

KINGWOOD TOWNSHIP COMMITTEE

Special Meeting Agenda

December 28, 2018 – 3:00 PM

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 on December 13, 2018 and by telefaxing a copy of the notice to the Courier News and the Express Times on December 7, 2018. Copies of the notice were also posted in the Kingwood Township Municipal Building and Baptistown Post Office on December 7, 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

Public Comment – Privilege of the Floor

Bills and Claims

Resolutions

Resolution No. 2018 - 150 Amending Resolution No. 2018 – 146 Reimbursement for Security Deposit

Resolution No. 2018 –152 Authorizing the Award of Non-Fair and Open Contract for Township Professionals for 2018

Review Proposal Received 12-28-2018 for Twp. Attorney – Stem & Cole Attorneys

Resolution No. 2018 - 153 Cancellation of Added Assessment & Taxes –Bl 28, L 1.01

Resolution No. 2018 –154 Proclamation Commemorating Kingwood Twp. School Choice Week

Resolution No. 2018 –155 Authorizing the Transfer of \$12,900.00 from the Budget Appropriations to the Storm Recovery Trust Fund

Ordinances

Ordinance No. 19–22-2018 Amend Development Fee Ordinance – Public Hearing and Final Adoption

December 28, 2018 Township Committee Agenda Continue

Ordinance No. 19-23-2018 Amending Chapter 83 Affordable Housing Third Round and Chapter 82 Zoning New Regulations for Affordable Accessory Apartments - Public Hearing and Final Adoption

New Business

Application for Raffle License # 2018-05 Kingwood Twp. Education Foundation
for a 50/50 Cash Raffle

Application for Raffle License # 2018-06 Del Val Jr. Terriers Inc. for a Tricky Tray

Review Municipal Appointments List

Request Letter – Municipal Public Defender

Resignation Notice from S. Lightner – Parks & Recreation Committee

Review Bi-Weekly Time Report Sheet

Discuss Twp. Committee Regular Mtg. Dates for 2019

USI Insurance Proposal 1-1-2019 – 1-1-2020

Discussion of 2019 Salaries

Review Applications for Employment for Part-Time Seasonal Workers - **Resolution No. 2018**

Part – Time Seasonal Workers

Executive Session - Resolution No. 2018 - 156

Personnel – Invoices for Reimbursement

Return to Regular Session

Shared Services Update

Update on Renovations to Municipal Bldg.

Request from NJDOT Regional Manager – Officials Briefing Route 29

Adjournment

2018 - 339

December 28, 2018 – 3:00 PM

A Special Meeting of the Kingwood Township Committee was called to order at 3:00P.M. with Mayor Dodds presiding.

Also present at the meeting were Deputy Mayor Ciacciarelli, Committeewoman Syrnick, C.F.O. D. Laudenbach, Deputy Clerk M. Tipton Walters and Clerk C. Keller. Following the salute to the flag, Mayor Dodds 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 on December 13, 2018 and by telefaxing a copy of the notice to the Courier News and the Express Times on December 7, 2018. Copies of the notice were also posted in the Kingwood Township Municipal Building and Baptistown Post Office on December 7, 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.

PUBLIC COMMENT – PRIVILEGE OF THE FLOOR

There were no public comments.

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 \$174,743.86 that are in order and attached as Bill List for December, 2018.

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

RESOLUTIONS

Resolution No. 2018 - 150 Amending Resolution No. 2018 – 146 Reimbursement for Security Deposit

The following Resolution was introduced:

RESOLUTION NO. 2018 – 150

**AMENDING RESOLUTION NO. 2018 - 146
REIMBURSEMENT FOR SECURITY DEPOSIT**

WHEREAS, Kindred Companions rented the Morton Building facility at the Horseshoe Bend Park on Horseshoe Bend Road for a dog club event on November 25, 2018; and

WHEREAS, Resolution No. 2018 – 146 was approved on December 6, 2018 to reimburse Kindred Companions for the amount of \$300.00 for a security deposit paid on 2-01-2017; and

WHEREAS, the fee for the security deposit for the use of the Horseshoe Bend Morton Building is \$315.00; and

WHEREAS, Kindred Companions submitted \$15.00 for the increase of the fees on 6-01-2018.

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 \$15.00 additional security deposit to Kindred Companions.

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 –152 Authorizing the Award of Non-Fair and Open Contract for Township Professionals for 2018

The following Resolution was introduced:

RESOLUTION NO. 2018 – 152

**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:

William M. Colantano Bedard Kurowicki & Co. 114 Broad Street Flemington, NJ 08822 Auditing – OE	Township Auditor	One Year
		\$ 24,000.00
Andrea L. Kahn McManimon, Scotland & Baumann, LLC 75 Livingston Avenue Roseland, New Jersey Financial Adm. – OE	Bond Counsel	One Year
		\$ 1,554.36
Harris Surveying, Inc. Professional Land Surveyors 26 Main Street Robbinsville, NJ 08691 Open Space Trust	Surveyor	Survey for Farmland Preservation Easement Acq.
		\$ 6,800.00

2018 – 342

Carl Taylor III 51 Church Street Flemington, NJ 08822 Prosecutor – OE	Court Prosecutor	One Year \$12,258.08
Vincent Uhl, PG, PH UHL & Associates, Inc. Groundwater Resource Consultants 278 N. Union St.; Suite 106 Lambertville, NJ 08530 Board of Health Trust	Hydrogeologist	One Year \$ 19,500.00
David Pierce	Board Attorney	One Year
Lindabury McCormick, Estabrook & Cooper, P.C. P.O. Box 2369 Westfield, NJ 07091 Planning Board – OE) Board of Adjustment– OE) Planning Board Escrow) Board of Adjustment Escrow) Open Space Trust		\$24,736.00 \$8,199.97
Eikon Planning and Design LLC P.O. Box 469 Hackettstown, NJ		\$1,975.00
David Roberts DG Roberts Planning & Design LLC 37 Bayview Avenue Bayville, NJ 08721	TDR Grant Project	One Year \$ 3,290.00
Katrina L Campbell Lavery, Selvaggi, Abromitis & Cohen, PC 1001 Route 517 Hackettstown, NJ 07840 Legal – OE	Township Attorney	One Year \$ 61,315.37
Thomas Decker Van Cleef Engineering Assoc. 32 Brower Lane Hillsborough, NJ 08844	Township Engineer	One Year

Engineering – OE)
 Planning Board – OE)
 Board of Adjustment – OE)
 Open Space Trust) \$ 51,239.80
 Planning Board Escrow)
 Board of Adjustment Escrow)
 Capital Improvement Fund)

Banisch Associates, Inc. Township Planner One Year
 111 Main Street
 Flemington, NJ 08822
 Planning Bd. – OE)
 Board of Adjustment – OE) \$ 24,003.65
 Fair Share Housing – OE)

Maser Consulting Consulting Engineer One Year
 331 Newman Springs Road
 Red Bank, NJ 07701
 Planning Board – OE
 TDR Grant Project \$ 20,823.75

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

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

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

New Proposal Received 12-28-2018 for Twp. Attorney – Stem & Cole Attorneys

The Township Committee reviewed a proposal submitted today from Stem & Cole Attorney’s at Law. They reviewed the current services the township has with Lavery, Selvaggi, Abromitis & Cohen, P.C. and the new proposal from Stem & Cole Attorneys. The Township Committee Members all agreed to re-appoint Attorney Katrina Campbell from Lavery, Selvaggi, Abromitis & Cohen, P.C. as the Township Attorney on January 3, 2019 at their Reorganization Meeting.

RESOLUTION

Resolution No. 2018 - 153 Cancellation of Added Assessment & Taxes –Bl 28, L 1.01

The following Resolution was introduced:

RESOLUTION NO. 2018 – 153

CANCELLATION OF ADDED ASSESSMENT AND REAL ESTATE TAXES

WHEREAS, the Tax Assessor has discovered an error in the Added Assessment Tax Book of the Township of Kingwood, County of Hunterdon, State of New Jersey; and

WHEREAS, the following error has been discovered:

Added Assessment for Block 28 Lot 1.01 in the amount of \$10,800.00

WHEREAS, the added assessment for Block 28, Lot 1.01 is hereby reduced to \$0.00.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Kingwood relieves the Tax Collector from collecting the added assessment taxes of:

November 1, 2018 - \$ 82.66
February 1, 2019 - \$ 62.00
May 1, 2019 - \$ 61.99

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

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

RESOLUTION

Resolution No. 2018 –154 Proclamation Commemorating Kingwood Twp. School Choice Week

The following Resolution was introduced:

RESOLUTION NO. 2018 - 154

A PROCLAMATION COMMEMORATING

KINGWOOD TOWNSHIP SCHOOL CHOICE WEEK

WHEREAS, all children in Kingwood Township should have access to the highest-quality education possible; and,

WHEREAS, the Kingwood Township Committee recognizes the important role that an effective education plays in preparing all students in Kingwood Township to be successful adults; and,

WHEREAS, quality education is critically important to the economic vitality of Kingwood Township; and,

WHEREAS, Kingwood Township is home to a multitude of excellent education options from which parents can choose for their children; and,

WHEREAS, educational variety not only helps to diversify our economy, but also enhances the vibrancy of our community; and,

WHEREAS, our area has many high-quality teaching professionals who are committed to educating our children; and,

WHEREAS, School Choice Week is celebrated across the country by millions of students, parents, educators, schools and organizations to raise awareness of the need for effective educational options;

NOW, THEREFORE, BE IT RESOLVED, the Township Committee of the Township of Kingwood, County of Hunterdon, State of New Jersey do hereby recognize January 20-26, 2019 as **KINGWOOD TOWNSHIP SCHOOL CHOICE WEEK**, and call this observance to the attention of all of our citizens.

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 –155 Authorizing the Transfer of \$12,900.00 from the Budget Appropriations to the Storm Recovery Trust Fund

The following Resolution was introduced:

RESOLUTION NO. 2018 - 155

RESOLUTION AUTHORIZING THE TRANSFER OF \$12,900.00 FROM THE 2018 BUDGET APPROPRIATIONS TO THE STORM RECOVERY TRUST FUND

WHEREAS, the Division of Local Government Services approved the Borough’s request for a dedication by rider for a Storm Recovery Trust Fund; and

WHEREAS, the Township established a dedicated trust fund for the purpose of providing a stable source of funds for the costs of storm removal in years of unusually high occurrences; and

WHEREAS, P.L. 2001, c 138 permits municipalities to lapse unexpended balances budgeted annually for storm recovery; and

WHEREAS, in accordance with P.L. 2001, c. 138 and N.J.S.A. 40A:4-58, it is necessary to the Township Committee to authorize the transfer of unexpended balances of budget appropriations to the Storm Recovery Trust Fund.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey authorizes the Chief Financial Officer to transfer from:

2018 – 346

Gasoline – Other Expense - \$ 6,400.50
Snow Removal – Salary & Wage - \$ 3,073.61
Snow Removal – Other Expense - \$3,425.89

to the Storm Recovery Trust Fund.

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**

ORDINANCE

ORDINANCE NO. 19-22-2018 - 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- VOL. 19, PG. 19-22-2018 - 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 6th day of December, 2018.

The Ordinance was published in the Hunterdon County Democrat on December 13, 2018 and has been posted in the Kingwood Township Municipal Building on December 7, 2018. Copies of the Ordinance have been available for inspection by the public since December 7, 2018.

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

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. 19-22-2018

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;

WHEREAS, Kingwood Township amended portions of Chapter 132-13 entitled “Development Fees” on April 5, 2018, and those amendments have been reviewed by the Court Master and been accepted; however, the Court Master has identified additional ordinance amendments necessary to the “Development Fees” ordinance for consistency with the Township’s Third Round settlement agreement and the Court process for obtaining a judgment of compliance and repose;

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Kingwood, Hunterdon County, New Jersey, that Chapter 132, Zoning, Article I. General Provisions is hereby supplemented and amended, as follows:

Section 1. Amend § 132-13. A. Purpose, subsections A.(2) and A.(3) to read as follows (note to codifier: text removed from this subsection is shown as strikethrough text “~~thus~~” and text added is shown as underlined text “thus”):

- (2) Pursuant to P.L. 2008, c. 46, § 8 (N.J.S.A. 52:27D-329.2) and the Statewide Nonresidential Development Fee Act (N.J.S.A. 40:55D-8.1 through 40:55D-8.7), COAH ~~is~~ was authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans.

Municipalities that are under the jurisdiction of the ~~Council or court~~ Court of competent jurisdiction and have a ~~COAH~~ Court-approved spending plan may retain fees collected from nonresidential development.

- (3) This section establishes standards for the collection, maintenance, and expenditure of development fees pursuant to ~~COAH’s regulations and the Court’s approval~~ in accordance with P.L. 2008, c. 46, §§ 8 and 32 through 38. Fees collected pursuant to this section shall be used for the sole purpose of providing low- and moderate-income housing. ~~This section shall be interpreted within the framework of COAH’s rules on development fees, codified at N.J.A.C. 5:97-8.~~

Section 2. Amend § 132-13. B. Basic requirements., subsections B. (1) and B. (2) to read as follows (note to codifier: text removed from these existing subsections is shown as strikethrough text “~~thus~~” and text added is shown as underlined text “thus”):

(1) This section shall not be effective until approved by ~~COAH pursuant to N.J.A.C. 5:96-5.1~~ the Court.

(2) Kingwood Township shall not spend development fees until ~~COAH~~ the Court has approved a plan for spending such fees, ~~in conformance with N.J.A.C. 5:97-8.10 and N.J.A.C. 5:96-5.3.~~

Section 3. Amend § 132-13. G. Affordable Housing Trust Fund., subsection G.(4) to read as follows (note to codifier: text removed from this existing subsection is shown as strikethrough text “~~thus~~” and text added is shown as underlined text “thus”):

(4) All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by ~~COAH~~ the Court.

Section 4. Amend the last sentence of § 132-13. H. Use of funds., subsection H.(5) to read as follows (note to codifier: text removed from this existing subsection is shown as strikethrough text “~~thus~~” and text added is shown as underlined text “thus”):

(5) ... Legal or other fees related to litigation opposing affordable housing sites or ~~objecting to the Council's regulations and/or action~~ appealing the Court's rulings are not eligible uses of the Affordable Housing Trust Fund.

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

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

ORDINANCE NO. 19-23-2018 AN ORDINANCE AMENDING CHAPTER CXXXIII, AFFORDABLE HOUSING, ARTICLE II, THIRD ROUND AFFORDABLE HOUSING REGULATIONS, ARTICLE III, ACCESSORY APARTMENTS, AND CHAPTER CXXXII, ZONING, CREATING NEW REGULATIONS FOR AFFORDABLE ACCESSORY APARTMENTS TO ADDRESS KINGWOOD TOWNSHIP'S THIRD ROUND AFFORDABLE HOUSING OBLIGATIONS VOL. 19, PG. 19-22-2018 - 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 6th day of December, 2018.

The Ordinance was published in the Hunterdon County Democrat on December 13, 2018 and has been posted in the Kingwood Township Municipal Building on December 7, 2018. Copies of the Ordinance have been available for inspection by the public since December 7, 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: 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. 19-23-2018

AN ORDINANCE AMENDING CHAPTER CXXXIII, AFFORDABLE HOUSING, ARTICLE II, THIRD ROUND AFFORDABLE HOUSING REGULATIONS, ARTICLE III, ACCESSORY APARTMENTS, AND CHAPTER CXXXII, ZONING, CREATING NEW REGULATIONS FOR AFFORDABLE ACCESSORY APARTMENTS 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 December 2, 2018, 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; and

WHEREAS, Kingwood Township' Third Round settlement agreement by and between Kingwood Township and Fair Share Housing Center, dated December 2, 2018 calls for the creation of six (6) affordable accessory apartments;

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

SECTION 1. Chapter 83, Article II, Third Round Affordable Housing Regulations, § 83-12.4, Accessory Apartments, to be retitled Affordable Accessory Apartments, and § 83-12.6, New Construction, are hereby amended and supplemented to read, as follows (note to codifier: text removed from this subsection is shown as strikethrough text, "~~thus~~", and text added is shown as underlined text, "thus");

§ 83-12.4 **Affordable Accessory Apartments.**

- A. This article anticipates the creation of not less than six (6) Affordable ~~, nor more than 10~~ Accessory Apartments.
- B. Affordable Accessory Apartments created pursuant to Kingwood Township's third-round obligations shall be exempt from the very-low-income housing requirement of 13% and the bedroom mix requirements established pursuant to N.J.A.C. 5:26-1, et seq. (UHAC). All Affordable Accessory Apartments shall be low-income units.
- C. Affordable 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.
- D. Affordable Accessory Apartments shall be deed restricted and marketed as low-income affordable rental housing in accordance with N.J.A.C. 5:80-26.1, et seq., and N.J.A.C. 5:93-1, et seq., for a period of not less than 10 years.

§ 83-12.6 New Construction, Subsection D. (1) is hereby amended and supplemented to read, as follows (note to codifier: text removed from this subsection is shown as strikethrough text, "~~thus~~", and text added is shown as underlined text, "thus");

(1) 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 below: ~~in the consent order entered on December 16, 2016, by the Honorable Douglas K. Wolfson, JSC, 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.

- (a) Regional income limits shall be established for the region that the Township is located within (i.e. Region 3) based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four is multiplied by the estimated households within the county according to the most recent decennial Census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total households from the most recent decennial Census in the Township’s housing region. This quotient represents the regional weighted average of median income for a household of four. The income limit for a moderate-income unit for a household of four shall be 80 percent of the regional weighted average median income for a family of four. The income limit for a low-income unit for a household of four shall be 50 percent of the HUD determination of the regional weighted average median income for a family of four. The income limit for a very low income unit for a household of four shall be 30 percent of the regional weighted average median income for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.
- (b) The income limits attached hereto as Exhibit A are the result of applying the percentages set forth in paragraph (a) above to HUD’s determination of median income for FY 2018, and shall be utilized until the Township updates the income limits after HUD has published revised determinations of median income for the next fiscal year.
- (c) The Regional Asset Limit used in determining an applicant’s eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3 shall be calculated by the Township annually by taking the percentage increase of the income limits calculated pursuant to paragraph (a) above over the previous year’s income limits, and applying the same percentage increase to the Regional Asset Limit from the prior year. In no event shall the Regional Asset Limit be less than that for the previous year.

SECTION 2. Chapter, 83, Article II, Third Round Affordable Housing Regulations, Subsection 83-12.19. C. is hereby revised to read, as follows (note to codifier: text removed from this subsection is shown as strikethrough text, “~~thus~~”; and text added is shown as underlined text, “thus”):

C. 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~~ Middlesex and ~~Ocean~~ Somerset Counties.

SECTION 3. Chapter 83, Article III, Accessory Apartments, is hereby amended and supplemented by repealing Sections § 83-13 through § 83-17 (note to codifier: These provisions are being reestablished with amendments in Zoning, Chapter 132, Article IV Supplemental Regulations as new § 132-26, currently “Reserved.”).

SECTION 4. Chapter 132, Zoning, Article III, District Regulations, is hereby amended and supplemented, as follows:

A. § 132-30 AR-2 Agricultural and Single-family Residential District, subsection C. Accessory uses permitted, is hereby amended by adding the following new Subsection C. (10):
(10) Affordable Accessory Apartments in accordance with § 132-26.

B. § 132-30 AR-2 Agricultural and Single-family Residential District, Subsection D.(6) is hereby repealed and “reserved”.

C. § 132-31 VR-1 Village Residential District, Subsection C. Permitted accessory uses, is hereby amended and supplemented by adding the following new Subsection C.(7).

(7) Affordable Accessory Apartments in accordance with § 132-26.

D. § 132-31 VR-1 Village Residential District, Subsection D.(1) is hereby repealed and “reserved”.

E. § 132-33 VC-1 and VC-2 Village Commercial District, Subsection C. Permitted accessory uses, is hereby amended and supplemented by adding the following new Subsection C.(8), as follows:

(8) Affordable Accessory Apartments in accordance with § 132-26.

F. § 132-33 VC-1 and VC-2 Village Commercial District, Subsection D.(1)(a). is hereby repealed and “reserved”.

G. § 132-34 HC Highway Commercial District, Subsection D.(2) is hereby repealed and “reserved”.

H. § 132-35 BP Business Park, Subsection C. Accessory uses, is hereby amended and supplemented by adding a new Subsection C.(8), as follows:

(8) Not more than one Affordable Accessory Apartment per lot in accordance with § 132-26.

I. § 132-36 PO/R Professional Office/Residential District, Subsection C. Permitted accessory uses, is hereby amended and supplemented by adding a new subsection C.(7), as follows:

(7) Affordable Accessory Apartments in accordance with § 132-26.

J. § 132-36 PO/R Professional Office/Residential District, Subsection D.(1) is hereby repealed and “reserved”.

SECTION 5. Chapter 132, Zoning, Article IV Supplemental Regulations § 132-26 “Reserved.” is hereby replaced with the following new § 132-26 Affordable Accessory Apartments, as follows:

§ 132-26 Affordable Accessory Apartments.

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

B. Definition. An Affordable 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

- C. a low- or a moderate-income household. The Affordable 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.
- C. All Affordable Accessory Apartment units shall conform to the following requirements:
- (1) The bulk requirements of the zone in which the Affordable Accessory Apartment is created shall be met;
 - (2) Affordable 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 Affordable Accessory Apartment shall be rented only to a household which is a duly qualified low--income household at the time of initial occupancy of the unit;
 - (4) The Affordable 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--income household;
 - (5) Rents of Affordable Accessory Apartments shall be affordable to low- income households as established in accordance with § 83.4 D.(1) after deducting the applicable utility allowance;
 - (6) Affordable Accessory Apartments shall be used to address Kingwood Township's Third Round fair-share obligation and Affordable Accessory Apartments shall not be created, rented or occupied except in accordance with the provisions for affordable housing (Chapter 83); ;
 - (7) There shall be a recorded deed restriction applied to the property upon which the Affordable Accessory Apartment is located, running with the land and limiting its subsequent rental or sale within the requirements of Subsection C.(3), (4) and (5) above and restricting occupancy of the Affordable Accessory Apartment to a low-income households for a period of not less than 10 years from the date of initial occupancy of the Affordable Accessory Apartment by a qualified low-income household;
 - (8) Each Affordable 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. The Affordable Accessory Apartment shall contain not less than 550 sq. ft. in area, not including breezeways, closets, storage areas and unheated space. If the Affordable Accessory Apartment is created as accessory to another dwelling unit, at least one of the dwelling units shall be not less than 850 sq. ft.;
 - (9) The Affordable Accessory Apartment shall have a separate door with direct access to the outdoors;
 - (10) The potable water supply and sewage disposal system for the Affordable Accessory Apartment shall be adequate; and
 - (11) The Affordable Accessory Apartment shall be affirmatively marketed throughout the housing region and occupancy shall be limited to an income-qualified low-income household.
- D. In the case of an accessory apartment that has been created illegally or without proper permits which the property owner desires to legitimize as an Affordable Accessory Apartment under this article, all of the requirements of this article and Chapter 83 shall apply, except that no subsidy need be provided by the municipality.
- (1) The conversion of an illegal apartment to an Affordable Accessory Apartment under this section shall conform to C. (3), (4), (5) and (7) above and all other requirements of this Article and Chapter 83. After a period of not less than 10 years as a deed restricted affordable low-income Affordable Accessory Apartment, the apartment may be retained as a

market-rate accessory apartment according to the provisions of Ordinance 18-13-93 for temporary accessory apartments.

E. Creation of Affordable Accessory Apartments; limitations.

- (1) Affordable Accessory Apartments can only be created in one of the following two ways:
 - (a) New construction of, or conversion of existing space in a principal or accessory building to, an Affordable Accessory Apartment.
 - (b) The conversion of illegally created accessory apartments.

- (2) Upon creation of two (2) municipally subsidized Affordable Accessory Apartments, the Township shall determine the necessity of funding additional Affordable Accessory Apartments based on how many illegal accessory apartments have been converted to Affordable Accessory Apartments.

F. Administration of Affordable Accessory Apartment program.

The Township of Kingwood shall designate its Affordable Housing Administrator to administer the Affordable Accessory Apartment program.

- (1) The Affordable Housing Administrator shall administer the Affordable 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 Affordable Accessory Apartments.
- (2) The Affordable Housing Administrator shall only deny an application for an Affordable Accessory Apartment if the project is not in conformance with the requirements of this Article and Chapter 83. All denials shall be in writing with the reasons clearly stated.
- (3) Kingwood Township shall provide, except for conversion of illegal accessory apartments, at least \$10,000 to subsidize the creation of an Affordable Accessory Apartment that conforms to the requirements of this section and Chapter 83 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 Affordable Accessory Apartment and the apartment shall meet the requirements of this article and the Affordable Housing Regulations set forth in Chapter 83.

G. Applications. Applicants for the creation of an Affordable Accessory Apartment shall submit to the Zoning Officer and Affordable Housing Administrator:

- (1) 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;
- (2) Rough elevations showing the modification of any exterior building facade to which changes are proposed; and
- (3) 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.
- (4) Evidence of adequate potable water and wastewater disposal for all uses on the property including the Affordable Accessory Apartment. The applicant shall be required to submit evidence that the septic system has been satisfactorily tested and designed, which may take the form of an approval from the Hunterdon County Health Department certifying as to the adequacy of the water supply and sewage disposal systems for all uses on the property.

(5) Upon the Zoning Officer’s confirmation that the application satisfies all of the provisions of this paragraph G., the Zoning Officer shall issue a permit conditioned on the Administrative Agent’s further review of the application for compliance with all other applicable requirements for Affordable Accessory Apartments, including the filing of the deed restriction and compliance with the affirmative marketing, tenant income qualification and leasing of the unit.

SECTION 6. The Code of The Township of Kingwood, Chapter 132, Article VI Conditional Uses, Section 132-102, Standards for Approval, Subsection D, Accessory apartments (temporary), is hereby repealed and replaced with the following new subsection D., as follows:

D. Accessory apartments (temporary)

(1) Accessory apartments (temporary) created under the provisions of Ordinance No. 18-13-93 that have received approval for a temporary accessory apartment from the Planning Board in accordance with former §§ 132-102.D.(3)(g) & (n) may continue under the provisions of former § 132-102.D.(3)(k), but shall terminate upon the sale of property or transfer of title of the dwelling or when it is no longer used as a dwelling for a disabled or elderly family member.

SECTION 7. Renumbering . This ordinance may be renumbered for codification purposes.

SECTION 8. Repealer. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 9. 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.

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

NEW BUSINESS

Application for Raffle License # 2018-05 Kingwood Twp. Education Foundation for a 50/50 Cash Raffle

It was moved by Miss Syrnick, seconded by Mr. Ciacciarelli and carried to approve Raffle License No. 2018-05 – Kingwood Township Education Foundation for a 50/50 on Premise Cash Raffle to be conducted at Kingwood Township School on January 25, 2019.

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

Application for Raffle License # 2018-06 Del Val Jr. Terriers Inc. for a Tricky Tray

It was moved by Miss Syrnick, seconded by Mr. Ciacciarelli and carried to approve Raffle License No. 2018-06 – Del Val Jr. Terrier’s for a Tricky Tray on Premise Cash Raffle to be conducted at Horseshoe Bend Park on January 30, 2019.

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

Review Municipal Appointments List

Township Committee reviewed the list of appointments for the Reorganization Meeting.

Request Letter – Municipal Public Defender

Township Committee reviewed the letter from Municipal Public Defender. They asked Attorney K. Campbell to reach out and send the Public Defender a letter regarding township hiring services on a month to month basis for the Kingwood/Milford Court for 2019, until the township decides on future court plans.

Resignation Notice from S. Lightner – Parks & Recreation Committee

The Township Committee accepted the resignation letter from Sharon Lightner with regret. They thanked her for all her time and service to the township on the Parks and Recreation.

Review Bi-Weekly Time Report Sheet

The Township Committee reviewed and approved the new bi-weekly time report sheets for all part-time Employees to submit for 2019.

Discuss Twp. Committee Regular Mtg. Dates for 2019

The Township Committee approved all the dates for the Township Committee Meetings to be scheduled in 2019 with only one change in the month of July 2019 to Monday, July 1, 2019. The Township Committee Meetings will remain the same day on the First Thursday of each month, beginning at 7:00pm.

USI Insurance Proposal 1-1-2019 – 1-1-2020

The Township Committee noted they did not get a chance to look this proposal over and they would like the township attorney to review before voting on this insurance proposal. This will be concluded at the January 3, 2019 Regular Meeting.

It was moved by Mr. Ciacciarelli, seconded by Miss Syrnick and carried to approve the Insurance Proposal from USI for 2019 under the conditions of the approval of the Township Attorney.

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

Discussion of 2019 Salaries

Township Committee requested a list of the salaries for employees to review for the next township meeting in January.

Review Applications for Employment for Part-Time Seasonal Workers - **Resolution** - Part – Time Seasonal Workers

The Township Committee would like to table this resolution until next month.

EXECUTIVE SESSION - RESOLUTION NO. 2018 – 156

The following Resolution was introduced to enter into closed session at approximately 3:30P.M.:

RESOLUTION NO. 2018 - 156

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:

Personnel – Invoices for Reimbursement

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.

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

Return to Regular Session

The Township Committee returned to regular session at 4:20P.M.

Shared Services Update

Meeting Scheduled with Lambertville City’s Mayor on January 7th, 2019 to discuss a possible shared agreement.

Update on Renovations to Municipal Bldg.

Deputy Mayor Ciacciarelli reported the Architects came last week to do an estimate of what it would cost to renovate the existing Municipal Building. They are requesting an estimated analysis of what the existing building is worth if sold. The township will have a realtor come and review at no charge to the township.

Request from NJDOT Regional Manager – Officials Briefing Route 29

Mayor Dodds noted speaking to Ms. Sanderson from the NJDOT. He noted the proposed work is on Route 29 between mile markers 19.8 to 24.5 and 33.7 to 34.3. There is a meeting with the New Jersey Department of Transportation inviting representatives from surrounding municipalities in January of 2019. Mayor Dodds offered to be the representative to attend the meeting from Kingwood Township.

2018 – 359

Mayor Dodds stated it is the end of the year, and he wanted to thank the Township Committee Members and the employees for all their work for 2018. He noted he looks forward to working with everyone in 2019.

Adjournment

It was moved by Mr. Ciacciarelli, seconded by Miss Syrnick and carried to adjourn the meeting at 4:25P.M. **All** voted **Aye** on **Roll Call Vote**.

Respectfully submitted,

Cynthia L. Keller, RMC
Township Clerk