

2009 – 225

**September 1, 2009  
Regular Township Committee  
Meeting Minutes**

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

Also present at the meeting were Deputy Mayor Burke, Committeeman Lubitz, Attorney Kopen, C.F.O. Laudenschach, Deputy Clerk Keller 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 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 from BDAC, LLC re: BOH & Planning Bd Matters

Mayor Niemann briefly reviewed.

Letter from State DOT re: NJ Route 12 No Passing Zones  
Resolution No. 2009-99

Mayor Niemann briefly reviewed the location.

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2009 – 99**

**RESOLUTION OF CONCURRENCE  
NJ ROUTE 12 NO PASSING ZONE**

**WHEREAS**, the New Jersey Department of Transportation recently completed a traffic investigation on Route 12 in Kingwood Township; and

**WHEREAS**, the NJDOT recommends a revision to the centerline pavement markings on Route 12 to create a No Passing Zone in the vicinity of Mile Post 2.5, for safety reasons; and

**WHEREAS**, this project will create safer driving conditions in this area of Route 12;

**NOW, THEREFORE, BE IT RESOVED** by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey that it supports the use of a No Passing Zone on Route 12 in Kingwood Township, as recommended by NJDOT;

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution shall be forwarded to NJDOT as requested.

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

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

Letter from Cty Housing Rehabilitation Coord re: Funding Program

Mayor Niemann briefly reviewed. Committeeman Phil Lubitz explained that it is a program to fund renovations on low and moderate housing.

Thank you letter from Hunterdon Land Trust Alliance

Mayor Niemann read aloud a thank you letter from the Hunterdon Land Trust Alliance.

**BILLS AND CLAIMS**

It was moved by Mr. Burke, seconded by Mr. Lubitz and carried to approve and pay the bills and claims in the amount of \$ 413,654.62 that are in order and attached as **Bill List** for **September** 2009.

<b>Roll Call Vote:</b>	<b>Aye</b>	<b>- Burke, Lubitz, Niemann</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**

Richard Bulizak, Oak Grove Road - Expressed that he had some concerns. He asked the Committee members about how long will the new zoning ordinances take affect and when will William Sidote, Code Enforcement Officer enforce them. He also asked why the Township does not give written responses when people complain. Mayor Niemann responded.

Gilbert Dick, Oak Grove Road Commended Committee members for amending ordinances and creating new ones, but feels that now they need to be enforced. He feels that without enforcing them the offender will continue with violations. He feels that there are very few offenders, but those that do really affect their neighbors and the whole community. Mr. Dick thanked the Committee members for all their efforts to improve the Township.

Jack MacConnell, Spring Hill Road Asked about the Ukarish property, and what is planned with development and Habitat for Humanity. He was interested about the deeds, what type of units will be planned, the septic and the wells. He also asked questions about who would be responsible for the taxes. The Committee members responded.

### **REPORTS**

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

- Tax Collector's Report of July 2009
- Budget Report
- Municipal Court Report of July 2009
- Zoning Permits Report of August 2009
- General Code Enf. Report – Mayor Niemann reviewed the updated reports.
- Township Engineer's Monthly Report
- Dog License Report
- Animal Control Report
- NJSP Report – No report this month.
- Service Electric Cable TV Inc – Mayor Niemann reviewed.

**FUTURE MEETINGS AND ACTIVITIES**

Mayor Niemann reviewed as per the Agenda.

**Info on Community Day**

Deputy Mayor Burke noted that the rain date for Community Day is **September 20**.

**ORDINANCES**

**ORDINANCE NO. 15-10-2009 AN ORDINANCE TO REVISE AND READOPT IN ITS ENTIRELY SECTION 132-37, ENTITLED “FP FLOOD PLAIN DISTRICT, “ OF CHAPTER 132 (ZONING) OF THE CODE OF THE TOWNSHIP OF KINGWOOD** – Public Hearing and Final Adoption

This Ordinance was introduced and adopted on first reading at a meeting of the Kingwood Township Committee on the 4<sup>th</sup> day of August 2009. The Ordinance was published in the Hunterdon County Democrat on August 20, 2009 and has been posted in the Kingwood Township Municipal Building on August 5, 2009. Copies of the Ordinance have been available for inspection by the public since August 5, 2009.

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

It was moved by Mr. Lubitz, seconded by Mr. Burke and carried to adopt on final reading **ORDINANCE NO. 15-10-2009 AN ORDINANCE TO REVISE AND READOPT IN ITS ENTIRELY SECTION 132-37, ENTITLED “FP FLOOD PLAIN DISTRICT, “ OF CHAPTER 132 (ZONING) OF THE CODE OF THE TOWNSHIP OF KINGWOOD.**

<b>Roll Call Vote:</b>	<b>Aye</b>	<b>-</b>	<b>Burke, Lubitz, Niemann</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>

**RESOLUTIONS**

**Resolution No. 2009-100 - Energy Audit**

The following Resolution was introduced:

**RESOLUTION NO. 2009 – 100**

**LOCAL GOVERNMENT ENERGY AUDIT**

**WHEREAS**, the New Jersey Board of Public Utilities, Office of Clean Energy administers the Local Government Energy Audit Program, an incentive program to assist local government agencies to conduct energy audits and to encourage implementation of energy conservation measures; and,

**WHEREAS**, the Township Committee of the Township of Kingwood has decided to apply to participate in the Local Government Energy Audit Program; and,

**WHEREAS**, the facilities to be audited are in New Jersey, are owned by the Township of Kingwood, are served by a New Jersey regulated public utility, and the Township of Kingwood has not already reserved \$100,000 in the Program this year as of this application; and

**WHEREAS**, it is acknowledged that acceptance into the Program is dependent on the Scope of Work and cost proposal, and that Program rules will have to be met in order to receive incentive funds; and

**WHEREAS**, upon acceptance into the Program, the Township of Kingwood will prepare Facility Data Forms and Scopes of Work for each facility to be audited, solicit quotations from the authorized contractors, and submit the Part B application; and

**WHEREAS**, the Township of Kingwood understands that energy audit work cannot proceed until an Application Approval Notice is received from the Program;

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey approves the submission of an Application for participation in the Local Government Energy Audit Program of the New Jersey Board of Public Utilities.

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

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

**Resolution No. 2009-101- Feral Cat Population Program**

The following Resolution was introduced:

**RESOLUTION NO. 2009 – 101**

**PARTICIPATION IN THE FERAL CAT POPULATION TRAP, NEUTER & RELEASE PROGRAM**

**WHEREAS**, the Township Committee of the Township of Kingwood is desirous of participating in the feral cat population trap, neuter and release program by providing reimbursement for the costs associated with the neutering/spaying of feral cats located in Kingwood Township; and

**WHEREAS**, the Township Committee has determined a reimbursement of \$30.00 per cat will be made to the West Hunterdon Animal Welfare for services rendered in the neutering/spaying of feral cats from Kingwood Township.

**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 reimburse the West Hunterdon Animal Welfare for the cost of neutering/spaying of feral cats from Kingwood Township in the amount of \$30.00 per cat, with a cap amount of \$2,000.00 prorated for the year 2009.

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

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

There was a brief discussion on whether there is a cap for the expenditures for the participation in the feral cat population program.

The motion was amended for the adoption of Resolution 2009-101.

It was moved by Mr. Lubitz, seconded by Mr. Burke and carried to amend the motion for a cap of \$2,000 to be prorated for the year 2009 towards the participation in the feral cat population trap, neuter & release program.

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

**Resolution No. 2009-102 Cancellation of Real Estate Taxes**

The following Resolution was introduced:

**RESOLUTION NO. 2009 – 102**

**CANCELLATION OF REAL ESTATE TAXES**

**WHEREAS**, the following properties were purchased by the NJDEP in 2008 and became tax exempt as of January 1, 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 authorized to cancel the following real estate taxes:

Block 38, Lot 20Q0448 –	August 1, 2009 -	\$48.28
Block 38, Lot 20Q0448 –	November 1, 2009 -	\$48.28
Block 40, Lot 100.05 –	August 1, 2009 -	\$107.57
Block 40, Lot 100.05 –	November 1, 2009 -	\$107.57

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

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

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2009 – 109**

**SUBSTITUTE PLUMBING SUB-CODE/INSPECTOR**

**WHEREAS**, situations have, or will arise for the need to have a substitute Plumbing Sub-Code/Inspector to perform the duties of the Plumbing Sub-Code Inspector when he is unable to fulfill his duties.

**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 Mark Fornaciari is appointed as substitute Plumbing Sub-Code/Inspector.

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

**Roll Call Vote:**

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

**NEW BUSINESS**

**Aquifer Testing for Block 7 Lot 14 – Municipal Building Well Monitoring**

Clerk MacConnell explained a notice that came to the Township in reference to a decision that the Township has to make on whether to have the well on the municipal offices property monitored. There would be no cost to the Township this would be paid for by the owner/developer of Block 7, Lot 14. The Committee members reviewed whether to have the well monitored. It was observed that the well cap must be above grade in order for it to be part of the testing. It was suggested that the Township spend no more than \$200.00, if it is necessary to raise the well above grade, before the well is monitored. In reviewing the notice received by the Township, it was noted that the response deadline had passed. The Committee decided to respond affirmatively in case a late response can be honored.

It was moved by Mr. Burke, seconded by Mr. Lubitz and carried to agree to monitor the municipal building offices well, and to set a cap of \$200.00 to spend if necessary to raise the well above grade, if the cost is higher than \$200.00 the well will not be monitored.

**Roll Call Vote:**

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

**Approval of Local Government Greenhouse Gas Reduction Program Grant Appl.**

Committeeman Lubitz noted that the Township is prepared to make a preliminary submission of the Gas Reduction Grant Program Application. He noted that the due date is September 4, 2009. After it is submitted it will then be reviewed to see if the Township fits within the boundaries.

It was moved by Mr. Burke, seconded by Mr. Lubitz and carried to approve the submission by the Township Committee of the preliminary Gas Reduction Grant Program Application.

**Roll Call Vote:**

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

**Engineering Scope & Budget – Habitat for Humanity Project Block 19 Lot 5**

The Committee members explained that the Township has a contract with Habitat for Humanity. Deputy Mayor Burke commented that they gave the Township \$40,000, which should offset the cost for several items such as the engineer, water well drilling and other tests. Mr. Burke is hoping to reduce the cost for the aquifer testing and reporting fee, which is the largest part of the cost. Resident Jack MacConnell asked the Committee several questions regarding the testing, and plans for the project. Mr. Burke responded.

**Green Acres Funds – Approve Amendments of Project Agreement & Resolution No. 2009-103**

The Committee members briefly discussed the resolution to be introduced.

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2009 – 103**

**DEPARTMENT OF ENVIRONMENTAL PROTECTION  
AUTHORIZING AMENDMENTS TO PROJECT AGREEMENT**

**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 has previously obtained a grant of \$1,700,000.00 from the State to fund the following project: Kingwood Township Open Space Plan; and

**WHEREAS**, the State and the Township of Kingwood intend to increase Green Acres funding; and

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

**NOW, THEREFORE, BE IT RESOLVED BY THE** Kingwood Township Committee:

**2009 – 234**

- (1) That Elaine M. Niemann or the successor to the office of Mayor is hereby authorized to execute an Amendment to the Agreement increasing funding to \$2,200,000.00.
- (2) That the applicant has its matching share of the project, if a match is required, in the amount of \$2,200,000.00.
- (3) That, in the event the State’s funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project.
- (4) The applicant agrees to comply with all applicable federal, state and local laws, rules and regulations in its performance of the project.
- (5) That this Resolution shall take effect immediately.

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

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

**2008 Audit Report:**

**Governing Body Certification – Resolution No. 2009-104**

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2009 - 104**

**GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT**

**WHEREAS**, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

**WHEREAS**, the Annual Report of Audit for the year 2008 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

**WHEREAS**, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

**WHEREAS**, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations”; and

**WHEREAS**, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the annual Audit entitled “Comments and Recommendations”, as evidenced by the group affidavit form of the governing body attached hereto: and

**WHEREAS**, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

**WHEREAS**, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Board of the State of New Jersey, and stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

**WHEREAS**, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit;

**R.S. 52:27BB-52 – A local officer or member of the local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.**

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Kingwood hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

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

**Corrective Action Report**

Committeeman Phil Lubitz and Deputy Mayor Burke asked C.F.O. D. Laudenbach several questions regarding the report. They suggested that she request clarification from the Townships Auditor regarding several items listed.

It was moved by Mr. Lubitz, seconded by Mr. Burke and carried to acknowledge receipt of the Corrective Action Report for the 2008 Audit.

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

**Group Affidavit Form**

Clerk MacConnell informed the Committee members they need to execute two forms each.

**Planning Incentive Grant Application – Block 14 Lot 23:**

Farmland Preservation Coordinator, Liz Schmid reviewed grant application for Block 14, Lot 23.

**Reserve For Preliminary Expenses – Resolution No. 2009-105**

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2009 – 105**

**RESERVE FOR PRELIMINARY EXPENSES**

**WHEREAS**, the Township Committee of the Township of Kingwood hereby acknowledges the requirement of preliminary costs to determine the scope and cost of a proposed undertaking; and

**WHEREAS**, the purpose of these preliminary costs is to contract for the expenditure of surveying work to be performed on Block 14, Lot 23 to explore the possible purchase of open space or easements of property located in Kingwood Township.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey that the amount appropriated for preliminary costs shall not exceed \$13,000.00.

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

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

Proposal for Land Surveying Services – Prof Servs Res No. 2009-106

Mayor E. Niemann reviewed the Resolution to be introduced:

**RESOLUTION**

**RESOLUTION NO. 2009 - 106**

**A RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR A TOWNSHIP LAND SURVEYOR**

**WHEREAS**, the Township of Kingwood has a need to acquire professional services of a Township Professional as set forth below in Paragraph No. 1, by way of a non-fair and open contract pursuant to the provisions of NJSA 19:44A-20.5; and

**WHEREAS**, the Township Committee has determined to award the contract set forth in paragraph No. 1 below through a non-fair and open process pursuant to the provisions of N.J.S.A. 19:44A-20.5 et. seq.; and

**WHEREAS**, the Township of Kingwood’s Chief Financial Officer has determined and certified in writing that the value of the acquisition will not exceed \$17,500; and

**WHEREAS**, the anticipated term of contract is as set forth below in Paragraph No. 1; and

**WHEREAS**, the Township professional 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 their submitted proposal; and

**WHEREAS**, the Township Professional set forth in Paragraph 1 below has completed and submitted a Business Entity Disclosure Certification which certifies that the 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 Professional 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** by the Township Committee of the Township of Kingwood, County of Hunterdon, New Jersey as follows:

1. The Mayor and Clerk are hereby authorized to execute a contract with the following Professional as described below:

	Professional Position	Term of Contract
Bohren And Bohren Associates, Inc.	Township Surveyor	One Year

2. The Business Entity Disclosure Certification and the Determination of Value be placed on file with this resolution; and

3. A copy of this resolution shall be published in the Courier News and the Express Times as required by law, within ten days of its passage.

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

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

**Farmland Preservation – PIG – Resolution No. 2009-107**

Farmland Preservation Coordinator Liz Schmid handed out a sheet with three different options the Committee members must decide upon. She explained that the Committee members must discuss and make a choice of how to utilize the funding from the Federal Government. After an explanation and suggestions from Liz Schmid, the Committee members had a very lengthy discussion. They all agreed to go with option #2, the funding will be 60% from the State, 20% from the County and 20% from the Municipality. There was a discussion on how an amendment to the existing Resolution will be made. The Clerk will make the changes to Resolution No. 2009-107.

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2009 – 107**

**FARMLAND PRESERVATION – PIG**

**WHEREAS**, the Kingwood Township Committee passed Resolution No. 2009-14 supporting and endorsing the 2009 Municipal Planning Incentive Grant Program; and

**WHEREAS**, the Felix farm of Horseshoe Bend Road, Block 14, Lot 23 is a part of that application; and

**WHEREAS**, the Kingwood Township Committee has previously adopted Resolutions agreeing to cost share on any application from the Township selected for farmland preservation; and

**WHEREAS**, Philip, Mary and Anna Felix have accepted the easement value certified by the State Agriculture Development Committee; and

**WHEREAS**, the certified value of the property exceeds the available funding and the shortfall is to be made up with Federal Farm & Ranchland moneys, the amount to be determined in the future;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Kingwood, County of Hunterdon, State of New Jersey to approve and cost share funding on the following property on the basis of a 60% State contribution, 20% County contribution, and 20% Municipal contribution in an amount not to exceed \$200,000.00:

<u>Property Owners</u>	<u>Block/Lot</u>	<u>Acreage</u>
Philip, Mary, Anna Felix	14/23	175+/-

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

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

**Christmas Eve Hours**

Mayor Niemann noted that she received requests to find out what the building hours would be for Christmas Eve for the employees so that they can plan their holiday.

Mayor Niemann stated that the building will be open until 12:00 noon so that the building will be open to the public, and that the employees working will be able to leave at 12:00 noon also for the holiday.

**New Jersey Conference of Mayors Meeting**

Mayor Niemann noted that there is a State meeting for Mayors on Long Beach Island on Saturday, September 12, at 11a.m. till 5p.m. She asked if either of the Committee members were free to attend to represent Kingwood Township. Mayor Niemann noted that she would like to be able to attend, but has a wedding to perform on that day.

**OLD BUSINESS**

**Additional Work for Green Acres Survey Bl 14 L 28.02 & 30 – Prof Servs.  
Resolution No. 2009-108**

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2009 - 108**

**RESOLUTION AUTHORIZING ADDITIONAL WORK BY SURVEYOR**

**WHEREAS**, the Township of Kingwood authorized the services of surveyor Mark Mayhew of Taylor Wiseman & Taylor to perform a Green Acres Survey of Equestrian Village, Block 14, Lots 28.02 & 30 in connection with the preservation of the property; and

**WHEREAS**, the Township of Kingwood has determined that additional services of Mark Mayhew are required in order for Taylor Wiseman & Taylor to comply with additional work to address NJDEP requests; and

**WHEREAS**, funds in the amount of \$9,875.00 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 a surveyor, 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:

1. Mark Mayhew, of Taylor Wiseman & Taylor, is hereby engaged to perform professional surveying services for the Township of Kingwood in connection with Green Acres Survey of Equestrian Village, Block 14 Lots 28.02 & 30, for an amount not to exceed \$9,875.00.
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.

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

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

Mayor Niemann noted that the Revelation Generation concert is scheduled for this weekend, September 5<sup>th</sup> and 6<sup>th</sup>. She noted that a representative from the concert contacted her to discuss letters, which they sent to the surrounding residents to inform them that this concert would be going on, and also provided tickets for the families in case they would like to attend. There have been some concerns from nearby residents regarding the noise and the bright lights.

### Website

Mayor Niemann explained that the new website is not completely set up yet. She noted that several items need to be loaded on to the site. This will be done in the near future.

### House on the Melnyk Farm

Mayor Niemann explained that the house on the Melnyk Farm must be secured for the winter months. She noted that after speaking with the Public Works crew she learned that not only is the well to the house connected, but the electric is also connected to the Township Garage. C.F.O. Laudenbach explained that they are billed separately. There was a discussion on winterizing the pipes, since the house is not being occupied.

### MINUTES

#### August 4, 2009 Regular Meeting

It was moved by Mr. Lubitz, seconded by Mr. Burke and carried to adopt the Minutes of August 4, 2009 Regular Township Committee Meeting.

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**Roll Call Vote:**

<b>AYE</b>	-	<b>Burke, Lubitz, Niemann</b>
<b>NAY</b>	-	<b>None</b>
<b>ABSTAIN</b>	-	<b>None</b>
<b>ABSENT</b>	-	<b>None</b>

**August 4, 2009 Executive Session**

It was moved by Mr. Lubitz, seconded by Mr. Burke and carried to adopt the Minutes of August 4, 2009 Executive Session.

**Roll Call Vote:**

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

**It should be noted that the minutes of executive sessions shall be held as closed until officially released by the Township Committee.**

**August 11, 2009 Special Meeting**

It was moved by Mr. Lubitz, seconded by Mr. Burke and carried to adopt the Minutes of August 11, 2009 Special Township Committee Meeting.

**Roll Call Vote:**

<b>AYE</b>	-	<b>Burke, Lubitz, Niemann</b>
<b>NAY</b>	-	<b>None</b>
<b>ABSTAIN</b>	-	<b>None</b>
<b>ABSENT</b>	-	<b>None</b>

**March 2, 2004 Regular Meeting**

It was moved by Mr. Lubitz, seconded by Mr. Burke and carried to adopt the Minutes of March 2, 2004 Regular Township Committee Meeting.

**Roll Call Vote:**

<b>AYE</b>	-	<b>Burke, Lubitz, Niemann</b>
<b>NAY</b>	-	<b>None</b>
<b>ABSTAIN</b>	-	<b>None</b>
<b>ABSENT</b>	-	<b>None</b>

**March 2, 2004 Executive Session**

It was moved by Mr. Lubitz, seconded by Mr. Burke and carried to adopt the Minutes of March 2, 2004 Executive Session.

<b>Roll Call Vote:</b>	<b>AYE</b>	<b>- Burke, Lubitz, Niemann</b>
	<b>NAY</b>	<b>- None</b>
	<b>ABSTAIN</b>	<b>- None</b>
	<b>ABSENT</b>	<b>- None</b>

**It should be noted that the minutes of executive sessions shall be held as closed until officially released by the Township Committee.**

**Reorganization Meeting for 2010**

There was a discussion on when to schedule the Reorganization meeting for 2010. Deputy Mayor Burke will be out of town the first week of the year. The Committee members asked the Clerk to check to confirm a few dates and see if they are available.

**ADJOURNMENT**

It was moved by Mr. Lubitz, seconded by Mr. Burke and carried to adjourn the meeting at 8:45 P.M. **All** voted **Aye** on **Roll Call Vote**.

**Respectfully submitted,**

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