

KINGWOOD TOWNSHIP COMMITTEE

JULY 5, 2012

Regular Meeting Agenda 7:00PM

Call to Order

Roll Call

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 12, 2012 and by telefaxing copies of the notice to the Express Times and Star Ledger on January 9, 2012. Copies of the notice were also posted in the Kingwood Township Municipal Building and Baptistown Post Office on January 9, 2012.

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

Thank you Letter from Senator L Weinberg re: Support of S851

Bills and Claims

Resolution No. 2012-64 - Eagle Scout Clayton Beck

Public Comment – Privilege of the Floor

Ordinance

Ordinance of the Township Of Kingwood, County of Hunterdon, State of New Jersey To Amend and Supplement the Land Use Regulations of the Township of Kingwood, Specifically “Zoning, Chapter 132” – 54 Article IV of the General Ordinances of the Township Pertaining to “Noise” in Accordance with Amended State Noise Control Regulations N.J.A.C. 7:29, Effective July 3, 2007 and the New Jersey Department of Environmental Protection Model Noise Ordinance – Introduction and Adoption on first Reading

Reports

Tax Collector’s Report of May 2012
Municipal Court Report of May 2012

July 5, 2012 Township Committee Agenda Continued

Reports Continued

Construction Report of June 2012
Township Engineer's Monthly Report
Dog License Report
Animal Control Report
Horseshoe Bend Park – Hunting
Emergency Management Coordinator Report, Jack MacConnell

Future Meetings & Activities

July 14 - Recycling at Township Garage from 9:00am – 12:00 noon
July 14 - Clean Up Program at Township Garage from 9:00am – 12:00 noon, permit required
July 14 - Household Hazardous Waste Cleanup at County Complex on Rte 12 from 9:00am-1:00pm
August 2 - Regular Monthly Meeting of Township Committee at Municipal Building beginning at 7:00pm
Sept 15 - Annual Community Day at Kingwood Park, located at 200 Union Rd., beginning at 12:00pm, rain date Sept 16

Ordinances

Ordinance No. 17-09-2012 To Provide For The Resurfacing Of Roads As A General Improvement For The Township Of Kingwood And Appropriating \$50,000.00 From The Capital Improvement Fund – Public Hearing and Final Adoption

Ordinance No. 17-10-2012 Amending Article I Of Chapter 34, “Recreation Commission And Parks And Recreation Committee” Of The Code Of The Township – Public Hearing and Final Adoption

Ordinance No. 17-11-2012 Amending Chapter 57, “Animals” Of The Code Of The Township – Public Hearing and Final Adoption

Ordinance No. 17-12-2012 To Amend And Supplement The Land Use Regulations Of The Township, Specifically “Zoning, Chapter 132” Of The General ordinances Pertaining To Solar Or Photovoltaic Energy Facilities And Structures – Public Hearing and Final Adoption

Resolutions

Resolution No. 2012-65 - Certification of Annual Audit & Group Affidavit Form
Resolution No. 2012-66 - Application to Cty for Open Space Trust Funds for Bl 12 L 25 and 26

July 5, 2012 Township Committee Agenda Continued

New Business

Certificate of Determination and Award
Applications for Raffle Licenses – Flemington Woman’s Club
Approve Rental Lease of New Photocopy Machine
Training Session – NJ Invasive Species Strike Team
2012 Summer Blood Drive Campaign
Joint Application with Frenchtown Borough

Old Business

Copy of Resolution from Monroe Twp re: Support Fair Distribution of
State Aid for Education
Horseshoe Bend Road Signs
Discuss Location for Emergency Management Center
Generator Installation at DPW
Donation of Property from One Lowell Realty Associates, Inc.

Personnel

Vote to Employ Office Assistant

Minutes

June 7, 2012 Regular Meeting
June 7, 2012 Executive Session

March 18, 2002 Regular Meeting
March 18, 2002 Executive Session

Executive Session – Resolution No. 2012-67

Contract Negotiations – Municipal Court Shared Services Agreement,
Kingwood Park Tenant Lease, Habitat for
Humanity Bl 19 L 5
Potential Litigation – Soliciting
Litigation – Tax Appeal Bl 12 L 31
Executive Session Minutes of June 7, 2012

Return to Regular Session

Motion to Table Minutes - June 7, 2012 Executive Session

Resolution

Resolution No. 2012–68 - Municipal Court

Adjournment

PLEASE NOTE THIS AGENDA IS SUBJECT TO LAST MINUTE CHANGES

July 5, 2012

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

Also present at the meeting were Deputy Mayor Lubitz, Committeewoman Diana Haywood, Attorney Judith Kopen, Deputy Clerk Cynthia Keller and Clerk Mary E. MacConnell. Mayor Niemann called the meeting to order and following the salute to the flag 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 Democrat and Courier News on January 12, 2012 and by telefaxing copies of the notice to the Express Times and Star Ledger on January 9, 2012. Copies of the notice were also posted in the Kingwood Township Municipal Building and Baptistown Post Office on January 9, 2012.

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

Thank you Letter from Senator L. Weinberg re: Support of S851

Mayor Niemann reviewed.

BILLS AND CLAIMS

It was moved by Mr. Lubitz, seconded by Mrs. Haywood and carried to approve and pay all bills and claims in the amount of **\$2,499,060.19** that are in order and attached as Bill List for June 2012.

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

Mayor Niemann noted that a special guest was present at the meeting this evening. She welcomed Clayton Beck, who was present while a resolution was adopted in his honor for achieving his Eagle Scout Award.

RESOLUTION

Resolution No. 2012-64 - Eagle Scout Clayton Beck

RESOLUTION

The following Resolution was introduced and read aloud by Mayor Niemann:

RESOLUTION NO. 2012 - 64

WHEREAS, Boy Scout Troup 251 of the Boy Scouts of America is a longstanding asset to our community, with a rich history of supporting the development of boys into productive, moral leaders in our society, and Troop 251 continues to undertake numerous service projects benefiting our residents and our municipality; and

WHEREAS, Clayton Beck has achieved the Order of the Arrow, the Boy Scout Honor Society dedicated to service; and

WHEREAS, Clayton Beck has distinguished himself as a Boy Scout earning 21 merit badges and has served as an Assistant Patrol Leader, Patrol Leader, Senior Patrol Leader and Assistant Junior Scout Master; and

WHEREAS, Clayton Beck has demonstrated in his scouting endeavors loyalty, dedication, patience and character; and

WHEREAS, Clayton Beck completed his Eagle Service Project by erecting mile markers at half mile intervals along a seventeen mile section of the Delaware Raritan Canal Park from Firemen's Eddy in Lambertville to Uhlerstown-Frenchtown Bridge; and

WHEREAS, on July 7, 2012, a Court of Honor will be convened for the purpose of bestowing upon Clayton Beck the highest honor of Scouting, after which, and for the rest of his life, Clayton will carry the title of EAGLE SCOUT; and

WHEREAS, EAGLE SCOUT CLAYTON BECK has joined the ranks of a select fraternity of Eagle Scouts in our Nation, including Presidents, Elected Representatives, Clergymen, Doctors, Lawyers, Business and World Leaders.

NOW, THEREFORE, BE IT RESOLVED on this the 5th day of July, 2012 by the Mayor and Township Committee of the Township of Kingwood, that on behalf of the Governing Body and the residents of our community, we congratulate and honor with great pride;

EAGLE SCOUT CLAYTON BECK

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

ROLL CALL VOTE:	Aye	- Haywood, Lubitz, Niemann
	Nay	- None
	Abstain	- None
	Absent	- None

The Committee Members were invited to take a picture with Clayton Beck. Clayton Beck, thanked the Committee Members for adopting the resolution in his honor.

PUBLIC COMMENT – PRIVILEGE OF THE FLOOR

John Anderson, Area Manager for Kingwood Township from Jersey Central Power & Light

Mr. John Anderson, Area Manager for J.C.P. & L was present and introduced himself to the Township Committee. He stated that he was present to give the township an update of where they are after the storms of 2011. He noted that they have certainly learned many lessons from the storms, which were mostly in terms of how to improve communications, to keep municipalities up to speed with the new technology and informed. He discussed their new outage website that is now up and running at firstenergycorp.com. He noted that after you open the website, click JCP&L and go to outage map. He noted that this makes it easier because it is very smart phone friendly. He also explained an e-mail system that they are working on to communicate with all the municipalities in the state. He stated that there has been a new 800 number system installed for residents to call to get updated information on each storm, or even through twitter. Mayor Niemann stated that when the power goes out and you call from any other phone other than your home phone, it seems to be problematic. She noted that the system only recognizes the number that comes from the home residence phone. Mr. Anderson responded and stated that by going on their new website, residents can log in and report the outage at their location by address. He explained that they have a storm management program when storms are predicted. He explained that they go out and make sure they remove what they can to open the roads, so residents and emergency vehicles can get through. Deputy Mayor Lubitz asked about trimming trees to prevent lines from coming down. Mr. Anderson stated that they are on four year schedule, where every four years the roads and trees are checked and trimmed as needed. He invited Deputy Mayor Lubitz to e-mail him any particular road names he had concerns about. Emergency Management Coordinator, Jack MacConnell was present and stated that there seems to be a problem with all the different lines on the poles from all the different companies. He stated that when people lose power or cable and call in to report the outage, that they get shuffled back and forth from the telephone company, to electric company and then to cable. He stated that he will be glad to e-mail Mr. Anderson the locations of where there have been a few problems. The Committee Members thanked Mr. Anderson for his updated information and attending the meeting.

Jason Narbonne, President of the Kingwood Township Fire Department

Mr. Narbonne introduced himself along with several members of the fire department that were present. It came to his attention that Kingwood Township adopted a noise ordinance, because the fire department plans on reactivating an old siren that has been on the building for many years. He came to the Township Committee to ask if the township could amend their ordinance to include wording, which would allow emergency whistles for fire departments and rescue squads. He feels that the noise level for the sirens should be included. Mayor Niemann asked Mr. Narbonne to explain why the fire department has an interest to reactivate the siren at the firehouse. Mr. Narbonne explained that years ago before there were pagers, emergency services relied on whistles, and previous to whistles people called around to notify the members that there was an emergency or fire. He feels that the benefit for this siren at the Kingwood Township Firehouse, is that there are about five or six members that live in close proximity within a three mile radius, who happen to be farmers that do not carry their pagers into the fields. He also explained the concern the neighbors have and the noise that will be near their homes. He stated that the siren will only be sounded off during daytime hours. The Committee Members agreed to amend the ordinance, and to have it noted that the siren will operate between the hours of 7:00a.m. – 10:00p.m. only.

ORDINANCE

Noise Ordinance re: Emergency Sirens

AN ORDINANCE OF THE TOWNSHIP OF KINGWOOD, COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT THE LAND USE REGULATIONS OF THE TOWNSHIP OF KINGWOOD, SPECIFICALLY “ZONING, CHAPTER 132”-54 ARTICLE IV OF THE GENERAL ORDINANCES OF THE TOWNSHIP PERTAINING TO “NOISE” IN ACCORDANCE WITH AMENDED STATE NOISE CONTROL REGULATIONS N.J.A.C. 7:29, EFFECTIVE JULY 3, 2007 AND THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION MODEL NOISE ORDINANCE – Introduction and Adoption on First Reading

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

It was moved by Mr. Lubitz, seconded by Mrs. Haywood and carried to adopt on first Reading **AN ORDINANCE OF THE TOWNSHIP OF KINGWOOD, COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT THE LAND USE REGULATIONS OF THE TOWNSHIP OF KINGWOOD, SPECIFICALLY “ZONING, CHAPTER 132”-54 ARTICLE IV OF THE GENERAL ORDINANCES OF THE TOWNSHIP PERTAINING TO “NOISE” IN ACCORDANCE WITH AMENDED STATE NOISE CONTROL REGULATIONS N.J.A.C. 7:29, EFFECTIVE JULY 3, 2007 AND THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION MODEL NOISE ORDINANCE.**

It was moved by Mr. Lubitz, seconded by Mrs. Haywood and carried to adopt the foregoing Ordinance.

Roll Call Vote:	Aye	-	Haywood, Lubitz, Niemann
	Nay	-	None
	Abstain	-	None
	Absent	-	None

Consideration of final adoption at a public hearing is scheduled for Thursday, August 2, 2012 at a meeting beginning at 7:00 P.M. at the municipal building.

REPORTS

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

Tax Collector's Report of May 2012

Municipal Court Report of May 2012

Construction Report of June 2012

Township Engineer's Monthly Report

Deputy Mayor Lubitz noted that it is coming along regarding the signs for the bridge on Horseshoe Bend Road, and that they are just working on the wording. He noted that the Township will be looking to go out for bids for the entrance and driveways of the development for Habitat for Humanity. He stated that the township is responsible for the road work for the development. He also noted that the township is waiting for approval from the Delaware River Basin Commission. He stated that he will be in contact with the natural gas company to see if they could hook up natural gas to the DPW garage, and the development for habitat for humanity on Union Road.

Dog License Report

Animal Control Report

Deputy Mayor Lubitz suggested that the Dog License Official only submit a current report each month of the animal control reports.

Horseshoe Bend Park – Hunting

Richard Dodds was present at the meeting and gave a brief review of the meeting that took place a few weeks ago regarding hunting at the Horseshoe Bend Park. He reviewed ideas they learned from State representatives of how hunting could be done in Kingwood. He stated that the Horseshoe Bend Park is owned by the township with approximately 100 acres, and 300 plus acres owned by the State of New Jersey. He explained that the township discussed how they would like to manage and allow hunting on both pieces of property. He stated that they are waiting for the memorandum of agreement to be approved by the state to manage both township and state property. He noted that the chances of it being done this year are not very good, but it's still possible. He explained that they do not want to have problems with the residents, so a controlled permit process along with controlling the state portion will allow the township to keep control of the hunters, and where they are hunting. He stated that if the township can accomplish the memorandum of agreement, then they can get started and hopefully have hunting this fall. Everyone thanked Richard for coming and explaining the proposed hunting process and all of his work with Horseshoe Bend Park.

Emergency Management Coordinator Report, Jack MacConnell

Jack MacConnell the Township's Emergency Management Coordinator was present and reported that the township did not qualify for the 406 grant for Creek Road, but that we will be applying for a 404 localized grant. He stated that he feels that the township can use delineators or guide rails on Creek Road. He explained that the siren for Byram is another project they will be working on and putting together. He noted that this will not only give a siren sound, but it will give a message that will be prerecorded. He stated that he completed and submitted a survey for FEMA for the 2011 hurricane Irene. He noted that the funds for the storms have been officially approved, and that the Township should be receiving three quarters of the amount that was spent on the storms. He stated that the Kingwood Fire Department has utilized the barn at the Horseshoe Bend Park for their drills. He noted that it was nice to see John Anderson from Jersey Central Power & Light, and that he will be in touch with him regarding several roads that need trimming of the trees to prevent future problems with power lines. There was a brief discussion regarding the poles on Spring Hill Road.

FUTURE MEETINGS AND ACTIVITIES

Mayor Niemann reviewed as per the Agenda.

ORDINANCES

ORDINANCE NO.17-09-2012 TO PRIVATE FOR THE RESURFACING OF ROADS AS A GENERAL IMPROVEMENT FOR TOWNSHIP OF KINGWOOD AND APPROPRIATING \$50,000.00 FROM THE CAPITAL IMPROVEMENT FUND – Public Hearing and Final Adoption

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

This Ordinance was introduced and adopted on first reading at a meeting of the Kingwood Township Committee on the 7th day of June 2012. The Ordinance was published in the Hunterdon County Democrat on June 14, 2012 and has been posted in the Kingwood Township Municipal Building on June 8th, 2012. The public hearing and final passage was advertised to be held at a meeting on the 5th, day of July, 2012. Copies of the Ordinance have been available for inspection by the public since June 8th, 2012.

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

Comments: No comments.

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

AN ORDINANCE TO PROVIDE FOR THE RESURFACING OF ROADS AS A GENERAL IMPROVEMENT FOR THE TOWNSHIP OF KINGWOOD IN THE COUNTY OF HUNTERDON AND STATE OF NEW JERSEY AND APPROPRIATING \$50,000.00 FROM THE CAPITAL IMPROVEMENT FUND

BE IT ORDAINED by the Township Committee of the Township of Kingwood, in the County of Hunterdon, State of New Jersey as follows:

SECTION 1. The improvement described in Section 2 of this ordinance is hereby authorized as a general improvement to be made or acquired by the Township of Kingwood, New Jersey. For the said improvement or purposes described in Section 2, there is hereby appropriated the sum of \$50,000.00, said sum being inclusive of all appropriations heretofore made therefore.

SECTION 2. The Township of Kingwood is hereby authorized to resurface ten (10) miles of Township roads.

SECTION 3. In order to finance the cost of the improvements or purpose there is hereby appropriated \$50,000.00 from the Capital Improvement Fund.

SECTION 4. The said purpose described in Section 2 of this ordinance is not a current expense and is an improvement which the Township may lawfully acquire or make as a general improvement.

SECTION 5. The capital budget of the Township of Kingwood is hereby adopted to conform with the provisions of this ordinance. The resolution in the form promulgated by the Local Finance Board showing full detail of the capital budget as approved by the Division of Local Government Services in on file with The Clerk and is available there for public inspection and to be included in the capital budget for the 2008 budget.

SECTION 6. There is no debt authorized for this improvement or purpose.

SECTION 7. This ordinance shall take effect immediately upon final passage according to law.

It was moved by Mrs. Haywood, seconded by Mr. Lubitz and carried to adopt the foregoing Ordinance No. 17-09-2012.

ROLL CALL VOTE:

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

ORDINANCE

**ORDINANCE NO. 17-10-2012 AMENDING ARTICLE I OF CHAPTER 34,
“RECREATION COMMISSION AND PARKS AND RECREATION COMMITTEE”
OF THE CODE OF THE TOWNSHIP OF KINGWOOD** – Public Hearing and Final
Adoption

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

This Ordinance was introduced and adopted on first reading at a meeting of the Kingwood Township Committee on the 7th day of June 2012. The Ordinance was published in the Hunterdon County Democrat on June 14, 2012 and has been posted in the Kingwood Township Municipal Building on June 8th, 2012. The public hearing and final passage was advertised to be held at a meeting on the 5th, day of July, 2012. Copies of the Ordinance have been available for inspection by the public since June 8th, 2012.

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

Comments: No comments

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

ORDINANCE NO. 17 – 10 - 2012

**AN ORDINANCE AMENDING ARTICLE I OF CHAPTER 34, “RECREATION
COMMISSION AND PARKS AND RECREATION COMMITTEE” OF THE CODE OF
THE TOWNSHIP OF KINGWOOD**

WHEREAS, it has been recommended by the Kingwood Township Parks and Recreation Committee that certain changes be made to the rules and regulations pertaining to Kingwood Township Parks; and

WHEREAS, the Township Committee has reviewed the recommendations of the Kingwood Township Parks and Recreation Committee and concurs with those recommendations; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Committee of the Township of Kingwood, County of Hunterdon as follows:

- 1) Section 94-3 (F) shall be deleted in its entirety and replaced by the following:
No person shall allow a dog, cat or other animal to run at large, except in the designated “Leash Free” area of Horseshoe Bend Park. Except in the designated “Leash Free” area of Horseshoe Bend Park, all such animals shall be restrained at all times on adequate leashes not greater than six feet in length. All persons bringing such animals to any open space and recreation areas shall have in their possession at all times appropriate sanitary means, including but not limited to shovels or other implements and containers, or disposal bags, and such person shall immediately remove and dispose of all feces or droppings deposited

by the dog or other animal. No horseback riding shall be permitted and all horses are prohibited, except in Horseshoe Bend Park. All horseback riding is done with the caution that, "Horseback riding can be dangerous. Ride at your own risk."

2) Section 94-3(L) shall be amended by removing the period at the end of that subsection and adding the following to the end of 94-3(L):

“, except that, at Horseshoe Bend Park, vehicles can be parked on the grass as long as they are no farther than 6 feet from a paved surface and do not obstruct access to any gate or trail.”

3) Sections 94-3(X) and 94-4(F) shall be deleted in their entirety.

4) If any part or parts of this Ordinance are for any reason held to be invalid, such adjudication shall not affect the validity of the remaining portions of this ordinance.

5) All ordinances or parts of ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency. All other parts of the Code of the Township of Kingwood not inconsistent herewith are ratified and confirmed.

This Ordinance shall take effect immediately upon final adoption and publication according to law.

It was moved by Mr. Lubitz, seconded by Mrs. Haywood and carried to adopt the foregoing Ordinance No. 17-10-2012.

ROLL CALL VOTE:	Aye	- Haywood, Lubitz, Niemann
	Nay	- None
	Abstain	- None
	Absent	- None

ORDINANCE

ORDINANCE NO. 17-11-2012 AN ORDINANCE AMENDING CHAPTER 57, "ANIMALS" OF THE CODE OF THE TOWNSHIP OF KINGWOOD – Public Hearing and Final Adoption

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

This Ordinance was introduced and adopted on first reading at a meeting of the Kingwood Township Committee on the 7th day of June 2012.

The Ordinance was published in the Hunterdon County Democrat on June 14, 2012 and has been posted in the Kingwood Township Municipal Building on June 8th, 2012. The public hearing and final passage was advertised to be held at a meeting on the 5th, day of July, 2012. Copies of the Ordinance have been available for inspection by the public since June 8th, 2012.

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

Comments: No comments

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

ORDINANCE NO. 17 – 11- 2012

**AN ORDINANCE AMENDING CHAPTER 57, “ANIMALS”
OF THE CODE OF THE TOWNSHIP OF KINGWOOD**

WHEREAS, the Township Committee has determined to update the “Animals” section of its code to remove a provision requiring muzzling of dogs at certain times of year and to provide for enforcement of the provisions relating to “Vicious Dogs” by its animal control officer;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Committee of the Township of Kingwood, County of Hunterdon as follows:

- 1) Section 57-22 “Muzzling of Dogs” of the Code of the Township of Kingwood shall be deleted in its entirety.
- 2) Section 57-24 “Vicious Dogs” shall be amended by deleting all references contained in that section to “Chief or Acting Chief of the Police Department” and replacing all such references with “Animal Control Officer or Acting Animal Control Officer”.
- 3) If any part or parts of this ordinance are for any reason held to be invalid, such adjudication shall not affect the validity of the remaining portions of this ordinance.
- 4) All ordinances or parts of ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency. All other parts of the Code of the Township of Kingwood not inconsistent herewith are ratified and confirmed.

This Ordinance shall take effect immediately upon final adoption and publication according to law.

It was moved by Mrs. Haywood, seconded by Mr. Lubitz and carried to adopt the foregoing Ordinance No. 17-11-2012.

ROLL CALL VOTE:	Aye	- Haywood, Lubitz, Niemann
	Nay	- None
	Abstain	- None
	Absent	- None

ORDINANCE

ORDINANCE NO. 17-12-2012 AN ORDINANCE OF THE TOWNSHIP OF KINGWOOD, COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT THE LAND USE REGULATIONS OF THE TOWNSHIP OF KINGWOOD, SPECIFICALLY “ZONING, CHAPTER 132” OF THE GENERAL ORDINANCES OF THE TOWNSHIP PERTAINING TO SOLAR OR PHOTOVOLTAIC ENERGY FACILITIES AND STRUCTURES - Public Hearing and Final Adoption

Mayor Niemann read aloud the following ordinance by title, which was then introduced: This Ordinance was introduced and adopted on first reading at a meeting of the Kingwood Township Committee on the 7th day of June 2012. The Ordinance was published in the Hunterdon County Democrat on June 21, 2012 and has been posted in the Kingwood Township Municipal Building on June 8th, 2012. The public hearing and final passage was advertised to be held at a meeting on the 5th, day of July, 2012. Copies of the Ordinance have been available for inspection by the public since June 8th, 2012.

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

Comments: No comments

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

ORDINANCE NO. 17 – 12 - 2012

AN ORDINANCE OF THE TOWNSHIP OF KINGWOOD, COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT THE LAND USE REGULATIONS OF THE TOWNSHIP OF KINGWOOD, SPECIFICALLY “ZONING, CHAPTER 132” OF THE GENERAL ORDINANCES OF THE TOWNSHIP PERTAINING TO SOLAR OR PHOTOVOLTAIC ENERGY FACILITIES AND STRUCTURES.

WHEREAS, the Kingwood Township Committee is desirous of amending and supplementing existing ordinance provisions pertaining to the installation of solar or photovoltaic energy facilities and structures in a manner that better serves the public interest and general goals and objectives of the Kingwood Township Master Plan; and

WHEREAS, the Kingwood Township Committee seeks to achieve uniformity and balance in the application of standards for the utilization of lands to be used for solar and photovoltaic energy facilities and structures with the Township’s existing land use provisions that require the retention of open lands in conjunction with the conversion of lands occupied by agricultural use, forests, streams and riparian corridors, steep slopes and natural resources lands including floodplains, wetlands and wetland transition areas to non-agricultural use.; and

WHEREAS, the Township Committee acknowledges and recognizes that existing ordinance provisions that permit the use of certain lands for solar and photovoltaic energy facilities and structures will disproportionately allow for the conversion of land to these uses without providing an adequate balance of open lands as would be the case if certain lands in the Township were converted to residential use under the Township's clustering and lot size averaging provision and the Township Committee seeks to establish balance in the application of standards for the use of lands converted to residential use and/or to solar and photovoltaic energy facility use; and

WHEREAS, since the adoption of ordinance standards that permit the use of lands in the Township for solar and photovoltaic energy facilities use it has become apparent that existing ordinance standards do not adequately regulate such facilities from the viewpoint of emergency service response requirements and that assurances are required to ensure that the public health, safety and general welfare are protected when solar and photovoltaic energy facilities and structures are installed for residential and non-residential electrical generation purposes; and

WHEREAS, on April 25, 2011, the Kingwood Township Committee enacted Ordinance 16-13-2011 containing various revisions and improvements to the zoning ordinance as it pertains to the development of solar and photovoltaic energy facilities within Kingwood Township; and

WHEREAS, the 2011 Periodic Reexamination Report of The Master Plan adopted by the Kingwood Township Planning Board on October 13, 2011 recommended the readoption of Ordinance 16-13-2011 with certain changes;

NOW, THEREFORE, be it ordained by the Mayor and Township Committee of the Township of Kingwood as follows:

SECTION I - CHAPTER 115 – SUBDIVISION OF LAND, of the Ordinances of Kingwood Township, **ARTICLE III, §115-3. Definitions and usage**, is hereby amended and supplemented, as follows:

1. Amend the definition of "CONSTRAINED AREAS" to replace the percentage of slope that currently reads "... slopes 25% or greater." in the last line of that definition with the following:
"... slopes 20% or greater."

SECTION II - CHAPTER 132 – ZONING, of the Ordinances of Kingwood Township, **ARTICLE I, General Provisions, §132-4. Definitions** is hereby amended and supplemented, as follows:

1. Amend the definition of "CONSTRAINED AREAS" to replace the percentage of slope that currently reads "... slopes 25% or greater." in the last line of that definition with the following:
"... slopes 20% or greater."
2. Add the following new definition for "UNCONSTRAINED LAND," as follows:

UNCONSTRAINED LAND, " Shall mean those portions of a lot, tract, or parcel of land, which are not encumbered by, used for, or otherwise dedicated to the following: Areas of existing road and transmission rights-of-way and proposed new roads within the tract, areas of easements or rights-of-way required for widening of existing roads abutting the tract boundaries; areas of all existing easements and restrictive covenants; natural resource limitation areas including flood plains, wetlands, NJDEP-required wetlands transition areas, areas deemed by NJDEP to be unavailable for development due to the presence of Special Water Resource Protection Areas for C-1 waters, streams, required stream buffer conservation areas, land under water and areas of slopes 20% or greater."

SECTION III - CHAPTER 132 – ZONING, of the Ordinances of Kingwood Township, ARTICLE II, District Regulations, permitted "Accessory uses" and "Conditional uses" in §132-30, the AR-2 District; §132-31, VR-1 District (§132-32 by existing reference in ordinance to §132-31); §132-33 the VC-1 and VC-2 District; §132-34, the HC District; §132-36, the PO/R District; and §132-38 the BC District are hereby amended and supplemented, by adding the following new subsections, as follows:

1. Supplement and amend the provisions for Accessory uses permitted:

- a. For AR-2 Zone at §132-30.C.(9);
- b. For the VR-1 and VR-2 Zones at §132-31.C. (5);
- c. For the VC-1 and VC-2 Zones at §132-33.C. (6); and
- d. For the BC Zone at §132-38.C. (5),

which currently read as follows: "Minor solar or photovoltaic energy facilities or structures, provided however that in the case of a roof mounted system, the photovoltaic solar panels and all necessary equipment shall not extend more than 12" above the edge of the roofline or above the highest point of the roof surface or structure." by deleting the period (".") at the end of those subsections and replacing the period (".") with the following phrase: ", and in accordance with the provisions of §132-60", so that each of these subsections now reads as follows:

"Minor solar or photovoltaic energy facilities or structures, provided however that in the case of a roof mounted system, the photovoltaic solar panels and all necessary equipment shall not extend more than 12" above the edge of the roofline or above the highest point of the roof surface or structure, and in accordance with the provisions of §132-61.A.(6)."

2. Supplement and amend the provisions for "Conditional uses" permitted:

- a. For the AR-2 Zone at §132-30.D. (8);
- b. For the VR-1 and VR-2 Zones at §132-31.D. (6);
- c. For the VC-1 and VC-2 Zones at §132-33.D. (1)(b), and §132-33.D. (2)(d);
- d. For the HC Zone at §132-34.D. (3);
- e. For the PO/R Zone at §132-36.D. (4),

which currently read as follows: "Major solar or photovoltaic energy facilities or structures in accordance with the provisions found at §132-102.P." by replacing the words that currently read "provisions found at §132-102.P.", with the following phrase: "Article IV, Supplemental Regulations, §§132-61; and Article VI, Conditional Uses,

§132-102.P.”, so that each of these subsections now read as follows:

“Major solar or photovoltaic energy facilities or structures in accordance with Article IV, Supplemental Regulations, §132-61; and Article VI, Conditional Uses, §132-102.P.”

SECTION IV - Chapter 132 – ZONING, of the Ordinances of Kingwood Township, Article III District Regulations, §132-35B. Permitted principal uses, in the BP Business Park, is hereby amended and supplemented by adding new subsection §132-35B.(9), as follows:

(9) Major solar or photovoltaic energy facilities or structures in accordance with the provisions found at Chapter 132, Article IV, Supplemental Regulations, §132-60 and §132-61.A.(7), (9) & (10). In the BP Zone, no major solar or photovoltaic energy facility or structures shall be situated upon a lot or lots upon which there is situated another principal use or structure.

SECTION V - CHAPTER 132 – ZONING, of the Ordinances of Kingwood Township, ARTICLE VI, Conditional Uses, §132-102.P.) is hereby repealed in its entirety and replaced with the following new §132-102.P., as follows:

§132-102.P.

P. Solar and/or Photovoltaic Energy Facilities and Structures.

All Major solar or photovoltaic energy facility or structure installations shall comply with the following conditional use standards:

- (1) Major solar or photovoltaic energy facilities and structures.
 - a. Minimum lot size: 20-acres.
 - b. In the AR 2 Zone, the minimum lot size shall be 20 acres, and there shall be provided open lands, which shall not be occupied by any component of the major solar or photovoltaic energy facility, and shall be permanently deed restricted from further development, subject to the following regulations:
 - (a) On all tracts of land 40 acres or greater in size, or a tract or tracts of land of any size adjacent to land which has been deed restricted for farmland or open space preservation, or a tract identified as or adjacent to greenway or open space lands in the Kingwood Township Master Plan, Open Space Plan or Farmland Preservation Plan, no major solar or photovoltaic energy facility shall occupy more than 50% of the gross tract area, provided that the remaining 50% of gross tract area shall be dedicated as open lands, which shall contain a minimum of 30% of the unconstrained tract area.
 - (b) Farm structures and not more than one residential farm dwelling supporting continuing farm operations on the open lands portion of the

site shall be permitted, provided however that areas occupied by farm buildings, the residential farm dwelling, and appurtenant residential areas shall not be counted toward the open lands requirement set forth in §132-102.P.(1)a. above.

- (2) In the VR-1, VR-2, VC-1, VC-2, HC, PO/R, no major solar or photovoltaic energy facility or structures shall be situated upon a lot or lots upon which there is situated another principal use or structure.
- (3) Except pursuant to a permit issued by NJDEP, no portion of major solar or photovoltaic energy facilities and structures shall occupy areas of land designated and regulated by NJDEP as floodplains, flood hazard areas, wetlands, wetland transition areas or riparian corridors. An applicability determination from the NJDEP shall be provided to document the presence and/or absence of these regulated areas. A 300 foot buffer shall be maintained between NJDEP designated Category One waters, as defined in the existing Surface Water Quality Standards rules at N.J.A.C. 7:9B-1.4, and any portion of proposed major solar or photovoltaic energy facilities and structures. Category One waters include, and may not be limited to, the Lockatong, Wickecheoke, Warford, Nishisakawick and Little Nishisakawick Creeks and all named and unnamed tributaries of these streams.
- (4) Major solar or photovoltaic energy facilities and structures shall not occupy any area beyond the required principal building setbacks for the zone in which the facility is to be located, exclusive of a pole for interconnection of the facility to the electrical grid. The minimum vegetated visual and security buffer width for major solar or photovoltaic energy facilities or structures shall be provided in all zones and the minimum principal setbacks shall be increased in any zone where the principal building setback is less than 50'.

In no case shall the principal building setback be less than 50' such that the required 50' minimum width vegetated visual and security buffer shall be provided.

- (5) In all zoning districts, major solar and photovoltaic energy facilities and structures shall not be visible from adjoining residential uses, at a height 30' above ground level, or residential zones, and shall be screened by a combination of berm(s), landscaping and fencing. Fencing or a barrier shall be installed behind the required berm(s) and landscaping.
 - a. A Maintenance Plan shall be submitted for the continuing maintenance of all required plantings, including a schedule of specific maintenance activities to be conducted. Maintenance of the required berms, landscaping and fencing shall be a continuing condition of any approval that may be granted. The use of herbicides shall not be permitted as an acceptable maintenance practice.
 - (i.) Organic farming is encouraged as a best management practice for areas of the tract (or tracts) that are not occupied by solar and photovoltaic energy

facilities and structures.

- (ii.) Soil erosion control, soil stabilization. All ground areas occupied by the Major solar or photovoltaic energy facility or structure installation that are not utilized for access to operate and maintain the installation shall be planted and maintained with shade tolerant grasses for the purpose of soil stabilization. A seed mixture of native, non-invasive shade tolerant grasses shall be utilized and specified in a landscaping plan that shall be provided. If it can be demonstrated by the applicant that an alternative vegetative ground cover consisting of a seed mix of native, non-invasive plant species and non-native, non-invasive shade tolerant species should be accepted for soil erosion control and soil stabilization, and the alternative can be better sustained over the life of the facility, the reviewing Board may approve such an alternative to the requirement for native, non-invasive shade-tolerant grasses or mix of grasses. The use of stone shall not be permitted for soil erosion control and soil stabilization. The components of this plan may be combined with the requirements of the Grading and Drainage Plan (§132-102.P.(10) below).
- (iii.) Existing surface water drainage courses. The bed and banks of existing drainage ditches, brooks, streams and drainage swales shall be maintained in their natural condition, except that where soil erosion is evident in these features due to a lack of suitable stabilized vegetation, the Board may require such areas to be planted and stabilized in accordance with the recommendations found in Chapter 8, Restoration Design, of the publication entitled Stream Corridor Restoration, Principles, Processes and Practices, 10/98 Published Version. Revised 8/2001, prepared by the Natural Resource Conservation Service and available through a link on NJDEP's website at http://www.nrcs.usda.gov/technical/stream_restoration/newtofc.htm.
- (iv.) In the event mechanical cutting of woody and grass materials is employed for ground cover maintenance, all materials shall be immediately removed from the site to prevent a build-up of fire load that may contribute to potential brush fires.

- (6) The required landscaped berm shall include the provision of adequate and appropriate drainage facilities, which shall be designed such that site grading and construction shall not alter the natural drainage patterns of stormwater originating within the property boundaries and beyond property boundaries. A grading and drainage plan shall be submitted, which shall demonstrate that existing drainage patterns shall be perpetuated.
 - a. A grading and drainage plan shall be submitted under the seal of a licensed professional engineer and shall provide the details necessary to adequately demonstrate to the reviewing agency engineer that no stormwater runoff or natural water shall be so diverted as to overload existing drainage systems or create flooding or the need for additional drainage structures on other private

properties or public lands without proper and approved provisions being made for taking care of these conditions. See §115-11.E(1)(c)).

- b. The grading and drainage plan shall show, among other things: i) All existing and proposed natural and artificial drainage courses and other features for the control of drainage, erosion, and water generally; ii) the calculated volume of water run-off from the slope and from the lot in question, as proposed to be improved; iii) the existence of all natural and artificial drainage courses and facilities within 500 feet of the lot, which are or will be used to carry or contain the run-off from the slope and the lot; and iv) the effect of any increased water runoff on all adjacent properties and any other property which will be materially affected by increased water run-off.
 - c. Calculations shall be provided to adequately demonstrate that existing preconstruction stormwater drainage velocities shall not be exceeded in the post development condition.
- (7) Major solar and photovoltaic energy facilities and structures and alternative energy systems shall not result in reflective glare as viewed from a height of 30' above ground level on adjoining residential properties.
 - (8) Except for areas of the tract (or tracts) that may be forested or farmed, areas not occupied by solar and photovoltaic energy facilities and structures, berms and landscaping shall be planted with suitable ground cover, such as native grasses, for soil stabilization. Ground areas beneath the major solar and photovoltaic energy facilities and structures and alternative energy systems shall not be covered with stone
 - (9) Solar energy systems shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the system. In no case shall any identification be visible from the property line.
 - (10) Permitted height – the maximum permitted vertical height above ground for solar and photovoltaic energy panels shall be 12'.
 - (11) Major solar energy systems and facilities including all components thereof shall be designed to withstand a ground level wind velocity of 90 mph, or greater; or in accordance with wind loading guidelines established in the Uniform Construction Code, whichever is greater.
 - (12) Where solar facility inverters and switch gear equipment may be enclosed within a structure, such structures shall include at least two (2) means of ingress and egress for emergency response.

SECTION VI- Chapter 132, Article IV, Supplemental Regulations, §132-60.A. is hereby supplemented and amended as follows:

1. Chapter 132, Article IV, Supplemental Regulations, §132-60.A.(16) is hereby

renumbered §132-60.A.(18) and adding following new subsections §132-60.A.(16) and (17) are added, as follows:

2. Chapter 132, Article IV, Supplemental Regulations, §132-60.A. is hereby amended and supplemented by adding the following two new subsections as follows:

- §132-60.A.(16) Cadmium telluride solar panels shall not be permitted.
- §132-60.A.(17) Solar facility inverters and switch gear equipment shall be fully enclosed within a structure. Structures shall include at least two (2) means of ingress and egress for emergency response.

3. Chapter 132, Article IV, Supplemental Regulations, §132-60.A.(6) is hereby supplemented and amended by replacing the first paragraph of this subsection which currently reads as follows:

“(6) In all zoning districts, major solar and photovoltaic energy facilities and structures shall not be visible from adjoining residential uses or residential zones, and shall be screened by a combination of berm(s), landscaping and fencing. Fencing or a barrier shall be installed behind the required berm(s) and landscaping.”

And replacing it to read as follows:

“(6) In all zoning districts, major solar and photovoltaic energy facilities and structures shall not be visible from adjoining residential uses, at a height 30’ above ground level, or residential zones, and shall be screened by a combination of berm(s), landscaping and fencing. Fencing or a barrier shall be installed behind the required berm(s) and landscaping.

SECTION VII - Chapter 132, Article IV, Supplemental Regulations, §132-61. (Reserved), is hereby supplemented and amended by adding the following new §132-61, entitled “Solar and/or Photovoltaic Energy Facilities or Structures,” as follows:

§132-61.A. Solar and/or Photovoltaic Energy Facilities and Structures.

All Major solar or photovoltaic energy facility or structure installations shall comply with the following supplemental design and performance standards.

- (1) No soil shall be removed from any site upon which major solar or photovoltaic energy facilities and structures shall be constructed. Within areas containing Prime Farmland¹

¹ Prime Farmlands include all those soils in Land Capability Class I and selected soils from Land Capability Class II. Prime Farmland is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber and oilseed crops and is also available for these uses. It has the soil quality, growing season, and moisture supply needed to economically produce sustained high yields of crops when treated and managed according to acceptable farming methods, Prime Farmlands are not excessively erodible or saturated with water for a long period of time, and they either do not flood frequently or are protected from flooding.

and Farmlands of Statewide Significance² as identified by the USDA Natural Resources Conservation Service, there shall be no concrete footings constructed or used for solar or photovoltaic panel racking systems or other structures to support panels, however concrete pads for inverters and similar equipment, and concrete footings for security fence may be constructed within areas containing these soils. Grading within Prime Farmland and Farmlands of Statewide Significance shall be limited to only that necessary to construct access roads and for construction of inverter and switching equipment pads.

- (2) Major solar and photovoltaic energy facilities and structures shall not be visible from the public traveled way (public roads, trails, navigable waterways, scenic highways and bi-ways), publicly owned properties, open space, preserved farmland and historic resources, including sites and buildings listed or eligible for listing on the State and National Registers of Historic Places.
 - (a) Installations shall be sited behind existing vegetation, which shall be supplemented with landscaping to shield the installation from public view.
 - (b) To the extent achievable, solar and photovoltaic energy facilities and structures shall be sited using the natural topography to screen the energy project from public view and the view of any adjoining residences.

In all zoning districts, major solar and photovoltaic energy facilities and structures shall not be visible from adjoining residential uses or zones, and shall be screened by a combination of berm(s), landscaping and fencing. Fencing or a barrier shall be installed behind the required berm(s) and landscaping.

- (3) Vegetated visual and security buffer - berm, landscaping, fence requirements. As required in subsections (4), (5), (6) and (7) herein, a vegetated visual and security buffer not less than 50' in width shall be provided in all zones. The vegetated visual and security buffer shall consist of a combination of a landscaped berm, landscaping and a security barrier behind the landscaping and berm.
 - (a) Vegetation shall visually screen the major solar or photovoltaic energy system from all adjoining residential uses and zones, the public traveled way (public roads, trails, navigable waterways, scenic highways and bi-ways), publicly owned properties, open space, preserved farmland and historic resources, including sites and buildings listed or eligible for listing on the State and National Registers of Historic Places. Vegetation shall be provided in accordance with §132-54A.(2), (3), (4) & (5), except that where the provisions of §132-54A may conflict with the visual screening requirements and objectives of §132-102.P., the applicant shall

² Farmlands of statewide importance include those soils in land capability Class II and III that do not meet the criteria as Prime Farmland, These soils are nearly Prime Farmland and economically produce high yields of crops when treated and managed according to acceptable farming methods, Some may produce yields as high as Prime Farmland if conditions are favorable.

provide landscaping consistent with the visual screening objectives of §132-102.P. In addition, landscaping shall be limited to native species of deciduous and coniferous trees and shrubs that are indigenous to the area, as listed in Appendix C of the Kingwood Township Conservation Plan Element, and shall not include invasive species as listed in Appendix D in the Conservation Plan. Such plantings shall be depicted on a plan prepared by a licensed landscape architect.

- (b) A continuous landscaped berm shall be provided within the buffer, which shall be constructed in a free-form, undulating configuration and shall be of varying height to complement the natural landscape and enhance visual screening of the facility.
 - (c) A barrier shall be installed behind the required berm which barrier shall: 1) secure the facility at all times; 2) restrict access to all electrical wiring that may be readily accessible; and 3) be in conformance with the Uniform Construction Code. One or more access gates to the facility shall be provided. Each access gate shall include a sign identifying the responsibility parties (1) for operation of the major solar and photovoltaic energy facilities and structures, (2) for maintenance of the facility, and (3) for maintenance of the berm, landscaping and security fence. All Transformers and high voltage equipment shall be situated within a compound, which shall be enclosed within a security fence and access gate, which shall remain locked at all times. The height of the security fence and access gate surrounding transformers and high voltage equipment shall be eight (8) feet in height, or as required by applicable federal & State regulation, and/or local building code.
 - (d) Prior to any disturbance of the site, the applicant shall submit a cost estimate for the required berm and landscaping, which shall be subject to review and approval by the Board Engineer. The approved cost estimate shall be the basis for either a bond or cash guarantee, which shall be subject to a development agreement and shall be posted by the applicant prior to any site disturbance and the issuance of construction and subcode permits.
- (4) Where it can be demonstrated to the satisfaction of the reviewing Board that the use of natural topography and siting behind proposed or existing vegetated areas will sufficiently screen solar and photovoltaic energy facilities and structures from view as required herein, portions of the required berm and landscaping may be reduced at the Board's discretion.
- (5) Solar or photovoltaic roof and ground mounted systems servicing residential shall comply with the following safety and emergency response provisions:
- a. All residential roof mounted systems shall be provided with adequate area on the roof for firefighters to ventilate all planes of the roof upon which solar panels are installed, as follows:
 - i. At least four (4) feet of clear area across the top of the roof along the ridge line and four (4) feet on both sides of the roof leading to the ridgeline shall remain clear of any solar or photovoltaic panels. Roofs with cross gable / valley shall provide four (4) feet clear of any panels, to allow firefighters access to the roof, which shall be provided as at least two (2) feet clear of

panels on either side of the center of all valleys.

- b. Residential solar or photovoltaic systems shall be fitted with a 'safety mode' system capable of switching off live DC current from the system in the event that fire or rescue services are required.
 - c. Safety mode switching shall be readily accessible to and clearly marked for emergency response personnel operation.
 - d. Security fencing and gates shall be fully erected and operational prior to the installation of solar or photovoltaic energy facility installation.
 - e. An exterior electrical disconnect / emergency shutoff which de-energizes the system shall be provided, which shall be plainly marked with a reflective placard identification.
 - f. Site labeling – Each site containing a solar or photovoltaic energy facility shall include a sign indicating that the energy facility exists on site, indicating whether the system is a roof or ground mounted system. Such sign shall be conspicuously mounted at the driveway entry to the site.
 - g. In accordance with the latest edition of the National Electrical Code update, all conduit extending between solar or photovoltaic panel arrays and inverters and transformers shall be marked every 10 feet to indicate electrical danger to firefighters and EMT personnel in the event conduit is accidentally or must be intentionally cut as part of emergency response.
 - h. Material Safety Data Sheets (MSDS) shall be submitted to emergency response providers for all component materials comprising of the solar modules, panels, or arrays or other equipment which contain hazardous or flammable substances.
- (6) Solar or photovoltaic roof and ground mounted systems servicing non-residential uses shall comply with the following safety and emergency response provisions:
- a. Individual roof mounted solar or photovoltaic panel arrays shall not exceed 150' x 150' in area. Where more than one panel array is to be installed, 8' separation areas between panel arrays shall be provided such that adjacent panel arrays shall be located not less than 8' from adjacent panel arrays. Each 8' separation area shall be reinforced so as not to cause damage to the roof while maintenance is performed and to ensure that adequate support for firefighter access is provided in the event of an emergency. If skylights or roof hatches are installed in the roof, each skylight or roof hatch shall have a four (4) feet wide walkway leading to each and be clear of solar panels for four (4) feet in all directions.
 - b. Nonresidential roof installations shall provide ventilation access points in the roof, which shall be not less than eight (8) feet x four (4) feet, at intervals in the roof that are not less than 20' distant from each.
 - c. Ground mounted systems shall provide emergency vehicle access to all components and shall include access roads not less than twenty (20) feet in width, which shall be reinforced or suitably improved to support the weight of typical fire department apparatus. Turning areas shall be provided and each bend or turn in the access road shall provide an adequate turning radius for firefighting apparatus maneuvering.
 - i. Reinforced access roads shall extend to within 50' of all exterior doors, which provide access to the interior of a building.

- ii. Where it can be demonstrated to the satisfaction of the Fire Company and First Aid and Rescue Squad that the access road is not required to extend to within 50' of a building, such distance may be increased in accordance with applicable building and fire access codes.
- d. An exterior electrical disconnect / emergency shutoff which de-energizes the system shall be provided, which shall be plainly marked with a reflective placard identification.
- e. Site labeling – Each site containing a solar or photovoltaic energy facility shall include a sign indicating that the energy facility exists on site, indicating whether the system is a roof or ground mounted system. Such sign shall be conspicuously mounted at the driveway entry to the site.
- f. In accordance with the latest edition of the National Electrical Code update, all conduit extending between solar or photovoltaic panel arrays and inverters and transformers shall be marked every 10 feet to indicate electrical danger to firefighters and EMT personnel in the event conduit is accidentally or must be intentionally cut as part of emergency response.
- g. Security fencing and gates shall be fully erected and operational prior to the installation of solar or photovoltaic energy facility installation.
- h. Knox Boxes shall be provided at all locked locations on site (i.e. gates, doors to buildings, etc.)
- i. Ground mounted facilities shall include at least two (2) means of ingress and egress for emergency response. In addition to any fire protection code requirements, all inverter sheds or other electrical equipment buildings shall be fitted with at least two (2) doors with one (1) 20lb CO2 fire extinguisher located immediately inside of each door.
- j. An emergency response plan shall be provided, filed and maintained with the Fire Company and emergency squad which shall include site specific training to be provided by the owner of each facility on at least a bi-annual basis if requested by emergency providers. The emergency response plan shall include:
 - i. emergency response procedures to be followed in the event of an emergency, which shall include Fire Company and First Aid and Rescue Squad training, including training before planning an operation.
 - ii. evacuation procedures (on site and for off site neighboring properties and residents),
 - iii. site specific information concerning the location of panels, grid identification diagrams, contact names and numbers for 24/7 availability of contact personnel named,
 - iv. a system of information placards, which shall be conspicuously mounted at eye level, and which shall be updated within two (2) weeks of any changes to contact information, and which shall include information identifying all possible hazards and exit routes from the facility,
 - v. a two-tag identification system for anyone entering the energy facility site, which shall provide for the following procedures:
 - 1. 1 tag shall be kept in the service vehicle indicating the name of the individual and his/her employer,
 - 2. 1 tag (the second tag) shall be placed at the point of entry of any

building or in the case of site roaming service, the point of departure into the site. When roaming in the field, the tag shall be clipped to the gate nearest to the location where service will be performed.

- k. Site address – all sites shall secure a street address from the Township 911 Coordinator, which shall be posted at the main entrance gate to the facility.
 - l. Material Safety Data Sheets (MSDS) shall be submitted to emergency response providers for all component materials comprising of the solar modules, panels, or arrays or other equipment which contain hazardous or flammable substances.
 - m. Prior to the issuance of a certificate of occupancy, the Fire Department and Emergency Squad will be provided access to the solar facility to allow for review of existing conditions, their conformance with emergency access and allow for emergency responders to gain familiarity to the site.
- (7) The use of lead-acid batteries shall not be permitted in major solar energy systems and facilities. This prohibition shall not extend to minor solar or photovoltaic energy facilities.
- (8) Cadmium telluride solar panels shall not be permitted.
- (9) Where solar facility inverters and switch gear equipment may be enclosed within a structure, such structures shall include at least two (2) means of ingress and egress for emergency response.
- (10) Open Lands Requirements. In the AR-2 Zone, and in accordance with the provisions of §132-102.P.(1)b., all applications for major solar and/or photovoltaic energy facilities and structures shall comply with the following open lands requirements.
- (a) A stormwater management system for the tract may be located in the open lands parcel, however the land area of any detention or retention basin or drainage swale shall not be counted toward the minimum open land area requirement.
 - (b) Open lands shall contain a minimum lot circle of 300 feet.
 - (c) Rights-of-way or cartways of any existing or proposed road or driveway shall not be included in the calculation of the open lands.
 - (d) New agricultural construction (e.g., barns, shelters and greenhouses) shall not result in an impervious surface coverage in excess of 10% of the total acreage of the preserved open lands. New agricultural construction shall be located a minimum of 200 feet from the property line.
 - (e) Open lands may be deed restricted for use consistent with section 132-61A(11)(e) below, and made subject to the protections that the Township Right-To-Farm Ordinance, §74-1, confers on agricultural

operations.

- (f) The solar or photovoltaic energy system and facilities portion of the tract or tracts of lands shall be buffered and screened from view from the open lands required in accordance with the requirements of §132-61.A.(4) and all applicable buffering and screening requirements.
- (g) Open lands shall be bordered on no more than two sides of the solar or photovoltaic energy system and facilities situated on the tract.
 - 1. Open Lands Guidelines. The following guidelines should be considered in determining the configuration and location of open lands:
 - (a) Preserved open lands shall be configured in such a manner as to facilitate agricultural use factors such as, but not limited to, proximity of the open lands to adjacent tracts containing farming operations, the ability to create large contiguous tracts of open lands or farmland and the desirability of maximizing separation between the solar or photovoltaic energy facility and existing off-site residential units should be considered.
 - (b) In order to maintain the rural character and scenic viewsheds of the Township, as perceived from the public rights-of-way, open lands should be located in such manner as to preserve scenic vistas and preserve the rural character of farmsteads, barns and homesteads after development.
 - (c) Where tracts include existing farmland operations, designated open lands should be configured to preserve such uses, to the greatest extent possible, in order to facilitate the continuation of farming.
 - (d) Proposed roads should be located with the portion of the property utilized for the major solar or photovoltaic energy facility. It is the intent of this subsection to keep open lands portion of the tract continuous and free of roadway intrusions; however, adequate access must be provided to the open lands area.
 - (e) Open lands created as a result of these regulations may be used for recreation, agriculture, or resource conservation. No buildings or structures shall be constructed or maintained on the deed restricted open lands except such structures that are accessory to the agricultural, natural resource conservation or open lands use.

- (11) Decommissioning Plan – All applications for a major solar facility shall be accompanied by a decommissioning plan to be implemented upon abandonment, or cessation of activity, or in conjunction with removal of solar energy systems. The decommissioning plan shall be submitted in accordance with the requirements of this section. Prior to removal of solar energy systems a demolition permit for removal activities shall be obtained from the Kingwood Township construction official. Prior to

issuance of a demolition permit, the owner or operator of the facility shall post a performance bond to ensure removal of the facility or systems in accordance with the decommissioning plan. Removal of solar energy systems shall be conducted by an electrician licensed in the State of New Jersey.

- (a) Solar and photovoltaic energy facilities and structures (roof or ground) which have not been in active and continuous service for a period of one (1) year shall be removed from the property to a place of safe and legal disposal in accordance with a Decommissioning Plan.
- (b) If the applicant ceases operation of the energy project for one year; or begins, but does not complete, construction of the project within 180-days of receipt of final site plan approval, the applicant shall restore the site according to a decommissioning plan prepared by the applicant and approved by the Board.
- (c) The applicant shall submit a decommissioning plan that ensures that the site will be restored to a useful, non-hazardous condition without significant delay, including but not limited to the following:
 - (i) Removal of aboveground and underground equipment, structures and foundations to a depth of at least three feet below grade. Underground equipment, structures and foundations need not be removed if they are at least three feet below grade and do not constitute a hazard or interfere with agricultural use or other resource uses of the land. The plan shall describe the means by which all equipment and components of the system(s) shall be disposed of in an environmentally responsible manner and in accordance with prevailing federal, State and/or local regulations.
 - (ii) Restoration of the surface grade and soil after removal of aboveground structures and equipment.
 - (iii) Restoration of surface grade and soil.
 - (iv) Revegetation of restored soil areas with native seed mixes, plant species suitable to the area, which shall not include any invasive species. In farmland areas, the revegetation component of the decommissioning plan may include provisions to resume agricultural use of the site.
 - (v) The Plan may provide for the retention of access roads, fences, gates or buildings in place or regarding restoration of agricultural crops or forest resource land.
 - (vi) The plan must provide for the protection of public health and safety and for protection of the environment and natural resources during site restoration.
 - (vii) The plan must include a schedule for completion of site restoration work.
- (d) A cost estimate shall be provided for the cost of fully implementing the Decommissioning Plan prior to the issuance of a demolition permit. The cost estimate shall be subject to review and approval by the Township Engineer.
- (e) Before beginning any decommissioning activities, the applicant must submit a performance bond in a form and amount satisfactory to the Township Attorney, which shall be based upon an estimate approved by the Board Engineer, assuring the availability of adequate funds to restore the site to a useful, non-hazardous condition in accordance with the Decommissioning Plan.
- (f) Upon cessation of activity for a cumulative period of 180 days of construction or installation activities of an approved major solar or photovoltaic energy system, the Township may notify the owner and/or the operator of the facility to complete

construction and installation of the facility. If the owner and/or operator fail to complete construction and installation activities within 180 additional days, the Township may order the owner and/or operator of the facility to implement the decommissioning plan. Within six (6) months of notice being served, the owner and/or or operator shall substantially complete all activities in the decommissioning plan.

(g) Upon cessation of activity of a fully constructed major solar or photovoltaic energy system for a cumulative period of one year, the Township may notify the owner and/or the operator of the facility to implement the decommissioning plan. Within 180 days of notice being served, the owner and/or or operator shall either resume energy generation to at least 80% capacity of the facility or system as established at the time of approval, or fully implement the decommissioning plan. If, within 180 days of receipt of notice, the owner and/or operator of the facility or system fail to resume energy generation to at least 80% of capacity of the facility or system as established at the time of approval, the Township may order the owner and/or operator of the facility to implement the decommissioning plan.

(h) If the operator fails to fully implement the decommissioning plan subject to the procedures and timelines set forth in subsections (e) and (f) above, or is otherwise unable to restore the site as required within 180 days of the Township's service of notice in accordance with this section, the Township may, at its own expense, provide for the restoration of the site in accordance with the decommissioning plan and may in accordance with the law recover all expenses incurred for such activities.

SECTION VIII - All other provisions of Chapter 132 – Zoning, of the Ordinances of Kingwood Township not modified herein shall remain unchanged and in full force and effect.

SECTION IX- If the provisions of any article, section, subsection, paragraph, subdivision, clause or application of the Ordinance shall be judged invalid by any Court of competent jurisdiction, such order or judgment shall not affect or invalidate the remainder of any such article, section, subsection, paragraph, subdivision, clause or application, and to this end, the provisions of this Ordinance are hereby declared to be severable.

SECTION X - This ordinance may be renumbered for codification purposes.

SECTION XI- This Ordinance shall take effect immediately upon final passage, publication according to law, and filing with the Hunterdon County Planning Board.

It was moved by Mr. Lubitz, seconded by Mrs. Haywood and carried to adopt the foregoing Ordinance No. 17-12-2012.

ROLL CALL VOTE:	Aye	- Haywood, Lubitz, Niemann
	Nay	- None
	Abstain	- None
	Absent	- None

Resolution No. 2012-65 - Certification of Annual Audit & Group Affidavit Form

RESOLUTION

The following Resolution was introduced:

2012 –

RESOLUTION NO. 2012 – 65

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 2011 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, and 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. Lubitz, seconded by Mrs. Haywood and carried to adopt the foregoing Resolution.

ROLL CALL VOTE:	Aye	- Haywood, Lubitz, Niemann
	Nay	- None
	Abstain	- None
	Absent	- None

Resolution No. 2012-66 - Application to County for Open Space Trust Funds for Bl 12 L 25 and 26

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2012 – 66

WHEREAS, The Hunterdon County Board of Chosen Freeholders has approved an Open Space Trust Fund to provide County Funds in connection with preserving open space, natural areas, farmland and historic sites; to acquire, develop, improve and maintain county and municipal lands for recreation and conservation purposes; and preservation of historic structures, properties, facilities, sites, areas, or objects; or for the payment of debt service or indebtedness issued or incurred by the municipality for any of the purposes described above; and

WHEREAS, Kingwood Township desires to further the public interest by assisting to obtain a matching contribution to fund the following project: acquisition for park purposes and passive recreation of the First Reformed Church-Covalesky property, on Horseshoe Bend Road, Block 12, Lots 25 and 26, 161.62 acres at a cost not to exceed \$500,000.00; and

WHEREAS, the County of Hunterdon shall determine if the funding partners’ application is complete and in conformance with the scope and intent of the Hunterdon County Open Space, Farmland and Historic Preservation Trust Fund Plan, applicable Freeholder Board Policies and the Procedures Manual for the Municipal Grant Program adopted thereto, and notify the Municipality of the amount of the funding award; and

WHEREAS, the Municipality is willing to contribute to the purchase of the aforementioned property;

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

1. That Elaine M. Niemann, Mayor of the above named Municipality is hereby authorized to execute any documents and agreements and be responsive to any requests for information with the County of Hunterdon for the acquisition of the property known as First Reformed Church-Covalesky property;

2. That the Municipality has its share of funds, if required, in an amount not to exceed \$500,000.00;

3. That the Township agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and

4. That this Resolution shall take effect immediately.

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

ROLL CALL VOTE:	Aye	- Haywood, Lubitz, Niemann
	Nay	- None
	Abstain	- None
	Absent	- None

NEW BUSINESS

Certificate of Determination and Award

Mayor Niemann briefly reviewed the information from C.F.O. Diane Laudenbach.

Applications for Raffle Licenses – Flemington Woman’s Club

Application 2012 – 05 Flemington Woman’s Club 50/50 Cash Raffle:

It was moved by Mr. Lubitz, seconded by Mrs. Haywood and carried to approve 50/50 Cash Raffle License Application No. 2012 – 05 for the Flemington Woman’s Club to be conducted on October 26, 2012 from 11:00a.m. - 3:30p.m. at Razberry’s Banquet Center.

ROLL CALL VOTE:	Aye	- Haywood, Lubitz, Niemann
	Nay	- None
	Abstain	- None
	Absent	- None

Application 2012 – 06 Flemington Woman’s Club Tricky Tray (prize raffle)

It was moved by Mrs. Haywood, seconded by Mr. Lubitz and carried to approve a tricky tray prize raffle, Raffle License Application No. 2012 - 06 for the Flemington Woman’s Club to be conducted on October 26, 2012 from 11:00a.m. until 3:30p.m. at Razberry’s Banquet Center.

ROLL CALL VOTE:

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

Approve Rental Lease of New Photocopy Machine

It was moved by Mr. Lubitz, seconded by Mr. Haywood and carried to approve the rental lease of a new RICOH photocopy machine at the cost of \$223.61 per month for a five year lease.

ROLL CALL VOTE:

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

Training Session – NJ Invasive Species Strike Team

Mayor Niemann noted that the New Jersey Invasive Species Strike Team met with a few of the members of the Environmental Commission at Horseshoe Bend Park. She explained that they are trying to identify what they call emerging invasive plants, which are plants that have not had a foot hold, and can be stopped, because they are not fully emerged. She noted that they will be out here in Kingwood inspecting and performing a survey of the Kingwood portion of Horseshoe Bend Park, the Kingwood Park, the Melnyk Farm, the Idell Preserve and the DeRewal Site. Mayor Niemann stated that anyone is welcome to come out and join them. She noted that the NJ Invasive Species Strike Team are licensed to do this survey. She stated that they do use herbicides during their projects.

2012 Summer Blood Drive Campaign

Mayor Niemann reviewed a letter received from the New Jersey League of Municipalities for a 2012 Summer Blood Drive Campaign, which encourages towns to hold a blood drive between Memorial Day and Labor Day. Mayor Niemann noted that this would be great to do, but does not think the township will be able to do this right now. She suggested the Kingwood Rescue Squad be contacted and consider doing the blood drive.

Joint Application with Frenchtown Borough

Deputy Mayor Lubitz noted that since Kingwood was turned down for the 3rd phase of Spring Hill Road, the township has applied for discretionary funding through the Department of Transportation. He noted that they have not heard from them as of this date. He stated that he

has been speaking with the Mayor and Council of Frenchtown Boro and they were also turned down for a grant to repair several roads. He noted that this is including the shared portion of Horseshoe Bend Road with Kingwood Township. He stated that they would like to apply as co-applicants for a grant to cover the roads. He noted that the township's Engineer will check to see if this will affect our part of the grant and funding for Spring Hill Road in Kingwood Township.

OLD BUSINESS

Copy of Resolution from Monroe Twp. re: Support Fair Distribution of State Aid for Education

The Committee Members decided to pass on this for now.

Horseshoe Bend Road Sign

This was discussed earlier in the meeting.

Discuss Location for Emergency Management Center

Mayor Niemann stated that this will be tabled until next month. Jack MacConnell would like to have the Fire Department's Chief Frank Floyd present when this is discussed.

Generator Installation at DPW

Mayor Niemann stated that Richard Dodds has been looking into an electrician that may save the township money by installing the generator at the DPW. She noted that this will be on the agenda for next month and discussed further with Richard Dodds.

Donation of Property from One Lowell Realty Associates, Inc.

Mayor Niemann stated that she has been in touch with the owner, who had promised environmental information for the property from Amy Greene, but has not received it yet. She stated that the owner indicated that she is still interested in donating the property, and that she will follow up with her again.

PERSONNEL

Vote to Employ Office Assistant

It was moved by Mrs. Haywood, seconded by Mr. Lubitz and carried to appoint Catherine Orrei, as the office assistant for the finance department at a rate of \$12.00 per hour, starting date of July 9, 2012.

ROLL CALL VOTE:	Aye	- Haywood, Lubitz, Niemann
	Nay	- None
	Abstain	- None

Absent - None

MINUTES

June 7, 2012 Regular Meeting

It was moved by Mr. Lubitz, seconded by Mrs. Haywood and carried to adopt the June 7, 2012 Regular Meeting Minutes of the Township Committee.

ROLL CALL VOTE:	Aye	- Haywood, Lubitz, Niemann
	Nay	- None
	Abstain	- None
	Absent	- None

June 7, 2012 Executive Session

There was a brief discussion and a few questions from the Committee Members. The Committee Members requested to discuss the minutes in executive session.

March 18, 2002 Regular Meeting

It was moved by Mr. Lubitz, seconded by Mrs. Haywood and carried to adopt the March 18, 2002 Regular Meeting Minutes of the Township Committee.

ROLL CALL VOTE:	Aye	- Haywood, Lubitz, Niemann
	Nay	- None
	Abstain	- None
	Absent	- None

March 18, 2002 Executive Session

It was moved by Mrs. Haywood, seconded by Mr. Lubitz and carried to adopt the March 18, 2002 Executive Session Meeting Minutes of the Township Committee.

ROLL CALL VOTE:	Aye	- Haywood, Lubitz, Niemann
	Nay	- None
	Abstain	- None
	Absent	- None

EXECUTIVE SESSION – RESOLUTION NO. 2012 - 67

The following Resolution was introduced to enter into closed session at approximately 8:45P.M.:

RESOLUTION NO. 2012 – 67

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 – Municipal Court Shared Services Agreement,
Kingwood Park Tenant Lease, Habitat for
Humanity BI 19 L 5
Potential Litigation – Soliciting
Litigation – Tax Appeal BI 12 L 31
Executive Session Minutes of June 7, 2012**

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. Phil Lubitz, seconded by Mrs. Haywood and carried to adopt the foregoing Resolution.

Roll Call Vote:	Aye	-	Haywood, Lubitz, Niemann
	Nay	-	None
	Abstain	-	None
	Absent	-	None

RETURN TO REGULAR SESSION

It was moved by Mr. Lubitz, seconded by Mrs. Haywood and carried to return to regular session at 9:15P.M. All voted Aye on Roll Call Vote.

June 7, 2012 Executive Session Discussion

It was moved by Mr. Lubitz, seconded by Mrs. Haywood and carried to table the June 7, 2012 Executive Session Minute until next month’s meeting in August.

Roll Call Vote:	Aye	-	Haywood, Lubitz, Niemann
	Nay	-	None
	Abstain	-	None
	Absent	-	None

RESOLUTION

Resolution No. 2012 – 68 Municipal Court

The following Resolution was introduced:

RESOLUTION NO. 2012 – 68

AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT FOR MUNICIPAL COURT SERVICES

WHEREAS, the Township of Kingwood (Kingwood) and the Borough of Milford (Milford) presently share municipal court services with offices in the municipal building at 599 Oak Grove Road, Frenchtown, New Jersey pursuant to *N.J.S.A. 2B:12-1(c)* and a Shared Services Agreement (the “Agreement”) which was previously reviewed and approved by the Township Committee of Kingwood and the Common Council of Milford; and

WHEREAS, such shared service agreements are authorized by the Uniform Shared Services and Consolidation Act, *N.J.S.A. 40A:65-1, et. seq.*; and

WHEREAS, Article II of the Agreement provides that the term for the Agreement shall conclude on December 31, 2012; and

WHEREAS, Milford, by way of its Resolution No. RE2012-074, approved an extension of the Agreement for an additional three year period; and

WHEREAS, Kingwood also desires to extend the Agreement for an additional three year period.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Kingwood, County of Hunterdon, as follows:

The proposed extension of the Shared Services Agreement for an additional three year period, in the form attached to this resolution, is hereby approved, and the Mayor of the

Township of Kingwood be and she hereby is authorized to execute the Agreement on behalf of the Township.

ADJOURNMENT

It was moved by Mrs Haywood , seconded by Mr. Lubitz and carried to adjourn the meeting at 9:16p.m. **All** voted **Aye** on **Roll Call Vote**.

Respectfully submitted,

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