



KINGWOOD TOWNSHIP COMMITTEE

REGULAR MEETING MINUTES

NOVEMBER 2, 2023 – 7:00 P.M.

Mayor Andrew Russano, Jr., called the regular meeting of the Kingwood Township Committee to order on November 2, 2023 at 7:00 P.M. Mayor Russano announced that this meeting is called pursuant to the provisions of the Open Public Meetings Act. Notice of this meeting was faxed to the Hunterdon County Democrat, Courier News, and the Trenton Times, was posted on the bulletin board in the Municipal Building and filed with the Township Clerk on January 12, 2023.

PLEDGE OF ALLEGIANCE

Mayor Russano led those in attendance in the pledge to the nation's flag.

MOMENT OF SILENCE

Mayor Russano ordered a moment of silence in remembrance of all those serving.

ROLL CALL

Present: Mayor Andrew Russano, Jr., Deputy Mayor Maureen Syrnick, Committeeman Lance Riggio, Deputy Clerk Michele Tipton-Walters and Township Attorney James Moscagiuri.

OPEN PUBLIC COMMENT – PRIVILEGE OF THE FLOOR

John Mathieu – was present and speaking as a representative of the Planning Board, he recommended the Planning Board not single out individuals during the meetings.

FIRST RESPONDERS' REPORTS

New Jersey State Police

Trooper Nicholas Barns attended the meeting and reported there was no increase in crime and no increase in accidents this last month. He also commented the State Police will be present to help with traffic and coordinating at the 5k Turkey Trot on Thanksgiving morning.

Kingwood Township Fire Inspector

Chief Concannon attended the meeting and reported thirty inspections for October, and he submitted a paper copy of his report to the Deputy Clerk.

Kingwood Township First Aid & Rescue Squad

Chief Kerry Floyd attended the meeting and reported twenty-nine calls for the month of October, with a total 312 calls for the year 2023, to date.

Kingwood Township Volunteer Fire Company

Chief Floyd attended the meeting and reported on the hunter who was injured at Horseshoe Bend Park, and Chief Floyd extended his thanks to all volunteers who assisted that day. He also reported the smoke alarm installation program will run until March of 2025, the American Rescue Grant process is now open and Chief Floyd is looking for Township Committee support, and the Fire Company is applying for a NJ Forest Fire Grant.

Kingwood Township OEM

Coordinator Floyd reported the Horseshoe Bend Park East culvert is on hold, it looks as though this may end up as a repair as opposed to a replacement. He also recommended a Township Committee Member should attend the November 14th public meeting for the JCP&L rate increase being requested, if possible. He reported on the status of the Emergency Warning System for Byram along Route 29. He also had supplied the Township Committee with information concerning his recommendation to fill the vacancy of Deputy EMC.

CONSENT AGENDA

The following items have been placed on this agenda by consent and require no discussion, the same having been previously reviewed in their entirety by each Township Committee Member, with the exception of a., b. and d. under correspondence, which were removed to regular session for additional discussion.

MONTHLY REPORTS

- Advanced Animal Control Incident Reports
- Budget Status Report
- Court Report
- Construction Report
- Emergency Management Report
- Fire Marshall Monthly Report – None
- New Jersey State Police Kingwood Barracks
- Township Engineer Report
- Tax Collector Report
- Zoning Official Report

RESOLUTIONS

Resolution No. 2023-127 – 2023 Budget Appropriation Transfers

RESOLUTION NO. 2023 – 127 2023 BUDGET APPROPRIATION TRANSFERS

BE IT RESOLVED, by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey, that the Chief Financial Officer be authorized to make the following transfers within the 2023 Budget Appropriations:

FROM ACCOUNT-TO-ACCOUNT AMOUNT

Tax Assessor - Other Expense – 3-01-20-150-299 \$3,500.00

Engineering – Other Expense – 3-01-20-165-299 \$7,500.00

Construction – Other Expense –3-01-22-195-299 \$8,100.00

Aid to First Aid Org – Other Expense 3-01-25-260-299 \$320.00

Resolution No. 2023-128 – Amending Resolution No. 2023-13 Designating Official Bank Depositories and Accounts

RESOLUTION NO. 2023 – 128

AMENDING RESOLUTION NO. 2023-13 DESIGNATING OFFICIAL BANK DEPOSITORIES AND ACCOUNTS

WHEREAS, the Kingwood Township Clerk position was vacated on October 17, 2023; and

WHEREAS, the Deputy Clerk has been asked to cover the Clerk office duties until the position can be filled; and

WHEREAS, Resolution NO. 2023-13 currently states the Clerk, Financial Officer and Mayor or Deputy Mayor may sign checks; and

WHEREAS, said Resolution must be amended to allow for the Deputy Clerk to sign checks;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon, State of New Jersey that the following accounts be deposited in TD Bank through 2023 and checks drawn against the accounts be signed as follows:

Deputy Clerk	Current Fund
AND	Capital
Chief Financial Officer	Animal Control Fund
AND	General Trust
Mayor or Deputy Mayor	Board of Health – Escrow
	Board of Health Trust
	Unemployment Compensation
	Trust
	Developer's Trust
	Human Services Trust
	Planning Board Escrow
	Open Space Trust
	COAH Development Fees

Grant Fund
Recreation Account
Board of Adjustment – Escrow
Collector’s Trust Account
Recycling Trust
Self-Insurance Fund
Construction Dept. Account
Payroll Account

Chief Financial Officer

AND/OR

Deputy Clerk

AND/OR

Mayor or Deputy Mayor

BE IT FURTHER RESOLVED that monies may also be deposited through 2023 in the following banks:

1. TD Bank
2. Bank of America
3. Wells Fargo
4. Investors Savings Bank
5. PNC
6. North Field Bank

**Resolution No. 2023-129 – Tax Sale
Redemption**

**RESOLUTION NO. 2023 – 129
TAX SALE REDEMPTION BLOCK 22 LOT 2**

WHEREAS, the Tax Collector has received redemption monies in the amount of \$6,985.27 to redeem Tax Sale Certificate No. 23-00007 on Block 22, Lot 2; and

WHEREAS, the lienholder paid a premium at the time of the sale of \$8,000.00;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon, State of New Jersey that the Chief Financial Officer be authorized to issue a check in the amount of \$14,985.27 to Pro Cap 8 FBO FIRSTURUSTBANK, PO Box 774, Fort Washington, PA 19034 as redemption for Tax Sale Certificate No. 23-00007; and

BE IT FURTHER RESOLVED that the Tax Collector shall receive a certified copy of this resolution.

CORRESPONDENCE

- a. Letter from Betty DeSapio, Township Historian, re: NJDOT Route 29
- b. Housing Board Memo re: Galleria Proposal for Affordable Housing Units
- c. Local Freight Impact Fund Grant Program
- d. Park and Recreation Memo re: Kingwood Park House Oil Tank Replacement
- e. OS/AG Committee re: Update of Additional Target Farms
- f. Environmental Commission Memo re: Copper Creek Stream Restoration

MINUTES

October 5, 2023 Executive Session Minutes
October 23, 2023 Special Meeting Minutes
October 23, 2023 Executive Session Minutes
October 5, 2023 Regular Minutes – TABLED
September 7, 2023 Regular Meeting Minutes – TABLED
September 15, 2023 Special and Executive Session – TABLED

MOTION AND APPROVAL FOR CONSENT AGENDA

It was moved by Mr. Riggio, seconded by Ms. Syrnick and carried to approve the foregoing Consent Agenda of November 2, 2023 with the exception of a., b. and d. under correspondence which had been removed for further discussion.

Roll Call Vote: **AYE – Riggio, Syrnick, Russano**
 NAY – None
 ABSTAIN – None
 ABSENT – None

RETURN TO REGULAR MEETING AGENDA

ORDINANCES

Public Hearing and Final Adoption of Ordinance No. 18-2023 – Mayor Russano read the Ordinance aloud by title:

ORDINANCE NO. 18 – 2023

AN ORDINANCE REQUIRING THE RETROFITTING OF EXISTING STORM DRAIN INLETS WHICH ARE IN DIRECT CONTACT WITH REPAVING, REPAIRING, RECONSTRUCTION, OR RESURFACING OR ALTERATIONS OF FACILITIES ON PRIVATE PROPERTY, TO PREVENT THE DISCHARGE OF SOLIDS AND FLOATABLES (SUCH AS PLASTIC BOTTLES, CANS, FOOD WRAPPERS AND OTHER LITTER) TO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM(S) OPERATED BY KINGWOOD TOWNSHIP SO AS TO PROTECT PUBLIC HEALTH, SAFETY AND WELFARE, AND TO PRESCRIBE PENALTIES FOR THE FAILURE TO COMPLY

Whereas, the Township of Kingwood seeks to establish requirement for retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction or resurfacing of alterations of facilities on private property, to prevent the discharge of solids and floatables to the

municipal separate storm sewer system(s) operated by the Township of Kingwood, if any, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

Now, Therefore, BE IT ORDAINED by the Committee of the Township of Kingwood in the County of Hunterdon, New Jersey (not less than two-thirds of all members thereof affirmatively concurring) as follows:

SECTION I. Purpose:

An ordinance requiring the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system(s) operated by the Township of Kingwood, if any, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

SECTION II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- a. Municipal separate storm sewer system (MS4)– a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by [insert name of municipality] or other public body, and is designed and used for collecting and conveying stormwater.
- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Storm drain inlet- an opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.
- d. Waters of the State – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.
- e.

SECTION III. Prohibited Conduct:

No person in control of private property (except a residential lot with one single family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

- 1. Already meets the design standard below to control passage of solid and floatable materials; or
- 2. Is retrofitted or replaced to meet the standard in Section IV below prior to the completion of the project.

SECTION IV. Design Standard:

Storm drain inlets identified in Section III above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section V.3 below.

1. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
 - a. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or
 - b. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.
 - c. Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.
2. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.
3. This standard does not apply:
 - a. Where the municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;
 - b. Where flows are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - i. A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or
 - ii. A bar screen having a bar spacing of 0.5 inches.
 - c. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") spacing between the bars; or
 - d. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

SECTION V. Enforcement:

This ordinance shall be enforced by the Zoning Official of the Township of Kingwood.

SECTION VI. Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$50 - \$500 for each storm drain inlet that is not retrofitted to meet the design standard.

SECTION VII. Severability:

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION VIII. Effective date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

It was moved by Maureen Syrnick, seconded by Lance Riggio and carried to open the public comment portion of the hearing on Ordinance No. 18-2023. **All voted Aye on Roll Call Vote.**

There were no public comments.

It was moved by Lance Riggio, seconded by Maureen Syrnick and carried to close the public comment portion of the hearing on Ordinance. No. 18-2023. **All voted Aye on Roll Call Vote.**

It was moved by Mr. Riggio, seconded by Ms. Syrnick and carried to adopt Ordinance No. 18-2023 Requiring the Retrofitting of Existing Storm Drain Inlets to Prevent Discharge to the Municipal Separate Storm Sewer System.

Roll Call Vote: **AYE – Riggio, Syrnick, Russano**
 NAY – None
 ABSTAIN – None
 ABSENT – None

Ordinance No. 18-2023 was adopted on first reading at a meeting of the Kingwood Township Committee held on October 5, 2023. It was finally adopted at a meeting of the Kingwood Township Committee held on November 2, 2023.

Public Hearing and Final Adoption Ordinance No. 19-2023 – Mayor Russano read the Ordinance aloud by title:

ORDINANCE NO. 19 - 2023

AN ORDINANCE ESTABLISHING REQUIREMENTS FOR THE STORAGE OF SALT AND OTHER SOLID DE-ICING MATERIALS ON PROPERTIES NOT OWNED OR OPERATED BY THE MUNICIPALITY (PRIVATELY-OWNED), INCLUDING RESIDENCES IN THE TOWNSHIP OF KINGWOOD, TO PROTECT THE ENVIRONMENT, PUBLIC HEALTH, SAFETY AND WELFARE, AND TO PRESCRIBE PENALTIES FOR FAILURE TO COMPLY

Whereas, the Township of Kingwood seeks to establish requirement for the storage of salt and other solid de-icing materials on properties not owned or operated by the municipality (privately-owned)

,including residences, in the Township of Kingwood to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

Now Therefore, BE IT ORDAINED by the Committee of the Township of Kingwood in the County of Hunterdon, New Jersey (not less than two-thirds of all members thereof affirmatively concurring) as follows:

SECTION I. Purpose:

The purpose of this ordinance is to prevent stored salt and other solid de-icing materials from being exposed to stormwater.

This ordinance establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the municipality (privately-owned), including residences, in Kingwood Township to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

SECTION II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- A. "De-icing materials" means any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.
- B. "Impervious surface" means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.
- C. "Storm drain inlet" means the point of entry into the storm sewer system.
- D. "Permanent structure" means a permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall).

A fabric frame structure is a permanent structure if it meets the following specifications:

- 1. Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;
 - 2. The design shall prevent stormwater run-on and run through, and the fabric cannot leak;
 - 3. The structure shall be erected on an impermeable slab;
 - 4. The structure cannot be open sided; and
 - 5. The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.
- E. "Person" means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- F. "Resident" means a person who resides on a residential property where de-icing material is stored.

SECTION III. De-icing Material Storage Requirements:

- A. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15th and April 15th:
 - 1. Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;
 - 2. Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;
 - 3. Loose materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone after use;
 - 4. Loose materials shall be covered as follows:
 - a. The cover shall be waterproof, impermeable, and flexible;
 - b. The cover shall extend to the base of the pile(s);
 - c. The cover shall be free from holes or tears;
 - d. The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and
 - e. Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.
 - (1) Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used;
 - 5. Containers must be sealed when not in use; and
 - 6. The site shall be free of all de-icing materials between April 16th and October 14th.
- B. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 - April 15.
- C. The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance are met. Inspection records shall be kept on site and made available to the municipality upon request.
 - 1. Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

SECTION IV. Exemptions:

Residents may store de-icing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the de-icing materials from leaking or spilling out. Under these circumstances, weekly inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur within 2 weeks.

If containerized (in bags or buckets) de-icing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements in Section III above. Piles of de-icing materials are not exempt, even if stored in a permanent structure.

This ordinance does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

SECTION V. Enforcement:

This ordinance shall be enforced by the Zoning Official of Kingwood Township during the course of ordinary enforcement duties.

SECTION VI. Violations and Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall have 72 hours to complete corrective action. Repeat violations and/or failure to complete corrective action shall be found to be in violation of the provisions of this ordinance shall be subject to a fine of \$50.00 - \$500.00.

SECTION VII. Severability:

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this Ordinance.

SECTION VIII. Effective Date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

It was moved by Maureen Syrnick, seconded by Lance Riggio and carried to open the public comment portion of the hearing on Ordinance No. 19-2023. **All voted Aye on Roll Call Vote.**

Jack MacConnell, asked if the adoption of this Ordinance would mean that he would no longer be permitted to keep a bucket of salt on his porch. He was told that leaving open containers of salt on his premise would no longer be permitted based on this Ordinance. The attorney stated that at this time, there is no means of enforcing this Ordinance.

It was moved by Lance Riggio, seconded by Maureen Syrnick and carried to close the public comment portion of the hearing on Ordinance. No. 19-2023. **All voted Aye on Roll Call Vote.**

It was moved by Ms. Syrnick , seconded by Mr. Riggio and carried to adopt Ordinance No. 19-2023 Establishing Requirements For Storage Of Salt And Other Solid De-icing Materials.

Roll Call Vote:
AYE – Riggio, Syrnick, Russano
NAY – None
ABSTAIN – None
ABSENT – None

Ordinance No. 19-2023 was adopted on first reading at a meeting of the Kingwood Township Committee held on October 5, 2023. It was finally adopted at a meeting of the Kingwood Township Committee held on November 2, 2023.

Introduction and Adoption on First Reading of Ordinance No. 20-2023 – Mayor Russano read the Ordinance aloud by title:

ORDINANCE NO. 20 - 2023

AN ORDINANCE TO ESTABLISH REQUIREMENTS FOR TREE REMOVAL AND REPLACEMENT AND PENALTIES FOR NONCOMPLIANCE IN KINGWOOD TOWNSHIP TO PROTECT THE ENVIRONMENT, PUBLIC HEALTH, SAFETY AND WELFARE

Whereas, the Township of Kingwood seeks to establish requirement for tree removal and replacement and penalties for non-compliance to protect the environment, public health, safety and welfare.

Now Therefore, BE IT ORDAINED by the Committee of the Township of Kingwood in the County of Hunterdon, New Jersey (not less than two-thirds of all members thereof affirmatively concurring) as follows:

SECTION I. Definitions:

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this ordinance clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The use of the words shall mean the requirement is always mandatory and not merely directory.

- A. "Applicant" means any "person", as defined below, who applies for approval to remove trees regulated under this ordinance.
- B. "Diameter at Breast Height (DBH)" means the diameter of the trunk of a tree generally measured at a point four and a half feet above ground level from the downhill side of the tree.
- C. "Tree of Significance" means any tree that is recognized by the municipal governing body or local historical organization(s) as being of significance due to its size, unique value, age, rarity, or the aesthetic, botanical, ecological, and historical value.
- D. "Homeowner" means a person(s) who owns a residence.
- E. "Nuisance tree" means any tree, or limb thereof, that has an infectious disease or insect; is dead or dying; obstructs the view of traffic signs or the free passage of pedestrians or vehicles; is causing obvious damage to structures (such as building foundations, sidewalks, etc); or threatens public health, safety, and welfare.
- F. "Person" means any individual, corporation, company, partnership, firm, association, political subdivision of this State and any state, interstate or Federal agency.
- G. "Planting strip" means the part of a street right-of-way between the abutting property line and the curb or traveled portion of the street, exclusive of and sidewalk.
- H. "Street Tree" means a tree planted in the sidewalk or a planting strip in the public right-of-way.
- I. "Tree" means a woody perennial plant, typically having a single stem or trunk growing to a

considerable height and bearing lateral branches at some distance from the ground.

- J. "Tree removal" means to kill or to cause irreparable damage that leads to the decline and/or death of a tree. This includes, but is not limited to, excessive pruning, application of substances that are toxic to the tree, and improper grading and/or soil compaction around the base of the tree that leads to the decline and/or death of a tree. Removal does not include responsible pruning and maintenance of a tree, or the application of tree treatments intended to manage invasive species.

SECTION II. Regulated Activities:

A. Optional Application Process:

1. Any person planning to remove a street tree with DBH of 2.5" or more or any non-street tree with DBH of 6" or more on their property shall submit a Tree Removal Application to the Director of Public Works with a copy to the township municipal clerk. No tree shall be removed until municipal officials have reviewed and approved the removal. Applicants will be subject to an application fee as per Table 1 below.

B. Tree Replacement Requirements

1. Within a five-year period, any person who removes one or more street tree(s) with a DBH of 2.5" or more, unless exempt under Section III, shall be subject to the requirements of the Tree Replacement Requirements Table below.

The species type and diversity of replacement trees shall be in accordance with the Kingwood Township Conservation Plan Element of the Master plan: Appendix C: Plants Native to Hunterdon County, NJ.

Replacement tree(s) shall meet the Required Actions in Table below, and shall be planted within twelve (12) months of the date of removal of the original tree(s). Replacement tree(s) shall be monitored by the applicant for a period of two (2) years to ensure their survival and shall be replaced as needed within twelve (12) months. Trees planted in temporary containers or pots do not count towards tree replacement requirements.

Tree Replacement Requirements Table:

Category Tree Removed

Category	Tree Removed DBH	Required Action	Application Fee
1	DBH of 2.5" (for street trees) or 6" (for other trees) to 12.99"	Replant 1 tree in accordance with Appendix A, with a minimum DBH of 1.5" for each tree removed	\$30
2	DBH of 13" to 22.99"	Replant 2 trees in accordance with Appendix A, with minimum DBHs of	\$30

		1.5" for each tree removed	
3	DBH of 23" to 32.99"	Replant 3 trees with minimum DBHs of 1.5" for each tree removed	\$30
4	DBH of 33" or greater	Replant 4 trees with minimum DBHs of 1.5" for each tree removed	\$30
5	Tree of Significance*	Replant 5 trees with minimum DBHs of 1.5" for each tree removed	\$30

*Tree of Significance removals shall be approved by the Director of Public Works in Consultation with the Township Committee.

C. Replacement Alternatives:

1. If the municipality determines that some or all required replacement trees cannot be planted on the property where the tree removal activity occurred, then the applicant shall do one of the following:
 - a. Plant replacement trees in a separate area(s) approved by the municipality.
 - b. Pay a fee of \$300 per tree removed. This fee shall be placed into a fund dedicated to tree planting.

SECTION III. Exemptions:

All persons shall comply with the tree replacement standard outlined above, except in the following cases. Proper justification shall be provided, in writing, to the municipality by all persons claiming one or more of the exemptions set forth below:

A. Clearing, cutting, and/or removal of trees which is necessary to service, maintain, or ensure the continued safe use of a lawfully existing structure, right-of-way, field, park, and/or garden.

The requirement of proper justification shall be met by submission of a written description certifying why the person needs to clear, cut, and/or remove trees to service, maintain, or ensure the continued safe use of a lawfully existing structure, right-of-way, field, park, and/or garden and photographs substantiating same to the satisfaction of the Director of Public Works in consultation with the Township Committee.

B. Tree farms in active operation, nurseries, fruit orchards, and garden centers. The requirement of proper justification shall be met by submission of a written description certifying the active lawful operation of a tree farm, nursery, fruit orchard, or garden center and photographs substantiating same, to the satisfaction of the Director of Public Works in consultation with the Township Committee.

C. Properties used for the practice of silviculture under an approved forest stewardship or woodland management plan. The requirement for proper justification shall be met by submission of a written description certifying that the property is used for the practice of silviculture under an approved forest stewardship or woodland management plan, copies of all such approvals thereof in writing and a written statement from licensed tree expert or arborist confirming such claim, to the satisfaction of the Director of Public Works in consultation with the Township Committee.

D. Any trees removed pursuant to a New Jersey Department of Environmental Protection (NJDEP) or U.S. Environmental Protection Agency (EPA) approved environmental clean-up, or NJDEP approved habitat enhancement plan. The requirement of proper justification shall be met by submission of a written description certifying that the property is subject to a New Jersey Department of Environmental Protection (NJDEP) approved or U.S. Environmental Protection Agency (EPA)-approved environmental cleanup, or NJDEP-approved habitat enhancement plan, copies of all such approvals thereof in writing and a written statement from licensed tree expert or arborist confirming such claim, to the satisfaction of the Director of Public Works in consultation with the Township Committee.

E. Approved game management practices, as recommended by the State of New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife. The requirement of proper justification shall be met by submission of a written description certifying that the property is subject to approved game management practices, as recommended by the State of New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife, copies of all such approvals and recommendations thereof in writing and a written statement from licensed tree expert or arborist confirming such claim, to the Director of Public Works in consultation with the Township Committee.

F. Nuisance trees may be removed with no fee or replacement requirement. The requirement of proper justification shall be met by submission of a written description certifying that the trees targeted for removal are nuisance trees, photographs substantiating same and a written statement from licensed tree expert or arborist confirming such claim, to the satisfaction of the Property Maintenance Officer (OR you pick one just like above) Director of Public Works in consultation with the Township Committee.

SECTION IV Enforcement:

This ordinance shall be enforced by the New Jersey State Police, Code Official, Director of Public Works, or such other municipal officials designated by the Township Committee by further action of the governing body during the course of ordinary enforcement duties.

SECTION V. Violations and Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine of up to \$500 per tree. The removal of a tree of significance is not subject to a fine limit.

SECTION VI. Severability:

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this Ordinance.

SECTION VII. Effective Date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

SECTION VIII. Effective Date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Mayor Russano reported that he had received late notification from the State of NJ that the adoption of this Ordinance deadline date has been changed from December 2023 to May 2024. This Ordinance will be re-introduced at the March 7, 2024 and adopted at the April 4, 2024 Township Committee meetings.

Introduction and Adoption on First Reading of Ordinance No. 21-2023 – Mayor Russano read the Ordinance aloud by title:

ORDINANCE NO. 21 - 2023

AN ORDINANCE TO PROHIBIT ILLICIT CONNECTIONS TO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM(S) OPERATED BY KINGWOOD TOWNSHIP, SO AS TO PROTECT PUBLIC HEALTH, SAFETY AND WELFARE, AND TO PRESCRIBE PENALTIES FOR THE FAILURE TO COMPLY

Whereas, the Township of Kingwood seeks to establish requirement for the prohibition of illicit connections to the municipal separate storm sew system(s) operated by Kingwood Township, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

Now Therefore, BE IT ORDAINED by the Township Committee of the Township of Kingwood in the County of Hunterdon, New Jersey (not less than two-thirds of all members thereof affirmatively concurring) as follows:

SECTION I. Purpose:

The purpose of this ordinance is to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

SECTION II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions below are the same as or based on corresponding definitions in the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A-1.2.

- a. Domestic sewage - waste and wastewater from humans or household operations.
- b. Illicit connection – any physical or non-physical connection that discharges domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater) to the municipal separate storm sewer system operated by the [insert name of municipality], unless that discharge is authorized under a NJPDES permit other than the Tier A Municipal Stormwater General Permit (NJPDES Permit Number NJ0141852). Non-physical connections

may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system.

c. Industrial waste - non-domestic waste, including, but not limited to, those pollutants regulated under Section 307(a), (b), or (c) of the Federal Clean Water Act (33 U.S.C. §1317(a), (b), or (c)).

d. Municipal separate storm sewer system (MS4)— a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by [insert name of municipality] or other public body, and is designed and used for collecting and conveying stormwater. **NOTE:** In municipalities with combined sewer systems, add the following: "MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport stormwater from streets and other sources."

e. NJPDES permit – a permit issued by the New Jersey Department of Environmental Protection to implement the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A.

f. Non-contact cooling water - water used to reduce temperature for the purpose of cooling. Such waters do not come into direct contact with any raw material, intermediate product (other than heat) or finished product. Non-contact cooling water may however contain algaecides, or biocides to control fouling of equipment such as heat exchangers, and/or corrosion inhibitors.

g. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

h. Process wastewater - any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product. Process wastewater includes, but is not limited to, leachate and cooling water other than non-contact cooling water.

i. Stormwater – water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

SECTION III. Prohibited Conduct:

No person shall discharge or cause to be discharged through an illicit connection to the municipal separate storm sewer system operated by Kingwood Township any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).

SECTION IV. Enforcement:

This ordinance shall be enforced by the Zoning Official of Kingwood Township.

SECTION V. Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine of \$50.00 - \$500.00.

SECTION VI. Severability:

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION VII. Effective date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Mayor Russano stated that he had been send information by the State of NJ that the adoption of this Ordinance deadline had been changed from December 2023 to May 2024. The re-introduction of Ordinance 21-2023 has been tabled to the March 7, 2024 with a planned adoption scheduled for the April 4, 2024 Township Committee meeting.

Introduction and Adoption on First Reading of Ordinance No. 22-2023 – Mayor Russano read the Ordinance by title:

ORDINANCE NO. 22-2023**AN ORDINANCE OF THE TOWNSHIP OF KINGWOOD, COUNTY OF HUNTERDON, STATE OF NEW JERSEY,
AUTHORIZING ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT (EVSE) & MAKE-READY PARKING
SPACES**

WHEREAS, supporting the transition to electric vehicles contributes to Kingwood Township's commitment to sustainability and is in the best interest of public welfare; and

WHEREAS, installation of EVSE and Make-Ready parking spaces encourages electric vehicle use; and

WHEREAS, Kingwood Township encourages increased installation of EVSE and Make Ready parking spaces; and

WHEREAS, adoption of this ordinance supports the State of New Jersey's goals to reduce air pollutants and greenhouse gas emissions from the transportation sector as outlined and supported by various programs related to NJ's 2019 Energy Master Plan, Global Warming Response Act (P.L.2007, c.112 (C.26:2C-37 et al.)), and EV Law (P.L. 2019, c. 362); and

WHEREAS, P.L. 2021, c.171, which Governor Murphy signed into law on July 9, 2021, requires EVSE and Make-Ready parking spaces be designated as a permitted accessory use in all zoning or use districts and establishes associated installation and parking requirements; and

WHEREAS, adoption of this ordinance will support Kingwood Township's Master Plan adopted in accordance with the Municipal Land Use Law, and is not inconsistent with goals of the Master Plan as well as the Land Use Plan and Circulation Plan elements of the Master Plan; and

WHEREAS, Kingwood Township encourages greater ownership and use of electric vehicles, and is amending Chapter 132, Zoning, to establish standards and regulations for the safe and efficient installation of EVSE and Make-Ready Parking Spaces at appropriate locations.

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

Section 1. This ordinance shall be known as the ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT (EVSE) & MAKE-READY PARKING SPACES ORDINANCE.

Section 2. § 132-62 "Reserved", is hereby replaced with the following new § 132-62, as follows:

§ 132-62 ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT

A. Purpose

The purpose of this ordinance is to promote and encourage the use of electric vehicles by requiring the safe and efficient installation of EVSE and Make-Ready parking spaces through municipal parking regulations and other standards. EVSE and Make-Ready parking spaces will support the State's transition to an electric transportation sector, reducing automobile air pollution, greenhouse gas emissions, and storm water runoff contaminants. The goals are to:

1. Provide adequate and convenient EVSE and Make-Ready parking spaces to serve the needs of the traveling public.
2. Provide opportunities for residents to have safe and efficient personal EVSE located at or near their place of residence.
3. Provide the opportunity for non-residential uses to supply EVSE to their customers and employees.
4. Create standard criteria to encourage and promote safe, efficient, and cost-effective electric vehicle charging opportunities in all zones and settings for convenience of service to those that use electric vehicles.

B. Definitions. The following definitions are for terms used in this ordinance.

Certificate of occupancy: The certificate provided for in N.J.A.C. 5:23-2, indicating that the construction authorized by the construction permit has been completed in accordance with the construction permit, the act and the regulations. See "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) and regulations adopted pursuant thereto.

Charging Level: The amount of voltage provided to charge an electric vehicle varies depending on the type of EVSE as follows:

1. Level 1 operates on a fifteen (15) to twenty (20) amp breaker on a one hundred twenty (120) volt AC circuit.
2. Level 2 operates on a forty (40) to one hundred (100) amp breaker on a two hundred eight (208) or two hundred forty (240) volt AC circuit.
3. Direct-current fast charger (DCFC) operates on a sixty (60) amp or higher breaker on a four hundred eighty (480) volt or higher three phase circuit with special grounding equipment. DCFC stations can also be referred to as rapid charging stations that are typically characterized by industrial grade electrical outlets that allow for faster recharging of electric vehicles.
- 4.

Electric vehicle: Any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; and operates either partially or exclusively using an electric motor powered by an externally charged on-board battery.

Electric Vehicle Supply/Service Equipment or (EVSE): The equipment, including the cables, cords, conductors, connectors, couplers, enclosures, attachment plugs, power outlets, power electronics, transformer, switchgear, switches and controls, network interfaces, point of sale equipment, and associated apparatus designed and used for the purpose of transferring energy from the electric supply system to a plug-in electric vehicle. "EVSE" may deliver either alternating current or, consistent with fast charging equipment standards, direct current electricity. "EVSE" is synonymous with "electric vehicle charging station"

Make-Ready Parking Space: means the pre-wiring of electrical infrastructure at a parking space, or set of parking spaces, to facilitate easy and cost-efficient future installation of Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment, including, but not limited to, Level Two EVSE and direct current fast chargers. Make Ready includes expenses related to service panels, junction boxes, conduit, wiring, and other components necessary to make a particular location able to accommodate Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment on a "plug and play" basis. "Make-Ready" is synonymous with the term "charger ready," as used in P.L.2019, c.362 (C.48:25-1 et al.).

Private EVSE: EVSE that has restricted access to specific users (e.g., single and two-family homes, executive parking fleet parking with no access to the general public).

Publicly-accessible EVSE: EVSE that is publicly available (e.g., park & ride, public parking lots and garages, on-street parking, shopping center parking, non-reserved parking in multi-family parking lots, etc.).

C. Approvals and Permits

1. An application for development submitted solely for the installation of EVSE or Make-Ready parking spaces shall be considered a permitted accessory use and permitted accessory structure in all zoning or use districts and shall not require a variance pursuant to C.40:55D-70.
2. EVSE and Make-Ready Parking Spaces installed pursuant to Section D. below in development applications that are subject to site plan approval are considered a permitted accessory use as described in 1. above.
3. All EVSE and Make-Ready parking spaces shall be subject to applicable local and/or Department of Community Affairs permit and inspection requirements.
4. The Kingwood Township Zoning Officer shall enforce all signage and installation requirements described in this ordinance. Failure to meet the requirements in this ordinance shall be subject to the same enforcement and penalty provisions as other violations of Kingwood Township's land use regulations.

4. An application for development for the installation of EVSE or Make-Ready spaces at an existing gasoline service station, an existing retail establishment, or any other existing building shall not be subject to site plan or other land use board review, shall not require variance relief pursuant to C.40:55D-1 et seq. or any other law, rule, or regulation, and shall be approved through the issuance of a zoning permit by the administrative officer, provided the application meets the following requirements:

5.

- a. the proposed installation does not violate bulk requirements applicable to the property or the conditions of the original final approval of the site plan or subsequent approvals for the existing gasoline service station, retail establishment, or other existing building;
 - b. all other conditions of prior approvals for the gasoline service station, the existing retail establishment, or any other existing building continue to be met; and
 - c. the proposed installation complies with the construction codes adopted in or promulgated pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), any safety standards concerning the installation, and any State rule or regulation concerning electric vehicle charging stations.
- 6. An application pursuant to Section 5. above shall be deemed complete if:
 - a. the application, including the permit fee and all necessary documentation, is determined to be complete,
 - b. a notice of incompleteness is not provided within 20 days after the filing of the application, or
 - c. a one-time written correction notice is not issued by the *Zoning Officer* within 20 days after filing of the application detailing all deficiencies in the application and identifying any additional information explicitly necessary to complete a review of the permit application.
- 7. EVSE and Make-Ready parking spaces installed at a gasoline service station, an existing retail establishment, or any other existing building shall be subject to applicable local and/or Department of Community Affairs inspection requirements.
- 8. A permitting application solely for the installation of electric vehicle supply equipment permitted as an accessory use shall not be subject to review based on parking requirements.

D. Requirements for New Installation of EVSE and Make-Ready Parking Spaces

- 1. As a condition of preliminary site plan approval, for each application involving a multiple dwelling with five or more units of dwelling space, which shall include a multiple dwelling that is held under a condominium or cooperative form of ownership, a mutual housing corporation, or a mixed-use development, the developer or owner, as applicable, shall:
 - a. prepare as Make-Ready parking spaces at least 15 percent of the required off-street parking spaces, and install EVSE in at least one-third of the 15 percent of Make-Ready parking spaces;
 - b. within three years following the date of the issuance of the certificate of occupancy, install EVSE in an additional one-third of the original 15 percent of Make-Ready parking spaces; and
 - c. within six years following the date of the issuance of the certificate of occupancy, install EVSE in the final one-third of the original 15 percent of Make-Ready parking spaces.
 - d. Throughout the installation of EVSE in the Make-Ready parking spaces, at least five percent of the electric vehicle supply equipment shall be accessible for people with disabilities.
 - e. Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready parking spaces at a faster or more expansive rate than as required above.

2. As a condition of preliminary site plan approval, each application involving a parking lot or garage not covered in 1. above shall:
 - a. Install at least one Make-Ready parking space if there will be 50 or fewer off-street parking spaces.
 - b. Install at least two Make-Ready parking spaces if there will be 51 to 75 off-street parking spaces.
 - c. Install at least three Make-Ready parking spaces if there will be 76 to 100 off-street parking spaces.
 - d. Install at least four Make-Ready parking spaces, at least one of which shall be accessible for people with disabilities, if there will be 101 to 150 off-street parking spaces.
 - e. Install at least four percent of the total parking spaces as Make-Ready parking spaces, at least five percent of which shall be accessible for people with disabilities, if there will be more than 150 off-street parking spaces.
 - f. In lieu of installing Make-Ready parking spaces, a parking lot or garage may install EVSE to satisfy the requirements of this subsection.
 - g. Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready parking spaces at a faster or more expansive rate than as required above.
 - h. Notwithstanding the provisions of this Section, a retailer that provides 25 or fewer off-street parking spaces or the developer or owner of a single-family home shall not be required to provide or install any electric vehicle supply equipment or Make-Ready parking spaces.

E. Minimum Parking Requirements

{Note: Section E of the model ordinance is mandatory and may not be altered.}

1. All parking spaces with EVSE and Make-Ready equipment shall be included in the calculation of minimum required parking spaces, pursuant to Chapter 132, Article III District Regulations.
2. A parking space prepared with EVSE or Make-Ready equipment shall count as at least two parking spaces for the purpose of complying with a minimum parking space requirement. This shall result in a reduction of no more than 10 percent of the total required parking.
3. All parking space calculations for EVSE and Make-Ready equipment shall be rounded up to the next full parking space.
4. Additional installation of EVSE and Make-Ready parking spaces above what is required in Section D. above may be encouraged, but shall not be required in development projects.

F. Reasonable Standards for All New EVSE and Make-Ready Parking Spaces

1. Location and layout of EVSE and Make-Ready parking spaces is expected to vary based on the design and use of the primary parking area. It is expected flexibility will be required to provide the most convenient and functional service to users. Standards and criteria should be considered guidelines and flexibility should be allowed when alternatives can better achieve objectives for provision of this service.
2. Installation:
 - a. Installation of EVSE and Make-Ready parking spaces shall meet the electrical subcode of the Uniform Construction Code, N.J.A.C. 5:23-3.16.

- b. Each EVSE or Make-Ready parking space that is not accessible for people with disabilities shall be not less than 9 feet wide or 18 feet in length. Exceptions may be made for existing parking spaces or parking spaces that were part of an application that received prior site plan approval.
 - c. To the extent practical, the location of accessible parking spaces for people with disabilities with EVSE and Make Ready equipment shall comply with the general accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
 - d. Each EVSE or Make-Ready parking space that is accessible for people with disabilities shall comply with the sizing of accessible parking space requirements in the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
3. EVSE Parking:
- a. Publicly-accessible EVSE shall be reserved for parking and charging electric vehicles only. Electric vehicles shall be connected to the EVSE. In the case of EVSE on private property (i.e. commercial, manufacturing, office use), the use of time limits is optional and shall be determined by the property owner.
 - b. Electric vehicles may be parked in any parking space designated for parking, subject to the restrictions that would apply to any other vehicle that would park in that space.
 - c. Public Parking. Pursuant to NJSA 40:48-2, publicly-accessible EVSE parking spaces shall be subject to monitoring by the New Jersey State Police and enforced in the same manner as any other parking. It shall be a violation of this Section to park or stand a non-electric vehicle in such a space, or to park an electric vehicle in such a space when it is not connected to the EVSE. Any non-electric vehicle parked or standing in a EVSE parking space or any electric vehicle parked and not connected to the EVSE shall be is subject to fine and/or impoundment of the offending vehicle as described in the general penalty provisions of the Code of the Township of Kingwood, Chapter 1, Article II, General Penalties, Section § 1-15 Maximum penalty; repeat offences, which shall not exceed a fine of \$50.00 per violation. Signs indicating the penalties for violations shall comply with Section 5. below. Any vehicle parked in such a space shall make the appropriate payment for the space and observe the time limit for the underlying parking area, if applicable.
 - d. Private Parking. The use of EVSE shall be monitored by the property owner or designee.
4. Safety
- a. Each publicly-accessible EVSE shall be located at a parking space that is designated for electric vehicles only and identified by green painted pavement and/or curb markings, a green painted charging pictograph symbol, and appropriate signage pursuant to Section 5. below.
 - b. Where EVSE is installed, adequate site lighting and landscaping shall be provided in accordance with Kingwood Township's ordinances and regulations.
 - c. Adequate EVSE protection such as concrete-filled steel bollards shall be used for publicly-accessible EVSE. Non-mountable curbing may be used in lieu of bollards if the EVSE is setback a minimum of 24 inches from the face of the curb. Any stand-alone EVSE bollards should be 3 to 4-feet high with concrete footings placed to protect the EVSE from accidental impact and to prevent damage from equipment used for snow removal.

- d. EVSE outlets and connector devices shall be no less than 36 inches and no higher than 48 inches from the ground or pavement surface where mounted, and shall contain a cord management system as described in e. below. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designated and located as to not impede pedestrian travel, create trip hazards on sidewalks, or impede snow removal.
- e. Each EVSE shall incorporate a cord management system or method to minimize the potential for cable entanglement, user injury, or connector damage. Cords shall be retractable or have a place to hang the connector and cord a safe and sufficient distance above the ground or pavement surface. Any cords connecting the charger to a vehicle shall be configured so that they do not cross a driveway, sidewalk, or passenger unloading area.
- f. Where EVSE is provided within a pedestrian circulation area, such as a sidewalk or other accessible route to a building entrance, the EVSE shall be located so as not to interfere with accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
- g. Publicly-accessible EVSEs shall be maintained in all respects, including the functioning of the equipment. A 24-hour on-call contact shall be provided on the equipment for reporting problems with the equipment or access to it. To allow for maintenance and notification, Kingwood Township shall require the owners/designee of publicly-accessible EVSE to provide information on the EVSE's geographic location, date of installation, equipment type and model, and owner contact information. This information shall be provided to the Zoning Officer prior to the issuance of a certificate of occupancy for the operation of every individual EVSE charging station.

5. Signs

- a. Publicly-accessible EVSE shall have posted regulatory signs, as identified in this section, allowing only charging electric vehicles to park in such spaces. For purposes of this section, "charging" means that an electric vehicle is parked at an EVSE and is connected to the EVSE. If time limits or vehicle removal provisions are to be enforced, regulatory signs including parking restrictions shall be installed immediately adjacent to, and visible from the EVSE. For private EVSE, installation of signs and sign text is at the discretion of the owner.
- b. All regulatory signs shall comply with visibility, legibility, size, shape, color, and reflectivity requirements contained within the Federal Manual on Uniform Traffic Control Devices as published by the Federal Highway Administration.
- c. Wayfinding or directional signs, if necessary, shall be permitted at appropriate decision points to effectively guide motorists to the EVSE parking space(s). Wayfinding or directional signage shall be placed in a manner that shall not interfere with any parking space, drive lane, or exit and shall comply with b. above.
- d. In addition to the signage described above, the following information shall be available on the EVSE or posted at or adjacent to all publicly-accessible EVSE parking spaces:
 - 1) Hour of operations and/or time limits if time limits or tow-away provisions are to be enforced by the municipality or owner/designee;
 - 2) Usage fees and parking fees, if applicable; and
 - 3) Contact information (telephone number) for reporting when the equipment is not operating or other problems.

6. Usage Fees

a. RESERVED.

Section 3. SEVERABILITY

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

Section 4. REPEAL OF PRIOR ORDINANCES

All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

Section 5. EFFECTIVE DATE

This ordinance shall become effective upon passage into law by the Kingwood Township Committee and upon publication in accordance with law.

This ordinance shall take effect after final passage and publication as provided by law.

It was moved by Mr. Riggio, seconded by Ms. Syrnick and carried to adopt Ordinance No. 22-2023 Authorizing Electric Vehicle Supply /Service Equipment (EVSE) And Make-Ready Parking Spaces.

Roll Call Vote:
AYE – Riggio, Syrnick, Russano
NAY – None
ABSTAIN – None
ABSENT – None

Consideration of final adoption of Ordinance No. 22-2023 at a public hearing is scheduled for Thursday, December 7, 2023 at a meeting beginning at 7:00P.M. at the Municipal Building, 599 Oak Grove Road, Frenchtown, New Jersey.

NEW BUSINESS

Edmonds GovTech Maintenance Contract 2024

It was moved by Ms. Syrnick, seconded by Mr. Riggio and carried to approve the Edmonds GovTech Maintenance Contract for the year 2024 in the amount of \$3,212.54.

Roll Call Vote:
AYE – Riggio, Syrnick, Russano
NAY – None
ABSTAIN – None
ABSENT – None

Resilient Communities Pre-Application Grant

Frank Floyd, OEM, reviewed the Resilient Communities Grant pre-application process with the Township Committee. The Township is requesting \$4,941,493 to renovate and expand the Kingwood Township Vol. Fire Company' Station 2 located at 621 County Road 519. This renovation will include two more bays and will house the new Swiftwater vehicles and an ambulance for the Kingwood Township First Aid and Rescue Squad. The project will also include space in the rear of the building to house residents that

need to be evacuated and are unable to get to the current emergency evacuation shelter during tropical storms such as IDA, due to high water flooding of the surrounding streams at that location.

It was requested by OEM that the full report be submitted into the meeting minutes.

Pre-application submission:

Scope of Work: Barberton is the center of Kingwood Township. The property is elevated from flood plains and easily accessible to all members of the communities served by our fire and rescue services. During tropical storm IDA, Kingwood Township was significantly impacted, with roads that were flooded or washed away. Residents were unable to be evacuated by our fire and rescue services due to the lack of equipment and the location of the current primary and secondary shelters. The current emergency evacuation shelter for the Office of Emergency Management residents on the highest ground within the township, however the roads that lead to it are parallel to several streams. The volume of water presented during TS Ida made it impossible to make use of the shelters. A direct result of TS Ida was the Kingwood Township Vol. Fire Company No. 1 adding a new discipline to their services, Swiftwater Rescue. This program brought new equipment and trained over 20 members in Swiftwater Awareness, Swiftwater Operations, and Swiftwater Technician skills in addition to the purchase of a High-Water vehicle and 6-person boat. We applaud the Kingwood Township Vol. Fire Company No. 1 for taking on this initiative to improve emergency responses within the communities they serve by adding this new discipline.

Work to be Completed or Work Completed: This infrastructure project is requesting \$4,941,493 to renovate and expand The Kingwood Township Vol. Fire Company's Station 2 located at 621 County Road 519, Frenchtown, NJ from a 2 bay 30' wide by 50' deep station to a 4 bay 68' wide by 90' deep station. The additional two bays will house the new Swiftwater vehicles which currently sit outside as well as an ambulance for the Kingwood Township First Aid and Rescue Squad. The project includes space in the rear of the building to house residents that need to be evacuated, including handicap accessible bathrooms and showers.

Areas of need are to include: The project will include resilient measures to ensure the building is properly powered during severe weather. The project will also add a rainwater recapture system that will be installed to capture 40,000 gallons of water from the facility. The water will aid the Kingwood Township Vol. Fire Company by providing a water source for fire suppression purposes. Kingwood Township does not have public water systems or fire hydrants leaving the fire company to seek water sources by using local ponds where and when accessible or to truck in water from other towns delaying the fire suppression activities. With the approval of this infrastructure project The Kingwood Township Vol. Fire Company, Kingwood Township First Aid and Rescue Squad and Kingwood Township Office of Emergency management will be able to reduce the long-term risk of losses to life or injury, and suffering and hardship. This project and its location, reduces the response time to fire and medical emergencies and places the Swiftwater Rescue assets closer to where they're needed for the next disaster.

The Kingwood Township Emergency Management along with the Township Committee are passionate about addressing this problem and realizes the importance of seeking funding for this initiative. We understand how meaningful and beneficial this project can be in helping with enhancing our capabilities.

I would like to thank you for your consideration and look forward to working with you and your staff throughout this process! We truly believe if given an opportunity to apply and receive grant funding that it will provide us with tools necessary allowing us to make a difference in the community.

After reviewing the pre application submission, Chief Frank Floyd from the Kingwood Township

Volunteer Fire company went over the size of the building 68' x 90', the features of the building, the intended purposes and the collaboration work that has gone into the project between the Township of Kingwood, Kingwood Township Vol. Fire. Co. No. 1 and the Kingwood Township First Aid and Rescue Squad. Presentation materials can be found in the attached zip file as Township of Kingwood-Infrastructure Project – Fire Station – Section B*. The township committee asked questions about the size of the building, commented about the partnership with the emergency services providers and that the Township of Kingwood is sponsoring the project. There is no risk to the Township of Kingwood if there are cost overruns as the Kingwood Twp. Vol. Fire Co. No. 1 has agreed to pick up the costs. The committee thanked Chief Floyd and took a vote and unanimously approved submitting the project.

Number of members from the public in attendance: 15

Number of members from the public that signed in: 0

Number of members from the public that commented on the project during the meeting: 0

It was moved by Ms. Syrnick, seconded by Mr. Riggio and carried to approve the Resilient Communities pre-application process.

Roll Call Vote: **AYE – Riggio, Syrnick, Russano**
 NAY – None
 ABSTAIN – None
 ABSENT – None

Hiring General Municipal Worker and Providing Stipend to Deputy Clerk Resolution No. 2023-134

The following Resolution was introduced:

RESOLUTION NO. 2023 – 134

**HIRE GENERAL MUNICIPAL WORKER AND PROVIDE A STIPEND TO THE DEPUTY CLERK FOR
ADDITIONAL RESPONSIBILITIES**

WHEREAS, there is a vacancy in the Office of the Municipal Clerk as a result of the Township Committee not reappointing the Township's Acting Municipal Clerk to a second term; and

WHEREAS, additional municipal employees recently advised the Committee of their intention to retire in 2023; and

WHEREAS, although the Township Committee has initiated the process to retain replacement personnel, including a Registered Municipal Clerk, the Municipal Clerk position currently remains vacant and, as a result thereof, the Deputy Clerk has undertaken additional responsibilities with respect to the operations of the Municipal Clerk's Office; and

WHEREAS, in order to properly compensate the Deputy Municipal Clerk for the additional responsibility she has assumed by virtue of the foregoing, the Township Committee authorized via motion at its October 23, 2023, special meeting the payment of a monthly stipend in the amount of \$2,500.00 to be effective immediately and not to exceed \$5,000 for 2023; and

WHEREAS, the Township Committee also authorized via motion at the October 23, 2023, special meeting the hiring of a temporary general municipal worker/administrative assistant to assist the Deputy Clerk in

the performance of her duties in the Municipal Clerk's Office at the rate not to exceed \$2,500.00 per month and not to exceed \$5,000.00 for 2023; and

WHEREAS, the Township Committee desires to ratify and reaffirm the action taken at its October 23, 2023, special meeting by adopting this Resolution and creating an official document reflecting the action taken as well as to clarify the hours the general municipal worker/administrative assistant will work each week.

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

1. Mary MacConnell shall be and hereby is hired as an Administrative Assistant to assist the Deputy Clerk. Ms. MacConnell's position is temporary, commencing October 30, 2023, and terminating on December 30, 2023, unless otherwise extended by the Committee. She shall be paid a stipend of \$31.25/hour, which will be paid bi-weekly and shall work 20 hours each week (80 hours per month x \$31.25 = \$2,500). Her compensation shall not exceed a maximum of \$5,000. Due to the need for emergency help and time constraints, the Township Committee took immediate action and is waiving the mandatory drug test and background check required for all employees.
2. The Deputy Clerk shall be paid an additional stipend of \$2,500 for the month of November 2023 and December 2023 for the additional responsibilities she has assumed based upon the vacancy in the Municipal Clerk's Office. The total stipend will not exceed the amount of \$5,000 and the payment of same beyond December 31, 2023, shall require authorization from the Township Committee.

It was moved by Mr. Riggio, seconded by Ms. Syrnick and carried to adopt the foregoing Resolution No. 2023-134.

Roll Call Vote:
AYE – Riggio, Russano
NAY – Syrnick
ABSTAIN – None
ABSENT – None

Items Previously Removed from Consent Agenda

Letter from Betty DeSapio, Township Historian

Mrs. DeSapio was present at the meeting and commented on her letter in regard to the NJDOT Job #1007516 on Route 29 in the Township. It was moved by Ms. Syrnick, seconded by Mr. Riggio and carried to approve the letter to NJDOT. **All voted Aye on Roll Call Vote.**

Housing Board Memo re: Galleria Proposal for Affordable Housing Units

The committee members have received a memo from the Township's Housing Board containing recommendations for an affordable housing project for property in Baptistown. Mayor Russano reported that Galleria Homes would like to demolish the current 5-unit apartment located on County Road 519, Baptistown near the church and replace it with two new - unit buildings to be offered as affordable housing units. Housing Board had recommended that at this time the Committee approve this project for one 5 unit building in Baptistown only. Included in this proposal is another 5-unit affordable housing plus commercial space on Locktown Rd. Discussed. Banisch needs discuss next step with Galleria

Park and Recreation Memo re: Oil Tank Replacement for Kingwood Park House

Mr. David Hewitt, Chair of the above, attended the meeting and a memo from the P&R Committee had been received. Mr. Hewitt commented he believes the building (house at Kingwood Park) should be occupied, and P&R are asking for \$6,000 to update the house and make it habitable.

It was moved by Mr. Riggio, seconded by Ms. Syrnick and carried to approve the spending of up to \$6,000 from Buildings and Grounds to bring the house on line, beginning with the oil tank replacement.

Roll Call Vote:
AYE – Riggio, Russano
NAY – Syrnick
ABSTAIN – None
ABSENT – None

OLD BUSINESS

Route 29 Alexauken Creek Road Pavement Reconstruction and Drainage Improvement

Discussion to of this drainage improvement put forth by EC via liaison

Discuss Offering Lead Paint Inspections to Residents

The Atty. Moscagiuri suggested the Deputy Clerk check old meeting minutes as this Ordinance had been previously discussed.

Emergency Generator Repair Maintenance Proposal

It was moved by Ms. Syrnick, seconded by Mr. Riggio and carried to accept the proposal from Emergency Generator Repair Co. to supply and install a cold weather kit on the emergency management generators (one at the Municipal Building and one at Horseshoe Bend Park) for the amount of \$545.00 per generator, and to accept the service proposal from Emergency Generator Repair Co. for the 2023 Planned Preventive Maintenance Service for each of the generators in the amount of \$310.00 per generator.

Roll Call Vote:
AYE – Riggio, Syrnick, Russano
NAY – None
ABSTAIN – None
ABSENT – None

BILLS AND CLAIMS

It was moved by Ms. Syrnick, seconded by Mr. Riggio and carried to approve the bills and claims that are in order in the amount \$604,844.61.

Roll Call Vote:
AYE – Riggio, Syrnick, Russano
NAY – None
ABSTAIN – None
ABSENT - None

EXECUTIVE SESSION – Resolution No. 2023-130

Att’y. Moscagiuri commented for the public that action may be taken when the committee members return to regular session and the closed session is expected to take approximately 15 minutes. It was

moved by Ms. Syrnick, seconded by Mr. Riggio and carried to adopt the following Resolution, and **All** voted **Aye** on **Roll Call Vote**:

**RESOLUTION NO. 2023 –130
TO ENTER INTO EXECUTIVE SESSION**

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this governing body is of the opinion that such circumstances presently exist;

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

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
Personnel – Election Day
3. It is intended at this time that the above stated subject matter will be made public when the matter has been resolved.
4. This resolution shall take effect immediately.

RETURN TO REGULAR SESSION

It was moved by Mr. Riggio, seconded by Ms. Syrnick and carried to exit the closed session. **All** voted **Aye** on **Roll Call Vote**.

The committee was in Executive Session from approximately 8 30 PM - 8:45 PM.

ADJOURNMENT

It was moved by Ms. Syrnick, seconded by Mr. Riggio and carried to adjourn the meeting at 8:47PM. **All** voted **Aye** on **Roll Call Vote**.

Respectfully submitted,

Michele Tipton-Walters,
Deputy Clerk