

**ORDINANCE 20-05-2020**

**AN ORDINANCE OF THE TOWNSHIP OF KINGWOOD,  
COUNTY OF HUNTERDON, STATE OF NEW JERSEY,  
ABOLISHING THE EXISTING RECREATION  
COMMISSION AND THE EXISTING PARKS AND  
RECREATION COMMITTEE, AND IN ITS PLACE AND  
STEAD, CREATING A SINGLE PARKS AND  
RECREATION COMMITTEE.**

**WHEREAS**, it is the desire of the governing body of the Township to provide for the recreational needs of all citizens of the Township; and

**WHEREAS**, the governing body has in the past entrusted that important task to the Recreation Commission, formed pursuant to N.J.S.A. 40:12-1; and

**WHEREAS**, the Recreation Commission, the Parks and Recreation Committee and the Advisory Board to the Parks and Recreation Committee, have, for the past 60 years, provided volunteers for the development and operation of recreation programs within Kingwood Township; and

**WHEREAS**, the Recreation Commission, the Parks and Recreation Committee and the Advisory Board to the Parks and Recreation Committee, have, for the past 60 years, managed and maintained parklands within the Township; and

**WHEREAS**, the Recreation Commission, the Parks and Recreation Committee and the Advisory Board to the Parks and Recreation Committee, have operated as a single committee; and

**WHEREAS**, the governing body, being ultimately responsible for providing such recreational needs to the community, has determined that the same can be best accomplished by abolishing the existing Recreation Commission and the existing Parks and Recreation Committee and forming a single Parks and Recreation Committee that will consolidate those duties to the Committee; and

**WHEREAS**, the power to abolish the Recreation Commission is derived pursuant to the revised statutes of the State of New Jersey, and as affirmed by Board of Recreation Commissioners of the Borough of Rutherford v. Board of Rutherford, 166 N.J. Super. 476 (App. Div. 1979).

**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

The title of Chapter 34 of the Township Code is amended to read as follows:  
“Parks and Recreation”

Section 2

The existing Article I. Recreation Commission, Sections 34-1 through 34-7 of the Township Code is repealed in its entirety, and the following new Article I is adopted in its place and stead as follows:

**Article I. Parks and Recreation Committee.**

**§34-1 Establishment.** The Township Committee of the Township of Kingwood, deeming it necessary for the development, improvement, maintenance and operation of all public parklands and recreational areas and facilities within the township hereby establishes and creates a Parks and Recreation Committee.

**§34-2 Members.**

- A. The Parks and Recreation Committee shall consist of nine (9) members to be appointed by the Township Committee. The membership in the Parks and Recreation Committee shall include:
  - i. One member of the Environmental Commission who shall not be an elected official.
  - ii. One member of the Township Committee
  - iii. One member of the Open Space Committee who shall not be an elected official.
  - iv. Six members to be appointed from the general citizenry of the Township.
- B. The Parks and Recreation Committee shall annually appoint a Chairperson to be selected by a majority vote of the members of said Committee. The Chairperson shall not be an elected official.

**§34-3 Term.**

The Open Space and Environmental Commission members shall have terms which correspond with the terms of their respective offices. The Township Committee member shall be appointed annually. The six members of the general citizenry shall be appointed for three-years. Members appointed from the general citizenry shall have terms of three years; however, the initial public members appointed shall have the following terms as designated by the Township Committee:

- i. One member: one year
- ii. Two members: two years
- iii. Three members: three years

All terms shall begin as of January 1. Any vacancies shall be appointed by the Township Committee for the remainder of the unexpired term.

**§34-4 Powers.**

- a. The Township Committee, through the Parks and Recreation Committee, shall have the full and complete authority and power to expend monies raised for and the operation of recreational fields and parks within the Township and all recreation programs thereon. The Parks and Recreation Committee and its members in all respects operate through and under the direction of the Township Committee in accordance with the administrative procedures and regulations of the Code of the Township of Kingwood. and shall have no power to take any action on behalf of the Township of Kingwood, or to take any other action, other than what is set forth in Subsection B below.
- b. The powers and duties of the Parks and Recreation Committee shall be as follows:
  - 1) Report to the Township Committee regarding ordinances which affect recreation in the Township, including rules and regulations for the public use of said areas and all recreational programs.
  - 2) Report to the Township Committee regarding the Township's recreational needs, including program, facility and equipment needs.
  - 3) Provide a recommendation to the Township Committee concerning a schedule of fees and charges to be made for utilizing Parks and Recreation facilities.
  - 4) Provide for the proper maintenance and care of the lands and improvements with the Township recreation fields and parks and all structures thereon now or hereafter owned by the Township.
  - 5) Organize, oversee, manage, direct and operate all functions and activities of parks and recreational programs as well as any and all park staff. Park Staff shall be employees of the Township and governed by the Employee Policy Manual.
  - 6) Maintain an inventory of property and equipment and recommend, as needed, the acquisition of additional property and/or equipment for the furtherance of the Township's parks and recreational programs.
  - 7) The Committee may, throughout the year, purchase necessary parks and recreation items and equipment that are provided for in the Committee's annual budget appropriation. Any purchase over \$2,000 must be approved in advanced by the Township Committee. The Committee is not permitted to purchase any real property
  - 8) Inform the Township Committee of grants available under state and federal programs and any other grant programs, and if authorized by the Township Committee, prepare, process and complete applications for such grants.

- 9) Submit annually the requested budget indicating what sums may be necessary for the performance of the above functions and duties.
- 10) Manage the Parks and Recreation Trust Fund of the Township with oversight by the Kingwood Township Committee and the Kingwood Township Chief Financial Officer to be utilized by the Parks and Recreation Committee
- 11) Promote the advantages of parks and recreation opportunities in the Township.
- 12) Survey the community regarding recreational needs and provide advice to the Planning Board in its preparation of the parks and recreation plan element to the Master Plan adopted pursuant to N.J.S.A. 40:55D-28.
- 13) Perform such tasks as may, from time to time, be assigned by the Township Committee.
- 14) Provide an annual report of written recommendations containing cost and benefits analyses, potential schedules for implementation, together with justification for the demand for new services if any are being recommended. The Township Committee, or a subcommittee thereof, shall schedule meetings with the Parks and Recreation Committee to review and consider such advice.

**§34-5 Annual Appropriations.** The Township Committee shall appropriate sums which, in their opinion, are satisfactory for the Parks and Recreation Committee to pay its expenses. The Recreation Committee shall not have the power and authority to incur any obligation in the name of the Township or this Committee except as authorized from time to time by the Township Committee under the provisions of this chapter. Said Committee may solicit or receive gifts or bequests, personal property, or any donation, which shall be applied toward temporary or permanent use of the Township's parks, playgrounds, and recreational facilities. All donations received by the Recreation Committee shall be turned over to the Kingwood Township Chief Financial Officer and be kept in a special fund dedicated for park and recreational facilities.

### Section 3

Article II "Parks and Recreation Committee" Sections 34-6 and 34-7 of the existing Township Code is repealed in its entirety.

### Section 4

Article III Use of the Township Parks and Facilities shall be re-named "Article II Use of the Township Parks and Facilities" and Section 34-8 shall be re-numbered as Section 34-6 the substance of former Article III, Section 34-8, now Article II, Section 34-6 shall remain unchanged.

### Section 5

The previously established Recreation Commission of the Township of Kingwood is hereby deemed eliminated and dissolved, and all offices and membership in same which have been created are hereby revoked and dissolved. Any authority or power any person, or persons, had or was otherwise authorized by the existence of the Recreation Commission is hereby revoked. Any and all funds held by the Recreation Commission, barring any legal limitations, shall be immediately turned over by the Chairperson of the Recreation Commission to the Chief Financial Officer of the Township, and the Chief Financial Officer shall place such funds in the Parks and Recreation Trust Fund of the Township.

### Section 6

The existing Parks and Recreation Committee shall be re-organized as the Parks and Recreation Committee and all current members shall remain members of the newly re-organized Recreation Committee and their terms shall be set by the Township Committee.

### Section 7

This ordinance shall take effect immediately after passage.

### Section 8

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged to be unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

**NOTICE**

**NOTICE** is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Committee of the Township of Kingwood held on May 7, 2020 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Committee to be held on June 4, at 7:00 PM, or as soon thereafter as the Township Committee may hear this Ordinance at the Municipal Building, 599 Oak Grove Road, Frenchtown, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

**TOWNSHIP COMMITTEE OF  
TOWNSHIP OF KINGWOOD**

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**Thomas Ciacciarelli, Mayor**

**Attest:                      June 4, 2020**

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

ROLL CALL	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
<b>R Dodds</b>						
<b>M Syrnick</b>						
<b>T Ciacciarelli</b>						

**I, Cynthia L. Keller, Clerk of the Township of Kingwood, County of Hunterdon and State of New Jersey do hereby certify the foregoing to be a true copy of Ordinance No. 20-05-2020 adopted by the Kingwood Township Committee on June 4, 2020.**

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

