

2010 - 118

May 13, 2010
Regular Township Committee
Meeting Minutes

A Regular Meeting of the Kingwood Township Committee was called to order at 7:30 P.M. with Mayor Burke presiding.

Also present at the meeting were Deputy Mayor Lubitz, Committeewoman Niemann, Attorney Judith Kopen, Auditor William Colantano, C.F.O. D. Laudенbach, Deputy Clerk Keller and Clerk MacConnell. Following the salute to the Flag, Mayor Burke 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 April 22, 2010 and by telefaxing copies of the notice to the Express Times and Star Ledger on April 19, 2010. Copies of the notice were also posted in the Kingwood Township Municipal Building and Baptistown Post Office on April 19, 2010.

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.

2010 Municipal Budget – Public Hearing

It was moved by Mr. Lubitz, seconded by Mrs. Niemann and carried to open the Public Hearing for the 2010 Municipal Budget. **All voted Aye on Roll Call Vote.**

Comments from the Public: None

It was moved by Mrs. Niemann, seconded by Mr. Lubitz and carried to close the Public Hearing for the 2010 Municipal Budget. **All voted Aye on Roll Call Vote.**

Resolution No. 2010-50 - Amendments to Budget

Auditor William Colantano was present at the meeting and explained the amendments to the Budget, which are under Clean Communities funds, and adjustments on notes. Mr. Colantano noted that the Resolution must be published and a Public Hearing must be held only for the amendments to the budget at the next Township meeting in June.

RESOLUTION

The following Resolution was introduced:

**TOWNSHIP OF KINGWOOD
2010 MUNICIPAL BUDGET AMENDMENT**

RESOLUTION NO. 2010-50 AMENDMENTS TO BUDGET

WHEREAS, the local municipal budget for the year 2010 was approved on the 12th day of April, 2010; and

WHEREAS, the public hearing on said budget has been held as advertised; and

THEREFORE BE IT RESOLVED, by the Governing Body of the Township of Kingwood, County of Hunterdon that the following amendments to the approval budget of 2010 by made:

<u>Recorded Vote</u>	<u>Ayes</u>	<u>Nays</u>	<u>Abstained</u>	<u>Absent</u>
Burke	Yes			
Lubitz	Yes			
Niemann	Yes			

CURRENT FUND

GENERAL REVENUES-CURRENT FUND	<u>From</u>	<u>To</u>
State Aid Without Offsetting Appropriations:		
Clean Communities Program	\$ _____	\$ 14,147.14
Total Miscellaneous Revenues	<u>530,316.93</u>	<u>\$ 544,464.07</u>
Total General Revenues	\$2,770,606.00	\$2,784,753.14
	=====	=====

APPRORIATIONS – CURRENT FUND

Operations Excluded from “CAPS”		
Clean Communities Program	\$ _____	\$ 14,147.14
Total Operations Excluded from “CAPS”	<u>23,799.50</u>	<u>37,946.64</u>
Capital Improvements		
Further Renovations to Municipal Building	<u>7,000.00</u>	<u>3,600.00</u>
Total Capital Improvements	<u>172,000.00</u>	<u>168,600.00</u>

2010 – 120

Municipal Debt Service:

Interest on Notes

Total Municipal Debt Services:	<u>14,355.00</u>	<u>17,755.00</u>
Total Municipal Debt Services:	<u>197,015.00</u>	<u>200,415.00</u>

Total Appropriations

\$2,770,606.00	\$2,784,753.14
=====	=====

BE IT FURTHER RESOLVED, that two (2) certified copies of this resolution be filed forthwith in the office of the Director of Local Government Services for his certification of the local municipal budget so amended.

BE IT FURTHER RESOLVED, that this complete amendment, in accordance with the provisions of NJSA 40A:4-9, be published in the Hunterdon County Democrat in the issue of May 27, 2010 and that said publication contain notice of public hearing on said amendment to be held at the Municipal Building on June 1, 2010 at 7:00 PM.

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

Roll Call Vote:

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

CORRESPONDENCE

Thank You Letter from Delaware Twp re: DPW Storm Assistance

Mayor Burke reviewed.

Letter from NJDEP re: 2009 Open Space Referendum

Mayor Burke reviewed.

Letter from NJ Clean Energy Program re: Rebate for Solar Panel Project

Mayor Burke reviewed.

Letter from River-To-Sea re: Fifteenth Annual Relay Race along Route 29

Mayor Burke reviewed.

Letter from Main Line Cycling Club re: Time Trials along Route 29

Mayor Burke reviewed.

Resolution No. 2010-51 - 2010 Temporary Budget Appropriations

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2010 – 51

2010 TEMPORARY APPROPRIATIONS

WHEREAS, the 2010 Budget of the Township of Kingwood has not been adopted and the appropriations provided for in Resolution No. 2010-02I are insufficient to cover the expenses in April of 2010; 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 Temporary 2010 Budget Appropriations be raised by the statutory one-twelfth (1/12th).

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

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

BILLS AND CLAIMS

It was moved by Mrs. Niemann, seconded by Mr. Lubitz and carried to approve and pay all bills and claims in the amount of **\$ 1,252,614.29** that are in order and attached as **Bill List** for **May** 2010.

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

PUBLIC COMMENT – PRIVILEGE OF THE FLOOR

Irving MacConnell, Emergency Management Coordinator Commented that as the EMC he was asked to obtain masks for the EM Committee members. He noted that there are two types of masks. He explained that one is the M95 and would need to be fitted and cleared by a physician, or to obtain surgical masks. He noted that the Township has elected to obtain the surgical masks. He also explained that the Hunterdon County Health Department discussed the swine flu. He noted that there were about 110 cases in the County. Mr. MacConnell also mentioned a triathlon that would be starting at Round Valley through Kingwood Township, and then through Franklin Township.

Bruno and Pat Casuscelli

Committeewoman Niemann excused herself from the discussion.

Pat Casuscelli asked questions regarding the ordinance for the pods, and if the Township Committee had any new information on the ordinance that was introduced, and if they are considering final adoption. The Committee members responded that they are still waiting for the results of the Landuse Survey, and recommendations from the Planning Board.

Bruno Casuscelli noted that he would like to have an expert come to a meeting to explain and review the business being considered on his property. He explained that he has been waiting a very long time for the Township to make a decision. Mayor Burke commented that several items in the ordinance need to be reviewed by the Planning Board, and will be considered next month. Mr. Casuscelli expressed his feelings, and wanted an answer on how long will it take. Attorney Kopen responded and noted that she will contact the Planning Board Attorney for some answers before the next P.B. meeting in June.

Committeewoman Niemann rejoined the Committee members. She commented that the Township should be well prepared to present the Planning Board with the results of the Landuse Survey by the next Planning Board meeting.

Irving MacConnell, EMC Commented on the March 9, 2010 storm that hit the area hard. He stated that the County has been qualified for aid, and is hoping to get back approximately 75% of what was spent on the vehicles uses, and time and a half for County workers. He noted there will be mitigation at a meeting on May 21st.

REPORTS

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

Tax Collector's Report of April 2010
Municipal Court Report of April 2010
Construction Report of April 2010

Township Engineer's Monthly Report

The Committee members discussed the Engineers Report, and the Maintenance & Repair Material Bids. Mayor Burke noted that the chipping and sealing of the six miles of roads for the year 2010 will be put off due to the cost of materials. He did state that there are two paving projects going on this summer. Committeewoman Niemann reviewed a meeting she attended with the Road Department and several other members who met with the New Jersey Water Supply Authority on May 10th, 2010. She explained that the regions area received a grant through the New Jersey Water Supply Authority to do stormwater management and drainage containment work. She explained that they looked at the Kingwood Park, and a section of Barbertain Point Breeze Road where it connects with Fitzer Road. She explained that there was discussion on installing drainage improvements that were to be funded by this plan.

Zoning Permits Report of April 2010

General Code Enforcement Permit of April 2010

No reports were submitted for this month. Deputy Mayor Lubitz commented on the great idea for the door hangers the Township's Code Enforcement Officer uses when residents are not home.

Animal Control Report

Dog License Report

Deputy Mayor Lubitz explained that there was notification posted all through the Baptistown Town area notifying the residents that a rabid raccoon was loose and what procedures to take.

FUTURE MEETINGS AND ACTIVITIES

Mayor Burke reviewed as per the Agenda.

ORDINANCES

ORDINANCE NO. 16-07-2010 FIXING THE SALARIES AND COMPENSATION OF THE VARIOUS OFFICERS AND EMPLOYEES OF THE TOWNSHIP -

Public Hearing and Final Adoption

This Ordinance was introduced and adopted on first reading at a meeting of the Kingwood Township Committee on the 12th day of April, 2010. The Ordinance was published in the Hunterdon County Democrat on April 15, 2010 and has been posted in the Kingwood Township Municipal Building on April 13, 2010. Copies of the Ordinance have been available for inspection by the public since April 13, 2010.

It was moved by Mrs. Niemann, seconded by Mr. Lubitz and carried to open the hearing to the public. **All** voted **Aye** on **Roll Call Vote**.

Public Comments: No Comments

It was moved by Mrs. Niemann, seconded by Mr. Lubitz and carried to close the public hearing. **All voted Aye on Roll Call Vote.**

It was moved by Mr. Lubitz, seconded by Mrs. Niemann and carried to adopt on final reading **ORDINANCE NO. 16-07-2010 FIXING THE SALARIES AND COMPENSATION OF THE VARIOUS OFFICERS AND EMPLOYEES OF THE TOWNSHIP.**

Committeewoman Niemann asked C.F.O. Laudenbach questions regarding the recycling coordinator's salary for the modification for this year, since it was missed last year. C.F.O. Laudenbach responded.

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

ORDINANCE

ORDINANCE NO. 16-08-2010 AN ORDINANCE AMENDING CHAPTER 75A OF THE CODE OF THE TOWNSHIP OF KINGWOOD ENTITLED "FEES" - Public Hearing and Final Adoption

This Ordinance was introduced and adopted on first reading at a meeting of the Kingwood Township Committee on the 12th day of April, 2010. The Ordinance was published in the Hunterdon County Democrat on April 15, 2010 and has been posted in the Kingwood Township Municipal Building on April 13, 2010. Copies of the Ordinance have been available for inspection by the public since April 13, 2010.

It was moved by Mrs. Nieman, seconded by Mr. Lubitz and carried to open the hearing to the public. **All voted Aye on Roll Call Vote.**

Public Comments: No Comments

It was moved by Mr. Lubitz, seconded by Mrs. Niemann and carried to close the public hearing. **All voted Aye on Roll Call Vote.**

It was moved by Mr. Lubitz, seconded by Mrs. Niemann and carried to adopt on final reading **ORDINANCE NO. 16-08-2010 AN ORDINANCE AMENDING CHAPTER 75A OF THE CODE OF THE TOWNSHIP OF KINGWOOD ENTITLED "FEES".**

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

ORDINANCE

ORDINANCE NO. 16-09-2010 AN ORDINANCE PROVIDING FOR THE RECONSTRUCTION OF TUMBLE FALLS ROAD BY THE TOWNSHIP OF KINGWOOD, IN THE COUNTY OF HUNTERDON, NEW JERSEY, APPROPRIATING \$393,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$373,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING THE COST THEREOF - Public Hearing and Final Adoption

This Ordinance was introduced and adopted on first reading at a meeting of the Kingwood Township Committee on the 12th day of April, 2010. The Ordinance was published in the Hunterdon County Democrat on April 15, 2010 and has been posted in the Kingwood Township Municipal Building on April 13, 2010. Copies of the Ordinance have been available for inspection by the public since April 13, 2010.

It was moved by Mrs. Niemann, seconded by Mr. Lubitz and carried to open the hearing to the public. **All voted Aye on Roll Call Vote.**

Public Comments: No Comments

Mayor Burke explained that this is strictly paperwork. He explained that the Township received a grant from the Bridge Commission that needs to be addressed by the Township, so that it is in ordinance form. He noted that the total cost for the work for Tumble Falls Road will be paid totally by grant money received.

It was moved by Mrs. Niemann, seconded by Mr. Lubitz and carried to close the public hearing. **All voted Aye on Roll Call Vote.**

It was moved by Mrs. Niemann, seconded by Mr. Lubitz and carried to adopt on final reading **ORDINANCE NO. 16-09-2010 AN ORDINANCE PROVIDING FOR THE RECONSTRUCTION OF TUMBLE FALLS ROAD BY THE TOWNSHIP OF KINGWOOD, IN THE COUNTY OF HUNTERDON, NEW JERSEY, APPROPRIATING \$393,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$373,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING THE COST THEREOF.**

Deputy Mayor Lubitz commended Mayor Burke for bringing more than a half a million dollars to the Township for repairing the Township roads.

He also noted that arrangements have been made with Frenchtown Boro to repair the end of Horseshoe Bend Road by our Road Department, but paid for by Frenchtown Boro.

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

ORDINANCE

ORDINANCE NO. 16-10-2010 REPLACING CHAPTER 97, RECYCLING WITH NEW CHAPTER 97, RECYCLING – Introduction and Adoption on First Reading

Mayor Burke read the Ordinance aloud which was introduced.

Attorney Kopen, Committeewoman Niemann and Recycling Coordinator Cynthia Niciecki reviewed the amendments to the ordinance.

It was moved by Mrs. Niemann, seconded by Mr. Lubitz and carried to adopt on first reading **ORDINANCE NO. 16-10-2010 REPLACING CHAPTER 97, RECYCLING WITH NEW CHAPTER 97, RECYCLING WITH AMENDMENTS.**

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

Consideration of final adoption at a public hearing is scheduled for Tuesday, June 1, 2010 at a meeting beginning at 7:00 P.M. at the municipal building.

RESOLUTIONS

Resolution No. 2010-52 - 2010 Maintenance & Repair Materials Bids

The following Resolution was introduced:

RESOLUTION NO. 2010 – 52

WHEREAS, bids for Maintenance and Repair Materials were received on April 22, 2010 on behalf of the Townships of Delaware, Franklin and Kingwood as part of their Joint Road Maintenance Agreement; and

WHEREAS, the contracts for the maintenance and repair materials in the Township of Kingwood, County of Hunterdon, be and are hereby awarded to the following:

<u>Item</u>	<u>Description</u>	<u>Qty</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Bidder</u>
1	Hot Mix Asphalt, Mix I-4 or I-5, Surface Course (FOB)	500	Ton	\$ 51.00	Stavola
2	Hot Mix Asphalt, Mix I-4 or I-5, Surface Course (FDS)	2100	Ton	\$ 66.90	Flemington Bituminous Corp.
3	Hot Mix Asphalt, Mix I-2, Base Course (FOB)	200	Ton	\$ 48.50	Stavola
4	Hot Mix Asphalt, Mix I-2, Base Course (FDS)	1200	Ton	\$ 64.40	Flemington Bituminous Corp
5	Emulsified Asphalt - Grade CRS-2P (FDA)	30000	Gal	\$ 2.60	Garden State Asphalt Materials
6	1" Quarry Process/Road Blend (FOB)	500	Ton	\$ 8.00	Trap Rock Industries Inc.
7	¾" Clean Crushed Stone (FOB)	500	Ton	\$ 13.00	Trap Rock Industries Inc.
8	Screenings (FOB)	300	Ton	\$ 11.00	Trap Rock Industries Inc.
9	No. 4 Clean Stone (FOB)	300	Ton	\$13.00	Trap Rock Industries Inc.

WHEREAS, the mileage adjustments have been taken into account for hauling costs based on \$1.45 per mile and the selected hauling route was determined to be from the Department of Public Works Facility to the production plant one way; and

WHEREAS, the presiding officer of this body be and is hereby directed to sign for and on its behalf the contracts in the prescribed form for said road maintenance and materials; and

WHEREAS, the Clerk of this body be and is hereby directed to seal said contracts with the corporate seal of this body and to attest to the same.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey that on receipt of a bond for not less than the amount of said contract executed in the prescribed form and heretofore approved by the solicitor of this body, the presiding officer and finance committee thereof be and are hereby in their discretion, empowered to approve said bond.

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

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

RESOLUTION

Resolution No. 2010-53 - Appoint Qualified Purchasing Agent

The following Resolution was introduced:

RESOLUTION NO. 2010 - 53

QUALIFIED PURCHASING AGENT APPOINTMENT

WHEREAS, the Local Public Contracts Law gives local contracting units the ability to increase their bid threshold up to \$29,000; and

WHEREAS, N.J.S.A. 40A:11-3a permits an increase in the bid threshold if a Qualified Purchasing Agent is appointed, as well as granted the authorization to negotiate and award such contracts below the bid threshold; and

WHEREAS, N.J.A.C. 5:34-5 et seq. establishes the criteria for qualifying as a Qualified Purchasing Agent; and

WHEREAS, Diane Laudenbach, who effectively service as Chief Financial Officer, also possesses the designation of Qualified Purchasing Agent, as issued by the Director of the Division of Local Government Services, in accordance with N.J.A.C. 5:34-5 et seq.

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 Diane Laudenbach be appointed as Qualified Purchasing Agent through December 31, 2010, to exercise the duties of purchasing agent, pursuant to N.J.S.A. 40A:11-2(30), with specific relevance to authority, responsibility and accountability of the purchasing activity of the contracting unit;

BE IT FURTHER RESOLVED that the Mayor and Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey, hereby increase its bid threshold to \$29,000, and its quote threshold is fifteen percent (15%) of the approved bid threshold; and

BE IT FURTHER RESOLVED that, in accordance with N.J.A.C. 5:34-5.2, the Township Clerk shall forward a certified copy of the within Resolution to the following: Director of the Division of Local Government Services and Mark Pfeiffer, Deputy Director of the Division of Local Government Services.

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

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

RESOLUTION

Resolution No. 2010-54 - Appoint Substitute Court Security Officer

The following Resolution was introduced:

RESOLUTION NO. 2010 – 54

SUBSTITUTE MUNICIPAL COURT SECURITY OFFICER

WHEREAS, the Township of Kingwood is in need of a Substitute Municipal Court Security Officer; and

WHEREAS, the Township has previously interviewed Douglas M. Schrade for the position of Municipal Court Security Officer;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey to employ Douglas M. Schrade as Substitute Municipal Court Security Officer at an hourly rate of \$29.32.

Mayor Burke explained the reasons for the Resolution.

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

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

RESOLUTION

Resolution No. 2010-55 - Security Deposit Bl 20 L 1

The following Resolution was introduced:

RESOLUTION NO. 2010 - 55

SECURITY DEPOSIT

WHEREAS, the occupant of the residence on Block 20, Lot 1 did not remit the last month’s rent for July, 2009; and

WHEREAS, the occupant of the residence on Block 20, Lot 1 posted a \$900.00 security deposit.

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 permitted to transfer the security deposit plus all applicable interest earned to the Current Fund.

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

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

RESOLUTION

Resolution No. 2010-56 - Planning Bd Application Fee Bl 28 L 11

The following Resolution was introduced:

RESOLUTION NO. 2010 – 56

REFUND OF PLANNING BOARD APPLICATION FEE

WHEREAS, at the April 13, 2010, Planning Board meeting, a motion was made, seconded and carried to refund an application fee to Van Holten Group, Block 28, Lot 11, in the amount of \$1,250.00; and

WHEREAS, the applicant, Van Holten Group, has requested the refund be applied to the Planning Board escrow for their application.

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 transfer the \$1,250.00 from the Current Fund, Planning Board Fees, to the Planning Board Escrow Account on behalf of Van Holten Group, Block 28, Lot 11.

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

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

RESOLUTION

Resolution No. 2010-57 - Tax Sale Redemption Bl 35 L 7 & 7Q

The following Resolution was introduced:

RESOLUTION NO. 2010 - 57

TAX SALE REDEMPTION

WHEREAS, the Tax Collector has received redemption monies in the amount of \$10,177.68 to redeem Tax Sale Certificate No. 2009-12 on Block 35, Lots 7 & 7Q0330.

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 \$10,177.68 to Royal Tax Lien Services, 179 Washington Lane, Jenkintown, PA, 19046 for the redemption of Tax Sale Certificate No. 2009-12; and

BE IT FURTHER RESOLVED that the Chief Financial Officer be authorized to issue a check in the amount of \$2,500.00 as a refund of the premium paid at the time of sale.

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

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

RESOLUTION

Resolution No. 2010-58 - DVRHS Budget

The following Resolution was introduced:

RESOLUTION NO. 2010 – 58

**RESOLUTION OF THE TOWNSHIP COMMITTEE
OF THE TOWNSHIP OF KINGWOOD,
HUNTERDON COUNTY, NEW JERSEY IN
REGARD TO CERTIFICATION OF THE LOCAL
TAX LEVY FOR THE DELAWARE VALLEY
REGIONAL HIGH SCHOOL DISTRICT**

WHEREAS, the Board of Education of the Delaware Valley Regional High School District presented to the voters, at the annual School Election held on April 20, 2010, a question concerning the tax levy requirements for the said Board of Education for current expenses and capital outlay, designated as the General Fund, in the amount of \$12,833,311 for the school year 2010-2011; and

WHEREAS, the voters of Kingwood Township rejected the current expense and capital outlay budget designated as the General Fund, by a vote of 242 - Yes votes and 538 - No votes; and

WHEREAS, the total votes cast of the five municipalities comprising the Delaware Valley Regional High School District rejected the current expense and capital outlay budget, designated as the General Fund, by a total vote of 1,502 -Yes votes, 2,285 - No votes; and

WHEREAS, the said Delaware Valley Regional High School Board of Education transmitted an official copy of the rejected current expense and capital outlay budget designated as the General Fund to the Township Committee of the Township of Kingwood by April 22, 2010; and

WHEREAS, the Township Committee of the Township of Kingwood has reviewed information on the current expense and capital outlay budget, designated as the General Fund submitted by the said Board of Education; and

WHEREAS, a joint meeting of the mayors of the five municipalities was held on May 3, 2010, to discuss the current expense and capital outlay budget, designated in the General Fund as submitted by the Board of Education; and

WHEREAS, careful consideration has been given to the information received from the Board of Education, with a view toward providing a thorough and efficient system of education in the school system of the Delaware Valley Regional High School District;

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

The tax levy amount of \$12,833,311 on the ballot was rejected by the voters for the General Fund (base budget);

The Mayor and Township Committee have determined that the rejected General Fund is above the maximum T & E budget and that a reduction of \$175,000 will not adversely affect the Board of Education's ability to meet the thoroughness and efficiency standard as set forth in N.J.S.A. 18A:7F. Therefore, the Mayor and Township Committee hereby reduce the General Fund tax levy by \$175,000. It is recommended that such reductions come from the following line-item accounts:

<u>ACCOUNT CODE</u>	<u>DEPT</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
11 000 221 102	IMPROVEMENT OF INSTRUCTION REGULAR	SALARIES	\$10,000
11 140 100 101	INSTRUCTION	SALARIES	\$32,000
11 213 100 101	RESOURCE CENTER REGULAR	SALARIES	\$21,000
11 190 100 610	INSTRUCTION EMPLOYEE	SUPPLIES	\$35,000
11 000 291 270	BENEFITS	HEALTH BENEFITS	\$77,000
			<u>\$175,000</u>

In consideration of these reductions, the tax levy will be adjusted as follows:

\$12,833,311	-	presented to the voters
<u>- 175,000</u>	-	above reductions
\$12,658,311		certified tax levy amount

1. The Mayor and Township Committee hereby certify that the amount of the tax levy herein above certified by this Municipal Government for the General Fund (base budget) is sufficient to provide a thorough and efficient system of education for the Delaware Valley Regional High School District.
2. The aforementioned tax levy herein certified by the Township of Kingwood for the base budget exceeds minimum local share required by the N.J.S.A. 18A:7F-5.
3. The Township Clerk of the Township of Kingwood is directed to certify no later than May 19, 2010, to the Hunterdon County Board of Taxation, the Hunterdon County Superintendent of Schools, the Delaware Valley Regional High School District Board of Education, the Kingwood Township Tax Assessor, the Division of Local Finance of the Department of the Treasury of the State of New Jersey, and to any other parties required by law to receive such certification, that the amount of **\$3,030,918.21** is necessary to be raised by taxation for General Fund revenues (District tax levy); this proportionate amount representing 23.9440966% of the District's total general fund tax levy shall be included in the taxes to be raised, levied and collected in this Township for current expense and capital outlay, designated as General Fund set forth herein, for the Delaware Valley Regional High School District; and copies of this Resolution, to be executed by the Mayor and Township Clerk, shall be forwarded by the Township Clerk to the persons and/or departments named herein, for certification purposes.

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

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

RESOLUTION

Resolution No. 2010-59 - Eagle Scout

The following Resolution was introduced:

Resolution No. 2010- 59

WHEREAS, Kingwood Township Boy Scout Troup 519 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 519 continues to undertake numerous service projects benefiting our residents and our municipality; and

WHEREAS, on May 23, 2010, Boy Scout Kyle McNally, a member of Troop 519 will be honored at a special Court of Honor Ceremony to honor his achievement of Eagle Scout rank, Boy Scouts highest honor; and

WHEREAS, Kyle helped flood victims in Kingwood Township while a 1st Class Scout; and

WHEREAS, as a Star Scout, Kyle was Senior Patrol Leader and was made a member of Order of the Arrow and he organized a blood drive at Delaware Valley High School; and

WHEREAS, Kyle completed his Eagle Scout Service Project, which was to site and create a 4' x7' mural in Kingwood Township Elementary School, depicting a medieval landscape, memorializing the strength of the Knight, the school's mascot. This project totaled more than 150 hours of work and the coordination of many contributors; and

WHEREAS, on May 23, 2010, a Court of Honor will be convened for the purpose of bestowing upon Kyle McNally the highest honor of Scouting, after which, and for the rest of his life, Kyle will carry the title of EAGLE SCOUT; and

WHEREAS, EAGLE SCOUT KYLE McNALLY has joined 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 the 13th day of May, 2010 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 Mrs. Niemann, seconded by Mr. Lubitz and carried to adopt the foregoing Resolution.

Committeewoman Niemann explained that she has obtained the information from Kyles parents, and will be assembling the resolution for May 23, at 2:00PM ceremony for Kyle.

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

NEW BUSINESS

Planning Board Appointment

The Committee members received an application from a gentleman by the name of Mr. Charles McGovern who is interested in a position as an alternate member, which is open on the Planning Board. Mayor Burke explained that he spoke with Mr. McGovern, and he seems well qualified for the position. Mr. Burke will contact Mr. McGovern and invite him to the next Planning Board meeting. The Committee members would like to speak to Mr. McGovern first before appointing him to the position.

Request from Planning Bd re: Route 12

Mayor Burke read the letter of request aloud. He noted that the Planning Board had a discussion at their April 13, 2010 Planning Board meeting to request that the Township Committee members ask the code enforcement official to review the Route 12 corridor for any and all violations. They would like a report back to them prior to their June 8, 2010 meeting. Committeewoman Niemann explained that she spoke to the Planning Board members regarding this at their last meeting. She explained that she has already discussed this request with the code enforcement official, and that there will not be a full report by the June 8th meeting. She stated that there is so much to review, and that he only works part-time.

Request to Rename Reading Road

Clerk MacConnell explained a letter that was sent to the Township explaining the situation. She explained that a family has purchased a property on Reading Road off of Barbertown Point Breeze Rd.

He asked if it would be possible to change the name of the road, because he is concerned about the delivery of his mail. He stated that his address would be Flemington and that there is a Reading Road in Flemington in close proximity to where he lives. He stated that it is located in Delaware Township. Clerk MacConnell recommended that the person call Mildred Wehr, who is the Township's main researcher for road names. Clerk MacConnell explained that she spoke to Mrs. Wehr, and she noted that the Historical Society recommended that the name be changed to John Reading Road. She explained that the name Reading was the name of a very prominent property owner in Kingwood Township. The Committee members discussed the situation. Deputy Mayor Lubitz feels that the residents on the road should be informed and be given the chance to be asked if they object to the change. Mayor Burke suggested that a request be in writing from both the property owners, and the Historical Society. Attorney Kopen will research more information in the statutes for renaming roads. Mayor Burke stated that the Township will need to find out how to contact the postal service with this information.

Request for Summer Internship

Clerk MacConnell explained that a request from a young gentleman has been sent to the Township to work during the summer months, as he needs to put time in for a Political Science degree by working during his sty fen for college credits. The Committee members asked several questions and noted that there will be no compensation for this position. Clerk MacConnell will contact the person interested, and inform him that the Committee members have no objections. She will explain to him that they feel there is plenty of work that he can help out with in the office, and that they welcome him to the Township for the summer months.

Certificate of Determination and Award

C.F.O. Diane Laudenbach was present at the meeting, and explained that this is just information regarding a certificate of determination and award.

Grass Cutting on Municipal Properties

Mayor Burke explained that Michael Ewing a member of the Public Works Department has been cutting the grass and maintaining the Kingwood properties after hours. The Township has agreed to pay him for his time working. Mayor Burke listed all the properties that are involved. This is due to the reduction in a member on the Public Works Department, and deciding to hire a seasonal worker for the position.

It was moved by Mr. Lubitz, seconded by Mrs. Niemann and carried to approve the wage of \$20.00 an hour for seasonal grass cutting on Township properties.

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

OLD BUSINESS

Gergar Property

Attorney Kopen provided a memorandum explaining the preparation for an auction for the Gergar Farm for the Committee members to review. She noted that she answered several questions asked by Earle Steeves of Max Spann Real Estate & Auction Company. She asked the Township Committee members what direction they would like to go, and how they would like to handle this property. Committeewoman Niemann had several questions regarding the Leon’s having the right to build a structure on the farm, which would increase the tax bill for the owner of the farm. Committeewoman Niemann suggested that it be considered that it be left one parcel, and restrict the ability to put a structure on the open farmland. She suggested that Attorney Kopen speak to the Leon’s attorney on amending the agreement.

Open Space Element of the Master Plan

Committeewoman Niemann explained that there is a work team for the Township working on the Open Space and Recreation Plan Element of the Master Plan. She noted that they have been surveying and met for a workshop in February for residents to attend. She stated that a draft of the plan was distributed to the Planning Board and that this will also be distributed to the Parks and Recreation Committee for it’s next meeting. Committeewoman Niemann explained that this will be coming to a close in the next few weeks in terms of finalizing the draft document. She asked the Committee members to give their comments or changes they would like to have made.

MINUTES

April 12, 2010 Regular Meeting

It was moved by Mr. Lubitz, seconded by Mrs. Niemann and carried to adopt the Minutes of the April 12, 2010 Regular Meeting for the Township Committee with the following corrections: **Page 2010-84 Under: Resolution from Glen Gardner re: Support of Governor Christie** – Second line the word (Hagedorn) is misspelled. Word spelled - Hagadoorn before correction. **Page 2010-86 Under 2010 Census** – Fifth line: 5th word in change word from (cause) to (because), and end of same sentence – omitting the words (the) (census), and replacing it with (our population). **Page 2010-104 – Under – Cty Inventory of Septic Systems Available** - Correction to change the abbreviation Cty. - spelling the word out to (County).

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

April 12, 2010 Executive Session

It was moved by Mr. Lubitz, seconded by Mrs. Niemann and carried to adopt the Executive Session Minutes of April 12, 2010 for the Township Committee.

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

April 21, 2010 Special Meeting

It was moved by Mrs. Niemann, seconded by Mr. Lubitz and carried to adopt the Minutes of the April 21, 2010 Special Meeting for the Township Committee.

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

May 4, 2010 Special Meeting

It was moved by Mrs. Niemann, seconded by Mr. Lubitz and carried to adopt the Minutes of the May 4, 2010 Special Meeting for the Township Committee.

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

Executive Session – Resolution No. 2010-60

Attorney Kopen noted that an additional item needs to be added to the Executive Session Resolution. She stated this would be under the heading, Potential Litigation - Block 14, Lot 25.02 and 25.03.

The following Resolution was introduced to enter into closed session at approximately 9:10 PM.

RESOLUTION NO. 2010-60
2010 – 140

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 – 1868 Public Affairs
Litigation – Bunker Hill Homes
Dispute of Professional Fee
Potential Litigation – BI 14 L 25.02 & 25.0321**

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. Niemann, seconded by Mr. Lubitz and carried to adopt the foregoing Resolution as amended by the Township Attorney.

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

RETURN TO REGULAR SESSION

It was moved by Mr. Lubitz , seconded by Mrs. Niemann and carried to return to regular session at 10:14P.M. **All** voted **Aye** on **Roll Call Vote**.

Letter to Robert Maurer – Block 51, Lot 45

It was moved by Mrs. Niemann, seconded by Mr. Lubitz and carried to write a letter to Mr. Robert Maurer regarding the escrow matter.

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

Professional Services Agreement

Gilmore & Associates, Inc. provided a letter of proposal for the remaining aquifer testing services for the project for Block 19, Lot 5.

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2010 - 61

RESOLUTION AUTHORIZING ADDITIONAL WORK BY GILMORE & ASSOCIATES, INC.

WHEREAS, the Township of Kingwood previously authorized the services of engineers Gilmore & Associates (hereafter sometimes referred to as G&A) to perform certain aquifer testing services for the Habitat for Humanity project, Block 19, Lot 5; and

WHEREAS, the Township of Kingwood has determined that additional aquifer testing services of Gilmore & Associates are required in order for G&A to provide required aquifer and well testing and oversight as is more specifically set forth in the “Aquifer Testing Scope and Budget” of G&A for Block 19, Lot 5, dated May 13, 2010, attached hereto as Exhibit A; and

WHEREAS, funds in the amount of \$19,450.00 are 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 hiring of a professional, such as an engineer, without competitive

bidding providing that the amount to be paid for the work of the professional 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. Gilmore & Associates, Inc., is hereby engaged to perform professional aquifer testing and oversight services for the Township of Kingwood in connection with the Habitat for Humanity project, Block 19, Lot 5, for an amount not to exceed \$19,450.00 per the "Aquifer Testing Scope and Budget" of G&A for Block 19, Lot 5, dated May 13, 2010 and attached hereto as Exhibit A.
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.
3. The Mayor, Clerk, Chief Financial Officer and all other necessary Township officials are hereby authorized to execute any and all documents necessary for the transactions contemplated by this Resolution.

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

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

Picnic Grove Road

Committeewoman Niemann noted that there was an item listed on the Planning Board agenda for the abandonment of Picnic Grove Road. There was a question as to whether the Township owns the road by easement or ownership in fee. She noted that the Planning Board will be resolving these questions for both owners.

ADJOURNMENT

It was moved by Mr. Lubitz, seconded by Mrs. Niemann and carried to adjourn the meeting at 10:20P.M. All voted **Aye** on **Roll Call Vote**.

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