

KINGWOOD TOWNSHIP COMMITTEE

Regular Meeting Agenda

December 4, 2014 – 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 9, 2014 and by telefaxing copies of the notice to the Express Times and Star Ledger on January 6, 2014. Copies of the notice were also posted in the Kingwood Township Municipal Building and Baptistown Post Office on January 6, 2014.

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.

Roll Call

Correspondence

Copy of Resolution from Alexandria Twp re: Proposed PennEast Pipeline Scoping Mtg
Copy of Resolutions (2) from Pennington Borough re: Proposed PennEast Pipeline

Public Comment – Privilege of the Floor

Resolution No. 2014-107 - Maser Consulting Professional Services

Resolution No. 2014-108 - Budget Appropriation Transfers

Bills and Claims

Reports

NJSP Report
Emergency Management Coordinator
Animal Control Report of October 2014
Construction Reports of November 2014
Court Report of October 2014
Finance Department:
 Budget Report of October 2014
 Tax Collector's Report of October 2014
Township Engineer's Report

December 4, 2014 Township Committee Agenda Continued

Future Meetings & Activities

- December 6 -** Annual Tree Lighting at Kingwood Park beginning at 4:00PM
January 10 - Recycling at DPW on Union Rd. between 9:00am-12:00Noon
January 17 - Free Rabies Clinic at Township DPW Building on Union Rd.,
1:00pm-3:00pm

Schedule End of Year Meeting for Payment of Bills

Schedule Reorganization Meeting and Regular January Meeting

Ordinances

Ordinance No. 18-13-2014 Amending Chapter 57 Entitled “Animals” Of The General Ordinances Of The Township Of Kingwood, County Of Hunterdon And State of New Jersey – Public Hearing and Final Adoption

Resolutions

- Resolution No. 2014-109 -** Dedication by Rider for Parking Offenses Adjudication Act
Resolution No. 2014-110 - Authorize Purchase Through HCESC Pricing of Gasoline
Resolution No. 2014-111 - Bank & Reserve 2014 Municipal Allocation of Cty Open Space Funds
Resolution No. 2014-112 - Statewide Insurance Fund, Appointing Risk Management Consultant for 2015 & Agreement
Resolution No. 2014-113 - Statewide Insurance Fund, Appointing Fund Commissioner For 2015

New Business

- Proposals for Professional Services – Township Attorney
Proposals for Professional Services – Animal Control Services
Deferred S Applications – Solar Farms
Recommendation from Housing Board – Bl 19 L 5
Request for Approval of New Road Name – Bl 28 L 11.01
Letter from S Wilhelm – Public Defender Position
Resignation from M. Augustine – Municipal Coordinator to Cty Office on Aging
Recommendation from Open Space & Agriculture Advisory Comm – Bl 23 L 11

Old Business

- Application for Person-To-Person Transfer of ABC License 1016-44-002-006
PennEast Pipeline
Discuss Repairs to Municipal Building
United Reformed Church Bl 12 L 25
Discuss Municipal Appointments for 2015

Minutes

- October 29, 2014 Special Meeting

December 4, 2014 Township Committee Agenda Continued

Executive Session – Resolution No. 2014-114

Contract Negotiations - DPW Agreement w Local Union 469

Housing Board Mtg. 1-28-2013 - HFH

Possible Litigation – Block 14 Lot 28.01

Block 12 Lots 8 & 11

Return to Regular Session

Adjournment

PLEASE NOTE THIS AGENDA IS SUBJECT TO LAST MINUTE CHANGES

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December 4, 2014 – 7:00PM

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 Richard Dodds, Committeewoman Diana Haywood, Attorney Tara St. Angelo, C.F.O. Diane Laudenbach, Deputy Clerk Cynthia Keller and Clerk Mary MacConnell. Mayor Lubitz called the meeting to order and following the salute to the flag, read aloud the following:

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 9, 2014 and by telefaxing copies of the notice to the Express Times and Star Ledger on January 6, 2014. Copies of the notice were also posted in the Kingwood Township Municipal Building and Baptistown Post Office on January 6, 2014.

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

Copy of Resolution from Alexandria Twp re: Proposed PennEast Pipeline Scoping Mtg.

Mayor Lubitz reviewed.

Copy of Resolutions (2) from Pennington Borough re: Proposed PennEast Pipeline

Mayor Lubitz reviewed.

PUBLIC COMMENT – PRIVILEGE OF THE FLOOR

David Frank, Muddy Run Road – Asked the Committee Members if there was an update regarding the proposed pipeline. He also asked if there was going to be anything done to stop them from coming to Kingwood Township. Mayor Lubitz explained that Elaine Niemann is chairing a Citizens Committee, and if Mr. Frank was interested he would be able to contact her.

Mr. Frank also asked if there is any update regarding the 519 bridge that is out of service. Mayor Lubitz responded by stating the township engineer is going out for bids and obtaining the final specs from a consultant. He stated that the county will be working on it in the spring, which he was told it will only takes two months to repair. Mr. Frank thanked the Township Committee Members.

RESOLUTION

Resolution No. 2014-107 - Maser Consulting Professional Services

The following Resolution was introduced:

RESOLUTION NO. 2014 - 107

**AUTHORIZING ADDITIONAL PROFESSIONAL SERVICES OF MASER
CONSULTING, P.A.**

WHEREAS, the Township of Kingwood previously authorized the services of Maser Consulting, P.A. in connection with support services to provide planning and consulting services for coordination, meeting attendance and document review related to a Together North Jersey Local Demonstration Project Program grant from the North Jersey Sustainable Communities Consortium; and

WHEREAS, the Township of Kingwood has determined that additional planning and consulting services of Maser Consulting, P.A. in the amount of \$787.50 are required as contained in the December 2, 2013 proposal from Maser Consulting, P.A.; and

WHEREAS, funds in the amount of \$787.50 are or will be made available for this purpose to be certified by the Chief Financial Officer; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, *et seq.*) authorizes the hiring of a professional, such as a planner or an engineer, without competitive bidding providing that the amount to be paid for the work of the professional is less than the bid threshold set forth in the law.

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

1. Maser Consulting, P.A. is hereby engaged to perform professional services for the Township of Kingwood in connection with support services to provide planning and consulting services for coordination, meeting attendance and document review related to the Local Demonstration Project (LDP) project being undertaken for the Township by Together North Jersey (TNJ) and its lead consultant, the Regional Plan Association (RPA) for an amount not to exceed \$5,787.50.
2. This contract is awarded without competitive bidding as "Professional Services" as well as being in an amount for less than the bid threshold under the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-5.

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- 3. The Mayor, Clerk, Chief Financial Officer and all other necessary Township officials are hereby authorized to execute any and all documents necessary for the transactions contemplated by 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

RESOLUTION

Resolution No. 2014-108 - Budget Appropriation Transfers

The following Resolution was introduced:

RESOLUTION NO. 2014 – 108

2014 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 2014 Budget Appropriations:

Table with 3 columns: FROM ACCOUNT, TO ACCOUNT, AMOUNT. Row 1: Streets & Roads – Other Expense, Vehicle Maintenance – Other Expense, \$750.00

TOTAL TRANSFERRED: \$750.00

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 Mrs. Haywood, seconded by Mr. Dodds and carried to approve and pay all bills and claims in the amount of **\$120,799.02** that are in order and attached as Bill List for December 2014.

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

REPORTS

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

NJSP Report

Emergency Management Coordinator

EMC- Jack MacConnell - Reported that the radios, base station and mobile station have been installed. He noted that the fire company and rescue squad also have their radios installed. He explained that they are now looking for a site for the repeater tower to be put up. He also reviewed a couple other sites in the township he is thinking about. He noted that the Department of Publics Works did a great job cleaning up the roads after the snow storm. He feels that Jersey Central Power and Light have been on top of things and are working hard to prepare for storms.

Jack MacConnell talked about the conditions of the park during the “Huffin for Stuffin” race on Thanksgiving. He noted that the park was too messy to run on the trail, therefore, they ran along the roadside. He also reported on the property damage at the Horseshoe Bend Park and the Old Fairview School House. He suggested either trail cameras or surveillance cameras to try and pickup license plates or descriptions of the vehicles. He reported that there will be a meeting on December 9th, 2014 starting at 1:30PM at the visitor’s center at Washington Crossing State Park, where the Delaware Basin Commission will be talking about the pipeline. He noted that they would like to hear the publics and emergency crews input. He also reported that he is working on the township’s emergency plan, and generator grant. He noted that there was an accident involving the fire company and a summons was issued to the driver of the fire truck.

The Committee Members all thanked Jack MacConnell for his monthly report.

Animal Control Report of October 2014
Construction Reports of November 2014
Court Report of October 2014
Finance Department:

REPORTS - CONTINUED

Budget Report of October 2014
Tax Collector's Report of October 2014
Township Engineer's Report

Mayor Lubitz recommended that next year it would be a good idea to send out reminders regarding monthly reports being handed in on a timely manner.

FUTURE MEETINGS AND ACTIVITIES

Mayor Lubitz reviewed as per the agenda.

Schedule End of Year Meeting for Payment of Bills

The Committee discussed a date for the end of the year meeting. It was decided that December 30th, 2014 at 5:00P.M., would be the date advertised for their end of year special meeting.

Schedule Reorganization Meeting and Regular January Meeting

The Committee Members all agreed to schedule Monday, January 5th, 2015 for the Township Committee Reorganization Meeting to begin at 6:00P.M., and the regular meeting would follow at 7:00P.M.

ORDINANCE

**ORDINANCE NO. 18 – 13 – 2014 ORDINANCE AMENDING CHAPTER 57 ENTITLED
“ANIMALS” OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF
KINGWOOD, COUNTY OF HUNTERDON, AND THE STATE OF NEW JERSEY
-VOL. 18, PG. 18-33 – Public Hearing and Final Adoption**

Mayor Lubitz read aloud the 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 6th day of November, 2014. The Ordinance was published in the Hunterdon County Democrat on November 20, 2014 and has been posted in the Kingwood Township Municipal Building on November 7th, 2014. Copies of the Ordinance have been available for inspection by the public since November 7th, 2014.

It was moved by Mrs. Haywood, seconded by Mr. Dodds and carried to open the public hearing.

Comments: There were no public comments.

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

ORDINANCE NO. 18 – 13 - 2014

ORDINANCE AMENDING CHAPTER 57 ENTITLED “ANIMALS” OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF KINGWOOD, COUNTY OF HUNTERDON, AND THE STATE OF NEW JERSEY

WHEREAS, the Dog Licensing Agent (formerly Dog Licensing Officer) and Animal Control Officer (formerly Dog Warden) of the Township of Kingwood have recommended to the Mayor and Committee that Chapter 57 of the Code of the Township of Kingwood be amended.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Committee of the Township of Kingwood, the County of Hunterdon, that Chapter 57 entitled “Animals” of the Code of the Township of Kingwood (“Code”) is hereby amended as follows: (1) to amend the Code consistent with the State statute regarding vicious and potentially dangerous dogs (N.J.S.A. 4:19-16 et seq.); (2) those portions of the Code set forth below are hereby amended as follows; and (3) portions of the Code not set forth below shall remain unchanged:

SECTION 1. Section 57-1 of the Code of the Township of Kingwood entitled “Definitions and usage” is hereby amended and supplemented as follows (Additions indicated in boldface and italics *thus*; deletions indicated with strike-through ~~thus~~):

A. Definitions. The words hereinafter defined shall have the meaning herein indicated for the purposes of this chapter as follows:

DOG

Any dog, *whether* male, bitch or spayed bitch; *and any dog hybrid.*

DOG LICENSING ~~OFFICER~~ AGENT

The person appointed by the Township of Kingwood to issue all licenses under this chapter.

DOG OF LICENSING AGE

Any dog which has attained the age of seven months or which possesses a set of permanent teeth.

~~DOG WARDEN~~ ANIMAL CONTROL OFFICER

The officer appointed by the Township of Kingwood to enforce the provisions of this chapter and also includes the duties of pound keeper.

DOMESTIC ANIMALS

In addition to dogs, includes horses, cattle, sheep, swine, goats, cats and any other animal that has been tamed or domesticated.

KENNEL

Any establishment wherein or whereon the business of boarding or selling dogs or breeding dogs for sale is carried on, except a pet shop.

OWNER

When applied to the proprietorship of a dog, means and includes every person having a right of property in such dog and every person who has such dog in his keeping.

PET SHOP

Any room or group of rooms, cage or exhibition pen, not part of a kennel, wherein dogs for sale are kept or displayed.

POTENTIALLY DANGEROUS DOG

Any dog or dog hybrid declared potentially dangerous by a municipal court pursuant to N.J.S.A. 4:19-23).

POUND

An establishment for the confinement of dogs seized either under the provisions of this chapter or otherwise.

SHELTER

Any establishment where dogs are received, housed and distributed without charge.

TOWNSHIP

Township of Kingwood in the County of Hunterdon.

VICIOUS DOG

Any dog or dog hybrid declared vicious by a municipal court pursuant to N.J.S.A. 4:19-22.

B. Usage.

- (1) The word "person" shall mean an individual, firm, partnership, corporation or association of persons.
- (2) The words "and" and "or" may be used interchangeably, and either of the two may be applicable, whichever is more conducive toward the effectuating of this chapter.
- (3) Personal pronouns shall mean either the singular or the plural, whichever is applicable and conducive towards the effectuating of this chapter.
- (4) The masculine, feminine or the neuter gender shall be implied, whichever is appropriate and conducive toward the effectuating of this chapter.

SECTION 2. Section 57-2 of the Code of the Township of Kingwood entitled “License required for dogs; compliance” is hereby amended and supplemented as follows (Additions indicated in boldface and italics *thus*; deletions indicated with strike-through ~~thus~~):

No person shall keep or harbor any dog within the Township of Kingwood *pursuant to §57-3 below* in the County of Hunterdon without first obtaining a license ~~therefor~~, to be issued by the Dog Licensing ~~Officer~~ *Agent* upon application by the owner and payment of the prescribed fee, and no person shall keep or harbor any dog in ~~said~~ *the* Township except in compliance with the provisions of this chapter *and all applicable State statutes*.

SECTION 3. Section 57-3 of the Code of the Township of Kingwood entitled “Obtaining of License” is hereby amended and supplemented as follows (Additions indicated in boldface and italics *thus*; deletions indicated with strike-through ~~thus~~):

Obtaining ~~of a~~ license

- A. Any person who shall own, keep or harbor a dog of licensing age (*as defined in § 57-1A above*) shall, annually ~~or every third year in accordance with the three year dog licensing law~~, apply for and procure from the Dog Licensing ~~Officer~~ *Agent* of the Township a license and official metal registration tag for each such dog so owned, kept, or harbored and shall place upon such dog a collar or harness with the registration tag securely fastened thereto.
- B. No license or registration tag shall issue for any dog unless the owner thereof provides evidence that the dog to be registered and licensed has been inoculated with a rabies vaccine in accordance with state requirements *set forth in N.J.S.A. 4:19-15.4*.
- C. *Any person who shall own, keep, or harbor a potentially dangerous dog (as defined in §57-1A above) shall apply for and procure from the Dog Licensing Agent a license and registration pursuant to §57-24 et seq. below.*

SECTION 4. Section 57-4 of the Code of the Township of Kingwood entitled “License fees” is hereby amended and supplemented as follows (Additions indicated in boldface and italics *thus*; deletions indicated with strike-through ~~thus~~):

- A. A person applying for a one-year license and registration tag *pursuant to §57-3 above* shall pay a fee of \$15 for each dog. Persons applying for a license who present a certificate signed by a licensed veterinarian stating that the dog has been spayed or neutered shall be entitled to a reduction of \$3 in the annual fee.
- B. Annual dog licenses shall be obtained during the month of January of each year and specifically on or prior to January 31 of each year. Said licenses shall expire on ~~January~~ *February* 1 one year later.

- C. A person who applies for a license subsequent to February 10 of any year shall pay a penalty of \$15 *per license*, in addition to the license fee set forth in §57-4A above.

As a courtesy, written notification shall be sent to all persons who have not obtained their annual dog license by February ~~20~~ of any year indicating that those persons have ~~60~~ **45** days from February ~~20~~ to obtain their dog license by payment of the \$15 fee set forth in §57-4A, as well as the late fee of \$15. The notification shall further state that, should the dog license not be obtained within ~~45~~ **60** days following February ~~20~~ of any year, a summons will be issued requiring an appearance in Municipal Court to address the failure of the individual to obtain his/her annual dog license. Should the matter go to court, and the person who has failed to obtain his/her annual dog license be found guilty of that violation, that person will also be responsible to pay all court costs and fines imposed by the court in connection with the matter.

- D. *Any person applying for a license for a potentially dangerous dog pursuant to §57-24G shall comply with the requirements set forth therein.*

SECTION 5. Section 57-5 of the Code of the Township of Kingwood entitled “Newly acquired dogs” is hereby amended and supplemented as follows (Additions indicated in boldface and italics *thus*; deletions indicated with strike-through ~~thus~~):

The owner of any newly acquired dog of licensing age or of any dog which attains licensing age shall make application for a license and registration tag for such dog within 10 days after such acquisition or age attainment. *Dogs acquired anytime during the licensing year and previously not registered in the Township are not subject to late fee as indicated in §57-4C above when making application for the dog license.*

SECTION 6. Section 57-6 of the Code of the Township of Kingwood entitled “Information in license application” is hereby amended and supplemented as follows (Additions indicated in boldface and italics *thus*; deletions indicated with strike-through ~~thus~~):

The license application shall state the breed, sex (*spayed or neutered*), age, color and markings of the dog for which license and registration are sought and whether it is of a long- or short-haired variety, and also the name, street and post office address of the owner and the person who shall keep or harbor such dog. *The application shall indicate that the rabies vaccination is current, including the expiration date and location of where the vaccination was administered with documentation issued by the veterinarian.* The information on said application and the registration number issued for the dog shall be preserved for a period of three years by the Dog Licensing ~~Officer~~ *Agent*. In addition, he/she shall forward similar information to the State Department of Health each month, on forms furnished by the said Department. Registration numbers shall be issued in the order of the applications.

SECTION 7. Section 57-7 of the Code of the Township of Kingwood entitled “Dogs licensed in other state or unlicensed” is hereby amended and supplemented as follows (Additions indicated in boldface and italics *thus*; deletions indicated with strike-through ~~thus~~):

- A. Any persons who shall bring or cause to be brought into the Township of Kingwood ~~in the County of Hunterdon~~ any dog licensed in another state for the current year and bearing a registration tag and shall keep the same or permit the same to be kept within the Township for a period of more than 90 days shall immediately apply for a license and registration tag for each such dog, unless such dog be licensed under §57-9 of this chapter.
- B. Any person who shall bring or cause to be brought into the Township any unlicensed dog and shall keep the same or permit the same to be kept within the Township for a period of more than 10 days shall immediately apply for a license and registration tag for each such dog, unless such dog be licensed under § 57-9 of this chapter.

SECTION 8. Section 57-8 of the Code of the Township of Kingwood entitled “Removal of attachment of registration tag” is hereby amended and supplemented as follows (Additions indicated in boldface and italics *thus*; deletions indicated with strike-through ~~thus~~):

No person, except *the Dog Licensing Agent, Animal Control Officer, or Township Police Officer* ~~an officer~~ in the performance of his *their* duties, shall remove a registration tag from the collar of any dog without the consent of the owner, nor shall any person attach a registration tag to a dog for which it was not issued.

SECTION 9. Section 57-9 of the Code of the Township of Kingwood entitled “Licensing of a kennel, pet shop, shelter or pound” is hereby amended and supplemented as follows (Additions indicated in boldface and italics *thus*; deletions indicated with strike-through ~~thus~~):

- A. Any person who keeps or operates ~~or proposes to establish~~ a kennel, a pet shop, a shelter or a pound shall apply to the Dog Licensing ~~Officer~~ *Agent* for a license entitling him/her to keep or operate such establishment.
- B. The application shall describe the premises where the establishment is located or is proposed to be located and the purpose or purposes for which it is to be maintained, and shall be ~~accompanied by~~ *subject to* the written approval of the *Hunterdon County Division of Health* ~~Officer~~ showing compliance with the local and state rules and regulations governing location of and sanitation at such establishments.
- C. All licenses issued for a kennel, pet shop, shelter or pound shall state the purpose for which the establishment is maintained, and all such licenses shall expire on ~~the last day of~~ January *31* of each year and be subject to revocation by the Township Committee on recommendations of the State *New Jersey* Department of Health, *the Hunterdon County*

Health Officer, or the Board of Health of the Township for failure to comply with the rules and regulations of the State Department of Health or the Board of Health of the Township governing the same, after the owner has been afforded a hearing by either the *State New Jersey* Department of *Health* or the *Township* Board of Health of the ~~Township of Kingwood~~.

- D. Any person holding such license shall not be required to secure individual licenses for dogs owned by such licensee and kept at such establishments; such licenses shall not be transferable to another owner or different premises.
- E. *Any person holding such license shall be required to post the license in a prominent place within their facility easily accessible to the public, Health Officer, or Animal Control Officer.*

SECTION 10. Section 57-12 of the Code of the Township of Kingwood entitled “Disposition of license and tag fees” is hereby amended and supplemented as follows (Additions indicated in boldface and italics *thus*; deletions indicated with strike-through ~~thus~~):

- A. License fees and other moneys collected or received under the provisions of this chapter, except registration tag fees, shall be forwarded to the ~~Treasurer~~ *Chief Financial Officer* of the Township within 30 days after collection or receipt and shall be placed in a special account separate from any of the other accounts of the Township and which shall be used for the following purposes only: for collecting, keeping and disposing of dogs liable to seizure under this chapter; for local prevention and control of rabies; for providing anti-rabic treatment under the direction of the local Board of Health for any person known or suspected to have been exposed to rabies; for all other purposes prescribed by the statutes of New Jersey governing the subject; and for administering the provisions of this chapter. Any unexpended balance remaining in such special account shall be retained therein until the end of the third fiscal year following and may be used for any of the purposes set forth in this section. At the end of the said third fiscal year following and at the end of each fiscal year thereafter, there shall be transferred from such special account to the general funds of the Township any amount then in such account which is in excess of the total amount paid into said special account during the last two fiscal years next preceding.
- B. The registration tag fee of ~~\$0.50~~ for each dog shall be forwarded within 30 days after collection by the Dog Licensing ~~Officer~~ *Agent* to the State Department of Health *per their fee schedule*.

SECTION 11. Section 57-13 of the Code of the Township of Kingwood entitled “Reports of licensed facilities” is hereby amended and supplemented as follows (Additions indicated in boldface and italics *thus*; deletions indicated with strike-through ~~thus~~):

The Dog Licensing Officer ~~Agent~~ shall forward to the State *New Jersey* Department of Health a list of all kennels, pet shops, shelters and pounds licensed within 30 days after the licenses therefore are issued, which list shall include the name and address of the licensee and the kind of license issued.

SECTION 12. Section 57-14 of the Code of the Township of Kingwood entitled “Annual canvass of dogs” is hereby amended and supplemented as follows (Additions indicated in boldface and italics *thus*; deletions indicated with strike-through ~~thus~~):

The Dog ~~Warden~~ *Licensing Agent* of the Township shall promptly after February 1, 1969, and biennially ~~annually~~ thereafter, cause a canvas to be made of all dogs owned, kept or harbored within the limits of the Township, and shall report to the Dog Licensing Officer ~~Agent~~, the Board of Health of the Township, and to the *New Jersey State* Department of Health the result thereof, setting forth in separate columns the names and addresses of persons owning, keeping or harboring such dogs, the number of licensed dogs owned, kept or harbored by each of said persons, together with the registration numbers of each of said dogs, and the number of the unlicensed dogs owned, kept or harbored by each of said persons, together with a complete description of each of said unlicensed dogs. *Such canvas and report shall be conducted in compliance with N.J.S.A. 4:19-15.15.*

SECTION 13. Section 57-15 of the Code of the Township of Kingwood entitled “Appointments of officers; duties” is hereby amended and supplemented as follows (Additions indicated in boldface and italics *thus*; deletions indicated with strike-through ~~thus~~):

The Mayor of the Township of ~~Kingwood~~ shall have the power to appoint ~~an Dog Warden~~ *Animal Control Officer*, whose duty it shall be to enforce the provisions of this chapter. The Mayor shall also have power to appoint one or more persons to be known as "dogcatchers," who may impound unlicensed dogs running at large in violation of the provisions of this chapter. The Mayor shall also have power to appoint one person as Dog Licensing Officer, whose duty it shall be to issue all licenses under the terms of this chapter and to collect the fees ~~therefor~~.

SECTION 14. Section 57-16 of the Code of the Township of Kingwood entitled “Impounding of dogs; disposition” is hereby amended and supplemented as follows (Additions indicated in boldface and italics *thus*; deletions indicated with strike-through ~~thus~~):

- A. The ~~Dog Warden~~ *Animal Control Officer* of the Township shall take into custody and impound or cause to be taken into custody and impounded, and thereafter destroyed or disposed of as provided in this section:
- (1) Any dog off the premises of the owner or of the person keeping or harboring said dog of which said official or his agent or agents have reason to believe is a stray dog.

- (2) Any dog off the premises of the owner or of the person keeping or harboring said dog without a current registration tag on his collar.
 - (3) Any female dog in season off the premises of the owner or of the person keeping or harboring said dog.
 - (4) ***Any dog considered to be “vicious” or “potentially dangerous” as defined in N.J.S.A. 4:19-16 et seq. and Ordinance §57-1 above.***
 - (5) ***Any dog meeting the criteria set forth in N.J.S.A. 4:19-19.***
- B. If any dog so seized wears a collar or harness having inscribed thereon or attached thereto the name and address of any person or a registration tag, or the owner or the person keeping or harboring said dog is known, the ~~Dog Warden~~ ***Animal Control Officer*** shall forthwith serve on the person whose address is given on the collar, or on the owner or the person keeping or harboring said dog, if known, a notice in writing stating that the dog has been seized and will be liable to be disposed of or destroyed if not claimed within seven days after the service of the notice.
- C. A notice under this section may be served either by delivering it to the person on whom it is to be served or by leaving it at the person's usual or last known place of ***residence*** ~~abode~~ or at the address given on the collar, or by forwarding it by post in a prepaid letter addressed to that person at his usual or last known place of ***residence*** ~~abode~~ or to the address given on the collar.
- D. When any dog so seized has been detained for seven days after notice, when notice can be given as set forth above, or has been detained for seven days after seizure, when no notice has been given as set forth above, and if the owner or person keeping or harboring said dog has not claimed said dog and paid all expenses incurred by reason of its detention, including maintenance ~~not exceeding \$4 per day~~ and if the dog is unlicensed at the time of the seizure and the owner or person keeping or harboring said dog has not produced a license and registration tag for said dog, the ~~Dog Warden~~ ***Animal Control Officer*** may cause the dog to be destroyed in a manner causing as little pain as possible and consistent with the provisions of N.J.S.A. 4:22-19. No dog or other animal so caught and detained or procured, obtained, sent or brought to the municipal pound or shelter, or a pound or shelter operating under contract with the municipality, shall be sold or otherwise made available for the purpose of experimentation.
- ~~E. The Animal Control Officer shall be paid \$10 for picking up and impounding a dog, four \$4 per day for maintenance and \$2 for disposing of a dog, plus \$0.10 per mile for traveling expense.~~

SECTION 15. Section 57-17 of the Code of the Township of Kingwood entitled “Right of entry” is hereby amended and supplemented as follows (Additions indicated in boldface and italics *thus*; deletions indicated with strike-through ~~thus~~):

Any *Animal Control Officer or Dog Licensing Agent* ~~officer or agent~~ authorized or empowered to perform any duty under this chapter is hereby authorized to go upon any premises to seize for impounding any dog or dogs which he/she may lawfully seize and impound when such officer is in immediate pursuit of such dog or dogs, except upon the premises of the owner of the dog if said owner is present and forbids the same.

Pursuant to N.J.S.A. 4:19-29, regardless of whether the owner grants permission to enter premises or impound a dog, the Animal Control Officer is authorized to enter upon any premises and seize and impound any dog which the Animal Control Officer reasonably believes to be a potentially dangerous or vicious dog (as defined in N.J.S.A. 4:19-16 et seq. and §57-1A above) if the owner has violated this ordinance or any provisions of N.J.S.A. 4:19-1 et seq.

SECTION 16. Section 57-19 of the Code of the Township of Kingwood entitled “Unsanitary conditions and noise disturbances” is hereby amended and supplemented as follows (Additions indicated in boldface and italics *thus*; deletions indicated with strike-through ~~thus~~):

No person shall keep a dog in unsanitary conditions or allow a dog to disturb the peace and quiet of the neighborhood by barking, howling or making other loud or unusual noises *in violation of Township Ordinance §132-54.9(g)*

SECTION 17. Section 57-20 of the Code of the Township of Kingwood entitled “Dogs running at large” is hereby amended and supplemented as follows (Additions indicated in boldface and italics *thus*; deletions indicated with strike-through ~~thus~~):

No person owning, keeping, or harboring any dog shall ~~suffer~~ *allow* or permit it to run at large upon the public streets or in any public park or in any public building or in any other public place or private property other than that of the dog's owner or property where consent has been given within the Township of Kingwood in the County of Hunterdon, *including at designated off leash areas within the Township.*

SECTION 18. Section 57-21 of the Code of the Township of Kingwood entitled “Leashing of dogs” is hereby amended and supplemented as follows (Additions indicated in boldface and italics *thus*; deletions indicated with strike-through ~~thus~~):

No person owning, keeping, or harboring any dog shall ~~suffer~~ *allow* or permit it to be upon the public streets or in any of the public places of the Township of Kingwood ~~unless~~

such dog is accompanied by a person over the age of 12 years and is securely confined and controlled by an adequate leash not more than six feet long, *unless consent has been given by the Township otherwise or such public place is designated as an off leash area.*

SECTION 19. Section 57-24 of the Code of the Township of Kingwood entitled “Vicious dogs” is hereby deleted in its entirety and replaced with the following:

A. Liability of owner regardless of viciousness of dog

(1) The owner of any dog which shall bite a person while such person is on or in a public place, or lawfully on or in a private place, including the property of the owner of the dog, shall be liable for such damages as may be suffered by the person bitten, regardless of the former viciousness of such dog or the owner's knowledge of such viciousness.

(2) For the purpose of this section, a person is lawfully upon the private property of such owner when he/she is on the property in the performance of any duty imposed upon him by the laws of this state or the laws or postal regulations of the United States, or when he/she is on such property upon the invitation, express or implied, of the owner thereof.

B. Impoundment of vicious or potentially dangerous dog

(1) The Animal Control Officer shall seize and impound a dog when the officer has reasonable cause to believe that the dog:

a. attacked a person and caused death or serious bodily injury as defined in N.J.S.A. 2C:11-1(b) to that person;

b. caused bodily injury as defined in N.J.S.A. 2C:11-1(a) to a person during an unprovoked attack and poses a serious threat of harm to persons or domestic animals;

c. engaged in dog fighting activities as described in N.J.S.A. 4:22-24 and 4:22-26;
or

d. has been trained, tormented, badgered, baited or encouraged to engage in unprovoked attacks upon persons or domestic animals.

(2) The dog shall be impounded until the final disposition as to whether the dog is vicious or potentially dangerous. Subject to the approval of Township Board of Health, the dog may be impounded in a facility or other structure agreeable to the owner.

C. Notification of owner of dog; hearing

(1) The Animal Control Officer shall notify the municipal court and the municipal health officer immediately that he has seized and impounded a dog pursuant to subsection B above, or that he has reasonable cause to believe that a dog has killed another domestic animal and that a hearing is required. The Animal Control Officer shall through a reasonable effort attempt to determine the identity of the owner of any dog seized and impounded pursuant to subsection B above. If its owner cannot be identified within 7 days, the dog may be humanely destroyed.

(2) The Animal Control Officer shall, within 3 working days of the determination of the identity of the owner of a dog seized and impounded pursuant to subsection B above, notify by certified mail, return receipt requested, the owner concerning the seizure and impoundment, and that, if the owner wishes, a hearing will be held to determine whether the impounded dog is vicious or potentially dangerous. This notice shall also require that the owner return within 7 days, by certified mail or hand delivery, a signed statement indicating whether he/she wishes the hearing to be conducted or, if not, to relinquish ownership of the dog, in which case the dog may be humanely destroyed. If the owner cannot be notified by certified mail, return receipt requested, or refuses to sign for the certified letter, or does not reply to the certified letter with a signed statement within 7 days of receipt, the dog may be humanely destroyed.

D. Settlement agreements, immunity of Township

Notwithstanding any provision in N.J.S.A. 4:19-16 et seq. to the contrary, the Township and the owner of the dog may settle and dispose of the matter at any time in such manner and according to such terms and conditions as may be mutually agreed upon.

Notwithstanding any provision of N.J.S.A. 4:19-16 et seq. to the contrary, neither the Township or any of its employees shall have any liability by virtue of having entered into any settlement agreement pursuant to this section, or for any action or inaction related to the entry into such agreement, for any injuries or damages caused thereafter by the dog. The Township may, as a condition of the settlement agreement, also require that the owner of the dog hold the Township harmless for any legal expenses or fees the Township may incur in defending against any cause of action brought against the Township notwithstanding the prohibition against such causes of action set forth in this section.

E. Dog declared vicious by municipal court; conditions

(1) The municipal court of the Township shall declare the dog vicious if it finds by clear and convincing evidence that the dog:

(a) killed a person or caused serious bodily injury as defined in N.J.S.A. 2C:11-1(b) to a person; or

(b) has engaged in dog fighting activities as described in N.J.S.A. 4:22-24 and 4:22-26 (b). A dog shall not be declared vicious for inflicting death or serious bodily injury as defined in N.J.S.A. 2C:11-1(b) upon a person if the dog was provoked. The Township shall bear the burden of proof to demonstrate that the dog was not provoked.

(2) If the municipal court of the Township declares a dog to be vicious, and no appeal is made of this ruling pursuant to N.J.S.A. 4:19-25 or subsection H hereunder, the dog shall be destroyed in a humane and expeditious manner, except that no dog may be destroyed during the pendency of an appeal.

F. Dog declared potentially dangerous; conditions

(1) The municipal court of the Township shall declare a dog to be potentially dangerous if it finds by clear and convincing evidence that the dog:

(a) caused bodily injury as defined in N.J.S.A. 2C:11-1(a) to a person during an unprovoked attack, and poses a serious threat of bodily injury or death to a person, or

(b) severely injured or killed another domestic animal, and

(i) poses a threat of serious bodily injury or death to a person; or

(ii) poses a threat of death to another domestic animal, or

(iii) has been trained, tormented, badgered, baited or encouraged to engage in unprovoked attacks upon persons or domestic animals.

(2) A dog shall not be declared potentially dangerous for:

(a) causing bodily injury as defined in N.J.S.A. 2C:11-1(a) to a person if the dog was provoked, or

(b) severely injuring or killing a domestic animal if the domestic animal was the aggressor.

(3) For the purposes of Subsection F, the municipality shall bear the burden of proof to demonstrate that the dog was not provoked.

G. Registration of potentially dangerous dog; conditions

(1) If the municipal court declares the dog to be potentially dangerous, it shall issue an order and a schedule for compliance which, in part:

(a) shall require the owner to comply with the following conditions:

(i) to apply, at his/her own expense, to the Dog Licensing Agent for a special municipal potentially dangerous dog license, municipal registration number, and red identification tag. Such annual potentially dangerous dog licenses shall be obtained during the month of January of each year and specifically on or prior to January 31 of each year. Said licenses shall expire on February 1 of the following year. A person who applies for a license subsequent to February 10 of any year shall be considered in violation of this ordinance and shall be subject to the penalties set forth in §57-24M below. As a courtesy, written notification shall be sent to all persons who have not obtained their annual dog license by February 20 of any year indicating that those persons have 45 days from February 20 to obtain their potentially dangerous dog license. The owner shall also comply with all licensing requirements set forth in §§57-5 through 57-8. The owner shall, at his own expense, have the registration number tattooed upon the dog in a prominent location. A potentially dangerous dog shall be impounded until the owner obtains a potentially dangerous dog license, municipal registration number, and red identification tag;

(ii) to display, in a conspicuous manner, a sign on his/her premises warning that a potentially dangerous dog is on the premises. The sign shall be visible and legible from 50 feet of the enclosure pursuant to subsection (iii) hereunder;

(iii) to immediately erect and maintain an enclosure for the potentially dangerous dog on the property where the potentially dangerous dog will be kept and maintained, which has sound sides, top and bottom to prevent the potentially dangerous dog from escaping by climbing, jumping or digging and within a fence of at least six feet in height separated by at least three feet from the confined area. The owner of a potentially dangerous dog shall securely lock the enclosure to prevent the entry of the general public and to preclude any release or escape of a potentially dangerous dog by an unknowing child or other person. All potentially dangerous dogs shall be confined in the enclosure or, if taken out of the enclosure, securely muzzled and restrained with a tether approved by the Animal Control Officer and having a minimum tensile strength sufficiently in excess of that required to restrict the potentially dangerous dog's movements to a radius of no more than 3 feet from the owner and under the direct supervision of the owner;

(b) may require the owner to maintain liability insurance in an amount determined by the Township municipal court to cover any damage or injury caused by the potentially dangerous dog.

The liability insurance, which may be separate from any other homeowner policy, shall contain a provision requiring the Township to be named as an additional insured for the sole purpose of being notified by the insurance company of any cancellation, termination or expiration of the liability insurance policy.

(c) The owner is subject to the penalties set forth in §57-24(M) for any violation of this subsection.

H. Fee for potentially dangerous dog license

The sum to be paid annually for a potentially dangerous dog license and each renewal thereof, shall be \$700.

I. Appeal of decision

The owner of the dog, or the Animal Control Officer, may appeal any final decision, order, or judgment, including any conditions attached thereto, of the Township municipal court pursuant to N.J.S.A. 4:19-16 et seq. or this ordinance by filing an appeal with the Superior Court, Law Division, in accordance with the Rules Governing the Courts of the State of New Jersey pertaining to appeals from courts of limited jurisdiction. The Superior Court shall hear the appeal by conducting a hearing de novo in the manner established by those rules for appeals from courts of limited jurisdiction.

J. Liability of owner for cost of impounding, destroying dog; rabies testing

(1) If a dog is declared vicious or potentially dangerous, and all appeals pertaining thereto have been exhausted, the owner of the dog shall be liable to the Township for the costs and expenses of impounding and destroying the dog. The owner shall incur the expense of impounding the dog in a facility other than the Township pound, regardless of whether the dog is ultimately found to be vicious or potentially dangerous.

(2) If the dog has bitten or exposed a person within 10 days previous to the time of euthanasia, its head shall be transported to the New Jersey State Department of Health laboratory for rabies testing.

K. Hearing on subsequent actions of dog

If the Township municipal court finds that the dog is not vicious or potentially dangerous, the Township municipal court shall retain the right to convene a hearing to determine whether the dog is vicious or potentially dangerous for any subsequent actions of the dog.

L. Obligations of owner of potentially dangerous dog

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The owner of a potentially dangerous dog shall:

- (1) comply with the provisions of N.J.S.A. 4:19-16 et seq. in accordance with a schedule established by the Township municipal court, but in no case more than 60 days subsequent to the date of determination;
- (2) notify the Dog Licensing Agent, Township Police Department, and the Animal Control Officer if a potentially dangerous dog is at large, or has attacked a human being or killed a domestic animal;
- (3) notify the Dog Licensing Agent, Township Police Department, and the Animal Control Officer within 24 hours of the death, sale or donation of a potentially dangerous dog;
- (4) prior to selling or donating the dog, inform the prospective owner that the dog has been declared potentially dangerous;
- (5) upon the sale or donation of the dog to a person residing outside the Township, notify the New Jersey Department of Health and the licensing authority, police department or force, and animal control officer of that municipality of the transfer of ownership and the name, address and telephone of the new owner.

M. Violation by owner; fine, seizure, impoundment of dog

The owner of a potentially dangerous dog who is found by clear and convincing evidence to have violated this ordinance or N.J.S.A. 4:19-16 et seq., or any rule or regulation adopted pursuant thereto, or to have failed to comply with a court's order shall be subject to a fine of not more than \$ 1,000 per day of the violation, and each days continuance of the violation shall constitute a separate and distinct violation. The Township municipal court shall have jurisdiction to enforce this section. The Animal Control Officer is authorized to seize and impound any potentially dangerous dog whose owner fails to comply with the provisions of N.J.S.A. 4:19-16 et seq. or this ordinance, or any rule or regulation adopted pursuant thereto, or a court's order. The Township municipal court may order that the dog so seized and impounded be destroyed in an expeditious and humane manner.

N. Township to register, identify potentially dangerous dogs; publicize phone numbers to report violations

The Township shall:

- (1) issue a potentially dangerous dog registration number and red identification tag along with a potentially dangerous dog license upon a demonstration of sufficient evidence by the owner to the Animal Control Officer that he/she has complied with the court's orders.

The last three digits of each potentially dangerous dog registration number issued will be the three number code assigned to the Township in the regulations promulgated pursuant to N.S.J.A. 4:19-17. The Animal Control Officer shall verify, in writing, compliance to the Dog Licensing Agent;

- (2) publicize a telephone number for reporting violations of this ordinance. This telephone number shall be forwarded to the State Department of Health and any changes in this number shall be reported immediately to the State Department of Health.

O. Monthly inspection to verify compliance

The Animal Control Officer shall inspect the enclosure and the owner's property at least monthly to determine continuing compliance with this section.

P. Fines, fees, used for enforcement by Township

All fines and fees collected or received by the municipality pursuant to sections 57-24 of the Township Code shall be deposited in a special account and used by the Township to administer and enforce the provisions of §57-24.

SECTION 20. Section 57-25 of the Code of the Township of Kingwood entitled “Violations and penalties” is hereby amended and supplemented as follows (Additions indicated in boldface and italics *thus*; deletions indicated with strike-through ~~thus~~):

- A. Any person who violates or refuses to comply with any part of any of the following sections, namely, §§ 57-2, 57-3, 57-5, 57-7, 57-8, 57-9, 57-11 or 57-18 of this chapter, or with the rules and regulations promulgated by the State Department of Health governing the sanitary conduct and operation of kennels, pet shops, shelters and pounds, to preserve sanitation therein and prevent the spread of rabies and other diseases of dogs within and from such establishments, shall be liable to a penalty of not less than \$5 nor more than \$50 for each offense, to be recovered by and in the name of the Township. A person who refuses or neglects to pay forthwith the amount of a judgment rendered against him/her and the costs and charges incident thereto shall be committed by the court to the county jail for a period not exceeding 10 days in the case of a first conviction, and in the case of conviction for a second, subsequent or continuing violation, for a period not exceeding 30 days. ***This section does not govern penalties imposed related to vicious or potentially dangerous dogs as set forth in §57-24 hereunder.***

B. Any person who violates or refuses to comply with any part of any of the following sections, namely, §§ 57-19, 57-20, 57-21, 57-22, 57-23 or 57-24 of this chapter, shall be subject to a fine not exceeding ~~\$50~~ **\$1,000** or to imprisonment for a period not exceeding 10 days, or to both, in the discretion of the court.

SECTION 21. Section 57-26 of the Code of the Township of Kingwood entitled “Vicious Dog Act to supersede inconsistent ordinances” is hereby added as follows:

Nothing herein shall supersede any provisions of N.J.S.A. 4:19-16 et seq. concerning vicious or potentially dangerous dogs.

SECTION 22. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 23. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 24. This Ordinance shall take effect upon final passage and publication according to law.

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

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

RESOLUTIONS

Resolution No. 2014-109 - Dedication by Rider for Parking Offenses Adjudication Act

The following Resolution was introduced:

RESOLUTION NO. 2014 – 109

A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR PARKING OFFENSES ADJUDICATION ACT REQUIRED BY NJSA 39:4-139.9

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, NJSA 39:4-139.9 provides for receipt of Parking Offenses Adjudication Act funds by the municipality to provide for the operating costs to administer this act; and

WHEREAS, N.J.S.A 40A:4-39 provides the dedicated revenues anticipated from the Parking Offenses Adjudication Act are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Kingwood, County of Hunterdon, State of New Jersey as follows:

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the NJSA 39:4-139.9 Parking Offenses Adjudication Act.
2. The Clerk of the Township of Kingwood, County of Hunterdon is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

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

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

RESOLUTION

Resolution No. 2014-110 - Authorize Purchase Through HCESC Pricing of Gasoline

The following Resolution was introduced:

RESOLUTION NO. 2014 - 110

AUTHORIZING PURCHASES FROM ALLIED OIL THROUGH THE HUNTERDON COUNTY EDUCATIONAL SERVICES COMMISSION

WHEREAS, Kingwood Township has a need for certain goods and services that are offered through cooperative purchasing with the Hunterdon County Educational Services Commission (“HCESC”); and

WHEREAS, N.J.S.A. 40A:11-10 and 11-11 authorize a municipality to enter into cooperative pricing agreements with an educational services commission for the provision of goods and services through an educational services commission, rather than through public bidding; and

WHEREAS, the Township of Kingwood, by way of Resolution 2009-24, authorized the entry of the Township as a member of the Hunterdon County Educational Services Commission, which membership has been accomplished; and

WHEREAS, the Township of Kingwood desires to purchase gasoline through the Hunterdon County Educational Services Commission.

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

1. The Township of Kingwood, as a member of the Hunterdon County Educational Services Commission, hereby authorizes the purchase of gasoline from the low bidder for this item, Allied Oil, per the bid amounts set forth in correspondence from the Hunterdon County Educational Services Commission dated November 14, 2014, attached hereto and made a part hereof as Exhibit A.

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

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

RESOLUTION

Resolution No. 2014-111 - Bank & Reserve 2014 Municipal Allocation of County Open Space Funds

The following Resolution was introduced:

RESOLUTION NO. 2014 – 111

**HUNTERDON COUNTY MUNICIPAL GRANT
PROGRAM ALLOCATION**

WHEREAS, the Township of Kingwood has been allocated an amount in the Hunterdon County Open Space, Recreation, Farmland and Historic Preservation Trust Fund Municipal Grant Program for the year 2013;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon, State of New Jersey to request the County to bank and reserve the funds allotted in the year 2013 of \$18,971.57 in the Municipal Grant Program, due to the Township’s intention to preserve Block 23 Lot 11 in the Township, with such project intended to be completed by December 31, 2016.

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

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

RESOLUTION

Resolution No. 2014-112 - Statewide Insurance Fund, Appointing Risk Management Consultant for 2015 & Agreement

The following Resolution was introduced:

RESOLUTION NO. 2014 - 112

RESOLUTION APPOINTING RISK MANAGEMENT CONSULTANT

WHEREAS, Kingwood Township (hereinafter “Local Unit”) has joined the Statewide Insurance Fund (hereinafter “Fund”), a joint insurance fund as defined in N.J.S.A. 40A:10-36 *et seq.*; and

WHEREAS, the Bylaws require participating members to appoint a Risk Management Consultant, as those positions are defined in the Bylaws, if requested to do so by the “Fund”; and

WHEREAS, the Local Unit has complied with relevant law with regard to the appointment of a Risk management Consultant; and

WHEREAS, the “Fund” has requested its members to appoint individuals or entities to that position; and

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

1. Kingwood Township hereby appoints Wells Fargo Insurance Services its local Risk Management Consultant.

2. The Mayor and Risk Management Consultant are hereby authorized to execute the Risk Management Consultant’s Agreement for the year 2015 in the form attached hereto.

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

Roll Call Vote:

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

RESOLUTION

Resolution No. 2014-113 - Statewide Insurance Fund, Appointing Fund Commissioner For 2015

The following Resolution was introduced:

RESOLUTION NO. 2014 – 113

RESOLUTION APPOINTING FUND COMMISSIONER

WHEREAS, Kingwood Township (hereinafter “Local Unit”) is a member of the Statewide Insurance Fund (hereinafter “Fund”), a joint insurance fund as defined in N.J.S.A. 40A:10-36 *et seq.*; and

WHEREAS, the Fund’s Bylaws require participating members to appoint a Fund Commissioner;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey that Mary E. MacConnell is hereby appointed as the Fund Commissioner for the Local Unit for the year 2015; and

BE IT FURTHER RESOLVED that Diana Haywood is hereby appointed as the Alternate Fund Commissioner for the Local Unit for the year 2015; and

BE IT FINALLY RESOLVED that the Local Unit’s Fund Commissioner is authorized and directed to execute all such documents as required by the Fund.

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

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

NEW BUSINESS

Proposals for Professional Services – Township Attorney

The Township Committee discussed that the township has only received one proposal for professional services for township attorney.

It was discussed and decided to extend the current professional agreement with the township attorney until February 5th, 2015, and re-advertise for new proposals for township attorney.

It was moved by Mr. Dodds, seconded by Mrs. Haywood and carried to approve to rebid and obtain new proposals for professional services for a township attorney.

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

It was moved by Mrs. Haywood, seconded by Mr. Dodds and carried to extend the agreement with the existing township attorney, Gebhardt and Kiefer until February 5th, 2015.

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

Proposals for Professional Services – Animal Control Services

The Committee Members reviewed the proposals for professional services for animal control services. They reviewed the fees for each vendor. The Township Committee would like the Dog License Agent to look over these contract proposals and get back to them on her thoughts.

Deputy Mayor Dodds commented on the dog licensing software and discussed whether it should be upgraded or replaced. He explained the fees for MSI and also for MAC and feels the township should stay with the existing program and just update. This will save the township funds, and he feels this would be the best decision.

It was moved by Mr. Dodds, seconded by Mrs. Haywood and carried to pay the amount of \$1,200 for MAC's upgrade and current support for the software program for dog licensing.

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

Deferred S Applications – Solar Farms

Mayor Lubitz explained that this is regarding a solar farm application for the Perrotti property. He reviewed the possible difficulties that may occur after a certain date to place a solar facility on farmland. He explained that Mr. Perrotti was granted approval by our Planning Board, but was also going through an extensive process while there was pending approval.

Mayor Lubitz noted that there was a considerable amount of public opinion at the time of the original application. He commented on the time frame that they are requesting, and that it must go through two bodies for approval. He explained that the township has not been brought up to speed on the new changes to the laws.

Deputy Mayor also commented on the application for the farmland preservation. He noted that the township is not prepared to take action, and that there are too many outstanding items, inadequate notice for the public, and not enough time to review the proposal. The Committee Members feel that the Open Space and Agricultural Committees needs to review this also. The Committee Members all agreed that at this time, they did not have an adequate amount of time to review this proposal. They would not like to take any action at this time. Mayor Lubitz asked Clerk MacConnell to contact the applicant informing him of their decision.

Recommendation from Housing Board – Bl 19 L 5

Mayor Lubitz explained that he and the township's planner David Banisch, met with representatives from Robin Hill Advantage Homes to look at a concept they prepared for the former Ukarish property. He noted that the relationship with Raritan Valley Habitat for Humanity has ended as they couldn't recruit anyone for their units. He then briefly described the proposal from Robin Hill Advantage Homes over the overhead projector. He reviewed two drawings, which they provided that was from another project they were working on. He explained that this would be for two units that would be on Union Road and they would have roadside frontage on approximately two acre lots.

Mayor Lubitz noted that the township has already ascertained that they have adequate septic and well capacity through the project that was being worked on with Habitat for Humanity. He explained that there are two buildings with four apartments, two two-bedroom apartments and two three-bedroom apartments.

He explained that these would be for individuals that cannot afford to pay for high rent apartments, and named some of the examples. He then commented on COAH being in a state of flux, but that the township could obtain some COAH credits from this project. He explained that there is no final proposal at this time, but that the Housing Board is recommending that the township move forward to investigate the possibility.

Mayor Lubitz noted that David Banisch is looking at some of the proposals already received from the Board of Adjustment. He explained that this should not be any cost to the township to investigate. He explained that the finish product would be operated by Robin Hill Advantage Homes.

The Township Committee after reviewing the information, feel that this would be a worthwhile proposal to look into further. Mayor Lubitz noted that this is just in the conceptual stage at this time.

David Frank, Muddy Run Road – Asked few questions regarding COAH, and where they are at right now. Mayor Lubitz responded.

Request for Approval of New Road Name – BI 28 L 11.01

The Township Committee reviewed the request for the new road name “Lequear Lane” for Block 28, Lot 11.01, which was recommended by the Historical Society. It is a name that was named after John Lequear, who lived on a large farm in Kingwood Township.

It was moved by Mr. Dodds, seconded by Mrs. Haywood and carried to approve the new road name “Lequear Lane” for Block 28, Lot 11.01.

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

Letter from S Wilhelm – Public Defender Position

Mayor Lubitz reviewed the letter from Scott Wilhelm regarding the position of Public Defender for the Kingwood Court.

Resignation from M. Augustine – Municipal Coordinator to Cty Office on Aging

The Township Committee reviewed the resignation letter from Marge Augustine as the Municipal Coordinator to the County Office on Aging. The Township Committee all expressed their appreciation for Marge Augustine’s time she put in this position and accepted her resignation.

Mayor Lubitz noted that Committeewoman Diana Haywood has volunteered to take the position as Township Municipal Coordinator to the County Office on Aging. Everyone thanked Diana Haywood for volunteering.

Recommendation from Open Space & Agricultural Advisory Comm. – B1 23 L 11

The Township Committee reviewed the recommendation from the Open Space and Agricultural Advisory Committee regarding Block 23, Lot 11. Deputy Mayor Dodds noted that he would like these Committees to review the solar proposal before there is a decision made.

OLD BUSINESS

Application for Person-To-Person Transfer of ABC License 1016-44-002-006

The Township Committee reviewed the application, and asked Clerk MacConnell if there was an update on this application. Clerk MacConnell commented that there is nothing new at this time. She noted that they are waiting for the background check results to come back from the New Jersey State Police.

PennEast Pipeline

Mayor Lubitz commented that this was discussed earlier in the meeting and that this will be on the agenda for a long time. He noted that Planning Board Vice Chairwoman, Maureen Syrnick is also working with him on the Citizen's Committee for the Pipeline.

Discuss Repairs to Municipal Building

Deputy Mayor Dodds explained an update from the township engineer regarding recommendations for the building, and prices for the municipal building repairs. There was a discussion of revisiting the cost for some of the items to be replaced and also regarding the oil tank being removed, the lighting and the entranceway to the municipal building. Deputy Mayor Dodds feels we should find out from the township engineer the prices for each project to be done and concentrate working on one at a time.

Mayor Lubitz noted the concerns for the repairs of the building and commented that have needed repairing for quite a long time. Deputy Mayor Dodds noted the exterior repairs are the first priority and that the inside can be done in the future spending very little funds. He stated that one of the main concerns is the lighting outside the municipal entrance. There was a brief discussion regarding natural gas, and also a requested from Elizabethtown Gas Company for a grant to have a franchise to the entire township. The Committee Members feel that this is an open discussion at this time and that they will be talking about this in the future.

United Reformed Church B1 12 L 25

Deputy Mayor Dodds noted that there have been e-mails between the environmental company and the church. He noted that next week they begin the removal of the soil. There was a brief discussion on the fill for the area that will be worked on.

Discuss Municipal Appointments for 2015

The Township Committee reviewed all the appointments for 2015. There were a few suggestions for the vacancies on a few of the boards. The Township Clerk’s office will contact all of the individuals that are to be reappointed, and invite them to the reorganization meeting.

Minutes

October 29, 2014 Special Meeting

It was moved by Mrs. Haywood, seconded by Mr. Dodds and carried to approve the October 29, 2014 Township Committee Special Meeting Minutes.

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

EXECUTIVE SESSION – RESOLUTION NO. 2014 – 114

The following Resolution was introduced to enter into closed session at approximately 8:40P.M.:

RESOLUTION NO. 2014 – 114

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 - DPW Agreement w Local Union 469
Possible Litigation – Block 14 Lot 28.01
Block 12 Lots 8 & 11**

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. 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

RETURN TO REGULAR SESSION

It was moved by Mrs. Haywood, seconded by Mr. Dodds and carried to return to regular session at 8:57P.M. All voted **Aye** on **Roll Call Vote**.

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 8:58P.M. All voted **Aye** on **Roll Call Vote**.

Respectfully Submitted,

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

