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**July 6, 2010  
Regular Township Committee  
Meeting Minutes**

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

Also present at the meeting were Deputy Mayor Lubitz, Committeewoman Niemann, Attorney Judith Kopen, C.F.O. D. Laudenbach, 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 January 21, 2010 and by telefaxing copies of the notice to the Express Times and Star Ledger on January 19, 2010. Copies of the notice were also posted in the Kingwood Township Municipal Building and Baptistown Post Office on January 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.**

**Kingwood Township All Hazard Mitigation Plan – Public Comment & Discussion of Proposed Revisions**

Mayor Burke introduced Mr. Joseph Zdrodowski, Coordinator for the Hazardous Mitigation plan. Mr. Zdrodowski welcomed everyone to the meeting. He noted that he received two responses regarding the plan, one from William Powell, former County Emergency Management Coordinator, who had several comments that are minor text changes, and Susan Mauer, who had changes to page 100. He stated that after reviewing several other pages of the plan minor corrections need to be made. Mr. Zdrodowski asked everyone in the audience if they had any other comments to express. The following residence commented on their opinions: Jolene Cooper Bernstein and Marc Bernstein, Byram Lane, Fred Mount, Byram Lane, Nina Altschiller, River Road, Susanna Maurer, Byram Lane, Laurie Kirk, Byram Lane, Jane Popper, Byram Lane, Joe Wolf, Byram Lane.

Mayor Burke explained that tonight's hearing was for the purpose of answering questions from the residents who had comments and concerns about the Hazard Mitigation Plan.

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He stated that he would like to send out certified letters to the homeowners in Byram to obtain an accurate list of the residents, and to have estimates of how much it will cost to raise each home. This way the Township could get a good idea of how much to allocate the money to add to the Plan. The residents suggested that they all meet with Mr. Zdrodowski, and discuss the Plan at a follow up meeting in the near future. It was decided that a date will be scheduled for the residents of Byram to meet with Mr. Zdrodowski to review the entire Plan and give their suggestions and comments. The Township Committee suggested they meet at the Kingwood Township Municipal building.

**RESOLUTION**

The following Resolution was introduced to enter into closed session at approximately 8:05 PM.

**Executive Session – Resolution No. 2010-82**

The following Resolution was introduced:

**RESOLUTION NO. 2010 – 82**

**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:
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:

**Gergar Property Bl 7 L 2 and Bl 2 L 16  
Contract Negotiations - Habitat for Humanity for Bl 20 L1 and  
Bl 15 L 8.04  
1868 Public Affairs**

**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.

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

**RETURN TO REGULAR SESSION**

It was moved by Mr. Lubitz, seconded by Mrs. Niemann and carried to return to regular session at 9:25P.M. All voted Aye on **Roll Call Vote**.

**PUBLIC COMMENT – PRIVILEGE OF THE FLOOR**

Jack MacConnell, Township’s Emergency Management Coordinator – Noted that the Township will be receiving approximately \$5,700 from the Government for the storm we had in March 2010. Mr. MacConnell suggested that as one of the members of the Well Committee, he would like to see the Committee meet on a quarterly schedule to discuss any changes and new ideas. The Committee members agreed to the suggestion.

Sandra McNicol, Chairwoman of the Open Space Advisory Committee – Noted that there will be no meeting in August for the Open Space and Agriculture Advisory Committees.

**CORRESPONDENCE**

Letter from Revelation Generation, Inc. re: September Music Festival

The Committee members reviewed.

Letter from State Department of Transportation Commissioner re: Municipal Aid

The Committee members reviewed.

Memo & Resolution from Hunterdon County re: Opposing Closing Hagedorn

The Committee members reviewed.

Letter from NMSS re: Annual Bike MS Ride

The Committee members reviewed.

**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 **\$ 2,343,704.80** that are in order and attached as **Bill List** for **July** 2010.

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

**REPORTS**

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

- Tax Collector’s Report of May 2010
- Municipal Court Report of May 2010
- Construction Reports of May 2010 & June 2010
- Township Engineer’s Monthly Report
- Zoning Permits Reports of May 2010 & June 2010

General Code Enforcement Report of June 2010

There was a brief discussion on the projects along Rt. 12 the General Code Enforcement Official is currently working on for the Township. Committeewoman Elaine Niemann noted that Mr. Sidote has been in contact with several residences and businesses as requested by the Township’s Planning Board. Mayor Burke announced that he would like to compliment William Sidote for a well job he has been doing for the Township as the Code Enforcement Officer.

- Animal Control Report
- Dog License Reports

Budget Report

The Township Committee reviewed the budget report.

**REPORTS CONTINUED**

PAIC Survey of Township Properties & Report

Mayor Burke noted that the Parks and Recreation Committee will be taking care of a sign, which is required to be put up on the Playground at the Kingwood Park for safety.

Receipt of KT First Aid & Rescue Squad Financial Statements

Mayor Burke reviewed.

**FUTURE MEETINGS AND ACTIVITIES**

Mayor Burke reviewed as per the Agenda.

**ORDINANCES**

**ORDINANCE NO. 16-11-2010 AMENDING 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 1<sup>st</sup> day of June, 2010. The Ordinance was published in the Hunterdon County Democrat on June 10, 2010 and has been posted in the Kingwood Township Municipal Building on June 2, 2010. Copies of the Ordinance have been available for inspection by the public since June 2, 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 Mrs. Niemann, seconded by Mr. Lubitz and carried to adopt on final reading **ORDINANCE NO. 16-11-2010 AMENDING ORDINANCE NO. 16-07-2010 FIXING THE SALARIES AND COMPENSATION OF THE VARIOUS OFFICERS AND EMPLOYEES OF THE TOWNSHIP.**

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

**ORDINANCE**

**ORDINANCE NO. 16-12-2010 AN ORDINANCE PROVIDING FOR THE RECONSTRUCTION OF SPRING HILL ROAD BY THE TOWNSHIP, APPROPRIATING \$195.00 THEREFORE** – Introduction and Adoption on First Reading

Mayor Burke read the Ordinance aloud which was introduced.

It was moved by Mrs. Niemann, seconded by Mr. Lubitz and carried to adopt on first reading **ORDINANCE NO. 16-12-2010 AN ORDINANCE PROVIDING FOR THE RECONSTRUCTION OF SPRING HILL ROAD BY THE TOWNSHIP, APPROPRIATING \$195.00 THEREFORE.**

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

**Consideration of final adoption at a public hearing is scheduled for Tuesday, August 3, 2010 at a meeting beginning at 7:00 P.M. at the municipal building.**

**RESOLUTIONS**

The following Resolution was introduced:

**RESOLUTION NO. 2010 – 70**

**REFUND OF DUPLICATE TAX PAYMENT**

**WHEREAS**, the Tax Collector has received a duplicate tax payment for the second quarter of 2010 on Block 1, Lot 3.16 in the amount of \$2,272.08; and

**WHEREAS**, the Tax Collector has been requested by Convenient Closing Services for a refund of the duplicate payment in the amount of \$2,272.08.

**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 issue a refund check in the amount of \$2,272.08 made payable to Convenient Closing Services, 3001 Leadenhall Road, Mt. Laurel, New Jersey, 08054.

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

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

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2010 – 71**

**RETURN OF GREEN ACRES FUNDING**

**WHEREAS**, the Township of Kingwood was awarded a grant in the amount of \$1,172,664.50 from the State of New Jersey, DEP, Green Acres for a portion of the purchase price of Block 14, Lot 28.02; and

**WHEREAS**, the Township of Kingwood has received a request from the State of New Jersey, DEP Green Acres for a return of the grant funds due to Hunterdon County’s decision not to reinstate the agreement with the Seller to purchase Block 14, Lot 28.02.

**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 issue a check in the amount of \$1,172,664.50 made payable to Treasurer-State of New Jersey, Mail Code 501-01 DEP-Green Acres, PO Box 420, Trenton, New Jersey, 08625.

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

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

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2010 – 72**

**CANCELLATION OF PRELIMINARY EXPENSES**

**WHEREAS**, the following resolutions were adopted to examine the feasibility of the purchase and preservation of open space:

- Resolution No. 2007-11 - \$ 8,900.00
- Resolution No. 2007-43 - \$15,000.00
- Resolution No. 2007-96 - \$10,000.00
- Resolution No. 208-108 - \$ 440.00

and

**WHEREAS**, the projects have been provided for in ordinances and the preliminary expenses can be cancelled.

**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 cancel the following preliminary expenses:

- Resolution No. 2007-11 - \$ 8,900.00
- Resolution No. 2007-43 - \$15,000.00
- Resolution No. 2007-96 - \$10,000.00
- Resolution No. 208-108 - \$ 440.00

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

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

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2010 – 73**

**AUTHORIZING TOWNSHIP TO EXECUTE AN ASSIGNMENT  
AND COOPERATION AGREEMENT WITH  
NEW JERSEY CONSERVATION FOUNDATION**

**WHEREAS**, Kingwood Township previously contemplated and authorized the purchase of a 25-acre portion of property known as Block 12 Lot 31, located in Kingwood Township, for purposes of preserving open space and providing public recreational opportunities; and

**WHEREAS**, it was originally contemplated that Kingwood Township would partner with The Hunterdon Land Trust Alliance and the New Jersey Conservation Foundation in the purchase of said property; and

**WHEREAS**, it was also contemplated and authorized that Kingwood Township, together with the New Jersey Department of Environmental Protection, would purchase adjacent property known as Block 14 Lot 28.02, located in Kingwood Township for purposes of preserving open space and providing public recreational lands; and

**WHEREAS**, during the time when the various funding requests were submitted by the different entities involved, the New Jersey Conservation Foundation submitted an application for a non-profit grant from the County of Hunterdon and designated the property that said grant would be applied to as Block 14 Lot 28.02; and

**WHEREAS**, the New Jersey Conservation Foundation has agreed to make that non-profit grant from the County of Hunterdon available to Kingwood Township to assist in the purchase of Block 14 Lot 28.02 provided that Kingwood Township provides an equal amount of funds to be used towards the purchase of the 25-acre portion of Block 12 Lot 31; and

**WHEREAS**, the Township Committee finds that the agreement for fund-sharing proposed by the New Jersey Conservation Foundation would further the interests of Kingwood Township in preserving open space and would create a benefit to the residents of the Township of Kingwood; be it now

**THEREFORE RESOLVED**, that the Mayor of Kingwood Township is authorized to enter into and execute an Assignment and Cooperation Agreement with the New Jersey Conservation Foundation substantially in the form attached hereto, and to take all further actions required to complete the transactions and satisfy the obligations contemplated therein.

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

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

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2010 – 74**

**AUTHORIZING THE TRANSFER OF THE TOWNSHIP'S INTEREST  
IN BLOCK 12 LOT 31.01 TO THE  
NEW JERSEY CONSERVATION FOUNDATION**

**WHEREAS**, Kingwood Township and the Hunterdon Land Trust Alliance have completed the purchase of a 25-acre parcel known as Block 12 Lot 31.01, located in Kingwood Township for purposes of preserving open space and providing public recreational opportunities; and

**WHEREAS**, it was originally contemplated that the New Jersey Conservation Foundation would provide a portion of the funding for the purchase of Block 12 Lot 31.01; and

**WHEREAS**, the New Jersey Conservation Foundation was unable to contribute its County non-profit grant to the purchase of Block 12 Lot 31.01, however, it has entered into an Assignment and Cooperation Agreement with Kingwood Township providing for the use of those funds by the Township of Kingwood in the proposed purchase of Block 14 Lot 28.02, located in Kingwood Township; and

**WHEREAS**, the Township Committee finds that it would be most cost-effective and efficient to allow one or more non-profit land conservancies to own and manage the preserved property in its entirety; and

**WHEREAS**, the Township Committee finds that there is no need for the Township of Kingwood to maintain an ownership interest in the preserved property or to devote taxpayer resources to the management or monitoring of that preserved property; and

**WHEREAS**, the Township Committee finds that a transfer of the Township's interest in the preserved property to a non-profit land conservancy would provide a benefit to the taxpayers of Kingwood Township; be it now

**THEREFORE, BE IT RESOLVED**, that the Mayor of Kingwood Township is hereby authorized to execute and deliver a Deed conveying Kingwood Township's interest in the property known as Block 12 Lot 31.01, Kingwood Township, Hunterdon County, New Jersey to the New Jersey Conservation Foundation and to take any and all other actions and execute any and all other documents that may be necessary to effectuate that transfer.

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

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

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2010 - 75**

**AUTHORIZING DATE EXTENSION AS TO SALE OF SURPLUS PROPERTY**

**WHEREAS**, the Township of Kingwood (“Township”) is the owner of a parcel of land with buildings located thereon known by the street address of 3003 Daniel Bray Highway, Frenchtown, New Jersey and known as Block 50, Lot 9 on the Tax Map of the Township of Kingwood in Hunterdon County (“Property”).

**WHEREAS**, the Property is no longer needed or required by the Township for public use; and

**WHEREAS**, the Township adopted an ordinance and a resolution authorizing the public sale and advertised the Property for public sale to the highest bidder pursuant to N.J.S.A. 40A:12-13.; and

**WHEREAS**, the Township entered into a contract for sale with the high bidder, RYMS Group, LLC, on December 1, 2009, which contract documents provided in pertinent part, that, in the event that purchaser intended a use for the property that is not a permitted use under the current zoning ordinances, purchaser shall make application to the applicable Township board for any required relief within thirty (30) days of the date of execution of the contract of sale by the Township, and

**WHEREAS**, the contract documents also provided, in pertinent part, that Title would close within one hundred twenty (120) days from the date of the execution of the contract, and

**WHEREAS**, RYMS has made application to the Zoning Board, and anticipates a completeness review by the Board during its July meeting, a public hearing during the August meeting, and a resolution from the Board in September, and

**WHEREAS**, the Township has been requested by Michael DeSapio, the attorney for RYMS Group, LLC, to extend the aforementioned dates to allow

more time for the contract purchaser, RYMS Group, LLC, to complete its application to the applicable Township board, and to extend the date for closing on the property until September 30, 2010.

**NOW THEREFORE**, it is hereby resolved as follows:

1. The date for closing of title to the Property shall be extended to September 30, 2010.
2. All other provisions of the contract documents shall remain unchanged.

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

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

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2010 - 76**

**REDEMPTION WITHIN TEN DAYS**

**WHEREAS**, the Tax Collector has been paid the amount to redeem the tax sale on Block 23, Lot 17.02 within ten days of the date of the tax sale in the amount of \$ 153.02; and

**WHEREAS**, the tax sale certificate has not been issued by the Tax Collector.

**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 issue a check in the amount of \$153.02 to Tad Dabrowski, 152 McKinley Street, South Plainfield, New Jersey, 07080.

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

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

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2010 - 77**

**A RESOLUTION AUTHORIZING THE TOWNSHIP OF KINGWOOD TO  
ENTER INTO GRANT AGREEMENT AS A SUBCONTRACTOR  
WITH THE NEW JERSEY WATER SUPPLY AUTHORITY**

**WHEREAS**, Kingwood Township joined with the New Jersey Water Supply Authority (hereafter, NJWSA) as a partner in the Lockatong and Wickecheoke Creek Watersheds Remediation Program (hereafter, PROGRAM) in order to help to decrease stormwater flows and associated contaminants in the Lockatong and Wickecheoke Creek Watersheds; and

**WHEREAS**, Kingwood Township agreed to support the Park stormwater retrofit and roadway-drainage projects through the involvement of Township personnel, specifically the DPW Manager/Director, Township Engineer, Roadway Department Supervisor, as well as DPW employees; and

**WHEREAS**, Kingwood Township also agreed to provide construction equipment and materials for the Program, as necessary; and

**WHEREAS**, As set forth by the NJWSA in its correspondence to the Township entitled “Re: Lockatong and Wickecheoke Creek watersheds stormwater-control projects”, attached hereto as Ex A, reimbursement shall be made for Township paid positions for work on the PROGRAM, including payment for salary, benefits and administrative support, as well as for construction materials supplied by the Township, from a Federal Clean Water Act 319 (h) grant, with the total reimbursement not to exceed \$27, 500; and

**WHEREAS**, in order to receive the grant reimbursement, Kingwood Township is required to follow the reimbursement guidelines set forth in Ex. A, and to execute a subcontractor certification, the form of which is required by the NJWSA and the NJDEP, and is attached hereto as Ex. B; and

**WHEREAS**, it is in the best interests of the Township of Kingwood to execute the subcontractor certification in order to receive reimbursement for materials and the work of certain Township employees and professionals in connection with the Lockatong and Wickecheoke Creek Watersheds Remediation Program.

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

1. The Township of Kingwood hereby authorizes execution of the subcontractor certification, attached hereto as Exhibit B, with the New Jersey Water Supply

Authority, in order to receive reimbursement for materials and the work of certain Township employees and professionals in connection with the Lockatong and Wickecheoke Creek Watersheds Remediation Program, up to the limit of \$27,500.00.

- 2. The Mayor and Clerk and/or Chief Financial Officer as well as all other necessary officers or officials of this Township are authorized to sign the subcontractor certification with the New Jersey Water Supply Authority in order to receive reimbursement for materials and the work of certain Township employees and professionals in connection with the Lockatong and Wickecheoke Creek
- 3. Watersheds Remediation Program, as well as any and all other documents necessary for the transactions contemplated by the Agreement as to the PROGRAM.

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

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

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2010 – 79**

**RESOLUTION FOR INCREASING BID THRESHOLD AND APPOINTING A QUALIFIED PURCHASING AGENT IN A BOARD OF EDUCATION OR OTHER ENTITY SUBJECT TO THE PROVISIONS OF N.J.S.A. 18A:18A-1**

**WHEREAS**, 18A:18A-3 permits a municipal government to authorize its purchasing agent to award contracts that do not exceed in a contract year the annual limit as established by the Governor; and

**WHEREAS**, municipal governments have been advised by the Local Finance Board through (LFN 2010-13) that the Governor has authorized the following bid and quotation thresholds effective July 1, 2010:

	<b>Bid Threshold</b>	<b>Quotation Threshold</b>
Base Amount	\$26,000	\$3,900

With Qualified Purchasing Agent	\$36,000	\$5,400
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**WHEREAS**, Diane Laudenbach 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.; and

**WHEREAS**, the Kingwood Township Committee desires to increase its bid and quotation thresholds as provided in N.J.S.A. 18A:18A-3;

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Kingwood in the County of Hunterdon and the State of New Jersey hereby increases its bid threshold to \$36,000 and its quotation threshold \$5,400; and be it further

**RESOLVED**, that the governing body hereby appoints Diane Laudenbach as the Qualified Purchasing Agent to exercise the duties of a purchasing agent pursuant to N.J.S.A. 18A:18A-2b, with specific relevance to the authority, responsibility, and accountability of the purchasing activity of the Township of Kingwood.

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

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

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2010 - 80**

**A RESOLUTION AUTHORIZING THE TOWNSHIP OF KINGWOOD TO ENTER INTO FORCE ACCOUNT AGREEMENT FOR STATE AID PROJECT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION**

**WHEREAS**, Kingwood Township wishes to authorize entry into an agreement with the New Jersey Department of Transportation, Division of Local Aid and Economic Development (hereafter, NJDOT) for the reimbursement for Township labor and equipment costs for completion of improvements to Spring Hill Road Section I, for which the Township entered an agreement with the State on 1/27/10, under which the State’s share for such improvements was not to exceed \$90,000; and

**WHEREAS**, in order to receive reimbursement, the NJDOT requires the Township to execute the Force Account Agreement, attached hereto as Ex. A; and

**WHEREAS**, it is in the best interests of the Township of Kingwood to execute the Force Account Agreement in order to receive reimbursement for labor and materials in connection with the improvement of Spring Hill Road Section I.

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

1. The Township of Kingwood hereby authorizes execution of the Force Account Agreement, attached hereto as Exhibit A, with New Jersey Department of Transportation,

Division of Local Aid and Economic Development, in order to receive reimbursement for labor and materials in connection with the improvement of Spring Hill Road Section I.

2. The Mayor and Clerk and/or Chief Financial Officer, and all other necessary officers or officials of this Township are authorized to sign the Force Account Agreement, attached hereto as Exhibit A, with New Jersey Department of Transportation, Division of Local Aid and Economic Development, in order to receive reimbursement for labor and materials in connection with the improvement of Spring Hill Road Section I, as well as any and all other documents necessary for the transactions contemplated by the Agreement as to the Spring Hill Road Section I improvements.

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

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

**NEW BUSINESS**

Amend Open Public Records Act (OPRA) Fees

Clerk MacConnell explained to the Committee members that the fee ordinance needs to be amended. She stated that the fees for photo copies are going to be changing, as it was issued by the State of New Jersey Government Records Council, effective July 1, 2010. Attorney Kopen will prepare an ordinance with the changes for next months meeting.

Recommendation from Planning Board re: Chapter 132 Zoning Amendment

Mayor Burke read aloud the letter of recommendation from the Planning Board and explained that on June 8, 2010 the Planning Board discussed the prospect of an

ordinance permitting the rental of storage and portable storage containers. Mayor Burke explained that the Planning Board chose not to approve such an amendment.

Change Office Hours for Zoning Officer & Board of Adjustment Secretary

Committeewoman Niemann explained that there are several holidays on Mondays when the Township is closed for business. After speaking to the Zoning Officer and the Board of Adjustment Secretary, they both decided it would be best to switch there day to Tuesdays in stead of Mondays to work at the municipal building so that it would be more accommodating to the public. The Committee members reviewed a time frame of when it would be best to change the day to Tuesdays. There was a suggestion to wait and start at the beginning of the New Year, but after discussing the fact that there are still several holidays left in the year, this change would be sooner. Committeewoman Niemann noted that she would like to see the change by sometime in August.

Appointment to Commercial & Industrial Committee

Committeewoman Niemann noted that Mr. Alex Van Veldhausen from the Rt. 12 Business Park, is interested being a member of the Commercial & Industrial Committee. The Committee members were agreeable to his offer. Mayor Burke will research whether a member of the Committee is able to be a non-resident of Kingwood Township before being appointed to the Committee.

Application for Raffle License – Woman’s Club of Flemington

Clerk MacConnell reported that an application from the Woman’s Club of Flemington has been filed with the Clerk’s office for an approval to conduct a 50/50 Raffle at Rasberry’s Banquet Center on October 22, 2010 at 2:00PM. Clerk MacConnell explained that everything is in order.

It was moved by Mr. Lubitz, seconded by Mrs. Niemann and carried to approve Raffle License #2010-01 Application for a 50/50 Raffle to be conducted at Rasberry’s Banquet Center on October 22, 2010.

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

**OLD BUSINESS**

DPW Roof Snow Stops Quotations

Clerk MacConnell reported that she has not received quotes at this time. She will continue to obtain quotes from roofing businesses for next months meeting.

Telephone System at Municipal Building Quotation

Clerk MacConnell noted that she has not heard back from the representative from Embarq regarding questions she had about the maintenance agreement with them. Committeewoman Niemann suggested that someone from the Township office go to another municipality or office where the same system is used, and review how operates.

Plan for Storage Room at the Department of Public Works Building

The Committee members reviewed plans for the storage room at the Department of Public Works building. C.F.O. Diane Laudenbach noted that her husband James Laudenbach will be doing most of the work, but the Township will need to find some who works with metal studs, as James Laudenbach has not worked with that material. Mayor Burke offered a desk set that he would like to donate to the storage room.

Sign for Municipal Building

The Committee members discussed the design of the sign to be put up outside in the front of the municipal building, which will have all the meeting schedules, and times listed.

Community Survey Summary Report

Committeewoman Niemann gave a copy of the comments from the land use survey to the Committee members to review.

**MINUTES**

June 1, 2010 Regular Township Committee Minutes

It was moved by Mrs. Niemann, seconded by Mr. Lubitz and carried to adopt the June 1, 2010 Regular Township Committee meeting minutes.

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

June 1, 2010 Executive Session (7:20PM)

It was moved by Mrs. Niemann, seconded by Mr. Lubitz and carried to adopt the June 1, 2010 Executive Session Meeting Minutes (7:20PM).

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**Roll Call Vote:**

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

June 1, 2010 Executive Session (8:00PM)

It was moved by Mrs. Niemann, seconded by Mr. Lubitz and carried to adopt the June 1, 2010 Executive Session Meeting Minutes (8:00PM).

**Roll Call Vote:**

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

September 7, 2004 Regular Minutes

It was moved by Mrs. Niemann, seconded by Mr. Lubitz and carried to adopt the September 7, 2004 Regular Township Committee meeting minutes with the following corrections:

Page 2004-179 under Resolution No. 2004-79 a word is misspelled in the title. **As appears:** Authorizing Completion of Architechtural Services New Department of Public Works Garage. **Should appear: Authorizing Completion of Architectural Services New Department of Public Works Garage.**

Page 2004-184 under: RETURN TO REGULAR SESSION – under the motion. **As Appears:** It was moved by Mr. Zdepski, seconded by Mr. Rawlyk and carried to return to regular session at 1:05A.M. **Should Appear: It was moved by Mr. Zdepski, Mayor DeSapio stepped down from the Chair, second and carried to return to regular session at 1:05A.M.**

**Roll Call Vote:**

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

September 7, 2004 Executive Session Minutes

It was moved by Mrs. Niemann, seconded by Mr. Lubitz and carried to adopt the September 7, 2004 Executive Session meeting minutes with the following corrections: Under “Personnel” – Last sentence- As appears: It was noted to the Clerk Mary MacConnel, to make a copy of page 26 of the budget and sent to Lois Voronin.

Should appear: **It was noted that Clerk MacConnell, should make a copy of Page #26 of the Budget and send to Lois Voronin.**

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

The following Resolution was introduced to enter into closed session at approximately 10:05 PM.

**Executive Session – Resolution No. 2010-78**

The following Resolution was introduced:

**RESOLUTION NO. 2010 – 78**

**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:
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:

Litigation - Abel Complaint  
Litigation – Tax Appeal Lutz Welding Bl 15 L 8.01  
Chris’ Citgo Bl 9 L 2.01  
Possible Litigation – McNutt Bl 14 L 25.02 & 25.03,  
Smiley Bl 26 L 17, Class Action  
Action Lawsuit for DPW Truck

**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.

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

**RETURN TO REGULAR SESSION**

It was moved by Mr. Lubitz, seconded by Mrs. Niemann and carried to return to regular session at 10:55P.M. **All** voted **Aye** on **Roll Call Vote**.

Agricultural Subdivision – Block 7, Lot 2 Gergar Property

The Committee members discussed subdividing the Gergar Property. They decided after speaking to Earle Steves from Max Spann, that it would be best for the Township, and the prospective buyer of the 5 acres surrounding the home to be subdivided from the remaining 95 acres. This will be forwarded to the Planning Board to approve on July 13, 2010.

It was moved by Mr. Lubitz, seconded by Mrs. Niemann and carried to establish a 5 acre agriculture subdivision of the Gergar Property for Block 7, Lot 2 as per the survey.

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

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2010 - 81**

**RESOLUTION AUTHORIZING ENTRY INTO PROFESSIONAL SERVICES  
AGREEMENT WITH MASER CONSULTING, P. A.**

**WHEREAS**, the Township of Kingwood has determined that professional engineering and planning services from Maser Consulting, P.A. (hereinafter, "Maser") are required in connection with Phase 2, Public Visioning, regarding possible Village Center and Eastern Village Center development in connection with the State Development and Redevelopment Plan; and

**WHEREAS**, Maser has submitted a Planning Estimate, attached hereto as Exhibit A, which describes more fully the services to be provided by Maser and the Fees to be charged by Maser; and

**WHEREAS**, funds in an amount not to exceed \$17,180.00, as indicated on Exhibit A, 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 a planner or 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. Maser Consulting, P. A. is hereby engaged to perform professional planning and engineering services for the Township of Kingwood in connection with the Phase 2, Public Visioning, for the Kingwood Baptistown and Route 12 Plan, as further described on Exhibit A attached hereto, for an amount not to exceed \$17,180.00.
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. Niemann, seconded by Mr. Lubitz and carried to adopt the foregoing Resolution to enter into a Professional Services Agreement for Phase II, provided funds are available, and that the amount not to exceed \$17,180.00.

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

Committeewoman Niemann noted that this is a preliminary step that Kingwood Township has deemed a significant combination of the time of decision that was passed earlier this year, and that Kingwood Township has a vision for May of 2011 of having zoning rules frozen in time. She noted this has been determined by our land use surveys handed in by the residents of Kingwood Township. She explained that the Township Committee members feel that this is an urgent situation, and now is the time to work on this important project.

Application to Green Acres for Open Space Matching Funds

It was moved by Mr. Lubitz, seconded by Mrs. Niemann and carried to authorize Mayor Burke to apply to the NJ Environmental Protection Green Acres Program requesting matching funds from the New Jersey Green Acres for the 2010/2011 Funding Round.

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

It was moved by Mrs. Niemann, seconded by Mr. Lubitz and carried to adjourn the meeting at 11:10PM. **All** voted **Aye** on **Roll Call Vote**.

**Respectfully submitted,**

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