

KINGWOOD TOWNSHIP COMMITTEE

FEBRUARY 7, 2013 – 7:00PM

Call to Order

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 10, 2013 and by telefaxing copies of the notice to the Express Times and Star Ledger on January 4, 2013. Copies of the notice were also posted in the Kingwood Township Municipal Building and Baptistown Post Office on January 4, 2013.

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.

Reports

NJSP January 2013
Emergency Management Coordinator

Correspondence

Speed Sentry Sign – Liz Usmiani, HART Commuter Information Services
Letter from NJDEP re: Grant Award for Horseshoe Bend Park
Copy of Resolution from Hopewell re: Northern Portion of Bull's Island
Letter from NJLM re: Louis Bay 2nd Scholarship Competition

Resolution No. 2013-10 - 2012 Budget Appropriation Transfers

Bills and Claims

Public Comment – Privilege of the Floor

Ordinance No. 17-03-2013 An Ordinance Amending Fees For Horseshoe Bend Park Set Forth in Article I Of Chapter 34, “Recreation Commission and Parks and Recreation Committee” and Chapter 94, “Open Space and Recreation Areas” of the Code of the Township of Kingwood – Public Hearing and Final Adoption

Hunterdon County 300th Anniversary – Marcia Karrow

Ordinance No. 17-05-2013 Amend Chapter 75A-Fees, Chapter 34 - Recreation Commission And Parks And Recreation Committee and Chapter 94 - Open Space and Recreation Areas – Introduction and Adoption on First Reading

February 7, 2013 Kingwood Township Committee Agenda Continued

Reports Continued

Finance Department:

Budget Report through December 2012

Revenue Report of December 2012

Tax Collector's Report of December 2012

Animal Control Log

Municipal Court Report of December 2012

Township Engineer's Report

Future Meetings & Activities

February 9 - Recycling at Township Garage from 9:00am-12:00noon

February 26 - Township Emergency Mgt Council Mtg at Municipal Building beginning at 5:00pm

March 7 - Regular Monthly Mtg of Township Committee at Municipal Building beginning at 7:00pm

Ordinances

Ordinance No. 17-01-2013 Providing For The Appropriation For The Cost Of The Township's Share Of The Preservation Of Block 24, Lots 13, 13.08, 13.09 And 13.10, Appropriating \$62,000.00 Therefore From The Open Space Trust Fund – Public Hearing and Final Adoption

Ordinance No. 17-02-2013 To Amend And Supplement The Land Use Regulations, Specifically "Subdivision of Land, Chapter 115", and "Zoning, Chapter 132" Of The General Ordinances Pertaining To Threatened And Endangered Species And Environmental Impact Assessment – Public Hearing and Final Adoption

Ordinance No. 17-04-2012 Calendar Year 2013 Ordinance to Exceed the Municipal Budget Appropriating Limits and to Establish a Cap Bank (N.J.S.A.40a:4-45.14) – Introduction and Adoption on First Reading

Resolutions

Resolution No. 2013-11 – 2013 Recreational Trails Program Grant Application

Resolution No. 2013-12 – Board of Adjustment Escrow Replenishment

Resolution No. 2013-13 – Refund of Tax Payment B1 12 L 52

Resolution No. 2013-14 – Transfer of Funds to Affordable Housing Trust Fund

Resolution No. 2013-15 – Refund of Taxes B1 12 L 31 & B1 14 L 28.02 & L 30

Resolution No. 2013-16 – Approve Memorandum of Agreement & Scope of Work with HLT for NRI for Horseshoe Bend Park

Resolution No. 2013-17 – Approve Municipal Alliance Renewal Application 2013

New Business

Price Quotations for Municipal Court Office Window

February 7, 2013 Kingwood Township Committee Agenda Continued

New Business Continued

- Computer Replacement Plan
- Draft Request for Proposal for IT Services
- 2013 Salary Projections
- Application to Establish Petty Cash Fund
- Length of Service Awards Program (LOSAP)
- Accept Resignation from Finance Office
- 2013 Clean Up Program
- Letter of Support for HLT/Friends of Horseshoe Bend Park Trails Grant App
- Recommendation from Parks and Recreation Committee – Appt. for Citizen Advisory Committee to Parks and Recreation Committee
- Recommendation from Parks and Recreation Committee – Request that Township Hire Garden State Fireworks Company for Community Day

Old Business

- Price Quotations for DPW Generator

Minutes

- December 17, 2012 Executive Session
- December 28, 2012 Special Meeting
- December 28, 2012 Executive Session
- January 3, 2013 Reorganizational Meeting
- January 3, 2013 Regular Meeting

Executive Session – Resolution No. 2013-18

- Contract Negotiations – Habitat for Humanity Bl 19 L 5
- Personnel – Township Handbook and Policies and Procedures Manual

Return to Regular Session

Resolution No. 2013 – 19 - A Resolution Amending the Kingwood Township Employee Handbook

Adjournment

PLEASE NOTE THIS AGENDA IS SUBJECT TO LAST MINUTE CHANGES

February 7, 2013

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

Also present at the meeting were Deputy Mayor Diana Haywood, Committeeman Richard Dodds, Attorney Judith Kopen, C.F.O. Diane Laudenbach, Deputy Clerk Cynthia Keller and Clerk Mary E. MacConnell. Mayor Lubitz 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 10, 2013 and by telefaxing copies of the notice to the Express Times and Star Ledger on January 4, 2013. Copies of the notice were also posted in the Kingwood Township Municipal Building and Baptistown Post Office on January 4, 2013.

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.

REPORTS

New Jersey State Police – Community Policing Officer - NJSP January 2013

Mayor Lubitz welcomed Lieutenant Kasey Dienes, Station Commander of the Kingwood Township State Police Department. Lt. Kasey Dienes provided and read aloud a monthly activity report for January 2013, and the standard protocol. He stated that there were a few changes in the activity report. He explained that one of them listed is a statistical data, which the State Police is doing at the local high school and includes all the sending districts. He stated that the township should let him know if they hear of from any of the residents, as far as, roads that may have issues and those roads will be patrolled. There was a brief discussion on the township obtaining a speed meter unit. The Committee Members thanked Lt. Dienes for coming to the meeting.

Emergency Management Coordinator – Report

Emergency Management Coordinator, Jack MacConnell stated that he and Deputy Emergency Management Coordinator, Mary MacConnell attended a meeting at Raritan Valley Community College with Legislatures and JCP&L, which he explained was very beneficial.

He stated that the President of the Board of Utilities was also there and feels that JCP&L could have done a lot better and gave everyone ideas of how it could be improved. He explained that after speaking to the supervisor for JCP&L John Anderson, that they now understand the problems with the roads being closed for a long period of time during the power outages. He also stated that he attended a meeting with the County regarding 404 grants. He explained that he submitted a letter of intent for \$10,000,000 for Byram, which is to either enquire or to elevate the homes. He stated that 70% of the owners would like to be bought out. He noted that he also applied for a letter of intent in the amount of \$45,000.00 to go towards generators for the municipal building and the department of public works. He stated that he also put in a letter for \$100,000.00 to repair Creek Road. There was a discussion regarding meeting with the Master Boy Scout Leader for the Kingwood area to discuss how the scouts could help check on seniors citizen during power outages and also help work on park trails. He stated that, as far as, radios they should have specs by next week and he may be able to add this to the letter of intent. He stated that the circuit maps from JCP&L are very confidential. Committeeman Dodds asked if there is anything the township needs to be doing to prevent problems before future emergencies. Jack MacConnell noted that there is nothing that can be done at this time. He thanked the Committee Members for all their help, and stated that without their help and assistance, he would not be able to do his job for the township. The Committee Members thanked Jack MacConnell for the excellent job he continues to do for the township as the Emergency Management Coordinator.

CORRESPONDENCE

Speed Sentry Sign – Liz Usmiani, HART Commuter Information Services

Mayor Lubitz explained that Speed Sentry Signs were having some computer problems and they were unable to do the analysis. He noted that Liz Usmiani is re-scheduled to attend the March 7, 2013 Township Committee Meeting.

Letter from NJDEP re: Grant Award for Horseshoe Bend Park

Committeeman Richard Dodds reviewed a letter the township received from the New Jersey Department of Environmental Protection and the Federal Highway Administration, which stated that a grant in the amount of \$20,981.00 has been approved to Kingwood Township under the 2012 Recreational Trails Program for trail improvements at Horseshoe Bend Park.

Committeeman Richard Dodds explained that the matching grant is done by in-kind services 20 percent, which is entirely volunteer labor. Mayor Lubitz stated this really represents dollars each taxpayer sends to Trenton and Washington, actually coming back to the township.

Copy of Resolution from Hopewell re: Northern Portion of Bull's Island

The Committee Members noted that they support this resolution and that the township adopted a resolution similar to this resolution last year.

Letter from NJLM re: Louis Bay 2nd Scholarship Competition

Mayor Lubitz reviewed the letter from the NJLM. He noted that he was hoping to speak to the other Mayors in the district regarding the Louis Bay Scholarship. He explained that this scholarship competition has been named in honor of Louis Bay II, Mayor Emeritus of Hawthorne, and that he actively participated as a League Board Member and past President for 60 years. He stated that the purpose of this scholarship is to advance the virtues of elected and volunteer positions in municipal government while raising awareness of municipal government in general. Mayor Lubitz stated that they sent information on how the application process and selection works, and also some suggestions for coordinating the township's actions with interested groups. He explained that they would like the township to get involved by publicizing the availability of the scholarship among the high schools through the PTA, PTO and school board and student councils. He noted that there will need to be a small committee formed to assist in reviewing applications and essays. Mayor Lubitz feels that this would be a great opportunity for a local student to receive this substantial amount of money.

Resolution No. 2013-10 - 2012 Budget Appropriation Transfers

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2013 – 10

2012 RESERVE BUDGET APPROPRIATION TRANSFERS

BE IT RESOLVED, by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey, that the Chief Financial Officer be authorized to make the following transfers within the 2012 Reserve Budget Appropriations:

FROM ACCOUNT	TO ACCOUNT	AMOUNT
122-0650-101	122-0650-299	\$1000.00
TOTAL TRANSFERRED:		\$1000.00

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

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

BILLS AND CLAIMS

It was moved by Mr. Dodds, seconded by Mrs. Haywood and carried to approve and pay all bills and claims in the amount of **\$1,294,423.86** that are in order and attached as Bill List for February 2013.

Roll Call Vote:

AYE	- Dodds, Haywood, Lubitz
NAY	- None
ABSTAIN	- None
ABSENT	- None

PUBLIC COMMENT – PRIVILEGE OF THE FLOOR

Linda Deutsch – 1034 Rt. 519 Baptistown, Came to the Committee with concerns about the increase in fees for the Horseshoe Bend Park. She had provided a written letter outlining her comments. Committeeman Dodds clarified the fees, what is included in the charges for the facility, and the fees and changes that were set forth. The Committee Members thanked Linda Deutsch for coming to the meeting and expressing her thoughts.

ORDINANCE

ORDINANCE NO. 17-03-2013 AN ORDINANCE AMENDING FEES FOR HORSESHOE BEND PARK SET FORTH IN ARTICLE I OF CHAPTER 34, “RECREATION COMMISSION AND PARKS AND RECREATION COMMITTEE” AND CHAPTER 94, “OPEN SPACE AND RECREATION AREAS” OF THE CODE OF THE TOWNSHIP OF KINGWOOD - Public Hearing and Final Adoption

Attorney Kopen reviewed two ordinances, Ordinance No. 17-03-2013, which will be considered for final adoption after a public hearing and Ordinance No. 17-05-2013, which will be considered for introduction. She noted that both of these ordinances are to amend the park fees for Kingwood Park and Horseshoe Bend Park. Attorney Kopen reviewed the changes that need to be made to Ordinance 17-03-2013 that need to be done in order to have all the fees the correct amount under Chapter 34 and Chapter 94. There was a discussion as to whether the changes would be substantive or changes in which this ordinance would need to be amended and postpone the public hearing. There was some discussion on the schedule of events booked at the Horseshoe Bend Park from now until March.

It was moved by Mr. Dodds, seconded by Mrs. Haywood and carried to table the public hearing for Ordinance No. 17-03-2013 until the March 7, 2013 Township Committee Meeting.

Roll Call Vote:

AYE	- Dodds, Haywood, Lubitz
NAY	- None
ABSTAIN	- None
ABSENT	- None

Hunterdon County 300th Anniversary – Marcia Karrow and Cynthia Yard

Present at the meeting were Honorable Former Senator, Marcia Karrow, Hunterdon County Administrator, Cynthia Yard and Historian for Kingwood Township Sal DeSapio. Marcia Karrow explained that she is the Chairwoman for the County Tri-Centennial. She stated that in 2011 the Hunterdon County Freeholders passed a resolution forming an honorary committee to explore the County's 300 birthday and events, which will be a celebration in 2014. She explained that the committee that was formed eventually decided to break away from the Freeholders and take the decisions out of the hands of the politicians, so they became incorporated. She described some of the commemorative things they are planning, some of the fundraisers they are working on and events that will kick off in 2014. She stated that they are scheduling fireworks on New Year's Eve 2013, and described some of the events and lecture series they have planned. She explained that the corporate board is consisted of seven people and the committee about 50 people who are familiar to our Township Committee Members. She stated that within six months of 2015 they are requiring themselves to have a public audit. She explained that they have asked Historian Sal DeSapio to be the official liaison for the township, who will be involved in the participation of the event and lectures. The website will be on the front page of the county site. Mayor Lubitz noted that the township is in the planning stages of working on the township's newsletter and will include the information on the fundraising and the information on paintings that will be for sale. Cynthia Yard explained what they have planned with the schools and how they will be involved. She explained that there will be at least one major event each month and they will try to hit all age groups to get involved. Marcia Karrow and Cynthia Yard asked the Township Committee to give them a list of any questions or concerns they can bring back to the freeholders. Historian Sal DeSapio noted there are a lot of interesting things about Kingwood Township that can be brought out during the celebration. He plans on speaking about Captain Daniel Bray. He noted that Kingwood was actually the capital of New Jersey for about three days. The Committee Members thanked Marcia Karrow, Cynthia Yard and Sal DeSapio for coming to the meeting.

Historian Sal DeSapio commented on the cemetery on Locktown Road, Block 17, Lt 4. He stated that he is getting a group of volunteers together to spruce up the grounds around and within the cemetery. He stated that they may ask the township for help in the future to chip up the brush and limbs they cut down and bring out to the edge of the road. He noted that they are just getting organized at this point, but the work should start when the weather breaks.

ORDINANCE

ORDINANCE NO. 17-05-2013 TO AMEND CHAPTER 75A – FEES, CHAPTER 34 – RECREATION COMMISSION AND PARKS AND RECREATION COMMITTEE AND CHAPTER 94 – OPEN SPACE AND RECREATION AREAS – Introduction and Adoption on First Reading

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

Attorney Kopen explained all the changes the Parks and Recreation Committee has recommended, but noted that there was an additional provision to be considered in Chapter 94 – 4 for all Kingwood Parks. She stated that Parks and Recreation Secretary Cynthia Keller had confirmed a few questions she needed answered in order to make these amendments. She continued to review the amendments she made in Chapter 34. Committeeman Dodds explained that the township will need to revisit this and get all the fees in order eventually into Chapter 75A. The Township Committee then reviewed Mr. Deutsch’s letter with her and she gave some suggestions as to what other parks are charging for the same events. Committeeman Dodds explained that the township will try the fees that are to be adopted and stated they can be amended if needed.

It was moved by Mr. Dodds, seconded by Mrs. Haywood and carried to adopt on first Reading **ORDINANCE NO. 17-05-2013 TO AMEND CHAPTER 75A – FEES, CHAPTER 34 – RECREATION COMMISSION AND PARKS AND RECREATION COMMITTEE AND CHAPTER 94 – OPEN SPACE AND RECREATION AREAS.**

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

Consideration of final adoption at a public hearing is scheduled for Thursday, March 7, 2013 at a meeting beginning at 7:00 P.M. at the municipal building.

REPORTS

Mayor Lubitz noted that the following have been received and are available for review. He briefly reviewed the following reports.

Finance Department:

- Budget Report through December 2012
- Revenue Report of December 2012
- Tax Collector’s Report of December 2012

Animal Control Log

Municipal Court Report of December 2012

Township Engineer’s Report

Committeeman Dodds commented on the naming of the Delaware River Islands, and Burke’s Run.

Construction Report of January 2013 - Handed out to the Committee Members.

FUTURE MEETINGS AND ACTIVITIES

Mayor Lubitz reviewed as per the Agenda.

He stated that there is also another document from the Open Space and Agriculture Advisory Committees, which is an invitation to come to their next meeting to meet speakers Craig Chianese, Soil Conservationist and Evan Madlinger, Biologist with Natural Resources Conservation Service, NRCS to speak about managing invasive plant species and habitat for threatened and endangered species of plant, birds, mammals and amphibians at Horseshoe Bend Park.

ORDINANCES

ORDINANCE NO. 17-01-2013 AN ORDINANCE PROVIDING FOR THE APPROPRIATION FOR THE COST OF THE TOWNSHIP'S SHARE OF THE PRESERVATION OF BLOCK 24, LOTS 13, 13.08, 13.09 AND 13.10, APPROPRIATING \$62,000.00 THEREFOR FROM THE OPEN SPACE TRUST FUND - Public Hearing and Final Adoption

Mayor Lubitz 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 3rd day of January 2013. The Ordinance was published in the Hunterdon County Democrat on January 10th, 2013 and has been posted in the Kingwood Township Municipal Building on January 4th, 2013. The public hearing and final passage was advertised to be held at a meeting on the 7th, day of February, 2013. Copies of the Ordinance have been available for inspection by the public since January 4th, 2013.

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

Comments: No comments from the public.

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

ORDINANCE NO. 17 – 01 - 2013

AN ORDINANCE PROVIDING FOR THE APPROPRIATION FOR THE COST OF THE TOWNSHIP'S SHARE OF THE PRESERVATION OF BLOCK 24, LOTS 13, 13.08, 13.09 AND 13.10, APPROPRIATING \$62,000.00 THEREFOR FROM THE OPEN SPACE TRUST 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 3 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 and purposes described in Section 3, there is hereby appropriated the sum of \$62,000.00 said sum being inclusive of all appropriations heretofore made therefor.

SECTION 2. In order to finance the cost of the improvements and purpose there is hereby appropriated the sum of \$62,000.00 from the Open Space Trust Fund.

SECTION 3. The improvement hereby authorized is the Township’s share of the preservation of Block 24 Lots 13, 13.08, 13.09 and 13.10 on the tax map of the Township consisting of 30 acres in Kingwood Township, including all costs necessary therefore or incidental thereto.

SECTION 4. The said purpose described in Section 3 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 amended, to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget as approved by the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Committeeman Dodds explained that he would be excluding himself from the vote, as he is a member on the Board for the Hunterdon Land Trust.

It was moved by Mrs. Haywood, Mayor Lubitz stepped down from the Chair and carried the motion to adopt the foregoing Ordinance No. 17-01-2013.

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

ORDINANCE

ORDINANCE NO. 17-02-2013 - 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 “SUBDIVISION OF LAND, CHAPTER 115, AND “ZONING, CHAPTER 132” OF THE GENERAL ORDINANCES OF THE TOWNSHIP PERTAINING TO THREATENED AND ENDANGERED SPECIES AND ENVIRONMENTAL IMPACT ASSESSMENT- Public Hearing and Final Adoption

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Mayor Lubitz 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 3rd day of January 2013. The Ordinance was published in the Hunterdon County Democrat on January 17th, 2013, and has been posted in the Kingwood Township Municipal Building on January 4th, 2013. The public hearing and final passage was advertised to be held at a meeting on the 7th, day of February, 2013. Copies of the Ordinance have been available for inspection by the public since January 4th, 2013.

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

Comments: No comments from the public.

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

ORDINANCE NO. 17 – 02 - 2013

WHEREAS, the Kingwood Township Committee recognizes that it is desirous of amending and supplementing existing ordinance provisions pertaining to the investigation, regulation and mitigation of adverse effects of development on threatened and endangered species and sensitive environmental resources 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 revise the application requirements relating to various development proposals within the Township to better protect threatened and endangered species and sensitive environmental resources;

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, Definitions, §115-3. Definitions** is hereby amended and supplemented, as follows:

ADMINISTRATIVE OFFICER – CAPITAL IMPROVEMENT – No Change

CATEGORY 1 (C1) WATERS - See the definition contained in Section 115-6.2

CIRCULATION - FLAG Lot – No Change

FLOOD ZONE – Those Flood Zones as defined by the United States Federal Emergency Management Agency (FEMA)

FRESHWATER WETLANDS OR WETLANDS – See the definition of “Wetlands” contained in Section 115-6.2

FRONTAGE – LAND – No Change

LANDSCAPE PROJECT - the manual and computerized files maintained by the New Jersey Department of Environmental Protection Division of Fish and Wildlife's Endangered and Nongame Species Program (ENSP) for the long-term protection of imperiled species and their important habitats in New Jersey.

LOT – MUNICIPALITY – No Change

NATURAL HERITAGE DATABASE - means the manual and computerized file maintained within the New Jersey Department of Environmental Protection Division of Parks and Forestry which includes continually updated information on the location and status of native plant species of the State, as authorized by N.J.S.A. 13:1B-15.146 through 13:1B-15.150.

NONCONFORMING LOT – STANDARDS OF PERFORMANCE – No Change

STEEP SLOPE – See the definition contained in Section 114.1

STREET – SUBDIVISION – No Change

THREATENED OR ENDANGERED SPECIES – any species identified pursuant to the Endangered and Nongame Species Conservation Act, N.J.S.A. 23:2A-1 et seq., the Endangered Species Act of 1973, 16 U.S.C. § § 1531 et seq. or the Endangered Plant Species List, N.J.A.C. 7:5C-5.1, and any subsequent amendments thereto.

THREATENED OR ENDANGERED SPECIES HABITAT - an area or environment where a threatened or endangered species community normally lives or occurs, determined by the Natural Heritage Database Search and the Threatened or Endangered Species Survey.

SECTION II - CHAPTER 115 – SUBDIVISION OF LAND, of the Ordinances of Kingwood Township, **ARTICLE III, Definitions, §115-6.6. Environmental Impact Analysis** is hereby added, as follows:

A. Purpose. It is the purpose of this section to protect the health, safety and welfare of people and property and threatened and endangered species within the Township of Kingwood from adverse impacts of uncontrolled development, construction, disturbance and building on environmentally sensitive areas such as freshwater wetlands, Category 1(one) waters, steep slopes, flood zones as defined by FEMA, or any other areas in the Township which may be sensitive to development due to existing environmental constraints. It is the intent of this section to reduce the degradation of land areas by reason of erosion, siltation, flooding, grading and/or filling, surface water runoff, pollution of potable water supplies, destruction of unique and predominant vistas, destruction of threatened or endangered species and to encourage appropriate planning, engineering, design in certain areas to preserve and maximize the best use of the natural terrain and maintain the quality and

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quantity of the Township's inherent natural resources.

- B. Background.** The Kingwood Township Master Plan and Conservation Element of the Master Plan include goals and objectives related to establishing regulations and planning techniques that are balanced by the desire to protect sensitive environmental resources, the vitality and viability of threatened and endangered species habitat areas and to achieve the natural resource conservation and environmental protection objectives of the Master Plan.
- C. Applicability.** A Statement of Environmental Impact and Assessment must be submitted with any application for development resulting in the creation of two (2) or more new lots; and for any site plan application that proposes any combination of disturbance of and/or new impervious coverage for more than ¼ acre of land.
- D. Enforcement.** The Planning Board and Board of Adjustment shall be responsible for enforcing the provisions of this section in conjunction with their review of development applications.
- E. Information and Documentation Required for an EIA.** The information and documentation required below shall be considered the minimum data needed to make an informed engineering and planning review under the provisions of this Article.
Said information and documentation shall be considered supplementary to the other standards and design requirements mandated by this Chapter with respect to development applications.
1. As part of the EIA, all development applications subject to the requirement to submit an EIA shall include the following documentation:
 - (a) A copy of the Natural Heritage Database report;
 - (b) All plats shall be clearly marked to identify all areas assigned Landscape Project Habitat Ranks 3, 4 or 5 by the New Jersey Department of Environmental Protection Landscape Project; and
 - (c) A list of all threatened or endangered species present on the property
 - (d) All other information required to be presented, analyzed and discussed as part of a Threatened and Endangered Species Survey pursuant to Section 2 of this Ordinance.
 2. Where a development application subject to the requirement to submit an EIA proposes that development occur on slopes greater than fifteen (15) percent, additional exhibits prepared by a New Jersey licensed Professional Engineer or Land surveyor and containing the following

3. additional information specific to areas of steep slopes that are proposed to be disturbed shall be submitted as part of the development application:
 - (a) Extent and erosion potential of exposed soils.
 - (b) Length, steepness and surface roughness of exposed slopes.
 - (c) Resistance of soil to compaction and stability of soil aggregates.
 - (d) High water table, water infiltration capacity, and capacity of soil permeability.
 - (e) The type, location, extent and degree of anticipated construction activity including the amount of site grading.
 - (f) The time period of exposure of erodible soils during construction.
 - (g) The area and density of woodlands and forested portions of the steep slope area to be impacted by the proposed construction, referenced to the NJDEP's most current Land Cover map and all significant tree specimens (15 inch diameter) in the work area.
 - (h) The extent of impervious surface to be constructed within the area of steep slopes.
 - (i) Location of construction access roads within the area of steep slopes.
 - (j) Calculation of amount of site grading within the area of steep slopes to include cut and fill quantity balance estimates, including cross-sections and indicating where applicable the volume of and source of offsite fill.

F. Conditions of the Statement of Environmental Impact and Assessment (EIA).

The information and documentation required below shall be considered the minimum data needed to make an informed engineering and planning review under the provisions of this Article. Said information and documentation shall be considered supplementary to the other standards and design requirements mandated by this Chapter with respect to development applications.

1. Documentation of professional qualifications of preparer. Applicants shall submit documentation demonstrating the professional qualifications of the preparer of the EIA. Examples of appropriate qualifications are set forth in Section 2.2 b of this ordinance.
2. Data Required For EIA.
 - (a) The EIA shall include, discuss and analyze the information and those factors required for the particular project as outlined in Section 1.4 and Appendix A (Threatened/Endangered Species Survey Data Sheet) attached hereto, and adopted as a part of this Chapter. The discussion and analysis shall provide sufficient detail to allow the reviewing agency to assess and evaluate the impacts of

the proposed development.

- (b) The EIA shall describe the proposed development, including the nature, scope and location of all improvements proposed. All maps included within the EIA shall be on 8 ½ x 11 inch paper, shall be prepared by a New Jersey licensed professional engineer or professional land surveyor, shall be based on and refer to a current survey and shall have a scale not to exceed 1 inch = 100 feet.
 - (c) The EIA shall describe the existing environmental conditions of the subject property that may be affected by the proposed development. The description of such environmental conditions and features shall include, at a minimum, steep slopes, surface water bodies, flood zones, fresh water wetlands and wetland transition areas, prime agricultural soils, and the extent and type of habitat in which any threatened and/or endangered species are present at any time of the year. The habitat important to the threatened and endangered species must be described according to A Preliminary Natural Community Classification for New Jersey by Thomas F. Bredon¹. List the dominant species found.
 - (d) The EIA shall include copies of the Natural Heritage Database Report and NJDEP Landscape Project Endangered Species Habitat Ranking Map. If there is any record of endangered or threatened species on the site, the EIA shall include a fully completed Appendix A (Threatened/Endangered Species Survey Form). The EIA shall also include a narrative description of the habitat requirements and ranges of any present threatened or endangered species within 200 feet of the outer limit of disturbance of the proposed development, not to extend beyond the applicant's property boundary.
 - (e) The EIA shall contain a concise summary of the environmental impact assessment of the proposed project. This summary will evaluate the adverse and positive environmental effect of the project, should it be implemented, and the public benefits expected to derive from the project, if any.
 - (f) The EIA shall identify and describe in detail all environmentally protective measures that are proposed for purposes of avoiding or mitigating any adverse effects of the proposed development and describe the manner and effectiveness of such mitigation
 - (g) The EIA shall contain a summary list, without discussion, of the potential adverse environmental impacts which cannot be avoided or mitigated should the proposed development be approved and
-

implemented. Short-term impacts should be distinguished from long-term impacts. Reversible impacts should be distinguished from irreversible impacts.

G. Standards For Analysis Review and Approval by Review Agencies.

1. The Planning Board and Board of Adjustment shall review the recommendations of the Environmental Commission and Township Professionals, and may impose such conditions upon any approval as they deem necessary to achieve the above stated purpose of this ordinance and to mitigate the adverse environmental impacts of the proposed development. All pertinent improvements necessary to achieve the above criteria shall be deemed for the benefit of the public and shall be bonded in the manner set forth in this Chapter for public improvements in any subdivision or site plan.
2. No application for development shall be approved if the proposed development would result in:
 - (a) the unmitigated and permanent destruction of breeding grounds of any threatened or endangered species
 - (b) the unmitigated and permanent destruction of threatened or endangered species habitat where the presence of such threatened or endangered species has actually been documented;
 - (c) the erosion or degradation of areas of steep slopes; or
 - (d) the degradation of the quality of potable water supplies.

H. Conditions When a Full EIA report is not required. The approving authority, upon recommendation of the Environmental Commission and/or Township Professionals may waive the requirements for an EIA, in whole or in part, if the Natural Heritage database search reveals no known threatened or endangered species in the project area is submitted by an applicant, to support a conclusion that the proposed project will have a negligible environmental impact or that a complete Statement of Environmental Impact and Assessment need not be prepared in order to adequately evaluate the environmental impact. Notwithstanding the foregoing, however, the EIA requirements remain in effect for any development application that proposes development within areas of the property containing streams, ponds, lakes, flood zones, wetlands, wetlands transition areas, steep slopes of, highly eroded soils, with a seasonal high water table of forty-eight (48) inches or less, prime agricultural soils, or any habitat in which any threatened and/or endangered species has been identified as present at any time of the year.

SECTION III - CHAPTER 115 – SUBDIVISION OF LAND, of the Ordinances of Kingwood Township, **ARTICLE III, Definitions, §115-6.7. Threatened And Endangered Species** is hereby added, as follows:

- A. Applicability.** Prior to any development application for which an EIA is required being deemed complete by either the Township Planning Board or Zoning Board of Adjustment, a threatened and endangered species investigation as outlined in this section shall be filed as part of the application. The Board Engineer, Planner and the Environmental Commission shall review and comment on the results of the Threatened and Endangered Species Survey.
- B. Standards for Threatened and Endangered Species Survey.**
1. State Records Search. The applicant shall provide a New Jersey Department of Environmental Protection Landscape Habitat Ranking Map and NJDEP Natural Heritage Program database report of the site. A site that contains Habitat Ranking 3, 4, 5 and/or a Natural Heritage Program database report which identifies threatened or endangered species on site shall require a Threatened and Endangered Species Survey. If no threatened or endangered species have been identified on the Landscape Habitat Ranking Map or the Natural Heritage database report, no further Threatened and Endangered Species Survey is required.
 2. Surveyor Requirements. The Threatened and Endangered Survey must be completed by an individual deemed qualified by the Board with jurisdiction over the development application. To be deemed qualified, the individual must demonstrate education and experience in the field relevant to the threatened and/or endangered species for which the survey is being performed. For example, if the site is being surveyed for a threatened or endangered bird species, an individual with a Master's degree in ornithology may conduct the survey.
 3. Time Frame of Survey. The Threatened and Endangered Species Survey must occur during the time periods in which the targeted species can be readily observed and identified. For plants, this may be the flowering period. For wildlife, this may be during the breeding season. A survey for a wildlife species that uses different habitat types to meet different needs must be designed so that the evaluators are investigating the study area during the season or time period that the species might be using the habitat.
 4. Survey. A qualified surveyor shall complete Appendix A (Threatened/Endangered Species Survey Data Sheet), attached hereto, and adopted as a part of this Chapter, for each threatened or endangered species identified on the NJDEP Landscape Project Habitat Ranking 3, 4, 5 map and/or the NJDEP Natural Heritage Database report. During the survey investigation, if any threatened or endangered species that was not

5. listed in either NJDEP database was identified, the surveyor shall also complete Appendix A for those species. All sections of Appendix A including required attachments stated within the form shall be completed by the surveyor in order to be deemed complete for review. Appendix A shall be included within the EIA, if applicable.

C. Review of Findings. The Board Engineer, Planner and the Kingwood Township Environmental Commission shall review and provide recommendation to the Planning Board or Zoning Board of Adjustment on the results of the threatened and endangered species investigation. Should the Board feel the need to retain their own qualified surveyor to review the survey results or perform an additional survey, the applicant shall post an additional deposit to the escrow account in the amount of \$1,000.

D. Protective Measures. In the event that a threatened or endangered species is identified on the subject property, the following minimum protective measures shall be required:

1. Threatened or endangered species habitat on the subject property, other than that in a protected wetland, shall be contained within a conservation easement including an extended fifteen (15 feet) perimeter border and marked according to § 115-6.5. Conservation easements.
2. Prior to construction, protective fencing shall be required to be installed a minimum of fifteen (15) feet from the perimeter of any area relied upon by any threatened or endangered species identified to be present on the property that is the subject of the development application. Protective fencing shall consist of silt fence installed in accordance with the Standards for Soil Erosion and Sediment Control in New Jersey. Fencing shall be installed prior to any site work and be maintained in good condition throughout all phases of construction. Protective fencing location shall be detailed on the grading plan along with a note stating the duration of fencing requirements.
4. The duration and timing of site disturbance shall be limited as applicable, such as during hibernation of a species or as otherwise determined by the reviewing agency to ensure protection of the threatened or endangered species.
5. Further limitations may be imposed as recommended by the qualified surveyor, Environmental Commission or the Board Engineer or Planner.

APPENDIX A
THREATENED/ENDANGERED SPECIES SURVEY DATA SHEET

Instructions: One survey sheet to be filled out per species. Expand sections as needed.

1. Species (common name):			
2. Species (scientific name):			
3. Was Species Located? (YES or NO) — circle one			
4. Was Suitable Habitat Identified? (YES or NO) — circle one			
5. Block and Lot of Subject Property:		Block(s)	Lot(s)
6. Client Name and Contact Information: Name: Mailing Address: Phone Number: Fax: Email:			
7. Property Owner Name & Contact Information: Mailing address: Phone Number: Fax: Email:			
8. Surveyor(s) — Attach relevant qualifications: Name(s): Company/Affiliation: Mailing address: Phone Number: Fax: Email:			
9. Survey Date(s)/Conditions:			
Date(s)	Time	Temp (°F)	Weather
	AM/PM		
	AM/PM		
	AM/PM		
10. Species Status: Federal: State:			
11. Duration of Survey Period(s) (man-hours):			
12. Survey Methodology Utilized:			
13. Survey Protocol utilized:			
14. Vegetation observed during survey:			

- 15. Wildlife Species observed during survey:
- 16. Presence & relative abundance of prey species observed if applicable:
- 17. Conclusions—If species or suitable habitat exists, provide explanation of how the proposed development has been designed to comply with threatened/endangered species standards.
- 18. Recommendations—include potential changes to the design of the proposed development to ensure protection of species and habitat.
- 19. Provide area of threatened and/or endangered species habitat within the subject property in square feet or acres:
- 20. Evaluator's signature:
- 21. Provide the following documents as an attachment to this survey data sheet:
 - a. Evaluator Qualifications.
 - b. NJDEP Protocol for specific species surveyed.
 - c. Natural Heritage Database report.
 - d. Landscape Habitat mapping of site.
 - e. Map of subject property identifying survey area. If species or suitable habitat is present, identify the location on the map including GPS coordinates.
 - f. Site photographs including survey locations, suitable habitat and threatened and endangered species if applicable
 - g. Electronic file of GPS coordinates (ArcView shape file, Excel, database, or delimited text); specify coordinate system.

SECTION IV - CHAPTER 115 – SUBDIVISION OF LAND, of the Ordinances of Kingwood Township, **115 Attachment 1, Township of Kingwood, Checklist For Subdivision** is hereby amended and supplemented, as follows:

	TO ALL APPLICANTS: Complete columns to the right. If the submittal lacks any of the required items, note as either a requested waiver (W) or not applicable (N/A) and provide an explanation under the Remarks column. Attach additional sheets as needed.	MINOR	PRELIMINARY MAJOR	FINAL MAJOR	TO BE COMPLETED BY APPLICANT
1-19	No Change				

20	The Threatened/Endangered Species Survey Data Sheet, Appendix A to Township Code Section 115-6.7, shall be submitted if threatened or endangered species are present on the site, as per the NJDEP Natural Heritage Database or the Landscape Project Statement of Environmental Impact and Assessment (SEIA) – 16 paper copies and one copy in electronic format.	X	X	NR	
21	Statement of Environmental Impact and Assessment (SEIA) – 16 paper copies and one copy in electronic format.	X	X	NR	
22	Threatened and Endangered Species Investigation	X	X	NR	

SECTION V - CHAPTER 132 – ZONING, of the Ordinances of Kingwood Township, **ARTICLE VII, Site Plan Review and Approval, §132-110. Preliminary site plan** is hereby amended and supplemented, as follows:

A.- H. NO CHANGE

I. Any site plan application for development that proposes any combination of disturbance of and/or new impervious coverage for more than ¼ acre of land shall comply with the Environmental Impact Analysis and Threatened and Endangered Species Survey requirements of Sections 115-6.6 and 6.7 of the Kingwood Township Code.

SECTION VII - CHAPTER 132 – ZONING, of the Ordinances of Kingwood Township, **132 Attachment 2, Township of Kingwood, Site Plan Checklist** is hereby amended and supplemented, as follows:

	TO ALL APPLICANTS: Complete columns to the right. If the submittal lacks any of the required items, note as either a requested waiver (W) or not applicable (N/A) and provide an explanation under the Remarks column. Attach additional sheets as needed.	MINOR	PRELIMINARY MAJOR	FINAL MAJOR	TO BE COMPLETED BY APPLICANT
1-17	No Change				
18	The Threatened/Endangered Species Survey Data Sheet, Appendix A to Township Code Section 115-6.7, shall be submitted if threatened or endangered species are present on the site, as per the NJDEP Natural Heritage Database or the Landscape Project Statement of Environmental Impact and Assessment (SEIA) – 16 paper copies and one copy in electronic format.	X	X	NR	

19	Statement of Environmental Impact and Assessment (SEIA) – 16 paper copies and one copy in electronic format.	×	×	NR	
20	Threatened and Endangered Species Investigation	×	×	NR	

SECTION VIII - All other provisions of Chapter 115 – Subdivision of Land and 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. Dodds, seconded by Mrs. Haywood and carried to adopt the foregoing Ordinance No. 17-02-2013.

Roll Call Vote:

AYE	- Dodds, Haywood, Lubitz
NAY	- None
ABSTAIN	- None
ABSENT	- None

ORDINANCE

ORDINANCE NO. 17-04-2013 CALENDAR YEAR 2013 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40a:4-45.14) – Introduction and Adoption on First Reading

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

It was moved by Mr. Dodds, seconded by Mrs. Haywood and carried to adopt on first Reading **ORDINANCE NO. 17-04-2013 CALENDAR YEAR 2013 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40a:4-45.14).**

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

Consideration of final adoption at a public hearing is scheduled for Thursday, March 7, 2013 at a meeting beginning at 7:00 P.M. at the municipal building.

RESOLUTIONS

Resolution No. 2013-11 – 2013 Recreational Trails Program Grant Application

The following Resolution was introduced:

RESOLUTION NO. 2013 – 11

**APPROVAL OF NJDEP GREEN ACRES PROGRAM
2013 RECREATIONAL TRAILS PROGRAM GRANT APPLICATION**

WHEREAS, the Kingwood Township Committee has determined to apply for a grant from the NJDEP Green Acres Program for the Horseshoe Bend Park Trail Restoration 2013 Project; and

WHEREAS, the Township Committee agrees to abide by the requirements of the program;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey that the Mayor is hereby authorized to execute the Application on behalf of the Township, and any other necessary documents in regard to the Application for the Grant.

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

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

Resolution No. 2013-12 – Board of Adjustment Escrow Replenishment

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2013 – 12

BOARD OF ADJUSTMENT ESCROW REPLENISHMENT

WHEREAS, the Board of Adjustment Escrow paid an invoice from a professional in the amount of \$37.00, without sufficient funds being available in the applicant’s escrow after several requests made by the Board of Adjustment secretary.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey, that the Chief Financial Officer be permitted to refund the Board of Adjustment Escrow from the 2012 Board of Adjustment Other Expense budget line item in the amount of \$37.00 to cover the payment made to a professional of the Board of Adjustment.

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

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

Resolution No. 2013-13 – Refund of Tax Payment Bl 12 L 52

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2013 – 13

REFUND OF ERRONEOUS TAX PAYMENT

WHEREAS, the Tax Collector received an erroneous tax payment from Wells Fargo Home Mortgage for Block 12, Lot 52 in the amount of \$1135.23, and

WHEREAS, the Tax Collector has received a request from Wells Fargo Home Mortgage for a refund of the erroneous payment.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey, that the Chief Financial Officer be authorized to issue a refund in the amount of \$1135.23 to Wells Fargo Home Mortgage, PO Box 14506, Des Moines, IA 50306.

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

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

Resolution No. 2013-14 – Transfer of Funds to Affordable Housing Trust Fund

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2013 - 14

**RESOLUTION CONFIRMING 2012 TRANSFER OF FUNDS
TO AFFORDABLE HOUSING TRUST FUND**

WHEREAS, on December 6, 2012, the Township Committee adopted Resolution No. 2012-110 providing for the transfer of funds to the Board of Adjustment Other Expense line item; and

WHEREAS, it is the desire of the Township Committee to utilize those transferred funds to reimburse the Affordable Housing Trust for costs associated with the development of Block 19, Lot 5 for Habitat for Humanity.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Kingwood that they authorize the reimbursement of Affordable Housing Trust funds in the amount of \$19,970.60 from the 2012 Board of Adjustment Other Expense line item.

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

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

Resolution No. 2013-15 – Refund of Taxes Bl 12 L 31 & Bl 14 L 28.02 & L 30

RESOLUTION

RESOLUTION NO. 2013 – 15

REFUND OF TAXES

2013 – 56

WHEREAS, a stipulation of settlement has been signed by the Township Attorney and the property owner for Block 14, Lot 28.02, Block 14, Lot 30 and Block 12, Lot 31, and

WHEREAS, the following is a breakdown of the analysis of the assessed value, taxes paid and refunds due to the property owner stipulated between both parties in the agreement.

Block 14, Lot 28.02

	Settlement Value	Taxes	Paid	Amount Due	Interest on Delinquent Payment	Refunded in 2011	Refund Due	Amount Due
2011	\$1,059,900.00	\$21,579.56	\$18,308.04	\$8,991.49	\$513.89	\$2,252.97	\$6,549.70	

Block 14, Lot 30

2011	\$582,300.00	\$11,855.63	\$32,539.25	\$11,855.63	\$241.13	\$4,004.11	\$16,438.38	
2012	\$550,000.00	\$11,418.00	\$0.00	\$11,418.00	\$2,171.31			\$13,589.31
2012 Q0092		\$170.23	\$0.00	\$170.23	\$4.76			\$174.99

Block 12, Lot 31

2011	\$35,600.00	\$724.82	\$243.19	\$481.63	\$48.16			\$286.60
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TOTALS

\$22,988.08 \$14,050.90

Refund Due: \$22,988.08

Open Taxes & Interest: -\$14,050.90

Adjusted Refund: \$8,937.18

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey, that the Chief Financial Officer be authorized to refund to:

Block 14, Lot 28.02 - Horseshoe Bend LLC, PO Box 159, Gwynedd Valley, PA - \$ 6,549.70

Block 14, Lot 30 – Horseshoe Bend LLC, PO Box 159, Gwynedd Valley, PA - \$ 2,387.48

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

Attorney Kopen briefly reviewed and noted that this is a settlement that has been finalized.

She noted that this was appealed to the tax court and that resulted from those portions of the property that stayed with the developer. She stated that there were negotiations back and forth for quite some time. She noted that Tax Assessor David Gill noted this is a good settlement for the township. She stated that this settlement is based on the assessment.

Roll Call Vote:

AYE	- Dodds, Haywood, Lubitz
NAY	- None
ABSTAIN	- None
ABSENT	- None

Resolution No. 2013-16 – Approve Memorandum of Agreement & Scope of Work with HLT for NRI for Horseshoe Bend Park

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2013 - 16

A RESOLUTION AUTHORIZING THE TOWNSHIP OF KINGWOOD TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE HUNTERDON LAND TRUST (HLT), 111 MINE STREET, FLEMINGTON, NJ 08822

Whereas, Kingwood and HLT are partnering on stewardship activities on lands included in the Lower Delaware Wild and Scenic project areas, specifically the Delaware River Watershed area connecting Frenchtown Borough, Kingwood Township and D&R State Park located in Kingwood Township, Hunterdon County, also known as the Horseshoe Bend Park, and herein as the “Park”; and

Whereas, Kingwood has an agreement with the State of New Jersey, Department of Parks and Recreation giving Kingwood management responsibility for the Park; and

Whereas, Kingwood wishes to prepare a management plan for the Park; and

Whereas, an NRI is one of the building blocks for the management plan because it identifies the natural resources that must be protected to maintain the conservation values of the Park; and

Whereas, HLT has received funding in the amount of \$2,500 from the National Park Service (the “Grant”) for use in protecting natural resources within the Delaware River Watershed; and

Whereas, Kingwood plans to contract with a consultant for the creation of a NRI for the Park; and

Whereas, HLT understands the benefits of the information provided by an NRI in the management of protected parkland that is in the watershed of the Delaware River and wishes to support this project through use of the Grant funds; and

Whereas, HLT has the authority to use the Grant on this project with Kingwood.

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

1. The Township of Kingwood hereby authorizes execution of the Memorandum of Agreement, attached hereto as Exhibit A, with the Hunterdon Land Trust (HLT), 111 Mine Street, Flemington, NJ 08822.
2. The Mayor and Clerk and/or Chief Financial Officer of this Township are authorized to sign the Agreement attached hereto as Exhibit A, and to sign any and all other documents necessary for the transactions contemplated by the Agreement.

Committeeman Dodds explained that he would be excluding himself from the vote, as he is a member on the Board for the Hunterdon Land Trust. He did give a brief explanation of the resolution.

It was moved by Mrs. Haywood, Mayor Lubitz stepped down from the Chair and carried the motion to adopt the foregoing Resolution with amendments.

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

Resolution No. 2013-17 – Approve Municipal Alliance Renewal Application 2013

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2013 – 17

**HUNTERDON COUNTY MUNICIPAL ALLIANCE
RENEWAL APPLICATION 2013**

WHEREAS, The Township Committee of the Township of Kingwood, County of Hunterdon, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and

WHEREAS, the Township Committee further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Township Committee supports the application of funding from the Governor’s Council on Alcoholism and Drug Abuse through the County of Hunterdon;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Kingwood, County of Hunterdon, State of New Jersey hereby recognizes the following:

1. The Kingwood Township Committee does hereby support the submission of an application for the Delaware Valley Municipal Alliance grant for calendar year 2013 in the amount of \$18,400.00.
2. The Kingwood Township Committee acknowledges the terms and conditions for the Municipal Alliance grant.

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

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

NEW BUSINESS

Price Quotations for Municipal Court Office Window

The Committee Members reviewed the following quotations received for the court office window:

Glass Castle, Inc. 843 Route 202 South Neshanic Station, NJ 08853	36” x 36” window using Hygard BR1250 Level 3 bullet resistant	(\$5,955.00)
	30” x 36” window using Hygard BR1250 Level 3 bullet resistant	

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CCI Glass and Door LLC Two piece bullet resistant acrylic glass (\$5,341.28)
2 Crossroads Drive 1 approx. 30” x 36” Level 1
Trenton, NJ 08691 1 approx. 36” x 36” level 3 with speak thru and pass thru

The Committee Members reviewed the quotes and discussed what the State Violations Bureau has recommended. The state recommends a level 3 resistant acrylic glass. The Committee Members decided to go with an agreement with the company which had the level 3 resistant window.

It was moved by Mr. Dodds, seconded by Mrs. Haywood and carried to accept the bid from Glass Castle Inc. to install court office security windows at a price of \$5,955.00.

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

Computer Replacement Plan

Committeeman Dodds explained how he worked on the Township Clerk’s computer which is almost seven years old. He feels that there should be a plan in place to put funds aside to replace the equipment in the office at least every three years. He noted that he will be looking into the Dell Company for prices and would like to replace one computer at a time. He stated that this is something to consider when discussing the budget. C.F.O. Laudenbach suggested the township budget a certain amount and then she could make a separate line item under buildings and grounds. She explained that if a computer needs replacing, then it would be in place and available without having to adopt an ordinance for capital improvement. Committeeman Dodds suggested an amount of \$1,800 to be a good amount to budget for this line item.

Draft Request for Proposal for IT Services

Committeeman Dodds noted that the township is currently not contracted with anyone for IT services for the township. It was discussed that an advertisement will be published. Mayor Lubitz suggested that the ad also be sent over to the Delaware Valley High School.

2013 Salary Projections

There was no discussion regarding salaries for 2013.

Application to Establish Petty Cash Fund

There was a brief discussion on the reasons a petty cash fund is needed.

Committeeman Dodds explained that this idea came up at the Parks and Recreation Committee meeting. He stated that this is really for just emergencies to be used to purchase items for an event so that it does not have to come out of the committee members pocket to purchase items needed.

It was moved by Mr. Dodds, seconded by Mrs. Haywood and carried to establish a petty cash fund for the Parks and Recreation Committee.

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

Length of Service Awards Program (LOSAP)

Clerk MacConnell stated that this list is for the Committee Members to review. Mayor Lubitz explained that this is a list of volunteers from the fire department and rescue squad who receive a stipend each year for their participation. The Committee Members asked if the township has ever asked for an audit for the participation for each applicant, and if not, they would like to see the audits for participation in the future.

Accept Resignation from Finance Office

C.F.O/Tax Collector Diane Laudenbach stated that this will be postponed for now. She explained that the assistant for the finance office is going to stay at the position at this time.

2013 Clean Up Program

The Committee Members discussed the clean-up letter and if there would be any changes. They had a brief discussion regarding the funds for the clean-up program and if there would be enough available for 2013. The Committee Members had no changes to the charges for 2013.

Letter of Support for HLT/Friends of Horseshoe Bend Park Trails Grant App

Committeeman Dodds prepared a draft letter that the Committee Members previously reviewed.

It was moved by Mrs. Haywood, Mayor Lubitz stepped down from the Chair, seconded and carried to authorize the letter of support in regard to the Hunterdon Land Trust.

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

Recommendation from the Parks and Recreation Committee – Appt. for Citizen Advisory Committee to Parks and Recreation Committee

The Committee Members reviewed the Parks and Recreation Committees request. Committeeman Dodds gave a brief review of when Douglas Robison attended the Parks and Recreation Committee meeting. He feels that Mr. Robinson will be an asset to the Committee.

It was moved by Mr. Dodds, seconded by Mrs. Haywood and carried to appoint Douglas Robison to the Citizen Panel to the Parks and Recreation Committee for a term expiring on 12/31/2013.

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

Recommendation from the Parks and Recreation Committee – Request that Township Hire Garden State Fireworks Company for Community Day

The Committee Members reviewed the Parks and Recreation Committees request. Mayor Lubitz stated that Garden State Fireworks has been the company who has done the fireworks display for the past several years. The Committee Members all agreed to choose Garden State Fireworks Company for their fireworks display on September 21, 2013, Community Day. The Committee Members did not want to commit to any set amount to be spent until the budget has been discussed.

OLD BUSINESS

Price Quotations for DPW Generator

The Committee Members reviewed the quotations received for the Department of Public Works generator. There were two quotations submitted for the meeting. It was determined that a quote that was e-mailed to the Clerk’s office was sent to the incorrect address. Attorney Kopen stated that the township would not be able to accept a quote that was not received correctly or in a timely manner. Attorney Kopen noted that the township could approve the lowest bidder which has been submitted, subject to review of specs and quotations by the township electrical inspector. The following quotations were submitted and reviewed:

Rowe Electric	\$9,790.00
P.O. Box 276	
Ringoes, NJ 08551	

January 3, 2013 Reorganizational Meeting

It was moved by Mr. Dodds, seconded by Mrs. Haywood and carried to adopt the minutes of the January 3, 2013 Reorganization Meeting for the Township Committee.

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

January 3, 2013 Regular Meeting

It was moved by Mrs. Haywood, seconded by Mr. Dodds and carried to adopt the minutes of the January 3, 2013 Regular Meeting for the Township Committee.

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

EXECUTIVE SESSION – RESOLUTION NO. 2012 - 18

The following Resolution was introduced to enter into closed session at approximately 10:20P.M.:

RESOLUTION NO. 2012 –18

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.

3. The general nature of the subject matter to be discussed is as follows:

**Contract Negotiations – Habitat for Humanity BI 19 L5
Personnel – Township Handbook and Policies and Procedures Manual**

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 Mrs. Haywood and carried to adopt the foregoing Resolution.

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

RETURN TO REGULAR SESSION

It was moved by Mr. Dodds, seconded by Mrs. Haywood and carried to return to regular session at 10:50P.M. All voted **Aye** on **Roll Call Vote**.

RESOLUTION

The following resolution was introduced:

RESOLUTION NO. 2013 - 19

**A RESOLUTION AMENDING THE KINGWOOD TOWNSHIP EMPLOYEE
HANDBOOK**

WHEREAS, the Township of Kingwood has reviewed the current Township Employee Handbook and Personnel Policies and Procedures; and

WHEREAS, the Township Committee desires to amend the Employee Handbook and Personnel Policies and Procedures Manual by amending the provision relating to a prohibition of personal use of municipal vehicles as well as the provision relating to sick and personal leave.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Committee of the Township of Kingwood, County of Hunterdon, that the Kingwood Township Employee Handbook and Personnel Policies and Procedures Manual is amended as follows:

1. “Use of Municipal Vehicles” is amended by adding a new, second sentence after the first sentence of that section, “Personal use of municipal vehicles is prohibited except as described in this paragraph.” The new sentence shall read as follows: “If a road emergency is imminent, the DPW Supervisor is permitted to drive his municipal vehicle home as required by road or weather conditions.” The remainder of the paragraph shall be unchanged.
2. The “Eligibility” section of “Sick and Personal Leave” shall be amended by adding a new sentence at the beginning of the “Eligibility” section as follows: “The Township DPW Supervisor may use up to twelve (12) sick days per year.”
3. The “Accumulation” section of “Sick and Personal Leave” shall be amended by adding the phrase, “except that the DPW Supervisor may accumulate at the maximum amount of twelve (12) days per calendar year,” immediately following the phrase “Sick days will accumulate at the maximum amount of six (6) sick days per calendar year,…”
4. If any part or parts of this resolution are for any reason held to be invalid, such adjudication shall not affect the validity of the remaining portions of this resolution.

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

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

ADJOURNMENT

It was moved by Mrs. Haywood, seconded by Mr. Dodds and carried to adjourn the meeting at 10:56P.M. All voted **Aye** on **Roll Call Vote**.

Respectfully Submitted,

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

