserve members face unemployment; and

Whereas, in this time of economic uncertainty, the Employer Support Guard and Reserve (ESGR) is focusing on connecting employers with the talented pool of service members and their spouses, with the intent of facilitating meaningful employment opportunities; and

Whereas, to further this goal, the New Jersey ESGR has launched an Employment Initiative Program (EIP), which is a collaborative effort with federal agencies including the Department of Labor (Veterans Affairs), the Department of Veterans, the Small Business Administration and the Office of Personnel Management; and

Whereas, the goal is to enhance the employment process and serve as an effective resource for service members and employers. ESGR is also partnering with Employer Partnership of the Armed Forces (EPAF) through EIP with a high-tech and high-touch approach; and

Whereas, for almost a year now, the United States Chamber of Commerce has also endeavored to find employment for our returning veterans and the spouses of those who continue to serve, at home and abroad, with its Hiring Our Heroes Program; and

Whereas, the Hiring Our Heroes Program is a nationwide effort to help veterans and military spouses find meaningful employment, in partnership with the Department of Labor Veterans Employment and Training Service (DOL VETS), to improve public-private sector coordination in local communities, where veterans and their families are returning every day; and

Whereas, despite those efforts, the unemployment rate for veterans of our Armed Forces in our Nation and in our State continues to exceed the over-all rate; and

Whereas, in order to take the lead on advancing the EIP to the next level, the New Jersey ESGR has enlisted strong and positive support from corporate leaders, the New Jersey State Chamber of Commerce, US Dept. of Labor/VETS and the New Jersey League of Municipalities; and

Whereas, it is incumbent on all of us to prove that New Jersey cares for the men and women in uniform who risk their lives and make great sacrifices to defend our national interests; and

Whereas, this employment initiative can be New Jersey's way of saying thank you to the men and women who made great sacrifices to protect our nation's freedom; and

Whereas, local officials throughout the State of New Jersey, working together through the League of Municipalities, and with the New Jersey ESGR, their local and State Chambers of Commerce and local business leaders can help to advance basic fairness to our vets and their families by pursuing one simple goal: to allow America's over one million unemployed veterans and military spouses to follow their dreams, instead of spending their lives just trying to catch up;

Now, Therefore, Be it Resolved that the Township Committee of the Township of Kingwood recognizes that we will never be able to repay the debt we owe to all members of our armed forces; and

Be It Further Resolved that in gratitude, the Township of Kingwood pledges its enthusiastic and unqualified support for the Employment Initiative Program of the New Jersey Employer Support Guard and Reserves; and

Be It Finally Resolved that certified copies of this Resolution be forwarded to the New Jersey State League of Municipalities and to our neighboring municipalities.

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

Roll Call Vote:

AYE	- Haywood, Lubitz, Niemann
NAY	- None
ABSTAIN	- None
ABSENT	- None

Resolution No. 2012-08 – 2011 Reserve Budget Appropriation Transfers

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2012 -08

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:

FROM ACCOUNT	TO ACCOUNT	AMOUNT
121-0002-299	121-0004-299	625.00
121-0009-299	121-0800-299	2000.00
121-0650-101	121-0650-299	2500.00
TOTAL TRANSFERRED:	5,125.00	

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

Roll Call Vote: **AYE** - Haywood, Lubitz, Niemann
 NAY - None
 ABSTAIN - None
 ABSENT - None

BILLS AND CLAIMS

It was moved by Mr. Lubitz, seconded by Mrs. Haywood and carried to approve and pay all bills and claims in the amount of **\$1,301,257.18** that are in order and attached as Bill List for February 2012.

Roll Call Vote: **AYE** - Haywood, Lubitz, Niemann
 NAY - None
 ABSTAIN - None
 ABSENT - None

PUBLIC COMMENT - PRIVILEGE OF THE FLOOR

Antimo Russano, Milltown Road, Asked the Township Committee questions regarding the pavilion that will be built at the Kingwood Park for the Bocce area. He wanted to express how concerned he was about getting behind schedule, and that there needs to be a lot of work to be completed and did not want anyone to get hurt. He noted that he would like the pavilion to be almost completed before spring and summer activities start at the park. He also noted that he feels that the pavilion will help to attract people to the park, and that it will provide more options. C.F.O. Diane Laudenbach was present and explained that all the paperwork for the pavilion should be completed in the near future. Mr. Russano thanked everyone for their assistance.

Joseph Egidio, 847 County Rte. 519 Wanted to comment on Ordinance No. 17-01-2012 An Ordinance 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 Principle Permitted Use In All Zoning Districts In Kingwood Township. Mayor Niemann explained that the Township Committee is planning to table this ordinance at this time, and does not expect this ordinance to be introduced anytime soon. Deputy Mayor Lubitz commented and stated that no matter what happens with the ordinance, the Township has a previous affordable housing obligation and will have to do something to meet them, but he stated that he did appreciate Mr. Egidio’s comments. Mr. Egidio stated that he feels the ordinance is a good thing, but feels that there will be residents who won’t be happy to have it next to them. Mayor Niemann stated that she could not assure that no future Township Committee will bring this ordinance back up again, but doesn’t think the present Township Committee will at this time.

She stated that there are other ways to fulfill the affordable housing responsibilities. Deputy Mayor Lubitz stated that it is necessary to comply with the Fair Housing Act or Kingwood could be left open to the “builder’s remedy” which could result in our zoning being overturned and large scale development in the Township.

Jack MacConnell, Emergency Management Coordinator Reviewed a notice of a public meeting that was received from Lake Nockamixon regarding dam warning. He stated that he will provide this public meeting notice to the residents in Byram Colony. Mayor Niemann reviewed the notice to everyone present at the meeting. Mr. MacConnell explained that the dam was inspected this fall with no problems found, and that they are changing a name or classification to state no imminent threat. He explained that FEMA will be in Kingwood for a meeting next week regarding reimbursement for the recent storms, and that there have been cable and phone wires down on Federal Twist Road since the October snowstorm. He explained that he has been working with the County on this issue. He also mentioned that there have not been any problems with trash or signs of litter at the Horseshoe Bend Park since the gate has been locked at dusk and opened at Dawn.

REPORTS

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

Tax Collector’s Report of December 2011
Municipal Court Report of December 2011
Construction Reports of January 2012
Township Engineer’s Monthly Report
Dog License Report
Animal Control Report
Rescue Squad – 2011 Calls

FUTURE MEETINGS AND ACTIVITIES

Mayor Niemann reviewed as per the Agenda.

Schedule Budget Workshop Meeting Dates

The Committee Members reviewed dates to schedule a budget workshop with the Township’s Auditor and C.F.O. The following dates will be scheduled for budget work sessions: Wednesday, February 15th, 2012 at 6:00PM, and a meeting on Tuesday, February 28th, 2012 at 7:00PM.

C.F.O. D. Laudenbach noted that she will be providing numbers of what was budgeted in 2011 and what was actually expended.

ORDINANCES

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 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. Lubitz, seconded by Mrs. Haywood and carried to table Ordinance No. 17-01-2012 until further notice.

Roll Call Vote:	AYE	- Haywood, Lubitz, Niemann
	NAY	- None
	ABSTAIN	- None
	ABSENT	- None

Deputy Mayor Lubitz stated that he feels that this ordinance may reappear sometime this year. He stated that there will be plenty of notice if this occurs.

EXECUTIVE SESSION – RESOLUTION NO. 2012 - 16

The following Resolution was introduced to enter into closed session at approximately 7:40P.M.:

RESOLUTION NO. 2012 –16

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:

Contract Negotiations – Habitat for Humanity BI 19 L 5, BI 20 L 1

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

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

RETURN TO REGULAR SESSION

It was moved by Mrs. Haywood, seconded by Mr. Lubitz and carried to return to regular session at 8:10P.M. **All** voted **Aye** on **Roll Call Vote**.

Mayor Niemann announced that there will be a Special Meeting for the Township Committee and Habitat for Humanity prior to the Planning Board's regular meeting on February 9, 2012, beginning at 6:00PM. Nancy Asbury, Representative from Habitat for Humanity who was present at the meeting, announced that there will be an open public meeting at the Kingwood Township School to solicit individuals who may qualify for affordable housing in Kingwood, and also in Lambertville City.

ORDINANCES

(THE REMAINDER OF THE ORDINANCES HAVE BEEN RENUMBERED FROM THE ORIGINAL AGENDA)

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, }132-37 FLOODPLAIN DISTRICT” OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF KINGWOOD TO ESTABLISH CONSISTENCY WITH DEPARTMENT OF HOMELAND SECURITY FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) MODIFICATIONS TO BASE FLOOD ELEVATIONS AND FEMA AMENDMENTS TO FLOODPLAIN MANAGEMENT REGULATIONS – Introduction and Adoption on First Reading

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

It was moved by Mrs. Haywood, 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, }132-37 FLOODPLAIN DISTRICT” OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF KINGWOOD TO ESTABLISH CONSISTENCY WITH DEPARTMENT OF HOMELAND SECURITY FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) MODIFICATIONS TO BASE FLOOD ELEVATIONS AND FEMA AMENDMENTS TO FLOODPLAIN MANAGEMENT REGULATIONS.**

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

Consideration of final adoption at a public hearing is scheduled for Thursday, March 1, 2012 at a meeting beginning at 7:00 P.M. at the municipal building.

ORDINANCE

ORDINANCE NO. 17 – 02 -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” OF THE GENERAL ORDINANCES OF THE TOWNSHIP PERTAINING TO “SMALL WIND ENERGY SYSTEMS – Introduction and Adoption on First Reading

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

It was moved by Mrs. Haywood, seconded by Mr. Lubitz and carried to adopt on first Reading **ORDINANCE NO. 17 – 02 - 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” OF THE GENERAL ORDINANCES OF THE TOWNSHIP PERTAINING TO “SMALL WIND ENERGY SYSTEMS.**

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

Consideration of final adoption at a public hearing is scheduled for Thursday, March 1, 2012 at a meeting beginning at 7:00 P.M. at the municipal building.

ORDINANCE

ORDINANCE NO. 17 – 03 -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” OF THE GENERAL ORDINANCES OF THE TOWNSHIP PERTAINING TO “NOISE” IN ACCORDANCE WITH AMENDED STATE NOISE CONTROL REGULATIONS N.J.A.C. 7:29, EFFECTIVE JULY 3, 2007 AND THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION MODEL NOISE ORDINANCE – Introduction and Adoption on First Reading

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

It was moved by Mrs. Haywood, seconded by Mr. Lubitz and carried to adopt on first Reading **ORDINANCE NO. 17 – 03 -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” OF THE GENERAL ORDINANCES OF THE TOWNSHIP PERTAINING TO “NOISE” IN ACCORDANCE WITH AMENDED STATE NOISE CONTROL REGULATIONS N.J.A.C. 7:29, EFFECTIVE JULY 3, 2007 AND THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION MODEL NOISE ORDINANCE.**

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

Consideration of final adoption at a public hearing is scheduled for Thursday, March 1, 2012 at a meeting beginning at 7:00 P.M. at the municipal building.

ORDINANCE

ORDINANCE NO. 17 – 04 -2012 CALENDAR YEAR 2012 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4:45.14) – Introduction and Adoption on First Reading

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

It was moved by Mr. Lubitz, seconded by Mrs. Haywood and carried to adopt on first Reading **ORDINANCE NO. 17 – 04 – 2012 CALENDAR YEAR 2012 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4:45.14).**

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

Consideration of final adoption at a public hearing is scheduled for Thursday, March 1, 2012 at a meeting beginning at 7:00 P.M. at the municipal building.

ORDINANCE

ORDINANCE NO. 17 – 05 -2012 AN ORDINANCE AMENDING ORDINANCE NO. 14-23-2007, 15-13-2009 AND 16-12-2011 PROVIDING FOR THE ACQUISITION OF OPEN SPACE BY THE TOWNSHIP OF KINGWOOD, IN THE COUNTY OF HUNTERDON, NEW JERSEY, APPROPRIATING \$4,500,545.88 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$950,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING THE COST THEREOF – Introduction and Adoption on First Reading

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

C.F.O. Diane Laudenbach briefly reviewed the purpose of the ordinance.

It was moved by Mr. Lubitz, seconded by Mrs. Haywood and carried to adopt on first Reading **ORDINANCE NO. 17-05-2012 AN ORDINANCE AMENDING ORDINANCE NO. 14-23-2007, 15-13-2009 AND 16-12-2011 PROVIDING FOR THE ACQUISITION OF OPEN SPACE BY THE TOWNSHIP OF KINGWOOD, IN THE COUNTY OF HUNTERDON, NEW JERSEY, APPROPRIATING \$4,500,545.88 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$950,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING THE COST THEREOF.**

Roll Call Vote:

Aye	-	Haywood, Lubitz, Niemann
Nay	-	None
Abstain	-	None
Absent	-	None

Consideration of final adoption at a public hearing is scheduled for Thursday, March 1, 2012 at a meeting beginning at 7:00 P.M. at the municipal building.

RESOLUTION

Resolution No. 2012-09 - Part Time Seasonal Workers

The following Resolution was introduced:

RESOLUTION NO. 2012 – 09

PART TIME SEASONAL WORKERS

WHEREAS, the Township is in need of part time seasonal help during only certain times of the year, such as for snowplowing and grass mowing;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey that J. Barry Ewing and Jack Search are appointed as part time seasonal workers for the Department of Public Works for the year 2012, at a rate of \$20.00 per hour.

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

Roll Call Vote:

Aye	-	Haywood, Lubitz, Niemann
Nay	-	None
Abstain	-	None
Absent	-	None

RESOLUTION

Resolution No. 2012-10 - DPW 2012 Salaries

The following Resolution was introduced:

RESOLUTION NO. 2012 - 10

PUBLIC WORKS DEPARTMENT SALARIES FOR 2012

WHEREAS, the salary ordinance contains the salary range for the Public Works Employees for the year 2012;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey, that the following salaries are established for the year 2012:

Walter Cotier	\$ 33.23
Ryan Osborne	\$ 31.34
Michael Ewing	\$ 30.13
John Kertesz	\$ 30.13
Seasonal Part-Time	\$ 20.00

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

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

RESOLUTION

Resolution No. 2012-11 - Refund of Tax Payment Bl 50.02 L 1

The following Resolution was introduced:

RESOLUTION NO. 2012 – 11

CANCELLATION OF TAX PAYMENT

WHEREAS, Kingwood Township acquired Block 50.02, Lot 1 in 2011; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey, that the following amounts be cancelled:

February 1, 2011 -	\$ 151.13
May 1, 2011 -	\$ 151.12
August 1, 2011 -	\$ 154.28
November 1, 2011 -	\$ 154.27
February 1, 2012 -	\$ 152.70
May 1, 2012 -	\$ 152.70

And

BE IT FURTHER RESOLVED by the Mayor and Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey that the Tax Collector is relieved from collecting the above mentioned amounts.

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

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

RESOLUTION

Resolution No. 2012-12 - Eagle Scout Award – Augustine

Mayor Niemann explained that Mr. Augustine is not present this evening, but always a pleasure to see an Eagle Scout contributing to the Township. Mayor Niemann read aloud the resolution.

The following Resolution was introduced:

RESOLUTION NO. 2012 – 12

WHEREAS, Kingwood Township Boy Scout Troup 251 of the Boy Scouts of America is a longstanding asset to our community, with a rich history of supporting the development of boys into productive, moral leaders in our society, and Troop 251 continues to undertake numerous service projects benefiting our residents and our municipality; and

WHEREAS, on March 17, 2012, Boy Scout Keith Augustine, a member of Troop 251 will be honored at a special Court of Honor Ceremony to honor his achievement of Eagle Scout rank, Boy Scouts highest honor; and

WHEREAS, Keith Augustine joined scouting in the year 2000; and

WHEREAS, Keith Augustine served in his troop in a variety of leadership roles, including the election by his troop to the Order of the Arrow, where Keith is now a Brotherhood Member, and many other leadership positions, including the positions of Scribe and Troop Guide; and

WHEREAS, Keith's major community service project was to build a native New Jersey rain garden in Kingwood Park, which includes a walkway to the garden and a kiosk to advise people of the types of flowers planted, and why rain gardens are good for the environment, and Keith also planted daffodils so that each spring as you drive up the driveway you will see the flowers blooming; and

WHEREAS, upon his graduation from Delaware Valley Regional High School, Keith Augustine will attend college to study engineering and to join the Air Force ROTC Program; and

WHEREAS, on March 17, 2012, a Court of Honor will be convened for the purpose of bestowing upon Keith Augustine the highest honor of scouting, after which, and for the rest of his life, Keith will carry the title of EAGLE SCOUT; and

WHEREAS, EAGLE SCOUT Keith Augustine will join the ranks of a select fraternity of Eagle Scouts in our Nation, including Presidents, Elected Representatives, Clergymen, Doctors, Lawyers, Business and World Leaders;

NOW, THEREFORE, BE IT RESOLVED on this 2nd day of February, 2012, by the Mayor and Township Committee of the Township of Kingwood, that on behalf of the Governing Body and the residents of our community, we congratulate and honor with great pride,

EAGLE SCOUT KEITH AUGUSTINE

BE IT FURTHER RESOLVED, that on behalf of a thankful community, we appreciate the work and support of Eagle Scout Keith Augustine's parents, Scout Leaders and fellow Boy Scouts.

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

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

NEW BUSINESS

Appoint Municipal Judge

Mayor Elaine Niemann explained that there were several applicants that applied for the position. The Township Committee reviewed all the resumes’ and have chosen John Petronko to be the Court Judge for Kingwood Court.

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2012 – 18

APPOINT MUNICIPAL JUDGE

BE IT RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey that John Petronko Jr. is appointed Municipal Judge for the Township of Kingwood for an unexpired term commencing February 2, 2012 and expiring December 31, 2013, at a salary of \$14,750.00.

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

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

Appoint Public Defender

Mayor Niemann noted that there were several applicants who applied for the position of public defender for Kingwood Court. She explained that the Township Committee reviewed all the applications.

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2012 – 19
APPOINT PUBLIC DEFENDER

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 Municipal Public Defender for the Township of Kingwood for a term commencing February 2, 2012 and expiring December 31, 2013, at a salary of \$3,345.00.

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

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

Approve New Jersey Trails Application – Resolution No. 2012-13

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2012 – 13

**APPROVAL OF NJDEP GREEN ACRES PROGRAM
2012 RECREATIONAL TRAILS PROGRAM GRANT APPLICATION**

WHEREAS, the Kingwood Township Committee has determined to apply for a grant from the NJDEP Green Acres Program for the Horseshoe Bend Park – Trail Restoration Project; and

WHEREAS, the Township Committee agrees to abide by the requirements of the program;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey that the Mayor is hereby authorized to execute the Application on behalf of the Township, and any other necessary documents in regard to the Application for the Grant.

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

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

Mayor Niemann explained a background of the resolution. She noted that the Chairman of the Planning Board, Richard Dodds drafted and put the resolution together for the Township. She explained that this is an application to restore and improve the trails at the Horseshoe Bend property. Richard Dodds was present and reviewed the requirements of the program and the amount of money the Township will receiving for a grant. He stated that it will be in the amount of approximately \$20,000.00 for improving the trails. Deputy Mayor Lubitz noted that he wanted to commend Mr. Dodds for all the work and time he has put into the trails and Horseshoe Bend Park. The Township Committee all thanked Mr. Dodds for all his efforts. Elaine Niemann noted that this grant and project will be no expense to the Township.

LOSAP - Length Of Service Awards Program

Mayor Niemann briefly reviewed the program. She read aloud the list of names of the members that qualify. Clerk MacConnell reviewed the process of what they must do to apply for the program.

Deputy Mayor Lubitz wanted to thank all the members of these groups for all their service, hours and risking their lives that they put into volunteering for Kingwood Township.

It was moved by Mrs. Haywood, seconded by Mr. Lubitz and carried approve the list of LOSAP members from the Kingwood Township Volunteer Fire Department, and the Kingwood Township Rescue Squad.

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

Purchase of Toolbox & Mechanic's Toolset

C.F.O. Diane Laudenbach explained that this is a request from the D.P.W. Supervisor, Mark Petro. She explained that he has requested that the Township acquire a Sears credit card so he will be able to order tools and supplies as needed for the garage. Diane Laudenbach explained that New Jersey only allows Township's to obtain vendor specific cards from the stores themselves.

She explained that he needs to order a mechanics toolset. She noted that she had suggested that he go online to look for a set of tools to be purchased. Mayor Niemann stated that this will be approved at a future meeting, but to be tabled at this time.

Master Plan Funding

C.F.O. Diane Laudenbach reported that there is no more money in the Emergency Appropriations for the Master Plan Funding. She noted that any additional funds will have to come out of the Planning Boards budget. It was noted that this will be discussed at the Special Township Committees budget meeting.

Review of Zoning & General Code Enforcement Department

Mayor Niemann explained that this needs to be discussed in the future. She explained what the Township had done in the past and explained the ongoing program to try to get businesses on Route 12 cleaned up. Deputy Mayor Lubitz feels that most people are pleased. He commented on the feedback from the citizens regarding bettering Route 12, and the way things have been progressing. He feels that the Township should look over properties on an individual basis in the future. Committeewoman Diana Haywood, commented that as a former Planning Board Member, she feels that the Township should move forward as well. Deputy Mayor Lubitz would like to continue addressing complaints from the residents.

Memo from Parks & Recreation Committee re: Various Subjects

Mayor Niemann reviewed a memo from the Parks and Recreation Committee. She stated that one of their requests was that the Township Committee appoint Jack Niciecki to the Parks and Recreation Committee as a regular member, by moving him from the Citizen Advisory Panel to the Parks.

It was moved by Mrs. Haywood, seconded by Mr. Lubitz and carried to appoint Jack Niciecki as a regular Member to the Parks and Recreation Committee.

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

Oath of Office for Park and Recreation Member Jack Niciecki

Clerk MacConnell administered the Oath of Office to Jack Niciecki. Everyone congratulated Jack Niciecki.

Discussion of Use of Facilities for Park and Recreation Grounds

There was a discussion regarding a fee for the use of facilities for park grounds. The Township Committee had a discussion with Secretary Keller regarding the history of what the parks and recreation committee had decided.

She explained that the Parks and Recreation Committee feels that they have made it very clear that if a business is not tax exempt and does not file their 501c3 form then they are liable to pay for the use of the park grounds as stated in the ordinance adopted by the Township. She explained that the Parks and Recreation Committee had talked about this for years and had made a final decision to charge businesses that conduct their services on Township park properties and the historical Old Fairview School House if the business which were not a non-profit organization and did not file the proper forms. Mayor Niemann stated that she would like to look at this more closely, but for now a fee structure exists.

Planning Board – Accept Resignation and New Appointments

Mayor Niemann stated that currently the Township has three Committee persons on the Planning Board. Committeewoman Haywood stated that she will step down off the Planning Board. Deputy Mayor Lubitz requested to remain on the Planning Board this year. Deputy Mayor Lubitz will also be appointed to be the Department of Public Works Liaison. Committeewoman Haywood stated that she will take over the responsibilities which James Burke had fulfilled as a Committee member on the Board of Health, Parks and Recreation Committee and Open Space Advisory Committee. Mayor Niemann stated that she would like to fill the position that James Burke had filled on the Recreation Commission to Parks and Recreation if there were no objections from the other Committee members. Attorney Kopen read aloud the ordinance which explained the Recreation Commission members and their responsibilities. Deputy Mayor Lubitz noted that Diana Haywood has served on the Planning Board for many years with distinction. He stated that he would like to clarify an opening that still exists, which is for a member of the public and not for the Township Committee on the Planning Board. Mayor Niemann stated that Lisa Senus has been relocated and moving out of the Township. She stated that she has resigned from the Planning Board recently. She stated that Alternate #1 member on the Planning Board, Maureen Syrnick will be replacing Lisa Senus, and that a member of the public, Frank Floyd will be appointed Alternate #1 on the Planning Board.

Accept Resignation

It was moved by Mr. Lubitz, seconded by Mrs. Haywood and carried to accept the resignation from Lisa Senus as a member of the Planning Board.

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

New Appointments

It was moved by Mr. Lubitz, seconded by Mrs. Haywood and carried to appoint Maureen Synchronick as a member of the Planning Board as a replacement for Lisa Senus.

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

It was moved by Mr. Lubitz, seconded by Mrs. Haywood and carried to appoint Frank Floyd as Alternate #1 to the Planning Board.

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

It was moved by Mr. Lubitz, seconded by Mrs. Haywood and carried to appoint Timothy Cahalin as a Member to the Environmental Commission.

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

Discuss Township Committee Responsibilities

Mayor Niemann explained that she would like to discuss what each Committee person will be responsible for in their position. She stated that Deputy Mayor Lubitz has been involved with coordinating the Emergency Management Council, and follows the legislation. She stated that she oversees the office staff, and she constructs the Township Newsletter each spring and fall. Deputy Mayor Lubitz suggested that Committeewoman Diana Haywood get acclimated to the Committee and then start to branch out and decide what she would like to work on.

Payroll Services

C.F.O. Diane Laudenbach explained that at the end of last year the Township chose to change companies for payroll services. She explained that the new company is not as easy to handle as the prior company and that they are not experienced in municipal government. She explained that it will cost the Township approximately \$1,000 for their flexible spending account for the year if the Township goes back to the original payroll company.

The Committee Members all agreed to wait another month or two to see if the new company may work out before changing back to the original company.

Township Newsletter

Mayor Niemann just wanted to remind everyone that the newsletter will be going out in a few weeks, and if they had anything to send her to put into the letter to please let her know. A deadline date for submission of material to draft the newsletter will be Friday, February 24th, 2012. She asked Secretary C. Keller to send to all the chairpersons of the committees and boards a notice of the deadline date.

OLD BUSINESS

DeSapio Memorial Bocce Pavilion:

Resolution No. 2012-14 - Award Professional Services Agreement

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2012-14

**RESOLUTION AUTHORIZING THE AWARD OF PROFESSIONAL SERVICES
CONTRACT FOR DESIGN OF BOCCE PAVILION**

WHEREAS, the Township of Kingwood has a need to acquire the professional services of an architect for the design of the Antonio DeSapio Memorial Bocce Pavilion; and

WHEREAS, the Kingwood Township Parks and Recreation Committee has received a proposal dated October 19, 2011 for such services from Patrick M. McGuire, PE, SE, to perform these services for the amount of \$1,200.00, and

WHEREAS, the services to be provided by Patrick M. McGuire will not exceed \$1,200.00, which amount is below the bid threshold and is or will be made available for this purpose to be certified by the Chief Financial Officer; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, *et seq.*) authorizes the award of contracts without competitive bidding where the contract involves professional services or the amount to be paid for the work is less than the bid threshold set forth in the law.

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

1. Patrick M. McGuire is hereby engaged to perform professional design services pursuant to his proposal dated October 19, 2011, for the Township of Kingwood in connection with the construction of the Antonio DeSapio Memorial Bocce Pavilion, which services qualify as Professional Services pursuant to N.J.S.A. 40A:11-1, *et seq.*; and
2. This contract is awarded without competitive bidding as "Professional Services" as well as being in an amount for less than the bid threshold under the provisions of the Local Public Contracts Law, N.J.S.A.40A:11-5.

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

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

Resolution No. 2012-15 - Award Construction Contract

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2012-15

RESOLUTION TO AWARD CONSTRUCTION CONTRACT FOR BOCCE PAVILION

WHEREAS, the Parks and Recreation Committee of Kingwood Township received quotes for the construction of the Antonio DeSapio Memorial Bocce Pavilion in Kingwood Park; and

WHEREAS, the lowest quote, in the amount of \$14,100 was from Graber Supply, LLC of Atglen, Pa, which quote is below the Township’s bid threshold; and

WHEREAS, Graber’s Supply has supplied a New Jersey Business Registration as well as certificates of liability insurance from both Graber and Premier Structures, Graber’s Installer.

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

The Contract for the construction of the Antonio DeSapio Memorial Bocce Pavilion in Kingwood Park be awarded to Graber Supply, LLC, for the quoted amount of \$14,100.00 pursuant to the terms of the Proposal received from Graber Supply, LLC, which is attached hereto and made a part hereof.

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

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

Letter to Franklin Township – Confirming Recycling Coordinator

Mayor Niemann noted that she will write a letter to Franklin Twp. stating that the Township is still interested in working with their Recycling Coordinator.

Approval of NJDEP Green Acres Grant Renewal Letter

Mayor Niemann explained every year the Township must indicate interest to the N.J.D.E.P. that the Township would like to continue to be authorized to request grant monies, which we must match by 50% of Township open space monies. She stated that the letter must be mailed by February 15, 2012. Mayor Niemann asked the Committee members if the Open Space Advisory Committee, which meets next Tuesday, February 7th, if they could review the targeted properties. She would like them to review why they think they are important, the time frame that they think they may acquire them, and review the process. She would also like them to give final approval of the amount to be requested before finalizing the letter.

It was moved by Mrs. Haywood, seconded by Mr. Lubitz and carried to approve that the Open Space Advisory Committee review the targeted properties and give final approval before the letter of request to Green Acres is mailed.

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

Board of Adjustment – Russell Oakes Variance Application Professional Fees Dispute

Mayor Niemann reviewed letters from the Planning Board Attorney and the Township Engineer regarding the dispute explaining the nature of the fees that they were charging. There was a lengthy discussion regarding the situation. Mayor Niemann stated that there will be a meeting with the Board of Adjustment Secretary and C.F.O. of the Township, to discuss escrow fees for the Board of Adjustment. She explained that this is to prevent any similar type of situation like this from happening again. Deputy Mayor Lubitz suggested that one consideration is to be considered, which is that every decision results in a memorializing resolution to be part of the escrow. Attorney Kopen stated that the bills are from after the Board of Adjustment Hearing, and not part of the Township Committees business, but should be taken care of by the Board of Adjustment and the professionals.

MINUTES

January 5, 2012 Reorganizational Meeting

It was moved by Mr. Lubitz, Mayor Niemann stepped down from the Chair, seconded the motion and carried to adopt the meeting minutes of the January 5, 2012 Reorganization Meeting for the Township Committee.

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

January 5, 2012 Regular Meeting

It was moved by Mr. Lubitz, Mayor Niemann stepped down from the Chair, seconded the motion and carried to adopt the meeting minutes of the January 5, 2012 Regular Meeting for the Township Committee.

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

EXECUTIVE SESSION – RESOLUTION NO. 2012 - 16

The following Resolution was introduced to enter into closed session at approximately 9:20P.M.:

RESOLUTION NO. 2012 –16

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 – Sundancer Capital LLC

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 Mrs. Haywood and carried to adopt the foregoing Resolution.

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

RETURN TO REGULAR SESSION

It was moved by Mr. Lubitz, seconded by Mrs. Haywood and carried to return to regular session at 9:30P.M. **All** voted **Aye** on **Roll Call Vote**.

Motion for Settlement Agreement

It was moved by Mr. Lubitz, seconded by Mrs. Haywood and carried to accept the settlement agreement with Sundancer Capital LLC, Silkotch Living Trust and LDF Inc., a Litigation involving the Township and the Planning Board to accept in lieu of purchasing and conveying to the Township the Open Space property contemplated in the stipulation of settlement, the purchase price of the property in the amount of \$240,000.00, which will be deposited in the Township's Open Space Trust Fund, and that the Township recognizes that Con-Ed is successor in interest to the Plaintiffs in the Litigation subject to the review by the Townships Attorney of the assumption documents from Con-Ed, and that it will bind Con-Ed a development to the same terms as are set forth in the stipulation of settlement, and that further Con-Ed development will reimburse the Township Attorney's fees for the review of the assumption documents.

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

Mayor Niemann stated that she will be attending a State Strategic Plan meeting, which will be a meeting to discuss master plans at the end of this month on Monday, February 27th. She asked the Committee Members if they had any concerns or questions they would like her to ask at the meeting. Deputy Mayor Lubitz had a few questions and concerns.

Mayor Niemann noted that there will be an advertisement published in the local newspaper for a new park director next week.

ADJOURNMENT

It was moved by Mr. Lubitz, seconded by Mrs. Haywood and carried to adjourn the meeting at 9:40P.M. **All** voted **Aye** on **Roll Call Vote**.

Respectfully Submitted,

Cynthia L. Keller
Deputy Clerk, RMC

