

KINGWOOD TOWNSHIP COMMITTEE

Regular Meeting Agenda June 2, 2016 – 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 14, 2016 and by telefaxing copies of the notice to the Express Times on January 8, 2016. Copies of the notice were also posted in the Kingwood Township Municipal Building and Baptistown Post Office on January 8, 2016.

In order to ensure full public participation in this meeting, all members of this Committee, 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

Request from Bridge Velo LLC re: June Bicycle Races on Rte. 29

Public Comment – Privilege of the Floor

Bills and Claims

Reports

NJSP of May 2016
Emergency Management Coordinator
Animal Control Reports of May 2016
Clean Communities
Construction Reports of April 2016
Court Report of April 2016
Finance:
Tax Collector's Report of April 2016
Kingwood Park Stream Cleanup & Tree Planting
Report of DPW Auction Items
Township Engineer's Report
Zoning – General Code Enforcement Report of May 2016

June 2, 2016 Township Committee Agenda Continued

Future Meetings and Activities

- June 4 -** Senior Picnic at Kingwood Park, 200 Union Rd., beginning at 12:00
- June 6 -** 3:00pm Deadline to Apply at County Clerk's Office to Vote In-Person
By Mail-In Ballot for Primary Election
- June 7 -** Residents vote at KT Fire House, 952 Cty. Rd. 519, 6:00am-8:00pm
- June 11 -** Fishing Derby at DPW Pond, 255 Union Rd., 9:00am-12:00
- June 11 -** Cleanup Dumpsters at Township Garage from 9:00am-12:00noon
permit required
- June 11 -** Recycling at Township Garage from 9:00AM-12:00Noon
- July 7 -** Monthly Meeting of Township Committee at Municipal Building
beginning at 7:00pm

Ordinances

Ordinance No. 18-05-2016 To Provide For The Purchase Of One (1) All Terrain Vehicle, 6X4, Diesel, Warn Winch (3,000 LB), Front Bumper/ Brush Guard And Rear Hitch, Appropriating \$20,000.00 From The Capital Improvement Fund – Public Hearing and Final Adoption

Ordinance No. 18-06-2016 To Provide For Resurfacing Of Roads As A General Improvement And Appropriating \$70,000.00 From The Capital Improvement Fund For The Township – Public Hearing and Final Adoption

Ordinance No. 18-07-2016 Banning The Use Of Hydraulic Fracturing In Kingwood Township And Amending And Supplementing The “Code Of The Township Of Kingwood” In Connection Therewith – Public Hearing and Final Adoption

Resolutions

- Resolution No. 2016-69 –** Reimbursement of Security Deposit (Berkshire Valley Basset Hound Club)
- Resolution No. 2016-70 –** Reimbursement of Security Deposit (Versatile K9 Sports)
- Resolution No. 2016-71 –** Reimbursement of Security Deposit (Somerset Hills)
- Resolution No. 2016-72 –** Cancellation of Reserve for Preliminary Expenses
- Resolution No. 2016-73 –** Cancel General Capital Appropriation Balance
- Resolution No. 2016-74 –** Clean Communities Grant
- Resolution No. 2016-75 –** Professional Services Agreements
- Resolution No. 2016-76 –** Approve 2016-2017 ABC Renewals

New Business

- Authorize Mayor to Sign Confirmation Supporting SADC Preservation Bl 5 L 1.01 & Request Regarding Future Road Improvements Bl 5 L 1.01
- Application from KT Volunteer Fire Co to Solicit Charitable Contributions
- Newsletter Sample

June 2, 2016 Township Committee Agenda Continued

Old Business

Sustainable Aquaculture Systems, Inc. – Memo/Preliminary Report from V Uhl
PennEast Pipeline –
Discuss Requests from Zoning/General Code Enforcement Officer – Application Fee &
Regulations for Chickens & Other Fowl
Price Quotations for Recycling Dumpsters

Appointments

Temporary General Code Enforcement & Zoning Officer

Minutes

May 5, 2016 Regular Meeting Minutes
May 5, 2016 Executive Session Minutes

Executive Session – Resolution No. 2016 – 77

Discussion of May 5, 2016 Executive Session Mtg. Minutes
Personnel – Dog Licensing Agent – Reports
Review Applications for Zoning Officer & General Code Enforcement Officer
Contractual – Affordable Housing Update
Possible Litigation – Subdivision BI 12 L 26
Zoning Violation – BI 8 L 16 (Moskal)

Return to Regular Session

May 5, 2016 Executive Session Minutes – Approval with Corrections

Resolution No. 2016 – 78 – In Support of the Adoption of S2254/A3821 To Clarify
Municipal Affordable Housing Obligations

Front Entrance Construction Concern
Insurance for Community Day for Vendors
Discussion – Volunteers Camping on Park Grounds
Disposition of Shed at the Old Fairview School House

Adjournment

PLEASE NOTE THIS AGENDA IS SUBJECT TO LAST MINUTE CHANGES

2016 – 124

June 2, 2016

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

Also present at the meeting were Deputy Mayor Phillip Lubitz, Committeeman Richard Dodds, Attorney Katrina Campbell, C.F.O. Diane Laudenbach, Deputy Clerk Cynthia Keller and Clerk Mary E. MacConnell. Mayor Diana Haywood called the meeting to order and following the salute to the flag, read aloud the following:

NOTICE REQUIREMENTS

Adequate notice of this meeting was provided in accordance with the Open Public Meetings Act by publication of the notice in the Hunterdon Democrat and Courier News on January 14, 2016 and by telefaxing copies of the notice to the Express Times on January 8, 2016. Copies of the notice were also posted in the Kingwood Township Municipal Building and Baptistown Post Office on January 8, 2016.

In order to ensure full public participation in this meeting, all members of this Committee, 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

Request from Bridge Velo LLC re: June Bicycle Races on Rte. 29

The Township Committee reviewed the request from Bridge Velo LLC regarding their June Bicycle Race scheduled on Route 29 in Kingwood Township. There were no objections from the Township Committee Members.

PUBLIC COMMENT – PRIVILEGE OF THE FLOOR

Jason Narbonne – Member of the Kingwood Township Volunteer Fire Department –
Came before the Township Committee and submitted a written document he wrote up regarding his concerns about what he feels is going on with the Kingwood Township Volunteer Fire Department. He feels that it is very important to him and feels that the Township Committee should know. He welcomed the Township Committee to contact him any time after they review the information, or if they have any questions. He offered to return to the next Township Meeting in July to address any questions they may have.

The Township Committee thanked Jason Narbonne.

BILLS AND CLAIMS

It was moved by Mr. Dodds, seconded by Mr. Lubitz and carried to approve and pay all bills and claims in the amount of **\$198,427.79** that are in order and attached as Bill List for June, 2016.

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

REPORTS

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

NJSP of May 2016

Emergency Management Coordinator

EMC, Jack MacConnell explained that ever since Hurricane Sandy, the township will have a problem for the next five years due to all the damage it has caused along the roads, trees and wires. He explained that the volunteers for the Horseshoe Bend Park would like to start a charter for a Horseshoe Bend Fire Brigade, which they will become a cooperative with the New Jersey Forest Fire Service. He feels they will be able to obtain grants if they are recognized. He noted that they would provide training, and explained one of the topics that they would like to instruct is how to use chainsaws safely, which would be good for cutting in the park. He noted if this group is recognized then they can obtain the training for free through the State. There was some additional discussion on how the Brigade could work. Deputy Mayor Lubitz would like to see a memorandum of understanding between the Kingwood Twp. Volunteer Company and the Fire Brigade.

Jack MacConnell reported on sending out a second letter out to Crown Communications for a repeater on their tower. He explained that he has almost all the paperwork completed for the generator grant. He stated that all the hours put in by the DPW, break downs of their equipment and salt used were reported to FEMA for the January 2016 snow storm. He stated that the County has been working on the Horseshoe Bend Bridge this past week. He feels it is estimated to be completed in four to six months from now.

Jack MacConnell noted that the State has funds available, but that they are concerned about the Byram Colony along the river and also the Nockamixon Dam in Bucks County. The State has suggested to work on prices for a grant so the township can obtain a siren for any emergencies down by Byram Colony.

The Township Committee Members thanked EMC, Jack MacConnell for his monthly report.

Animal Control Reports of May 2016
Clean Communities
Construction Reports of April 2016
Court Report of April 2016
Finance:
Tax Collector's Report of April 2016
Kingwood Park Stream Cleanup & Tree Planting
Report of DPW Auction Items
Township Engineer's Report
Zoning – General Code Enforcement Report of May 2016

FUTURE MEETINGS AND ACTIVITIES

Mayor Haywood reviewed as per the agenda.

ORDINANCES

ORDINANCE NO. 18 – 05 – 2016 AN ORDINANCE TO PROVIDE FOR THE PURCHASE OF ONE (1) ALL TERRAIN VEHICLE, 6 X 4, DIESEL, WARN WINCH (3,000 LB), FRONT BUMPER/BRUSH GUARD, POWER DUMP AND REAR HITCH AND APPROPRIATING \$20,000.00 FROM THE CAPITAL IMPROVEMENT FUND - VOL. 18, PG. 18-05 - Public Hearing and Final Adoption

Mayor Haywood 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 5th day of May 2016. The Ordinance was published in the Hunterdon County Democrat on May 12, 2016 and has been posted in the Kingwood Township Municipal Building on May 6th, 2016. Copies of the Ordinance have been available for inspection by the public since May 6th, 2016.

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

Public Comments: There were no public comments.

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

ORDINANCE NO. 18 – 05 - 2016

AN ORDINANCE TO PROVIDE FOR THE PURCHASE OF ONE (1) ALL TERRAIN VEHICLE, 6 X 4, DIESEL, WARN WINCH (3,000 LB), FRONT BUMPER/BRUSH GUARD, POWER DUMP AND REAR HITCH AND APPROPRIATING \$20,000.00 FROM THE CAPITAL IMPROVEMENT FUND.

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

SECTION 1. The improvement described in Section 2 of this ordinance is hereby authorized as a general improvement to be made or acquired by the Township of Kingwood, New Jersey. For the said improvement or purpose described in Section 2, there is hereby appropriated the sum of \$20,000.00, said sum being inclusive of all appropriations heretofore made therefore.

SECTION 2. The Township of Kingwood is hereby authorized to purchase a:

**One (1) All Terrain Vehicle, 6 x 4, Diesel, Warn Winch (3,000 lb),
Front Bumper/Brush Guard, Power Dump and Rear Hitch**

SECTION 3. In order to finance the cost of the improvement or purpose there is hereby appropriated \$20,000.00 from the Capital Improvement Fund.

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

SECTION 5. The capital budget of the Township of Kingwood is hereby adopted to conform with the provisions of this Ordinance. The Resolution in the form promulgated by the Local Finance Board showing full detail of the capital budget as approved by the Division of Local Government Services is on file with the Clerk and is available there for public inspection and to be included in the capital budget for the 2016 budget.

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

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

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

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

ORDINANCE

ORDINANCE NO. 18 - 06 – 2016 AN ORDINANCE TO PROVIDE FOR THE RESURFACING OF ROADS AS A GENERAL IMPROVEMENT FOR THE TOWNSHIP OF KINGWOOD IN THE COUNTY OF HUNTERDON AND STATE OF NEW JERSEY AND APPROPRIATING \$70,000.00 FROM THE CAPITAL IMPROVEMENT FUND - VOL. 18, PG. 18-06 - Public Hearing and Final Adoption

Mayor Haywood 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 5th day of May 2016. The Ordinance was published in the Hunterdon County Democrat on May 12, 2016 and has been posted in the Kingwood Township Municipal Building on May 6th, 2016. Copies of the Ordinance have been available for inspection by the public since May 6th, 2016.

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

Public Comments: There were no public comments.

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

ORDINANCE NO. 18 - 06 - 2016

AN ORDINANCE TO PROVIDE FOR THE RESURFACING OF ROADS AS A GENERAL IMPROVEMENT FOR THE TOWNSHIP OF KINGWOOD IN THE COUNTY OF HUNTERDON AND STATE OF NEW JERSEY AND APPROPRIATING \$70,000.00 FROM THE CAPITAL IMPROVEMENT FUND

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

SECTION 1. The improvement described in Section 2 of this Ordinance is hereby authorized as a general improvement to be made or acquired by the Township of Kingwood, New Jersey. For the said improvement or purpose described in Section 2, there is hereby appropriated the sum of \$70,000.00, said sum being inclusive of all appropriations heretofore made therefore.

SECTION 2. The Township of Kingwood is hereby authorized to resurface Township roads.

SECTION 3. In order to finance the cost of the improvements or purpose there is hereby appropriated \$70,000.00 from the Capital Improvement Fund.

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

SECTION 5. The capital budget of the Township of Kingwood is hereby adopted to conform with the provisions of this Ordinance. The project has been included in the 2016 Capital Budget of the Township of Kingwood.

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

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

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

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

ORDINANCE

ORDINANCE NO. 18 – 07 – 2016 AN ORDINANCE BY KINGWOOD BANNING THE USE OF HYDRAULIC FRACTURING IN THE MUNICIPALITY AND AMENDING AND SUPPLEMENTING THE “CODE OF THE TOWNSHIP OF KINGWOOD, NEW JERSEY” IN CONNECTION THEREWITH FUND - VOL. 18, PG. 18-07 - Public Hearing and Final Adoption

Mayor Haywood 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 5th day of May 2016. The Ordinance was published in the Hunterdon County Democrat on May 19, 2016 and has been posted in the Kingwood Township Municipal Building on May 6th, 2016. Copies of the Ordinance have been available for inspection by the public since May 6th, 2016.

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

Public Comments: There were no public comments.

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

ORDINANCE NO. 18 – 07 - 2016

AN ORDINANCE BY KINGWOOD BANNING THE USE OF HYDRAULIC FRACTURING IN THE MUNICIPALITY AND AMENDING AND SUPPLEMENTING THE “CODE OF THE TOWNSHIP OF KINGWOOD, NEW JERSEY” IN CONNECTION THEREWITH

WHEREAS, hydraulic fracturing (“fracking”) for natural gas involves the use of chemicals and hazardous materials during construction, drilling, hydraulic fracturing, gas production and delivery, well maintenance, and workover operations. The fracking process is shown in figure 1; and

WHEREAS, hydraulic fracturing of underground geologic formations is often accomplished by injecting a complex mix of fluids and chemicals, including large volumes of water, on average 4.5 million gallons per well, under very high pressure to create fractures in gas bearing geologic formations. Chemicals used during the fracking process are exempt from the “Right to know laws”; and

WHEREAS, the US Geological Survey (FS 2012-3075) has identified what could be up to 1.6 trillion cubic feet of gas in the South Newark Basin which extends under the southern portion of Kingwood and is shown in figure 2; and

WHEREAS, many of the chemical constituents injected during hydraulic fracturing have documented adverse health effects and/or adverse environmental impacts. Physicians Scientists & Engineers organization surveyed the Environmental Public Health peer-reviewed publication literature and summarized results from 550 publications. The summary by Physicians Scientists & Engineers organization is shown in figure 3. The summary report was accessed on Sept. 1, 2015, WEB page <http://www.psehealthyenergy.org>; and

WHEREAS, there have been documented cases of water contamination near fracking sites. Example of published reports on the impact of fracking is given in figure 4; and

WHEREAS, wastewater from fracking may contain radioactive elements and other toxic components and has been discharged into rivers that supply drinking water; and

WHEREAS, Pennsylvania’s Department of Environmental Protection has documented three facilities in New Jersey as accepting waste from hydraulic fracturing operations, posing a direct threat to New Jersey’s drinking water; and

WHEREAS, use of these hydraulic fracturing mixes exposes air, aquifers and adjacent land and surface waters to the risk of contamination through spills and accidents, open pit storage, truck transport on roadways, and activities during well development; and

WHEREAS, former President George W. Bush’s federal Environmental Protection Agency (“EPA”) point person on water now admits that fracking should never have been exempted from regulation; and

WHEREAS, New Jersey’s Legislature and Governor enacted a one-year moratorium on fracking that expired in January of 2013; and

WHEREAS, since the New Jersey Legislature originally acted to ban fracking, the case for a ban on fracking has been strengthened by an EPA report of contaminants associated with fracking having been found in an aquifer in Pavilion, Wyoming and separate incidents involving earthquakes linked to fracking waste disposal injection wells. A study by the University of Colorado at Boulder and the U.S. Geological Survey, published in the journal *Science* states:

“A dramatic increase in the rate of earthquakes in the central and eastern U.S. since 2009 is associated with fluid injection wells used in oil and gas development” WEB page accessed on Sept. 1, 2015 <http://www.colorado.edu/news/releases/2015/06/18/us-mid-continent-seismicity-linked-high-rate-injection-wells-0#sthash.TJPpodhx.dpuf>. Figure 5 is a graph of the number of recorded earthquakes in Oklahoma before and after fracking began in 2009. Figure 6 shows the location of identified faults in and near Kingwood Township, NJ, Geologic map by the USGS, USGS I-2540- A and B; and

WHEREAS, wastewater, wastewater solids or sludge, drill cuttings and/or other byproducts from the fracking processes are known to contain toxic levels of contaminants, including unknown quantities of undisclosed chemical additives used in hydraulic fracturing fluid, as well as contaminants from sources underground; benzene, naphthalene, formaldehyde, cadmium, mercury, arsenic, total dissolved solids, and radioactive material, such as radium, are among the known contaminants; and

WHEREAS, methods of treatment and disposal for fracking waste do not eliminate the risks that hydraulic fracturing wastewater, wastewater solids or sludge, drill cuttings and/or other byproducts pose to human health and the environment; and

WHEREAS, A575/S253 passed the New Jersey Legislature in June 2012 with strong bipartisan support, and would prohibit treatment, discharge, disposal, or storage of waste from hydraulic fracturing in New Jersey; and

WHEREAS, Governor Christie vetoed A575/S253 in September 2012; and

WHEREAS, fracking is exempt from important regulations meant to protect public health and the environment, specifically sections of the Clean Water Act, Clean Air Act, Safe Drinking Water Act, Superfund, National Environmental Policy Act, Resource Conservation and Recovery Act; and

WHEREAS, the wise stewardship of our natural resources involves protection of Kingwood’s air, water supplies and water resources for generations to come; and

WHEREAS, protection of Kingwood’s air, water supplies and resources is better accomplished by preventing contamination and environmental degradation, rather than attempting to remediate contamination and restore degraded environments after the fact; and

WHEREAS, under existing State law regulating drilling for oil and natural gas under *N.J.S.A. 13:1M-18* and *N.J.S.A. 13:1M-1 et seq.*, a local governing body may ban drilling for natural gas, and exploration for natural gas beyond the “reconnaissance” phase;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF KINGWOOD AS FOLLOWS:

Township Land Use Ordinance Amended. Section 132-6, Article I: General Provisions, “Prohibited uses” of Chapter 132, “Land Use” of the “Code of the Township of Kingwood, New Jersey” is hereby supplemented and amended by adding thereto a new subsection “h”, which shall read as follows: (h). Drilling for natural gas, using the drilling technique of hydraulic fracturing and exploring for natural gas beyond the reconnaissance phase.

Section 1. Applicability. The provisions of this ordinance shall apply to the entire municipality of Kingwood and the “Code of the Township of Kingwood, New Jersey” shall be deemed amended accordingly.

Section 2. Severability. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, clause, or provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

Section 3. Referral to Planning Board. A copy of this Ordinance shall be referred to the Kingwood Township Planning Board following its introduction on first reading in accordance with the provisions of *N.J.S.A. 40:55D-64*.

Section 4. Effective Date. This Ordinance shall take effect upon its passage and publication and filing with the Hunterdon County Planning Board, as required by law.

The purpose of this Ordinance is to prohibit the use of hydraulic fracturing for gas throughout the Township of Kingwood.

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

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

RESOLUTION

Resolution No. 2016-69 – Reimbursement of Security Deposit (Berkshire Valley Basset Hound Club)

The following Resolution was introduced:

RESOLUTION NO. 2016 - 69
REIMBURSEMENT FOR SECURITY DEPOSIT

WHEREAS, the Berkshire Valley Basset Hound Club, 14 Rudmar Road, Oak Ridge, NJ rented the Morton Building facility at the Horseshoe Bend Park on Horseshoe Bend Road for a dog club event on Friday, May 6, 2016; and

WHEREAS, the Township of Kingwood requested a security deposit from the Berkshire Valley Basset Hound Club, 14 Rudmar Road, Oak Ridge, NJ for the use of the facility for May 6, 2016 in the amount of \$300.00; and

WHEREAS, the Parks and Recreation Committee inspected the Morton Building and the conditions were found to be satisfactory.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey to authorize the Chief Financial Officer of the Township of Kingwood to return the amount of \$300.00 security deposit to the Berkshire Valley Basset Hound Club, 14 Rudmar Road, Oak Ridge, NJ.

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

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

RESOLUTION

Resolution No. 2016-70 – Reimbursement of Security Deposit (Versatile K9 Sports) Club)

The following Resolution was introduced:

RESOLUTION NO. 2016 - 70

REIMBURSEMENT FOR SECURITY DEPOSIT

WHEREAS, the Versatile K9 Sports Club, 29 Pleasant Valley Road, Whippany, NJ rented the Morton Building facility at the Horseshoe Bend Park on Horseshoe Bend Road for a dog club event on Saturday, May 14 and Sunday, May 15, 2016; and

WHEREAS, the Township of Kingwood requested a security deposit from the Versatile K9 Sports Club, 29 Pleasant Valley Road, Whippany, NJ for the use of the facility for May 14, and May 15, 2016 in the amount of \$300.00; and

WHEREAS, the Parks and Recreation Committee inspected the Morton Building and the conditions were found to be satisfactory.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey to authorize the Chief Financial Officer of the Township of Kingwood to return the amount of \$300.00 security deposit to the Versatile K9 Sports Club, 29 Pleasant Valley Road, Whippany, NJ.

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

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

RESOLUTION

Resolution No. 2016-71 – Reimbursement of Security Deposit (Somerset Hills)

The following Resolution was introduced:

RESOLUTION NO. 2016 - 71

REIMBURSEMENT FOR SECURITY DEPOSIT

WHEREAS, the Somerset Hills Kennel Club, 75 Tumble Falls Road, Stockton, NJ 08559 rented the Morton Building facility at the Horseshoe Bend Park on Horseshoe Bend Road for a dog club event on Sunday, May 22, 2016; and

WHEREAS, the Township of Kingwood requested a security deposit from the Somerset Hills Kennel Club, 75 Tumble Falls Road, Stockton, NJ 08559 for the use of the facility for May 22, 2016 in the amount of \$300.00; and

WHEREAS, the Parks and Recreation Committee inspected the Morton Building and the conditions were found to be satisfactory.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey to authorize the Chief Financial Officer of the Township of Kingwood to return the amount of \$300.00 security deposit to the Somerset Hills Kennel Club, 75 Tumble Falls Road, Stockton, NJ 08559.

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

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

RESOLUTION

Resolution No. 2016-72 – Cancellation of Reserve for Preliminary Expenses

The following Resolution was introduced:

RESOLUTION NO. 2016 – 72

**CANCELLATION OF RESERVE FOR PRELIMINARY EXPENSES
FOR THE PREPARATION OF AN ESTIMATE FOR THE REPAIRS TO THE
MUNICIPAL BUILDING**

WHEREAS, a General Capital Reserve exists for Preliminary Expenses regarding the preparation of an estimate for the repairs to the municipal building; and

WHEREAS, there is a balance in this reserve that is no longer necessary; and

WHEREAS, it is necessary to formally cancel said balance.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey that the balance of \$5,930.00 appropriated for preliminary expenses for the preparation of an estimate for the repairs to the municipal building be cancelled back to the Capital Improvement Fund.

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

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

RESOLUTION

Resolution No. 2016-73 – Cancel General Capital Appropriation Balance

The following Resolution was introduced:

RESOLUTION NO. 2016 – 73

RESOLUTION TO CANCEL GENERAL CAPITAL APPROPRIATION BALANCE

WHEREAS, the General Capital Improvement appropriation balances indicate below remain dedicated to a project now completed; and

WHEREAS, it is necessary to formally cancel said balance so that the unexpended balance may be returned to the appropriate source of funding.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey that the Chief Financial Officer be authorized to cancel the unexpected and dedicated balance of the following ordinances:

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

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

RESOLUTION

Resolution No. 2016-74 – Clean Communities Grant

The following Resolution was introduced:

RESOLUTION NO. 2016 - 74
REQUESTING APPROVAL OF ITEMS OF REVENUE AND
APPROPRIATION
NJS 40AA:4-87

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Kingwood in the County of Hunterdon, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2016 in the sum of \$21,006.42, which is now available from the State of New Jersey, DEP, Clean Communities Grant in the amount of \$21,006.42; and

BE IT FURTHER RESOLVED that the like sum of \$21,006.42 is hereby appropriated under the caption Clean Communities Grant; and

BE IT FURTHER RESOLVED that the above is the result of funds from the State of New Jersey, DEP in the amount of \$21,006.42.

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

Roll Call Vote:

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

RESOLUTION

Resolution No. 2016-75 – Professional Services Agreements

The following Resolution was introduced:

RESOLUTION NO. 2016 – 75

RESOLUTION AUTHORIZING THE AWARD OF NON-FAIR AND OPEN CONTRACTS FOR TOWNSHIP PROFESSIONALS

WHEREAS, the Township of Kingwood has a need to acquire professional services of Township Professionals as non-fair and open contracts pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Township Chief Financial Officer has determined and certified in writing that the value of the acquisitions will exceed \$17,500; and

WHEREAS, the anticipated term of these contracts is one year(s); and

WHEREAS, each of the Township professionals set forth below in Paragraph No. 1 has submitted a proposal indicating they will provide the professional services described below in Paragraph No. 1 for the amount set forth in each submitted proposal; and

WHEREAS, each of the Township professionals set forth in Paragraph No. 1 below has completed and submitted a Business Entity Disclosure Certification which certifies that each Township Professional has not made any reportable contributions to a political or candidate committee in the Township of Kingwood in the previous one year, and that the contract will prohibit the Township professionals from making any reportable contributions through the term of the contract; and

WHEREAS, a certification of availability of funds, specifying the line item appropriation(s) to be charged as to each contract set forth below in Paragraph No. 1 has been provided by the Chief Financial Officer of the Township of Kingwood.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Kingwood authorizes the Mayor and Clerk to enter into contracts with the Township Professionals as described below:

Professional	Position	Term of Contract
David R. Pierce of Lindabury, McCormick, Estabrook & Cooper	Planning Bd & Zoning Bd of Adjustment Attorney	1 Year
Vincent W. Uhl of Uhl & Associates	Hydrogeologist	1 Year

A copy of this Resolution shall be published in the Hunterdon Democrat as required by law.

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

Roll Call Vote:

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

RESOLUTION

Resolution No. 2016-76 – Approve 2016-2017 ABC Renewals

The following Resolution was introduced:

RESOLUTION NO. 2016 - 76
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 2016-2017 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 2016-2017 licensing period effective July 1, 2016:

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

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

1016-33-004-007 BMA Enterprises Inc.
 1121 State Highway 12
 Frenchtown, NJ 08825
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

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

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

NEW BUSINESS

Authorize Mayor to Sign Confirmation Supporting SADC Preservation Bl 5 L 1.01

It was moved by Mr. Lubitz, seconded by Mr. Dodds and carried to Authorize Mayor Haywood to sign the confirmation supporting SADC preservation Bl 5 L 1.01.

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

Request Regarding Future Road Improvements Bl 5 L 1.01

It was moved by Mr. Lubitz, seconded by Mr. Dodds and carried to Authorize the Mayor and Township Committee to agree to extend the existing road right-a-way and to inform the SADC as to the amount of additional right of way needed so that proper surveys can be drawn depicting the correct area to reserve.

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

Application from KT Volunteer Fire Co to Solicit Charitable Contributions

It was moved by Mr. Lubitz, seconded by Mr. Dodds and carried to approve Kingwood Township Volunteer Fire Department to Solicit Charitable Contributions in Kingwood Township along roadways and highways – Permit No. 2016 – 01 Additional Conditions for Ordinance No. 17-08-2012 Solicitation of Charitable Contributions on Roadways or Highways.

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

Newsletter Sample

C.F.O. Diane Laudenbach reviewed the newsletter with the Township Committee Members. She explained how a few of the surrounding towns are using the newsletter and that it would save the township funds in place of having individual pages printed up and mailed out to each residence. She explained that the individual from the newsletter solicits all the ads, print it up for free and distribute to residents for free.

The township only needs to supply the content in the newsletter and they get to approve the final letter when completed. The Township Committee expressed they were interested and suggested finding out more about it. Diane Laudenbach will follow up and find out a contact person to speak to regarding a newsletter for Kingwood Township.

OLD BUSINESS

Sustainable Aquaculture Systems, Inc. – Memo/Preliminary Report from V. Uhl

The Township Committee reviewed the preliminary report regarding Sustainable Aquaculture Systems Inc. from Kingwood Township's Hydro-Geologist Vince Uhl. Mayor Haywood noted that the township is waiting for more information to come from Franklin Township. There was a lengthy discussion regarding the public hearing scheduled for Franklin Township's Land Use Board. The Township Committee has many concerns and issues, which include using testimony from hearings prior to Kingwood Township being noticed and using expert testimony, because the experts won't be present again. The Township Committee feel Sustainable Aquaculture should go before the Delaware Canal Commission, as they come under the Canal Commission's purview. Mayor Haywood noted that Kingwood Township's Planning Bd./BOA Attorney D. Pierce recommends that Franklin Township's public hearing be opened and then closed until Kingwood Township reviews the correspondence. Mayor Haywood noted that the Committee needs to review the transcripts. It was noted that KT Planning Board Member, Chris Ely will be attending the Franklin Twp. Public Hearing, along with Planning Bd. Attorney D. Pierce and Mayor Haywood.

PennEast Pipeline –

There was a brief discussion on a newsletter magazine the PennEast Pipeline sent out to the public. Committeeman Dodds reported on a meeting that was held here at Kingwood Township. The meeting included members of the Lower Delaware Wild and Scenic and the public. He explained that there were very knowledgeable scientists present who talked about arsenic and the release of it during and after the construction of the pipeline and a lot of information the Lower Delaware Wild and Scenic should be considering.

Discuss Requests from Zoning/General Code Enforcement Officer – Application Fee & Regulations for Chickens & Other Fowl

Committeeman Dodds asked that this be tabled until next month's meeting.

Price Quotations for Recycling Dumpsters

The Township Committee reviewed quotes for recycling dumpsters for 2016 and a memo from the township’s Recycling Coordinator, Sandra McNicol. She explained that after researching for quotes, it was confirmed that Republic Services of New Jersey, who the township has used for years is on the State vendor list. Therefore, the township does not need to go out for bids if they are going to stay with Republic Services.

Sandra McNicol pointed out in her memo that Republic Services is charging the township less than the contract fee price listed. It was determined there is no need to go out for bids for recycling dumpsters. Republic Services has a State contract.

APPOINTMENTS

Temporary General Code Enforcement & Zoning Officer

The Township Committee discussed extending Bill Sidote’s appointment for an additional 30 days.

It was moved by Mr. Lubitz, seconded by Mr. Dodds and carried to extend Zoning Officer/General Code Enforcement Officer, Bill Sidote’s appointment for an additional 30 days, until July 2, 2016.

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

MINUTES

May 5, 2016 Regular Meeting Minutes

It was moved by Mr. Lubitz, seconded by Mr. Dodds and carried to approve the May 5, 2016 Regular Meeting Minutes.

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

May 5, 2016 Executive Session Minutes

The Township Committee requested to discuss corrections to the minutes in executive session.

EXECUTIVE SESSION – RESOLUTION NO. 2016 – 77

The following Resolution was introduced to enter into closed session at approximately 8:02P.M.:

RESOLUTION NO. 2016 - 77

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:
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:

**Discussion of May 5, 2016 Executive Session Mtg. Minutes
Personnel – Dog Licensing Agent – Reports
Review Applications for Zoning Officer & General Code Enforcement Officer
Contractual – Affordable Housing Update
Possible Litigation – Subdivision Bl 12 L 26
Zoning Violation – Bl 8 L 16 (Moskal)**

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 Mr. Lubitz and carried to adopt the foregoing Resolution.

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

RETURN TO REGULAR SESSION

The Township Committee returned to regular session at 9:19P.M.

May 5, 2016 Executive Session Minutes – Approval with Corrections

It was moved by Mr. Lubitz, seconded by Mr. Dodds and carried to approve the May 5, 2016 Executive Session Minutes with the corrections to be made, which were discussed in executive session.

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

Resolution No. 2016 – 78 – In Support of the Adoption of S2254/A3821 To Clarify Municipal Affordable Housing Obligations

RESOLUTION

The following Resolution was introduced:

RESOLUTION NO. 2016 - 78

**IN SUPPORT OF THE ADOPTION OF S2254/A3821
TO CLARIFY MUNICIPAL AFFORDABLE HOUSING OBLIGATIONS**

WHEREAS, pursuant to the March 2015 New Jersey Supreme Court order which transferred oversight of the Fair Housing Act (FHA) to the courts, many municipalities (including Kingwood Township) filed declaratory judgment actions to voluntarily comply with their present and prospective affordable housing requirements as established in the FHA; and

WHEREAS, the FHA and existing case law are clear that “present and prospective fair share of the housing need in a given region ... shall be computed for a 10-year period.” (See N.J.S.A. 52:27D-307(c)); and

WHEREAS, in October 2015, the Middlesex County Superior Court issued a decision that included a distinct “gap period” obligation, retroactively imposing an additional municipal obligation over an additional 16 year period, separate and apart from the normal 10 year present and prospective need set forth in the FHA. Recently the Ocean County Superior Court did the same. The Ocean County decision is currently on appeal; and

WHEREAS, this “gap period” issue arises out of COAH’s inability to promulgate third round regulations from 1999 to the present or make any final determination as to state and regional housing need.

Despite this, the courts are not holding COAH accountable but rather are imposing additional obligations on municipalities. These retroactive obligations will have a significant and unfunded impact on municipalities, straining their already overburdened resources; and

WHEREAS, aside from other inequities and issues imposed by a so-called “gap” obligation, the households counted in the “gap period” may well be double counted when the present need is calculated. The prospect of double counting compounds this dilemma and will likely result in forcing municipalities and their property taxpayers to subsidize development or subject them to court orders allowing enormous numbers of new housing units as a result of “builder’s remedy” lawsuits. Such a result will radically and irrevocably transform the character and quality of life for all New Jersey residents; and

WHEREAS, hundreds of New Jersey’s municipalities have expended significant financial and other administrative resources in their attempts to voluntarily comply with their constitutional obligation for affordable housing as established by the Supreme Court and the FHA. As a direct result of the State’s failure to advance viable regulations or enact overdue legislative reform, this will only continue to spiral out of control; and

WHEREAS, Senate Bill S2254 and Assembly Bill A3821 are important legislative remedies designed to clarify existing law and preclude these significant, unfair impacts. Swift and decisive adoption of both is a critical step toward a more rational statewide housing policy, including reasonable and achievable obligations for municipalities;

NOW, THEREFORE, BE IT RESOLVED on this 2nd day of June, 2016, by the Township Committee of the Township of Kingwood, County of Hunterdon, State of New Jersey, that:

1. The Mayor and Township Committee hereby support the adoption of Senate Bill S2254 and Assembly Bill A3821 to clarify that a municipality’s present and prospective fair share of the housing need in a given region shall be computed for a 10-year period, and shall not include a retrospective obligation arising from any so called “gap period.”

2. The Mayor and Township Committee urge the members of the New Jersey Senate, General Assembly and the Governor to swiftly and decisively adopt both as a critical step toward a more rational statewide housing policy, including reasonable and achievable obligations for municipalities.
3. A certified copy of this Resolution be sent to Honorable Chris Christie, Governor; Honorable Steve Sweeney, President, NJ Senate; Honorable Vincent Prieto, Speaker, NJ General Assembly; Senate and General Assembly Representatives and the New Jersey State League of Municipalities.

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

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

Front Entrance Construction Concern

Mayor Haywood discussed the side entranceway into the municipal building. She expressed her concerns on the results of the construction job done and feels it may not hold up. She would like speak to the builder before a check is sent out for the services.

Insurance for Community Day for Vendors

Committeeman Dodds reviewed an e-mail sent out by the township's insurance company regarding putting the vendors for Community Day under a blanket coverage under the township. The township's insurance company responded and recommended that each vendor obtain their own insurance including one million dollars for the day liability coverage. The Township Committee feels it is important to follow the suggestions from the township's insurance company, and feel that individuals can obtain a one day rider on their homeowners insurance.

Discussion – Volunteers Camping on Park Grounds

Committeeman Dodds talked about a Student Conservation Association group from Frenchtown who worked on some of the trails in the past at Horseshoe Bend Park. He stated they would like to camp out again in Kingwood Township. Attorney K. Campbell suggested a hold harmless agreement would be the form to have them sign beforehand. It was noted that they also need to submit insurance for liability.

Disposition of Shed at the Old Fairview School House

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Committeeman Dodds discussed the disposition of the shed that is located at the Old Fairview School House. He would like to find another location for the shed and suggested the Horseshoe Bend East property. The Committee Members had no objections to this request.

ADJOURNMENT

It was moved by Mr. Dodds, seconded by Mr. Lubitz and carried to adjourn the meeting at 9:34P.M. All voted **Aye** on **Roll Call Vote**.

Respectfully submitted,
Cynthia L. Keller, RMC Deputy Clerk