

2008 - 93

March 7, 2008
Township Committee
Special Meeting Minutes

A Special Meeting of the Kingwood Township Committee was called to order at 4:05 P.M. with Mayor Augustine presiding.

Also present at the meeting were Deputy Mayor Burke, Committeewoman Niemann, Clerk MacConnell and C.F.O. Laudenschach. Following the salute to the Flag, Mayor Augustine read aloud the following:

NOTICE REQUIREMENTS

Adequate notice of this meeting was provided in accordance with the Open Public Meetings Act by telefaxing notification of the meeting to the Delaware Valley News, and the Express Times, Courier News and Star Ledger on March 5, 2008. A corrected copy was telefaxed on March 6, 2008. Copies of the notice were also posted in the Kingwood Township Municipal Building and Baptistown Post Office on March 5, 2008 with a corrected copy being posted on March 6, 2008.

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.

ORDINANCE

ORDINANCE NO. 15-09-2008 AN ORDINANCE AUTHORIZING THE SALE OF SURPLUS LAND – Introduction and adoption on First Reading

Mayor Augustine read the Ordinance aloud which was introduced.

It was moved by Mr. Burke, seconded by Mrs. Niemann and carried to adopt on first reading **AN ORDINANCE AUTHORIZING THE SALE OF SURPLUS LAND.**

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

Consideration of final adoption at a public hearing is scheduled for Friday, March 21, 2008 at a meeting beginning at 9:00 A.M. at the municipal building.

Clerk MacConnell explained that a date needs to be scheduled for bids to be received for the public sale. Also the regular Township Committee meeting which is scheduled for April 1, 2008 needs to be rescheduled to later date. The Committee members discussed several dates to be scheduled for meetings.

A special meeting will be scheduled for Tuesday, April 8, 2008 at 7:00 P.M. to receive bids for the sale of property for Lot 16, Block 29, also known as 288 Kingwood Station-Barbertown Road.

The regular meeting of the Township Committee will be changed and rescheduled for Wednesday, April 9, 2008 at 5:30 P.M.

Deputy Mayor Burke commented on the reasons the following resolution was phrased.

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2008 - 43

RESOLUTION AUTHORIZING SALE OF SURPLUS PROPERTY

WHEREAS, the Township of Kingwood (“Township”) is the owner of a parcel of land with buildings thereon located at 288 Kingwood Station-Barbertown Road, Frenchtown, N.J. in the Township (“Property”);

WHEREAS, the Property is no longer needed or required by the Township for public use and the Township has authorized its sale by Ordinance; and

WHEREAS, the Township wishes to dispose of the Property pursuant to N.J.S.A. 40A:12-13.

NOW THEREFORE, it is hereby resolved as follows:

1. The Mayor and Committee hereby authorize the sale of the Property at public sale to the highest bidder, said sale to be held on April 8, 2008 at 7:00 p.m. at Kingwood Municipal Building, 599 Oak Grove Road in Kingwood Township, New Jersey.
2. The sale shall be advertised in a newspaper circulating in the Township by two insertions at least once a week during two consecutive weeks, the last publication to be not earlier than seven (7) days prior to said sale.
3. Sealed bids shall be received for the property no later than 7:00 p.m. on April 8, 2008.

2008 - 95

4. The sale of the property shall be subject to a written contract to be executed by the highest bidder. The form of contract to be executed is attached to this Resolution. The form of contract is not negotiable. **The three (3) day attorney review period does not apply to this transaction.**

5. The highest bidder shall be required to deposit with the Township cash or certified check or like good funds in an amount equal to ten percent (10%) of the highest bid which deposit must be made by the time of conclusion of the Township meeting at which the bids are opened and accepted.

6. The high bidder shall be required to execute the contract of sale with the Township at the conclusion of the Township meeting at which bids are received, which contract shall include among other conditions:

a. The Township shall convey by deed of bargain and sale, covenants against the acts of the grantors.

b. Title will close within sixty (60) days from the date of the execution of the contract. If title does not close on such date due to any default of the purchaser, the Township shall have the option to cancel the Contract unilaterally by writing to the purchaser and retaining the deposit monies as liquidated damages, in addition to any rights the Township shall have at law or in equity against the purchaser.

c. The conveyance shall be subject to public and private rights in any roadways or water courses which may abut or traverse the described property, restrictions and easements of record, if any, such facts as an accurate and current survey may reveal and zoning ordinances of the municipality.

d. In the event that title to lands of the seller is deemed unmarketable because it is uninsurable by a reputable title insurer licensed in New Jersey, the Township shall return to purchaser all monies paid by way of deposit, without deduction, without liability for the payment of a commission (if applicable) and without further liability as between seller and purchaser.

7. The sale of each lot is "as is" and without contingency, warranty or representation including, by way of example, as to condition of land, suitability for construction of structures thereon, compliance with zoning regulations, compliance with construction codes, subdivision approval, issuance of building permit, environmental factors affecting the property, and the financing requirements of purchaser.

8. The minimum bid price for the property with the building is \$200,000.

9. A prospective purchaser who wishes to inspect the property may do so by contacting Mary MacConnell, Township Clerk, Kingwood Municipal Building, 599 Oak Grove Road in Kingwood Township, New Jersey (908-996-4276) to establish a mutually convenient time. Prospective purchasers are encouraged to review carefully the property, the zoning ordinances, construction code regulations and the ordinances of the Township of Kingwood, and any other county, state and federal regulations, including flood plain regulations, in order to determine whether the prospective purchaser's proposed use can be accommodated. All sales are final and the successful bidder's deposit will not be returned for any reason except as otherwise provided in the Ordinance, Notice of Sale, this Resolution and proposed Contract of Sale. It will not be a reason to return the successful bidder's deposit that the Property can not be used for the purpose intended by the successful bidder.

10. The Township of Kingwood reserves the right to reject any or all bids. The acceptance or rejection of bids shall be made by the Mayor and Committee of the Township of Kingwood at the meeting of the Mayor and Committee of the Township of Kingwood following the receipt of bids. Bids must be received on the date of sale and thereafter considered, with the notification of the successful bidder, if any, to be made at the meeting of the Mayor and Committee of the Township of Kingwood following the receipt of bids. Sealed bids which include the ten percent (10%) deposits will be accepted at Municipal Building in advance of the sale and opened at the time of the sale. However, if the deposit is not contained in the sealed bid, the deposit of the high bidder must be provided prior to the close of the meeting at which bids are opened. Bidders need not be present at the time of the sale. In the event that there is a tie among the bidders as to price, additional, oral bids will be received only from bidders who submitted the highest "tied" bids, on an auction basis at the bid opening. Sealed bids should be addressed to Mary MacConnell, Township Clerk, Township of Kingwood, PO Box 199, Baptistown, New Jersey, 08809.

11. The Mayor, the Clerk of the Township, the Chief Financial Officer, and any other proper official of the Township, be and each of them is hereby authorized to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things necessary and proper for carrying out the transactions contemplated by this resolution.

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

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

APPOINTMENT - Municipal Court Public Defender

It was moved by Mr. Burke, seconded by Mrs. Niemann and carried to appoint David Evans as Public Defender for the Kingwood Township Court.

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

Open Space/Farmland Coordinator Liz Schmid would like the Township Committee to grant her authorization to obtain price quotations from appraisers for the planning incentive grant property Block 14, Lot 21.03.

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2008- 44

**AUTHORIZE APPRAISAL FOR PLANNING
INCENTIVE GRANT PROPERTY**

WHEREAS, the Township of Kingwood is in need of a professional property appraisal for the Township’s Planning Incentive Grant Application;

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Kingwood, County of Hunterdon, State of New Jersey to hereby authorize Open Space/Farmland Coordinator Liz Schmid to seek price quotations and make a determination on which appraiser to utilize, not to exceed a appraisal fee in the amount of \$3,000.

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

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

REVIEW PRICE QUOTATIONS AND AUTHORIZE TO REPAIR MUNICIPAL BUILDING

Deputy Mayor Burke explained that he obtained three price quotations for the repairs of the building. He explained meeting with a contractor and discussed all the repairs. He noted that this contractor had the lowest quote of all the quotes submitted. He explained that the Township will probably hire this contractor for the jobs. He explained that the Township has \$5,000 to use toward the repairs of the building. Mr. Burke reviewed all the repairs to be done.

Deputy Mayor Burke reviewed the following information on the resolution for Solar Energy. He also stated that the State is getting rid of matching grants for municipalities.

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2008 – 45

AUTHORIZING KINGWOOD TOWNSHIP TO MAKE APPLICATION TO THE NEW JERSEY CLEAN ENERGY PROGRAM (NJCEP) FOR REBATES AND THE SOLICITATION OF BIDS FOR PHOTOVOLTAIC SYSTEMS FOR IDENTIFIED TOWNSHIP BUILDINGS

WHEREAS, it has been determined that it may benefit the Township of Kingwood to purchase and install photovoltaic systems on targeted buildings, for the purpose of generating electric power by solar energy; and

WHEREAS, the New Jersey Clean Energy Program (NJCEP) has rebates which are intended to reduce the costs for new renewable energy systems, while encouraging investment in the technologies; and

WHEREAS, Thomas Decker and Gilmore & Associates, Inc. has completed a feasibility study indicating certain Township buildings as excellent candidates for photovoltaic energy systems; and

WHEREAS, the NJCEP guidelines require public sector projects to solicit bids for installation of such photovoltaic systems in order to apply for rebates and so that they can determine the final costs associated with their projects;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon, State of New Jersey, that it authorizes the Mayor to execute applications with NJCEP for grants for construction and to solicit bids for Photovoltaic Electricity Generation Systems for the identified City buildings as listed above, and

2008 - 99

BE IT FURTHER RESOLVED that it is the intent of the Township to solicit bids for photovoltaic electricity generating systems for the buildings identified above upon notification by NJCEP that it has committed the requested equipment grants with the further intent of having a formal contract within 180 days and construction completed within one year.

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

Roll Call Vote:

AYE	- Burke, Niemann, Augustine
NAY	- None
ABSTAIN	- None
ABSENT	- None

REQUEST TO ALLOW ALCOHOLIC BEVERAGES AT KINGWOOD PARK

Deputy Mayor Burke noted that the person who has requested to have beer at their family reunion was unable to make it to the 4:00 P.M. meeting. He reviewed the party's situation to the Committee members.

It was moved by Mr. Burke, seconded by Mrs. Niemann and carried to approve Mrs. Diane Henne Schenck and her family to have a small keg of beer at the park pavilion on August 9, 2008 from 12:00 P.M. to 5:00 P.M. for their family reunion under the conditions that she pay \$300 fee for the use of the park, and also to post an escrow amount of \$250 for clean up of the facility with a reimbursement of the same as long as the park is left in perfect condition.

Roll Call Vote:

AYE	- Burke, Niemann, Augustine
NAY	- None
ABSTAIN	- None
ABSENT	- None

EXECUTIVE SESSION – RESOLUTION NO. 2008 - 46

At approximately 5:00 P.M. the following Resolution was introduced to enter into closed session:

RESOLUTION NO. 2008 - 46

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;

2008 - 100

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

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.

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

RETURN TO REGULAR SESSION

It was moved by Mr. Burke, seconded by Mrs. Niemann and carried to return to regular session at 5:23 P.M. **All voted Aye on Roll Call Vote.**

2008 – 101

It was moved by Mr. Burke, seconded by Mrs. Niemann and carried to extend the appointment until the end of the year 12/31/08 for Michael DeSapio as the Township's Zoning Official and Code Enforcement Officer.

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

It was moved by Mrs. Niemann, seconded by Mr. Burke and carried to adjourn the meeting at 5:25 P.M. **All** voted **Aye** on **Roll Call Vote**.

Respectfully Submitted,

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