

**MINUTES OF KNOWLTON TOWNSHIP
WARREN COUNTY, NEW JERSEY
PUBLIC MEETING MINUTES
November 13, 2018**

The monthly meeting of the Knowlton Township Committee was held on this date at the Municipal Building, 628 Route 94, Columbia, New Jersey. This meeting was called to order at 7:00 p.m. by Deputy Mayor Cuntala.

Deputy Mayor Cuntala led the public in the Pledge of Allegiance.

Deputy Mayor Cuntala read the following statement: "This meeting of the Knowlton Township Committee is being held in compliance with the Open Public Meetings Act: P: 1975, Chapter 231, noting that notice of all regularly scheduled meetings has been published in the Star Gazette and/or the Express Times as well as providing said schedule in the Municipal Clerk's office."

Roll Call

Present: Deputy Mayor Cuntala, Committeeman McNinch, Committeewoman Shipp, and Committeeman Van Horn.

Absent Mayor Starrs

Also present were Township Engineer Ted Rodman

PUBLIC COMMENT

Resident Jeff Milesky asked about Resolution 2018-146 and who is purchasing this property. Committeeman McNinch explained that he will provide detail when the resolution is discussed.

Resident Vincent Gaeta mentioned that the Block and Lot were incorrect on that resolution. Hope Township had the Knowlton block and lot and vice versa.

Resident Vincent Gaeta also asked if there was any information regarding the roadwork that is being done on Decatur Street. Committee members did not know and stated that it is a County-owned street.

ORDINANCE

Introduction

2018-11 - Ordinance Authorizing the Township of Knowlton to Accept the Donation of Certain Flood-Prone Properties for Open Space Purposes

WHEREAS, the Flood Mitigation Assistance Grant Program ("FMA") provides funding to local communities for projects and planning that reduces or eliminates long-term risk of flood damage to structures insured under the National Flood Insurance Program ("NFIP") and the Federal Emergency Management Agency ("FEMA")

WHEREAS, Warren County was awarded a FMA Grant for projects including the acquisition and demolition of certain residential structures in Knowlton Township (the "Township"); and

WHEREAS, the properties proposed for acquisition and demolition are as follows:

- Block 48, Lot 5 (33 Route 46, Knowlton, New Jersey) owned by Mark A. Klouda and Cheryl A. Klouda;
- Block 48, Lot 7 (37 Route 46, Knowlton, New Jersey) owned by John E. Kopaciewicz and Amber L. Kopaciewicz;
- Block 48, Lot 9 (41 Route 46, Columbia, New Jersey 07832) owned by Neil G. Cafiero and David S. Valazquez;

(collectively, the “Properties”); and

WHEREAS, the Township authorized its participation in the FMA Grant opportunity and agreed to acquire by donation the Properties pursuant to an Agreement of Donation with the County of Warren (which is attached hereto);

WHEREAS, the owners of the Properties have offered to donate the Properties to the Township; and

WHEREAS, the Township has determined that it is in the public interest to accept the donation of the Properties; and

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

SECTION 1. The Township of Knowlton hereby ACCEPTS the donation of real property known and designated as Block 48, Lots 5, 7, and 9, to be used for public open space purposes pursuant to the terms and conditions with the Agreement of Donation attached hereto.

SECTION 2. The Mayor and Township Clerk are authorized to execute all such documents and instruments necessary to effectuate the aforesaid donation, and record any instruments appropriate for recording this transaction.

SECTION 3. All ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistencies.

SECTION 4. 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.

SECTION 5. This ordinance shall take effect upon final publication as provided for by law.

Motion was made by Deputy Mayor Cuntala, second by Committeewoman Shipp and approved by an all-in-favor for the introduction of Ordinance 2018-11.

RESOLUTIONS

2018-145a Resolution of the Township of Knowlton, County of Warren, State of New Jersey

Amending and Updating the Personnel Policies and Procedures Manual to Incorporate a New Sick Leave Policy, Effective October 29, 2018.

WHEREAS, the State of New Jersey has recently passed legislation, effective October 29, 2018, which provides for mandatory sick leave for full and part-time employees in the State of New Jersey, as set forth in N.J.S.A. 34:11D-1; and

WHEREAS, the Township of Knowlton is desirous to update its Employee Manual to conform with the laws of the State of New Jersey.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Committee of the Township of Knowlton, in the County of Warren, that the Township of Knowlton's Employee Manual, is hereby amended as follows, in order to incorporate N.J.S.A. 34:11D-1:

1. The Section entitled "Sick Days" shall be amended as follows (Additions indicated in boldface and italics *thus*; deletions indicated with strike-through ~~thus~~):

For the purposes of this section and the following section entitled "Part-Time Employee Sick Time," the term "Sick leave" shall mean paid leave that may be granted to an employee for any of the reasons set forth in N.J.S.A. 34:11D-1:

(1) time needed for diagnosis, care, or treatment of, or recovery from, an employee's mental or physical illness, injury or other adverse health condition, or for preventive medical care for the employee;

(2) time needed for the employee to aid or care for a family member of the employee during diagnosis, care, or treatment of, or recovery from, the family member's mental or physical illness, injury or other adverse health condition, or during preventive medical care for the family member;

(3) absence necessary due to circumstances resulting from the employee, or a family member of the employee, being a victim of domestic or sexual violence, if the leave is to allow the employee to obtain for the employee or the family member: medical attention needed to recover from physical or psychological injury or disability caused by domestic or sexual violence; services from a designated domestic violence agency or other victim services organization; psychological or other counseling; relocation; or legal services, including obtaining a restraining order or preparing for, or participating in, any civil or criminal legal proceeding related to the domestic or sexual violence;

(4) time during which the employee is not able to work because of a closure of the employee's workplace, or the school or place of care of a child of the employee, by order of a public official due to an epidemic or other public health emergency, or because of the issuance by a public health authority of a determination that the presence in the community of the employee, or a member of the employee's family in need of care by the employee, would jeopardize the health of others; or

(5) time needed by the employee in connection with a child of the employee to attend a school-related conference, meeting, function or other event requested or required by a school administrator, teacher, or other professional staff member responsible for the child's education, or to attend a meeting regarding care provided to the child in connection with the child's health conditions or disability

All other definitions set forth in N.J.S.A. 34:11D-1 are incorporated herein by reference.

All full-time employees shall be entitled to accumulate one (1) day of sick leave with pay for each month of services up to ten (10) sick days per year. Sick days not used shall be accrued from one year to the next.

~~Sick leave may be used only for illness and shall include time to care for a spouse or child who resides with the employee during the period of illness of said spouse or child.~~

Sick leave may be used for any of the reasons set forth in N.J.S.A. 34:11D-1.

~~When an employee is out for sickness they are to contact the Township Clerk. A permanent record of sick days accumulated and used each year will be kept on file in the Municipal Clerk's office. Employees shall record all sick days used on their time sheet in half or whole day increments only.~~

~~When an absence on account of illness or disability exceeds two (2) days, the Township may request a supporting statement from the employee's physician.~~

In the case of frequent or prolonged absence *due to illness*, the Township may have an employee examined by a designated physician in order to determine the severity of illness of the employee. The Personnel Administrator or Personnel Sub-Committee has the right to waive such a requirement or may require an employee be examined by a physician designated by the township for the purpose of certifying the employee fit for duty before that employee returns to work.

An employee with at least 15 years of full-time service, who was hired prior to February 2015, who retires, is permanently separated or who voluntarily leaves the service of the Township shall be entitled to one-half (112) day's pay at his/her regular straight time rate for each day of unused sick leave, except that in no case shall such payment exceed ten thousand dollars (\$10,000).

An employee with at least 15 years of full-time service, who was hired after February 2015,

who retires, is permanently separated or who voluntarily leaves the service of the Township shall be entitled to one-half (1/2) day's pay at his/her regular straight time rate for each day of unused sick leave, except that in no case shall such payment exceed five thousand dollars (\$5,000).

3. The Section of the Employee Manual entitled "Part-Time Employee Sick Time" shall be deleted in its entirety and replaced with the following:

For the purposes of this Section, the following definitions shall apply:

"Part-time Employee" shall mean a permanent employee that typically works less than 30 hours per week.

"Seasonal Employee" shall mean an employee that is employed for 120 calendar days or less during the calendar year.

All other definitions set forth in N.J.S.A. 34:11D-1 are incorporated herein by reference.

Part-time employees shall receive one hour of sick leave for every 30 hours worked. Part-time employees not covered by a collective bargaining agreement, are eligible for sick leave as set forth herein and to the extent required by N.J.S.A. 34:11D-1 et seq. Seasonal Employees (i.e. those hired for less than 120 consecutive calendar days in one calendar year) are not eligible for sick leave.

Existing part-time employees shall begin accruing sick leave time on October 29, 2018 and shall be able to use earned sick time as soon as it is accrued in at least half (1/2) day increments. New part-time employees shall be eligible to use earned sick leave beginning on the 120th calendar day after the employee commences employment.

Part-time employees shall be permitted to carry forward sick leave hours from one benefit year to the next. However, each part-time employee shall not be permitted to accrue, use in one benefit year, or carry forward from one benefit year to the next, more than 40 hours of earned sick leave.

Part-time employees shall not be entitled to compensation for unused sick time upon retirement, termination, or voluntary severance of their employment with the Township.

4. A new Section entitled "Notice Requirements" shall be added as follows:

Notice Requirements:

When an employee is out for sickness they are to contact the Township Clerk as set forth herein. A permanent record of sick days accumulated and used each year will be kept on file in the Municipal Clerk's office. Employees shall record all sick days used on their time sheet in half or whole day

increments only.

Foreseeable Absences: If an employee needs to use earned sick leave that may be planned for in advance, the Township requires (7) seven days' advanced notice of the intention to use the leave and its expected duration.

Unforeseeable Absences: The Township requires employees to give notice of an unforeseen need to use sick leave as soon as practicable.

Absences of Three Days or More: If an employee is absent for at least three consecutive days, the Township may require documentation that confirms the employee used sick leave for a covered purpose.

BE IT FURTHER RESOLVED that the amended sick leave policy will be effective as of October 29, 2018; and

BE IT FURTHER RESOLVED that a copy of the updated Employee Manual is on file with the Clerk's office; and

BE IT FURTHER RESOLVED that a copy of this Resolution shall be forwarded to all Township employees.

Motion was made by Deputy Mayor Cuntala, second by Committeewoman Shipps and approved by a roll call vote: Cuntala—yes, McNinch—yes, Shipps—yes, Van Horn—yes, Starrs—absent for Resolution 2018-145a.

2018-146 Resolution Granting Approval of the Purchase of a Development Easement on the Labarre Family Limited Partnership Farm Block 6000 Lot 1 in Hope Township and Block 64 Lot 1 in Knowlton Township Consisting of Approximately 100.734 (3%+) Acres

WHEREAS, the Warren County Agriculture Development Board has determined that the property known as the LaBarre Family Limited Partnership farm, owned by George James, Brenda James, George James III, and Wendy James located on Block 64 Lot 1, Knowlton Township and Block 600 Lot 2300, Hope Township, consisting of approximately 100.734 (+3%) acres, has available for purchase a development easement in accordance with the requirements of the farmland preservation program; and

WHEREAS, the pressures from development have significantly heightened the degree of imminence of change of land use from productive agriculture to nonagricultural uses; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9A(b) on February 27, 2018, it was determined by the State Agriculture Development Committee (SADC) that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17A.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.11, on September 27, 2018 the State Agricultural Development Committee has certified a development easement value of \$3,200 per acre based on

zoning and environmental regulations in place as of 1/1/04 and \$3,200 per acre based on zoning and environmental regulations in place as of the current valuation date of May 11, 2018 with an estimated total value of \$322,348.80; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owners accepted the County's offer of \$3,200 per acre for the development easement for the Property; and

WHEREAS, the property is part of the approved Warren County Planning Incentive Grant Application and is funded by the Warren County Open Space, Farmland, Recreation and Historic Preservation Trust Fund; and

WHEREAS, the purchase of the development easement on the property would encourage the survivability of production agriculture in Hope and Knowlton Townships and Warren County, and said property falls within a predetermined County Agricultural Development Area and is in the North Project Area and property is partially located in the Highlands Planning Area; and

WHEREAS, preliminary approval for the purchase of development rights on this farm has been granted by the State Agricultural Development Committee and the SADC is expected to grant final approval for funding amount on said application at its January 24, 2019 meeting; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on November 15, 2018, the Warren County Agriculture Development Board is expected to approve the funding for the development easement with estimated cost share with no cost share contribution by Hope or Knowlton Townships as follows: SADC \$233,702.88, Warren County \$88,645.92; and

WHEREAS, the WCADB approval will include the following conditions:

- a. One barn and one shed existing structure on premises
- b. No existing agriculture labor housing on premises
- c. Exceptions
 - 1) One non-severable exception of 5 acres on Block 600 Lot 2300, Hope Township for future single family dwelling and future flexibility restricted to one single family residential unit
 - 2) One Non-Severable exception of .4 acres of Block 64 Lot 1, Knowlton Township near pond for all camping related uses such as fishing, parking and picnicking that is leased to Triple Brook Camping
 - 3) One Severable exception of 3.70 acres on Block 64 Lot 1, Knowlton Township around pond for camping related uses such as access, fishing, boating, parking and picnicking that is leased to Triple Brook Camping
- d. No Residual Dwelling Site Opportunities (RDSO's)
- e. No preexisting non-agricultural uses on premises
- f. Access easements
 - 1) To be determined by title search
- g. No proposed trails
- h. SADC funding from Base grant, competitive round or both
- i. Warren County is requesting SADC funding for a +3% buffer on the final surveyed acreage

NOW THEREFORE BE IT RESOLVED, by the Township Committee of Knowlton as follows:

The Township Committee hereby grants permission for the purchase of the development easement by the County of Warren under the Farmland Preservation Act as set forth above and will not be participating in cost share.

Motion was made by Deputy Mayor Cuntala, second by Committeeman McNinch and approved by roll call vote: Cuntala—yes, McNinch—yes, Shipps—yes, Van Horn—yes, Starrs—absent for Resolution 2018-146

2018-147 Resolution Authorizing the Mayor and Clerk to Sign Agreement for FEMA Buyout of Three Repeat Flood Homes in Knowlton Township

WHEREAS, the Flood Mitigation Assistance (FMA) Grant Program provides funding for projects and planning that reduces or eliminates long-term risk of flood damage to structures insured under the National Flood Insurance Program; and

WHEREAS, the Federal Emergency Management Agency (FEMA) has designated the NJ Office of Emergency Management (OEM) as the Grantee to receive, administer, and disburse FEMA mitigation funds for local government mitigation projects in areas of NJ to provide technical assistance with FEMA;

WHEREAS, Warren County and Hunterdon County previously entered into a Memorandum of Understanding in which the parties agreed to submit a joint application for the FMA Grant; and

WHEREAS, Warren County and Hunterdon County submitted an application (FMA-PJ-02-NJ-2015-004) setting forth a proposed list of activities for approval by the OEM and FEMA; and

WHEREAS, OEM and FEMA subsequently approved the project application; and

WHEREAS, the proposed action was for the acquisition and demolition of approximately 20 residential structures in Warren and Hunterdon Counties, 3 of which are located in Knowlton Township: 33 Route 46 (Lot 5 Block 48), 37 Route 46 (Lot 7 Block 48), and 41 Route 46 (Lot 9 Block 48); and

WHEREAS, on May 11, 2015, Knowlton's participation in the FMA grant opportunity and acquisition of the interested Severe Repetitive Loss Properties was authorized via a letter approved by the Knowlton Township Committee; and

WHEREAS, all costs associated with the demolition and acquisition of the 3 properties are funded through the grant; and

WHEREAS, once demolition has occurred, Knowlton Township remains obligated to maintain the

properties as open space in perpetuity; and

WHEREAS, in a letter dated October 24, 2018, the County Counsel for the County of Warren advised that Knowlton Township must execute the attached agreement to proceed with the FEMA buyout for the three properties listed above.

NOW, THEREFORE, BE IT RESOLVED, the Township Committee of Knowlton authorizes the Mayor and Clerk to sign and execute the attached agreement.

Motion was made by Deputy Mayor Cuntala, second by Committeewoman Shipps and approved by a roll call vote: Cuntala—yes, McNinch—yes, Shipps—yes, Van Horn—yes, Starrs—absent for Resolution 2018-147.

2018-148 - Resolution for Professional Services Without Competitive Bidding in Accordance with the Local Public Contracts Law (N.J.S.A. 40A-11.1 ET. SEQ)

WHEREAS, on March 15, 2015 the NJ Supreme Court ruled that the Council on Affordable Housing (COAH) had failed to act and as a result, the courts assumed jurisdiction over the Fair Housing Act; and

WHEREAS, on July 1, 2015, Knowlton Township filed its Declaratory Judgment with the Court; and

WHEREAS, on December 5, 2016, Knowlton Township entered in to a Settlement Agreement with the Fair Share Housing Center to memorialize the terms of the Township's affordable housing obligations and proposed mechanisms to address said obligations; and

WHEREAS, the Settlement Agreement was approved in NJ Superior Court on May 19, 2017; and

WHEREAS, the Knowlton Township Planning Board adopted a Housing Element & Fair Share Plan on September 25, 2018 pursuant to the terms of the Settlement Agreement; and

WHEREAS, the Settlement Agreement requires the Township to prepare a Spending Plan, which must be prepared by a licensed professional and approved by the Court, and to meet state-mandated requirements for ongoing Monitoring and Reporting of Knowlton's affordable housing activities; and

WHEREAS, Maser Consulting prepared Knowlton's housing element and is familiar with the particulars of Knowlton's obligations; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the awarding of contract and appointments for Professional Services without competitive bidding must be publicly advertised with copies of the contracts available for public inspection in the office of the Municipal Clerk.

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Committee of the Township of Knowlton accepts Maser Consulting's proposal for Professional Planning Services, MC Proposal No. KNL-062P-1 dated

November 13 2018

November 9, 2018, which includes fees not to exceed \$4,500, for the preparation of Knowlton's Spending Plan and current Monitoring and Reporting Requirements.

Motion was made by Deputy Mayor Cuntala, second by Committeewoman Shipps and approved by a roll call vote: Cuntala—yes, McNinch—abstain, Shipps—yes, Van Horn—yes, Starrs—absent to Resolution 2018-148.

2018-149- Resolution Approving Payment of Vouchers

BE IT RESOLVED, by the Mayor and Committee of the Township of Knowlton, Warren County, New Jersey, that all claims attached are hereby approved as reasonable and proper claims against the Township of Knowlton.

THEREFORE, BE IT RESOLVED that approval for payment is hereby given to the Chief Financial Officer to pay said claims, subject to the availability of funds.

Motion was made by Deputy Mayor Cuntala, second by Committeewoman Shipps and approved by roll call vote: Cuntala—yes, McNinch—yes, Shipps—yes, Van Horn—yes, Starrs—absent to Resolution 2018-149.

2018-150-Resolution of Commendation for Eagle Scout Zachary Simpson

WHEREAS, Knowlton Township resident Zachary Simpson of Troop 140, Boy Scouts of America, has earned the rank of Eagle Scout; and

WHEREAS, to do so Zachary passed a two-hour Board of Review with four district-level Boy Scout Committeemen; and

WHEREAS, Zachary joined the Boy Scouts on November 12, 2011 and since then has held positions of responsibility within Troop 140 such as Senior Patrol Leader, Den Chief, and troop historian; and

WHEREAS, Zachary spent 166 hours on his Eagle Scout project to construct 13 course markers and 3 benches at North Warren High School for cross country athletes; and

WHEREAS, Zachary's project involved obtaining the necessary approvals then designing, cutting, painting, assembling and installing the course markers and benches at the school; and

WHEREAS, Zachary's attainment of the 21 necessary merit badges further demonstrates his commitment ideals that benefit our community; and

WHEREAS, the rank of Eagle Scout is the highest award a boy can attain in scouting and is earned by only 5 percent of all Boy Scouts; and

WHEREAS, in all these actions Zachary Simpson has demonstrated strong leadership abilities and exhibited a strong sense of duty, honor, and service, making him a clear example of the best qualities of American youth.

NOW, THEREFORE, BE IT RESOLVED, that on this day, November 13, 2018, the Knowlton Township Committee commends Zachary Simpson on achieving the rank of Eagle Scout and awards him with this Certificate of Merit.

Motion was made by Committeeman McNinch, second by Deputy Mayor Cuntala and approved by an all-in-favor Resolution 2018-150.

DEPARTMENT REPORTS

Township Engineer Ted Rodman

Polkville Road is finished paving and just putting final paperwork together. All points have been received for the Stormwater Management Plan.

OLD BUSINESS

622 Route 94

Septic has been completed and the house is ready to be put on the market. Discussion regarding going out for bids from Realtors. Committeeman McNinch asked if they could revisit what the Township's original plan was when the home was purchased. Mr. Rodman said that he has the analysis of what it would cost to make the home next door into office space. Mr. Rodman will look at the plans again and the committee will discuss at the next meeting.

NEW BUSINESS

NJDOT Public Information Center

NJDOT will be having a Public Information Meeting on December 11th from 6pm-8pm at the Knowlton Elementary school. The meeting will be regarding the replacement of the Route 46 Bridge over the Paulinskill River.

Gallagher Lot

Committeewoman Shipps explained that the Gallagher estate would like to donate the two lots to the township. Mr. Rodman has some concern about the liability. Committeeman McNinch asked if the estate was going to pay the back taxes. Committeeman Van Horn also had concerns if there any federal or state liens on the lots. Acting Clerk Shipps will ask the Gallagher estate attorney if the estate plans on paying the back taxes and if there is any knowledge of liens on the property.

CORRESPONDENCE

APPROVAL OF MINUTES

October 25, 2018 Executive Session Minutes — **Motion made by Deputy Mayor Cuntala, second by Committeeman McNinch and approved by an all-in-favor for the October 25, 2018 Executive Session Minutes. Committeewoman Shipps abstained.**

October 25, 2018 Public Session Meeting Minutes — **Motion made by Deputy Mayor Cuntala, second by Committeeman McNinch and approved by an all-in-favor October 25, 2018 Executive Session Minutes. Committeewoman Shipps abstained.**

PUBLIC COMMENT

Resident Rene Mathez stated that there was Phase 1 environmental testing done on the Gallagher property and he believes that there were some drums found on the property. Also, there is a billboard on one of the lots that could possibly generate income.

Resident Sharon Peck commented on the stop sign that is still missing on the intersection right in front to the municipal building.

ADJOURNMENT

Motion was made by Committeewoman Shipps, second by Deputy Mayor Cuntala and carried to adjourn tonight's Township meeting at 7:35 p.m.

Respectfully submitted,
Kristin Shipps
Acting Municipal Clerk