

2012 -

June 7, 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, 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.

CORRESPONDENCE

Thank You Letter from Kingwood Merry Mixers

Mayor Niemann reviewed.

Letter from NJDOT re: 2012 Transportation Enhancement Program

Mayor Niemann reviewed.

Copy of Resolution from Monroe Twp re: Support Fair Distribution of State Aid for Education

The Committee Members all gave a brief comment on the resolution. They have decided to table this until next month's July meeting.

BILLS AND CLAIMS

It was moved by Mr. Lubitz, seconded by Mr. Haywood and carried to approve and pay all bills and claims in the amount of **\$746,609.78** that are in order and attached as Bill List for June 2012.

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

Mayor Niemann noted that two items have also been added this evening for approval. One was for the electrical repair at the Kingwood Park residents in the amount of \$300.00, and also for the lighting area of the basketball court at the park in the amount of \$240.00 to Kusant Electric Co.

It was moved by Mr. Lubitz, seconded by Mr. Haywood and carried to approve two invoices \$300.00 and \$240.00 to Kusant Electric Co. for repairs at park house and lighting at the Kingwood Park.

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

PUBLIC COMMENT – PRIVILEGE OF THE JOB

N/A

REPORTS

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

Tax Collector's Report of April 2012

Municipal Court Report of April 2012

Construction Report of May 2012

Township Engineer's Monthly Report

Deputy Mayor Lubitz reported that he spoke with the Mayor and two council members from Frenchtown Borough regarding a sign to be put up at the end of Horseshoe Bend Road and Route 12. He explained that the sign is to make those aware that there is a narrow bridge ahead and to direct them towards Spring Hill Road. He stated that the Mayor and council members from Frenchtown Borough did not have an objection to this suggestion, but feels that the Township should write a letter asking for their permission. There was a brief discussion on Creek Road in Kingwood Township. Deputy Mayor Lubitz stated the DPW Supervisor, Mark Petro suggested a guide rail be put up along the portion that has deteriorated.

Dog License Report

Animal Control Report

SREC Report

Mayor Niemann briefly reviewed.

KT First Aid & Rescue Squad, Inc. 2011 Financial Statement

Mayor Niemann briefly reviewed.

FUTURE MEETINGS AND ACTIVITIES

Mayor Niemann reviewed as per the Agenda.

Discuss July Township Committee Meeting

Clerk MacConnell explained that since the Fourth of July is the day before the next township committee meeting on July 5th, she wanted be sure that the committee members were aware, and that they would be attending that meeting. The committee members stated that the scheduled date of July 5, 2012 for the next Township Committee meeting is fine with them and that they all plan to attend.

Municipal Building Office Hours on July 3rd

There was a discussion regarding the hours for the evening of the third of July. The Clerk explained that evening hours are until 8:00P.M. and asked if the building will be closing early or if there will be no evening hours. The committee members agreed to close the building at 6:45P.M. the evening of Tuesday, July 3rd, 2012.

ORDINANCES

ORDINANCE NO. 17-09-2012 TO PROVIDE FOR THE RESURFACING OF ROADS AS A GENERAL IMPROVEMENT FOR THE TOWNSHIP OF KINGWOOD AND APPROPRIATING \$50,000.00 FROM THE CAPITAL IMPROVEMENT – 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. 17-09-2012 TO PROVIDE FOR THE RESURFACING OF ROADS AS A GENERAL IMPROVEMENT FOR THE TOWNSHIP OF KINGWOOD AND APPROPRIATING \$50,000.00 FROM THE CAPITAL IMPROVEMENT.**

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, July 5, 2012 at a meeting beginning at 7:00 P.M. at the municipal building.

ORDINANCE

ORDINANCE NO. 17-10-2012 AMENDING ARTICLE I OF CHAPTER 34, “RECREATION COMMISSION AND PARKS AND RECREATION COMMITTEE” OF THE CODE OF THE TOWNSHIP - Introduction and Adoption on First Reading

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

Committeewoman Diana Haywood noted that she had a comment on an addition to be added into the ordinance under #1 Section 94-3 (F) – fourth line down a sentence to be added after: All such animals shall be restrained at all times on adequate leashes not greater than six feet in length. (Add – Except in the leash free area, all such animals shall be restrained at all times.)

It was moved by Mr. Lubitz , seconded by Mrs. Haywood and carried to adopt on first Reading **ORDINANCE NO. 17-10-2012 AMENDING ARTICLE I OF CHAPTER 34, “RECREATION COMMISSION AND PARKS AND RECREATION COMMITTEE” OF THE CODE OF THE TOWNSHIP** with amendments.

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, July 5, 2012 at a meeting beginning at 7:00 P.M. at the municipal building.

ORDINANCE

ORDINANCE NO. 17-11-2012 AMENDING CHAPTER 57, “ANIMALS” OF THE CODE OF THE 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 adopt on first Reading **ORDINANCE NO. 17-11-2012 AMENDING CHAPTER 57, “ANIMALS” OF THE CODE OF THE TOWNSHIP.**

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, July 5, 2012 at a meeting beginning at 7:00 P.M. at the municipal building.

RESOLUTIONS

Resolution No. 2012-54 - Tax Sale Redemption Bl 6 L 55

The following Resolution was introduced:

RESOLUTION NO. 2012 – 54

TAX SALE REDEMPTION

WHEREAS, the Tax Collector has received redemption monies in the amount of \$3670.13 to redeem Tax Sale Certificate No. 11-002 on Block 6, Lot 55, and

WHEREAS, the lienholder paid a premium in the amount of \$1600.00 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 \$5270.13 to US Bank Cust for Pro Capital I, LLC, US Bank TLSG, 50 S. 16th Street, Philadelphia, PA, 19102 for the redemption of Tax Sale Certificate No. 11-002.

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. 2012-55 - Tax Sale Redemption Bl 6 L 55

The following Resolution was introduced:

RESOLUTION NO. 2012 – 55

TAX SALE REDEMPTION

WHEREAS, the Tax Collector has received redemption monies in the amount of \$16,058.74 to redeem Tax Sale Certificate No. 2009-03 on Block 6, Lot 55, and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey, that the Chief Financial Officer be authorized to issue a check in the amount of \$16,058.74 to US Bank-Cust/Sass Muni VI, DTR, 50 S. 16th Street, Philadelphia, PA 19102 for the redemption of Tax Sale Certificate No. 2009-03.

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. 2012-56 - Tax Sale Redemption Bl 28 L 9

The following Resolution was introduced:

RESOLUTION NO. 2012 – 56

TAX SALE REDEMPTION

WHEREAS, the Tax Collector has received redemption monies in the amount of \$63,389.59 to redeem Tax Sale Certificate No. 2009-10 on Block 28, Lot 9, and

WHEREAS, lienholder paid a premium at the time of sale in the amount of \$25,900.00.

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 \$89,289.59 to Plymouth Park Tax Services LLC, P.O. Box 228, Norristown, New Jersey, 07962 for the redemption of Tax Sale Certificate No. 2009-10.

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

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

RESOLUTION

Resolution No. 2012-57 - Approve Community Day Fireworks Display

The following Resolution was introduced:

RESOLUTION NO. 2012 - 57

SEPTEMBER 15, 2012 FIREWORKS DISPLAY

WHEREAS, the Kingwood Township Parks & Recreation Committee has scheduled "Kingwood Community Day" on September 15, 2012; and

WHEREAS, the Kingwood Township Parks & Recreation Committee plans various activities for the day and wishes to display fireworks for the community to help enjoy this day; and

WHEREAS, Garden State Fireworks has submitted a certificate of insurance with the Township named as additional insured; and

WHEREAS, the Kingwood Township Volunteer Fire Company No. 1, and the Kingwood Township First Aid & Rescue Squad will be standing by at the scene;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon, State of New Jersey that approval is given for the fireworks display on September 15, 2012, rain date September 16, 2012, on the Kingwood Park property located at 200 Union Road, known as Block 19 Lot 8 in Kingwood Township, New Jersey.

BE IT FINALLY RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon, State of New Jersey that the Mayor and Clerk are hereby authorized to execute and enter into an agreement with Garden State Fireworks, Inc. and execute the application for a fireworks permit from the State of New Jersey.

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. 2012-58 - Supporting S851/A578 The Good Samaritan Overdose Response Act

The following Resolution was introduced:

RESOLUTION NO. 2012 – 58

**SUPPORTING THE GOOD SAMARITAN
OVERDOSE RESPONSE ACT (S851/A578)**

WHEREAS, overdose is a major public health problem and the leading cause of accidental death in New Jersey; and

WHEREAS, more than 6,000 New Jersey residents have died from a drug overdose since 2004, with more than 700 New Jersey residents having died in 2009 alone; and

WHEREAS, the majority of overdose victims do not actually die until several hours after they have taken a drug, and most of these deaths occur in the presence of others, meaning that there is both time and opportunity to summon medical assistance; and

WHEREAS, fear of arrest and prosecution often prevents people who are in a position to help from calling emergency services; and

WHEREAS, many of these deaths are entirely preventable; and

WHEREAS, saving lives should always take priority over punishing behavior; and

WHEREAS, a “Good Samaritan” law will encourage people to act above the fear of prosecution and get help during life threatening situations; and

WHEREAS, the five states of New York, Illinois, Washington, New Mexico and Connecticut have already enacted “Good Samaritan” laws for drug overdoses, and similar measures are currently pending in several other states; and

WHEREAS, the *Good Samaritan Overdose Response Act* (S851/A578) is supported by a long list of public health organizations, treatment providers and advocacy groups, including Hunterdon Prevention Resources and Safe Communities Coalition, BACCHUS of Raritan Valley Community College, the National Council on Alcoholism and Drug Dependence – NJ, the New Jersey State Nurses Association, the National Association of Social Workers, the New Jersey Hospital Association, the Lutheran Office of Governmental Ministry, the North Jersey Community Research Initiative, the New Jersey Deputy Fire Chiefs Association, Parent to Parent and the Center for Family Services; and

WHEREAS, the *Good Samaritan Overdose Response Act* (S851/A578) will provide limited legal protection for those who witness a drug overdose and summon medical assistance; and

WHEREAS, early attention and positive reinforcement given to anyone acting as a “Good Samaritan” may be one more chance to prevent a death due to drug overdose;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey calls upon the New Jersey State Senate and Assembly to consider and pass the *Good Samaritan Overdose Response Act* (S851/A578), with bipartisan support, in a manner that encourages our residents to exercise ethical and moral judgment, on behalf of the afflicted, their family members, friends and communities and to enforce the priority of saving life over the suffering of complicity in death.

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

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

RESOLUTION

Resolution No. 2012-59 - Approve Alcoholic Beverage Control Renewal Applications for 2012-2013 License Term

The following Resolution was introduced:

**RESOLUTION NO. 2012 - 59
LIQUOR LICENSE APPLICATION RENEWALS**

WHEREAS, applications have been made to the Kingwood Township Committee for the renewal of Plenary Retail Consumption Licenses, Plenary Retail Distribution Licenses and Club Licenses for the 2012-2013 licensing period; and

WHEREAS, the Township Committee of the Township of Kingwood, County of Hunterdon, State of New Jersey, at a meeting assembled, has reviewed all applications and the submitted application forms are complete in all respects, the applicant is qualified to be licensed according to all statutory, regulatory and local governmental ABC laws and regulations, and the issuing authority has reviewed the source of any additional financing obtained in the previous license term for use in the licensed business; and

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

There was a brief discussion on special conditions for some of the establishments. It was decided by the Committee to wait and see if there are complaints from the residents before making additional special conditions on those businesses that are open in the evenings.

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

RESOLUTION

Resolution No. 2012-60 - Eagle Scout Christopher DeSapio

The following Resolution was introduced:

RESOLUTION NO. 2012 – 60

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 June 23, 2012, Boy Scout Christopher DeSapio, 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, Christopher DeSapio served in his troop in a variety of leadership roles, including serving as Senior Patrol Leader and Quarter Master; and

WHEREAS, Christopher DeSapio received the Award for Scout of the Year, and became a member of the Order of the Arrow National Honor Society, further demonstrating his commitment to continued participation in Scouting and camping and perpetuating the ceremonies that impart a sense of community in scouting; and

WHEREAS, Christopher’s major community service project was to build an outdoor Stations of the Cross for prayer and meditation at his parish church, Our Lady of Victories, in Baptistown, NJ, which will serve the church’s parishioners for many years to come; and

WHEREAS, Christopher DeSapio attended The Pennington School, where he was a member of the National Honor Society and an Advanced Placement Scholar; and

WHEREAS, by his involvement in his high school’s Mock Trial, Model UN, Student Council activities and by his service as an Altar Server in his church, Christopher demonstrated his commitment to scouting values throughout the other aspects of his life, and

WHEREAS, on June 23, 2012, a Court of Honor will be convened for the purpose of bestowing upon Christopher DeSapio the highest honor of scouting, after which, and for the rest of his life, Christopher will carry the title of EAGLE SCOUT; and

WHEREAS, EAGLE SCOUT Christopher DeSapio 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 7th day of June, 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.

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

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

Mayor Niemann stated that the ceremony will be on June 23rd, at 12:00 noon at Our Lady of Victories.

NEW BUSINESS

Revised Solar Ordinance – Draft

ORDINANCE

ORDINANCE NO. 17-12-2012 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 SOLAR OR PHOTOVOLTAIC ENERGY FACILITIES AND STRUCTURES - 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. 17-12-2012 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 SOLAR OR PHOTOVOLTAIC ENERGY FACILITIES AND STRUCTURES.**

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, July 5, 2012 at a meeting beginning at 7:00 P.M. at the municipal building.

Discuss Kingwood Park Pavilion Project

C.F.O. Diane Laudenbach reported on her meeting last Tuesday evening with a few of the Bocce members. She noted their explanations for the various additional work items. The Committee Members reviewed the additional bills.

It was moved by Mrs. Haywood, seconded by Mr. Lubitz and carried to pay expenditures from the funds raised by the Bocce Club and deposited in the Parks and Recreation account for the electrical work and bocce pavilion sign in the amount of \$986.00 electrical work, and \$1425.00 for the sign.

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

Discuss Location for Emergency Mgt. Center

There was a brief discussion on designating an emergency management center, which was brought up last month at the township meeting by Emergency Management Coordinator, Jack MacConnell. Mr. MacConnell was not present this evening to discuss what he has learned from the county. Mayor Niemann asked Kingwood Township Fire Chief Frank Floyd if he knew of any updates with the county regarding a center for emergency management. Frank Floyd noted that the county has gone to regionalizing through the Red Cross by taking people in temporarily and then they will shuttle them into a regional shelter. Deputy Mayor Lubitz suggested that this be tabled until we can make arrangements for both Jack MacConnell and Frank Floyd to be present at the same time to discuss this further.

It was moved by Mrs. Haywood, seconded by Mr. Lubitz and carried to accept a verbal resignation from Lycia Costa as assistant to the finance office, as of this date June 7, 2012.

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

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2012 – 63

SCUDDERS FALLS BRIDGE

WHEREAS, the Delaware River Joint Toll Bridge Commission operates twenty bridges and various smaller overpass and underpass type bridges throughout its jurisdiction from the Milford-Montague Toll Bridge in Sussex County to the Trenton-Morrisville Route 1 Toll Bridge in Mercer County; and

WHEREAS, seven of these bridges are operated as toll bridges; and

WHEREAS, the citizens of this jurisdiction of approximately 140 miles already bear a burden upon their interstate activities and interstate commerce and will bear significant hardship and a detrimental influence on business activities due to continued increases in tolls; and

WHEREAS, the Delaware River Joint Toll Bridge Commission has proposed a bridge replacement for the Scudder Falls Bridge at an estimated cost of \$330 million, that will significantly impact the financial resources of the Delaware River Joint Toll Bridge Commission, which can result in the need for additional toll increases; and

WHEREAS, inspection reports for the Scudder Falls Bridge from 2010 have indicated that the bridge is in satisfactory condition and safe for all legal loads;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey, by copy of this Resolution, does petition the Delaware River Joint Toll Bridge Commission and Governor Chris Christie to halt the proposed demolition and reconstruction of the Scudder Falls Bridge in Mercer County; and

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the following: Governor Chris Christie, Delaware River Joint Toll Bridge Commission, Senator Michael Doherty, Assemblyman John Dimaio, Assemblyman Erik Peterson, Hunterdon County Board of Chosen Freeholders.

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 Request from the Parks and Recreation Committee

Committeewoman Diana Haywood explained what was discussed at the Parks and Recreation Meeting regarding the tree damage that was done from the storms in the fall of 2011. She explained that the Recreation Committees are very concerned about broken limbs falling on the public, since they are located over the picnic table area. She noted that this was brought to the attention to the Department of Public Works, to see if they would be able to do the tree trimming, but they do not have the equipment to do this type of job. They will clean up the tree limbs and chip them after they are down on the ground if the township is able to get someone with a bucket truck to trim. Secretary to the Parks and Recreation Committee, Cynthia Keller was present at the meeting and explained that she had received a phone call from Chairman of the Parks and Recreation, Ron Hartpence. He stated that he obtained a quote from C & M Tree Service for \$700.00 for the entire job, including cleaning up branches and chipping, or \$600.00 to cut the tree down and trim the branches leaving them for the DPW to cleanup. Ron Hartpence would like to request to the Township Committee that the township pay for this service out of buildings and grounds, that way it does not come out of the park and recreation account. The Committee Members asked C.F.O. Laudenbach, if there was some financial pressure with the Parks and Recreation at this time. She responded that they have money in their account. Deputy Mayor Lubitz stated that each committee has a budget to manage, and that the Parks and Recreation has accounted for funds for ground maintenance. C.F.O. Laudenbach explained the status of their account and how it is managed. Committeewoman Diana Haywood, who is a member on the Parks and Recreation Committee explained that the Parks and Recreation Committee feel that they have no idea how much they have in their accounts to spend. It was suggested that a financial report be given to the Parks and Recreation Committee for their review. The Township Committee feel that there is no need for the township to pay for this service out of buildings and grounds. They all agreed that the Parks and Recreation Committee has plenty in their account at this point, and that they should utilize those funds first. Committeewoman Diana Haywood will relay to the Parks and Recreation Committee what the township has decided.

Utility Pole Moved on Spring Hill Road

2012 –

Deputy Mayor Lubitz gave an update on the lines that need to be moved by Service Electric and Embarq before the utility pole is moved. He stated they are expecting this to happen within the next week.

Delaware River Basin Commission

Mayor Niemann reported on the fees for the Delaware River Basin Commission for the Ukarish property. She noted that they are willing to work with the township.

OLD BUSINESS

Generator Installation at DPW

It was decided to table this until more information has been gathered.

Payroll Services

C.F.O. Diane Laudenbach noted that there have been various problems with the new service that she has been using. She explained the mistakes they have made more than once in this town and several other towns, and would like to get permission to go back to the service she used prior. The Committee Members all gave their approval since the township used them for several months and it is not working out.

MINUTES

May 3, 2012 Regular Meeting

It was moved by Mr. Lubitz, seconded by Mrs. Haywood and carried to adopt the meeting minutes of the May 3, 2012 Regular Meeting for the Township Committee with correction.

Comments: Mayor Niemann stated under 2012 Municipal Budget to add the word (point) to (power - presentation).

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

Attorney Kopen stated that she would like to add an item to the executive session resolution regarding "Litigation in the Horseshoe Bend and Frenchtown Run Tax Appeal Matters".

EXECUTIVE SESSION – RESOLUTION NO. 2012 - 61

2012 –

The following Resolution was introduced to enter into closed session at approximately 7:50P.M.:

RESOLUTION NO. 2012 – 61

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 – Tax Appeal BI 12 L 31
Contract Negotiations – Kingwood Park Tenant Lease
Contract Negotiations – Habitat for Humanity BI 19 L 5
Personnel – Municipal Court

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.

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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 8:55P.M. All voted **Aye** on **Roll Call Vote**.

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2012 – 62

RESOLUTION TO APPROVE EXECUTION OF AMENDMENT TO AGREEMENT FOR PROVISION OF AFFORDABLE HOUSING

WHEREAS, the Township of Kingwood (hereinafter, “Township”) entered into an agreement entitled “AGREEMENT FOR THE PROVISION OF AFFORDABLE HOUSING” (hereinafter, “Agreement”) with Raritan Valley Habitat for Humanity, Inc. (hereinafter, “RVHFH”) dated May 29th, 2009, to facilitate the provision of affordable housing as part of the Township’s program for such housing pursuant to the Fair Housing Act, NJSA 52:27D-301 et seq.; and

WHEREAS, RVHFH represented to the Township that RVHFH is a New Jersey non-profit corporation in good standing which has a federal income tax exempt status, and whose corporate purposes include and significantly involve the provision of affordable housing. RVHFH also represented to Township that it has experience in the provision of such housing; and

WHEREAS, the parties have the intention to utilize the Property, a tract of approximately 7.8 acres, which is the subject of this Agreement and is owned in fee simple by the Township, and is shown on the Tax Map of the Township of Kingwood, in the County of Hunterdon, New Jersey as Block 19, Lot 5, subject to the satisfaction of various contingencies, for the construction, marketing, and sale of dwellings restricted for occupancy by low income households. It is a condition of the Township’s obligations under this Agreement that the housing created will entitle the Township to credit from the New Jersey Council on Affordable Housing (“COAH”) not less than four (4) units of low income housing, as such term is defined by COAH; and

WHEREAS, the Township and RVHFH have found it necessary to amend the timeframes set forth in the May 29th, 2009 Agreement and have set forth the proposed time changes, which changes are subject to final review by RVHFH, in a document entitled, “THIRD AMENDMENT TO AGREEMENT FOR THE PROVISION OF AFFORDABLE HOUSING”; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor, the Clerk of the Township, the Chief Financial Officer, and any other proper official of the Township, be and each of them is hereby authorized to execute and deliver the “THIRD AMENDMENT TO AGREEMENT FOR THE PROVISION OF AFFORDABLE HOUSING”, after final approval as to form by RVHFH, and any and all additional documents and instruments and to do and cause to be done any and all acts and things necessary and proper for carrying out the transactions contemplated by the Agreement and this resolution.

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

Municipal Prosecutor

It was moved by Mrs. Haywood, seconded by Phil Lubitz and carried to approve payment of salary of \$850.00 to the Municipal Prosecutor for the month of May 2012, minus Milford Borough portion.

Comments: Deputy Mayor Lubitz noted that in a normal circumstance a person would have stepped aside with pay. He noted that while there was an investigation pending, it turned out that there were no criminal charges.

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

Mayor Niemann thanked Committeewoman Diana Haywood for visiting the Kingwood Fire Company on Monday evening at their meeting. Deputy Mayor Lubitz noted that he sat in on a meeting of membership of both the Fire Company and the Rescue Squad.

2012 –

ADJOURNMENT

It was moved by Mr. Lubitz, seconded by Mrs. Haywood and carried to adjourn the meeting at 9:54P.M. **All** voted **Aye** on **Roll Call Vote**.

Respectfully submitted,

Cynthia L. Keller, RMC
Deputy Clerk