

**TOWNSHIP OF KNOWLTON  
COUNTY OF WARREN, STATE OF NEW JERSEY**

**TOWNSHIP COMMITTEE MEETING  
November 9, 2015**

A regular meeting of the Knowlton Township Committee was held at the Knowlton Municipal Building. Present were Mayor Starrs, Deputy Mayor Cuntala and Township Committee Members Mathez, Farber and Shipps. Also present was Dick Cushing, Municipal Attorney. The minutes were recorded by Lisa Patton, Municipal Clerk.

Adequate notice of this meeting has been provided in accordance with the Open Public Meetings Act by publishing notice of all regularly scheduled meetings in the Star Gazette, Star Ledger or Express Times as well as providing said schedule in the Municipal Clerk's office.

The meeting was called to order at 7:05 pm with a salute to the flag and roll call.

**EXECUTIVE SESSION:**

A motion was made by Mayor Starrs and seconded by Deputy Mayor Cuntala to enter executive session for the purpose of discussion of personnel and potential litigation. Roll Call: Mathez – yes, Cuntala – yes, Farber – yes, Shipps – yes, Starrs – yes.

**APPROVAL OF MINUTES:**

A motion was made by Committeeman Mathez to approve the September 14, 2015 minutes. The motion was seconded by Deputy Mayor Cuntala. Roll Call: Mathez – yes, Cuntala – yes, Farber – yes, Shipps – abstain, Starrs – yes.

**PUBLIC COMMENT:**

Bob McNinch, Vail Road, noted that several months ago the Committee borrowed a quarter of a million dollars, a debt that Knowlton Residents are responsible to repay, for the purpose of buying a 14 year old firetruck. Based on a review of available public records concerning this matter, Bob shared two of his observations with the Committee and residents. First, no report or documentation of any kind was found that supported the need for this large expenditure, and/or discussed pros and cons of options to satisfy the need and/or explained why spending approximately \$250,000 to purchase a 14-year old used fire truck was in the best overall interests of the residents of Knowlton.

Second, the records made available indicated the serious possibility that the bid process may have been such that it favored one and only one particular supplier and in the process of doing so may have violated several New Jersey statutes of law. Thus denying the taxpayers of Knowlton the potential benefits of competitive bidding.

Attorney Cushing stated the accusations made are serious and he would be happy to look into the matter further. Mr. McNinch noted he was not sure Attorney Cushing was the right person to review further details. Attorney Cushing could review the same records Mr. McNinch had reviewed and there was a lot of information involved. Attorney Cushing noted his firm had reviewed and approved this purchase by the Township. Attorney Cushing also suggested the Warren County Prosecutor's office could also look into the matter. Mr. McNinch stated statutes involved were within 40A and agreed to contact Attorney Cushing with more specifics.

Mayor Starrs stated the fire company and township talked exhaustively about purchase options. Mr. McNinch said he didn't think the fire company did anything wrong.

Committeewoman Shipps stated she met with the fire company and they did a lot of research on fire truck purchase and lease options. Mr. McNinch reviewed his comment was there was no public record of why the determination was made to spend the taxpayers' money.

Committeeman Farber stated the alternative was to purchase a new vehicle for \$600,000. He also said regardless of the process, there are not a lot of used fire truck dealers in the country. Attorney Cushing explained the governing body's job is to determine funding. Mr. Cushing also stated the Township Committee is not in a position to make a technical analysis regarding the fire equipment needed; they rely on the fire company to make recommendations.

Mayor Starrs stated Knowlton Township staff writes all bid specifications and any element of willful wrongdoing by the township committee should be eliminated.

Kate McGuinness requested a copy of the DCA filing. Discussion took place with the municipal attorney regarding which forms were being requested. Attorney Cushing provided paperwork to Mrs. McGuinness.

Jaime Murray, Environmental Commission, reviewed questions raised at the last meeting regarding a scenic byways application. She stated the nomination would include restrictions on billboards. She also said there is no permit process for signs involved.

Committeeman Farber asked why Route 46 was not included in the application since the historic site is situated along Route 46. Discussion took place regarding including all of Route 94 or excluding the section beyond Tunnel Field toward Blirstown. Mrs. Murray reported the environmental commission did not want to infringe into the C-1 zone. Mrs. Murray said the environmental commission didn't think the township committee would endorse including Route 46 because it is not scenic. Committeeman Farber stated the Village of Delaware is historic.

Mayor Starrs stated the area designated in the application has to have outstanding cultural or historic value. Committeeman Mathez stated he would like to see all of Route 94 included in the application. Committeeman Farber agreed if there is no risk to existing commercial or PCD zones and the intention is to prevent billboards. He also stated a concern with funding and said the project should be 100% funded by outside sources. Mrs. Murray said there will be nothing lost by submitting the application. Mayor Starrs noted that freeholder approval will also be necessary.

Committeeman Mathez made a motion to approve the application with the inclusion of all of Route 94. The motion was seconded by Mayor Starrs. Roll Call: Mathez – yes, Cuntala – yes, Farber – yes, Shipps – yes, Starrs – yes.

#### **DEPARTMENT REPORTS: Ted Rodman, Municipal Engineer**

Mr. Rodman reported the air conditioning specifications for the meeting room have been completed and distributed. The playground specifications have been advertised. Both projects' bid/quote responses will be opened the same day in early December.

Mr. Rodman also reported he received a call from the zoning officer regarding a building on Delaware Road. He is unable to identify the owner of the building. The zoning officer has sent notices to adjoining property owners and did not receive a response.

Committeeman Farber asked if there have been complaints from the public regarding the structure. Mayor Starrs said the zoning officer drove through the area. Committeeman Farber explained Delaware Road is a county road. In the event the building falls onto the road, it would be the county's responsibility to clear the road.

Bill Clifford, Koeck Road, said the owner of the property has died. Committeeman Farber stated if the ownership cannot be defined, money should not be spent on this project because it is not a risk to the public.

Committeewoman Shipps reviewed the status of 150 Vail Road. She stated there is no well on the property. She reported the construction department requested a statement that the fuel tank was properly abandoned. She also reported the son of the owner took the tank out. She stated Warren County Soil Conservation and Health Department approval is also required. She explained all the requirements have to have been properly completed and documented before a demolition permit can be issued. Engineer Rodman will follow up with the construction official.

Mayor Starrs reported Celine Finance has accrued \$300,000 in fines from the township regarding 23 Decatur Street. She said the mortgage holder missed one court date and will be in contempt if another date is missed. She explained the township will negotiate the fines, but needs something in writing that the residence will be demolished. Committeeman Farber clarified the residence should be removed or made safe. Mayor Starrs said it could be possible for Celine Finance to sell the property to another lender.

## **RESOLUTIONS:**

### **Resolution 15-99 Resolution Approving Payment Of Vouchers (copy attached)**

A motion was made by Deputy Mayor Cuntala and seconded by Committeewoman Shipps to approve Resolution 15-99. Roll Call: Mathez – yes, Cuntala – yes, Farber – yes, Shipps – yes, Starrs – yes.

### **Resolution 15-100 Resolution To Cancel Tax Balances**

A motion was made by Committeeman Mathez to approve Resolution 15-100. The motion was seconded by Deputy Mayor Cuntala. Roll Call: Mathez – yes, Cuntala – yes, Farber – yes, Shipps – yes, Starrs – yes.  
(copy attached)

### **Resolution 15-101 Resolution To Cancel Taxes Due To Veterans Tax Exemption (copy attached)**

A motion as made by Committeeman Farber and seconded by Committeeman Mathez to approve Resolution 15-101. Roll Call: Mathez – yes, Cuntala – yes, Farber – yes, Shipps – yes, Starrs – yes.

### **Resolution 15-102 Resolution To Authorize And Consent To The Takeover By The Township Of Knowlton The Responsibility To Plow And Salt County Route 676 And 676 Spur During Inclement Cold Weather (copy attached)**

Bill Clifford, Koeck Road, requested that the resolution be read in entirety. Mayor Starrs read the resolution. Committeeman Farber stated the well testing results are not in yet. He said some residents believe road salt is flowing downstream from higher elevation roads. Committeeman Farber stated the Township should know who will be affected by this action. Committeeman Mathez stated Committeeman Farber brings up a good point.

Committeeman Farber stated he wants to see the map pinpointing affected properties. He stated the problem could stem from failing county drains. He said if all entities involved aren't in agreement, it could be a waste of time.

Deputy Mayor Cuntala stated the township could incur additional liability.

Mayor Starrs said Committeeman Farber said it was ok at the last meeting. Committeeman Farber said he wants to know where problems lie before making decisions.

Deputy Mayor Cuntala asked if it would be possible to wait another year. Committeeman Farber stated negotiations were held ten years ago and it is possible that residents should have come to the township committee sooner.

Committeeman Mathez stated there is nothing more important than protecting the water. Committeewoman Shipps agreed. Committeeman Farber asked if the township is also taking any county roads.

Bill Clifford, Koeck Road, asked Attorney Cushing if he would recommend in any other township that the municipality take responsibility and liability for another entity's roadway. He stated with a reduction in salt practices, and if an accident occurs, it could be very bad for our town.

Attorney Cushing stated the township would be taking on more responsibility. It is a judgement call to determine if the benefits outweigh the risks. Liability is covered by insurance. There is an increase in exposure.

Mr. Clifford said the catch basins could be leaking salt into the ground. Mayor Starrs said the township could be sued for doing nothing about private residential well contamination. Committeeman Farber said the resolution would have to be renewed yearly. Committeeman Farber also stated if the problem lies with leaking catch basins, we would know what salt is applied to the roads is leaching into the soil. He repeated he would like to see the testing results before making a determination. He would also like to see the township working toward having one entity maintain the entire town of Columbia. Mayor Starrs stated the Delaware River Joint Toll Bridge Commission and DOT will not take more roads.

Attorney Cushing suggested adding 2015/2016 to the resolution. Pam Russweiler stated she did not live here when the problem was discussed earlier. She reviewed paperwork which indicates the salt content has risen dramatically. She has kept track of salt levels and found it to be highest in the spring and lowest in the fall.

Mrs. Russweiler said 90% of Columbia wells have high salt content. She has replaced her dishwasher which was ruined by salt. She would like to have drinking water. House plants die when watered. Pets have to drink bottled water. She stated if push comes to shove, residents could withhold tax money. She also stated she does not want to see a class action suit. Mrs. Russweiler said she appreciates responsiveness. She said she is requesting use of taxpayer money, but she would help her neighbor if needed. She stated she is requesting support. Mayor Starrs said she thinks it is the right thing to do.

Committeeman Farber said a large ditch is located behind the church. He said water runs down from the state highway. He stated these changes could have no effect. Mrs. Russweiler said if salt is controlled, it would be beneficial. Committeeman Farber explained the township does not have control over state roads.

George James, Honey Run Road, stated if the county health department and NJDEP are involved, this problem will not be solved by the township. Mr. James indicated road salt is flowing from ramps. Liability assumed may not be in the form of an accident. If road salt was the only problem, grass along the side of the road would be dead. The grass isn't dead, therefore it must be the drains aren't in good condition. He said the county must be involved to solve the problem because the drains are county drains.

Frank VanHorn advised it could be opening a pandora's box. Adopting a little bit of road will not change anything. He said certain taxpayers aren't more important than others. The township would have to take over all the roads. He also stated this could be a never ending deal which won't protect Pam Russweiler who doesn't live on Decatur Street. He explained the Township investigated this issue ten years ago using these same methods. He stated the corroded drain system is not owned by the Township.

Bob McNinch, Vail Road, stated every comment made is valid. He suggested that the township hire an engineering consultant with expertise in this area to study the problem and draft an independent report providing both causes and solutions to the problem. Committeeman Mathez noted he felt the work currently being done by the DEP would provide this information without cost to the taxpayers. Mr. McNinch said the power is in the hands of the state and bridge commission.

Engineer Rodman stated he will obtain a hydrologist's proposal. Committeeman Mathez stated the NJDEP will analyze the well test information. Mr. McNinch asked if the NJDEP will come up with solutions.

Howard Cowell, previous DPW supervisor, stated the county uses a mix of salt and grit for winter road maintenance. He explained the township is now using 100% salt. He stated taking over the county road won't help if the township is using 100% salt. Mr. Cowell said the town of Columbia is surrounded by county and bridge commission roads. He said he thinks this plan will make things worse.

A motion was made by Committeeman Mathez and seconded by Deputy Mayor Cuntala to approve Resolution 15-102.

Committeeman Farber stated if the NJDEP doesn't complete the project in a timely manner, the township may need to hire a consultant. He said when Route 80 and the Portland Bridge were constructed, the result was Columbia became an island. He stated he agrees with Mr. Cowell and this isn't going to solve the issue. He also stated if the drains are leaking, the county is the responsible party.

Discussion took place regarding jurisdictions. Committeeman Farber stated water flows down into Columbia from state roads which are out of the township's control.

Roll Call: Mathez – yes, Cuntala – yes, Farber – no, Shipps – yes, Starrs – yes.

## **OLD BUSINESS:**

### COAH

Attorney Cushing reviewed recent COAH developments. He explained a declaratory judgement determined that Knowlton Township acted in good faith in the past and deserved immunity. Attorney Cushing stated the issue at hand is whether to submit a plan by December 8<sup>th</sup> or seek an extension of the immunity. A motion was made by Committeeman Mathez to submit a Fair Share Housing Plan and to authorize the planner and COAH liaison to communicate regarding the plan. The motion was seconded by Committeeman Farber. Roll Call: Mathez – yes, Cuntala – yes, Farber – yes, Shipps – yes, Starrs – yes.

Committeeman Farber asked if the judge can't address the plan immediately, is the township protected? Attorney Cushing said yes, the township is in good position.

### Best Practices

Township Committee members reviewed and discussed the Best Practices Inventory.

### Gypsy Moth Spraying

Committeeman Farber stated he is communicating with Senator Oroho regarding the Gypsy Moth spraying. He explained he would like to request financial assistance with the cost of spraying. He will also speak with Assemblyman DiMaio. He stated there will be no scenic highways if there is no spraying.

Committeeman Mathez stated the issue is serious. Spraying of 188 acres of woodland is expensive. He explained if spraying is not done for two years, trees can become defoliated.

Mayor Starrs stated she doesn't feel it is a necessity. Committeewoman Shipps stated it is not a harmful chemical used in the spraying. Deputy Mayor Cuntala explained in the past, there was no cost to spray.

Committeeman Farber stated this is an important issue statewide. He said the committee could initially approve then cancel if the budget doesn't allow the spray. Mayor Starrs said she will talk to the NJDEP. A motion was made by Committeeman Mathez to approve the gypsy moth spray. The motion was seconded by Committeeman Farber. Roll Call: Mathez – yes, Cuntala – yes, Farber – yes, Shipps – yes, Starrs – abstain.

## **NEW BUSINESS:**

### Discriminatory Flyers

Mayor Starrs reported KKK flyers were distributed throughout Columbia in paper bags weighted with rocks. Flyers were also distributed in Lindhurst, Red Bank and Oxford. She asked Attorney Cushing when does the right to free speech end. Attorney Cushing stated the first amendment allows for broad expression. These rights end if there is criminal activity or biased crime.

Committeeman Farber stated throwing bags in yards is not free speech. Handing out flyers on the street would be ok. He stated he would like to go on record that this is not free speech. The flyers could have been legitimately mailed. He also stated he does not approve of it.

Attorney Cushing said people could speak up against it. Knowlton Township wants to treat people equally and does not condone this activity.

### Route 80 Rock Mitigation Project

Committeeman Mathez reported he wrote a resolution opposing the Route 80 Rock Mitigation Project. Committeeman Farber commented the State and National Parks should be given a copy of the resolution. He asked about the cost of the project.

Jaime Murray stated she looked for the project bids on the NJDEP website, but was unable to locate them.

Mike Bates, Fire Chief, stated emergency management and the fire company should be included because construction could contribute toward traffic accidents. He stated since July five or six tractor trailers jumped into the rocks. He asked what will happen when steel poles are there.

A motion was made to approve Resolution 15-95 (copy attached) by Mayor Starrs. The motion was seconded by Committeeman Mathez. Roll Call: Mathez- yes, Cuntala – yes, Farber – yes, Shipps – yes, Starrs – yes.

### Deputy Tax Collector

The municipal clerk explained a request was received from the tax collector to appoint a temporary deputy tax collector for tax sale day only.

A motion was made by Committeeman Mathez to approve Resolutoion 15-96 (copy attached), resolution appointing temporary deputy tax collector. The motion was seconded by Deputy Mayor Cuntala. Roll Call: Mathez – yes, Cuntala – yes, Farber – yes, Shipps – yes, Starrs – yes.

## New Land Use Member Letter

Committeeman Farber explained some new land use board members were delinquent in filing financial disclosure forms this year. He suggested that a letter be drafted for new members to inform them of educational and other requirements in place for board members.

Committeeman Farber also stated the boards did not hold many meetings in 2015. He said it may be a good time to merge boards for cost savings benefits. He noted the Township is paying for two board secretaries when boards have reduced their number of meetings.

Committeeman Mathez said the housing market is improving. He stated it is a good way for volunteers to get involved.

Committeeman Farber said maybe the Committee should think about how the township is paying. He stated there is no need to pay if there is no work.

It was agreed the Personnel Subcommittee will look into the matter.

## Fire Company Legal Fees

Discussion took place regarding fire company legal fees. Mayor Starrs suggested the invoices be reviewed on a case by case basis. Committeemen Farber and Mathez stated costs associated with a fire truck purchase should be paid by the township.

## Annual Rabies Clinic

Mayor Starrs and Deputy Mayor Cuntala reported they will work at the rabies clinic in December.

## DPW E-Mail

Committeewoman Shipps asked if the DPW Supervisor can have a Knowlton Township e-mail address. The municipal clerk will check with Municipal Software, Inc.

## Public Comment

Pam Russweiler, Columbia, thanked the Township Committee for passing the resolution to provide winter road maintenance on County Route 676 and 676 Spur.

Jaime Murray stated as a first year planning board member, she was disappointed that meetings are cancelled. She said there could be more planning. She stated leaders are proactive and could task board members with projects to complete. Mayor Starrs explained it is not time for a master plan review.

Committeeman Farber asked if Mrs. Murray stated her concerns at the planning board meeting. He explained there is a cost factor involved in the master plan review. In the past, subcommittees were formed whenever needed.

The municipal clerk asked if the committee is interested in replacing fogged windows. The consensus of the committee was not to replace windows.

Deputy Mayor Cuntala reported she received one quote to repair the ramp. Committeeman Farber said the basement door area should also be looked into.

Committeewoman Shipps exited at 10:15 pm.

Mike Bates reported the new fire truck should be delivered around Thanksgiving. He also stated he is working with the township engineer on the property being developed across from McDonalds. He said the fire company needs more water sources. In future planning, he suggested it should be mandatory to include a water source in new development.

Mr. Bates also reported it is critical to get Belvidere on board with mutual aid because there is a risk of losing Hackettstown Ambulance. He stated anyone levying accusations of an improper fire truck purchase should come forward. He said he feels there should be no further comment

Committeeman Mathez stated he will contact Suburban Ambulance Company.

There being no further comment, a motion was made by Deputy Mayor Cuntala to adjourn the meeting. The motion was seconded by Mayor Starrs. All present were in favor.

Respectfully submitted,

Lisa K. Patton  
Municipal Clerk