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March 3, 2011

A Regular Meeting of the Kingwood Township Committee was called to order at 7:02P.M. with Mayor Lubitz presiding.

Also present at the meeting were Deputy Mayor Niemann, Committeeman Burke, Attorney Kopen, C.F.O. Diane Laudenbach, Clerk MacConnell and Deputy Clerk Keller. Mayor Lubitz called the meeting to order and following the salute to the flag read aloud the following:

**NOTICE REQUIREMENTS**

**Adequate notice of this meeting was provided in accordance with the Open Public Meetings Act by publication of the notice in the Hunterdon Democrat and Courier News on January 13, 2011 and by telefaxing copies of the notice to the Express Times and Star Ledger on January 10, 2011. Copies of the notice were also posted in the Kingwood Township Municipal Building and Baptistown Post Office on January 10, 2011.**

**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.**

**Roll Call**

**EXECUTIVE SESSION – Resolution No. 2011-27**

**Executive Session – Resolution No. 2011 -27**

The following Resolution was introduced to enter into closed session at approximately 7:04P.M.:

**RESOLUTION NO. 2011 – 27**

**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:

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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 – Renewal of DPW Local Union Agreement  
Personnel – DPW Responsibilities**

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. Burke and carried to adopt the foregoing Resolution.

<b>Roll Call Vote:</b>	<b>Aye</b>	-	<b>Burke, Niemann, Lubitz</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 Mrs. Niemann, seconded by Mr. Burke and carried to return to regular session at 7:50P.M. **All** voted **Aye** on **Roll Call Vote**.

**CORRESPONDENCE**

Letter from Att’y G DeSapio re: Request for Support in Preserving Hotel Murals

Mayor Lubitz reviewed the letter from Attorney G. DeSapio regarding murals that a local artist, author and illustrator named Kurt Wiese from Kingwood Township had painted in the Union Hotel in Flemington years ago.

Along with his letter was a copy of a letter Mr. DeSapio sent to the Mayor and Council members of the Borough of Flemington, requesting that the murals be preserved. It was requested that the murals be left in the building as is, or to have them removed to a museum or cultural center. Mayor Lubitz explained his conversation with Mr. DeSapio and that he would like Kingwood Township to adopt a resolution in support of this request.

Letter from the State Division of Public Contracts re: Compliance

Mayor Lubitz reviewed.

Memo & Resolution from Clinton Township re: Opposing S-1 Legislation

Mayor Lubitz reviewed.

Resolution from Union Township re: Opposing Reduced Allocations of Open Space Funds from County

Mayor Lubitz explained that each year the residents of Kingwood Township pay an open space tax to the County, which comes to approximately \$200,000 plus. He explained that the County decides on an allocation of that amount, and then decides how much of a percentage goes back to the Township. He explained that this year they have allocated 10% to the Township's. The Committee members discussed that they would like to support this resolution.

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2011 – 41**

**OPPOSING REDUCED ALLOCATIONS OF OPEN SPACE FUNDS  
FROM THE COUNTY**

**WHEREAS**, the Hunterdon County Board of Chosen Freeholders has authorized an annual levy not to exceed three cents (\$0.03) per One Hundred Dollars (\$100) of the total County equalized real property value for each County Questioned (CQ); and

**WHEREAS**, the Board of Chosen Freeholders sets the open space tax levy and amount to be raised each year and may, at their discretion, determine the appropriate amount or rate to be distributed and allocated for each open space, farmland and historic preservation purpose; and

**WHEREAS**, the Board of Chosen Freeholders by resolution dated February 2, 2010 reduced the amount of funding available to municipalities for CY 2011 allocated to the Municipal Grant Program from 15% to 10% of the 2010 municipal contributions; and

**WHEREAS**, this municipal governing body is of the opinion that the previous municipal allocation of 15% is more fair and equitable allocation to the municipalities whose taxpayers are the source of such funds, and good cause appearing;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Kingwood, in the County of Hunterdon, State of New Jersey that its governing body requests that the Board of Chosen Freeholders restore the Municipal Grant Program to its previous allocation of 15% for the FY 2011 year-end open space tax receipts for availability to municipalities in CY 2012; and

**BE IT FURTHER RESOLVED** that a certified copy of this resolution shall be forwarded to the Hunterdon County Board of Chosen Freeholders and to each of the other municipalities in Hunterdon County.

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

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

Memo & Resolution from Alexandria Township re: Encourage Hunterdon County Engage in Analysis of Services

The Committee members noted that there is a shared services meeting on March 12, 2011 on Saturday morning in the Freeholders room. Mayor Lubitz noted that he has been meeting with a smaller group, and Mr. Walton has created a spreadsheet with the budgets from all the municipalities in the County for comparison with several different rankings. He noted that this is to get a good idea of where each municipality ranks. He stated that he will e-mail the information to the Committee members. The plan is to have this information on the County website for residents to review, but the County would like to make sure of the accuracy first. Mayor Lubitz noted that Kingwood Township's debt ratio is the fourth lowest in the County.

Copy of Letter from KT Environmental Commission re: to State NJDEP Regarding Environmental Impacts on River

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Committeeman Burke noted that there have been many complains and calls regarding the concern of the rumors with the business of the “Hot Dog Man” that involves tubing for the public along the Delaware River. Committeeman Burke clarified that he had spoken to the owner of the business, and that the owner explained that his plans were to have a tour boat ride that would go from Lambertville to Washington’s Crossing State Park and, not in Kingwood Township. Committeeman Burke explained that he has no plans for jet boats, or to make a large wake in the waters along the Kingwood river front, or to go at a high speed in speed boats. Committeeman Burke explained that it does not really involve Kingwood Township, and that we do not regulate the river. He stated that the owner is not even sure if he will be going through with these plans and that he was just thinking about the idea.

**Resolution No. 2011-28 – 2010 Reserve Budget Appropriation Transfers**

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2011 – 28**

**2010 RESERVE BUDGET APPROPRIATIONS 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 by authorized to make the following transfers within the 2010 Reserve Budget Appropriations:

<b>From Account:</b>	<b>To Account:</b>	<b>Amount:</b>
120-0001-299	120-0001-001	\$1125.00
	Total:	\$1125.00

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

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

**BILLS AND CLAIMS**

It was moved by Mr. Burke, seconded by Mrs. Niemann and carried to approve and pay all bills and claims in the amount of \$577,902.46 that are in order and attached as Bill List for March 2011.

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

**PUBLIC COMMENT – PRIVILEGE OF THE FLOOR**

Lee Frank, 41 Tumble Idell Road Commented that he attended a Parks and Recreation Committee meeting last evening and wanted to express that he thought it was a great presentation given by Chris Testa from the Hunterdon County Soil Conservation District and Todd Kratzer from the NJ Water Supply Authority, who presented an update of progress on the Kingwood Township Park stormwater control and stream-channel stabilization designs. He stated that it was mentioned that they received a grant for the project, and wanted to know who actually got the grant. Deputy Mayor Elaine Niemann explained that the New Jersey Water Authority received the Federal grant, which they have been working to get this for many years. She noted that this is in conjunction with the Hunterdon County Soil Conservation.

Sandra McNicol, Oak Grove Road Announced to the Committee members that the Open Space and Agricultural Advisory Committees will be having their spring hike on Saturday, May 21 at 3:00PM. She stated that the hike will be at the Felix Farm. Mrs. McNicol said that she spoke to Anne Felix the owner of the farm regarding the hike and that the date is good with her and that she is very excited about it and looking forward to everyone coming to the farm. Mrs. McNicol stated that Mrs. Felix will be showing the people who attend the hike artifacts that were found on the property. She also noted that it's possible that there may also be a hayride that day. Committeewoman Niemann noted that this is private property, and that the Township has been invited by special invitation by the Felix family to hike the property .

Lee Frank, Tumble Idell Road Commented that he has spoken to the Public Works Department regarding Community Day. They asked him why they were never asked to attend and to set up a truck or table to meet with the residents so they would be able to answer questions they may have. The Committee members stated that they did not know that they would want to come out on a weekend for a function for the Township. Committeeman Burke stated that he will gladly speak to the Public Works employees and tell them they are more then welcome to be at Community Day to bring a truck and meet the residents.

**REPORTS**

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

Municipal Court Report of January 2011

Construction Reports of February 2011

Zoning Permits Report of February 2011

Mayor Lubitz noted that he has spoken to a resident this a.m. and she expressed how impressed she was with the Township's new Zoning Officer, John Barczyk.

### **REPORTS CONTINUED**

General Code Enforcement Report of February 2011

Township Engineer's Monthly Report

Environmental Commission Annual Reports for 2009 and 2010

Mayor Lubitz noted that the Environmental Commissions Annual Report is quite impressive, very lengthy with many accomplishments.

### **FUTURE MEETINGS AND ACTIVITIES**

Mayor Lubitz reviewed as per the Agenda.

March 9 - DEP Public Meeting on County Draft Sewer Service Area at State Hwy. Route 12 Complex from 5:00pm-8:00pm

Deputy Mayor Niemann noted that she will be attending this meeting. She stated that the County is requesting an extension to a date of April of 2012 for each Township's Waste Water Management Plan. Mrs. Niemann stated that Kingwood Township is in good shape, and in compliance with its waste water management plan.

March 18 - 5:00P.M. at Gergar Farm on Oak Summit road, Unveiling of Remembrance Plaque and Dedication

Mayor Lubitz announced the dedication date for the Gergar Farm.

March 30 - County Planning & Design Awards at Razberry's Banquet Center on Rte 12 beginning at 5:00pm, reservation Required by March 15, 2011

The Committee members all stated that they will be attending the banquet. Deputy Mayor Niemann stated that the Environmental Commission has nominated the Township for the Solar Project at the Township Garage. She expressed that it would be nice to see several people from Kingwood Township at the Awards Banquet.

April 8 – 5:00P.M. at the former Ukarish Farm on Union Road, UnVeiling of Sign for the Preserved Farm

Mayor Lubitz announced that the Open Space and Agriculture Advisory Committees worked very hard and many hours to preserve farms in Kingwood Township, and to arrange this dedication to be a reality. He announced that everyone is welcome to attend.

Schedule Budget Workshops

There was a discussion that the Township's Budget must be introduced by the April Township Committee meeting. Clerk MacConnell noted that the Committee must work on dates for the workshops. Mayor Lubitz noted that he would like to meet with C.F.O. Diane Laudenschach on March 11, 2011 at 4:00PM to discuss the budget. The Committee members would like to schedule a Special Township Committee meeting on March 15, 2011 at 4:00PM for a budget worksession, and a Special Township Committee meeting with the Township's Auditor on either Wednesday, March 23, 2011 at 4:00PM, or Tuesday, March 29, 2011 at 5:00PM. C.F.O. Diane Laudenschach will contact Auditor William Colantano to see which one of the dates works best for him.

### **ORDINANCES**

#### **ORDINANCE NO. 16-03-2011 TO AMEND ORDINANCE NO. 15-11-2009 AND 16-01-2011 TO PROVIDE FOR THE FEASIBILITY TESTING FOR POSSIBLE AFFORDABLE HOUSING AS A GENERAL IMPROVEMENT FOR THE TOWNSHIP AND APPROPRIATING \$95,000 FROM THE CAPITAL IMPROVEMENT FUND** –Public Hearing and Final Adoption

Mayor Lubitz 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 3<sup>rd</sup> day of February, 2011. The Ordinance was published in the Hunterdon County Democrat on February 10, 2011 and has been posted in the Kingwood Township Municipal Building on February 4<sup>th</sup>, 2011. Copies of the Ordinance have been available for inspection by the public since February 4<sup>th</sup>, 2011.

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

Mayor Lubitz briefly reviewed the purpose of the ordinance for the public. He noted that the Township has done some well testing in regard to the Habitat for Humanity project. He stated that the ordinance is being amended to approve an additional \$5,000 to cover the cost of that testing. He stated that even though it states that the amount will be coming from the Capital Improvement Fund, it will be coming out of the closing and trust funds, which will not be coming from taxpayer's dollars. He stated that these are development fees that are collected as a result of the COAH regulations.

It was moved by Mr. Burke, seconded by Mrs. Niemann 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. Burke and carried to adopt on final reading **ORDINANCE NO. 16-03-2011 TO AMEND ORDINANCE NO. 15-11-2009 AND 16-01-2011 TO PROVIDE FOR THE FEASIBILITY TESTING FOR POSSIBLE AFFORDABLE HOUSING AS A GENERAL IMPROVEMENT FOR THE TOWNSHIP AND APPROPRIATING \$95,000 FROM THE CAPITAL IMPROVEMENT FUND.**

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

Mr. Robert Miller, Construction Director for Habitat for Humanity for the Ukarish Property was present and introduced himself to the Committee members. He explained that he visited the property recently, and briefly reviewed some of the ideas they have for the plan. He stated that Habitat does have some issues with the former Melynk property. Mr. Miller stated that he will be setting up a meeting with the Township's engineer and planner in the near future to discuss the Melynk property. He reviewed a few ideas for the designs they had come up with after visiting the Ukarish property.

**ORDINANCE**

**ORDINANCE NO. 16-04-2011 STEEP SLOPE ORDINANCE** – Introduction and Adoption on First Reading

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

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adopt on first reading **ORDINANCE NO. 16-04-2011 STEEP SLOPE ORDINANCE.**

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

Deputy Mayor Niemann gave an explanation of the ordinance by clarifying that this is a revision to the current steep slope ordinance as required by the waste water management plan.

**Consideration of final adoption at a public hearing is scheduled for Thursday, April 7, 2011 at a meeting beginning at 7:00 P.M. at the municipal building.**

**ORDINANCE**

**ORDINANCE NO. 16-05-2011 TO DESIGNATE RIPARIAN ZONES AND TO PROTECT STREAMS, LAKES AND OTHER SURFACE WATER BODIES OF THE TOWNSHIP** – Introduction and Adoption on First Reading

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

It was moved by Mr. Burke, seconded by Mrs. Niemann and carried to adopt on first reading **ORDINANCE NO. 16-05-2011 TO DESIGNATE RIPARIAN ZONES AND TO PROTECT STREAMS, LAKES AND OTHER SURFACE WATER BODIES OF THE TOWNSHIP.**

<b>Roll Call Vote:</b>	<b>Aye</b>	<b>-</b>	<b>Burke, Niemann, Lubitz</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 Thursday, April 7, 2011 at a meeting beginning at 7:00 P.M. at the municipal building.**

**ORDINANCE**

**ORDINANCE NO. 16-06-2011 TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)** – Introduction and Adoption on First Reading

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

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adopt on first reading **ORDINANCE NO. 16-06-2011 TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14).**

Mayor Lubitz stated that this is an annual ordinance that the Township adopts that allows flexibility. He stated that at this time the Township has no intentions of exceeding the municipal budget appropriations.

<b>Roll Call Vote:</b>	<b>Aye</b>	<b>-</b>	<b>Burke, Niemann, Lubitz</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 Thursday, April 7, 2011 at a meeting beginning at 7:00 P.M. at the municipal building.**

**RESOLUTIONS**

**Res 2011-29 - Approve Phase I Environmental Site Assessment**

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2011 - 29**

**A RESOLUTION AUTHORIZING SHARING COSTS FOR PHASE 1  
ENVIRONMENTAL SITE ASSESSMENT**

**WHEREAS**, Kingwood Township has entered into an agreement as to Bl. 19, L. 5 located at 254 Union Road in the Township, to facilitate the provision of affordable housing in the Township by working with Raritan Valley Habitat for Humanity (“RVHFH”), whose corporate purposes include and significantly involve the provision of affordable housing; and

**WHEREAS**, in furtherance of the agreement between the Township of Kingwood and RVHFH the Township and RVHFH require a Phase 1 Environmental Site Assessment (hereafter, “ESA”) for Block 19, Lot 5; and

**WHEREAS**, RVHFH has obtained a proposal to perform an ESA for a cost of \$2,500 to \$2700, depending on the extent of the required investigation, from AlterEcho, a division of TechLaw, Inc, which proposal is attached hereto; and

**WHEREAS**, RVHFH has requested that Kingwood Township pay for half of the cost of the ESA, which would be an amount not to exceed \$1350, with RVHFH responsible for paying the remaining half of the cost of the ESA; and

**WHEREAS**, funds are or will be made available for this purpose to be certified by the Township Chief Financial Officer; and

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq. authorizes engaging a professional without competitive bidding providing that the resolution authorizing the award of contracts for “professional services” without competitive bidding and the contracts be made available for public inspection;

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

1. AlterEcho, a division of TechLaw, Inc is hereby authorized to conduct a Phase 1 Environmental Site Assessment on Block 19, Lot 5 in the Township of Kingwood pursuant to the proposal of AlterEcho, a division of TechLaw, Inc which is attached hereto as Exhibit A.
2. The Township shall pay ½ of the total cost of the ESA, in an amount not to exceed \$1350, and RVHFH shall pay the remaining half.

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3. This agreement is awarded without competitive bidding as a “professional service” under the provision of the Local Public Contracts Law, N.J.S.A. 40A:11-5.
4. Notice of this action will be printed once in the Hunterdon Democrat.

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

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

Res 2011-30 - Approve Change Order for Testing on Bl 19 L 5

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2011 - 30**

**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 in the amount of \$1,800.00, are required in order for G&A to provide required aquifer and well testing and oversight as is more specifically set forth in the December 16, 2010 correspondence from G&A entitled “Final Hydrogeologic Report Addendum-Scope and Budget”, attached hereto as Exhibit A; and

**WHEREAS**, funds in the amount of \$1,800.00 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:

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1. Gilmore & Associates, Inc., is hereby authorized to perform additional 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 \$1,800.00 per the "Final Hydrogeologic Report Addendum-Scope and Budget" of G&A for Block 19, Lot 5, dated December 16, 2011 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 Mrs. Niemann, seconded by Mr. Burke and carried to adopt the foregoing Resolution.

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

Res 2011-31 - Cancellation of Real Estate Taxes Bl 23 L 10.03

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2011 – 31**

**CANCELLATION OF REAL ESTATE TAXES**

**WHEREAS**, the owner of Block 23, Lot 10.03 was granted a service connected total disability from the Department of Veterans Affairs on October 19, 2010, indicating the total disability was effective on August 13, 2009.

**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 Tax Collector be relieved of the duty of collecting the following:

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August 1, 2009 - \$ 792.89  
November 1, 2009 - \$ 1518.19  
February 1, 2010 - \$ 1487.09  
May 1, 2010 - \$ 1487.09  
August 1, 2010 - \$ 1530.31

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

**Roll Call Vote:**

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

**Res 2011-32 - Refund of Taxes Bl 23 L 10.03**

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2011 – 32**

**REFUND OF TAXES**

**WHEREAS**, the Township received a request from the owner of Block 23, Lot 10.03 for a refund of the real estate taxes paid on the above referenced property since the granting of a 100% permanent and total evaluation of a service-connected disability by the Department of Veterans Affairs on August 13, 2009, and

**WHEREAS**, the mortgage company which paid the payments on behalf of the property owner has requested the refund be made directly to the property owner.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Committee of the Township of Kingwood that the Chief Financial Officer be authorized to issue a refund to the owner of Block 23, Lot 10.03 in the amount of \$ 8,345.87, which represents the following payments:

August 1, 2009 - \$ 792.89 (prorated 47 days from August 13, 2009)  
November 1, 2009 - \$1518.19  
February 1, 2010 - \$1487.09  
May 1, 2010 - \$1487.09  
August 1, 2010 - \$1530.31  
November 1, 2010 - \$1530.30

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

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

**Res 2011-33 - Cancellation of ANJEC Grant Balance**

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2011 – 33**

**CANCELLATION OF GRANT BALANCE**

**WHEREAS**, a balance of \$24.00 remains in the ANJEC grant received by the Township of Kingwood, and

**WHEREAS**, the auditor has recommended the cancelling of the balance.

**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 cancel the balance in the ANJEC grant in the amount of \$24.00.

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

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

**Res 2011-34 - Tax Sale Redemption Bl 24 L 3**

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2011 - 34**

**TAX SALE REDEMPTION**

**WHEREAS**, the Tax Collector has received redemption monies in the amount of \$18,573.19 to redeem Tax Sale Certificate No. 08-004 on Block 24, Lot 3.

**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 \$18,573.19 to Josef Hoffmann, 326 Shady Lane, Trenton, New Jersey, 08619 for the redemption of Tax Sale Certificate No. 08-004.

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

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

Res 2011-35 - Tax Sale Redemption Bl 23 L 17

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2011 - 35**

**TAX SALE REDEMPTION**

**WHEREAS**, the Tax Collector has received redemption monies in the amount of \$5,927.27 to redeem Tax Sale Certificate No. 10-007 on Block 23, Lot 17.

**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 \$5,927.27 to Tad Dabrowski, 132 McKinley Street, South Plainfield, New Jersey, 07080 for the redemption of Tax Sale Certificate No. 10-007.

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

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

**Res 2011-36 - Snow and Ice Control Materials**

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2011 - 36**

**PURCHASE THROUGH COUNTY CO-OP EXCEEDING BID THRESHOLD**

**WHEREAS**, Kingwood Township adopted Resolution No. 2010 -124, which indicates that Kingwood Township is part of the Hunterdon County Pricing Co-Op, and

**WHEREAS**, the purchase of Snow and Ice Control Materials for 2011 will exceed the bid threshold of \$36,000 through the Hunterdon County Pricing Co-Op.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey, to authorize the Township of Kingwood to exceed the bid threshold of \$36,000 for the purchase of Snow and Ice Control Materials for 2011 through the Hunterdon County Pricing Co-Op.

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

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

**Res 2011-37 - Professional Services Agreements**

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2011 - 37**

**RESOLUTION AUTHORIZING THE AWARD OF NON-FAIR AND OPEN  
CONTRACTS FOR TOWNSHIP PROFESSIONALS**

2011 - 85

WHEREAS, the Township of Kingwood has a need to acquire professional services of Township Professionals as non-fair and open contracts pursuant to the provisions of N.J.S.A. 19:44A-20.5, with the exception of the Township Planner and Township Engineer which have been obtained by way of fair and open contracts pursuant to the provisions of NJSA 19:44A-20.5; and

WHEREAS, the Township Chief Financial Officer has determined and certified in writing that the value of the acquisition will exceed \$17,500, excepting the position of Bond Counsel, which shall not exceed \$17,500; and,

WHEREAS, the anticipated term of these contracts is one year(s); and

WHEREAS, each of the Township professionals set forth below in Paragraph No. 1 has submitted a proposal indicating they will provide the professional services described below in Paragraph No. 1 for the amount set forth in each submitted proposal; and

WHEREAS, each of the Township professionals set forth in Paragraph No. 1 below has completed and submitted a Business Entity Disclosure Certification which certifies that each Township Professional has not made any reportable contributions to a political or candidate committee in the Township of Kingwood in the previous one year, and that the contract will prohibit the Township professionals from making any reportable contributions through the term of the contract; and

WHEREAS, a certification of availability of funds, specifying the line item appropriation(s) to be charged as to each contract set forth below in Paragraph No. 1 has been provided by the Chief Financial Officer of the Township of Kingwood.

NOW THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Kingwood authorizes the Mayor and Clerk to enter into contracts with the Township Professionals as described below;

Professional	Position	Term of Contract
Judith A. Kopen, Gebhardt & Kiefer, P.C.	Township Attorney	One year
David R. Pierce	Planning Board Attorney	One year
David R. Pierce	Zoning Board of Adjustment Attorney	One year
Thomas R. Decker, Van Cleef Engineering Associates	Township Engineer	One year
William Colantano	Township Auditor	One year
David Banisch	Township Planner	One year
Andrea L. Kahn	Township Bond Counsel	One year
Vincent Uhl	Township Hydrogeologist	One year

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A copy of this resolution shall be published in the Hunterdon Democrat as required by law.

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

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

**Resolution No. 2011-39 – NJDEP Green Acres Enabling Resolution**

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2011 - 39**

**STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
GREEN ACRES  
ENABLING RESOLUTION**

**WHEREAS**, the New Jersey Department of Environmental Protection, Green Acres Program (“State”), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

**WHEREAS**, the Township of Kingwood desires to further the public interest by obtaining additional Green Acres grant funds in the amount of \$1,000,000, and funding from the Office of Natural Resource Restoration in the amount of \$150,000 to fund the following project(s):

Horseshoe Bend LLC. Block 14 Lot 30 in Kingwood Township

**WHEREAS**, the applicant is willing to use the State’s funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project;

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP OF KINGWOOD**

1. That the MAYOR of the above named body or board is hereby authorized to execute an agreement and any amendment thereto with the State for the project known as Kingwood Township Open Space;

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2. That the applicant has its matching share of the additional funding for this project in the amount of \$1,000,000;
3. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and
4. That this resolution shall take effect immediately.

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

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

**Resolution No. 2011-40 – 2010 Recycling Tonnage Grant**

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2011 - 40**

**RECYCLING TONNAGE GRANT**

**WHEREAS**, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS**, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

**WHEREAS**, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

**WHEREAS**, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

**2011 - 88**

**WHEREAS**, a resolution authorizing this municipality to apply for the 2010 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and indicate the assent of the Kingwood Township Committee to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

**WHEREAS**, such a resolution should designate the individual authorized to ensure that the application is properly completed and timely filed; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Kingwood that the Township of Kingwood hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Cynthia Niciecki to ensure that the said Application is properly filed; and

**BE IT FURTHER RESOLVED** that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

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

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

**NEW BUSINESS**

Urgent E-mail

Deputy Mayor Niemann noted that she received an urgent message from the New Jersey League of Municipalities regarding the exemption of reserve for uncollected taxes. There was a lengthy discussion with C.F.O. Diane Laudenbach regarding this matter. The Committee members asked D. Laudenbach, whether a resolution should be adopted by the Township for support calling on the State Legislature and Governor to exempt the reserve for uncollected taxes from the 2% cap. D. Laudenbach feels that the Township should indeed adopt a resolution. She then gave a brief explanation.

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2011 – 43**

**RESOLUTION CALLING ON THE STATE LEGISLATURE AND THE GOVERNOR TO EXEMPT THE RESERVE FOR UNCOLLECTED TAXES FROM THE 2% CAP**

**WHEREAS**, on July 13, 2010, Governor Christie signed into law P.L. 2010, c. 44, which reduced the cap on the property tax levy from 4% to 2% and limited the number of exemptions; and

**WHEREAS**, when the property tax levy was reduced, the exemption for the Reserve for Uncollected Taxes was removed; and

**WHEREAS**, in addition to collecting property taxes for its own operations, the municipality also serves as the collection agent for the County, school districts, fire districts and other special local entities; and

**WHEREAS**, the municipality must provide those entities with the full amount they deem necessary for their operations, regardless of the actual collection rate; and

**WHEREAS**, due to myriad factors beyond local control, the actual collection rate never equals the total local levy, especially during an economic downturn, when unemployment soars and property values plummet, causing an increase in tax appeals, which the municipality must defend and which subject the municipal budget to further losses, when successful; and

**WHEREAS**, to account for the shortfall and potential losses, State law requires the municipality to budget an appropriation in a line item known as the Reserve for Uncollected Taxes, which is generally determined through a formula driven calculation in which the variables change year to year; and

**WHEREAS**, without a levy cap exemption, municipalities will be forced to further cut their own operations, in order to meet the 2% tax levy cap to provide the County, school districts, fire districts and other special local entities the full amount they deem necessary for their operations; and

**WHEREAS**, those other local entities, which do not have to budget for collection rate short-falls or the impact of declining property values, have been granted levy cap exceptions to address factors beyond their control; and

**WHEREAS**, Assemblymen McKeon and Burzichelli have introduced A-3603, which excludes increases in appropriations to the Reserve for Uncollected Taxes in excess of two percent, from calculations of the municipal adjusted tax levy;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Kingwood, County of Hunterdon, State of New Jersey hereby urge the swift passage and signing of A-3603;

**BE IT FURTHER RESOLVED**, that consideration also be given to providing a levy cap exception to account for the impact of tax appeals on local operations; and

**BE IT FURTHER RESOLVED**, that copies of this Resolution be forwarded to New Jersey Governor Christopher Christie, to Senate President Stephen Sweeney, to Assembly Speaker Sheila Oliver, to our State Senator, to our two Representatives in the General Assembly, and to the New Jersey League of Municipalities.

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

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

Lee Frank, Tumble Idell Road asked C.F.O. D. Laudenbach a question regarding tax sales, and if they would be the solution to the tax issue. Diane Laudenbach responded by stating that tax sales are not helpful until the following year.

Permanent Appointment for Deputy General Code Enforcement Officer/Deputy Zoning Officer

Deputy Mayor Niemann reviewed the history of the appointment for Deputy General Code Enforcement/Deputy Zoning Officer William Sidote. She stated that after speaking to the Zoning/General Code Enforcement Official John Barczyk, and Mr. Sidote she recommends appointing William Sidote for a permanent position as the Deputy General Code Enforcement Officer/Deputy Zoning Officer for a term to expire on 12/31/2011.

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to appoint William Sidote as Deputy General Code Enforcement Officer/Deputy Zoning Officer for the remainder of the year, and a term to expire on December 31, 2011.

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

Copy of Letter from Attorney S. Fogarty re: Reapportionment of DVRHS Taxes

**2011 - 91**

Mayor Lubitz reviewed the letter from Attorney S. Fogarty. He also commented on the current formula for the five Districts. He explained that the proposal is to change formula for each municipality to be charged as a per capita basis. Mayor Lubitz noted that this is a request to be placed on the April 27<sup>th</sup>, 2011 school election ballot . Committeeman Burke stated that this is overall the fairest way it can be done, and that each municipality will have to vote for it to be fair.

It was moved by Mr. Burke, seconded by Mrs. Niemann and carried that Kingwood Township independently supports and approves the proposed method of apportionment change question to be on the ballot for reapportionment of DVRHS Taxes on April 27, 2011 School Ballot.

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

2011 Clean Up Days Quotations

The Committee members reviewed the quotations listed from several vendors.

The following is a list of the quotes:

<u>HAULER</u>	<u>COST PER DUMPSTER</u>	<u>TIPPING FEE PER TON</u>
Raritan Valley Disposal	\$169.14 per 30 yd. dumpster	\$82.50 per ton tipping fee ( <small>\$3.00 per ton NJ Recycling Enhancement Tax</small> )
Carnevale CD Disposal <small>Enhancement Tax</small>	\$188.00 per 30 yd. dumpster (4.2 % Fuel Surcharge)	\$80.00 per ton tipping fee ( <small>\$3.00 per ton NJ Recycling</small> )
Russell Reid	\$225.00 per 30 yd. dumpster	\$95.00 per ton tipping fee ( <small>\$3.00 per ton NJ Recycling Enhancement Tax</small> )
<b><u>Cost Per Dumpster and Tipping Fee For:</u></b>	<b><u>(2) UNITS</u></b>	<b><u>(3) UNITS</u></b>
Raritan Valley Disposal	\$2,029.68	\$3,044.52
Carnevale CD Disposal	\$2,160.00	\$3,240.00
Russell Reid	\$2,700.00	\$4,050.00

**(May – October) 2011**

**Total Cost of Entire Clean-up Season Using (2) Units (3) Units  
DUMPSTERS, TONNAGE FEE, NJ RECYCLING TAX, AND  
FUEL**

	(2) Units	(3) Units
Raritan Valley Disposal	\$5,925.18	\$ 8,837.52
Carnevale CD Disposal	\$6,034.00	\$ 9,002.00
Russell Reid	\$7,183.00	\$10,718.00

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to award the Clean Up Program to Raritan Valley Disposal who submitted the lowest quote at the amount of \$5,925.18 for two dumpsters per month for the clean-up program season for May through October of 2011.

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

2011 Clean Up Day Letter to Residents

The Township Committee discussed the 2011 Clean-Up Program letter that will be mailed out to all the residents in the spring. It was decided that the letter looks fine and there will be no changes this year.

Permanent Financing

C.F.O. Laudenbach discussed permanent financing with the Committee members, and that the Township needs to roll all bans into a permanent bond. She reported what Frenchtown Boro does to help pay down their debts. She explained that they get the County Open Space to help out with the debt. The Committee members all agreed to have McManiman & Scotland start working on putting together a schedule for 2011.

Dental Insurance Proration

C.F.O. Laudenbach asked the Township Committee for guidance. She stated that since the money is banked each year, should employees be able to get their full amount of dental reimbursement on January 1, 2011, or should it be spread out over the year.

Best Practices Survey

**2011 - 93**

C.F.O. Diane Laudenbach reviewed the survey she completed with the Committee members. She noted that one of the questions asked was if there was a Safety Officer in the Township under Public Safety. The Committee members responded that there is no Safety Officer in the Township and that the Township cannot afford to pay a Safety Officer, but it was suggested that a safety committee should be formed. They stated that if a safety officer is made mandatory, then the Township will have to pay for the necessary coarse work. Mayor Lubitz noted that the results of this survey show significant progress. He stated that there is currently five years of the Township's Budget information on the website to allow citizens to review County and Township spending and to be more involved.

Approve Contract for Bank to Act as Agent for Tax Collector

C.F.O. D. Laudenbach explained the contract to the Committee and noted that they need to approve by a vote for the contract for the bank to act as agent for tax collector.

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to approve the Contract for Bank to Act as Agent for Tax Collector.

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

2011 Newsletter

Deputy Mayor Niemann handed out draft copies of the 2011 Newsletter that she is currently working on for the spring mailing. She stated that the newsletter will be wrapped up and completed by March 4, 2011. Mayor Lubitz thanked Mrs. Niemann for her time and hard work on the newsletter.

Resignation of Municipal Housing Liaison

Mayor Lubitz announced that the current Township's Municipal Housing Liaison, James Wells has handed in his resignation letter. He stated that the Township is now in a position to appoint a new Municipal Housing Liaison. He explained that he has received two offers, one from the Township's Planner David Banisch who is willing to put together a proposal, and C.F.O. of the Township Diane Laudenbach. The Committee members discussed with Diane Laudenbach who was present at the meeting what would be involved in the job. D. Laudenbach stated that she is willing to do the job, as long as, it is does not get too involved or busy.

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to appoint Diane Laudenbach as the Township's Municipal Housing Liaison for 2011.

**2011 - 94**

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

Diane Laudenschach noted that she is signed up for a course in Freehold NJ to obtain her certification for Municipal Housing Liaison on May 16th.

Advertisement for Full Time Public Works Employee

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to authorize the Township Clerk to place an ad for a full time employee for the Department of Public Works.

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

Mayor Lubitz reviewed a letter from Attorney G. DeSapio, requesting support from Kingwood Township in his effort to preserve and protect painted murals on the walls of the Union Hotel in Flemington. The murals were painted by an artist and resident of Kingwood Township, Kurt Wiese.

He explained that he is encouraging municipalities to support him in saving the murals, whether they stay in the Hotel or be moved to another location.

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2011 – 42**

**SUPPORTING PRESERVATION OF WIESE MURALS**

**WHEREAS**, Kurt Wiese (1887-1974) was an award winning artist, author and book illustrator who lived in Kingwood Township from 1930 through his death in 1974; and

**WHEREAS**, in 1929 he illustrated the original children’s book, “Bambi” and then “Pinocchio”, and he drew the illustrations for Rudyard Kipling’s book “The Jungle Book”, and with Marjorie Flack he wrote “The Story About Ping”, the duck, which became a traditional childhood favorite, and in total he wrote and illustrated 20 children’s books and illustrated another 300 for other authors; and

**WHEREAS**, he was awarded the Caldecott Honor Book Award in 1946 for *You Can Write Chinese*, the Caldecott Honor Book Award in 1948 for *Fish in the Air*, he was the Newbery Award winner as the illustrator for *Young Fu of the Upper Yangtze* and the Newbery Honor winner as illustrator of the books *Honk the Moose*, *Li Lun, Lad of Courage*, and *Daughter of the Mountains*; and

**WHEREAS**, a collection of his work is housed in the Flemington Public Library, his art is in the collection of the James A. Michener Art Museum in Doylestown, PA, and his papers, sketches and drawings are also housed at the University of Southern Mississippi – de Grommond Collection of Children’s Illustrations, as well as in the archives of the University of Oregon; and

**WHEREAS**, Mr. Wiese painted murals on the walls of the Union Hotel in Flemington and the Borough Council in Flemington is currently considering proposals for redevelopment of the hotel site;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey that they would like to express formal interest in seeing that the Union Hotel Wiese Murals are preserved and convey their interest in assisting Flemington Borough to that end.

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

Mayor Lubitz noted where Kurt Wiese lived, and stated that he painted several murals in homes in Kingwood Township.

Environmental Commissions Concern

Deputy Mayor Niemann stated that at a meeting of the Environmental Commission several months ago, a member expressed concern about a driveway being installed in front of a vacant piece of property. The member observed that the area where the driveway was being installed was very wet. Mrs. Niemann explained that the Environmental Commission has since looked into this and has learned that the Township has no real firm driveway permit protocols. She stated that the County Planning Board contacted all the municipalities in the County to find out what each municipalities procedure was for installing driveways. Mrs. Niemann stated that several responses came back, and then described what they stated.

She stated that the Environmental Commission would like the Township Committee to consider adopting a driveway ordinance consisting of regulatory control over the installations of driveways in Kingwood Township. Clerk MacConnell explained that the Township already has a driveway ordinance. Mayor Lubitz suggested that the ordinance be amended. Mrs. Niemann noted that she will obtain driveway ordinances from other municipalities and give them to the Planning Board to get some ideas for Kingwood. The Committee decided that this should be referred to the Planning Board to review.

#### Solar Facility Fees

Deputy Mayor Niemann explained that she had a working meeting with the Township's Professionals regarding the solar ordinance and that our escrow requirements only provide for the collection of \$500. She explained that C.F.O. Diane Laudenbach has been spending a lot of time replenishing the escrow because the expenses associated with professional review far exceed \$500. She stated that the recommendation from our professionals is that we amend our zoning ordinance to provide that major solar facilities would pay an escrow of \$5,000 to resolve the problem. C.F.O. Diane Laudenbach recommended the escrow be raised to \$7,500. Deputy Mayor Niemann noted that it could be stated that this is specifically for major solar projects only. Attorney Kopen stated she will be looking into this for the Committee.

#### **OLD BUSINESS**

##### Proposal for Old Fairview School

Mayor Lubitz explained that Amy Weckesser, Kingwood Resident has put a lot of work into a proposal for a child care facility to be at the Old Fairview School House. Committeeman Burke reported that the Parks and Recreation Committee recommend that it is not a good idea for the child care facility to be in the Old Historical School House. They also feel that the building should be closed for the winter months, November through March, and that they will be only allowing non-profit organizations use the building starting on June 30, 2011. Mayor Lubitz expressed that the Historical Society is not in favor of the idea either, as they are concerned about the historical life of the building and the artifacts that are present. There was a discussion on the cost of the maintaining the building regarding heating it all winter long. Committeeman Burke stated that he had the Public Works Department recover a propane heater from the empty rental unit at the Ukarish Farm, and he recommended that it may help the cost of heating the building by installing the heater into the Old Fairview School House. The Committee members asked Clerk MacConnell to write a letter to Mrs. Weckesser, and let her know that the Township Committee has decided it would be best to not have the Old Fairview School House be rented out for a child care facility, but to thank her for her offer.

##### Phase II EECBG

Deputy Mayor Niemann reported that the Township is unable to apply for Phase II of the Energy Grant, which would have allowed the Township to replace windows and doors, because the Township has not had an energy audit performed. She noted that the Sustainable Team recently met and agreed to apply for a grant to have the audit completed, which should allow the Township to incur no cost at all. She explained that after an audit is completed, then they will be able to apply for future grant opportunities. She explained that she has passed this year's grant opportunity over to the Kingwood Township School, who is eligible to participate having had an audit done before.

Telephone System at Municipal Building

Clerk MacConnell explained that the Township office staff met with Century Link for a demonstration of the voicemail system that they have to offer. She noted that it seems like it would be a good phone system for the Township.

It was moved by Mr. Burke, seconded by Mrs. Niemann and carried to approve of the purchase of a new phone system through Century Link and to execute the contract for the amount of \$5,500.00.

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

C.F.O. D. Laudenbach asked the Township Committee if they would want to introduce a capital ordinance to provide for the funds for the new telephone system.

**ORDINANCE**

**ORDINANCE NO. 16-08-2011 AN ORDINANCE TO PROVIDE FOR THE PURCHASE OF A NORTEL/AVAYA BUSINESS COMMUNICATION SYSTEM (BCM50) AS A GENERAL IMPROVEMENT FOR THE TOWNSHIP OF KINGWOOD IN THE COUNTY OF HUNTERDON AND STATE OF NEW JERSEY AND APPROPRIATING \$5,500.00 FROM THE CAPITAL IMPROVEMENT FUND** – Introduction and Adoption on First Reading

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

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adopt on first reading **ORDINANCE NO. 16-08-2011 AN ORDINANCE TO PROVIDE FOR THE PURCHASE OF A NORTEL/AVAYA BUSINESS COMMUNICATION SYSTEM (BCM50) AS A GENERAL IMPROVEMENT FOR THE TOWNSHIP OF KINGWOOD IN THE COUNTY OF HUNTERDON AND STATE OF NEW JERSEY AND APPROPRIATING \$5,500.00 FROM THE CAPITAL IMPROVEMENT FUND.**

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

**Consideration of final adoption at a public hearing is scheduled for Thursday, April 7, 2011 at a meeting beginning at 7:00 P.M. at the municipal building.**

Letter from Delaware Twp. re: Joint Road Maintenance Agreement Review – Carried over from February meeting

Mayor Lubitz reviewed the letter from Delaware Township. Attorney Kopen reviewed the agreement with the Committee members. Mayor Lubitz noted that he would like to discuss the agreement with the Public Works Supervisor.

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

Solar Ordinance

Deputy Mayor Niemann noted that a small group of people met for a work session to review all the solar projects that are coming into the Township. She explained that they may want to propose some of their ideas for the solar ordinance at a Planning Board Meeting. Mayor Lubitz stated that the Kingwood Township Fire Department also has some suggestions to add to the ordinance.

Comment Regarding Elizabethtown Gas

Sandra McNicol commented on Elizabethtown Gas and our first responders. She reminded the Committee members about the time Elizabethtown Gas came to a meeting in 2008 to renew their license and then they expanded their operation. She stated that at that time, they promised to train our fire fighters. She explained that she had contacted Bruce Garrett from Elizabethtown Gas, and stated that he forwarded her number and name onto someone else.

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Sandra McNicol stated that it has been two weeks and she has not heard a word. She asked the Township Committee for guidance whether she should refer them to the fire company or should she keep trying. Deputy Mayor Burke feels that it would be best for the Mayor and the Kingwood Township Fire Department to write a letter regarding the safety and training for first responders.

**MINUTES**

February 3, 2011 Regular Meeting

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adopt the February 3, 2011 Regular Township Committee minutes.

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

February 3, 2011 Executive Session 7:25pm-7:40pm

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adopt the minutes of the February 3, 2011 Executive Session 7:25pm – 7:40pm.

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

February 3, 2011 Executive Session 8:12pm-9:10pm

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adopt the minutes of the February 3, 2011 Executive Session 8:12pm-9:10pm.

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

**EXECUTIVE SESSION – Resolution No. 2011-38**

**Executive Session – Resolution No. 2011 -38**

The following Resolution was introduced to enter into closed session at approximately 10:00P.M.:

**RESOLUTION NO. 2011 – 38**

**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:

**Personnel – Finance Department  
Sale of Public Land – Gergar Property Bl 7 L 2**

3. The time when the circumstances under which the discussions conducted in closed session of this public body can be disclosed to the public is as follows:

The minutes of the closed session will be made public upon conclusion, dismissal or settlement of litigation; or final resolution of agreements or personnel matters; and in any event, when appropriate pursuant to N.J.S.A. 10:4-7 and 13.

4. This resolution shall take effect immediately.
5. The Township Committee may take additional action upon returning to regular session.

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

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

**RETURN TO REGULAR SESSION**

**2011 - 101**

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to return to regular session at 11:40P.M. **All voted Aye on Roll Call Vote.**

Authorization to Obtain Proposal for Facilitator

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to authorize Attorney Kopen to obtain a proposal for a facilitator and not to exceed the amount of \$500 through Meyner Center for Municipal Government from the Lafayette College with Mr. David Woglom, and to have a written report to be included at the appropriate interval.

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

Request for a Fire Alarm in the Old Fairview School House

Mayor Burke stated that the Parks and Recreation Committee had requested that the Township have a fire alarm system installed in the Old Fairview School House. He stated that he will go out for quotes to find the best price. He explained that this will be a monthly fee.

Request from Parks and Recreation – Pond Management Treatments

Mayor Burke noted that the Parks and Recreation Committee had requested that the Township pay for this pond management treatment through the buildings and grounds.

It was moved by Mr. Burke, seconded by Mrs. Niemann and carried to approve the amount of \$225.00 for three treatments a year for the year 2011 for Pond Treatment and to be paid to Great Blue Lake Pond and Management Program.

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

**ORDINANCE**

**ORDINANCE NO. 16-07-2011 AN ORDINANCE AUTHORIZING THE SALE OF SURPLUS LAND** – Introduction and Adoption on First Reading

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

**2011 - 102**

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adopt on first reading **ORDINANCE NO. 16-07-2011 AN ORDINANCE AUTHORIZING THE SALE OF SURPLUS LAND.**

<b>Roll Call Vote:</b>	<b>Aye</b>	<b>-</b>	<b>Burke, Niemann, Lubitz</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 Thursday, March 17, 2011 at a meeting beginning at 5:00 P.M. at the municipal building.**

Special Meeting Scheduled

The Committee members all agreed that Thursday, March 17, 2011 would be the date to be scheduled for a Special Township Committee meeting, beginning at 5:00PM.

**ADJOURNMENT**

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adjourn the meeting at 11:48PM. **All present Voted Aye on Roll Call Vote.**

**Respectfully submitted,**

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