

**KINGWOOD TOWNSHIP COMMITTEE**

**Regular Meeting Agenda**

**April 5, 2018 – 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 11, 2018 and by telefaxing a copy of the notice to the Express Times on January 4, 2018. Copies of the notice were also posted in the Kingwood Township Municipal Building and Baptistown Post Office on January 4, 2018.**

**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**

Letter from SADC – Re: FY2019 Farmland Preservation Program Appropriations Request

Memo from NJ Courts re: Criminal Justice Reform

Letter from HC Dept. of Health – Re: Information of the Scope of Work for the Area Wide Mosquito Control Program

Letter from the HC Board of Chosen Freeholders – Offer Municipalities KIA Flag

E-mail from the HC Board of Chosen Freeholders – Invitation to “Killed In Action” (KIA) Flag Raising Ceremony on April 16, 2018 at 3:00PM – Historic Courthouse

**2018 Municipal Budget:**

**Resolution No. 2018 –28** Cable TV Franchise

**Resolution No. 2018 - 29** Recycling Tonnage Grant

**Resolution No. 2018 - 30** Kingwood Township School Deferred Taxes

**Resolution No. 2018 –31** Delaware Valley Regional HS Deferred Taxes

**Resolution No. 2018 –32** Introduce Budget

**Public Comment – Privilege of the Floor**

**Resolution No. 2018 – 33** Temporary Appropriations

**Bills and Claims**

**Reports**

Emergency Management Coordinator

Dog Licensing Report of March 2018

Animal Control Report of February 2018

Court Report of February 2018

## **April 5, 2018 Township Committee Agenda Continued**

### **Reports continued**

Construction Department Reports – Fee/Permit Logs of March 2018  
NJSP Report of February and March 2018  
Zoning Department Monthly Report – March 2018  
Township Engineer’s Report of March 2018  
Collector’s Report of February & March 2018  
Township Committee Liaison Monthly Reports

### **Draft 2018 Spending Plan – Planner David Banisch Present**

### **Future Meetings and Activities**

- April 11** - Deadline to file Form to Change Party Affiliation for June Primary
- April 14** - Recycling at DPW Garage, 255 Union Rd. from 9:00am-12:00noon
- April 14** - First Clean-Up Day at DPW Garage – 255 Union Rd. 9:00AM-12:00Noon
- April 14** - Hunterdon County Electronic Collection Day – Cty Complex Rt. 12, 9:00am-noon
- April 21** - Ident-A-Shred - Parking Lot Behind Historic County Court House 9-noon
- April 28-29** - Flea Market at Horseshoe Bend Park – See Flyer on Website
- May 3** - Regular Township Committee Meeting Beginning at 7:00PM

### **Ordinances**

**Ordinance No. 19-01-2018 Calendar Year 2018 Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank (N.J.S.A. 40A:4-45.14) – Public Hearing and Final Adoption**

**Ordinance No. 19-03-2018 Ordinance Amending Chapter 132 “Zoning,” Article IV “Supplemental Regulations,” Section 50 “Accessory Buildings, Uses and Structures” to Reduce the Setback Requirements for Sheds on Lots of 3 Acres or Less – Public Hearing and Final Adoption**

**Ordinance No. 9-04-2018 An Ordinance 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 – Public Hearing and Final Adoption**

**Ordinance No. 19-05-2018 An Ordinance Amending Chapter 83, Article II of the Code Entitled “Affordable Housing Regulations” to Address the Requirements of the Fair Housing Act and the Uniform Housing Affordability Controls (UHAC) Regarding Compliance with the Township’s Affordable Housing Obligations – Public Hearing and Final Adoption**

**Ordinance No. 19-06-2018 An Ordinance Amending and Supplementing Chapter 132, Affordable Housing, Article III, Accessory Apartments, Updating the Provisions for Accessory Apartments in Accordance with Kingwood Township’s Third Round Affordable Housing Obligations – Public Hearing and Final Adoption**

**Ordinance No. 19-07-2018 An Ordinance to Create the Position of Municipal Housing Liaison (MHL) by Amending Chapter 83 for the Purpose of Administering Kingwood Township’s Affordable Housing Program of Pursuant to the Fair Housing Act and Kingwood Township’s Affordable Housing Obligations – Public Hearing and Final Adoption**

## April 5, 2018 Township Committee Agenda Continued

**Ordinance No. 19-08-2018 An Ordinance Establishing Inclusionary Affordable Housing Zones in the Eastern Gateway Village Overlay Zone in the Mixed Use Core Sub-District and the Commercial and Artisan Sub-District by Amending Chapter 132, Zoning, Article II Establishment of Districts; Maps; Boundaries and Article III District Regulations to Address Kingwood Township's Third Round Affordable Housing Obligations – Public Hearing and Final Adoption**

**Ordinance No. 19-09-2018 An Ordinance to Amend and Supplement Chapter 132 Zoning, Article I, General Provisions, Section 132-13 "Development Fees" That Provides For the Collection of Development Fees in Support of Affordable Housing as Permitted by the New Jersey Fair Housing Act – Public Hearing and Final Adoption**

### Resolutions

- Resolution No. 2018 - 34** Appointing Kingwood Township Affordable Housing Administrative Agent  
**Resolution No. 2018 - 35** Appointing Kingwood Township Municipal Housing Liaison  
**Resolution No. 2018 –36** Adopting Affirmative Marketing Plan Pursuant to New Jersey Uniform Housing Affordability Controls (UHAC) and Kingwood Township's Commitment to Affirmative Marketing of Affordable Housing  
**Resolution No. 2018 - 37** Endorsing the 2018 Housing Element and Fair Share Plan (Copy of 2018 HEFSP Resolution Adopted by Planning Board Attached)  
**Resolution No. 2018 - 38** Resolution to Adopt 2018 Spending Plan  
**Resolution No. 2018 - 39** Resolution Authorizing the Award of Non-Fair and Open Contracts for Township Professionals  
**Resolution No. 2018 - 40** Resolution Reimbursement for Security Deposit for Use of the Morton Bldg.  
**Resolution No. 2018 - 41** Refund of Subsequent Payment by Lienholder  
**Resolution No. 2018 –42** Accepting Green Trust Funds Into Budget  
**Resolution No. 2018 –43** Public Works Department Salaries for 2017 & 2018  
**Resolution No. 2018 - 44** Amending the Kingwood Township Employee Handbook  
**Resolution No. 2018 –45** Cancellation of Real Estate Taxes  
**Resolution No. 2018 –49** 2018 Maintenance and Repair Material Bids

### New Business

- General Plumbing Supply, Inc. – Apply for Credit  
Letter of Request from KTS – To Sponsor a Student for Outstanding Social Studies Award and Plaque - June 5<sup>th</sup> Awards Ceremony – Request Twp. Committee Member to Attend  
Statewide Insurance Fund Risk Control Grant Program – 2018  
Resignation Letter from Financial Assistant  
Appointment – Sustainable Kingwood Team – Ralph Celebre

### Old Business

- PennEast Pipeline  
Stormwater Management  
E-mail from Twp. Atty – Re: Feral Cats Law Update  
Supporting the Creation of a County Daytime Fire Department to Support Our Volunteer Fire Companies – Update from EMC, Jack MacConnell  
**Resolution No. 2018 - 46** Authorize Township to Apply for a Grant for the Church House at Horseshoe Bend East

## **April 5, 2018 Township Committee Agenda Continued**

### **Old Business Continued**

Update – Scanning/Archiving Township Documents

Tax Map & GIS - Estimate

Acquisition of the Pine Brook Farms Property – Block 28, Part of Lot 18 - **Resolution No. 2018 –47**  
Support of Acquisition of Block 28, Lot 18 Utilizing County Open Space Funds  
& NJDEP Green Acres

### **Minutes**

March 1, 2018 - Regular Township Mtg.

March 1, 2018 - Executive Session

March 14, 2018 - Special Meeting

### **Executive Session – Resolution No. 2018 - 48**

Possible Zoning Violations – Freedenfeld/Mikes Bl 51 L 46

Terraglia Bl 8 L 19.03

Litigation - PennEast Pipeline

Contractual - Teamsters Local Union 469

### **Return to Regular Session**

Motion to Approve Funds to Be Spent on Kingwood Social Studies Award and Plaque

### **Adjournment**

**PLEASE NOTE THIS AGENDA IS SUBJECT TO LAST MINUTE CHANGES**

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April 5, 2018

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 Ciacciarelli, Committeewoman Synchron, Attorney Katrina Campbell, C.F.O. Diane Laudendach, Deputy Clerk Michele Tipton Walters and Clerk Cynthia Keller. Mayor Dodds 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 11, 2018 and by telefaxing a copy of the notice to the Express Times on January 4, 2018. Copies of the notice were also posted in the Kingwood Township Municipal Building and Baptistown Post Office on January 4, 2018.**

**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**

Letter from SADC – Re: FY2019 Farmland Preservation Program Appropriations Request

Mayor Dodds reviewed.

Memo from NJ Courts re: Criminal Justice Reform

Mayor Dodds reviewed.

Letter from HC Dept. of Health – Re: Information of the Scope of Work for the Area Wide Mosquito Control Program

Mayor Dodds reviewed.

Letter from the HC Board of Chosen Freeholders – Offer Municipalities KIA Flag

Mayor Dodds reviewed

E-mail from the HC Board of Chosen Freeholders – Invitation to “Killed In Action” (KIA)

Mayor Dodds reviewed.

Flag Raising Ceremony on April 16, 2018 at 3:00PM – Historic Courthouse

Mayor Dodds reviewed

**2018 MUNICIPAL BUDGET:**

Mayor Dodds introduced the following Resolutions:

**RESOLUTION**

**Resolution No. 2018 –28 Cable TV Franchise**

The following Resolution was introduced:

**RESOLUTION NO. 2018 - 28**

**CABLE TV FRANCHISE FEE**

**WHEREAS**, the Township of Kingwood desires to anticipate as an item of general revenue with prior written consent of the Director of Local Government Services in the amount of \$11,023.00; and

**THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Kingwood that the prior written consent of the Director of Local Government Services be requested to include as an item of general revenue in the 2018 Budget under the following caption:

Cable TV Franchise Fee

**BE IT FURTHER RESOLVED** that TWO certified copies of this Resolution be forwarded to the Office of the Director of Local Government Services.

It was moved by Miss Syrnick, seconded by Mr. Ciacciarelli and carried to adopt the foregoing Resolution.

<b>Roll Call Vote:</b>	<b>AYE</b>	<b>- Ciacciarelli, Syrnick, Dodds</b>
	<b>NAY</b>	<b>- None</b>
	<b>ABSTAIN</b>	<b>- None</b>
	<b>ABSENT</b>	<b>- None</b>

**RESOLUTION**

**Resolution No. 2018 - 29 Recycling Tonnage Grant**

The following Resolution was introduced:

**RESOLUTION NO. 2018 - 29**

**RECYCLING TONNAGE GRANT**

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**WHEREAS**, the Township of Kingwood desires to anticipate as an item of general revenue with prior written consent of the Director of Local Government Services in the amount of \$9,296.57; and

**THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Kingwood that the prior written consent of the Director of Local Government Services be requested to include as an item of general revenue in the 2018 Budget under the following caption:

Recycling Tonnage Grant

**BE IT FURTHER RESOLVED** that TWO certified copies of this Resolution be forwarded to the Office of the Director of Local Government Services.

It was moved by Miss Syrnick, seconded by Mr. Ciacciarelli and carried to adopt the foregoing Resolution.

<b>Roll Call Vote:</b>	<b>AYE</b>	<b>- Ciacciarelli, Syrnick, Dodds</b>
	<b>NAY</b>	<b>- None</b>
	<b>ABSTAIN</b>	<b>- None</b>
	<b>ABSENT</b>	<b>- None</b>

**RESOLUTION**

**Resolution No. 2018 - 30 Kingwood Township School Deferred Taxes**

The following Resolution was introduced:

**RESOLUTION NO. 2018 - 30**

**DEFERRAL OF TAXES  
KINGWOOD TOWNSHIP SCHOOL**

**WHEREAS**, regulations of the State of New Jersey provide for the deferral of school taxes in an amount not to exceed fifty percent of the annual school tax levy when such taxes are raised on a fiscal year basis (school year July 1 through June 30); and

**WHEREAS**, said taxes subject to deferral have not been requisitioned by or paid to the school district; and

**WHEREAS**, it is the desire and intent of the Township Committee of the Township of Kingwood, County of Hunterdon, to avail the Township of the deferral as permitted by regulations promulgated by the Local Finance Board, Division of Local Government Services, New Jersey Department of Community Affairs; and

**WHEREAS**, fifty percent of the school tax levy of the Kingwood School District is \$2,916.677.50;

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Kingwood, County of Hunterdon, hereby authorizes the Chief Financial Officer of the Township to defer \$1,750,006.50 of school taxes as permitted by the aforementioned regulation; and

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**BE IT FURTHER RESOLVED** that certified copies of this resolution be forwarded to the Chief Financial Officer of the Township and the Director of the Division of Local Government Services, Department of Community Affairs.

It was moved by Miss Syrnick, seconded by Mr. Ciacciarelli and carried to adopt the foregoing Resolution.

<b>Roll Call Vote:</b>	<b>AYE</b>	<b>- Ciacciarelli, Syrnick, Dodds</b>
	<b>NAY</b>	<b>- None</b>
	<b>ABSTAIN</b>	<b>- None</b>
	<b>ABSENT</b>	<b>- None</b>

**RESOLUTION**

**Resolution No. 2018 –31 Delaware Valley Regional HS Deferred Taxes**

The following Resolution was introduced:

**RESOLUTION NO. 2018 - 31**

**DEFERRAL OF TAXES  
DELAWARE VALLEY REGIONAL HIGH SCHOOL**

**WHEREAS**, regulations of the State of New Jersey provide for the deferral of school taxes in an amount not to exceed fifty percent of the annual school tax levy when such taxes are raised on a fiscal year basis (school year July 1 through June 30); and

**WHEREAS**, said taxes subject to deferral have not been requisitioned by or paid to the school district; and

**WHEREAS**, it is the desire and intent of the Township Committee of the Township of Kingwood, County of Hunterdon, to avail the Township of the deferral as permitted by regulations promulgated by the Local Finance Board, Division of Local Government Services, New Jersey Department of Community Affairs; and

**WHEREAS**, fifty percent of the school tax levy of the Delaware Valley Regional High School District is \$1,894,157;

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Kingwood, County of Hunterdon, hereby authorizes the Chief Financial Officer of the Township to defer \$1,136,494.20 of school taxes as permitted by the aforementioned regulation; and

**BE IT FURTHER RESOLVED** that certified copies of this resolution be forwarded to the Chief Financial Officer of the Township and the Director of the Division of Local Government Services, Department of Community Affairs.

It was moved by Miss Syrnick, seconded by Mr. Ciacciarelli and carried to adopt the foregoing Resolution.



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<b>Roll Call Vote:</b>	<b>AYE</b>	- Ciacciarelli, Syrnick, Dodds
	<b>NAY</b>	- None
	<b>ABSTAIN</b>	- None
	<b>ABSENT</b>	- None

**RESOLUTION**

**Resolution No. 2018 –32 Introduce Budget**

The following Resolution was introduced:

**RESOLUTION NO. 2018 - 32**

**INTRODUCTION AND ADOPTION OF Y2018 BUDGET**

**Section 1.**

**Municipal Budget of the Township of Kingwood, County of Hunterdon For the Fiscal Year 2018**

**BE IT RESOLVED** that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2018;

**BE IT FURTHER RESOLVED** that said Budget be published in the Hunterdon County Democrat in the issue of April 19, 2018;

The Township Committee of the Township of Kingwood does hereby approve the following as the Budget for the year 2018:

**RECORDED VOTE**

<b>Ayes</b>	<b>Nays</b>	<b>Abstained</b>	<b>Absent</b>
T. Ciacciarelli	None	None	None
M. Syrnick			
R. Dodds			

Notice is hereby given that the Budget and Tax Resolution was approved by the Township Committee of the Township of Kingwood, County of Hunterdon on April 5, 2018.

A Hearing on the Budget and Tax Resolution will be held at the Municipal Building on May 3, 2018 at 7:00PM at which time and place objections to said Budget and Tax Resolution for the year 2018 may be presented by taxpayers or other interested persons.

It was moved by Mr. Ciacciarelli, seconded by Miss Syrnick and carried to adopt the foregoing Resolution.

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**Roll Call Vote:**            **AYE**            - Ciacciarelli, Syrnick, Dodds  
                                 **NAY**            - None  
                                 **ABSTAIN**       - None  
                                 **ABSENT**       - None

**PUBLIC COMMENT – PRIVILEGE OF THE FLOOR**

**No Public Comments.**

**RESOLUTION**

**Resolution No. 2018 – 33 Temporary Appropriations**

The following Resolution was introduced:

**RESOLUTION NO. 2018 – 33**

**2018 TEMPORARY APPROPRIATIONS**

**WHEREAS**, the 2018 Budget of the Township of Kingwood has not been adopted and the appropriations provided for in Resolution No. 2018-02 are insufficient to cover the expenses in April of 2018; 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 Temporary 2018 Budget Appropriations be raised by the statutory one-twelfth (1/12<sup>th</sup>).

It was moved by Miss Syrnick, seconded by Mr. Ciacciarelli and carried to adopt the foregoing Resolution.

**Roll Call Vote:**            **AYE**            - Ciacciarelli, Syrnick, Dodds  
                                 **NAY**            - None  
                                 **ABSTAIN**       - None  
                                 **ABSENT**       - None

**BILLS AND CLAIMS**

It was moved by Mr. Ciacciarelli, seconded by Miss Syrnick and carried to approve and pay all bills and claims in the amount of **\$696,416.56** that are in order and attached as Bill List for April, 2018.

**Roll Call Vote:**            **AYE**            - Ciacciarelli, Syrnick, Dodds  
                                 **NAY**            - None  
                                 **ABSTAIN**       - None  
                                 **ABSENT**       - None

**REPORTS**

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

Emergency Management Coordinator

EMC, Jack MacConnell reported he will be contacting a representative from JCP&L regarding an electric bill the township is paying on a building at the HBP. He gave an update on the County Fire Department, which was discussed last month. He noted the hours they would be working and the possible number of firemen covering the stations. Jack MacConnell talked about a major dam at a reservoir that services New York City, which had major leaks a few years ago and stated that it is extremely high. He noted the possible problems it would cause in Kingwood Township along the river if the dam broke.

Jack MacConnell gave a report on the recent snow storms, the electric outages and the problem with telephone poles when they come down during the storms. He noted the Fire Company has been taking cones from the township roads. He feels that there needs to be better communication.

Mayor Dodds noted that a JCP&L Co. representative was scheduled to come this evening to answer questions and comment, but will probably come next month. Mayor Dodds noted a tree company will be trimming all the trees, which may make it difficult getting around the local roads with the tree cutting company working on the narrow roads.

Dog Licensing Report of March 2018  
Animal Control Report of February 2018  
Court Report of February 2018  
Construction Department Reports – Fee/Permit Logs of March 2018  
NJSP Report of February and March 2018  
Zoning Department Monthly Report – March 2018  
Township Engineer’s Report of March 2018  
Collector’s Report of February & March 2018

Township Committee Liaison Monthly Reports

Deputy Mayor Ciacciarelli feels there is a need for a facilities liaison in each department. He has volunteered to be the liaison for the Municipal Building and the DPW. He gave a brief update on the new telephone system, which has recently been installed that will save the township approximately \$120 per month.

Maureen Syrnick gave a brief review on what the Environmental Commission has been doing. She explained that a few new members went for training. She noted a student is going to do a study on bees at the Horseshoe Bend Park in the month of May.

Mayor Dodds talked about discussing leasing property for farmers at the Open Space/Ag meeting, the Parks and Recreation Committee, and they plan on speaking to the Environmental Commission on their thoughts. The list of ideas and recommendations will then be sent to the township attorney. He discussed how they would like to have an open process for farmers to bid on farming township properties.

Mayor Dodds introduced the township’s Planner David Banisch who was present at the meeting to review the COAH ordinances and to discuss what the township has been doing to comply with the Third Round Affordable Housing.

**Draft 2018 Spending Plan**

Planner, David Banisch from Banisch Associates was present and reviewed the Draft 2018 Spending Plan and several ordinances, which will be considered for final adoption at the public hearings for each one this evening.

The Township Committee thanked David Banisch for attending the meeting and for explaining the process the township has gone through the past several months. They also thanked him for giving an overview of the resolutions and ordinances to be adopted for the Third Round Affordable Housing Plan for the township.

**FUTURE MEETINGS AND ACTIVITIES**

Mayor Dodds reviewed as per the agenda and noted two additional events:

Free tree giveaway for residents on April 21<sup>st</sup> at the Horseshoe Bend Park from 9:00a.m. to 3:00p.m. at the South Entrance of the park.

Tree planting at Kingwood Park – Volunteers needed to plant 400 trees on Saturday, April 21<sup>st</sup> and Wednesday, April 27<sup>th</sup>, at 10:00a.m.

**ORDINANCES**

**ORDINANCE NO. 19-01-2018 CALENDAR YEAR 2018 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A.) 40A:4-45.14 PROPERTY - VOL. 19, PG. 19-01-2018** - 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 1<sup>st</sup> day of February 2018. The Ordinance was published in the Hunterdon County Democrat on March 15, 2018 and has been posted in the Kingwood Township Municipal Building on February 2, 2018. Copies of the Ordinance have been available for inspection by the public since February 2, 2018.

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

C.F.O. Diane Laudensch explained the ordinance.

Public Comments: No public comments

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

**ORDINANCE NO. 19 – 01 – 2018**

**CALENDAR YEAR 2018 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)**

**WHEREAS**, the Local Government Cap Law, NJSA 40A:4-45.1 et seq., provides that in the preparation of its annual budget a municipality shall limit any increase in said budget up to 2.5% unless authorized by Ordinance to increase it to three and one-half percent (3.5%) over the previous year's final appropriations, subject to certain exceptions; and

**WHEREAS**, NJSA 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the three and one-half (3.5%) percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

**WHEREAS**, the Township Committee of the Township of Kingwood in the County of Hunterdon finds it advisable and necessary to increase its CY 2018 budget by up to three and one half percent (3.5%) over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

**WHEREAS**, the Township Committee of the Township of Kingwood in the County of Hunterdon hereby determines that a three and one half percent (3.5%) increase in the budget for said year, amounting to \$20,462.38 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

**WHEREAS**, the Township Committee of the Township of Kingwood and County of Hunterdon hereby determines that any amount authorized hereinabove that is not appropriated, as part of the final budget, shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Kingwood, in the County of Hunterdon and State of New Jersey, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2018 budget year, the final appropriations of the Township of Kingwood shall, in accordance with the ordinance and NJSA 40A:4-45.14 be increased by 3.5%, amounting to \$71,618.33, and that the CY 2018 municipal budget for the Township of Kingwood be approved and adopted in accordance with this ordinance; and

**BE IT FURTHER ORDAINED** that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

**BE IT FURTHER ORDAINED** that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within five (5) days of introduction; and

**BE IT FURTHER ORDAINED** that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within five (5) days after such adoption.

It was moved by Miss Syrnick, seconded by Mr. Ciacciarelli and carried to adopt the foregoing Ordinance.

<b>Roll Call Vote:</b>	<b>AYE</b>	<b>- Ciacciarelli, Syrnick, Dodds</b>
	<b>NAY</b>	<b>- None</b>
	<b>ABSTAIN</b>	<b>- None</b>
	<b>ABSENT</b>	<b>- None</b>

**ORDINANCE**

**ORDINANCE NO. 19-03-2018 ORDINANCE AMENDING CHAPTER 132 "ZONING," ARTICLE IV "SUPPLEMENT REGULATIONS," SECTION 50 "ACCESSORY BUILDINGS, USES AND STRUCTURES" TO REDUCE THE SETBACK REQUIREMENTS FOR SHEDS ON LOTS OF 3 ACRES OR LESS - VOL. 19, PG. 19-03-2018** - 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 1<sup>st</sup> day of March 2018. The Ordinance was published in the Hunterdon County Democrat on March 15, 2018 and has been posted in the Kingwood Township Municipal Building on March 2, 2018. Copies of the Ordinance have been available for inspection by the public since March 2, 2018.

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

Public Comments: Mayor Dodds reviewed the reasons for the amendments to the ordinance. Jarold Campbell, Kingsridge Road, thanked the Township Committee for adopting this ordinance.

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

**ORDINANCE NO. 19 – 03 – 2018**

**ORDINANCE AMENDING CHAPTER 132 "ZONING," ARTICLE IV "SUPPLEMENTAL REGULATIONS," SECTION 50 "ACCESSORY BUILDINGS, USES AND STRUCTURES" TO REDUCE THE SETBACK REQUIREMENTS FOR SHEDS ON LOTS OF 3 ACRES OR LESS.**

**WHEREAS**, the Township Committee wishes to amend Section 132-50 of the Ordinance to reduce the setback requirement for small sheds on lots of 3 acres or less; and

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

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Section 1:

Section 132-50F shall be amended as follows:

F. Locations. An accessory building may be erected in side and rear yard areas only at no less distance from the front lot line than the principal structure and shall be set back from side and rear lot lines as prescribed in Article III and the Schedule of Lot and Building Requirements located at the end of this chapter, except that:

- 1) Accessory buildings, whose primary purpose is the storage of garden tools, mowers and other ancillary residential items and are less than 200 square feet in area, may be located within fifteen (15) feet of any side or rear lot line on lots of three (3) acres or less.
- 2) If erected on a corner lot, the accessory building shall be set back from the side street to comply with the setback line applying to the principal building for that side street, and
- 3) No poultry or livestock shelter shall be erected nearer than 100 feet to any lot line.

Section 2:

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

Section 3:

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

Section 4:

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

It was moved by Miss Syrnick, seconded by Mr. Ciacciarelli and carried to adopt the foregoing Ordinance.

<b>Roll Call Vote:</b>	<b>AYE</b>	<b>- Ciacciarelli, Syrnick, Dodds</b>
	<b>NAY</b>	<b>- None</b>
	<b>ABSTAIN</b>	<b>- None</b>
	<b>ABSENT</b>	<b>- None</b>

**ORDINANCE**

**ORDINANCE NO. 19-04-2018 AN ORDINANCE 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 - VOL. 19, PG. 19-04-2018** - Public Hearing and Final Adoption

Mayor Dodds read aloud the Ordinance by title, which was then introduced:

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This Ordinance was introduced and adopted on first reading at a meeting of the Kingwood Township Committee on the 1<sup>st</sup> day of March 2018. The Ordinance was published in the Hunterdon County Democrat on March 8, 2018 and has been posted in the Kingwood Township Municipal Building on March 2, 2018. Copies of the Ordinance have been available for inspection by the public since March 2, 2018.

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

Public Comments:

Sandra McNicol, Oak Grove Road commented on the salaries of the land use secretaries in the township. She stated the large amount spent on salaries for the boards last year and feels that these boards are no longer that busy. She feels the township should consider looking into the job, how much time is spent doing them, and the salaries. She noted doing some research of salaries for joint land use secretaries from other nearby townships. She came to ask the township committee to consider adjusting the salaries for the land use secretaries here at Kingwood Township. She asked if the Township Committee would consider reviewing the ordinance before adopting this evening.

EMC, Jack MacConnell commented on salaries.  
C.F.O. Diane Laudenbach commented on time-sheets.

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

The Township Committee discussed salary/hourly regarding the secretarial positions. They feel that a study should be conducted to find out the hours spent each month on the positions. This will be not only for the secretarial positions, but for all non-tenured part-time employees. The Committee would like to create a detailed excel spread sheet, which will be required to be submitted one week prior to the Township Committee monthly meetings, so that the Township Committee can review time spent on these positions for the remainder of the year to determine if there is a need to lower or raise salaries.

**ORDINANCE NO. 19- 04- 2018**

**AN ORDINANCE 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:

<u><b>Elective</b></u>	
Mayor	\$ 3,000.00
Committee Members	\$ 2,800.00



**Administrative**

Municipal Clerk	\$ 73,154.00
Deputy Clerk	\$ 53,677.00
Assessment Search Officer	\$ 4,049.00
Chief Financial Officer	\$ 40,534.00
Financial Assistant	\$ 18.28
Tax Assessor	\$ 34,905.00
Farm Inspection Fee	\$ 3,390.00
Tax Collector	\$ 29,846.00
Tax Search Officer	\$ 4,049.00
CCO/Building/Building Inspector	\$ 23,138.00
Construction Code Technical Assistant	\$ 6,305.00
Electrical Subcode Official/Inspector	\$ 12,032.00
Fire Subcode Official/Inspector	\$ 6,641.00
Plumbing Subcode Official/Inspector	\$ 7,218.00

**Land Use**

Planning Board Secretary	\$ 22,617.00
Board of Adjustment Secretary	\$ 7,174.00
Zoning Officer	\$ 11,938.00

**Public Works Department**

Road Supervisor	\$ 99,514.00
General Municipal Worker	\$12.00-\$38.00

**Municipal Court**

Judge	\$ 14,750.00
Court Administrator/Violations Clerk	\$ 39,612.00
Public Defender	\$ 3,581.00
Municipal Court Clerical Assistant	\$ 18.46
Municipal Court Security Officer	\$ 33.45

**Miscellaneous**

Clean Communities Coordinator	\$ 3,745.00
Board of Health Secretary	\$ 4,512.00
Parks and Recreation Secretary	\$ 3,799.00
Horseshoe Bend Park Administrator	\$ 6,305.00
Environmental Commission Secretary	\$ 2,631.00
Open Space/Agriculture Secretary	\$ 2,631.00
Affordable Housing Secretary	\$ 1,146.00
Registrar of Vital Statistics	\$ 2,267.00
Deputy Registrar of Vital Statistics	\$ 1,087.00
Emergency Management Coordinator	\$ 3,224.00
Deputy Emergency Mgt. Coordinator	\$ 2,314.00
Recycling Coordinator	\$ 3,312.00
Dog Licensing Agent	\$ 3,009.00
Janitor	\$ 11,916.00

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**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 Miss Syrnick, seconded by Mr. Ciacciarelli and carried to adopt the foregoing Ordinance.

<b>Roll Call Vote:</b>	<b>AYE</b>	<b>- Ciacciarelli, Syrnick, Dodds</b>
	<b>NAY</b>	<b>- None</b>
	<b>ABSTAIN</b>	<b>- None</b>
	<b>ABSENT</b>	<b>- None</b>

**ORDINANCE**

**ORDINANCE NO. 19-05-2018 AN ORDINANCE AMENDING CHAPTER 83, ARTICLE II OF THE CODE ENTITLED "AFFORDABLE HOUSING REGULATIONS" TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE TOWNSHIP'S AFFORDABLE HOUSING OBLIGATIONS - VOL. 19, PG. 19-05-2018** - 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 1<sup>st</sup> day of March 2018. The Ordinance was published in the Hunterdon County Democrat on March 8, 2018 and has been posted in the Kingwood Township Municipal Building on March 2, 2018. Copies of the Ordinance have been available for inspection by the public since March 2, 2018.

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

**ORDINANCE NO. 19-05-2018**

**AN ORDINANCE OF THE TOWNSHIP OF KINGWOOD,  
COUNTY OF HUNTERDON AND STATE OF NEW JERSEY,  
AMENDING CHAPTER 83, ARTICLE II OF THE CODE ENTITLED  
“AFFORDABLE HOUSING REGULATIONS” TO ADDRESS THE  
REQUIREMENTS OF THE FAIR HOUSING ACT AND THE  
UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC)  
REGARDING COMPLIANCE WITH THE TOWNSHIP’S  
AFFORDABLE HOUSING OBLIGATIONS**

**BE IT ORDAINED** by the Township Committee of the Township of Kingwood, Hunterdon County, New Jersey, that the Code of the Township of Kingwood is hereby amended to include provisions addressing Kingwood’s constitutional obligation to provide for its fair share of low- and moderate-income housing, as directed by the Superior Court and consistent with N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985.

The Kingwood Township Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. This Ordinance implements and incorporates the adopted and endorsed Housing Element and Fair Share Plan and addresses the requirements of N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C.5:80-26.1, et seq. as amended and supplemented, and the New Jersey Fair Housing Act of 1985.

This ordinance shall be known as the Kingwood Township Third Round Affordable Housing Ordinance.

**Section 1. Monitoring and Reporting Requirements**

The Township of Kingwood shall comply with the following monitoring and reporting requirements regarding the status of the implementation of its Court-approved Housing Element and Fair Share Plan:

1. Beginning on November 2, 2017, and on every anniversary of that date through November 2, 2025, the Township agrees to provide annual reporting of its Affordable Housing Trust Fund activity to the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center (FSHC) and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs (NJCA), Council on Affordable Housing (COAH), or Local Government Services (NJLGS). The reporting shall include an accounting of all Affordable Housing Trust Fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.
2. Beginning on November 2, 2017, and on every anniversary of that date through February 1, 2025, the Township agrees to provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to Fair Share Housing Center, using forms previously developed for this purpose by COAH or any other forms endorsed by the Special Master and FSHC.

3. By July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Township will post on its municipal website, with a copy provided to FSHC, a status report as to its implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether any mechanisms to meet unmet need should be revised or supplemented. Such posting shall invite any interested party to submit comments to the municipality, with a copy to FSHC, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether any mechanisms to meet unmet need should be revised or supplemented. Any interested party may by motion request a hearing before the Court regarding these issues.
4. By December 2, 2020, and every third year thereafter, as required by N.J.S.A. 52:27D-329.1, the Township will post on its municipal website, with a copy provided to FSHC, a status report as to its satisfaction of its very low-income requirements, including its family very low-income requirements. Such posting shall invite any interested party to submit comments to the municipality and FSHC on the issue of whether the municipality has complied with its very low-income and family very low-income housing obligations.

## **Section 2. Definitions**

The following terms when used in this Ordinance shall have the meanings given in this Section:

“Act” means the Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.)

“Adaptable” means constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

“Administrative agent” means the entity designated by the Township to administer affordable units in accordance with this Ordinance, N.J.A.C. 5:93, and UHAC (N.J.A.C. 5:80-26).

“Affirmative marketing” means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

“Affordability average” means the average percentage of median income at which new restricted units in an affordable housing development are affordable to low- and moderate-income households.

“Affordable” means, a sales price or rent level that is within the means of a low- or moderate-income household as defined within N.J.A.C. 5:93-7.4, and, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

“Affordable housing development” means a development included in or approved pursuant to the Housing Element and Fair Share Plan or otherwise intended to address the Township's fair share obligation, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable housing development.

“Affordable housing program(s)” means any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality's fair share obligation.

“Affordable unit” means a housing unit proposed or created pursuant to the Act and approved for crediting by the Court and/or funded through an affordable housing trust fund.

“Agency” means the New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1, et seq.).

“Age-restricted unit” means a housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development wherein the unit is situated are 62 years of age or older; or 2) at least 80 percent of the units are occupied by one person who is 55 years of age or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as “housing for older persons” as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

"Alternative living arrangement" means a structure in which households live in distinct bedrooms, yet share kitchen and plumbing facilities, central heat and common areas. Alternative living arrangements include, but are not limited to: transitional facilities for the homeless; Class A, B, C, D and E boarding homes as regulated by the State of New Jersey Department of Community Affairs; residential health care facilities as regulated by the New Jersey Department of Health; group homes for the developmentally disabled and mentally ill as licensed and/or regulated by the New Jersey Department of Human Services; and congregate living arrangements.

“Assisted living residence” means a facility that is licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

“Certified household” means a household that has been certified by an Administrative Agent as a low-income household or moderate-income household.

“COAH” means the Council on Affordable Housing, as established by the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, et seq.).

“DCA” means the State of New Jersey Department of Community Affairs.

“Deficient housing unit” means a housing unit with health and safety code violations that requires the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

“Developer” means any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land included in a proposed development including the holder of an option to contract to purchase, or other person having an enforceable proprietary interest in such land.

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to N.J.S.A. 40:55D-1, et seq.

“Inclusionary development” means a development containing both affordable units and market rate units. This term includes, but is not limited to: new construction, the conversion of a non-residential structure to residential use and the creation of new affordable units through the gut rehabilitation or reconstruction of a vacant residential structure.

“Low-income household” means a household with a total gross annual household income equal to 50 percent or less of the regional median household income by household size.

“Low-income unit” means a restricted unit that is affordable to a low-income household.

“Major system” means the primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and load bearing structural systems.

“Market-rate units” means housing not restricted to low- and moderate-income households that may sell or rent at any price.

“Median income” means the median income by household size for the applicable housing region, as adopted annually by COAH or a successor entity approved by the Court.

“Moderate-income household” means a household with a total gross annual household income in excess of 50 percent but less than 80 percent of the regional median household income by household size.

“Moderate-income unit” means a restricted unit that is affordable to a moderate-income household.

“Non-exempt sale” means any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor’s deed to a class A beneficiary and the transfer of ownership by court order.

“Random selection process” means a process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

“Regional asset limit” means the maximum housing value in each housing region affordable to a four-person household with an income at 80 percent of the regional median as defined by duly adopted Regional Income Limits published annually by COAH or a successor entity.

“Rehabilitation” means the repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

“Rent” means the gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

“Restricted unit” means a dwelling unit, whether a rental unit or an ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as amended and supplemented, but does not include a market-rate unit financed under UHORP or MONI.

“UHAC” means the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26, et seq.

“Very low-income household” means a household with a total gross annual household income equal to 30 percent or less of the regional median household income by household size.

“Very low-income unit” means a restricted unit that is affordable to a very low-income household.

“Weatherization” means building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for purposes of a rehabilitation program.

**Section 3. Applicability**

1. The provisions of this Ordinance shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created within the Township of Kingwood pursuant to the Township's most recently adopted Housing Element and Fair Share Plan.

2. Moreover, this Ordinance shall apply to all developments that contain low-and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

3. This ordinance specifically applies to Kingwood Township’s Third Round affordable housing obligations identified in the Settlement Agreement by and between the Township of Kingwood and Fair Share Housing Center, dated November 2, 2017, which identifies the following affordable housing obligations.

Component of Third Round Obligation:	Units
Rehabilitation Share:	5
Prior Round Obligation (pursuant to <u>N.J.A.C. 5:93</u> ):	19
Third Round (1999-2025):	103

4. This ordinance applies to Kingwood Township’s Third Round affordable housing compliance mechanisms that are identified in the Settlement Agreement by and between the Township of Kingwood and Fair Share Housing Center, dated November 2, 2017, which identifies the following affordable housing compliance techniques:

- a. Prior Round Obligation (1987-1999): 19 units

Project	Block	Lot
Easter Seals (Block 1, Lot 7.03)	1	7.03
The ARC of Hunterdon	19	5
Accessory Apartment Program	TBD	TBD
	Subtotals:	
	Total:	

- b. Third Round Prospective Share: 103 units.  
 A minimum of 103 affordable units will be produced on (2) parcels of land situated on Route 12 in the Eastern Gateway Village Center Overlay Zone: Block 21, Lot 1; and Block 15, Lot 8. An Affordable Housing Overlay will require inclusionary zoning that permits either: (1) townhouse development at a density of 12 du/ac with a 20% set-aside; and/or (2) rental apartments at a density of 16 du/ac with a 15% set-aside. Under either alternative, the affordable unit yield will remain the same: 73 affordable units on Block 21, Lot 1 and 38 affordable units on Block 15, Lot 8 for a total of 111 affordable units on both lots. The Township's zoning will include provisions to permit non-residential commercial /service/retail/office uses within the zone, but only in a mixed-use configuration and only when phased with residential market-rate and the required number of affordable housing units addressing the Township's affordable housing obligation.

- **111 affordable unit yield vs. 103 unit obligation.**

**Section 4. Alternative Living Arrangements**

1. The administration of an alternative living arrangement shall be in compliance with N.J.A.C. 5:93-5.8 and UHAC, with the following exceptions:
  - a. Affirmative marketing (N.J.A.C. 5:80-26.15), provided, however, that the units or bedrooms may be affirmatively marketed by the provider in accordance with an alternative plan approved by the Court;
  - b. Affordability average and bedroom distribution (N.J.A.C. 5:80-26.3).
2. With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, alternative living arrangements shall have at least 30-year controls on affordability in accordance with UHAC, unless an alternative commitment is approved by the Court.
3. The service provider for the alternative living arrangement shall act as the Administrative Agent for the purposes of administering the affirmative marketing and affordability requirements for the alternative living arrangement.

**Section 4.b. Accessory Apartments**



1. This ordinance anticipates the creation of not less than six (6), nor more than ten (10) accessory apartments.
2. Accessory Apartments created pursuant to Kingwood Township’s Third Round obligations shall be exempt from the 13% very low-income housing requirement and the bedroom mix requirements established pursuant to N.J.A.C. 5:26-1 et seq. (U.H.A.C.).
3. Accessory apartments created pursuant to Kingwood Township’s Third Round obligations shall conform in all other respects to the provisions applicable to tenant selection, income eligibility and affirmative marketing of affordable units.

**Section 5. Phasing Schedule for Inclusionary Zoning**

In inclusionary developments the following schedule shall be followed:

Maximum Percentage of Market-Rate Units Completed	Minimum Percentage of Low- and Moderate-Income Units Completed
25	0
25+1	10
50	50
75	75
90	100

**Section 6. New Construction**

1. Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:
  - a. The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit. At least 13 percent of all restricted rental units shall be very low-income units (affordable to a household earning 30 percent or less of regional median income by household size). The very low-income units shall be counted as part of the required number of low-income units within the development.
  - b. In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be very low or low-income units.
  - c. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
    - 1) The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total low- and moderate-income units;
    - 2) At least 30 percent of all low- and moderate-income units shall be two bedroom units;
    - 3) At least 20 percent of all low- and moderate-income units shall be three bedroom units; and

4) The remaining units may be allocated among two and three bedroom units at the discretion of the developer.

d. Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. This standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

2. Accessibility Requirements:

a. The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free SubCode, N.J.A.C. 5:23-7 and the following:

b. All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:

- 1) An adaptable toilet and bathing facility on the first floor; and
- 2) An adaptable kitchen on the first floor; and
- 3) An interior accessible route of travel on the first floor; and
- 4) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
- 5) If not all of the foregoing requirements in b.1) through b.4) can be satisfied, then an interior accessible route of travel must be provided between stories within an individual unit, but if all of the terms of paragraphs b.1) through b.4) above have been satisfied, then an interior accessible route of travel shall not be required between stories within an individual unit; and
- 6) An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a, et seq.) and the Barrier Free SubCode, N.J.A.C. 5:23-7, or evidence that Kingwood has collected funds from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:

a) Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.

b) To this end, the builder of restricted units shall deposit funds within the Township of Kingwood's Affordable Housing Trust Fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.

c) The funds deposited under paragraph 6)b) above shall be used by the Township of Kingwood for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.

d) The developer of the restricted units shall submit a design plan and cost estimate to the Construction Official of the Township of Kingwood for the conversion of adaptable to accessible entrances.

e) Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free SubCode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Township's Affordable Housing Trust Fund in care of the Township Treasurer who shall ensure that the funds are deposited into the Affordable Housing Trust Fund and appropriately earmarked.

6) Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is "site impracticable" to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free SubCode, N.J.A.C. 5:23-7.

3. Design:

a. In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.

b. In inclusionary developments, low- and moderate-income units shall have access to all of the same common elements and facilities as the market units.

4. Maximum Rents and Sales Prices:

a. In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC, utilizing the most recently published regional weighted average of the uncapped Section 8 income limits published by HUD and the calculation procedures set forth in the Consent Order entered on December 16, 2016, by the Honorable Douglas K. Wolfson, JSC, in In the Matter of the Township of East Brunswick for a Judgment of Compliance of its Third Round Housing Element and Fair Share Plan, Docket No.: MID-L-004013-15.

b. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of median income, and the average rent for restricted rental units shall be affordable to households earning no more than 52 percent of median income.

c. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 13 percent of all low- and moderate-income rental units shall be affordable to very low-income households, which very low-income units shall be part of the low-income requirement.

c. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income, and each affordable development must achieve an affordability average of 55 percent for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different sales prices for each bedroom type, and low-income ownership units must be available for at least two different sales prices for each bedroom type.

e. In determining the initial sales prices and rent levels for compliance with the affordability average requirements for restricted units other than assisted living facilities and age-restricted developments, the following standards shall be used:

- 1) A studio shall be affordable to a one-person household;
- 2) A one-bedroom unit shall be affordable to a one and one-half person household;
- 3) A two-bedroom unit shall be affordable to a three-person household;
- 4) A three-bedroom unit shall be affordable to a four and one-half person household; and
- 5) A four-bedroom unit shall be affordable to a six-person household.

f. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted developments, the following standards shall be used:

- 1) A studio shall be affordable to a one-person household;
- 2) A one-bedroom unit shall be affordable to a one and one-half person household; and
- 3) A two-bedroom unit shall be affordable to a two-person household or to two one-person households.

g. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.

h. The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate size household, including an allowance for tenant paid utilities, as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.

i. The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the Administrative Agent be lower than the last recorded purchase price.

j. The rents of very low-, low- and moderate-income units may be increased annually based on the permitted percentage increase in the Housing Consumer Price Index for the Northeast Urban Area.

This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low-income housing tax credit regulations shall be indexed pursuant to the regulations governing low-income housing tax credits.

**Section 7. Utilities**

1. Affordable units shall utilize the same type of heating source as market units within an inclusionary development.
2. Tenant-paid utilities included in the utility allowance shall be set forth in the lease and shall be consistent with the utility allowance approved by the NJDCA for its Section 8 program.

**Section 8. Occupancy Standards**

In referring certified households to specific restricted units, the Administrative Agent shall, to the extent feasible and without causing an undue delay in the occupancy of a unit, strive to:

1. Provide an occupant for each bedroom;
2. Provide children of different sexes with separate bedrooms;
3. Provide separate bedrooms for parents and children; and
4. Prevent more than two persons from occupying a single bedroom.

**Section 9. Control Periods for Restricted Ownership Units and Enforcement Mechanisms**

1. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Ordinance for a period of at least thirty (30) years, until Kingwood takes action to release the unit from such requirements; prior to such action, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented.
2. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
3. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Administrative Agent shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.
4. At the time of the initial sale of the unit, the initial purchaser shall execute and deliver to the Administrative Agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.

5. The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.

6. A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all Code standards upon the first transfer of title following the removal of the restrictions provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

#### **Section 10. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices**

Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:

1. The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.

2. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.

3. The master deeds of inclusionary developments shall provide no distinction between the condominium or homeowner association fees and special assessments paid by low- and moderate-income purchasers and those paid by market purchasers.

4. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom. See Section 13.

#### **Section 11. Buyer Income Eligibility**

1. Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50 percent of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80 percent of median income.

2. Notwithstanding the foregoing, the Administrative Agent may, upon approval by the Township Council, and subject to the Court's approval, permit a moderate-income purchaser to buy a low-income unit if and only if the Administrative Agent can demonstrate that there is an insufficient number of eligible low-income purchasers in the housing region to permit prompt occupancy of the unit and all other reasonable efforts to attract a low-income purchaser, including pricing and financing incentives, have failed. Any such low-income unit that is sold to a moderate-income household shall retain the required pricing and pricing restrictions for a low-income unit.

3. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year.

4. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33 percent of the household's eligible monthly income.

**Section 12. Limitations on Indebtedness Secured by Ownership Unit; Subordination**

1. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Administrative Agent for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the Administrative Agent shall issue such determination prior to the owner incurring such indebtedness.

2. With the exception of First Purchase Money Mortgages, neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95 percent of the maximum allowable resale price of the unit, as such price is determined by the Administrative Agent in accordance with N.J.A.C.5:80-26.6(b).

**Section 13. Capital Improvements To Ownership Units**

1. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements made since the purchase of the unit. Eligible capital improvements shall be those that render the unit suitable for a larger household or that add an additional bathroom. In no event shall the maximum sales price of an improved housing unit exceed the limits of affordability for the larger household.

2. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrative Agent at the time of the signing of the agreement to purchase. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price, which shall be subject to 10-year, straight-line depreciation, has been approved by the Administrative Agent. Unless otherwise approved by the Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The owner and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

**Section 14. Control Periods for Restricted Rental Units**

1. Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance for a period of at least 30 years, until Kingwood takes action to release the unit from such requirements. Prior to such action, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented.

2. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Hunterdon. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.
3. A restricted rental unit shall remain subject to the affordability controls of this Ordinance despite the occurrence of any of the following events:
  - a. Sublease or assignment of the lease of the unit;
  - b. Sale or other voluntary transfer of the ownership of the unit; or
  3. The entry and enforcement of any judgment of foreclosure on the property containing the unit.

**Section 15. Rent Restrictions for Rental Units; Leases**

1. A written lease shall be required for all restricted rental units and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.
2. No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
3. Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.
4. No rent control ordinance or other pricing restriction shall be applicable to either the market units or the affordable units in any development in which at least 15% of the total number of dwelling units are restricted rental units in compliance with this Ordinance.

**Section 16. Tenant Income Eligibility**

1. Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:
  - a. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of the regional median household income by household size.
  - b. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of the regional median household income by household size.
  - c. Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of the regional median household income by household size.



2. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income household, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:

a. The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;

b. The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;

c. The household is currently in substandard or overcrowded living conditions;

d. The household documents the existence of assets with which the household proposes to supplement the rent payments; or

e. The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.

3. The applicant shall file documentation sufficient to establish the existence of the circumstances in 1.a. through 2.e. above with the Administrative Agent, who shall counsel the household on budgeting.

### **Section 17. Municipal Housing Liaison**

1. The Township of Kingwood shall appoint a specific municipal employee to serve as a Municipal Housing Liaison responsible for overseeing the Township's affordable housing program, including overseeing the administration of affordability controls on the affordable units and the affirmative marketing of available affordable units in accordance with the Township's Affirmative Marketing Plan; fulfilling monitoring and reporting requirements; and supervising Administrative Agent(s). Kingwood Township shall adopt an Ordinance creating the position of Municipal Housing Liaison and a Resolution appointing the person to fulfill the position of Municipal Housing Liaison. The Municipal Housing Liaison shall be appointed by the governing body and may be a full or part time municipal employee. The Municipal Housing Liaison shall be approved by the Court and shall be duly qualified through a training program sponsored by Affordable Housing Professionals of New Jersey before assuming the duties of Municipal Housing Liaison.

2. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for Kingwood, including the following responsibilities which may not be contracted out to the Administrative Agent:

a. Serving as Kingwood's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;

- b. Monitoring the status of all restricted units in Kingwood’s Fair Share Plan;
- c. Compiling, verifying, submitting and posting all monitoring reports as required by the Court and by this Ordinance;
- d. Coordinating meetings with affordable housing providers and Administrative Agents, as needed; and
- e. Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing at least annually and more often as needed.

3. Subject to the approval of the Court, the Township of Kingwood shall designate one or more Administrative Agent(s) to administer and to affirmatively market the affordable units constructed in the Township in accordance with UHAC and this Ordinance. An Operating Manual for each affordable housing program shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body and subject to approval of the Court. The Operating Manual(s) shall be available for public inspection in the office of the Township Clerk, in the office of the Municipal Housing Liaison, and in the office(s) of the Administrative Agent(s). The Municipal Housing Liaison shall supervise the work of the Administrative Agent(s).

**Section 18. Administrative Agent**

An Administrative Agent shall be an independent entity serving under contract to and reporting to the municipality. *The fees of the Administrative Agent shall be paid by the owners of the affordable units for which the services of the Administrative Agent are required.* The Administrative Agent shall perform the duties and responsibilities of an Administrative Agent as set forth in UHAC, including those set forth in Sections 5:80-26.14, 16 and 18 thereof, which includes:

- 1. Affirmative Marketing:
  - a. Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the Township of Kingwood and the provisions of N.J.A.C. 5:80-26.15; and
  - b. Providing counseling or contracting to provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- 2. Household Certification:
  - a. Soliciting, scheduling, conducting and following up on interviews with interested households;
  - b. Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
  - c. Providing written notification to each applicant as to the determination of eligibility or non-eligibility;

d. Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et seq.;

e. Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located;

f. Employing a random selection process as provided in the Affirmative Marketing Plan of the Township of Kingwood when referring households for certification to affordable units; and

g. Notifying the following entities of the availability of affordable housing units in the Township of Kingwood: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, NORWESCAP, the Supportive Housing Association, and the Central Jersey Housing Resource Center.

3. Affordability Controls:

a. Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;

b. Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;

c. Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the Hunterdon County Register of Deeds or Hunterdon County Clerk's office after the termination of the affordability controls for each restricted unit;

d. Communicating with lenders regarding foreclosures; and

e. Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.

4. Resales and Rerentals:

a. Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or rental; and

b. Instituting and maintaining an effective means of communicating information to low- (or very low-) and moderate-income households regarding the availability of restricted units for resale or rental.

5. Processing Requests from Unit Owners:

a. Reviewing and approving requests for determination from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership that the amount of indebtedness to be incurred will not violate the terms of this Ordinance;

b. Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems;

c. Notifying the municipality of an owner's intent to sell a restricted unit; and

d. Making determinations on requests by owners of restricted units for hardship waivers.

6. Enforcement:

a. Securing annually from the municipality a list of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;

b. Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;

c. Posting annually, in all rental properties (including two-family homes), a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent or other charges can be made;

d. Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;

e. Establishing a program for diverting unlawful rent payments to the municipality's Affordable Housing Trust Fund; and

f. Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent, to be approved by the Township Council and the Court, setting forth procedures for administering the affordability controls.

7. Additional Responsibilities:

a. The Administrative Agent shall have the authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.

b. The Administrative Agent shall prepare monitoring reports for submission to the Municipal Housing Liaison in time to meet the Court-approved monitoring and reporting requirements in accordance with the deadlines set forth in this Ordinance.

c. The Administrative Agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

**Section 19. Affirmative Marketing Requirements**

1. The Township of Kingwood shall adopt by resolution an Affirmative Marketing Plan, subject to approval of the Court that is compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
2. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs marketing activities toward Housing Region 3 and is required to be followed throughout the period of restriction.
3. The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in Housing Region 3, comprised of Hunterdon, Monmouth and Ocean Counties.
4. The municipality has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Program, including initial sales and rentals and resales and rerentals. The Administrative Agent designated by the Township of Kingwood shall implement the Affirmative Marketing Plan to assure the affirmative marketing of all affordable units.
5. In implementing the Affirmative Marketing Plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
6. The Affirmative Marketing Plan shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Plan, the Administrative Agent shall consider the use of language translations where appropriate.
7. The affirmative marketing process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.
8. Applications for affordable housing shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; and the municipal administration building in the municipality in which the units are located; and the developer's rental office. Applications shall be mailed to prospective applicants upon request.
9. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner.
10. The affirmative marketing plan shall specifically notify the following community and regional organizations in advertisement for affordable housing:
  - a. Fair Share Housing Center, Cherry Hill.
  - b. NJ State Conference of the NAACP, Trenton.
  - c. Latino Action Network, Freehold.
  - d. Supportive Housing Association, Cranford.
  - e. Central Hersey Housing Resource Center, Raritan.

**Section 20. Enforcement of Affordable Housing Regulations**

1. Upon the occurrence of a breach of any of the regulations governing an affordable unit by an Owner, Developer or Tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, a requirement for household recertification, acceleration of all sums due under a mortgage, recuperation of any funds from a sale in violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.

2. After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the municipality may take the following action(s) against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:

a. The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation or violations of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is adjudged by the Court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the Court:

1) A fine of not more than \$500.00 per day or imprisonment for a period not to exceed 90 days, or both, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;

2) In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Township of Kingwood Affordable Housing Trust Fund of the gross amount of rent illegally collected;

3) In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.

b. The municipality may file a court action in the Superior Court seeking a judgment that would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any such judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- or moderate-income unit.

1) The judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating Owner shall have his right to possession terminated as well as his title conveyed pursuant to the Sheriff's sale.

2) The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale.

In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating Owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the Owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the Owner shall make a claim with the municipality for such. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the Owner or forfeited to the municipality.

3) Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.

4) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the First Purchase Money Mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.

5) Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.

6) The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.

### **Section 21. Appeals**

Appeals from all decisions of an Administrative Agent appointed pursuant to this Ordinance shall be filed in writing with the Court.

**Section 22.** This ordinance may be renumbered for codification purposes.

### **REPEALER**

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

**SEVERABILITY**

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

**EFFECTIVE DATE**

This Ordinance shall take effect upon passage and publication as provided by law.

It was moved by Miss Syrnick, seconded by Mr. Ciacciarelli and carried to adopt the foregoing Ordinance.

<b>Roll Call Vote:</b>	<b>AYE</b>	<b>- Ciacciarelli, Syrnick, Dodds</b>
	<b>NAY</b>	<b>- None</b>
	<b>ABSTAIN</b>	<b>- None</b>
	<b>ABSENT</b>	<b>- None</b>

**ORDINANCE**

**ORDINANCE NO. 19-06-2018 AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 132, AFFORDABLE HOUSING, ARTICLE III, ACCESSORY APARTMENTS, UPDATING AND PROVISIONS FOR ACCESSORY APARTMENTS IN ACCORDANCE WITH KINGWOOD TOWNSHIP’S THIRD ROUND AFFORDABLE HOUSING OBLIGATIONS - VOL. 19, PG. 19-06-2018** - 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 1<sup>st</sup> day of March 2018. The Ordinance was published in the Hunterdon County Democrat on March 15, 2018 and has been posted in the Kingwood Township Municipal Building on March 2, 2018. Copies of the Ordinance have been available for inspection by the public since March 2, 2018.

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

Planner David Banisch explained the ordinance.

Public Comments: No public comments

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

**ORDINANCE NO. 19 – 06 – 2018**



**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 132, AFFORDABLE HOUSING, ARTICLE III, ACCESSORY APARTMENTS, UPDATING THE PROVISIONS FOR ACCESSORY APARTMENTS IN ACCORDANCE WITH KINGWOOD TOWNSHIP’S THIRD ROUND AFFORDABLE HOUSING OBLIGATIONS**

**WHEREAS**, in order to establish zoning provisions that provide a realistic opportunity for development of affordable housing in response to Kingwood Township’s Third Round affordable housing obligations and consistent with Kingwood Township’s Third Round settlement agreement by and between Kingwood Township and Fair Share Housing Center, dated November 2, 2017, recommended by the Superior Court Special Master and approved by Honorable Thomas C. Miller, P.J.S.C., Superior Court of New Jersey; and

**WHEREAS**, Kingwood Township’s Third Round Housing Plan Element and Fair Share Plan for addressing its Prior Round and Third Round obligations includes a variety of affordable housing types, including affordable accessory apartments; and

**WHEREAS**, Kingwood Township’s existing accessory apartment regulations require updating to reflect current conditions for consistency with Kingwood Township’s Court-approved Third Round Housing Plan Element and Fair Share Plan; which has identified two parcels of land determined to be appropriate for development of high-density inclusionary residential development in the Township located on New Jersey State Route 12 within the Eastern Gateway Village Center Overlay Zone, specifically Block 15, Lot 8 within the Mixed Use Core Subdistrict and Block 21, Lot 1 within the Artisan and Commercial Subdistrict, which together possess sufficient land area to accommodate inclusionary zoning at accepted inclusionary zoning densities to fully address the Township’s Third Round affordable housing obligation of 103 affordable units;

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

**§ 83-13 Purpose.**

An Accessory Apartment Ordinance is hereby enacted for the purpose of providing additional opportunities for low- and moderate-income housing in Kingwood Township.

**§ 83-14 Definition.**

**A.** An accessory apartment is a self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters and a private entrance which is created to be occupied by a low- or a moderate-income household. The accessory apartment may be created within an existing dwelling unit, may be created within an existing structure on the lot or be an addition to an existing home or accessory building.

**B.** All accessory apartment units shall meet the following conditions:

**(1)** The bulk requirements of the zone in which the accessory apartment is created shall be met;

**(2)** Accessory apartments shall comply with all applicable statutes and regulations of the State of New Jersey in addition to all local building codes;

(3) The accessory apartment shall be rented only to a household which is either a low- or moderate-income household at the time of initial occupancy of the unit;

(4) The accessory apartment shall, for a period of at least 10 years from the date of the issuance of a certificate of occupancy, be rented only to a low- or moderate-income household;

(5) Rents of accessory apartments shall be affordable to low- or -moderate income households as per the Council on Affordable Housing (COAH) regulations and shall include a utility allowance;

(6) No more than 10 accessory apartments shall be used to address Kingwood's second cycle fair-share obligation unless a waiver is granted by COAH;

(7) There shall be a recorded deed or declaration of covenants and restrictions applied to the property upon which the accessory apartment is located, running with the land and limiting its subsequent rental or sale within the requirements of Subsection B(3) and (4) above;

(8) Each accessory apartment shall have living/sleeping space, cooking facilities, a kitchen sink and complete sanitary facilities for the exclusive use of its occupants. It shall consist of no less than two rooms, one of which shall be a full bathroom;

(9) The accessory apartment shall have a separate door with direct access to the outdoors;

(10) The potable water supply and sewage disposal system for the accessory apartment shall be adequate; and

(11) The accessory apartment shall be affirmatively marketed to the housing region.

C. In the case of an accessory apartment created illegally or without proper permits which the property owner desires to legitimize as an accessory apartment under this article, all of the requirements of this article in addition to meeting COAH criteria shall apply, except that no subsidy need be provided by the municipality.

**§ 83-15 Creation of accessory apartments; limitations.**

A. Accessory apartments can only be created in one of two ways as delineated in § 83-14:

(1) New construction of an accessory apartment.

(2) The conversion of illegally created accessory apartments.

B. Upon satisfaction of the ten-unit second cycle limitation placed on accessory apartments by COAH, as set forth in Subsection B(6) of § 83-14, whether by new construction or conversion or a combination thereof, the Township shall have the discretion to decide whether to continue to fund accessory apartments through the mechanism of new construction as well as the discretion to decide whether to repeal the new construction portion of this article.

**§ 83-16 Administration of accessory apartment program.**

The Township of Kingwood shall designate its COAH Affordable Housing Coordinator to administer the accessory apartment program.

**A.** The Affordable Housing Coordinator shall administer the accessory apartment program, including advertising, income qualifying prospective renters, setting rents and annual rental increases, maintaining a waiting list, distributing the subsidy, securing certificates of occupancy, qualifying properties, handling application forms, filing deed restrictions and monitoring reports and affirmatively marketing the accessory apartment program.

**B.** The COAH Affordable Housing Coordinator shall only deny an application for an accessory apartment if the project is not in conformance with COAH's requirements, the municipal development ordinance or this article. All denials shall be in writing with the reasons clearly stated.

**C.** In accordance with COAH requirements, Kingwood Township shall provide, except for conversion of illegal accessory apartments, at least \$10,000 to subsidize the physical creation of an accessory apartment conforming to the requirement of this section and COAH requirements. Prior to the grant of such subsidy, the property owner shall enter into a written agreement with Kingwood Township insuring that the subsidy shall be used to create the accessory apartment and the apartment shall meet the requirements of this article and COAH regulations.

**§ 83-17 Applications.**

Applicants for the creation of an accessory apartment shall submit to the Affordable Housing Coordinator:

**A.** A sketch of floor plan(s) showing the location, size and relationship of both the accessory apartment and the primary dwelling within the building or in another structure;

**B.** Rough elevations showing the modification of any exterior building facade to which changes are proposed; and

**C.** A site development sketch showing the location of the existing dwelling and other existing buildings; all property lines; proposed addition, if any, along with the minimum building setback lines; the required parking spaces for both dwelling units and any man-made conditions which might affect construction.

It was moved by Miss Syrnick, seconded by Mr. Ciacciarelli and carried to adopt the foregoing Ordinance.

<b>Roll Call Vote:</b>	<b>AYE</b>	<b>- Ciacciarelli, Syrnick, Dodds</b>
	<b>NAY</b>	<b>- None</b>
	<b>ABSTAIN</b>	<b>- None</b>
	<b>ABSENT</b>	<b>- None</b>

**ORDINANCE**

**ORDINANCE NO. 19-07-2018 AN ORDINANCE TO CREATE THE POSITION OF MUNICIPAL HOUSING LIAISON (MHL) BY AMENDING CHAPTER 83 FOR THE PURPOSE OF ADMINISTERING KINGWOOD TOWNSHIP'S AFFORDABLE HOUSING PROGRAM OF PURSUANT TO THE FAIR HOUSING ACT AND KINGWOOD TOWNSHIP'S AFFORDABLE HOUSING OBLIGATIONS - VOL. 19, PG. 19-07-2018** - 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 1<sup>st</sup> day of March 2018. The Ordinance was published in the Hunterdon County Democrat on March 8, 2018 and has been posted in the Kingwood Township Municipal Building on March 2, 2018. Copies of the Ordinance have been available for inspection by the public since March 2, 2018.

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

**ORDINANCE NO. 19 -07- 2018**

**AN ORDINANCE TO CREATE THE POSITION OF MUNICIPAL HOUSING LIAISON (MHL) BY AMENDING CHAPTER 83 FOR THE PURPOSE OF ADMINISTERING KINGWOOD TOWNSHIP'S AFFORDABLE HOUSING PROGRAM PURSUANT TO THE FAIR HOUSING ACT AND KINGWOOD TOWNSHIP'S AFFORDABLE HOUSING OBLIGATIONS**

**BE IT ORDAINED** by the Township Committee of the Township of Kingwood, Hunterdon County and State of New Jersey that the following amendments be made to Chapter 83 of the Kingwood Township Code.

**Section 1. Purpose.**

The purpose of this article is to create the administrative mechanisms needed for the execution of Kingwood Township's responsibility to assist in the provision of affordable housing pursuant to the Fair Housing Act of 1985.

**Section 2. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**MHL ADMINISTRATOR** – The employee charged by the governing body with the responsibility for oversight and administration of the affordable housing program for Kingwood Township.

**ADMINISTRATIVE AGENT** – The entity responsible for administering the affordability controls of some or all units in the affordable housing program for Kingwood Township to ensure that the restricted units under administration are affirmatively marketed and sold or rented, as applicable, only to low- and moderate-income households.

**Section 3. Establishment of MHL position and compensation; powers and duties.**

- A. Establishment of position of MHL. There is hereby established the position of MHL for Kingwood Township.
- B. Subject to the approval of the Council on Affordable Housing (COAH), if there be one, or in the absence of COAH, the Court, the MHL shall be appointed by the Governing Body and may be a full or part time employee.
- C. The MHL shall be responsible for oversight and administration of the municipality's affordable housing program, including the following responsibilities which may not be contracted out:
  - (1) Serving as Kingwood Township's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents, and interested households;
  - (2) Monitoring the status of all restricted units in Kingwood Township's Fair Share Plan;
  - (3) Compiling, verifying, and submitting periodic monitoring and reporting as required in accordance with COAH or the Court's requirements;
  - (4) Coordinating meetings with affordable housing providers and Administrative Agents, as applicable;
  - (5) Attending continuing education opportunities as offered or approved by COAH;
  - (6) If applicable, serving as the Administrative Agent for some or all of the restricted units in Kingwood Township as described in F. below.
- D. Subject to approval by COAH or the Court, whichever the case may be, Kingwood Township may contract with or authorize a consultant, authority, government or any agency charged by the Governing Body, which entity shall have the responsibility of administering the Kingwood Township affordable housing program, except for those responsibilities which may not be contracted out pursuant to subsection C above. If Kingwood Township contracts with another entity to administer all or any part of the affordable housing program, including the affordability controls and Affirmative Marketing Plan, the MHL shall supervise the contracting Administrative Agent.
- E. Compensation shall be fixed by the Governing Body at the time of the appointment of the MHL.
- F. Administrative powers and duties assigned to the MHL. The following powers and duties are hereby assigned to the Kingwood Township MHL, except to the extent that certain duties and responsibilities may be assigned to an Administrative Agent by the Township Committee.
  - (1) Affirmative Marketing
    - (a) Conducting an outreach process to insure affirmative marketing of affordable housing units in accordance with the Kingwood Township Affirmative Marketing Plan and the provisions of N.J.A.C. 5:80-26.15; and
    - (b) Providing counseling or contracting to provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
  - (2) Household Certification

- (a) Soliciting, scheduling, conducting and following up on interviews with interested households;
  - (b) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
  - (c) Providing written notification to each applicant as to the determination of eligibility or non-eligibility;
  - (d) Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et. seq.;
  - (e) Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and
  - (f) Employing the random selection process as provided in the Kingwood Township Affirmative Marketing Plan when referring households for certification to affordable units.
- (3) Affordability Controls
- (a) Furnishing to attorneys or closing agent's forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
  - (b) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
  - (c) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the appropriate county's register of deeds or county clerk's office after the termination of the affordability controls for each restricted unit;
  - (d) Communicating with lenders regarding foreclosures; and
  - (e) Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.
- (4) Resale and rental
- (a) Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or rental; and
  - (b) Instituting and maintaining an effective means of communicating information to low- and moderate-income households regarding the availability of restricted units for resale or rental.
- (5) Processing request from unit owners
- (a) Reviewing and approving requests from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership;
  - (b) Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the cost of central air conditioning systems; and
  - (c) Processing requests and making determinations on requests by owners of restricted units for hardship waivers.

- (6) Enforcement
  - (a) Securing annually lists of all affordable housing units for which tax bills are mailed to absentee owners and notifying all such owners that they must either move back to their unit or sell it;
  - (b) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
  - (c) The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent can be made;
  - (d) Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;
  - (e) Establishing a program for diverting unlawful rent payments to the municipality's affordable housing trust fund or other appropriate municipal fund approved by the DCA;
  - (f) Creating and publishing a written operating manual, as approved by COAH or the Court, setting forth procedures for administering such affordability controls; and
  - (g) Providing reports to COAH or the Court, as required.
- (7) The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.

**Section 4. Appeals**

Appeals from all decisions of an Administrative Agent appointed pursuant to this Ordinance shall be filed in writing with the Court.

**Section 5.** This ordinance may be renumbered for codification purposes.

**REPEALER**

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

**SEVERABILITY**

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

**EFFECTIVE DATE**

This Ordinance shall take effect upon passage and publication as provided by law.

It was moved by Miss Syrnick, seconded by Mr. Ciacciarelli and carried to adopt the foregoing Ordinance.

<b>Roll Call Vote:</b>	<b>AYE</b>	<b>- Ciacciarelli, Syrnick, Dodds</b>
	<b>NAY</b>	<b>- None</b>
	<b>ABSTAIN</b>	<b>- None</b>
	<b>ABSENT</b>	<b>- None</b>

**ORDINANCE**

**ORDINANCE NO. 19-08-2018 AN ORDINANCE ESTABLISHING INCLUSIONARY AFFORDABLE HOUSING ZONES IN THE EASTERN GATEWAY VILLAGE OVERLAY ZONE IN THE MIXED USE CORE SUB-DISTRICT AND THE COMMERCIAL AND ARTISAN SUB-DISTRICT BY AMENDING CHAPTER 132, ZONING, ARTICLE II ESTABLISHED OF DISTRICTS; MAPS; BOUNDARIES AND ARTICLE III DISTRICT REGULATIONS TO ADDRESS KINGWOOD TOWNSHIP’S THIRD ROUND AFFORDABLE HOUSING OBLIGATIONS OBLIGATIONS - VOL. 19, PG. 19-08-2018** - 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 1<sup>st</sup> day of March 2018. The Ordinance was published in the Hunterdon County Democrat on March 15, 2018 and has been posted in the Kingwood Township Municipal Building on March 2, 2018. Copies of the Ordinance have been available for inspection by the public since March 2, 2018.

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

Planner David Banisch explained the ordinance.

Public Comments: No public comments

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

**ORDINANCE NO. 19-08-2018**

**AN ORDINANCE ESTABLISHING INCLUSIONARY AFFORDABLE HOUSING ZONES IN THE EASTERN GATEWAY VILLAGE OVERLAY ZONE IN THE MIXED USE CORE SUBDISTRICT AND THE COMMERCIAL AND ARTISAN SUBDISTRICT BY AMENDING CHAPTER 132, ZONING, ARTICLE II ESTABLISHMENT OF DISTRICTS; MAPS; BOUNDARIES AND ARTICLE III DISTRICT REGULATIONS TO ADDRESS KINGWOOD TOWNSHIP’S THIRD ROUND AFFORDABLE HOUSING OBLIGATIONS**



**WHEREAS**, in order to establish zoning provisions that provide a realistic opportunity for development of affordable housing in response to Kingwood Township’s Third Round affordable housing obligations and consistent with Kingwood Township’s Third Round settlement agreement by and between Kingwood Township and Fair Share Housing Center, dated November 2, 2017, recommended by the Superior Court Special Master and approved by Honorable Thomas C. Miller, P.J.S.C., Superior Court of New Jersey; and

**WHEREAS**, Kingwood Township has identified two parcels of land determined to be appropriate for development of high-density inclusionary residential development in the Township located on New Jersey State Route 12 within the Eastern Gateway Village Center Overlay Zone, specifically Block 15, Lot 8 within the Mixed Use Core Subdistrict and Block 21, Lot 1 within the Artisan and Commercial Subdistrict, which together possess sufficient land area to accommodate inclusionary zoning at accepted inclusionary zoning densities to fully address the Township’s Third Round affordable housing obligation of 103 affordable units;

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

**Section 1.** Chapter 132, “Zoning”, Article II, § 132-20 “Establishment of Districts; Maps; Boundaries” is hereby amended by adding the following four (4) zone designations at the end of the list of zones that ends with the “FP Floodplain” zone, as follows:

- Eastern Gateway Village Center (EGVCO) Zone
- Scenic Corridor Overlay (SCO) Zone
- Block 15, Lot 8 – Mixed Use Core AH Overlay
- Block 21, Lot 1 – Commercial and Artisan AH Overlay

**Section 2.** Chapter 132, “Zoning” § 132-21, “Zoning Map” is amended to include the following two zone designations as indicated in the attached Exhibit 2, and as listed below:

- Block 15, Lot 8 – Mixed Use Core AH Overlay
- Block 21, Lot 1 – Commercial and Artisan AH Overlay

**Section 3.** Chapter 132, “Zoning”, Article III, “District Regulations” of the Code of the Township of Kingwood, §132-40 Eastern Gateway Village Center Overlay (EGVCO) Zone Regulations are hereby amended and supplemented, as follows:

- A. Amend and supplement §132-40 A. “Purpose” to read in its entirety, as follows:
  - A. Purpose. The purpose of the Eastern Gateway Village Center Overlay District is to establish a framework for planned development with a diversity of uses that enables a transition from conventional strip highway commercial zoning along the Route 12 corridor to a "center-based" zoning approach. This zoning district includes an inclusionary affordable housing development requirement on Block 15, Lot 8 within the Mixed-Use Core subdistrict, and Block 21, Lot 1 within the Artisan and Commercial subdistrict at fixed densities and affordable housing set-asides that may be stand-alone residential development or mixed-use development.

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However, all mixed use and non-residential development on Block 15, Lot 8 and Block 21, Lot 1 is permitted only in conjunction with inclusionary affordable housing development at the minimum density and affordable housing set-asides prescribed below.

B. Amend and supplement §132-40 C. (1) and (2), “Permitted uses.”, to read in their entirety, as follows.

**(1)** Mixed Use Core Subdistrict.

**(a)** Block 15, Lot 8 – Mixed Use Core AH Overlay:

[1] Inclusionary residential development affordable housing in the form of townhouses or multi-family housing, such as garden apartments, in accordance with the density and set-aside standards identified at 132-40.E.1.

[2] All other permitted uses in the Mixed Use Core Subdistrict below (§132-40 C. (b) – (e)), only when developed with inclusionary residential development with affordable housing at the density and set-aside standards identified at 132-40.E.1.

**(b)** All uses permitted in the Village Commercial (VC-1) Zone, except that supermarkets are also permitted.

**(c)** Multifamily units aboveground-level retail (mixed-use).

**(d)** Townhomes, with or without co-housing units.

**(e)** Multifamily residential buildings, with or without co-housing units, on sites served by a centralized wastewater collection system.

**(f)** Planned unit development, inclusive of all uses permitted in Subsection **C(1)(a)** through **(e)** above, on tracts of 10 acres or greater served by a centralized wastewater collection system.

**(2)** Commercial and Artisan Subdistrict.

**(a)** Block 21, Lot 1 – Commercial and Artisan AH Overlay:

[1] Inclusionary residential development affordable housing in the form of townhouses or multi-family housing, such as garden apartments, in accordance with the density and set-aside standards identified at 132-40.E.1.

[2] All other permitted uses in the Commercial and Artisan Subdistrict below (§132-40 C. (b) – (e)), only when developed with

inclusionary residential development with affordable housing at the density and set-aside standards identified at 132-40.E.1.

- (b) All uses permitted in Business Park (BP) except for warehousing, manufacturing and lumber yards.
- (c) Live-work dwelling units.
- (d) Artisan loft buildings.
- (e) Planned unit development, inclusive of all uses permitted in Subsection C(2)(a) through (d) above, on tracts of 10 acres or greater served by a centralized wastewater collection system.

C. Amend and supplement §132-40 by adding and inserting the following new subsection §132-40 E.1. “Supplemental development standards for Block 15, Lot 8 – Mixed Use Core AH Overlay; and Block 21, Lot 1 Artisan and Commercial AH Overlay.” between §132-40 E.(4)(d) and §132-40 F., to read as follows.

E.1. Supplemental development standards for Block 15, Lot 8 – Mixed Use Core AH Overlay; and Block 21, Lot 1 Artisan and Commercial AH Overlay.

- (1) The required minimum residential densities and affordable housing set asides within Block 15, Lot 8 – Mixed Use Core AH Overlay; and Block 21, Lot 1 Artisan and Commercial AH Overlay shall be as follows:
  - (a) Townhouse development: 12 dwelling units per acre with a 20% affordable housing set-aside; and/or.
  - (b) Multi-family housing, such as garden apartments: 16 dwelling units per acre with a 15% affordable housing set-aside.
  - (c) Townhouse and multi-family at the prescribed densities and set-asides identified above may be mixed on single parcel of land.
- (2) Minimum lot size: 10-acres.
- (3) Public water and sewer service: The developer shall provide public water and sewer service (or alternative wastewater treatment facilities).
- (4) No non-residential development shall be permitted within Block 15, Lot 8 – Mixed Use Core AH Overlay; and Block 21, Lot 1 Artisan and Commercial AH Overlay unless developed with residential development at the prescribed densities and affordable housing set-asides identified in §132-40 E.1. (1) (a), (b) and (c) above.

(5) All development within Block 15, Lot 8 – Mixed Use Core AH Overlay; and Block 21, Lot 1 Artisan and Commercial AH Overlay shall conform to the provisions and development standards set forth in §132-40 A. – G.

(6) Affordable housing development within Block 15, Lot 8 – Mixed Use Core AH Overlay; and Block 21, Lot 1 Artisan and Commercial AH Overlay shall comply with the standards and requirements for inclusionary zoning set forth in Chapter 83, Article II, Affordable Housing Regulations and the applicable provisions of N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985.

(7) Whenever non-residential or mixed-use development is included in an inclusionary affordable housing development, the applicant shall provide a development phasing plan to ensure that the required affordable housing receives certificates of occupancy prior to the receipt of a certificate of occupancy for any non-residential or mixed-use included in the development. The Planning Board shall condition approval upon the development and occupancy of affordable housing prior to occupancy of non-residential or mixed-use development.

**Section 4. Appeals.** Appeals from all decisions of an Administrative Agent appointed pursuant to this Ordinance shall be filed in writing with the Court.

**Section 5.** This ordinance may be renumbered for codification purposes.

**REPEALER**

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

**SEVERABILITY**

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

**EFFECTIVE DATE**

This Ordinance shall take effect upon passage and publication as provided by law.

It was moved by Miss Syrnick, seconded by Mr. Ciacciarelli and carried to adopt the foregoing Ordinance.

<b>Roll Call Vote:</b>	<b>AYE</b>	<b>- Ciacciarelli, Syrnick, Dodds</b>
	<b>NAY</b>	<b>- None</b>
	<b>ABSTAIN</b>	<b>- None</b>
	<b>ABSENT</b>	<b>- None</b>

**ORDINANCE**

**ORDINANCE NO. 19-09-2018 AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 132 ZONING, ARTICLE I, GENERAL PROVISIONS, SECTION 132-13 “DEVELOPMENT FEES” THAT PROVIDES FOR THE COLLECTION OF DEVELOPMENT FEES IN SUPPORT OF AFFORDABLE HOUSING AS PERMITTED BY THE NEW JERSEY FAIR HOUSING ACT VOL. 19, PG. 19-09-2018** - 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 1<sup>st</sup> day of March 2018. The Ordinance was published in the Hunterdon County Democrat on March 15, 2018 and has been posted in the Kingwood Township Municipal Building on March 2, 2018. Copies of the Ordinance have been available for inspection by the public since March 2, 2018.

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

Public Comments: Planner David Banisch reviewed the ordinance.

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

**ORDINANCE NO. 19-09-2018**

**ORDINANCE OF THE TOWNSHIP OF KINGWOOD, COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT CHAPTER 132 ZONING, ARTICLE I, GENERAL PROVISIONS, SECTION 132-13 “DEVELOPMENT FEES” THAT PROVIDES FOR THE COLLECTION OF DEVELOPMENT FEES IN SUPPORT OF AFFORDABLE HOUSING AS PERMITTED BY THE NEW JERSEY FAIR HOUSING ACT**

**WHEREAS**, consistent with the terms of settlement in the agreement by and between the Township of Kingwood and Fair Share Housing Center, dated November 2, 2017, (Court Settlement) establishing Kingwood Township’s Fair Share Plan for Third Round Mount Laurel compliance, and in accordance with compliance conditions established by Kingwood Township’s Superior Court Master for the granting of a judgment of compliance and repose for the Third Round; certain ordinances are required to guide affordable housing compliance in a manner that is consistent with current conditions and the Court Settlement; and

**WHEREAS**, Kingwood Township has previously adopted a “Development Fees” ordinance that addresses the requirements for affordable housing development fee collections as previously published by the New Jersey Council on Affordable Housing (COAH) for the Third Round; and

**WHEREAS**, Kingwood Township’s Court Settlement requires that instead of COAH’s approval of the Township’s Development Fee ordinance and authorization of Affordable Housing Trust Fund expenditures, Court Approval is required, and the Kingwood Township Committee is desirous of appropriately amending and supplementing the existing Kingwood Township Development Fees ordinance to reflect the terms of the Court Settlement;

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Kingwood, Hunterdon County, New Jersey, as follows:

**Section 1.** § 132-13. G. Affordable Housing Trust Fund, subsection (3) is hereby repealed and replaced with the following new subsection (3):

(3) In the event of a failure by the Township of Kingwood to comply with trust fund monitoring and reporting requirements or to submit accurate monitoring reports; or a failure to comply with the conditions of the judgment of compliance or a revocation of the judgment of compliance; or a failure to implement the approved Spending Plan and to expend funds within the applicable required time period as set forth in In re Tp. of Monroe, 442 N.J. Super. 565 (Law Div. 2015) (aff’d 442 N.J. Super. 563); or the expenditure of funds on activities not approved by the Court; or for other good cause demonstrating the unapproved use(s) of funds, the Court may authorize the State of New Jersey, Department of Community Affairs, Division of Local Government Services (LGS), to direct the manner in which the funds in the Affordable Housing Trust Fund shall be expended, provided that all such funds shall, to the extent practicable, be utilized for affordable housing programs within the Township of Kingwood, or, if not practicable, then within the County or the Housing Region.

Any party may bring a motion before the Superior Court presenting evidence of such condition(s), and the Court may, after considering the evidence and providing the municipality a reasonable opportunity to respond and/or to remedy the non-compliant condition(s), and upon a finding of continuing and deliberate non-compliance, determine to authorize LGS to direct the expenditure of funds in the Trust Fund.

The Court may also impose such other remedies as may be reasonable and appropriate to the circumstances.

**Section 2.** § 132-13. H. Use of funds, subsection (1) is hereby repealed and replaced with the following new subsection (1):

(1) The expenditure of all funds shall conform to a Spending Plan approved by the Court. Funds deposited in the Affordable Housing Trust Fund may be used for any activity approved by the Court to address the Township of Kingwood’s fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls; housing rehabilitation; new construction of affordable housing units and related costs; accessory apartments; a market to affordable program; Regional Housing Partnership programs; conversion of existing non-residential buildings to create new affordable units; green building strategies designed to be cost saving and in accordance with accepted national or State standards; purchase of land for affordable

housing; improvement of land to be used for affordable housing; extensions or improvements of roads and infrastructure to affordable housing sites; financial assistance designed to increase affordability; administration necessary for implementation of the Housing Element and Fair Share Plan; and/or any other activity permitted by the Court and specified in the approved Spending Plan.

**Section 3.** § 132-13. I. Monitoring. is hereby repealed and replaced with the following new subsection I.:

**I. Monitoring.**

The Township of Kingwood shall provide annual reporting of Affordable Housing Trust Fund Activity to the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, Council on Affordable Housing or Local Government Services. The reporting shall include an accounting of all Affordable Housing Trust Fund activity including the sources and amounts of funds collected and the amounts and purposes for which any funds have been expended. Such reporting shall include an accounting of development fees collected from residential and non-residential developers, payments in lieu of constructing affordable units on site (if permitted by Ordinance or by Agreement with the Township), funds from the sale of units with extinguished controls, barrier free escrow funds, rental income from Township-owned affordable housing units, repayments from affordable housing program loans, and any other funds collected in connection with Kingwood's affordable housing programs, as well as an accounting of the expenditures of revenues and implementation of the Spending Plan approved by the Court.

**Section 4.** § 132-13.J. Ongoing collection of fees. is hereby repealed and replaced with the following new subsection J. Ongoing collection of fees:

**J. Ongoing Collection of Fees.**

(1) The ability for the Township of Kingwood to impose, collect and expend development fees shall expire with the expiration of the repose period covered by its Judgment of Compliance unless the Township of Kingwood has first filed an adopted Housing Element and Fair Share Plan with the Court or with a designated State administrative agency, has petitioned for a Judgment of Compliance from the Court or for Substantive Certification or its equivalent from a State administrative agency authorized to approve and administer municipal affordable housing compliance and has received approval of its Development Fee Ordinance from the entity that will be reviewing and approving the Housing Element and Fair Share Plan.

(2) If the Township of Kingwood fails to renew its ability to impose and collect development fees prior to the expiration of its Judgment of Compliance, it may be subject to forfeiture of any or all funds remaining within its Affordable Housing Trust Fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to Section 20 of P.L. 1985, c. 222 (C. 52:27D-320).

(3) The Township of Kingwood shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its Judgment of Compliance, nor shall the Township of Kingwood retroactively impose a development fee on such a development unless the Township of Kingwood has fulfilled the requirements for the ongoing collection of fees identified in § 132-13-J.(1) above. The Township of Kingwood also shall not expend any of its collected development fees after the expiration of its Judgment of Compliance unless the Township of Kingwood has fulfilled the requirements for the ongoing collection of fees identified in § 132-13-J.(1) above.

**Section 5.** This ordinance may be renumbered for codification purposes.

**REPEALER**

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

**SEVERABILITY**

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

**EFFECTIVE DATE**

This Ordinance shall take effect upon passage and publication as provided by law. It was moved by Miss Syrnick, seconded by Mr. Ciacciarelli and carried to adopt the foregoing Ordinance.

<b>Roll Call Vote:</b>	<b>AYE</b>	<b>- Ciacciarelli, Syrnick, Dodds</b>
	<b>NAY</b>	<b>- None</b>
	<b>ABSTAIN</b>	<b>- None</b>
	<b>ABSENT</b>	<b>- None</b>

**RESOLUTIONS**

**Resolution No. 2018 - 34 Appointing Kingwood Township Affordable Housing Administrative Agent**

The following Resolution was introduced:

**RESOLUTION 2018 – 34**

**RESOLUTION OF THE TOWNSHIP OF KINGWOOD  
APPOINTING KINGWOOD TOWNSHIP AFFORDABLE HOUSING ADMINISTRATIVE  
AGENT**

**WHEREAS**, the Township of Kingwood has petitioned the Superior Court of New Jersey for a Declaratory Judgment that its adopted 2018 Housing Element and Fair Share Plan is compliant with its constitutional obligation to provide its fair share of the regional need for very low-, low-, and moderate-income housing; and

**WHEREAS**, the Township's adopted 2018 Housing Element and Fair Share Plan will result in the creation of housing units affordable to and intended for occupancy solely by qualified very low-, low-, and moderate-income households; and

**WHEREAS**, the Township Committee of the Township of Kingwood has determined to retain Norwescap as its Administrative Agent, to fulfill the duties set forth in Ordinance No. 19-07-2018, creating the role of Administrative Agent; and



**WHEREAS**, Norwescap shall be required to complete all training to achieve an Affordable Housing Professional Certificate, which is provided by the Affordable Housing Professionals of New Jersey and the Center for Government Services at Rutgers. This Certificate will serve as the qualification to serve as the Township’s Administrative Agent. Norwescap shall obtain said Certificate by August 1, 2018; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Kingwood, County of Hunterdon, that the Township of Kingwood hereby retains Norwescap as its designated Administrative Agent.

It was moved by Miss Syrnick, seconded by Mr. Ciacciarelli and carried to adopt the foregoing Resolution.

<b>Roll Call Vote:</b>	<b>AYE</b>	<b>- Ciacciarelli, Syrnick, Dodds</b>
	<b>NAY</b>	<b>- None</b>
	<b>ABSTAIN</b>	<b>- None</b>
	<b>ABSENT</b>	<b>- None</b>

**RESOLUTION**

**Resolution No. 2018 - 35 Appointing Kingwood Township Municipal Housing Liaison**

The following Resolution was introduced:

**RESOLUTION 2018 – 35**

**RESOLUTION OF THE TOWNSHIP OF KINGWOOD  
APPOINTING KINGWOOD TOWNSHIP MUNICIPAL HOUSING LIAISON**

**WHEREAS**, the Township of Kingwood has petitioned the Superior Court of New Jersey for a Declaratory Judgment that its adopted 2018 Housing Element and Fair Share Plan is compliant with its constitutional obligation to provide its fair share of the regional need for very low-, low-, and moderate-income housing; and

**WHEREAS**, the Township's adopted 2018 Housing Element and Fair Share Plan will result in the creation of housing units affordable to and intended for occupancy solely by qualified very low-, low-, and moderate-income households; and

**WHEREAS**, the Township Committee of the Township of Kingwood has determined to appoint and designate Diane Laudenbach as its Municipal Housing Liaison, to fulfill the duties set forth in Ordinance No. 19-07-2018, creating the position of Municipal Housing Liaison;

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Kingwood, County of Hunterdon, that the Township of Kingwood hereby appoints Diane Laudenbach as its designated Municipal Housing Liaison.

It was moved by Miss Syrnick, seconded by Mr. Ciacciarelli and carried to adopt the foregoing Resolution.

<b>Roll Call Vote:</b>	<b>AYE</b>	- Ciacciarelli, Syrnick, Dodds
	<b>NAY</b>	- None
	<b>ABSTAIN</b>	- None
	<b>ABSENT</b>	- None

**RESOLUTION**

**Resolution No. 2018 –36 Adopting Affirmative Marketing Plan Pursuant to New Jersey Uniform Housing Affordability Controls (UHAC)and Kingwood Township’s Commitment to Affirmative Marketing of Affordable Housing**

The following Resolution was introduced:

**RESOLUTION 2018 – 36**

**RESOLUTION OF THE TOWNSHIP OF KINGWOOD ADOPTING AFFIRMATIVE MARKETING PLAN PURSUANT TO NEW JERSEY UNIFORM HOUSING AFFORDABILITY CONTROLS (U.H.A.C.) AND KINGWOOD TOWNSHIP’S COMMITMENT TO AFFIRMATIVE MARKETING OF AFFORDABLE HOUSING**

**WHEREAS**, in accordance with the New Jersey Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26-1, et seq., the Township of Kingwood is required to adopt an Affirmative Marketing Plan to ensure that all affordable housing units created within the Township of Kingwood, are affirmatively marketed to very low-, low- and moderate-income households, particularly those living and/or working within Housing Region 3, the COAH Housing Region encompassing the Township of Kingwood, all of Hunterdon, Somerset and Middlesex Counties.

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

**Affirmative Marketing Plan**

- A. All affordable housing units in the Township of Kingwood shall be marketed in accordance with the provisions herein.
- B. The Township of Kingwood has a Prior Round Obligation and a Third Round Obligation covering the years from 1999-2025. This Affirmative Marketing Plan shall apply to all developments that contain or will contain very low-, low- and moderate-income units, including those that are part of the Township’s Prior Round Fair Share Plan and its current Fair Share Plan and those that may be constructed in future developments not yet anticipated by the Fair Share Plan.
- B. The Affirmative Marketing Plan shall be implemented by one or more Administrative Agent(s) designated by and/or under contract to the Township of Kingwood. All of the costs of advertising and affirmatively marketing affordable housing units shall be borne by the developers/sellers/owners of affordable unit(s), and all such advertising and affirmative marketing shall be subject to approval and oversight by the designated Administrative Agent.

- D. In implementing the Affirmative Marketing Plan, the Administrative Agent, acting on behalf of the Township of Kingwood, shall undertake, at the minimum, all of the following strategies:
1. Publication of an advertisement in one or more newspapers of general circulation within the housing region.
  2. At least one additional regional marketing strategy using one of the other sources listed below.
- E. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer or sponsor of affordable housing. The Affirmative Marketing Plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward COAH Region 3 Housing Region in which the municipality is located and covers the entire period of the deed restriction for each restricted housing unit. The Township of Kingwood is located in COAH Housing Region 3, consisting of Hunterdon, Somerset and Middlesex Counties.
- F. The Affirmative Marketing Plan is a continuing program intended to be followed throughout the entire period of restrictions and shall meet the following requirements:
1. All newspaper articles, announcements and requests for applications for very low-, low- and moderate-income units shall appear in the *Hunterdon Democrat*.
  2. The primary marketing shall take the form of at least one press release and a paid display advertisement in the above newspapers once a week for four consecutive weeks. Additional advertising and publicity shall be on an "as needed" basis. The developer/owner shall disseminate all public service announcements and pay for display advertisements. The developer/owner shall provide proof of all publications to the Administrative Agent. All press releases and advertisements shall be approved in advance by the Administrative Agent.
  3. The advertisement shall include a description of the:
    - a. Location of the units;
    - b. Directions to the units;
    - c. Range of prices for the units;
    - d. Size, as measured in bedrooms, of units;
    - e. Maximum income permitted to qualify for the units;
    - f. Location of applications;

- g. Business hours when interested households may obtain an application; and
  - h. Application fees.
- G. Applications, brochure(s), sign(s) and/or poster(s) used as part of the affirmative marketing program shall be available/posted in the following locations:
- 1. Kingwood Township Municipal Building
  - 2. Kingwood Township Web Site
  - 3. Developer's Sales/Rental Offices
  - 4. Hunterdon County Library Headquarters

Applications shall be mailed by the Administrative Agent and Municipal Housing Liaison to prospective applicants upon request. Also, applications shall be available at the developer's sales/rental office.

- H. The Administrative Agent shall develop, maintain and update a list of community contact person(s) and/or organizations(s) in Hunterdon, Somerset and Middlesex Counties that will aid in the affirmative marketing program with particular emphasis on contacts that will reach out to groups that are least likely to apply for housing within the region, including major regional employers identified in Attachment A, Part III, Marketing, Section 3d of COAH's *Affirmative Fair Housing Marketing Plan for Affordable Housing in Region 3* (attached to and hereby made part of this Resolution) as well as the following entities: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, NORWESCAP, the Supportive Housing Association, the New Jersey Housing Resource Center and the Central Jersey Housing Resource Center.
- 1. Quarterly informational circulars and applications shall be sent to the administrators of each of the following agencies within the counties of Hunterdon, Somerset and Middlesex:
    - Welfare or Social Service Board (via the Director)
    - Rental Assistance Office (local office of DCA)
    - Office on Aging
  - 2. Quarterly informational circulars and applications shall be sent to the chief personnel administrators of all of the major employers within the region, as listed on Attachment A, Part III, Marketing, Section 3d.
  - 3. In addition, specific notification of the availability of affordable housing units in Kingwood shall be provided to the following entities: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, NORWESCAP, the Supportive Housing Association, the New Jersey Housing Resource Center and the Central Jersey Housing Resource Center.

- I. The following is a listing of community contact person(s) and/or organizations in Hunterdon, Somerset and Middlesex Counties that will aid in the affirmative marketing program and provide guidance and counseling services to prospective occupants of very low-, low- and moderate-income units:
1. Central Jersey Housing Resource Center, 600 First Avenue, Suite 3, Raritan, NJ 08869
  2. Northwest New Jersey Community Action Program, Inc. (NORWESCAP), 350 Marshall Street, Phillipsburg, NJ 08865
- J. A random selection method to select occupants of very low-, low- and moderate-income housing will be used by the Administrative Agent, in conformance with N.J.A.C. 5:80-26.16 (l). The Affirmative Marketing Plan shall provide a regional preference for very low-, low- and moderate-income households that live and/or work in COAH Housing Region 3, comprised of Hunterdon, Somerset and Middlesex Counties. Pursuant to the New Jersey Fair Housing Act (C.52:27D-311), a preference for very low-, low- and moderate-income veterans duly qualified under N.J.A.C. 54:4-8.10 may also be exercised, provided an agreement to this effect has been executed between the developer or landlord and the Township prior to the affirmative marketing of the units.
- K. The Administrative Agent shall administer the Affirmative Marketing Plan. The Administrative Agent has the responsibility to income qualify very low-, low- and moderate-income households; to place income eligible households in very low-, low- and moderate-income units upon initial occupancy; to provide for the initial occupancy of very low-, low- and moderate-income units with income qualified households; to continue to qualify households for re-occupancy of units as they become vacant during the period of affordability controls; to assist with outreach to very low-, low- and moderate-income households; and to enforce the terms of the deed restriction and mortgage loan as per N.J.A.C 5:80-26-1, *et seq.*
- L. The Administrative Agent shall provide or direct qualified very low-, low- and moderate-income applicants to counseling services on subjects such as budgeting, credit issues, mortgage qualifications, rental lease requirements and landlord/tenant law and shall develop, maintain and update a list of entities and lenders willing and able to perform such services.
- M. All developers/owners of very low-, low- and moderate-income housing units shall be required to undertake and pay the costs of the marketing of the affordable units in their respective developments, subject to the direction and supervision of the Administrative Agent.
- N. The implementation of the Affirmative Marketing Plan for a development that includes affordable housing shall commence at least 120 days before the issuance of either a temporary or permanent certificate of occupancy.  
The implementation of the Affirmative Marketing Plan shall continue until all very low-, low- and moderate-income housing units are initially occupied and for as long as the affordable units remain deed restricted such that qualifying new tenants and/or purchasers continues to be necessary.
- O. The Administrative Agent shall provide the Affordable Housing Liaison with the information required to comply with monitoring and reporting requirements pursuant to N.J.A.C.5:80-26-1, *et seq.*

It was moved by Miss Syrnick, seconded by Mr. Ciacciarelli and carried to adopt the foregoing Resolution.

<b>Roll Call Vote:</b>	<b>AYE</b>	<b>- Ciacciarelli, Syrnick, Dodds</b>
	<b>NAY</b>	<b>- None</b>
	<b>ABSTAIN</b>	<b>- None</b>
	<b>ABSENT</b>	<b>- None</b>

**RESOLUTION**

**Resolution No. 2018 - 37 Endorsing the 2018 Housing Element and Fair Share Plan (Copy of 2018 HEFSP Resolution Adopted by Planning Board Attached)**

The following Resolution was introduced:

**RESOLUTION NO. 2018 - 37**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF KINGWOOD TOWNSHIP,  
HUNTERDON COUNTY, NEW JERSEY, ENDORSING THE 2018 HOUSING ELEMENT AND  
FAIR SHARE PLAN**

**WHEREAS**, the Planning Board of the Township of Kingwood, County of Hunterdon, State of New Jersey, adopted the Housing Element of the Master Plan, as well as the Fair Share Plan, on March 20, 2018; and

**WHEREAS**, a true copy of the Resolution of the Planning Board adopting the Amended Housing Element and Fair Share Plan is attached; and

**NOW, THEREFORE, BE IT RESOLVED** that the governing body of Kingwood Township, Hunterdon County, State of New Jersey, hereby endorses the Amended Housing Element and Fair Share Plan, as adopted by the Kingwood Township Planning Board.

It was moved by Miss Syrnick, seconded by Mr. Ciacciarelli and carried to adopt the foregoing Resolution.

<b>Roll Call Vote:</b>	<b>AYE</b>	<b>- Ciacciarelli, Syrnick, Dodds</b>
	<b>NAY</b>	<b>- None</b>
	<b>ABSTAIN</b>	<b>- None</b>
	<b>ABSENT</b>	<b>- None</b>

**RESOLUTION**

**Resolution No. 2018 - 38 Resolution to Adopt 2018 Spending Plan**

Planner David Banisch handed out a draft Trust Fund Spending Plan Third Round Housing Plan Element and Fair Share Plan – March 2018 and reviewed the plan to the Township Committee. He came to the Committee to recommend to approve this draft spending plan and then if necessary come back at the next month’s meeting with amended changes.

The following Resolution was introduced:

**2018 – 144**

It was moved by Miss Syrnick, seconded by Mr. Ciacciarelli and carried to adopt the foregoing Resolution.

**Roll Call Vote:**                    **AYE**                    - **Ciacciarelli, Syrnick, Dodds**  
   **NAY**                    - **None**  
   **ABSTAIN**           - **None**  
   **ABSENT**            - **None**

**RESOLUTION**

**Resolution No. 2018 - 39** Resolution Authorizing the Award of Non-Fair and Open Contracts for Township Professionals

The following Resolution was introduced:

**RESOLUTION NO. 2018 – 39**

**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 has submitted a proposal indicating they will provide the professional services described below for the amount set forth in each submitted proposal; and

**WHEREAS**, each of the Township professionals set forth in 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 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:

**2018 – 145**

David Pierce  
Lindabury McCormick,  
Estabrook & Cooper, P.C.  
P.O. Box 2369  
Westfield, NJ 07091

Township Attorney      One Year  
Planning Bd./BOA

**Appropriation of \$4,000 Temporary Budget – Planning Board – OE**  
**Appropriation of \$1,450 Temporary Budget – BOA – OE**

Lisa Petrosky  
NW Financial Group  
2 Hudson Place  
Hoboken, NJ 07030

Filing Requirements for Secondary Disclosure    One Year

**Appropriation of \$2,000.00 Temporary Budget – Financial Administration**

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

It was moved by Miss Syrnick, seconded by Mr. Ciacciarelli and carried to adopt the foregoing Resolution.

**Roll Call Vote:**

<b>AYE</b>	- Ciacciarelli, Syrnick, Dodds
<b>NAY</b>	- None
<b>ABSTAIN</b>	- None
<b>ABSENT</b>	- None

**RESOLUTION**

**Resolution No. 2018 - 40** Resolution Reimbursement for Security Deposit for Use of the Morton Bldg.

The following Resolution was introduced:

**RESOLUTION NO. 2018 - 40  
REIMBURSEMENT FOR SECURITY DEPOSIT**

**WHEREAS**, the Mid-Jersey Labrador Retriever Club rented the Morton Building facility at the Horseshoe Bend Park on Horseshoe Bend Road for a dog club event on March 31, 2018and

**WHEREAS**, the Township of Kingwood requested a security deposit from the Mid-Jersey Labrador Retriever Club for the use of the facility for March 31, 2018 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 Mid-Jersey Labrador Retriever Club.



2018 – 146

It was moved by Miss Syrnick, seconded by Mr. Ciacciarelli and carried to adopt the foregoing Resolution.

<b>Roll Call Vote:</b>	<b>AYE</b>	<b>- Ciacciarelli, Syrnick, Dodds</b>
	<b>NAY</b>	<b>- None</b>
	<b>ABSTAIN</b>	<b>- None</b>
	<b>ABSENT</b>	<b>- None</b>

**RESOLUTION**

**Resolution No. 2018 - 41 Refund of Subsequent Payment by Lienholder**

The following Resolution was introduced:

**RESOLUTION NO. 2018 – 41**

**REFUND OF SUBSEQUENT PAYMENT BY LIENHOLDER**

**WHEREAS**, the Tax Sale Certificate on Block 23, Lot 17 was redeemed in December of 2017 prior to the issuance of the Final Judgement, and

**WHEREAS**, the homeowner redeemed the lien prior to the issuance of the Final Judgement.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey that the Chief Financial Officer be authorized to issue a refund of the erroneous subsequent payment in the amount of \$1039.95 to Pro Capital II, LLC, 1000 Haddonfield Berlin Road, Suite 203, Voorhees, New Jersey 08043.

It was moved by Miss Syrnick, seconded by Mr. Ciacciarelli and carried to adopt the foregoing Resolution.

<b>Roll Call Vote:</b>	<b>AYE</b>	<b>- Ciacciarelli, Syrnick, Dodds</b>
	<b>NAY</b>	<b>- None</b>
	<b>ABSTAIN</b>	<b>- None</b>
	<b>ABSENT</b>	<b>- None</b>

**RESOLUTION**

**Resolution No. 2018 –42 Accepting Green Trust Funds Into Budget**

The following Resolution was introduced:

**RESOLUTION NO. 2018 – 42**

**ACCEPTING GREEN TRUST FUNDS INTO BUDGET**

**WHEREAS**, Kingwood Township applied for a Dedication by Rider for the receipt of funds derived from Sustainable Kingwood, and

**WHEREAS**, Kingwood Township had received in past years an amount of \$1,116.64 derived from the sale of items at the Green Fair in Frenchtown.

**2018 – 147**

**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 \$1,116.64 be realized as Miscellaneous Revenue Not Anticipated in 2018.

It was moved by Miss Syrnick, seconded by Mr. Ciacciarelli and carried to adopt the foregoing Resolution.

<b>Roll Call Vote:</b>	<b>AYE</b>	<b>- Ciacciarelli, Syrnick, Dodds</b>
	<b>NAY</b>	<b>- None</b>
	<b>ABSTAIN</b>	<b>- None</b>
	<b>ABSENT</b>	<b>- None</b>

**RESOLUTION**

**Resolution No. 2018 –43 Public Works Department Salaries for 2017 & 2018**

The following Resolution was introduced:

**RESOLUTION NO. 2018 - 43**

**PUBLIC WORKS DEPARTMENT SALARIES FOR 2017 & 2018**

**WHEREAS**, Ordinance Nos.19-07-2017 and 19-04-2018 contains the Salary Range for the Public Works Employees;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey that the following per hour salaries are established for the year 2017 & 2018:

**2017**

John McNally	\$ 27.50
Seasonal Part-Time	\$ 25.00

**2018**

John McNally	\$ 28.12
Seasonal Part-Time	\$ 25.00

It was moved by Miss Syrnick, seconded by Mr. Ciacciarelli and carried to adopt the foregoing Resolution.

<b>Roll Call Vote:</b>	<b>AYE</b>	<b>- Ciacciarelli, Syrnick, Dodds</b>
	<b>NAY</b>	<b>- None</b>
	<b>ABSTAIN</b>	<b>- None</b>
	<b>ABSENT</b>	<b>- None</b>

**RESOLUTION**

**Resolution No. 2018 - 44** Amending the Kingwood Township Employee Handbook

The following Resolution was introduced:

**RESOLUTION NO. 2018 - 44**

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

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

**WHEREAS**, the Township Committee desires to amend the Employee Handbook and Personnel Policies and Procedures Manual by amending the Attendance and Punctuality; and

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

**Attendance and Punctuality:**

Timesheets or other requested documentation must be completed by hourly employees and returned as instructed by the Township Committee. It is imperative that the Township maintain an accurate record of each hourly employee’s time at work”

**Separation:**

Failure to report hours worked in a timely manner for hourly employees.

It was moved by Miss Syrnick, seconded by Mr. Ciacciarelli and carried to adopt the foregoing Resolution.

<b>Roll Call Vote:</b>	<b>AYE</b>	<b>- Ciacciarelli, Syrnick, Dodds</b>
	<b>NAY</b>	<b>- None</b>
	<b>ABSTAIN</b>	<b>- None</b>
	<b>ABSENT</b>	<b>- None</b>

**RESOLUTION**

**Resolution No. 2018 –45** Cancellation of Real Estate Taxes

The following Resolution was introduced:

**RESOLUTION NO. 2018 - 45**

**CANCELLATION OF REAL ESTATE TAXES**

**WHEREAS**, Block 40, Lot 19 was acquired by the Township of Kingwood and became tax exempt at the end of 2017, and

**2018 - 149**

**WHEREAS**, the fourth quarter of 2017 and the first and second quarters of 2018 had already been billed by the time of the transfer.

**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 tax collector be relieved from collecting the following taxes:

4<sup>th</sup> quarter 2017 - \$ 67.80  
1<sup>st</sup> quarter 2018 - \$182.28  
2<sup>nd</sup> quarter 2016 - \$205.15

It was moved by Miss Syrnick, seconded by Mr. Ciacciarelli and carried to adopt the foregoing Resolution.

**Roll Call Vote:**                    **AYE**                    - **Ciacciarelli, Syrnick, Dodds**  
   **NAY**                    - **None**  
   **ABSTAIN**           - **None**  
   **ABSENT**            - **None**

**RESOLUTION**

**Resolution No. 2018 –49 2018 Maintenance and Repair Material Bids**

The following Resolution was introduced:

**RESOLUTION NO. 2018 - 49**

**RESOLUTION TO AWARD BIDS FOR ROAD MATERIALS**

**WHEREAS**, Delaware Township advertised for and on Thursday, April 5, 2018 received and opened bids on behalf of the Townships of Franklin, Delaware and Kingwood for the 2018 Road Maintenance and Repair Program; and

**WHEREAS**, the bid summary was reviewed by the Kingwood Township Engineer as is reflected in his report of April 5, 2018; and

**WHEREAS**, according to the report of the Township Engineer dated April 5, 2018 (Exhibit A, attached hereto and made a part hereof), the lowest responsible bidder together with each bid price for all maintenance and repair materials items applicable to Kingwood Township for which qualified bids were received, is as set forth in Exhibit A.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Committee of the Township of Kingwood that:

The contracts for road maintenance and repair materials as to items #1a, 2a, 3a, 4a, 5a, 6a, 7a, 8,a 9a, 10a, 11a, 12a, 13a, 14a, 15a, 16a, 17a, 18a, 19a, 20a, 21a, 22a, 23a, 24a, 25a, 26a, 27a, 28a, 29a, 30a, 31a, 32 on Exhibit A, the Township Engineer’s report of April 5, 2018, are awarded to the bidders set forth and for the amounts set forth on the attached Exhibit A.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that due to time constraints the Delaware Township Engineer has not had an opportunity to confirm that all required documents were submitted in today's bid. Therefore, this award shall be subject to final document review by the Delaware Township Engineer.

It was moved by Miss Syrnick, seconded by Mr. Ciacciarelli and carried to adopt the foregoing Resolution with the suggested amendments.

<b>Roll Call Vote:</b>	<b>AYE</b>	<b>- Ciacciarelli, Syrnick, Dodds</b>
	<b>NAY</b>	<b>- None</b>
	<b>ABSTAIN</b>	<b>- None</b>
	<b>ABSENT</b>	<b>- None</b>

**New Business**

General Plumbing Supply, Inc. – Apply for Credit

It was moved by Mr. Ciacciarelli, seconded by Miss Syrnick and carried to authorize the township to apply for credit with General Plumbing Supply, Inc.

<b>Roll Call Vote:</b>	<b>AYE</b>	<b>- Ciacciarelli, Syrnick, Dodds</b>
	<b>NAY</b>	<b>- None</b>
	<b>ABSTAIN</b>	<b>- None</b>
	<b>ABSENT</b>	<b>- None</b>

Letter of Request from KTS – To Sponsor a Student for Outstanding Social Studies Award and Plaque - June 5<sup>th</sup> Awards Ceremony – Request Twp. Committee Member to Attend

The Township Committee reviewed the request from the Kingwood Township School. The Committee Members agreed to sponsor the student for the Outstanding Social Studies Award and Plaque. Mayor Dodds offered to attend the ceremony on June 5<sup>th</sup> to present the award.

Statewide Insurance Fund Risk Control Grant Program – 2018

The Township Committee discussed the Statewide Insurance Fund Risk Control Grant Program for 2018. The Committee Members agreed to purchase two additional defibrillators, one for downstairs the municipal building, and one to be installed at the Fairview school with the grant funds.

Resignation Letter from Financial Assistant

The Township Committee reviewed the resignation letter from Kris Boxwell, Financial Assistant. They accepted the letter with regret. The Committee Members discussed how many hours will be needed when hiring a new assistant. C.F.O. D. Laudenbach recommended six hours a week, and requested to advertise for someone with financial skills. The Township Committee would like the Clerk's office to advertise for the financial assistant position requiring prior financial skills.

Appointment – Sustainable Kingwood Team – Ralph Celebre

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It was moved by Miss Syrnick, seconded by Mr. Ciacciarelli and carried to appoint Ralph Celebre, current member of the Environmental Commission as a member of the Sustainable Kingwood Team as of April 5, 2018 and to expire on December 31, 2018.

<b>Roll Call Vote:</b>	<b>AYE</b>	<b>- Ciacciarelli, Syrnick, Dodds</b>
	<b>NAY</b>	<b>- None</b>
	<b>ABSTAIN</b>	<b>- None</b>
	<b>ABSENT</b>	<b>- None</b>

**Old Business**

**PennEast Pipeline**

Attorney Katrina Campbell reported on a public hearing she attended in Trenton. She noted the room was filled with residents and attorneys to hear some of the condemnations. She noted there will be another hearing on the 19<sup>th</sup> and the 26<sup>th</sup> of April. The Judge made no decisions at the hearing. Attorney K. Campbell noted there will be written submissions and then the Judge will make his decision. She noted he was very good with the residents who attended and heard many of their arguments.

Attorney K. Campbell stated, as far as, Kingwood there were only six lawsuits served. She reviewed them and noted the township only has an interest in three out of the six properties. She noted this will be discussed in executive session.

**Stormwater Management**

Committeewoman Syrnick noted that the Planning Board will be reviewing a video to be educated and obtain Stormwater Management points for the township. Mayor Dodds noted there will be a sign in sheet for those who have attended the video to signify that they were there. He would like all the other Boards to be invited.

**E-mail from Twp. Atty – Re: Feral Cats Law Update**

Attorney K. Campbell reviewed an update on the law regarding feral cats in the township. She noted she followed up on a request from the Township Committee to research whether it was required to pick up feral cats. She noted that there is no difference from feral and domestic cats and that it is not required the township pick up stray cats. It is required to pick up stray dogs and to deal with rabid animals.

Mayor Dodds recommended a copy of this memo be sent to the Dog License Agent.

**Supporting the Creation of a County Daytime Fire Department to Support Our Volunteer Fire Companies – Update from EMC, Jack MacConnell**

EMC, Jack MacConnell noted that this was discussed earlier.

**RESOLUTION**

**Resolution No. 2018 - 46 Authorize Township to Apply for a Grant for the Church House at Horseshoe Bend East**

Mayor Dodds reviewed the resolution.

The following Resolution was introduced:

**RESOLUTION NO. 2018 – 46**

**RESOLUTION IN SUPPORT OF AN APPLICATION TO THE NEW JERSEY HISTORIC PRESERVATION FUND FOR AN HISTORIC SITE MANAGEMENT GRANT FOR THE WILLIAM LINDSAY WHITE HOUSE AT HORSESHOE BEND PARK**

**WHEREAS**, the Township acquired the William Lindsay White House as part of the acquisition of the United Reformed Church Property (Block 12, Lot 25) in December of 2015; and

**WHEREAS**, the Township recognizes that the building was used by William Lindsay White , a famous author, as a quiet place for writing and then used by the Somerville United Reformed Church as a place of retreat and meditation; and

**WHEREAS**, the Township decided not to demolish the house as part of the acquisition noting it's significant historic past as well as the potential for similar uses in the future; and

**WHEREAS**, the Township has determined that the house is in need of renovation and restoration ; and

**WHEREAS**, the Township is interested in the future uses of the building for a public meeting space for the community, a place for organized groups and individuals to hold retreats, and as a beginning point for outdoor activities taking place in the 700 acre park that surrounds the home; and

**WHEREAS**, the Township recognizes that the renovated structure will be a benefit to the residents of Kingwood Township as well as those of the surrounding municipalities, counties, and state; and

**WHEREAS**, the Township will seek funds for the renovations through the Hunterdon County Open Space, Recreation, Farmland and Historic Preservation Trust Fund; and

**WHEREAS**, the a successful application to the New Jersey Historic Preservation Fund for an Historic Site Management Grant will allow the Township to properly plan and budget for renovation and restoration costs

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey supports the application to New Jersey Historic Preservation Fund for an Historic Site Management Grant to plan for the restoration and renovations to the William Lindsay White House at Horseshoe Bend Park.

It was moved by Miss Syrnick, seconded by Mr. Ciacciarelli and carried to adopt the foregoing Resolution.

<b>Roll Call Vote:</b>	<b>AYE</b>	<b>- Ciacciarelli, Syrnick, Dodds</b>
	<b>NAY</b>	<b>- None</b>
	<b>ABSTAIN</b>	<b>- None</b>
	<b>ABSENT</b>	<b>- None</b>

Mayor Dodds reviewed the application assurances to be signed by the Mayor.

It was moved by Miss Syrnick, seconded by Mr. Ciacciarelli and carried to authorize the Mayor to execute the Application Assurances and the certification for the Application for the Historic Fund for the New Jersey Historic Preservation Fund, and the Historic Site Management Grant for the William Lindsey White House at Horseshoe Bend East.

<b>Roll Call Vote:</b>	<b>AYE</b>	<b>- Ciacciarelli, Syrnick, Dodds</b>
	<b>NAY</b>	<b>- None</b>
	<b>ABSTAIN</b>	<b>- None</b>
	<b>ABSENT</b>	<b>- None</b>

Update – Scanning/Archiving Township Documents

Deputy Mayor Ciacciarelli and Deputy Clerk Michele Tipton Walters reviewed the meeting they had with the Clerk and Finance office who met with a company to find out the cost for files to be scanned and saved electronically. Michele T. Walters noted the township needs to first clean out the outdated files that can be approved to be shredded and then scan those that need to be saved. There was a discussion on hiring a person with municipal experience who has knowledge to work on an hourly basis to clean out the files and get approval to destroy.

Deputy Mayor Ciacciarelli feels that it should be made aware that e-mails should not be deleted, but it was discussed the new e-mail system does store all e-mails.

Tax Map & GIS - Estimate

Mayor Dodds, noted that this is from Engineer Decker and reviewed the estimate.

Acquisition of the Pine Brook Farms Property – Block 28, Part of Lot 18 - **Resolution No. 2018 –47**  
Support of Acquisition of Block 28, Lot 18 Utilizing County Open Space Funds & NJDEP Green Acres

Mayor Dodds reviewed the acquisition.

**RESOLUTION**

The following Resolution was introduced:

**RESOLUTION NO. 2018 – 47**

**RESOLUTION IN SUPPORT OF ACQUISITION OF A PORTION OF BLOCK 28, LOT 18**

**WHEREAS**, the Township has determine that the acquisition of a portion of the Pine Brook Farms Property Block 28, Lot 18 is beneficial to the community as a whole for public open space; and

**WHEREAS**, Block 28, Lot 18 is contiguous with the Horseshoe Bend Park; and

**WHEREAS**, the Township is interested in the acquisition of approximately 60 acres of the Pine Brook Farms Property Block 28, Lot 18 utilizing County Open Space Funds and New Jersey Green Acres Funds in the maximum amount of \$559,500.00; and



**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey supports the acquisition of the Pine Brook Farms Property, Block 28, Lot 18.

It was moved by Miss Syrnick, seconded by Mr. Ciacciarelli and carried to adopt the foregoing Resolution.

<b>Roll Call Vote:</b>	<b>AYE</b>	<b>- Ciacciarelli, Syrnick, Dodds</b>
	<b>NAY</b>	<b>- None</b>
	<b>ABSTAIN</b>	<b>- None</b>
	<b>ABSENT</b>	<b>- None</b>

**MINUTES**

March 1, 2018 - Regular Township Mtg.

It was moved by Mr. Ciacciarelli, seconded by Miss Syrnick and carried to approve the March 1, 2018 Regular Township Meeting Minutes.

<b>Roll Call Vote:</b>	<b>AYE</b>	<b>- Ciacciarelli, Syrnick, Dodds</b>
	<b>NAY</b>	<b>- None</b>
	<b>ABSTAIN</b>	<b>- None</b>
	<b>ABSENT</b>	<b>- None</b>

March 1, 2018 - Executive Session

It was moved by Mr. Ciacciarelli, seconded by Miss Syrnick and carried to approve the March 1, 2018 Executive Session Meeting Minutes.

<b>Roll Call Vote:</b>	<b>AYE</b>	<b>- Ciacciarelli, Syrnick, Dodds</b>
	<b>NAY</b>	<b>- None</b>
	<b>ABSTAIN</b>	<b>- None</b>
	<b>ABSENT</b>	<b>- None</b>

March 14, 2018 - Special Meeting

It was moved by Miss Syrnick, seconded by Mr. Ciacciarelli and carried to approve the March 14, 2018 Special Meeting Minutes.

<b>Roll Call Vote:</b>	<b>AYE</b>	<b>- Ciacciarelli, Dodds</b>
	<b>NAY</b>	<b>- None</b>
	<b>ABSTAIN</b>	<b>- Syrnick</b>
	<b>ABSENT</b>	<b>- None</b>

**EXECUTIVE SESSION - RESOLUTION NO. 2018 - 48**

The following Resolution was introduced to enter into closed session at approximately 9:29P.M.:

**RESOLUTION NO. 2018 -48**

**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:

- a 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:

<b>Possible Zoning Violations –</b>	<b>Freeddenfeld/Mikes Bl 51 L 46</b>
	<b>Terraglia Bl 8 L 19.03</b>
<b>Litigation -</b>	<b>PennEast Pipeline</b>
<b>Contractual -</b>	<b>Teamsters Local Union 469</b>

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.

- 3. This resolution shall take effect immediately.
- 4. The Township Committee may take additional action upon returning to regular session.

It was moved by Mr. Ciacciarelli, seconded by Miss Syrnick and carried to adopt the foregoing Resolution.

<b>Roll Call Vote:</b>	<b>AYE</b>	<b>- Ciacciarelli, Syrnick, Dodds</b>
	<b>NAY</b>	<b>- None</b>
	<b>ABSTAIN</b>	<b>- None</b>
	<b>ABSENT</b>	<b>- None</b>

**Return to Regular Session**

The Township Committee returned to Regular Session at 10:35P.M.

Attorney K. Campbell noted that the Township Committee needs to vote on the amount spent on the Social Studies Award and Plaque to be presented at the Awards Ceremony on June 5<sup>th</sup> at the Kingwood School in the amount of \$65.00.

It was moved by Mr. Ciacciarelli, seconded by Miss Syrnick and carried to approve to spend \$65.00 on the Social Studies Award and Plaque to be presented to the student for the outstanding Social Studies Award to be presented at the Kingwood School Awards Ceremony on June 5<sup>th</sup>, 2018.

<b>Roll Call Vote:</b>	<b>AYE</b>	<b>- Ciacciarelli, Syrnick, Dodds</b>
	<b>NAY</b>	<b>- None</b>
	<b>ABSTAIN</b>	<b>- None</b>
	<b>ABSENT</b>	<b>- None</b>

**ADJOURNMENT**

It was moved by Mr. Ciacciarelli, seconded by Miss Syrnick and carried to adjourn the meeting at 10:40P.M. **All** voted **Aye** on **Roll Call Vote**.

Respectfully submitted,

Cynthia L. Keller, RMC  
Township Clerk