

**KINGWOOD TOWNSHIP COMMITTEE**

**JANUARY 3, 2013 – 7:00PM**

**Call to Order**

**Pledge of Allegiance**

**Adequate notice of this meeting was provided in accordance with the Open Public Meetings Act by publication of the notice in the Hunterdon Democrat and Courier News on December 27, 2012 and by telefaxing copies of the notice to the Express Times and Star Ledger on December 20, 2012. Copies of the notice were also posted in the Kingwood Township Municipal Building and Baptistown Post Office on December 21, 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**

New Jersey State Police – Community Policing Officer

**Resolution No. 2013-06 - 2012 Budget Appropriation Transfers**

**Bills and Claims**

**Public Comment – Privilege of the Floor**

**Reports**

Township Engineer's Monthly Report  
Construction Report of December 2012  
NJSP December 2012  
Emergency Management Coordinator

**Future Meetings & Activities**

**January 12** - Recycling at DPW, 255 Union Rd., from 9:00am-12:00noon  
**January 12** - Free Rabies Clinic at DPW Bldg., 255 Union Rd., from  
1:00pm-3:00pm

**Ordinances**

**Resolution No. 2013-07 - 2003 Temporary Capital Budget**

## **January 3, 2013 Township Committee Agenda Continued**

**Ordinance No. 17-01-2013 Providing For The Appropriation For The Cost Of The Township's Share Of The Preservation Of Block 24, Lots 13, 13.08, 13.09 And 13.10, Appropriating \$62,000.00 Therefore From The Open Space Trust Fund – Introduction and Adoption on First Reading**

**Ordinance No. 17-02-2013 To Amend And Supplement The Land Use Regulations, Specifically “Subdivision of Land, Chapter 115”, and “Zoning, Chapter 132” Of The General Ordinances Pertaining To Threatened And Endangered Species And Environmental Impact Assessment – Introduction and Adoption on First Reading**

**Ordinance No. 17-03-2013 Amend Fees for Horseshoe Bend Park – Introduction and Adoption on First Reading**

### **Resolutions**

**Resolution No. 2013-08 - Sale of SRECs**

**Resolution No. 2013-09 - Part Time Seasonal Workers**

### **New Business**

Kingwood Township Volunteer Fire Co – Tanker Truck Financing – Municipal Approval  
Recreation Committee-Commission Issues

### **Old Business**

Statewide Insurance Fund – Coverage Question

### **Minutes**

December 17, 2012 Regular Meeting

Recommendation to the Township Committee

Comments from Emergency Management Coordinator – Jack MacConnell

### **Adjournment**

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

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January 3, 2013

A Regular Meeting of the Kingwood Township Committee was called to order at 7:25P.M.with Mayor Phillip Lubitz presiding.

Also present at the meeting were Deputy Mayor Diana Haywood, Committeeman Richard Dodds, Attorney Judith Kopen, C.F.O. Diane Laudenbach, Deputy Clerk Cynthia Keller and Clerk Mary E. MacConnell. Mayor Lubitz 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 December 27, 2012 and by telefaxing copies of the notice to the Express Times and Star Ledger on December 20, 2012. Copies of the notice were also posted in the Kingwood Township Municipal Building and Baptistown Post Office on December 21, 2012.**

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### **CORRESPONDENCE**

N/A

### **New Jersey State Police – Community Policing Officer**

Mayor Lubitz explained that he invited Lieutenant Kasey Dienes, Station Commander of the Kingwood Township State Police Department. Lt. Kasey Dienes introduced himself and reviewed the history of his experience in Kingwood Twp. He stated that he or someone from the station will try to attend all of the township meetings to be available for any questions the Township Committee may need to address. He briefly reviewed the station's monthly NJSP report for December. He noted that he recently met with County Prosecutor, A. Kearns and they worked on setting up a hotline program. Mayor Lubitz noted the township has a newsletter that goes out twice a year, and perhaps they would be able to submit a column with tips for homeowners. The Township Committee thanked Lt. Kasey Dienes for coming to the meeting.

### **Resolution No. 2013-06 - 2012 Budget Appropriation Transfers**

### **RESOLUTION**

The following Resolution was introduced:

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**RESOLUTION NO. 2013 – 06**

**2012 RESERVE BUDGET APPROPRIATION TRANSFERS**

**BE IT RESOLVED**, by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey, that the Chief Financial Officer be authorized to make the following transfers within the 2012 Reserve Budget Appropriations:

<b>FROM ACCOUNT</b>	<b>TO ACCOUNT</b>	<b>AMOUNT</b>
122-0006-299	122-0006-010	\$330.00
<b>TOTAL TRANSFERRED:</b>		\$330.00

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

**Roll Call Vote:**

<b>AYE</b>	<b>- Dodds, Haywood, Lubitz</b>
<b>NAY</b>	<b>- None</b>
<b>ABSTAIN</b>	<b>- None</b>
<b>ABSENT</b>	<b>- None</b>

**BILLS AND CLAIMS**

It was moved by Mr. Dodds, seconded by Mrs. Haywood and carried to approve and pay all bills and claims in the amount of **\$994,823.46** that are in order and attached as Bill List for January 2013.

**Roll Call Vote:**

<b>AYE</b>	<b>- Dodds, Haywood, Lubitz</b>
<b>NAY</b>	<b>- None</b>
<b>ABSTAIN</b>	<b>- None</b>
<b>ABSENT</b>	<b>- None</b>

**PUBLIC COMMENT – PRIVILEGE OF THE FLOR**

Robert O'Neil, New Jersey Water Supply Authority- Introduced himself and was present to talk about the project at the Kingwood Park. He stated that he was taking over for Todd Kratzer's assignment for the project. He stated that he had been working with Todd Kratzer on other field work, which is similar to the project scheduled for Kingwood Park. He explained that NRCS is working on a planting scheme for the back portion of the Park. Committeeman Richard Dodds explained that the Parks and Recreation Committee would like to plant a tree in memory of a resident on the park grounds.

He explained that they did not want to interfere with the project plans and they would like to know where the best place to plant the tree, and what type of tree would be the best to plant. Mr. O'Neil stated that he would like to visit the Environmental Commission and the Parks and Recreation Committees to speak to them regarding the project and also to give them ideas of where to plant trees and what type to plant.

Elaine Niemann – 295 Barbertown Point Breeze Road – Came to the Township Committee to explain that she has been working for the past year with Delaware River Tubing regarding a number of issues. She explained that they applied to the Board of Adjustment, and attempted to create an agreement with the NJDEP for access and egress from the river. She came to get permission to continue facilitating the situation with Delaware River Tubing. She noted there are residents that are concerned about the operation of the summer business, which those concerns could be readily resolved through the Board of Adjustment process. She noted that the township has experience between the NJDEP and the Delaware River. She came to ask if the township had any objections to her representing the township, by facilitating between the Delaware River Tubing, the NJDEP and the residents who are surrounded by the business. Committeeman Richard Dodds stated that he would be more than happy to assist Elaine Niemann. She noted that she will be on the Planning Board and the Board of Health as a citizen member and feels that both of those boards have had experience with the Delaware River Tubing Company. Attorney Kopen stated that it would be acceptable for Elaine Niemann to give these individuals from the Delaware River Tubing advice and guidance, and that it would not be a conflict. The Township Committee feels that since Elaine Niemann has had experience with these parties, that it would be acceptable for her to continue working with them. Elaine Nieman thanked the Committee Members and stated that she is not receiving any compensation for facilitating or mediating and would be very happy to continue to help all parties involved.

## **REPORTS**

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

Mayor Lubitz noted all reports from township officials that are required to be in for review, should be submitted one week before the Township Committee meeting. He stated the reports listed on the agenda should be in alphabetical order.

### Emergency Management Coordinator

Emergency Management Coordinator, Jack MacConnell was present and reviewed an update regarding hurricane Sandy. He explained that the funds to be budgeted for the radio system will cost approximately about \$18,000. He confirmed for Mayor Lubitz that the township will be elevating up to the federal level, going from low band to high band, which will be better communication all around. Fire Department member, James Drake was present and explained what this will do, as far as, communication for all the fire departments in the county. He stated that all fire departments in the county will need to purchase new radio systems. There was a discussion regarding seeking out grants for these items.

Mayor Lubitz offered the township's help if assistance is needed. Emergency Management Coordinator, Jack MacConnell reviewed a meeting he had with FEMA and Parks and Recreation Member Richard Dodds. He explained FEMA will be reimbursing the township for funds lost at the parks due to hurricane Sandy for a total of 30 days. He stated that the mitigation plan for Byram Colony along the river has been tabled by the New Jersey State Police and FEMA. He stated that funds for that grant went to Passaic County. He feels that the reverse 911 program will be a better system for both economical and equitable reasons rather than a siren for the Byram area. He explained the reverse 911 program and how it will include the Nockamixon area of Pennsylvania so that Hunterdon County and the Township will be notified immediately if there is an emergency at Lake Nockamixon. He stated there will be a meeting to discuss improvements that need to be addressed at the municipal building, rescue squad building, and the Old Fairview School House, which will include applying for grants. He noted that all the furnaces for the township buildings have been cleaned and are working well. There was a brief discussion regarding fire alarm systems for the township buildings, grants and working together with the fire department. He wanted to thank the Committee Members for all of their support during all of the emergencies. Mayor Lubitz stated that Jack MacConnell has done an extraordinary job as the Emergency Management Coordinator for the township.

Construction Report of December 2012

Township Engineer's Monthly Report

NJSP December 2012

Lieutenant Kasey Dienes, Station Commander reviewed his report at the beginning of the meeting.

### **FUTURE MEETINGS AND ACTIVITIES**

Mayor Lubitz reviewed as per the Agenda.

Committeeman Richard Dodds asked regarding to recycling, who opens and unlocks the facility for the second Saturday of each month. Member of the Environmental Commission, Sandra McNicol was present and explained that the Environmental Commission is in charge of having a volunteer from the Commission to come and assist and watch the recycling depot on the second Saturday of each month from 9:00a.m. – 12:00p.m. There was a brief discussion as to what the responsibilities are for the Recycling Coordinator and the recycling depot. Sandra McNicol explained that the Recycling Coordinator takes care of the paperwork and the Environmental Commission and the Department of Public Works deals with the depot. The DPW calls the company to pick up when the bins are full and they crush down the full containers when needed. She stated that the Commission Members take turns going to assist on the weekend of recycling Saturdays. She noted that there is no one at the Recycling Center assisting during weekday hours.

**Resolution No. 2013-07 - 2003 Temporary Capital Budget**

### **RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2013 – 07**

**2013 TEMPORARY CAPITAL BUDGET**

**WHEREAS**, the Township of Kingwood desires to constitute the 2013 Temporary Capital Budget of said municipality by inserting therein for the preservation of Block 24, Lots 13, 13.08, 13.09 and 13.10.

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

Section 1. The 2013 Temporary Capital Budget of the Township of Kingwood is hereby constituted by the adoption of a schedule to read as follows:

Temporary Capital Budget of the  
Township of Kingwood  
County of Hunterdon and State of New Jersey

Projects Scheduled for 2013  
Preservation of Block 24, Lots 13, 13.08, 13.09 and 13.10

<b>Project</b>	<b>Estimated Costs</b>	<b>Funding</b>
Preservation of Block 24, Lots 13, 13.08, 13.09 & 13.10	\$62,000.00	Open Space Trust Fund

Section 2. The Clerk be and is authorized and directed to file a certified copy of this resolution with the Division of Local Government Services, Department of Community Affairs, State of New Jersey, within three (3) days after the adoption of these projects for the 2013 Temporary Capital Budget, to be included in the 2013 Permanent Capital Budget as adopted.

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

**Roll Call Vote:**

<b>AYE</b>	<b>- Dodds, Haywood, Lubitz</b>
<b>NAY</b>	<b>- None</b>
<b>ABSTAIN</b>	<b>- None</b>
<b>ABSENT</b>	<b>- None</b>

**ORDINANCES**

**ORDINANCE NO. 17-01-2013 – AN ORDINANCE PROVIDING FOR THE APPROPRIATION FOR THE COST OF THE TOWNSHIP’S SHARE OF THE PRESERVATION OF BLOCK 24, LOTS 13, 13.08, 13.09 AND 13.10, APPROPRIATING \$62,000.00 THEREFOR FROM THE OPEN SPACE TRUST FUND** - Introduction and

Adoption on First Reading

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

It was moved by Mrs. Haywood, seconded by Mr. Dodds and carried to adopt on first reading **ORDINANCE NO. 17-01-2013 AN ORDINANCE PROVIDING FOR THE APPROPRIATION FOR THE COST OF THE TOWNSHIP'S SHARE OF THE PRESERVATION OF BLOCK 24, LOTS 13, 13.08, 13.09 AND 13.10, APPROPRIATING \$62,000.00 THEREFOR FROM THE OPEN SPACE TRUST FUND.**

Committeeman Dodds noted that he would like to abstain from this motion, as he stated it would be a conflict of interest since he is involved with the Hunterdon Land Trust and funds will be directed towards them.

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

There was a brief discussion regarding scheduling a special meeting to adopt the ordinance. The Township Committee members all agreed to schedule this ordinance for consideration of adoption at their regular meeting in February.

**Consideration of final adoption at a public hearing is scheduled for Thursday, February 7, 2013 at a meeting beginning at 7:00 P.M. at the municipal building.**

**ORDINANCE**

**ORDINANCE NO. 17-02-2013 – 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 “SUBDIVISION OF LAND, CHAPTER 115, AND “ZONING, CHAPTER 132” OF THE GENERAL ORDINANCES OF THE TOWNSHIP PERTAINING TO THREATENED AND ENDANGERED SPECIES AND ENVIRONMENTAL IMPACT ASSESSMENT** - Introduction and Adoption on First Reading

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

It was moved by Mr. Dodds, seconded by Mrs. Haywood and carried to adopt on first reading **ORDINANCE NO. 17-02-2013 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 “SUBDIVISION OF LAND, CHAPTER 115, AND “ZONING, CHAPTER 132” OF THE GENERAL ORDINANCES OF THE TOWNSHIP PERTAINING TO THREATENED AND ENDANGERED SPECIES AND ENVIRONMENTAL IMPACT ASSESSMENT.**



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

Consideration of final adoption at a public hearing is scheduled for Thursday, February 7, 2013 at a meeting beginning at 7:00 P.M. at the municipal building.

**ORDINANCE**

**ORDINANCE NO. 17-03-2013 – AN ORDINANCE AMENDING FEES FOR HORSESHOE BEND PARK SET FORTH IN ARTICLE I OF CHAPTER 34, “RECREATION COMMISSION AND PARKS AND RECREATION COMMITTEE” AND CHAPTER 94, “OPEN SPACE AND RECREATION AREAS” OF THE CODE OF THE TOWNSHIP OF KINGWOOD** - Introduction and Adoption on First Reading

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

Attorney Kopen stated that there are inconsistencies in general fees between Chapter 34 and Chapter 94. She suggested that the changes in the fees will need to be changed by ordinance.

It was moved by Mr. Dodds, seconded by Mrs. Haywood and carried to adopt on first reading **ORDINANCE NO. 17-03-2013 – AN ORDINANCE AMENDING FEES FOR HORSESHOE BEND PARK SET FORTH IN ARTICLE I OF CHAPTER 34, “RECREATION COMMISSION AND PARKS AND RECREATION COMMITTEE” AND CHAPTER 94, “OPEN SPACE AND RECREATION AREAS” OF THE CODE OF THE TOWNSHIP OF KINGWOOD.**

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

Consideration of final adoption at a public hearing is scheduled for Thursday, February 7, 2013 at a meeting beginning at 7:00 P.M. at the municipal building.

**Resolution No. 2013-08** - Sale of SRECs

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2013 – 08**

**SALE OF SRECs**

**WHEREAS**, the Township of Kingwood has decided, due to the low value of the currently generated SRECs, to refrain from selling the SRECs.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey, that the Chief Financial Officer be authorized to refrain from selling the SRECs until the selling price is \$125.00.

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

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

**Resolution No. 2013-09 - Part Time Seasonal Workers**

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2013 – 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 Michael Gallagher, Mark Hendrickson and Jack Search are appointed as part time seasonal workers for the Department of Public Works for the year 2013, at a rate of \$20.00 per hours.

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

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

**NEW BUSINESS**

Kingwood Township Volunteer Fire Co – Tanker Truck Financing – Municipal Approval

James Drake a member of the Kingwood Twp. Vol. Fire Co. was present and came to the Township Committee to ask for their approval as required by the bank to apply for a loan to purchase a new tanker fire truck. Mayor Lubitz asked about the fire departments most recent audit. James Drake stated that their next audit will be done in March of this year and will get a copy to the township as soon as they receive the completed audit.

It was moved by Mr. Dodds, seconded by Mrs. Haywood and carried to authorize the Mayor of the Township to execute a certification for the purpose of the Kingwood Township Fire Department to finance a new tanker truck.

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

Recreation Committee-Commission Issues

Committeeman Dodds noted Attorney Kopen researched the concepts of the recreation commission to be sure the township is following the correct procedures. Attorney Kopen provided information for the Township Committee to review. Committeeman Dodds noted that a special meeting is scheduled for the Parks and Recreation Committee to discuss the recreation commission on Thursday, January 31, 2013 at 7:00P.M.

**OLD BUSINESS**

Statewide Insurance Fund – Coverage Question

The Township Committee discussed coverage for employee compensation. Attorney Kopen to research additional information regarding the Fair Labor Standards Act and employees compensation. The Township Committee feels that it would be best to go with the coverage.

It was moved by Mrs. Haywood, seconded by Mr. Dodds and carried to accept additional coverage for the Fair Labor Standards Act.

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

**MINUTES**

December 17, 2012 Regular Meeting

It was moved by Mrs. Haywood, seconded by Mr. Dodds and carried to adopt the minutes of the December 17, 2012 Regular Meeting for the Township Committee.

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

Recommendation to the Township Committee

C.F.O. Diane Laudenbach explained there was a loss of \$6,000 after the 2012 Community Day, and a \$4,000 loss the year prior. She recommended that the township and the Parks and Recreation Committee need to anticipate revenue. There was a brief discussion regarding the expenses of Community Day.

Comments from Emergency Management Coordinator – Jack MacConnell

Jack MacConnell commented on areas of the Horseshoe Bend Park. He stated that some of it has been leased thru the state. He noted that the township needs to find out from the state if they have contracts to lease the land. Committeeman Dodds noted that he is working on the problem with the state and that there may be a consideration that the land will be auctioned again. He reviewed the agreement the township currently has with the state, which states Kingwood Township would control those fields so that the state does not have the option to lease them out. He stated that the leases have not been completed yet.

**ADJOURNMENT**

It was moved by Mr. Dodds, seconded by Mrs. Haywood and carried to adjourn the meeting at 9:10P.M. All voted **Aye** on **Roll Call Vote**.

Respectfully submitted,

Cynthia L. Keller, RMC  
Deputy Clerk