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**March 3, 2009
Regular Township Committee
Meeting Minutes**

A Regular Meeting of the Kingwood Township Committee was called to order at 7:05 P.M. with Mayor Niemann presiding.

Also present at the meeting were Deputy Mayor Burke, Committeeman Lubitz, Attorney Judith Kopen, C.F.O. D. Laudenbach, Deputy Clerk Brown and Clerk MacConnell.

Following the salute to the Flag, Mayor Niemann 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 County Democrat and the Courier News on January 15, 2009 and by telefaxing copies of the notice to the Express Times and Star Ledger on January 14, 2009. Copies of the notice were also posted in the Kingwood Township Municipal Building and Baptistown Post Office on January 13, 2009.

In order to ensure full public participation in this meeting, all members of this Committee or Board, and also members of the public are requested to speak only when recognized by the Chair so that there is no simultaneous discussion or over-talk, and further, all persons are requested to utilize the microphones which are provided for your use by the Township. Your cooperation is appreciated.

CORRESPONDENCE

Letter & Info from PADEP re: Black Fly Aerial Spraying Program

Mayor Niemann reviewed the letter.

Letter from resident G. Dick re: Release of Closed Session Minutes

The Committee members reviewed letter from Mr. Dick. Attorney Kopen answered several questions from the Committee members. She noted she advised the Committee members that the subject matter was best discussed in closed session. She also stated that there is nothing in the statutes requiring a request in writing for executive session minutes. Mr. Burke discussed with the Clerk of the Township, Mary E. MacConnell, when, and what executive session minutes are approved, available and released. Clerk MacConnell responded. Attorney Kopen will respond in writing to Mr. Gill Dick.

Letter from T. Kelly, Esq. re: SECTV of Hunterdon, Inc.

Mayor Niemann reviewed.

Copy of Resolution from Union Township re: Support Troops Day

Mayor Niemann reviewed. Mayor Niemann asked a few questions to Clerk MacConnell. Clerk MacConnell responded.

Letter from JCP&L re: Posting Signs & Banners on Utility Poles

Mayor Niemann read and reviewed letter from JCP&L. She noted that the letter states that the Township is responsible for enforcing the law and to educate the residents in reference to removing items off of telephone polls. Mayor Niemann will refer this issue to the Township's General Code Enforcement Officer, William Sidote.

Resolution No. 2009-28 - 2008 Budget Appropriation Transfers

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2009-28

2008 RESERVE 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 2008 Reserve Budget Appropriations:

| From: | To: | Amount |
|--------------|--------------|------------------|
| 118-0650-101 | | \$8000.00 |
| | 118-1050-299 | \$3200.00 |
| | 118-0100-299 | 700.00 |
| | 118-0651-299 | 200.00 |
| | 118-0006-010 | 1000.00 |
| | 118-0650-299 | 400.00 |
| | 118-0950-299 | 2500.00 |

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

Roll Call Vote:

| | |
|----------------|---------------------------------|
| AYE | - Burke, Lubitz, Niemann |
| NAY | - None |
| ABSTAIN | - None |
| ABSENT | - None |

BILLS AND CLAIMS

It was moved by Mr. Burke, seconded by Mr. Lubitz and carried the motion to approve and pay the bills and claims in the amount of **\$431,638.19** that are in order and attached as **Bill List** for **March** 2009.

Roll Call Vote:

| | |
|----------------|---------------------------------|
| AYE | - Burke, Lubitz, Niemann |
| NAY | - None |
| ABSTAIN | - None |
| ABSENT | - None |

PUBLIC COMMENT – PRIVILEGE OF THE FLOOR

No Comments

RESOLUTION

Resolution No. 2009-33 – Girl Scout Week

The following Resolution was introduced:

RESOLUTION NO. 2009 – 33

GIRL SCOUT WEEK

WHEREAS, March 8 – 14, 2009 marks Girl Scout Week as designated by Girl Scouts of the USA, a movement founded in 1912 by Juliette Gordon Low in Savannah, Georgia; and

WHEREAS, throughout its long and distinguished history Girl Scouting has inspired more than 50 million girls and women to strive for the highest ideals of courage, confidence and character; and

WHEREAS, through Girl Scouts girls grow strong, gain self-confidence, develop leadership skills and learn the lifelong lesson of contributing back to their communities; and

WHEREAS, Girl Scouting helps girls achieve their potential by increasing awareness of opportunities which exist in the fields of math, science, sports, technology and other profession pursuits; and

WHEREAS, the Girl Scouts Heart of New Jersey was formed in 2008 and is capably delivering the optimal Girl Scout experience to over 28,000 young women and adults in Essex, Hudson, Hunterdon, Middlesex, Somerset, Union and Warren counties; and

WHEREAS, more than 3.8 million Girl Scouts nationwide, including in excess of 100,000 in the State of New Jersey, join in celebrating and rejoicing in this great American tradition;

NOW, THEREFORE, I, ELAINE M. NIEMANN, MAYOR OF THE TOWNSHIP OF KINGWOOD, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY DO HEREBY PROCLAIM MARCH 8 14, 2009 AS GIRL SCOUT WEEK IN THE TOWNSHIP OF KINGWOOD

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

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

REPORTS

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

- Tax Collector’s Report of January 2009
- Municipal Court Report of January 2009
- Construction Department Report of February 2009
- Zoning Permits Report of February 2009
- Township Engineer’s Monthly Report
- Dog License Report
- Animal Control Report
- NJSP Kingwood Station

Deputy Mayor Burke gave an update of the Engineer’s Report. He reviewed Oak Grove Road, and information on how the Township is reapplying for a grant for Spring Hill Road for phase one. He discussed Milltown Road, and noted the ditches have been completed by the D.P.W. This should alleviate the flood problems.

Future Meetings and Activities

Mayor Niemann reviewed as per the Agenda.

ORDINANCES

ORDINANCE NO. 15-03-2009 CALENDAR YEAR 2009 MODEL ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK VOL.15, PG. 15-03 Public Hearing and Final Adoption

Mayor Niemann read Ordinance aloud by title.

This Ordinance was introduced and adopted on first reading at a meeting of the Kingwood Township Committee on the 3RD day of February, 2009. The Ordinance was published in the Hunterdon County Democrat on February 12, 2009 and has been posted in the Kingwood Township Municipal building on February 4th, 2009. Copies of the Ordinance have been available for inspection by the public since February 4th, 2009.

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

Public Comments: No comments

It was moved by Mr. Burke, seconded by Mr. Lubitz and carried the motion to close the public comment portion of the hearing. **All voted Aye on Roll Call Vote.**

It was moved by Mr. Lubitz, seconded by Mr. Burke and carried the motion to adopt on final reading **ORDINANCE NO. 15-03-2009 CALENDAR YEAR 2009 MODEL ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A.40a:4-45.14).**

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

ORDINANCE

ORDINANCE NO. 15-04-2009 TO AMEND THE DEVELOPMENT REGULATIONS OF THE TOWNSHIP, SPECIFICALLY “CHAPTER 115 – SUBDIVISION OF LAND” AND “CHAPTER 132 – ZONING” OF THE GENERAL ORDINANCES OF THE TOWNSHIP VOL.15, PG. 15-04 Public Hearing and Final Adoption

Mayor Niemann read Ordinance aloud by title.

This Ordinance was introduced and adopted on first reading at a meeting of the Kingwood Township Committee on the 3rd day of February, 2009. The Ordinance was published in the Hunterdon County Democrat on February 19th, 2009 and has been posted in the Kingwood Township Municipal building on February 4th, 2009. Copies of the Ordinance have been available for inspection by the public since February 4th, 2009.

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

Public Comments: No comments

It was moved by Mr. Lubitz, seconded by Mr. Burke and carried the motion to close the public comment portion of the hearing. **All voted Aye on Roll Call Vote.**

It was moved by Mr. Lubitz, seconded by Mr. Burke and carried the motion to adopt on final reading **ORDINANCE NO. 15-04-2009 TO AMEND THE DEVELOPMENT REGULATIONS OF THE TOWNSHIP, SPECIFICALLY “CHAPTER 115 – SUBDIVISION OF LAND” AND “CHAPTER 132 – ZONING” OF THE GENERAL ORDINANCES OF THE TOWNSHIP .**

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

ORDINANCE

ORDINANCE NO. 15-05-2009 AMENDING ORDINANCE NO. 15-01-2009 FIXING THE SALARIES AND COMPENSATION OF THE VARIOUS OFFICERS AND EMPLOYEES OF THE TOWNSHIP - Introduction and Adoption on First Reading

Mayor Niemann read the Ordinance aloud which was introduced.

It was moved by Mr. Burke, seconded by Mr. Lubitz and carried the motion to adopt on first reading **ORDINANCE NO. 15-05-2009 AMENDING ORDINANCE NO. 15-01-2009 FIXING THE SALARIES AND COMPENSATION OF THE VARIOUS OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF KINGWOOD IN THE COUNTY OF HUNTERDON AND STATE OF NEW JERSEY.**

Roll Call Vote:

| | | |
|----------------|---|-------------------------------|
| AYE | - | Burke, Lubitz, Niemann |
| NAY | - | None |
| ABSTAIN | - | None |
| ABSENT | - | None |

Consideration of final adoption at a public hearing is scheduled for Tuesday, April 7, 2009 at a meeting beginning at 7:00 P.M. at the municipal building.

Ordinances Amending Chapter 57-Animals, Chapter 86 – Junkyards, Chapter 127 – Vehicles, Inoperable and Chapter 132 – Zoning - Introduction and Adoption on First Reading

Attorney Kopen discussed the ordinance for feral cats and feels that the Townships needs to investigate more before completing. There was a discussion on a draft ordinance for Chapter 86 – Junkyards, which has been worked on. Deputy Mayor Burke would like to see a difference between junkyard and debris. Attorney Kopen will be preparing a second ordinance for other situations that are not applicable to the junkyard ordinance. Chapter 127 – Inoperable Vehicles was discussed and a draft ordinance was reviewed for the Committee members. Attorney Kopen reviewed the actual changes she made. It explains that there may be some exceptions for vintage and collectors cars. Mayor Niemann will be working on the ordinance with Attorney Kopen and possibly have ready for next months meeting. Mayor Niemann reviewed Chapter 132 Zoning, which will basically just change the service or activity for industry. This will be researched further and reviewed at next months meeting.

RESOLUTIONS

The following Resolution was introduced:

RESOLUTION NO. 2009-29

**ENABLING RESOLUTION
ANJEC GRANT PROPOSAL**

WHEREAS, the Association of New Jersey Environmental Commissions ("ANJEC) provides grants to municipal governments and grants to nonprofit organizations for assistance in the development of land use regulations to protect and preserve the environment and natural resources and to reduce sprawl; and

WHEREAS, the Township of Kingwood desires to undertake a comprehensive review of Kingwood's development regulations with respect to the protection of environmental features and natural resources and finds that it would further the public interest to apply to ANJEC for a grant to assist and help defray the costs of such an undertaking;

NOW, THEREFORE, the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey resolves that Mayor Elaine Niemann or the successor to the office of Mayor of Kingwood Township is hereby authorized to:

- (1) make application to ANJEC for a grant as set forth in the proposal presented to the Township Committee; and
- (2) provide additional information and furnish such documents as may be required to obtain such grant;

WHEREAS, ANJEC shall determine if the application is complete and in conformance with the scope and intent of ANJEC's grant program, and notify the Township if the application for a grant will be granted and of the amount of the funding provided; and

WHEREAS, the applicant is willing to use ANJEC's funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with ANJEC for the projects identified in the original grant application;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood Township:

1. That the Mayor of the above named body or board is hereby authorized to execute an agreement and any amendment thereto with ANJEC to effectuate any grant obtained as a result of the submission of the grant proposal approved by the Township Committee, and;

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2. That the applicant has its matching share of the project, if a match is required, in the amount up to \$10,000.00.
3. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project;
4. That this resolution shall take effect immediately.

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

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

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2009 – 30

EMERGENCY MANGEMENT COORDINATOR

WHEREAS, the Township of Kingwood is currently in need of an Emergency Management Coordinator; and

WHEREAS, James L. Burke is qualified for this position;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey to appoint James L. Burke to the position of Emergency Management Coordinator for a three year term beginning January 1, 2009 and ending December 31, 2011.

It was moved by Mr. Lubitz, Mayor Niemann stepped down from the Chair and carried the motion to adopt the foregoing Resolution.

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

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2009 – 31

WHEREAS, Kingwood Township, Franklin Township and Delaware Township are participating in a Joint Road Maintenance Agreement which allows for joint bidding for materials; and

WHEREAS, the annual, joint bidding project for road maintenance and repair materials is accomplished on a rotation basis, with the engineer for each respective municipality organizing the bid project; and

WHEREAS, the rotation has been interrupted for the year 2009;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey to authorize proceeding with obtaining the bids for 2009 with Kingwood Township paying the Delaware Township Engineer for the work performed so far on the specifications, subject to the Kingwood Township Engineer’s satisfaction with the specifications, and with Kingwood Township’s Engineer finishing out the bid project for 2009; and

BE IT FURTHER RESOLVED that each year when specifications are prepared, they will be provided to the other two Townships’ engineers, prior to publication of the bid notice; and

BE IT FINALLY RESOLVED that following the award of the three individual bids, each Township Engineer will prepare the agreements/contracts with the vendors for their own respective Township.

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

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

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2009 - 32

TAX SALE REDEMPTION

WHEREAS, the Tax Collector has received redemption monies in the amount of \$26,220.23 to redeem Tax Sale Certificate No. 2007-04 on Block 12, Lot 55.

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 \$26,220.23 to American Tax Funding, LLC, P.O. BOX 862658 for the redemption of Tax Sale Certificate No. 2007-04.

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

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

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2009- 34

RESCIND RESOLUTION NO. 2008-166

WHEREAS, in 2008 the Township Committee adopted Resolution Nos. 2008-122 and 2008-166 granting the identical cancellation of real estate taxes on Block 39, Lot 9.01.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee that Resolution No. 2008-166 is hereby rescinded.

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

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

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2009 – 36

**ROCKY RIDGE KATE’S KEENAN
2009 WESTMINSTER BEST IN BREED**

WHEREAS, the dog has been esteemed and loved by all the people on earth and has deserved this affection for he renders services that have made him man’s best friend; and

WHEREAS, among these noble creatures the traditional pure bred Parson Russell Terrier is a bold, intelligent and energetic terrier that was bred and worked by the Parson John Russell himself; and

WHEREAS, the finest examples of this breed compete in the prestigious Westminster Kennel Club, the greatest collection of dogs assembled each year in the same place at the same time, where each dog that shows must be a champion to enter the ring; and

WHEREAS, an exemplary specimen, Rocky Ridge Kate’s Keenan emerged Best in Breed among the Parson Russell Terriers at the 2009 Westminster Kennel Club Dog Show; and

WHEREAS, Keenan has brought recognition and honor to Kingwood Township where he is owned by township resident Catherine Briant, and where he was bred by Kingwood resident Marcia Knoster;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF KINGWOOD, COUNTY OF HUNTERDON, STATE OF NEW JERSEY that the Township Committee honors Rocky Ridge Kate’s Keenan, Catherine Briant and Marcia Knoster for outstanding achievement in being selected as the Parsons Russell Terrier Best in Breed at the Westminster Kennel Club 133rd Annual Dog Show.

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

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

NEW BUSINESS

Voucher – Mr. Uhl

There was a lengthy discussion about whether the Township Committee should be approving this Resolution or the Board of Health.

It was moved by Mr. Burke, seconded by Mr. Lubitz and carried the motion to pay Mr. Uhl’s bill of \$3,180.00 pending the submission of a detailed satisfactory bill.

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

Well Ordinance

Deputy Mayor Burke commented on the residents that have to wait until July to test the drilled wells, and that it is a great inconvenience for three to four residents. There was lengthy discussion on water quality testing. There was a question whether the Township Committee could grant relief over the Board of Health Ordinance. The Township’s Attorney will look into this further by the budget meeting. This will also be reviewed by the Township’s Board of Health.

Price Quotation for Work at Municipal Building

Deputy Mayor Burke explained what needs to be worked on at the municipal building. He and Charles Wilson walked around the property and building to review the repairs that are needed. Mr. Wilson then submitted this price quotation. Mayor Niemann feels that there needs to be some prioritizing as best as possible, based on the funds available. Deputy Mayor Burke suggested that the Mayor decide what should be important to repair at the municipal building at this time, then depending on the funds and what is available to do the remainder of the work.

2009 Municipal Clean Up Day Quotations

Deputy Clerk Keller distributed quotations from four of the local garbage disposal companies. The Committee members reviewed the following quotes:

| | Total Cost for the 2009 Season for Clean-up Day | |
|--------------------------|---|--------------------|
| | (2) Dumpster Units | (3) Dumpster Units |
| Carnevale CD Disposal: | \$6,348.00 | \$7,902.00 |
| Raritan Valley Disposal: | \$5,010.54 | \$6,048.00 |
| Blue Star Carting: | \$10,074.54 | \$13,698.54 |
| Russell Reid: | \$5,208.00 | \$6,372.54 |

It was moved by Mr. Burke, seconded by Mr. Lubitz and carried the motion to hire Raritan Valley Disposal for the 2009 Clean-Up Day Program.

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

Sustainable Jersey Small Grants

Mayor Niemann reviewed several grants available to municipalities. She suggested that the Township move forward with this resolution to support participation in the Sustainable New Jersey Municipal Certification Program, which will give the Township a good start.

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2009-37

**RESOLUTION SUPPORTING PARTICIPATION
IN THE SUSTAINABLE JERSEY MUNICIPAL CERTIFICATION PROGRAM**

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, Kingwood Township strives to save tax dollars, assure clean land, air and water, improve working and living environments as steps to building a sustainable community that will thrive well into the new century; and

WHEREAS, Kingwood Township hereby acknowledges that the residents of Kingwood Township desire a stable, sustainable future for themselves and future generations; and

WHEREAS, Kingwood Township wishes to support a model of government which benefits our residents now and far into the future by exploring and adopting sustainable, economically-sound, local government practices; and

WHEREAS, endorsing a sustainable path Kingwood Township is pledging to educate itself and community members further about sustainable activities and to develop initiatives supporting sustainable local government practices; and

WHEREAS, as elected representatives of Kingwood Township, we have a significant responsibility to provide leadership, which will seek community-based sustainable solutions to strengthen our community.

NOW, THEREFORE, BE IT RESOLVED that to focus attention and effort within Kingwood Township on matters of sustainability, the Kingwood Township Committee wishes to pursue local initiatives and actions that will lead to Sustainable Jersey Municipal Certification.

BE IT FURTHER RESOLVED by the Kingwood Township Committee of the Township of Kingwood, State of New Jersey, County of Hunterdon, that we do hereby authorize Mayor, Elaine Niemann to serve as Kingwood Township’s agent for the Sustainable Jersey Municipal Certification process and authorize the Mayor to complete the Municipal Registration on behalf of Kingwood Township.

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

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

OLD BUSINESS

Recommendation from Open Space/Agriculture Advisory Committee – Clarke Block 33, Lot 14

Deputy Mayor Burke explained the reasons for the recommendation. He noted that the Township should not be paying for any additional fees for this property. The Committee members all agreed. Mr. Burke explained that he spoke to the Hunterdon Land Trust and they will be taking care of the expenses for the escrow fees and any other additional fees.

Hunterdon Industrial Gases – Proposal for Site Assessment

Deputy Mayor Burke explained that as requested he obtained the second price quotation, which seems to be \$400 more than the first quote. The quotations were as follows:

| | | |
|---|---|------------|
| Quest Environmental & Engineering Services Inc. | - | \$1,900.00 |
| Brockhoff Environmental Services LLC | - | \$1,550.00 |

The Committee members all agreed that the quote from Brockhoff Environmental Services for \$1,550.00 is the lowest quote and that this is a very important requirement that must be done

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2009 – 38

**A RESOLUTION AUTHORIZING A PHASE I ENVIRONMENTAL
SITE ASSESSMENT AT BLOCK 50 LOT 9**

WHEREAS, the Township of Kingwood has acquired the property at 3003 Daniel Bray Highway, known on the Tax Map as Block 50 Lot 9, and formerly known as Hunterdon Industrial Gas; and

WHEREAS, the Township has a need to determine the environmental conditions on the property; and

WHEREAS, the Township has obtained two proposals; 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 Township Committee of the Township of Kingwood, Hunterdon County, as follows:

1. Brockerhoff Environmental Services LLC is hereby authorized to conduct a Phase I Environmental Site Assessment on Block 50 Lot 9 in the Township of Kingwood pursuant to the proposal of Brockerhoff Environmental Services LLC dated January 28, 2009.
2. The Township agrees to pay \$1,550.00 pursuant to the proposal.
3. This Agreement is awarded without competitive bidding as a “professional service” under the provisions 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 County Democrat and Courier News.

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

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

Township Committee to Sponsor the Kingwood Township Education Foundation

Mayor Niemann explained that the Township Committee members are each individually sponsoring an ad for the Kingwood Township Education Foundation.

Grading Ordinance

There was nothing to discuss this evening on the grading ordinance.

Kingwood Smart Growth and Open Space Strategic Initiative Memo by Jim Burke

Mayor Niemann read aloud the memo. She noted that several people she has spoken seem to be interested. The Committee members feel it is important to move forward with this project. The Committee member will be discussing this further at the budget worksession.

Township Newsletter

Mayor Niemann handed out a sample newsletter that she has been working on to send to the residents in the Township. Mrs. Niemann explained there will be an article from the Mayor, and several articles from the committees and commissions of the Township. The Committee discussed several topics that will be added to the newsletter.

MINUTES

February 3, 2009 Regular Meeting Minutes

It was moved by Mr. Burke, seconded by Mr. Lubitz and carried to adopt the minutes of the February 3, 2009 Regular Meeting Minutes and placed on file.

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

February 3, 2009 Executive Session Meeting Minutes

It was moved by Mr. Burke, seconded by Mr. Lubitz and carried to adopt the minutes of the February 3, 2009 Executive Session Meeting Minutes and placed on file.

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

EXECUTIVE SESSION – RESOLUTION NO. 2009 - 35

At approximately 9:40 P.M., the following Resolution was introduced to enter into closed session:

RESOLUTION NO. 2009 – 35

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 – DPW Position
Potential Litigation – General Code Enforcement Report
Contractual – Rentals
Contract Negotiations – Habitat for Humanity
Property Acquisition – Gergar
Litigation – Buckeye Pipeline, Skylark Island, Combe Landfill

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 Mr. Lubitz and carried the motion to adopt the foregoing Resolution.

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

RETURN TO REGULAR SESSION

It was moved by Mr. Lubitz, seconded by Mr. Burke and carried to return to regular session at 10:15 P.M. **All voted Aye on Roll Call Vote.**

YMCA Fundraiser Dinner for Congressman Lance

Mayor Niemann shared a letter with the Committee members from the Hunterdon County YMCA that she received and noted that they are all welcome to attend if they choose.

It was moved by Mr. Lubitz, seconded by Mr. Burke and carried the motion to adjourn the meeting at 10:17 P.M. **All voted Aye on Roll Call Vote.**

Respectfully Submitted,

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