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**November 1, 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 Steven Farsiou, 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.

CORRESPONDENCE

Letter & Notice from MELJIF re: 2011 Public Officials Insurance Program

Mayor Burke reviewed.

Memo, Resolution & Policy from Cty re: Open Space Trust Program

Mayor Burke reviewed.

RESOLUTION

Resolution No. 2010-117 – 2010 Budget Appropriation Transfers

The following Resolution was introduced:

RESOLUTION NO. 2010-117

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2010 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 2010 Budget Appropriations:

FROM ACCOUNT	TO ACCOUNT		AMOUNT
120-0400-302	120-0050-299	\$	2,000.00
120-0900-299	120-0300-299	\$	967.00
120-1300-440	120-0050-299	\$	8,000.00
120-1050-299	120-0300-299	\$	1,000.00
120-1300-440	120-0625-299	\$	2,000.00
TOTAL TRANSFERRED:			\$ 13,967.00

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

PUBLIC COMMENT PRIVILEGE OF THE FLOOR

Gilbert Dick, Oak Grove Road – Expressed to the Committee members that he still has an issue regarding Mr. Moskal’s property. He believes there’s a procedure in place, and stated that he has only submitted one complaint this year, and has not received a response. He stated that he left a letter for the Township Committee members on 10-16-2010, and that the Township has made progress on other problem properties in the Township, but feels he has been waiting a very long time in regard to his complaint.

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Deputy Mayor Lubitz commented on the procedure that needs to be followed, the time it takes and that the Code Enforcement Official is only a part-time employee and is fairly new at the job. Mr. Dick also discussed executive session minutes, and would like to see

the Township's monthly Township Committee minutes available to the public in a draft form before they have been approved. Mayor Burke responded.

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 \$1,529,794.06 that are in order and attached as Bill List for November 2010.

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

REPORTS

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

- Tax Collector's Report of September 2010
- Municipal Court Report of September 2010
- Construction Reports of October 2010
- Township Engineer's Monthly Report

Mayor Burke reviewed the Engineer's report. Deputy Mayor Lubitz had a few questions regarding the joint effort with Frenchtown's, and Kingwood's Public Works Department pertaining to the repair of Horseshoe Bend Road. Mayor Burke reviewed a conversation he had with the Township's Engineer Tom Decker, and noted that Mayor Sworen reported that he is working on the project. Mayor Burke will contact Mayor Sworen regarding Horseshoe Bend Road to discuss how the progress is going. Mayor Burke explained that the Public Works Department would need approximately \$20,000 for the materials for the road. He explained that Tumble Falls Road has been paved and it should be completed in a few weeks after the installation of the guiderail. There was a discussion regarding the Ukarish property and the wells. Mayor Burke responded by stating that there is enough water after the testing for approximately eight wells, but he is not sure if there have been perks for eight units yet. Mayor Burke noted that he met with the Township's C.F.O. D. Laudenbach before the meeting to see if they could come up with some transfers.

- Zoning Permits Reports of October 2010
- General Code Enforcement Report of October 2010
- Animal Control Report
- Dog License Reports
- Budget Report

Recycling – 2008 Tonnage Grant from State

Deputy Mayor Phil Lubitz commended Recycling Coordinator Cynthia Niciecki for the large amount that has increased for recycling.

FUTURE MEETINGS AND ACTIVITIES

Mayor Burke reviewed as per the Agenda.

ORDINANCES

ORDINANCE NO. 16-16-2010 AN ORDINANCE TO AMEND THE LAND USE REGULATIONS OF THE TOWNSHIP OF KINGWOOD, SPECIFICALLY “ZONING, CHAPTER 132” OF THE GENERAL ORDINANCES OF THE TOWNSHIP – Introduction and Adoption on First Reading

Mayor Burke read the Ordinance aloud by title, which was then introduced.

It was moved by Mrs. Niemann, seconded by Mr. Lubitz and carried to adopt on first reading **ORDINANCE NO. 16-16-2010 AN ORDINANCE TO AMEND THE LAND USE REGULATIONS OF THE TOWNSHIP OF KINGWOOD, SPECIFICALLY “ZONING, CHAPTER 132” OF THE GENERAL ORDINANCES OF THE TOWNSHIP.**

Mayor Burke commented briefly on the ordinance and its history. Attorney Steven Farsiou reported a telephone conversation he had with Attorney W. Wilson. He noted that they still had one concern and didn’t know if the Planning Board had time to review it. Committeewoman Niemann noted that the Planning Board did not have a chance to review their concerns. Mayor Burke read aloud the changes received this evening. He stated that there were two changes from the ordinance that came from the Planning Board.

It was moved by Mrs. Niemann, seconded by Mr. Lubitz and carried to amend the motion to incorporate the two changes into the ordinance just reviewed aloud by Mayor Burke.

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

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

ORDINANCE

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ORDINANCE NO. 16-17-2010 AMENDING ORDINANCE NO. 16-07-2010 FIXING THE SALARIES AND COMPENSATION OF THE VARIOUS OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF KINGWOOD IN THE

COUNTY OF HUNTERDON AND STATE OF NEW JERSEY- VOL. 16, PG. 16-17- Public Hearing and Final Adoption

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

This Ordinance was introduced and adopted on first reading at a meeting of the Kingwood Township Committee on the 5th day of October, 2010. The Ordinance was published in the Hunterdon County Democrat on October 14, 2010 and has been posted in the Kingwood Township Municipal Building on October 6, 2010. Copies of the Ordinance have been available for inspection by the public since October 6, 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 comment portion of the 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. 16-17-2010 AN ORDINANCE AMENDING ORDINANCE NO. 16-07-2010 FIXING THE SALARIES AND COMPENSATION OF THE VARIOUS OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF KINGWOOD IN THE COUNTY OF HUNTERDON AND STATE OF NEW JERSEY.**

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

ORDINANCE

ORDINANCE NO. 16-18-2010 AN ORDINANCE TO PROVIDE FOR THE RENOVATIONS TO THE MUNICIPAL BUILDING AS A GENERAL IMPROVEMENT FOR THE TOWNSHIP OF KINGWOOD IN THE COUNTY OF HUNTERDON AND STATE OF NEW JERSEY AND APPROPRIATING \$5,600.00 FROM THE CAPITAL IMPROVEMENT FUND RESERVE FOR RENOVATION TO MUNICIPAL BUILDING – Introduction and Adoption on First Reading

Mayor Burke read the Ordinance aloud by title, which was then introduced.

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It was moved by Mr. Lubitz, seconded by Mrs. Niemann and carried to adopt on first reading **ORDINANCE NO. 16-18-2010 AN ORDINANCE TO PROVIDE FOR THE RENOVATIONS TO THE MUNICIPAL BUILDING AS A GENERAL**

IMPROVEMENT FOR THE TOWNSHIP OF KINGWOOD IN THE COUNTY OF HUNTERDON AND STATE OF NEW JERSEY AND APPROPRIATING \$5,600.00 FROM THE CAPITAL IMPROVEMENT FUND RESERVE FOR RENOVATION TO MUNICIPAL BUILDING.

Mayor Burke explained that this is for renovations for the municipal building to repair the main door, and to waterproof the basement downstairs where the municipal offices are located.

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

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

RESOLUTIONS

Resolution No. 2010-119 - Authorizing Memorandum of Agreement for Bl 40 L 24, Bl 41 L 16 & 23, Bl 41.01 L 2

The following Resolution was introduced:

RESOLUTION NO. 2010 - 119

**AGREEMENT FOR IMPROVEMENT AND MANAGEMENT
OF UNIMPROVED REAL PROPERTY
BLOCK 41 LOT 16 and 23, BLOCK 40, LOT 20, 24, 26 and 26.01,
and BLOCK 41.01, LOT 2**

WHEREAS, the Township of Kingwood seeks to provide and improve passive recreational opportunities for the residents of Kingwood Township; and

WHEREAS, the New Jersey Department of Environmental Protection (“NJDEP”) has acquired certain land and improvements and property interests situated in Kingwood Township, consisting of Block 41, Lots 16 and 23, Block 40, Lot 24 and Block 41.01, Lot 2, together with Block 40, Lots 20, 26 and 26.01 (the “Properties”); and

WHEREAS, the Hunterdon Land Trust Alliance (“HLTA”) is a non-profit, qualified land trust organization pursuant to 26 U.S.C. § 501(c) (3); and

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WHEREAS, NJDEP has agreed to provide Kingwood Township the opportunity to partner with HLTA and to participate in the improvement and management of the Properties for the purpose of, among other things, constructing a multi-use trail,

delineating boundaries, improving signage, creating trail maps, installing trail markers and improving the waterfall overlook; and

WHEREAS, Kingwood Township desires to improve and manage the Properties, in partnership with HLTA; and

WHEREAS, the Township Committee has reviewed and considered that certain proposed form of Memorandum of Agreement by and between, the Township, HLTA and NJDEP pertaining to the improvement and management of the Properties; and

WHEREAS, The Township Committee finds that it is appropriate to enter into the Memorandum of Agreement;

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Committee of the Township of Kingwood, County of Hunterdon, that the Memorandum of Agreement be, and the same is, hereby approved and it is

FURTHER RESOLVED, that the Mayor is hereby authorized in the name and on behalf of the Township of Kingwood to:

- (1) Execute and deliver to NJDEP and HLTA the Memorandum of Agreement; and
- (2) Execute and deliver to NJDEP and HLTA such other documents necessary to effect the transactions contemplated by the Memorandum of Agreement.

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. 2010-121 - Authorizing Purchase From Allied Oil Through Hunterdon County Educational Services Commission

The following Resolution was introduced:

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RESOLUTION NO. 2010 - 21

REFUND OF OVERPAYMENT

WHEREAS, both the owner and the mortgage company paid the first quarter of 2009 on Block 24, Lot 14.05 in the amount of \$2,056.52.

WHEREAS, the Tax Collector has received a request from the owner of Block 24, Lot 14.05 for a refund of the duplicate payment.

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 to James and Lisa Spinelli, 54 Muddy Run Road, Frenchtown, New Jersey, 08825, in the amount of \$2,056.52.

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

Deputy Mayor Lubitz noted that at one time he was a member of the County Educational Services Commission, which was many years ago. Mr. Lubitz stated that he no longer has a conflict of interest.

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

NEW BUSINESS

Appointments - Open Space Advisory Committee

It was moved by Mrs. Niemann, seconded by Mr. Lubitz and carried to appoint Karen Hertzog as a member of the Open Space Advisory Committee, to an unexpired term to expire on 12/31/2011.

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

Environmental Commission

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It was moved by Mrs. Niemann, seconded by Mr. Lubitz and carried to appoint Jerry Fields as a member of the Environmental Commission, to an unexpired term to expire on 12/31/2011.

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

Zoning Board of Adjustment

It was moved by Mrs. Niemann, seconded by Mr. Lubitz and carried to appoint Lee Frank as a member of the Board of Adjustment, to an unexpired term to expire on 12/31/2013.

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

Clerk MacConnell administered the Oath of Office to Karen Hertzog, and Lee Frank who were present at the meeting.

Mayor Burke stated that unfortunately, William Grossman, who was a member of the Board of Adjustment, passed away. He also stated that Mary Lou Haring, who is a member of the Board of Adjustment, her husband Robert Haring recently passed away and expressed that he was sorry for their losses.

Construction Office

Committeewoman Niemann reported that she has spoken with the current Construction Official and his secretary, and they have decided to both be working together on Tuesday evenings from 4:30PM – 6:30PM. She also reported that the Construction Officials Secretary, Diane Laudenbach and her office assistant, Lynn Porter will be taking classes to become certified Construction Code Technical Assistants, as required by the State of New Jersey.

Recycling

Resident Sandra McNicol, from Oak Grove road introduced herself and explained that when she went to the recycling center there was quite a bit of overflow and quite a bit of the recycling materials in the gutter, just south of the containers.

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She was present to recommend that the containers be moved closer to the salt building, and also contained inside a three split rail fence to try to keep everything from blowing around and into the fields, woods and the creek.

Sandra McNicol noted that she doesn't feel that it would be all that expensive to do. Mayor Burke stated that they are trying to work out the traffic flow problem there also. Sandra McNicol also explained that there is a problem with people leaving items there that do not belong at recycling, and are not recyclable.

OLD BUSINESS

DPW Roof Snow Stops Quotations

Clerk MacConnell explained that the Township has received two quotes for the DPW Roof Snow Retention Bars, and they are as follows:

EMSA Construction	- \$9,600.00	
Dannucci Roofing Co.	- \$6,000.00	Upper Main Roof
	\$2,200.00	Lower Side Roof

The Township Committee members reviewed the submitted quotes and have chosen the lowest quote to be \$8,200.00 from Dannucci Roofing Co.

It was moved by Mrs. Niemann, seconded by Mr. Lubitz and carried to accept a quote in the amount of \$6,000.00 for the Upper Maine Roof, and \$2,200.00 for the Lower Side Roof for the roof snow retention bars needed at the Public Works Department Garage from Dannucci Roofing Co.

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

Telephone System at Mun Bldg Quotation

Clerk MacConnell reported that she is still waiting to hear from a representative from the company that will be installing the new telephone system.

NJBPU Clean Energy Program Grant

Committeewoman Niemann noted that she hoped for a proposal from the auditors this evening for the work that they estimated in the Township buildings, but feels she should receive it by the end of this week or early next week. She explained to the Committee that

she was advised that the Township will still have time to review the information at their December Township Meeting.

MINUTES

October 5, 2010 Regular Meeting

After a brief review Committeewoman Niemann stated that she would like to table the minutes of the October 5, 2004 Regular Meeting till next month.

October 5, 2010 Executive Session

It was moved by Mrs. Niemann, seconded by Mr. Lubitz and carried to adopt the Minutes of the October 5, 2010 Executive Session.

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

November 2, 2004 Regular Meeting

It was moved by Mrs. Niemann, seconded by Mr. Lubitz and carried to adopt the November 2, 2004 Regular Meeting Minutes.

Deputy Mayor Lubitz noted that the 2004 minutes that were approved this evening also discussed bonding. He noted that there has been a misunderstanding in the Township of when bonding began. Deputy Mayor Lubitz wanted it noted that these minutes explicitly state that bonding occurred while Committeemen Steve Rawlyk, Steve Zdepski and Mayor DeSapio were in office.

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

November 2, 2004 Executive Session

Deputy Mayor Lubitz stated that he would like to table the Minutes of the November 2, 2004 Executive Session until the next meeting.

He had a question as to why fines and penalties were listed in the executive session resolution, and the fact that there were no notes on that particular subject. He would like the Clerks office to look into the notes of the minutes.

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

Executive Session – Resolution No. 2010-118

The following Resolution was introduced to enter into closed session at approximately 8:10 P.M.:

RESOLUTION NO. 2010 – 118

WHEREAS, Section 7 of the Open Public Meetings Act, Chapter 231 P.L. 1975 (R.S.10:4-13) permits the exclusion of the public from a meeting or a portion of a meeting of this public body in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist;

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

1. The public shall be excluded from the meeting or a portion of a meeting at which this public body discusses the hereinafter specified subject matter.

2. The general nature of the subject matter to be discussed is as follows:

**Contract Negotiations – Habitat for Humanity BI 20 L 1
Personnel – DPW Contract Negotiations, Various Positions
Sale of Public Property – BI 50 L 9
Potential Litigation – Zoning Issues**

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.

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4. This resolution shall take effect immediately.

5. The Township Committee may take additional action upon returning to

regular session.

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

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

RETURN TO REGULAR SESSION

It was moved by Mrs. Niemann, seconded by Mr. Lubitz and carried to return to regular session at 8:50P.M. **All** voted **Aye** on **Roll Call Vote**.

Reading Road Status

The Committee members had a brief discussion on the status of the name change regarding to Reading Road, in the Township. They asked Clerk MacConnell to look into this further for next months meeting.

Meeting Scheduled with C.F.O.

The Committee members discussed a meeting that they need to schedule for the end of the year 2010 with the Township's C.F.O. Diane Laudenbach. They have decided that the meeting will be scheduled and advertised for Thursday, December 30, 2010 at 7:30PM.

Zoning Official/General Code Enforcement Official

The Committee members discussed the status of the ordinance regarding the Zoning Official/General Code Enforcement Official and the combing of the two positions. Mayor Burke noted that the Township Attorney is still working on researching the ordinances. The Committee members discussed how the department will be possibly be rearranged in the New Year. The Committee members discussed advertising for a Zoning Official/General Code Enforcement Official for 2011.

It was moved by Mrs. Niemann, seconded by Mr. Lubitz and carried to direct the Municipal Clerk to advertise in the classified ads of the Hunterdon County Democrat for the position of Zoning Officer/General Code Enforcement Official.

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

Absent - None

County Services

Mayor Burke noted that he received information from the County regarding services that may save the Township some money. He will look into this further to see what it is all about.

Meeting Scheduled with the Department of Public Works

The Township Committee discussed the need to get together with the Department of Public Works employees to discuss their agreement. They reviewed dates to schedule a Special Township Committee meeting with the Department. It was decided by the Committee members to schedule a Special Meeting on Monday November 15, 2010 at 5:00PM, and to have a meeting with the Department of Public Works to begin at 5:30PM.

ADJOURNMENT

It was moved by Mrs. Niemann, seconded by Mr. Lubitz 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**