

# **KINGWOOD TOWNSHIP COMMITTEE**

**DECEMBER 1, 2011**

**Regular Meeting Agenda 7:00PM**

## **Call to Order**

## **Pledge of Allegiance**

**Adequate notice of this meeting was provided in accordance with the Open Public Meetings Act by publication of the notice in the Hunterdon Democrat and Courier News on 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**

Mayor Lubitz Farewell Comments

Recycling Coordinator – Resignation Statement

Discussion – Damages at Horseshoe Bend Park

## **Correspondence**

Thank You From Merry Mixers

Copy of Letter from KT Environmental Commission re: Eagle Scout  
Project at Kingwood Park

Letter from NJDept of Agriculture re: Gypsy Moth Program

Copy of Letter & Resolution from Clinton Twp re: Opposing S-2887 and  
A-3992, Revising Standards for Wind Generation Facilities on  
Farmland

Copy of Resolution from West Amwell Twp re: Opposing S-2887, Regarding  
Wind Energy Generation Projects on Farms

Copy of Letter & Resolution from Cty Freeholders re: Restoration of PARIS  
Grant Funding

Copy of Letter & Resolution from Hampton Borough re: Route 31 Improvement  
Project - **Resolution No. 2011-144**

## **December 1, 2011 Township Committee Meeting Continued**

**Resolution No. 2011-138** – 2011 Appropriations Transfer

**Bills and Claims**

**Public Comment – Privilege of the Floor**

### **Reports**

Tax Collector's Report of October 2011  
Municipal Court Report of October 2011  
Construction Report of October 2011  
Township Engineer's Monthly Report

### **Future Meetings and Activities**

**December 3, 2011** - Christmas Tree Lighting at Kingwood Park beginning at 4:00pm  
**December 10, 2011** - Recycling at Township Garage from 9:00am – 12:00 noon

### **Ordinances**

**Ordinance No. 16-25-2011 To Provide For The Construction Of A 54' X 20' X 9' Bocce Pavilion As A General Improvement For The Township And Appropriating \$14,100.00 From The Recreation Account – Bocce Pavilion – Public Hearing and Final Adoption**

### **Resolutions**

**Resolution No. 2011-139** - Emergency Appropriations for October Snowstorm  
**Resolution No. 2011-140** - Appointing Fund Commissioner to Statewide Ins Fund  
**Resolution No. 2011-141** - Appointing Risk Mgt Consultant to Statewide Ins Fund & Risk Management Consultant Agreement  
**Resolution No. 2011-143** - Refund of Taxes Block 28, Lot 14.06

### **New Business**

Schedule End of Year Meeting  
Schedule Reorganization Meeting and Regular January Meeting  
Authorize Advertisements for: Municipal Judge, Municipal Public Defender,  
Hydrogeologist Services  
  
Payroll Services  
Furnace at the Melnyk Rental

### **Old Business**

Habitat for Humanity Project  
Completion of Storage Room at DPW

## **December 1, 2011 Township Committee Meeting Continued**

### **Minutes**

November 3, 2011 Regular Meeting  
November 3, 2011 Executive Session  
March 3, 2011 Executive Session (7:04PM)  
March 3, 2011 Executive Session (10:00PM)  
April 7, 2011 Executive Session  
May 5, 2011 Executive Session  
May 20, 2011 Special Meeting  
May 20, 2011 Executive Session  
June 20, 2011 Special Meeting  
June 20, 2011 Executive Session  
July 7, 2011 Executive Session  
August 4, 2011 Executive Session  
September 1, 2011 Executive Session  
October 6, 2011 Executive Session

### **Executive Session – Resolution No. 2011-142**

Contract Negotiations – Makatura Bl 7 L 6, Habitat for Humanity Bl 20 L 1  
Personnel – Amendments to Employee Manual and Handbook, 2012 Appointments  
Potential Litigation – Moskal Zoning Violations  
Contract Negotiations/Possible Litigation – Elizabethtown Gas Company  
Litigation - Abel

### **Return to Regular Session**

### **Adjournment**

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

2011 - 331

December 1, 2011

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

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

**NOTICE REQUIREMENTS**

Pledge of Allegiance

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**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**

Mayor Lubitz asked everyone who may have a cell phone to please silence or turn it off during the meeting.

**Mayor Lubitz Farewell Comments**

Mayor Lubitz stated this would be his last regular meeting as Mayor for 2011. He noted that he wanted to take the opportunity to thank a number of people in the Township. He thanked, Clerk MacConnell, C.F.O. Laudenbach and Deputy Clerk Keller for their hard and dedicated work. He also commended the Kingwood Township Volunteer Fire Department and Emergency Management Coordinator, Jack MacConnell for all their time and hard work during numerous emergencies due to several storms that had occurred this year. He noted that Jack MacConnell has really saved the Township a lot of money by volunteering his time. Mayor Lubitz also thanked all the people who volunteer on Boards, Commissions and Committees for their time, and efforts. He stated that he hopes to personally thank each and every person before the year comes to an end.

He stated that the Township Committee would like to have a “Government that is of the people, by the people, and for the people”. He noted that people that volunteer is what makes this type of Government. He also thanked Recycling Coordinator, Cynthia Niciecki for all the positions she holds in the Township, and the great job she has done. He stated that lastly he would like to thank Deputy Mayor Mrs. Elaine Niemann and Committeeman Mr. Jim Burke for their friendship, collegiality and all the hard work and dedication they put into the Township. Mayor Lubitz thanked everyone.

#### Recycling Coordinator – Resignation Statement

Cynthia Niciecki the Township’s Recycling Coordinator, Clean Communities Coordinator, SWAC Representative and a member of the Solid Waste Advisory Council, has come to the Township Committee to give her formal resignation for these positions. She explained that she will not be able to continue these positions in 2012. She noted that she will be happy to assist by helping anyone who fills her positions. Mayor Phil Lubitz commented on the great job Cynthia Niciecki did in the past several years, and the large numbers that have been reported for recycling. He stated that Kingwood’s numbers have been the largest in the County since Cynthia Niciecki has taken over.

#### Discussion - Damages at HorseShoe Bend Park

Mayor Lubitz asked Emergency Management Coordinator, Jack MacConnell to come forward and describe what happened at Horseshoe Bend Park. Emergency Management Coordinator Jack MacConnell described for the Committee Members what happened on October 31, 2011 at approximately 5:50PM. He stated that he had stopped a vehicle that was driving through the mud on the park grounds at the Horseshoe Bend Park, while he was clearing and cutting up a tree that fell across the driveway. Mr. MacConnell explained that he obtained identification and car information from the young gentleman who was driving. He stated that he also asked the young gentleman who he stopped to attend the next upcoming Township Committee meeting, and explain to the Township Committee Members what happened while at the park. Mr. MacConnell stated that the young gentleman did not show up at the meeting of November 3<sup>rd</sup>. The Township Committee at their meeting of November 3<sup>rd</sup>, asked that a letter be sent to the young gentleman, and a hunter who parks his vehicle at the park, requesting they attend this evening’s meeting.

Mayor Lubitz asked Mr. Osborne Pursell to come forward and explain to the Township Committee what he knew about the damages at the park. Mr. Pursell, a hunter who currently has permission to park his truck in a parking lot at the park while hunting across the field on Fairview Road, explained that on Saturday, October 29<sup>th</sup>, 2011 he went to Horseshoe Bend Park to take a walk and look for deer tracks in the snow. He noticed that the trees were very heavy, and that the branches were breaking and falling down everywhere around him. He explained that when he went back towards his truck he noticed that his truck was stuck in the middle of several trees that had fallen in the driveway area since he had arrived.

## 2011 - 333

He stated that he cut several sapling trees to make a path for his truck to get through, but stated that he did not make the ruts in the grass that Mr. MacConnell was talking about because he went out a different angle. He stated that he came back two days later to the park and noticed the large new ruts along the grounds next to the driveway.

He did mention that he also saw young adults hanging around, but that the ruts looked like more than one vehicle went through the muddy area. Mr. Pursell stated that after receiving the letter from the Township regarding the damages, he went up to the park and tried to fix, and clean up the damages from the ruts as best as possible. There were no other comments from the Township Committee Members.

Gregory Labrato of Milford NJ, who was stopped by Mr. MacConnell on October 31<sup>st</sup>, was present at the meeting. Mayor Lubitz asked Mr. Labrato to come forward and explain what had happened the day he saw Mr. MacConnell at Horseshoe Bend Park. Gregory Labrato explained that he and some friends decided to go to the park after the snow storm to walk around and look at the pretty view after the snowfall. He explained that he had put his jeep in four wheel drive and drove around the tree that was lying across the road to get by so that they could go up into the park. He explained that he had seen tracks that were already going around the tree onto the grass and, therefore, followed the path of tracks. He stated that on their way out of the park they met up with Mr. MacConnell, who stopped them and obtained identification and other information from Mr. Labrato. Mayor Lubitz made several suggestions to Gregory Labrato, about what he thought they could have done instead of going onto the grass and following the rut tracks. He also stated that he hoped that this is a lesson learned for Mr. Labrato and warned him of future prosecution if he is ever caught again.

### CORRESPONDENCE

#### Thank You From Merry Mixers

Mayor Lubitz reviewed the thank you note from the Merry Mixers. He explained that one of the honors he has experienced this last year as Mayor, was to honor farming families.

#### Copy of Letter from KT Environmental Commission re: Eagle Scout Project at Kingwood Park

Mayor Lubitz noted that he had a lot of respect for young gentleman that go on to become an Eagle Scout. He feels that they actually honor us with their service to the community.

#### Letter from NJDept of Agriculture re: Gypsy Moth Program

Mayor Lubitz reviewed the letter from the New Jersey Department of Agriculture. He stated that they inspect the Township to see if there is a need to spray for infestation of gypsy moths. He noted that they have notified the Township, and that there is no need this year for the treatment.

Copy of Letter & Resolution from Clinton Twp re: Opposing S-2887 and A-3992, Revising Standards for Wind Generation Facilities on Farmland

Mayor Lubitz commented on the A-3992 Bill and stated that this was voted on by the assemblies, but that this only applies to counties with less than 1,000 people per square mile, or counties that are contiguous to it. He noted that only two counties fit the bill, Cumberland and Salem Counties.

Copy of Resolution from West Amwell Twp re: Opposing S-2887, Regarding Wind Energy Generation Projects on Farms (same also recv'd from Readington (Twp.))

Mayor Lubitz reviewed.

Copy of Letter & Resolution from County Freeholders re: Restoration of PARIS Grant Funding

Mayor Lubitz explained what the Paris Grant was all about, and that it is to help all the municipalities cleanout and dispose of their old records. He explained that Kingwood Township has taken advantage of the Grant, and that it was a great help for Kingwood.

Copy of Letter & Resolution from Hampton Borough re: Route 31 Improvement Project (same also recv'd from Glen Gardner)

Mayor Lubitz reviewed. Deputy Mayor Niemann suggested that the Township adopt a resolution to support this project due to the recent tragedy on Route 31. She noted that the New Jersey State Department of Transportation has had this project on their list of things to do for many years.

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2011 – 144**

**RESOLUTION TO REQUEST MAKING MAIN STREET RIGHT TURN ONLY  
ONTO ROUTE 31 UNTIL MORE EXTENSIVE ROUTE 31  
IMPROVEMENT PROJECT CAN BE COMPLETED**

**WHEREAS**, the Borough of Glen Gardner, within the period of October 23, 2011 and November 6, 2011, has been the site of two major accidents at the intersection of NJ State Highway Route 31 and Main Street, with one of the accidents being a fatality; and

**WHEREAS**, this intersection of Route 31 was built in the early 1930's to bypass the Main Streets of Glen Gardner and Hampton and the New Jersey Department of Transportation has planned a revision of the Route 31 corridor in Glen Gardner and Hampton for several years; and

**WHEREAS**, the Borough of Glen Gardner and Hampton, with representatives of the Hunterdon County Board of Chosen Freeholders and representatives of the 23<sup>rd</sup> Legislative District, ask that the DOT make this intersection a “High” priority to correct; and

**WHEREAS**, all parties, including the residents, ask that NJDOT immediately remediate both sides of Route 31 by making Main Street a “right turn only” until a more extensive Route 31 Improvement Project can be completed; and

**WHEREAS**, the Township of Kingwood requests that NJDOT revisit their proposal to redesign the intersection of Main Street and Route 31 to eliminate the severe angle, add shoulders and a traffic light when replacing the Route 31 bridge over the NJ Transit’s Raritan Valley Line; and

**NOW, THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Kingwood, County of Hunterdon, State of New Jersey that we call upon New Jersey Department of Transportation to immediately move forward with their earlier proposal for Route 31 Intersection Safety Improvements.

**BE IT FURTHER RESOLVED**, that copies of this Resolution are forwarded to Governor Chris Christie, James S. Simpson, Commissioner, NJDOT, Hunterdon County Legislators, Hunterdon County Board of Chosen Freeholders and all Hunterdon County 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>

**Resolution No. 2011-138 – 2011 Appropriations Transfer**

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2011 – 138**

**2011 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 2011 Budget Appropriations:

2011 - 336

FROM ACCOUNT	TO ACCOUNT	AMOUNT
121-1300-440	121-0009-299	6500.00
121-1300-400	121-0009-299	4250.00
	121-0050-299	2750.00
121-1050-299	121-0050-299	850.00
	121-0950-299	50.00
	121-1300-460	100.00
121-0900-299	121-1300-460	600.00
<b>TOTAL TRANSFERRED:</b>		<b>15100.00</b>

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

**Roll Call Vote:**

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

**BILLS AND CLAIMS**

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to approve and pay all bills and claims in the amount of **\$113,658.53** that are in order and attached as Bill List for December 2011.

**Roll Call Vote:**

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

**PUBLIC COMMENT – PRIVILEGE OF THE FLOOR**

Russell Oakes, Horseshoe Bend Road Reviewed an application he submitted to get approval for a helipad on his property that he brought to the Township's Board of Adjustment. He stated that he thought he would be getting money back for escrow fees since it was denied, but instead received a bill for additional fees in the amount of \$1,300. He explained that he had contacted the secretary for the Board of Adjustment, Barbara Wilson to find out the figures. He explained that Barbara Wilson suggested that he come to the Township Committee to explain what happened. Attorney Kopen recommended that he go back to the Board of Adjustment and provide a brief cover letter to inform them of his request, since they are the professionals that have charged him for their services. He also commented on additional disturbances that have happened on his property from the organizations that put on the dog shows at the park. He described how his yard has gotten torn up after the rain from the cars of the people that participate there dogs in the shows.

The Committee Members feel that there should be an escrow account to collect bond fees for organizations and anyone who uses the Township facilities and the parks owned by the Township. They also suggested having a person in charge from each organization directing the cars that are being parked and also leaving so that this prevents anyone from driving onto Mr. Oakes property. Mr. Oakes also wanted it on record, that he is very happy how the situation has been taken care of regarding the incident of the damages at the Horseshoe Bend Park. He feels that Mr. MacConnell does not have the right to stop, question, or obtain information from anyone who is on Township properties. He feels that this may cause serious issues for Mr. MacConnell someday.

## **REPORTS**

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

Tax Collector's Report of October 2011

Municipal Court Report of October 2011

Construction Reports of October 2011

Township Engineer's Monthly Report

Emergency Management Coordinator's Report

Jack MacConnell was present at the meeting and reported a meeting he attended yesterday evening with the County OEM, and John Anderson of JCP&L. He explained that they discussed the problem with Kingwood having five zip codes within the Township. Mayor Lubitz explained that during the last outage from the snow storm of October 29<sup>th</sup>, he reviewed JCP&L's entire list of outages of zip codes within Kingwood Township. He noted that he had picked out all the roads in Kingwood Township, and sent them to Mr. Anderson at JCP&L to let them know which of the roads are located in Kingwood. He suggested that if they are creating a data base, all they have to do is look at the spreadsheet that he prepared for them. Mr. MacConnell also explained that they are working on additional databases for computers, where they will be able to call everyone back to see if they have power. He explained that they are looking into purchasing cones and strobe lights for wires that may be down or hot. He reported that the Red Cross was present and that most municipalities are encouraging the County to setup a regional shelter in place of many individual shelters within the County. He explained the requirements for shelters, which includes nurses, additional supplies and a list of medications for daily requirements. Mr. MacConnell reported that the snowstorm of October 29<sup>th</sup> has been declared a disaster by the President of the United States, and that next week is a kickoff meeting with FEMA. There was a discussion of possible grants that may be available, and how the funds have been cut up to 50% for Counties. There was a discussion about the lines and poles that are still down along some of the Township roads. The Committee Members suggested that a notice be placed on the website to alert residents to report lines and poles down within the Township. Mr. MacConnell noted that Lake Nockamixon State Park in Pennsylvania is having their annual dam inspection at this time. He stated that this must be posted in our Township to notify the residents of the Byram area of the possibility of an infraction in the dam. Jack MacConnell had a discussion regarding moving the command post for emergencies to the municipal building, or possibly the DPW building. The Committee Members agreed that the municipal building will be the new command center, and then if needed either the DPW building or the Kingwood Twp. Fire Department.

The Committee Members thanked Mr. MacConnell for his thorough report.

**FUTURE MEETINGS AND ACTIVITIES**

Mayor Lubitz reviewed as per the Agenda.

**ORDINANCE**

**ORDINANCE NO. 16-25-2011 TO PROVIDE FOR THE CONSTRUCTION OF A 54' X 20' X 9' BOCCE PAVILION AS A GENERAL IMPROVEMENT FOR THE TOWNSHIP OF KINGWOOD IN THE COUNTY OF HUNTERDON AND STATE OF NEW JERSEY AND APPROPRIATING \$14,100.00 FROM THE RECREATION ACCOUNT – BOCCE PAVILION VOL.16, PG. 16-25** – Public Hearing and Final Adoption

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

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.**

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 November, 2011. The Ordinance was published in the Hunterdon County Democrat on November 24, 2011 and has been posted in the Kingwood Township Municipal Building on November 4<sup>th</sup>, 2011. Copies of the Ordinance have been available for inspection by the public since November 4<sup>th</sup>, 2011.

Comments:

Mayor Lubitz briefly commented on the ordinance. Attorney Kopen also commented on a donation the Parks and Recreation Committee received in the amount of \$14,100, which does not include the architect's fee. She noted that this raised a question of the prevailing wage, and if the architect's fee would be included. She explained that, Attorney Michael DeSapio researched and received an answer from the State Attorney. Attorney Kopen stated that she double checked and researched further and stated that the project is not subject to the prevailing wage. She stated that the architect's fees would be a separate project than the amount to construct the bocce pavilion.

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to close the hearing to the public. **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. 16-25-2011 TO PROVIDE FOR THE CONSTRUCTION OF A 54' X 20' X 9' BOCCE PAVILION AS A GENERAL IMPROVEMENT FOR THE TOWNSHIP OF KINGWOOD IN THE COUNTY OF HUNTERDON AND STATE OF NEW JERSEY AND APPROPRIATING \$14,100.00 FROM THE RECREATION ACCOUNT – BOCCE PAVILION.**

<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>

**RESOLUTIONS**

**Resolution No. 2011-139 - Emergency Appropriations for October Snowstorm**

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2011 - 139**

**EMERGENCY RESOLUTION – N.J.S.A. 40A:4-48**

**WHEREAS**, an emergency has arisen with respect to emergency response and recovery of Pre-Halloween Snow Storm and, no adequate provision was made in the 2011 budget for the aforesaid purpose, and N.J.S.A. 40A:4-46 provides for the creation of an emergency appropriation for the purpose mentioned above; and

**WHEREAS**, the total amount of the emergency appropriations created, including the appropriation to be created by this resolution is \$10,000 and three (3) percent of the total operating appropriations in the budget for 2010 is \$53,280.83; and

**WHEREAS**, the foregoing appropriation together with prior appropriations does not exceed three (3) percent of the total operating appropriations (including utility operation appropriations) in the budget for 2011.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Committee of the Township of Kingwood (by not less than 2/3 of all governing body members affirmatively concurring), County of Hunterdon and State of New Jersey, that in accordance with N.J.S.A. 40A:4-48:

1. An emergency appropriation is hereby made for Emergency Appropriation – Pre – Halloween Snow Storm Salaries and Wages and/or Other Expenses in the amount of \$10,000.00;
2. That said emergency appropriation shall be provided for in full in the 2012 budget, and is requested to be excluded from the CAPS, pursuant to N.J.S.A. 40A:4-53.3C(1);
3. That two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services.

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. 2011-140 - Appointing Fund Commissioner to Statewide Ins. Fund**

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2011 – 140**

**RESOLUTION APPOINTING FUND COMMISSIONER  
STATEWIDE INSURANCE FUND**

**WHEREAS**, the Township of Kingwood, (hereinafter “Local Unit”) is a member of the Statewide Insurance Fund (hereinafter “Fund”), a joint insurance fund as defined in N.J.S.A. 40A:10-36 *et seq.*; and

**WHEREAS**, the Fund’s Bylaws require participating members to appoint a Fund Commissioner;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey that Mary E. MacConnell is hereby appointed as the Fund Commissioner for the Local Unit; and

**BE IT FURTHER RESOLVED** that Phillip Lubitz is hereby appointed as the Alternate Fund Commissioner for the Local Unit; and

**BE IT FURTHER RESOLVED** that the Local Unit’s Fund Commissioner is authorized and directed to execute all such documents as required by the Fund.

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. 2011-141 - Appointing Risk Mgt. Consultant to Statewide Ins. Fund & Risk Management Consultant Agreement**

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2011 - 141**

**RESOLUTION APPOINTING RISK MANAGEMENT CONSULTANT**

**WHEREAS**, the Township of Kingwood (hereinafter “Local Unit”) has joined the Statewide Insurance Fund (hereinafter “Fund”), a joint insurance fund as defined in N.J.S.A. 40A:10-36 *et seq.*; and

**WHEREAS**, the Bylaws require participating members to appoint a Risk Management Consultant, as those positions are defined in the Bylaws, if requested to do so by the “Fund”; and

**WHEREAS**, the Local Unit has complied with relevant law with regard to the appointment of a Risk management Consultant; and

**WHEREAS**, the “Fund” has requested its members to appoint individuals or entities to that position; and

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

1. The Township of Kingwood hereby appoints Wells Fargo Insurance Services Northeast, Inc. its local Risk Management Consultant.
2. The Kingwood Township Fund Commissioner or Alternate and Risk Management Consultant are hereby authorized to execute the Risk Management Consultant’s Agreement for the year 2012 in the form attached hereto.

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. 2011-143 – Refund of Taxes Block 28, Lot 14.06**

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2011 – 143**

**REFUND OF TAXES**

**WHEREAS**, as a result of a duplicate payment received for Block 28, Lot 14.06, there now exists an overpayment on the fourth quarter of 2011 in the amount of \$3490.21; and

**WHEREAS**, the tax collector has received a request, with proof of payment, from LSI for a refund of the above amount.

**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 in the amount of \$3490.21 to LSI, 700 Cherrington Parkway, Coraopolis, PA, 15108.

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**

End of Year Meeting

The Committee Members discussed a date for an end of the year meeting. It was agreed the meeting would be scheduled to be on Thursday, December 29, 2011 beginning at 7:00P.M.

Schedule Reorganization Meeting and Regular January Meeting

The Committee Members scheduled the date of Thursday, January 5, 2012 for the Reorganization Meeting beginning at 6:00P.M. The Regular Township Committee Meeting will follow at 7:00P.M.

Authorize Advertisements for: Municipal Judge, Municipal Public Defender, Hydrogeologist Services

The Committee Members authorized the Township Clerk to prepare advertisements for a Municipal Judge, Municipal Public Defender, and a Hydrogeologist. There was a brief discussion regarding a request from the Court Administrator, Dawn Augustine. Clerk MacConnell explained a memo received from Mrs. Augustine requesting that court, which is once a month, be changed to an earlier time of the day.

The Committee Members discussed the possibility of changing the time of court. They agreed to change the time no earlier than 6:00PM. The current time court begins is now 8:00PM.

There was a brief suggestion to form a subcommittee within the Board of Health to do screening for a hydrogeologist.

Deputy Mayor Niemann stated that she feels that it will not be necessary to advertise for a Recycling Coordinator at this time, and feels that she can find someone from within the office to take over the position.

### Payroll Services

C.F.O. D. Laudenbach explained that the Township has been contacted by the company Paycheck, and that their prices are similar to the plan that the Township currently works with now. She explained that they are also offering administration of AFLECK, which is federal mandate by 1-26-2012. She feels that the Township should go with them. She explained that the current company does not offer the same options.

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to use the new payroll company, Paycheck as recommended by the Township's C.F.O., and to use AFLAC to administer the Township's Section 125 Plan with no fee.

<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>

### Furnace at the Melnyk Rental

Committeeman Burke explained that he received a call from a tenant, Troy Siano who rents an apartment from the Township at the Melnyk Farm. He reported to Mr. Burke that there was no heat in the apartment and that the furnace needed repair. Clerk MacConnell explained that the repairman who fixed the furnace stopped by the municipal building to report the status of the furnace, and explained that he will no longer be able to repair the furnace. She explained that this was because it is very old and needs to be replaced. Committeeman Burke feels that it is a small unit and the Township should obtain quotes for a new furnace. Mayor Lubitz asked Clerk MacConnell to contact three companies to submit quotes before the end of the year meeting.

### OLD BUSINESS

#### Habitat for Humanity Project

Deputy Mayor Niemann asked about the Habitat for Humanity project at the Ukarish property. She explained that she spoke with Carol Hoffman from Habitat for Humanity, and that they were hoping to avoid additional architect costs.

There was a brief discussion on whether there would be changes in the plans regarding the handicap facilities. Phil Lubitz briefly reviewed a meeting of November 28<sup>th</sup>, 2011 when the Housing Board discussed handicap issues. He stated that there will be no additional changes in the architectural plans for the Ukarish property with Habitat for Humanity.

Completion of Storage Room at DPW

Deputy Mayor Niemann commented on the completion of closing in the storage room above the DPW garage. C.F.O. Diane Laudenbach explained that she has spoken to Construction Official, Mark Fornaciari about the funds to complete the job. She explained that the funds will come out of the ordinance for the township garage. There was also a brief discussion about the construction department, the solar projects and the fees that are generated. C.F.O. Laudenbach noted that the Township Committee needs to consider increasing their line item in the budget for next year for the inspector's salaries due to the increase of inspections.

**MINUTES**

November 3, 2011 Regular Meeting

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adopt the November 3, 2011 Regular Meeting Minutes of the Township Committee.

<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>

November 3, 2011 Executive Session

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adopt the November 3, 2011 Executive Session Meeting Minutes of the Township Committee.

<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>

March 3, 2011 Executive Session (7:04PM)

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adopt the March 3, 2011 (7:04PM) Executive Session Meeting Minutes of the Township Committee.

**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>

March 3, 2011 Executive Session (10:00PM)

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adopt the March 3, 2011 (10:00PM) Executive Session Meeting Minutes of the Township Committee with the following corrections and changes:

Phil Lubitz commented on the following corrections:

Under Personnel and Finance Dept – 3<sup>rd</sup> paragraph, 3<sup>rd</sup> line - currently states (to be honest about) He would like this to be corrected to state (wants to be open and honest about). 4<sup>th</sup> paragraph, 9<sup>th</sup> line currently states (issued a very shallow) to be replaced with (rudimentary). Second page, last paragraph, last sentence currently states (to find if it is a real application) should be corrected to state (to find if an application had been filed).

**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>

April 7, 2011 Executive Session

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adopt the April 7, 2011 Executive Session Meeting Minutes of the Township Committee.

**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>

May 5, 2011 Executive Session

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adopt the May 5, 2011 Executive Session Meeting Minutes of the Township Committee.

**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>

May 20, 2011 Special Meeting

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adopt the May 20, 2011 Special Meeting Minutes of the Township Committee.

<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>

May 20, 2011 Executive Session

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adopt the May 20, 2011 Executive Session Meeting Minutes of the Township Committee.

<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>

June 20, 2011 Special Meeting

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adopt the June 20, 2011 Special Meeting Minutes of the Township Committee.

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

June 20, 2011 Executive Session

It was moved by Mrs. Nieman, seconded by Mr. Burke and carried to adopt the June 20, 2011 Executive Session Meeting Minutes of the Township Committee.

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

July 7, 2011 Executive Session

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adopt the July 7, 2011 Executive Session Meeting Minutes of the Township Committee.

**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>

August 4, 2011 Executive Session

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adopt the August 4, 2011 Executive Session Meeting Minutes of the Township Committee with the following correction: Page#2, 4<sup>th</sup> paragraph, 10<sup>th</sup> line replace the word (whey) with the word (way).

**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>

September 1, 2011 Executive Session

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adopt the September 1, 2011 Executive Session Meeting Minutes of the Township Committee.

**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>

October 6, 2011 Executive Session

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adopt the October 6, 2011 Executive Session Meeting Minutes of the Township Committee.

**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>

Committeeman Burke wanted to thank Phil Lubitz for really helping out the Committee this year, and feels he did a standout job. Deputy Mayor Niemann agreed with Committeeman Burke in regard to the great job Phil Lubitz has done. She noted that the attention to the Tuesday night hours were very positive for the Township.

Deputy Clerk Keller left the meeting at 10:08PM

**EXECUTIVE SESSION – Resolution No. 2011 - 142**

The following Resolution was introduced to enter into closed session at approximately 10:08P.M.:

**RESOLUTION NO. 2011 –142**

**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 – Makatura Bl 7 L 6, Habitat for Humanity Bl 20 L 1  
Personnel – Amendments to Employee Manual and Handbook, 2012  
Appointments  
Potential Litigation – Moskal Zoning Violations  
Contract Negotiations/Possible Litigation – Elizabethtown Gas Company  
Litigation - Abel**

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.

2011 - 349

<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 Mr. Burke, seconded by Mrs. Niemann and carried to return to regular session at 10:29P.M. **All** voted **Aye** on **Roll Call Vote**.

**ADJOURNMENT**

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adjourn the meeting at 10:30P.M. **All** voted **Aye** on **Roll Call Vote**.

**Respectfully Submitted,**

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