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April 21, 2009
Township Committee
Special Meeting Minutes

A Special Meeting of the Kingwood Township Committee was called to order at 6:30 P.M. with Mayor Elaine Niemann.

Also present at the meeting were Deputy Mayor Burke, Committeeman Lubitz, Attorney David Pierce, 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 April 23, 2009 and by telefaxing copies of the notice to the Express Times and Star Ledger on April 20, 2009. Copies of the notice were also posted in the Kingwood Township Municipal Building and Baptistown Post Office on April 20, 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.

Letter of Support – To County Freeholders to Clarify Positions on Farmland and Open Space Preservation, Historic Preservation and Open Space Tax Levy

Mayor Niemann briefly explained the letter of support sent to the County Freeholders to the Committee members. The Committee members were all in agreement with above captioned letter.

Schedule Special Meeting – Public Hearing of Amendment to Budget, Final Adoption of Budget

Clerk MacConnell explained the amendments to be made to the Budget. It was discussed and decided to schedule a Special Township Committee meeting on Thursday, May 21, 2009 at 5:00 P.M. at the Municipal Building. At that time there will be a Public Hearing of the Amendment to the Budget, and also the Final Adoption.

Executive Session – Resolution No. 2009 – 51

At approximately 6:45 P.M., the following Resolution was introduced to enter into closed session:

RESOLUTION NO. 2009 – 51

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 – Purchase of Block 12 Lot 31 and Block 14 Lot 28.02, Habitat for Humanity

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

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

RETURN TO REGULAR SESSION

It was moved by Mr. Burke, seconded by Mr. Lubitz and carried to return to regular session at 7:15 P.M. **All** voted **Aye** on **Roll Call Vote**.

Resolution No. 2009 – 52 Agreement for Purchase of Unimproved Real Property Block 12 Lot 31 and Agreement for Purchase of Unimproved Real Property Block 14 Lot 28.02

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2009 - 52

**AGREEMENT FOR PURCHASE OF UNIMPROVED REAL PROPERTY
BLOCK 12 LOT 31**

**AGREEMENT FOR PURCHASE OF UNIMPROVED REAL PROPERTY
BLOCK 14 LOT 28.02**

WHEREAS, the Township of Kingwood had sought to purchase, in partnership with the New Jersey Department of Environmental Protection (“NJDEP”), the Hunterdon Land Trust Alliance (“HLTA”) and the New Jersey Conservation Foundation (“NJCF”), the properties known and designated as Block 12, Lot 31 and Block 14, Lot 28.02 in the Township of Kingwood; and

WHEREAS, the Township Committee has reviewed and considered that certain proposed form of agreement for the purchase of Block 12, Lot 31 titled “Agreement For Purchase Of Unimproved Real Property” by and between, the Township, HLTA and NJCF as Purchaser and Frenchtown Run, LLC as Seller (the “Frenchtown Run Agreement”); and

WHEREAS, the Township Committee has reviewed and considered that certain proposed form of agreement for the purchase of Block 14, Lot 28.02 titled “Agreement For Purchase Of Unimproved Real Property” by and between, the Township, and NJDEP as Purchaser and Horseshoe Bend, LLC as Seller (the “Horseshoe Bend Agreement”); and

WHEREAS, the Township Committee finds that it is appropriate to enter into the Frenchtown Run Agreement and Horseshoe Bend Agreement;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of Kingwood, County of Hunterdon, that the Frenchtown Run Agreement and the Horseshoe Bend Agreement be and the same are hereby approved and it is

FURTHER RESOLVED, that the Mayor is hereby authorized in the name and on behalf of the Township of Kingwood to:

- (1) Execute and deliver to Frenchtown Run, LLC the Frenchtown Run Agreement; and
- (2) Execute and deliver to Horseshoe Bend, LLC the Horseshoe Bend Agreement; and
- (3) Execute and deliver to Frenchtown Run, LLC and/or Horseshoe Bend, LLC such other documents necessary to effect the transactions contemplated by the Agreement.

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

Rescue Squad

Mayor Niemann noted that she has been contacted by the Franklin Township Rescue Squad. She will be scheduling a meeting to meet with the Captain of the Squad.

ADJOURNMENT

It was moved by Mr. Lubitz, seconded by Mr. Burke and carried to adjourn the meeting at 7:17 P.M. **All** voted **Aye** on **Roll Call Vote**.

Respectfully submitted,

Cynthia L. Keller, RMC
Deputy Clerk