

KINGWOOD TOWNSHIP COMMITTEE

Regular Meeting Agenda

July 2, 2015 – 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 15, 2015 and by telefaxing copies of the notice to the Express Times on January 7, 2015. Copies of the notice were also posted in the Kingwood Township Municipal Building and Baptistown Post Office on January 7, 2015.

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

Letter from Governor re: Garden State Preservation Trust Grant

Letter from Various Organizations re: Local Efforts to Implement Paid Sick Leave

Public Comment – Privilege of the Floor

David Reading – Representative from the Mount Amwell Project – Slacktown Cemetery

Bills and Claims

Reports

NJSP Report of June 2015

Emergency Management Coordinator

Construction Report of June 2015

Court Report of May 2015

Environmental Commission Annual Report

Environmental Commission 2015 Objectives

Finance Department:

Budget Report of June 2015

Tax Collector's Report of May 2015

Financial Statement of KT Volunteer Fire Co

Township Engineer's Report

July 2, 2015 Kingwood Township Committee Agenda Continued

Future Meetings & Activities

- July 11 -** Recycling at Twp Garage on Union Rd from 9:00am-12:00noon
- July 11 -** Clean Up Program at Twp Garage on Union Rd from 9:00am-12:00noon, permit required
- August 6 -** Monthly Meeting of Township Committee beginning at 7:00pm at Municipal Bldg

Ordinances

Ordinance No. 18-07-2015 Amending Ordinance No. 18-04-2015 Fixing The Salaries And Compensation Of The Various Officers And Employees Of The Township – Public Hearing and Final Adoption

Ordinance No. 18-08-2015 Bond Ordinance Providing For Acquisition Of Various Road Maintenance Equipment In And By The Township, Appropriating \$665,000 Therefor And Authorizing The Issuance Of \$633,000 Bonds or Notes To Finance Part Of The Cost Thereof – Public Hearing and Final Adoption

Ordinance No. 18-09-2015 Bond Ordinance Providing For Renovations To The Municipal Building In And By The Township, Appropriating \$115,000 Therefore And Authorizing The Issuance Of \$92,000 Bonds Or Notes To Finance Part Of The Cost Thereof – Public Hearing and Final Adoption

Resolutions

- Resolution No. 2015-66 -** Tax Sale Redemption Bl 51 L 15
- Resolution No. 2015-67 -** Tax Sale Redemption Within Ten Days Bl 39 L 21
- Resolution No. 2015-68 -** Day of Remembrance for Women & Girls
- Resolution No. 2015-69 -** Waiver to Serve Alcoholic Beverages at Kingwood Park (Italian American Club of Hunterdon County)
- Resolution No. 2015-70 -** Waiver to Serve Alcoholic Beverages at Kingwood Park (Michael DeSapio)
- Resolution No. 2015-71 -** Authorizing Township to Conduct Hunting Lottery
- Resolution No. 2015-72 -** Renewal of ABC Licenses
- Resolution No. 2015-76 -** Authorizing Force Account Agreement for State Aid Project

New Business

- County Administered Animal Control Officer Services for 2016
- Proposal from KTFA&RS to Amend LOSAP Policy
- Newsletter Volunteer
- Recommendation from Parks & Recreation Committee to Waive Township Fee For Raffles License

July 2, 2015 Kingwood Township Committee Agenda Continued

Old Business

PennEast Pipeline

United Reformed Church Bl 12 L 25

COAH – **Resolution No. 2015-73** - Authorizing Mayor to Sign Shared Service Defense Agreement re Affordable Housing Declaratory Judgment

Resolution No. 2015-74 - Authorizing Filing of Declaratory Judgment re Affordable Housing

Repair of County Road 519 Bridges 110 & 111

Repairs to Municipal Building – UST Removal Letter from NJDEP

Minutes

June 4, 2015 Regular Meeting

June 4, 2015 Executive Session

Executive Session – Resolution No. 2015 - 75

Possible Zoning Violation – Bl 8 L 16 (Moskal)

Contractual – Memorandum of Agreement w State (HBP)
Slacktown Cemetery

Return to Regular Session

Adjournment

PLEASE NOTE THIS AGENDA IS SUBJECT TO LAST MINUTE CHANGE

2015 - 152

July 2, 2015

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

Also present at the meeting were Deputy Mayor Diana Haywood, Committeeman Phillip Lubitz, Attorney Katrina Campbell, C.F.O. Diane Laudenbach, Deputy Clerk Cynthia Keller and Clerk Mary E. MacConnell. Mayor Richard Dodds 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 15, 2015 and by telefaxing copies of the notice to the Express Times on January 7, 2015. Copies of the notice were also posted in the Kingwood Township Municipal Building and Baptistown Post Office on January 7, 2015.

In order to ensure full public participation in this meeting, all members of this Committee or Board, and also members of the public are requested to speak only when recognized by the Chair so that there is no simultaneous discussion or over-talk, and further, all persons are requested to utilize the microphones which are provided for your use by the Township. Your cooperation is appreciated.

CORRESPONDENCE

Letter from Governor re: Garden State Preservation Trust Grant

Mayor Dodds briefly reviewed the letter from Governor Christy regarding the township's application that has been approved for a Green Acres matching grant of \$550,000 from the Department of Environmental Protection and the Garden State Preservation Trust. He noted that the maximum amount given to any town is \$550,000 and Kingwood Township was fortunate enough to get this amount. Mayor Dodds explained that Green Acres will cover 50% of the appraised price of a piece of property, and the remainder comes from other partners that are willing to help out. He gave an example by explaining that the Church Property is 50% Green Acres and 50% County funds matched.

Letter from Various Organizations re: Local Efforts to Implement Paid Sick Leave

Mayor Dodds briefly reviewed.

PUBLIC COMMENT – PRIVILEGE OF THE FLOOR

David Reading – Representative from the Mount Amwell Project – Stated that their organization is hopeful that the township will take over the Slacktown Cemetery on Locktown Road. He noted that he was present to ask a few questions.

He started out by asking the Township Committee for the status of the recording of the deed for the Slacktown Cemetery, and noted that he heard that the deed had been signed. Attorney K. Campbell explained that at the last Township Committee meeting she received a copy of the deed and that they reviewed the history property. She noted that since the last meeting she needed some time to research this further. She noted that she would like to speak to the Township Committee in closed session this evening regarding this property. David Reading noted that he had a draft (MOU) Memorandum of Understanding from another township that he will e-mail to Attorney Campbell, which explains the maintenance of the cemetery. Mayor Dodds noted that would be great, and this will get things moving along.

Committeeman Lubitz explained that there were a few residents nearby the cemetery who were interested in some input as to the maintenance of the cemetery. He noted that he would like to see this in the agreement, make that modification of what their ideas are for the landscaping of the cemetery and have it stated that there was a consultation with the nearby residents for this request. He noted that he would like the opportunity to speak to them about it before anything else is done on the property.

David Reading asked permission to have someone mow the grass in the cemetery. He stated that he has a person who is willing to mow the grounds. The Township Committee explained that they have no problem with someone offering to cut the grass.

The Township Committee thanked David Reading for coming. Attorney Campbell noted that she will be in touch with him regarding the status of the deed.

Michele Barren, Resident – Explained that she was present to let the Township Committee know that she was present to speak about the Delaware River Tubing business and that it is located across the street from her home. She noted that she has been attending every meeting for the Board of Adjustment and feels that if the variance is denied, that it could come back to the Township Committee Members. She expressed how she would like the Township Committee to vote against the tubing business, which is being considered on Route 12. She explained the issues that she has had with the traffic and getting out of her driveway. She stated that she has pictures if they would like to see them.

Michele Barren stated that she doesn't understand why the township is considering the idea of putting two businesses on one lot. She feels that there should only be one business. The Township Committee suggested that Michele Barren attend the Board of Adjustment meeting on July 8th, 2015. She noted that she was present because she wanted the Township Committee to know how she feels if it does come back to them. Committeeman Lubitz assured her that if it ever did come back to the Township Committee for review, that it would always be at a regular public hearing and that it would be published in the newspaper. He explained that she would always have the opportunity to speak.

The Township Committee thanked Michele Barren for coming to the meeting.

BILLS AND CLAIMS

It was moved by Mr, Lubitz, seconded by Mrs. Haywood and carried to approve and pay all bills and claims in the amount of **\$2,290,320.73** that are in order and attached as Bill List for July 2015.

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

REPORTS

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

NJSP Report of June 2015

Clerk MacConnell noted that there was no report this month from the New Jersey State Police.

Emergency Management Coordinator

EMC - Jack MacConnell commented on the Delaware River being very high. He stated that there were two rescues in the Stockton area last evening. He feels that the public needs to be encouraged not to go in the river when it is high. He asked if a notice of warning could possibly be put on the website when this situation occurs. Committeeman Lubitz noted that he thought the State was going to put up barriers when the river was high, but that no one has seen them. He stated that he will bring this up at the next Delaware Canal Commission meeting. The Township Committee all agreed to allow EMC, Jack MacConnell to contact the State Parks Director and bring this problem to their attention.

Jack MacConnell stated that the Department of Public Works will be chipping and oiling the roads and notifying the residents. He noted that the soil that is being dug up to work on the new black topping at the Kingwood School is being put over at the DPW. He stated that there was a situation on Route 12 and Slacktown Road, where a vehicle had flipped over and there was a spill. He noted that he contacted the NJDOT and Hunterdon County Health Department regarding the spill.

Jack MacConnell explained that there will be a fire apparatus at the Horseshoe Bend Park during Mr. David Bacon's Science Camp while they are launching rockets every Thursday for three weeks.

Mayor Dodds explained that he met with representatives from the State regarding the Rock Hazard Mitigation on Route 29. He explained that they are in the preliminary stages of this project getting funding, environmental studies and their DEP permits. He stated it is at least two years off. He noted that there are a number of sites in New Jersey that are considered road cuts, and that Kingwood Township is about the fourth highest on their list.

Everyone thanked Jack MacConnell for his monthly report.

Construction Report of June 2015

Court Report of May 2015

Environmental Commission Annual Report

There was a brief discussion regarding the well water near MEL and the calculation of salt content in the water. It was suggested that a letter be written to the New Jersey Department of Environmental Protection asking for the status and an explanation of why salinity is increasing. Clerk MacConnell will draft a letter and send it to the Environmental Commission to review before sending this to the NJDEP.

Environmental Commission 2015 Objectives

The Township Committee reviewed the 2015 Objectives from the Environmental Commission. They commented on how much the Environmental Commission has been doing for the township.

Finance Department:

Budget Report of June 2015

Tax Collector's Report of May 2015

Financial Statement of KT Volunteer Fire Co

Township Engineer's Report

FUTURE MEETINGS AND ACTIVITIES

Mayor Dodds reviewed as per the agenda.

ORDINANCES

ORDINANCE NO. 18-07-2015 AMENDING ORDINANCE NO. 18-04-2015 FIXING THE SALARIES AND COMPENSATION OF THE VARIOUS OFFICERS AND EMPLOYEES OF THE TOWNSHIP VOL. 18, PG. 18-07 – Public Hearing and Final Adoption

Mayor Dodds 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 4th day of June, 2015. The Ordinance was published in the Hunterdon County Democrat on June 11, 2015 and has been posted in the Kingwood Township Municipal Building on June 5th, 2015. Copies of the Ordinance have been available for inspection by the public since June 5th, 2015.

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

Public Comments: No public comments

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

ORDINANCE NO. 18 – 07 – 2015

AN ORDINANCE AMENDING ORDINANCE 18-4-2015 FIXING THE SALARIES AND COMPENSATION OF THE VARIOUS OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF KINGWOOD IN THE COUNTY OF HUNTERDON AND STATE OF NEW JERSEY.

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

ARTICLE 1. The salaries or compensation rates of the positions listed below are hereby fixed and determined:

Plumbing Subcode Official/Inspector	\$6,819.00
Fire Subcode Official/Inspector	\$6,274.00

ARTICLE 2. For authorized use of an automobile, an official or employee shall be reimbursed the amount set by the Internal Revenue Service. All other authorized travel expense reimbursements, training and educational reimbursements, overtime, health and disability insurance, absence, paid vacations, equipment allowances, emergency meal allowances and other benefits shall be set forth in the current Kingwood Township Personnel Manual, or in accordance with applicable law.

ARTICLE 3. In the event any section of this Ordinance shall be declared invalid, the remainder shall remain in full force and effect.

ARTICLE 4. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

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

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

ORDINANCE

ORDINANCE NO. 18-08-2015 BOND ORDINANCE PROVIDING FOR ACQUISITION OF VARIOUS ROAD MAINTENANCE EQUIPMENT IN AND BY THE TOWNSHIP, APPROPRIATING \$665,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$633,000 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF VOL. 18, PG. 18-08 – Public Hearing and Final Adoption

Mayor Dodds 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 4th day of June, 2015. The Ordinance was published in the Hunterdon County Democrat on June 11, 2015 and has been posted in the Kingwood Township Municipal Building on June 5th, 2015. Copies of the Ordinance have been available for inspection by the public since June 5th, 2015.

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

Public Comments: No public comments

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

ORDINANCE NO. 18 - 08 – 2015

BOND ORDINANCE PROVIDING FOR ACQUISITION OF VARIOUS ROAD MAINTENANCE EQUIPMENT IN AND BY THE TOWNSHIP OF KINGWOOD, IN THE COUNTY OF HUNTERDON, NEW JERSEY, APPROPRIATING \$665,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$633,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF KINGWOOD, IN THE COUNTY OF HUNTERDON, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Township of Kingwood, in the County of Hunterdon, New Jersey (the "Township") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$665,000, including the sum of \$32,000 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$633,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the acquisition of various road maintenance equipment consisting of a backhoe, two dump trucks and a grader, including all ancillary equipment, related costs and expenditures necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 5 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$633,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$66,500 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Township hereby makes the following covenants and declarations with respect to obligations determined to be issued by the Chief Financial Officer on a tax-exempt basis. The Township hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of interest on the obligations, including, if necessary, the requirement to rebate all net investment earnings on the gross proceeds above the yield on the obligations. The Chief Financial Officer is hereby authorized to act on behalf of the Township to deem the obligations authorized herein as bank qualified for the purposes of Section 265 of the Code, when appropriate. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

Section 8. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the Rule) for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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

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

ORDINANCE

ORDINANCE NO. 18-09-2015 BOND ORDINANCE PROVIDING FOR RENOVATIONS TO THE MUNICIPAL BUILDING IN AND BY THE TOWNSHIP, APPROPRIATING \$115,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$92,000 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF, VOL. 18, PG. 18-08 – Public Hearing and Final Adoption

Mayor Dodds 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 4th day of June, 2015. The Ordinance was published in the Hunterdon County Democrat on June 11, 2015 and has been posted in the Kingwood Township Municipal Building on June 5th, 2015. Copies of the Ordinance have been available for inspection by the public since June 5th, 2015.

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

Public Comments: The Committee Members briefly reviewed the ordinance. There was a brief discussion regarding the clean-up of the oil spill after the tank was removed at the municipal building.

Michele Barren – Resident, asked if anyone was affected in the immediate area from the spill leak, and if there is any kind of a health scare.

Mayor Dodds responded, as well as, EMC Jack MacConnell who was present and witnessed pulling the tank and delineating the contamination area. They both explained that there was not a large amount that leaked out of the tank and no one has been affected by the spill.

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

ORDINANCE NO. 18 – 09 - 2015

BOND ORDINANCE PROVIDING FOR RENOVATIONS TO THE MUNICIPAL BUILDING IN AND BY THE TOWNSHIP OF KINGWOOD, IN THE COUNTY OF HUNTERDON, NEW JERSEY, APPROPRIATING \$115,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$92,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF KINGWOOD, IN THE COUNTY OF HUNTERDON, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Township of Kingwood, in the County of Hunterdon, New Jersey (the "Township") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$115,000, including the sum of \$5,750 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$92,000 pursuant to the Local Bond Law. Also appropriated is \$15,000 from the Reserve for Renovations to the Municipal Building and \$2,250 from the Capital Improvement Fund. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is renovations to the municipal building, related costs and expenditures necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 5 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$92,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$18,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Township hereby makes the following covenants and declarations with respect to obligations determined to be issued by the Chief Financial Officer on a tax-exempt basis. The Township hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of interest on the obligations, including, if necessary, the requirement to rebate all net investment earnings on the gross proceeds above the yield on the obligations. The Chief Financial Officer is hereby authorized to act on behalf of the Township to deem the obligations authorized herein as bank qualified for the purposes of Section 265 of the Code, when appropriate. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

Section 8. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the Rule) for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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

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

RESOLUTIONS

Resolution No. 2015-66 - Tax Sale Redemption Bl 51 L 15

The following Resolution was introduced:

RESOLUTION NO. 2015 - 66

TAX SALE REDEMPTION

WHEREAS, the Tax Collector has received redemption monies in the amount of \$39,029.52 to redeem Tax Sale Certificate No. 2010-011 on Block 51, Lot 15; and

NOW, THEREFORE, 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 issue a check in the amount of \$39,029.52 to Tad Dabrowski, 132 Mc Kinley Street, South Plainfield, New Jersey, 07080, for the redemption of Tax Sale Certificate No. 2010-011.

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

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

Resolution No. 2015-67 - Tax Sale Redemption Within Ten Days Bl 39 L 21

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2015 - 67

TAX SALE REDEMPTION WITHIN 10 DAYS

WHEREAS, the Tax Collector has received redemption monies within 10 days of the sale in the amount of \$1082.45, to redeem the amount paid at the time of sale on Block 39, Lot 21; and

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WHEREAS, the lienholder paid a premium in the amount of \$800.00 at the time of the sale.

NOW, THEREFORE, 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 issue a check in the amount of \$1882.45 to US Bank Cust for Pro Cap II, LLC, TLSG, 50 South 16th Street, Suite 2050, Philadelphia, PA, 19102.

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

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

Resolution No. 2015-68 - Day of Remembrance for Women & Girls

Mayor Dodds commented on this resolution. The Township Committee Members all agreed that they are in support of this resolution.

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2015 – 68

WHEREAS, in the United States, honor violence is a crime that goes unnoticed and unrecognized; and

WHEREAS, women and girls are mutilated, beaten, burned with acid and murdered within our own communities, but it is all too often overlooked; and

WHEREAS, girls are abused due to a family that feels their honor is “tarnished” by their daughter acting or dressing too Western, having rumors spread about her, refusing to participate in a marriage and merely for looking at a boy; and

WHEREAS, a family’s “honor” is determined by the value of a daughter; and

WHEREAS, this violence does not just happen overseas, in recent years honor killings have taken place in the United States as well, victims murdered for honor in such places as St. Louis, Missouri, Texas, Arizona and New York; and

WHEREAS, Karma Nirvana is working diligently to raise awareness about such horrific human rights abuses and has partnered with other organizations such as Honor Diaries to raise awareness beyond borders and cultures; and

WHEREAS, by creating a *Day of Remembrance* we are determined to leave a legacy here in the United States by petitioning for those victims; and

WHEREAS, the United Kingdom will remember and honor those victims at their second annual *National Day of Remembrance* on 14 July 2015;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey recognizes 14 July 2015 as a *Day of Remembrance for Women and Girls Killed in the Name of Honor* in solidarity.

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

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

Resolution No. 2015-69 - Waiver to Serve Alcoholic Beverages at Kingwood Park
(Italian American Club of Hunterdon County)

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2015 – 69

**WAIVER TO SERVE ALCOHOLIC BEVERAGES
AT KINGWOOD PARK**

WHEREAS, the Italian American Club of Hunterdon County has reserved the use of the new pavilion and parking area at Kingwood Park to utilize for a “Italian American Club of Hunterdon County Bocce Tournament” on June 28, 2015; and

WHEREAS, the Italian American Club of Hunterdon County has requested permission to serve alcoholic beverages during the tournament on June 28, 2015;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey that a waiver is granted to the Italian American Club of Hunterdon County to provide alcoholic beverages during the tournament on June 28, 2015 at the Kingwood Park bocce pavilion, property located at 200 Union Road, known as Block 19 Lot 8 in Kingwood Township, New Jersey, based on the following conditions and requirements being met by the applicant:

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1. The applicants shall arrange the alcoholic beverages area so that the area is separate and distinct in appearance;
2. The applicants shall prevent minors from entering the alcoholic beverages area, from serving the alcoholic beverages and from consuming the alcoholic beverages;
3. The applicants shall provide proof to the Township of Kingwood that they hold the following insurance:

General Liability: \$1,000,000 per occurrence/\$2,000,000 aggregate
Host Liquor Liability: \$1,000,000 per occurrence/\$2,000,000 aggregate

In addition, the applicants shall name the Township of Kingwood as an additional insured, and the Certificate of Insurance shall be submitted to the Township at least 30 days prior to the event. The Certificate of Insurance must specifically note that coverage is provided for Liquor Liability.

4. The applicants, by accepting this waiver, acknowledge and hold harmless the Township of Kingwood and its municipal officials and employees from any and all claims, damages and cost of suit which may arise out of the waiver granted hereunder.

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

Deputy Mayor Haywood feels that the township needs to encourage people to let the township know well ahead of time for a request of this nature. Mayor Dodds feels that when an event is going to be scheduled on Kingwood Park grounds, that the Parks and Recreation Committee needs to review the request first. He explained that at the Parks and Recreation Committee meeting last evening it was decided that any interested parties must get approval from the Parks and Recreation Committee and then send a recommendation to the Township Committee for the final approval.

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

Resolution No. 2015-70 - Waiver to Serve Alcoholic Beverages at Kingwood Park (Michael DeSapio)

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It was noted that the Parks and Recreation Committee has requested that the Township Committee approve this resolution.

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2015 – 70

**WAIVER TO SERVE ALCOHOLIC BEVERAGES
AT KINGWOOD PARK**

WHEREAS, Michael DeSapio has reserved the use of the pavilion and parking area at Kingwood Park to utilize for a DeSapio Family Reunion on July 11, 2015; and

WHEREAS, Michael DeSapio has requested permission to serve alcoholic beverages, mainly wine and beer, during the reunion on July 11, 2015;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey that a waiver is granted to Michael DeSapio to provide alcoholic beverages during the reunion on July 11, 2015 at Kingwood Park pavilion, property located at 200 Union Road, known as Block 19 Lot 8 in Kingwood Township, New Jersey, based on the following conditions and requirements being met by the applicant:

1. The applicant shall arrange the alcoholic beverages area so that the area is separate and distinct in appearance;
2. The applicant shall prevent minors from entering the alcoholic beverages area, from serving the alcoholic beverages and from consuming the alcoholic beverages;
3. The applicant shall provide proof to the Township of Kingwood that they hold the following insurance:

General Liability: \$1,000,000 per occurrence/\$2,000,000 aggregate
Host Liquor Liability: \$1,000,000 per occurrence/\$2,000,000 aggregate

In addition, the applicant shall name the Township of Kingwood as an additional insured, and the Certificate of Insurance shall be submitted to the Township at least 30 days prior to the event. The Certificate of Insurance must specifically note that coverage is provided for Liquor Liability.

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4. The applicant, by accepting this waiver, acknowledges and holds harmless the Township of Kingwood and its municipal officials and employees from any and all claims, damages and cost of suit which may arise out of the waiver granted hereunder.

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

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

Resolution No. 2015-71 - Authorizing Township to Conduct Hunting Lottery

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2015 - 71

A RESOLUTION AUTHORIZING THE TOWNSHIP OF KINGWOOD TO CONDUCT A HUNTING LOTTERY FOR HUNTING AT HORSESHOE BEND LLC - BLOCK 14, L 28.02 (CONSISTING OF A TOTAL OF 137 ACRES); FLAGG - BLOCK 14, LOT 35.01 (CONSISTING OF APPROXIMATELY 110 ACRES); KIRKLAND - BLOCK 28, LOT 2.01 (CONSISTING OF APPROXIMATELY 99 ACRES); HORSESHOE BEND PARK- BLOCK 14, LOT 31.01 (CONSISTING OF APPROXIMATELY 106 ACRES) AND KINGWOOD TOWNSHIP UKARISH PROPERTY (CONSISTING OF APPROXIMATELY 82 ACRES)

WHEREAS, the State of New Jersey, Department of Environmental Protection, Division of Parks and Forestry Department (hereinafter, "Department") is the owner of certain properties known as Horseshoe Bend LLC - Block 14, Lot 28.02 (consisting of a total of 137 acres); Flagg - Block 14, Lot 35.01 (consisting of approximately 110 acres); and Kirkland - Block 28, Lot 2.01 (consisting of approximately 99 acres) which the State acquired pursuant to N.J.S.A. 13:8A-1 et seq., "New Jersey Green Acres Land Acquisition Act of 1968; (hereafter HBP); and

WHEREAS, the Township also owns parcels known as Block 14, Lot 31.01, also known as "Horseshoe Bend Park" and consisting of approximately 106 acres and Kingwood Township Ukarish Property (consisting of approximately 82 acres, approximately 60 of which will be available for hunting) (hereafter KTUP); and

WHEREAS, all of the Parcels designated in paragraphs 1 and 2 above shall hereinafter be known as the "Properties"; and

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WHEREAS, historically, hunting for properly licensed hunters under the rules and regulations of the NJ Department of Environmental Protection, Division of Fish and Wildlife, has been permitted on portions of the Properties; and

WHEREAS, the Township of Kingwood has entered into a Memorandum of Agreement with the State of New Jersey, Department of Environmental Protection, Division of Parks and Forestry Department, to manage the HBP and to use the HBP for the sole purposes of improving public access, removing invasive species, establishing protected under-story planting in specified areas, and promoting public awareness of recreational uses, including hunting; and

WHEREAS, the Township has determined that the best interest of the Township of Kingwood would be served by controlling hunting on the Properties by way of permitting hunting on the Properties, solely through the means of a lottery that will award permits for deer hunting, which will be open to all properly NJ licensed hunters; and

WHEREAS, in order to be eligible for the lottery, prospective hunters must complete a Kingwood Township application form, which is available from the Township Clerk, and pay a five (5) dollar application fee per lottery per season. There is no limit to the number of lottery applications a person may submit per lottery. If awarded a deer hunting permit by way of lottery, persons pay a twenty-five (25) dollar permit fee and certify that they will comply with Kingwood Township Wildlife Management Guidelines, which are available from the Township Clerk, as well as all applicable State of New Jersey statutes, rules and regulations for deer hunting;

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 Township of Kingwood authorizes the conduct of deer hunting lotteries for on and in Horseshoe Bend LLC - Block 14, Lot 28.02 (consisting of a total of 137 acres); Flag - Block 14, Lot 35.01 (consisting of approximately 110 acres); Kirkland - Block 28, Lot 2.01 (consisting of approximately 99 acres); Horseshoe Bend Park, Block 14, Lot 31.01 (consisting of approximately 106 acres) and KTUP (consisting of approximately 82 acres of which the Township will authorize for limited, permitted bow hunting 60 acres), said lottery to occur on date/s as published on the official Kingwood Township website and posted at the Kingwood Township Municipal Building, whereby successful applicants will be selected randomly from all fully compliant lottery applications.

2. Kingwood Township deer hunting lottery application forms are available from the Kingwood Township Clerk's office during normal business hours for a fee of five (5) dollars per lottery per season.

3. In order for the individual who has completed a fully compliant application to be eligible for the lottery, such application must be provided to the Kingwood Township Clerk 5 days prior to any lottery drawing date/s.

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4. All successful lottery winners, in order to be permitted to engage in deer hunting on the Properties, must, prior to hunting, attend a mandatory meeting that will be scheduled by the Township and pay a twenty-five (25) dollar permit fee to Kingwood Township, and certify on a form available from the Township Clerk that they will comply with all Kingwood Township Wildlife Management Guidelines, which are available from the Township Clerk, as well as all applicable State of New Jersey statutes, rules and regulations for deer hunting.

Mayor Dodds briefly explained the resolution, which is basically allowing deer hunting on township park property during deer hunting season. He reviewed the lottery and the sign up procedure. He commented on a small amendment that needed to be made on the resolution. He explained how there is no limit to how many lottery applications individuals can submit at the amount of \$5.00 each for all hunting seasons. He explained that there are two separate areas to hunt, the Horseshoe Bend Park and also at the Ukarish Property. The amendments were discussed and changed at this time. (There is no limit to the number of lottery applications a person may submit per lottery).

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

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

Resolution No. 2015-72 - Renewal of ABC Licenses

RESOLUTION

The following Resolution was introduced:

**RESOLUTION NO. 2015 - 72
LIQUOR LICENSE APPLICATION RENEWALS**

WHEREAS, applications have been made to the Kingwood Township Committee for the renewal of Plenary Retail Consumption Licenses, Plenary Retail Distribution Licenses and Club Licenses for the 2015-2016 licensing period; and

WHEREAS, the Township Committee of the Township of Kingwood, County of Hunterdon, State of New Jersey, at a meeting assembled, has reviewed all applications and the submitted application forms are complete in all respects, the applicant is qualified to be licensed according to all statutory, regulatory and local governmental ABC laws and regulations, and the issuing authority has reviewed the source of any additional financing obtained in the previous license term for use in the licensed business; and

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WHEREAS, the submitted club application is complete in all respects, the officers and directors of the club are qualified according to all statutory, regulatory and local government ABC laws and regulations, and the club maintains all records required by N.J.A.C. 13:2-8.8 and N.J.A.C. 13:2-8.12 and therefore are found to be in order;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon, State of New Jersey that the following Plenary Retail Consumption Licenses, Plenary Retail Distribution Licenses and Club Licenses be hereby renewed for the 2015-2016 licensing period effective July 1, 2015:

1016-31-006-001 Kingwood Township Fire Company No. 1
 952 County Road 519
 Baptistown, NJ 08803
Municipal Fee: \$50.00 State Fee: \$200.00
Club License

1016-33-001-003 Uncle Scott's Steakhouse LLC
 650 County Road 519
 Frenchtown, NJ 08825
Municipal Fee: \$2,500.00 State Fee: \$200.00
Plenary Retail Consumption License

1016-33-003-004 BDA Highland Company LLC
 343 County Road 519
 Stockton, NJ 08559
Municipal Fee: \$2,500.00 State Fee: \$200.00
Plenary Retail Consumption License

1016-33-005-004 Razberry's Banquets Inc.
 PO Box 167
 Baptistown, NJ 08803
Municipal Fee: \$2,500.00 State Fee: \$200.00
Plenary Retail Consumption License

SPECIAL CONDITION: That the doors on the west side of the building be Closed from 10:00PM to 2:00AM while there is music, live or recorded, Playing in the premises.

1016-44-002-007 SIA Liquor LLC
 866 Route 12
 Frenchtown, NJ 08825
Municipal Fee: \$2,500.00 State Fee: \$200.00
Plenary Retail Distribution License

There was a lengthy discussion regarding the noise and special conditions for BMA Enterprises Inc., and a concern that these conditions were never included in writing on the license when transferred. The Township Committee requested that the township attorney research this information at the time the license was transferred for the required existing special conditions. They requested that this approval be tabled for BMA Enterprises, Plenary Retail Consumption license until the August 6, 2015 the next Township Committee meeting.

It was moved by Mrs. Haywood, seconded by Mr. Lubitz and carried to adopt the foregoing Resolution with the amendment omitting BMA Enterprises Inc. from this resolution to research noise and special conditions for this property.

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

Resolution No. 2015 – 76 – Authorizing Force Account Agreement for State Aid Project

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2015 - 76

A RESOLUTION AUTHORIZING THE TOWNSHIP OF KINGWOOD TO ENTER INTO FORCE ACCOUNT AGREEMENT FOR STATE AID PROJECT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION

WHEREAS, Kingwood Township wishes to authorize entry into an agreement with the New Jersey Department of Transportation, Division of Local Aid and Economic Development (hereafter, NJDOT) for the reimbursement for Township labor and equipment costs for completion of improvements to Spring Hill Road Section III, for which the Township entered an agreement with the State on April 14, 2015, under which the State’s share for such improvements was not to exceed \$125,000; and

WHEREAS, in order to receive reimbursement, the NJDOT requires the Township to execute the Force Account Agreement, attached hereto as Exhibit A; and

WHEREAS, it is in the best interests of the Township of Kingwood to execute the Force Account Agreement in order to receive reimbursement for labor and materials in connection with the improvement of Spring Hill Road Section III;

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

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1. The Township of Kingwood hereby authorizes execution of the Force Account Agreement, attached hereto as Exhibit A, with New Jersey Department of Transportation, Division of Local Aid and Economic Development, in order to receive reimbursement for labor and materials in connection with the improvement of Spring Hill Road Section III.
2. The Mayor and Clerk and/or Chief Financial Officer, and all other necessary officers or officials of this Township are authorized to sign the Force Account Agreement, attached hereto as Exhibit A, with New Jersey Department of Transportation, Division of Local Aid and Economic Development, in order to receive reimbursement for labor and materials in connection with the improvement of Spring Hill Road Section III, as well as any and all other documents necessary for the transactions contemplated by the Agreement as to the Spring Hill Road Section III improvements.

C.F.O. Diane Laudenbach gave a brief explanation for the resolution. There was a brief discussion regarding the telephone poles, and the need for three more. Mayor Dodds explained that the Engineer has been contacted, has been out to see the area and is aware of what is needed.

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

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

NEW BUSINESS

County Administered Animal Control Officer Services for 2016

Mayor Dodds briefly reviewed the letter from the Hunterdon County Division of Public Health Services regarding County Administered Animal Control Officer Services. The letter explains that the program went well this year and they intend to continue to offer this service in 2016. They have invited Kingwood Township to continue with the service. The Committee Members commented on the positive service they have given to the township. Committeeman Lubitz suggested that the township request more frequent reports to be submitted on a monthly basis, as we have received in the past.

Proposal from KTFA&RS to Amend LOSAP Policy

Mayor Dodds explained that the Kingwood Township Rescue Squad has formed a relationship with the Quakertown Rescue Squad Station 41, and that they share members. He noted that by doing this it is a way of expanding their members and also to cover calls.

He stated that they are looking to expand their LOSAP Policy, therefore, when they are staffing their stations by being on standby to provide faster response times to area residents' EMC calls, that they should be covered under LOSAP. The Township Committee noted that they have no objections to this request. It was suggested that the township write a letter in response explaining that the Kingwood Township Committee reviewed their proposal to amend the LOSAP Policy and that they have no objections.

Newsletter Volunteer

The Township Committee reviewed an e-mail from a resident and former editor of the (NJCM) New Jersey Conference of Mayors magazine and newsletter, Peter Oesterwinter who has volunteered to help the township out with a newsletter. The Township Committee were very pleased and welcome the help from Mr. Oesterwinter. Committeeman Lubitz noted he will arrange to meet with Mr. Oesterwinter in the near future to discuss a newsletter.

Recommendation from Parks and Recreation Committee to Waive Township Fee for Raffle License

Mayor Dodds recused himself from the discussion at this time.

Deputy Mayor Haywood took over the meeting at this time. The Committee Members present reviewed the recommendation from the Parks and Recreation Committee regarding the request to waive the fee for the Kingwood Township Soccer League, who will be applying for a 50/50 Raffle License for Community Day. It was noted that the amount requested to be waived would be \$20.00.

It was moved by Mr. Lubitz, Deputy Mayor Haywood stepped down from the Chair, second and carried the motion to approve to waive the township's fee of \$20.00 for the application for a 50/50 Raffle License for Community Day.

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

Mayor Dodds returned back to the meeting and took over at this time.

Old Business

PennEast Pipeline

Mayor Dodds noted that the Penn East Pipeline has contacted him to meet with them.

He explained that he will be inviting members from the Planning Board and also the Environmental Commission to also attend the meeting. He stated that the meeting will be scheduled the middle to end of July.

United Reformed Church BI 12 L 25

Mayor Dodds gave an update on the Church Property. He noted that there are two areas lead was found and were reported as spills on the property. He stated that he was happy to hear they have been reduced to half of a residential standard. He explained that a leachate test is conducted and then determined what more will need to be done. He explained that the church has agreed to have all the tests done, which will take about a month, and if all the tests come back good, there could be a closing by September.

COAH – Resolution No. 2015-73 - Authorizing Mayor to Sign Shared Service Defense Agreement re: Affordable Housing Declaratory Judgment

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2015 - 73

A RESOLUTION OF THE TOWNSHIP OF KINGWOOD, COUNTY OF HUNTERDON, STATE OF NEW JERSEY, AUTHORIZING THE MUNICIPAL SHARED SERVICES DEFENSE AGREEMENT

WHEREAS, the Township of Kingwood, Hunterdon County has filed or anticipates filing a Declaratory Judgment Action in the Superior Court of New Jersey Hunterdon County in furtherance of the Supreme Court’s March 10, 2015 decision captioned In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the “Supreme Court Decision”); and

WHEREAS, Fair Share Housing Center (“FSHC”), through the services of David Kinsey, has prepared what it considers to be the statewide fair share numbers (the “FSHC Numbers”) for use by the 15 vicinage Mt. Laurel Judges to calculate a municipality’s affordable housing obligation pursuant to the Supreme Court Decision; and

WHEREAS, the Township of Kingwood desires to participate in the preparation of a statewide fair share analysis to be undertaken by Rutgers, The State University of New Jersey (“Rutgers”), through Dr. Robert W. Burchell, Principal Investigator, and various other experts employed by Rutgers in order to establish a rational and reasonable methodology (the “Burchell Fair Share Analysis”) for determination of a municipality’s obligation to provide a realistic opportunity through its land use ordinances for its fair share of the region’s affordable housing needs in accordance with the Mount Laurel Doctrine as set forth in In the Matter of the Adoption

of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (“Decision”) and prior decisions of the Courts of New Jersey, and the Fair Housing Act, N.J.S.A. 52:27D-301 et. seq.; and

WHEREAS, Rutgers, utilizing Dr. Burchell as the Principal Investigator and author has agreed to prepare the Burchell Fair Share Analysis within 90 days of being retained to establish his view of the proper way to determine each municipality’s fair share obligation; and

WHEREAS, Dr. Burchell estimates the cost to prepare the initial Burchell Fair Share Analysis will be \$70,000; and

WHEREAS, it is anticipated that there will be a need for Dr. Burchell to analyze any challenges to his conclusions and prepare a rebuttal report to said challenges which is not included in the \$70,000; and

WHEREAS, it is anticipated that if each municipality contributes \$2,000, there will be sufficient monies to pay the cost to prepare the initial Burchell Fair Share Analysis, to analyze any challenges to the Initial Fair Share Analysis and to Prepare A Rebuttal Report given the number of municipalities that have expressed an interest in retaining Burchell; and

WHEREAS, a Municipal Shared Services Defense Agreement (hereinafter MSSDA”), has been prepared (a) so that monies can be collected to enter into an agreement with Rutgers (hereinafter “the Rutgers Agreement”) and so that Burchell, along with various other experts from Rutgers, can perform the tasks described above and (b) so that the rights and responsibilities of each municipality that wishes to sign the agreement to retain Rutgers are defined; and

WHEREAS, the MSSDA provides that the Law Offices of Jeffrey R. Surenian and Associates, LLC (“Surenian”) will serve as the administrative entity to sign the Rutgers agreement on behalf of the municipalities that signed the MSSDA and paid the \$2,000 fee; and

WHEREAS, it is imperative given the time constraints for municipalities that wish to retain Burchell to sign the MSSDA and pay the \$2,000 fee so that Burchell can conduct the necessary analysis; and

WHEREAS, notwithstanding the foregoing, it is possible that the MSSDA may need to be changed as a result of ongoing negotiations with the Rutgers agreement following execution of the MSSDA and the payment of the \$2,000 fee; and

WHEREAS, in such an event, any member that objects to the changes that Rutgers may require shall have the opportunity to relinquish membership in the Municipal Group and to receive back the \$2,000 payment as more specifically set forth in the MSSDA.

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

1. The terms and conditions of the MSSDA attached hereto are hereby approved, ratified and confirmed.
2. The amount of \$2,000 is hereby authorized to be expended by the Township of Kingwood for Rutgers through Dr. Robert Burchell, Principal Investigator to prepare the Burchell Fair Share Analysis.
3. A certification of funds authorizing the aforesaid expenditure has been signed by the Chief Financial Officer of the Township of Kingwood and is appended hereto.
4. The Mayor be and is hereby authorized to execute the aforesaid MSSDA to memorialize the participation of the Township of Kingwood in the preparation of the Burchell Fair Share Analysis and to take any and all actions reasonably required to effectuate said Agreement.
5. The Township of Kingwood hereby authorizes Jeffrey R. Surenian, Esq. to execute on behalf of the Township of Kingwood the Research Agreement with Rutgers to initiate and complete Burchell Fair Share Analysis and to do such other actions to effectuate the purposes of said Research Agreement.
6. If further changes to the MSSDA are needed as a result of finalizing the Rutgers Agreement, within ten (10) days of notification by Surenian of the changes, the Township of Kingwood will inform Surenian if it objects to the changes and wishes to withdraw from the Municipal Group and obtain a refund of the \$2000 it paid.
7. This Resolution shall take effect immediately.

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

Committeeman Lubitz noted that the first resolution is to enter into a Shared Services Agreement with Rutgers University with Dr. Robert Burchell and other various experts employed by Rutgers to establish a rational and reasonable methodology for determination of a municipality's obligation. He noted that the second resolution is anticipating the township attorney to file a Declaratory Judgment.

Attorney K. Campbell commented on the township's plan and what has been happening to the towns that filed early, as well as, the purpose of the resolutions. She answered questions from the Township Committee Members regarding the Declaratory Judgment.

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

Resolution No. 2015-74 - Authorizing Filing of Declaratory Judgment re: Affordable Housing

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2015 - 74

RESOLUTION AUTHORIZING THE TOWNSHIP OF KINGWOOD ATTORNEY AND OTHER TOWNSHIP PROFESSIONALS TO PREPARE AND FILE A DECLARATORY JUDGMENT ACTION FOR THIRD ROUND MT. LAUREL COMPLIANCE AND IMMUNITY AND AUTHORIZING OTHER TOWNSHIP PROFESSIONALS AND OFFICIALS TO TAKE SUCH ACTIONS AS MAY BE APPROPRIATE TO IMPLEMENT AN UPDATE TO THE TOWNSHIP OF KINGWOOD HOUSING PLAN ELEMENT OF THE MASTER PLAN AND FAIR SHARE PLAN FOR THIRD ROUND MT. LAUREL COMPLIANCE, TO UNDERTAKE A SURVEY OF ALL VACANT AND UNDEVELOPED LAND IN THE TOWNSHIP OF KINGWOOD BY BLOCK AND LOT, TO CONDUCT AN ANALYSIS OF THE TOWNSHIP'S HOUSING STOCK, AND TO CONDUCT SUCH OTHER STUDIES AS MAY BE DETERMINED NECESSARY.

WHEREAS, the Township of Kingwood submitted its Petition for Substantive Certification on December 31, 2008, which was deemed administratively complete by COAH on April 27, 2009; and

WHEREAS, June 14, 2009 was the deadline for public comment; and

WHEREAS, on March 10, 2015 the New Jersey Supreme Court issued an order eliminating the administrative processes afforded municipalities by the Fair Housing Act N.J.S.A. 52:27D-301 *et. seq.*, effective June 8, 2015; and

WHEREAS, the New Jersey Supreme Court provided for a thirty day window after June 8, 2015 , during which time many municipalities will be able to file declaratory judgment actions in Superior Court to obtain, in practical effect, a judicial version of the substantive certification they had either received or applied for under N.J.S.A. 52:27D-313; and

WHEREAS, throughout and notwithstanding the period of uncertainty over new Third Round Rules, the Township of Kingwood has continued efforts to provide for low and moderate income housing opportunities in the Township.

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

1. Township Attorney Katrina L. Campbell, along with members of her firm, is authorized to prepare and file a Declaratory Judgment action in the Superior Court on behalf of the Township, seeking a judgment of compliance with the Township's Third Round affordable housing obligation and also seeking an order of immunity from Mt. Laurel builder remedy lawsuits during the process of adopting and filing the Housing Plan Element and Fair Share Plan with the Court, as well as during the period of Court review of the Township's plan and all implementing ordinances.
2. Township Attorney Katrina L. Campbell, Township Planner David Banish, and Township Engineer Thomas Decker, along with members of their respective firms are authorized to take such actions as may be appropriate to further both the preparation and implementation of the updated Housing Plan Element of the Township of Kingwood Master Plan and Fair Share Plan for Third Round Mt. Laurel Compliance, to undertake a survey of all vacant and undeveloped land in the Township of Kingwood by block and lot, to conduct an analysis of the Township's housing stock, and to conduct such other studies as may be determined necessary.
3. Proposals for these plans and studies shall be submitted in advance for review and approval by the Township Committee and/or the Planning Board.
4. This Resolution shall take effect immediately.

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

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

Repair of County Road 519 Bridges 110 & 111

Mayor Dodds noted there are no new updates at this time.

Repairs to Municipal Building – UST Removal Letter from NJDEP

Mayor Dodds reviewed the letter regarding the underground storage tank recently removed from the municipal building grounds.

MINUTES

June 4, 2015 Regular Meeting

It was moved by Mrs. Haywood, seconded by Mr. Lubitz and carried to approve the June 4, 2015 Township Committee Regular Meeting Minutes.

Comments or Corrections: There were no comments or corrections

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

June 4, 2015 Executive Session

It was moved by Mr. Lubitz, seconded by Mrs. Haywood and carried to approve the June 4, 2015 Executive Session meeting minutes.

Comments or Corrections: There were no comments or corrections

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

EXECUTIVE SESSION – RESOLUTION NO. 2015 – 75

The following Resolution was introduced to enter into closed session at approximately 8:43P.M.:

RESOLUTION NO. 2015 – 75

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:

**Possible Zoning Violation – Bl 8 L 16 (Moskal)
Contractual – Memorandum of Agreement w State (HBP)
- Slacktown Cemetery**

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	-	Haywood, Lubitz, Dodds
	Nay	-	None
	Abstain	-	None
	Absent	-	None

RETURN TO REGULAR SESSION

It was moved by Mr. Lubitz, seconded by Mrs. Haywood and carried to return to regular session at 9:43P.M. **All** voted **Aye** on **Roll Call Vote**.

ADJOURNMENT

It was moved by Mr. Lubitz, seconded by Mrs. Haywood and carried to adjourn the meeting at 9:45P.M. **All** voted **Aye** on **Roll Call Vote**.

Respectfully submitted,

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