

**TOWNSHIP OF KNOWLTON  
COUNTY OF WARREN, STATE OF NEW JERSEY  
TOWNSHIP COMMITTEE MEETING MINUTES  
April 28, 2022**

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

Mayor Starrs led the public in the Pledge of Allegiance.

Mayor Starrs read the following statements “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 *New Jersey Herald* and/or Express Times as well as providing said schedule in the Municipal Clerk’s office.”

**Roll Call: Cuntala—yes, Mazza—absent, Shipp—yes, Van Horn- yes, Starrs—yes.**

**PUBLIC COMMENT**

Resident Tara Mezzanotte visited the Slate Belt Council of Government providing them an update and they agreed to continue their support the fight against the Route 80 Rockwall Project.

Mayor Starrs read a letter that she received from NJDOT which stated that I-80 is safe and NJDOT is continuing performing construction inspections and making repairs as needed. NJDOT is initiating a priority project to proactively address the condition of the retaining wall.

**EXECUTIVE SESSION**

**Motion made by Starrs, second by Cuntala and carried to into Executive Session at 7:10 pm.  
2022-44 Resolution Authorizing Executive Session**

WHEREAS, the Open Public Meetings Act; N.J.S.A. 10:4-6 et seq., declares it to be the public policy of the State to insure the right of citizens to have adequate advance notice of and the right to attend meetings of public bodies at which business affecting the public is discussed or acted upon; and

WHEREAS, the Open Public Meetings Act also recognized exceptions to the right of the public to attend portions of such meetings; and

WHEREAS, the Mayor and Township Committee find it necessary to conduct an executive session closed to the public as permitted by the N.J.S.A. 40:4-12; and

WHEREAS, the Mayor and Township Committee will reconvene in public session at the conclusion of the executive session;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Knowlton Township, County of Warren, State of New Jersey that they will conduct an executive session to discuss the following topic (s) as permitted by N.J.S.A. 40:4-12:

A. Personnel

BE IT FURTHER RESOLVED that the Mayor and Township Committee hereby declare that their discussion of the subject (s) identified above may be made public at a time when the Township Attorney advises them that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Township or any other entity with respect to said discussion.

BE IT FURTHER RESOLVED that the Mayor and Township Committee, for the reasons set forth above, hereby declare that the public is excluded from the portion of the meeting during which the above discussion shall take place.

**Motion made by Starrs, second by Cuntala and carried to return to Public Session at 7:30 pm.**

**DEPARTMENT REPORT**

KAA President Courtney Stanford was asked to attend the meeting regarding the walking path and it possibly being moved closer to the fields. The walking path is currently a safety concern with the roots of the trees growing underneath the walking path.

Mrs. Stanford stated that KAA is not in favor of the walking path being moved for it will affect the soccer fields.

Committee agreed that the walking path will not be moved. Mayor Starrs will invite Township Engineer Denis Keenan to the next meeting to discuss other options.

Mrs. Stanford asked if the AED sign can be taken down until the AED machine is working properly which the committee agreed to.

Mrs. Stanford also wanted to thank Deputy Clerk Apgar for all the help that she has provided with the KAA insurance.

### **Knowlton Fire & Rescue**

Bob Peterson President and Mike Cestari Treasure of Knowlton Fire & Rescue were present and requested Knowlton Township donation to increase. Due to COVID Fire & Rescue has not been able to do as many fundraisers that they have in the past. Their biggest fundraiser which is the roast beef dinner for the Knowlton Lions Club truck drawing will not be happening this year.

Mayor Starrs stated that at the last meeting she offered to use leftover funds from the American Rescue Plan which they will not have an exact amount for the next few months.

### **ORDINANCES**

#### **Public Hearing/ Adoption**

2022-01 An Ordinance Granting Municipal Consent for the Operation of a Cable Television System Within the Township Knowlton, New Jersey to CSC TKR, LLC

**WHEREAS**, the governing body of Township of Knowlton (hereinafter referred to as the “Township”) determined that CSC TKR, LLC (hereinafter referred to as “the Company”) has the technical competence and general fitness to operate a cable television system in the Municipality (as defined in Section 1 of this Ordinance), and by prior ordinance granted its municipal consent for the Company’s predecessor in interest, Service Electric Cable T. V. of New Jersey, Inc. (“SECTV”) to obtain a non-exclusive franchise (the “Franchise”) for the placement of facilities and the establishment of a cable television system in the Municipality; and

**WHEREAS**, by application for renewal consent filed with the Township and the Office of Cable Television on or about October 14, 2011, SECTV, and the Company as its successor in interest, has sought a renewal of the Franchise; and

**WHEREAS**, on or about July 14, 2020; with the prior approval of the Board of Public Utilities of the State of New Jersey (hereinafter the “Board”) the Company completed its purchase of the assets of SECTV, including the cable television franchise for, and the cable television system within the territorial limits governed by, the Township, and

**WHEREAS**, pursuant to the requirements of the Board, as ordered in its approval of the transfer of the cable television franchise from SECTV to the Company (Docket No. CM20030211, effective July 6, 2020):

Within one hundred and twenty (120) days of closing (July 14, 2020), Company will commence construction in the public right-of-way from the end of existing plant on Knowlton Road in the Municipality, to serve the homes between numbers 5 and 36 Koeck Road (inclusive) in the Municipality. This extension shall be designed with the capability to add future service, via non-standard installation, to numbers 1 and 3 Koeck Road, as well as numbers 8, 10 and 12 Koeck Road if requested, and at reasonable costs after Board staff review. Service to these homes and other individual homes on Koeck Road will be governed by the applicable standard and non-standard installation rates in effect at

that time. The Company will complete all needed construction within the public right-of-way necessary to extend service to all residents/properties along the above referenced section of Koeck Road within six (6) months of closing (July 14, 2020), unless extenuating circumstances such as make-ready or pole licensing requires an extension of this deadline, after consultation with Board staff; and

**WHEREAS**, the extension of service to numbers 5 through 36 Koeck Road has been completed; and

**WHEREAS**, the Township having held public hearings has made due inquiry to review the Company's performance under the Franchise, and to identify the Township's future cable-related needs and interests and has concluded that the Company has substantially complied with its obligations under the Franchise and applicable law and has committed to certain undertakings responsive to the Township's future cable-related needs and interests;

**WHEREAS**, the Township has accordingly concluded that the consent should be renewed subject to the requirements set forth below; and that, provided the Company's proposal for renewal embodies the commitments set forth below, the Township's municipal consent to the renewal of the Franchise should be given; and

**WHEREAS**, imposition of the same burdens and costs on other competitors franchised by the Township is a basic assumption of the parties;

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

## **SECTION 1. DEFINITIONS**

For the purpose of this Ordinance the terms defined above shall have the meanings there indicated, and the following additional terms shall have the following meanings:

- (a) "Act" or "Cable Television Act" shall mean that statute of the State of New Jersey relating to cable television, known as the Cable Television Act, N.J.S.A. 48:5A-1 et seq.
- (b) "Application" shall mean the Company's application for Renewal of Municipal Consent, which application is on file in the Township Clerk's office and is incorporated herein by reference and made a part hereof, except as modified, changed, limited or altered by this Ordinance.
- (c) "Board" shall mean the Board of Public Utilities of the State of New Jersey or its successor agency.
- (d) "Township" shall mean the governing body of the Township Knowlton in the County of Warren, and the State of New Jersey.
- (e) "Company" shall mean CSC TKR, LLC, the grantee of rights under this Ordinance.
- (f) "FCC" shall mean the Federal Communications Commission.
- (g) "Federal Act" shall mean that federal statute relating to cable communications commonly known as the Cable Communications Policy Act of 1984, 47 U.S.C. Section 521 et seq. and the Telecommunications Act of 1996, or as those statutes may be amended.

- (h) “Federal Regulations” shall mean those federal regulations relating to cable television services, 47 C.F.R. Section 76.1 et seq. (and, to the extent applicable, any other federal rules and regulations relating to cable television, including but not limited to, those described in 47 C.F.R. Section 76.3), or as such regulations may be amended.
- (i) “Municipality” shall mean the area contained within the present municipal boundaries of the Township of Knowlton in the County of Warren, and the State of New Jersey.
- (j) “Standard installation” shall mean the installation of drop cable to a customer’s premise where the distance from the point of entry into the building being served is less than 150 feet from the active cable television system plant.
- (k) “State” shall mean the State of New Jersey.
- (l) “State Regulations” shall mean those regulations of the State of New Jersey Board of Public Utilities relating to cable television. N.J.A.C. 14:17-1.1 et seq. and N.J.A.C. 14:18-1 et seq., or as such regulations may be amended.

## SECTION 2. STATEMENT OF FINDINGS

A public hearing concerning the consent herein granted to the Company was held after proper public notice pursuant to the terms and conditions of the Act. Said hearing having been held and fully open to the public, and the Township having received all comments regarding the qualifications of the Company to receive this consent, the Township hereby finds the Company possesses the necessary legal, technical, character, financial and other qualifications to support municipal consent, and that the Company’s operating and construction arrangements are adequate and feasible.

## SECTION 3. GRANT OF AUTHORITY

The Township hereby grants to the Company its non-exclusive consent to place in, upon, along, across, above, over, and under its highways, streets, alleys, sidewalks, public ways, and public places in the Municipality poles, wires, cables, and fixtures necessary for the maintenance and operation in the Municipality of a cable television system or other communications facility, and for the provision of any communication service over such facilities. Operation and construction, pursuant to said consent, is conditioned upon prior approval of the Board of Public Utilities.

## SECTION 4. DURATION OF FRANCHISE

This consent granted herein shall be non-exclusive and shall be for a term of ten (10) years from the date of issuance of a Certificate of Approval by the Board.

## SECTION 5. EXPIRATION AND SUBSEQUENT RENEWAL

If the Company seeks successive consent, it shall, prior to the expiration of this consent, apply for a municipal consent and certificate of approval in accordance with N.J.S.A 48:5A-16, and applicable state and

federal rules and regulations. In accordance with N.J.S.A. 48:5A-25.1, both the Township and the Company shall be bound by the terms of this municipal consent until such time as the Company converts the municipal consent (and any certificate of approval) into a system-wide franchise.

## SECTION 6. FRANCHISE TERRITORY

The consent granted under this Ordinance to the Company shall apply to the entirety of the Municipality and any property hereafter annexed.

## SECTION 7. SERVICE AREA

The Company shall be required to proffer video programming service along any public right-of-way to any person's residence within the "primary service area," as it exists on the effective date of any written approval order by the Board of this consent, at the Company's schedule of rates for standard and nonstandard installation.

## **SECTION 8. EXTENSION OF SERVICE**

Pursuant to the requirements of the Board, as ordered in its approval of the transfer of the Franchise from SECTV to The Company (Docket No. CM20030211, effective July 6, 2020):

Upon request, the Company shall extend service along any public right of way outside its primary service area to those residences or small businesses within the franchise territory which are located in areas that have a residential home density of twenty-five (25) homes per mile or greater (as measured from the then existing primary service area), or areas with less than twenty-five (25) homes per mile where residents and/or small businesses agree to share the cost of such extension in accordance with the line extension formula as provided by the Company in its application for municipal consent.

## SECTION 9. FRANCHISE FEE

Pursuant to the terms and conditions of the Cable Television Act, the Company shall pay to the Township, as an annual franchise fee, a sum equal to two percent (2%) of the actual gross revenues received from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception services in the Municipality. The Company may use electronic funds transfer to make any payments to the Township required under this Ordinance. In the event applicable law hereinafter permits a larger franchise fee to be collected, but does not fix the amount thereof, the Township and the Company shall negotiate in good faith with respect to the amount thereof; provided, however, that nothing herein shall be construed to permit the Township to require payment of a franchise fee by the Company that is higher than the fee paid by all other cable television service providers offering service in the Municipality.

## SECTION 10. FREE SERVICE

Subject to applicable federal regulations, the Company shall, upon written request, provide free of charge, one (1) standard installation and monthly cable television reception service to the Knowlton Municipal Building, 628 Route 94, Columbia, NJ 07832.

#### **SECTION 11. CONSTRUCTION/SYSTEM REQUIREMENTS**

The Company shall perform construction and installation of its plant and facilities in accordance with applicable State and federal law. The Company shall be subject to the following additional construction requirements with respect to the installation of its cable plant and facilities in the Municipality:

(a) In the event that the Company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways or other surfaces, the Company shall at its sole expense restore and replace such disturbances in as good a condition as existed prior to the commencement of said work.

(b) If at any time during the period of this consent, the Township shall alter or change the grade of any street, alley or other way or place, the Company, upon reasonable notice by the Township shall remove or relocate its equipment, at its own expense.

(c) Upon request of a person holding a building or moving permit issued by the Township, the Company shall temporarily move or remove appropriate parts of its facilities so as to permit the moving or erection of buildings or for the performance of other work. The expense of any such temporary removal or relocation shall be paid in advance to the Company by the person requesting the same. In such cases, the Company shall be given not less than fourteen (14) days prior written notice in order to arrange for the changes required.

(d) During the exercise of its rights and privileges under this consent, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks and public places of the Township so as to prevent the branches of such trees from coming in contact with the wires, cables, conduits and fixtures of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance for the Company's facilities.

#### **SECTION 12. TECHNICAL AND CUSTOMER SERVICE STANDARDS**

The Company shall comply with the technical and customer service standards established for the cable industry under applicable federal and State laws, rules and regulations.

#### **SECTION 13. LOCAL OFFICE OR AGENT**

The Company shall establish and maintain during the entire term of this consent a local area business office or agent for the purpose of receiving, investigating and resolving complaints regarding the quality of service, equipment malfunctions and similar matters. Said office shall be open daily during normal business hours, and in no event less than 9:00 a.m. to 5:00 p.m., Monday through Friday, with the exception of holidays.

#### **SECTION 14. DESIGNATION OF COMPLAINT OFFICER**

The Office of Cable Television is hereby designated as the complaint officer for the Township pursuant to the provisions of N.J.S.A. 48:5A-26. All complaints shall be reviewed and processed in accordance with N.J.A.C. 14:17-6.5.

## SECTION 15. LIABILITY INSURANCE

The Company agrees to maintain and keep in force and effect at its sole cost at all times during the term of this consent, sufficient liability insurance naming the Township as an additional insured and insuring against loss by any such claim, suit, judgment, execution or demand in the minimum amounts of five-hundred thousand dollars (\$500,000) for bodily injury or death to one person, and one million dollars (\$1,000,000) for bodily injury or death resulting from any one accident or occurrence stemming from or arising out of the Company's exercise of its rights hereunder.

## SECTION 16. PERFORMANCE BOND

The Company shall obtain and maintain, at its sole cost and expense, during the entire term of this Agreement, a bond to the Township in the amount of twenty-five thousand dollars (\$25,000.00). Such bond shall be to insure the faithful performance of its obligations as provided in this Franchise.

## SECTION 17. RATES

A. The rates of the Company for cable television service shall be subject to regulation to the extent permitted by federal and State law.

B. The Company shall implement a senior citizen discount in the amount of ten percent (10%) off the monthly broadcast basic level of cable television service rate to any person sixty-two (62) years of age or older, who subscribes to cable television services provided by the Company, subject to the following:

- (i) Such discount shall only be available to eligible senior citizens who do not share the subscription with more than one person in the same household who is less than sixty-two (62) years of age; and,
- (ii) In accordance with N.J.S.A. 48:5A-11.2, subscribers seeking eligibility for the discount must meet the income and residence requirements of the Pharmaceutical Assistance to the Aged and Disabled program pursuant to N.J.S.A. 30:4D-21; and,
- (iii) The senior discount herein relates only to the broadcast basic level of cable television service, and shall not apply to any additional service, feature, or equipment offered by the Company, including any premium channel services and pay-per-view services; and,
- (iv) Senior citizens who subscribe to a level of cable television service beyond expanded basic service, including any premium or per channel a la carte service, shall not be eligible for the discount; and,

C. The Company shall have no further obligation to provide the senior discount herein in the event that (a) the Company converts the municipal consent granted herein to a system-wide franchise in accordance with N.J.S.A. 48:5A-25.1; or (b) upon Board approval of a certification that another cable television service provider offering services to residents of the Municipality files, in accordance with N.J.S.A. 48:5A-30(d), is capable of

serving sixty percent (60%) or more of the households within the Municipality. In the event the Company does cease providing a senior discount pursuant to this provision, it shall comply with all notice requirements of applicable law.

## SECTION 18. EMERGENCY USES

The Company shall be required to have the capability to override the audio portion of the system in order to permit the broadcasting of emergency messages by the Township pursuant to state and federal requirements. The Company shall in no way be held liable for any injury suffered by the Township or any other person, during an emergency, if for any reason the Township is unable to make full use of the cable television system as contemplated herein. The Township shall utilize the state-approved procedures for such emergency uses.

## SECTION 19. EQUITABLE TERMS

In the event that the service of another multi-channel video program provider not subject to the Township's regulatory authority within the Municipality creates a significant competitive disadvantage to the Company, the Company shall have the right to request from the Township lawful amendments to its Franchise that relieve it of burdens which create the unfair competitive situation. Should the Company seek such amendments to its Franchise, the parties agree to negotiate in good-faith appropriate changes to the Franchise in order to relieve the Company of such competitive disadvantages. If the parties can reach an agreement on such terms, the Township agrees to support the Company's petition to the Board for modification of the consent in accordance with N.J.S.A 48:5A-47 and N.J.A.C. 14:17-6.7.

If the parties are unable to reach an agreement on appropriate amendments to the franchise, the Township acknowledges that the Company shall have the right to petition the Board directly for such amendments in accordance with N.J.S.A. 48:5A-47 and N.J.A.C. 14:17-6.7; provided, however, the Township shall be under no obligation to support The Company's request for such relief from the Board.

In any subsequent municipal consent, Township shall require, at a minimum, the same terms and conditions of any other provider of multi-channel video programming subject to the Township's regulatory authority as those contained in the instant consent. In the event such subsequent consent does not contain the same terms and conditions as the instant consent, Township agrees to support the Company's petition to the Board for modification of the consent in accordance with NJSA 48:5A-47 and NJAC 14:17-6.7 to relieve the Company of competitive disadvantages identified in the Company's petition.

## SECTION 20. REMOVAL OF FACILITIES

Upon expiration, termination or revocation of this Ordinance, the Company at its sole cost and expense and upon direction of the Board, shall remove the cables and appurtenant devices constructed or maintained in connection with the cable services authorized herein, unless The Company, its affiliated entities or assignees should, within six (6) months after such expiration, termination or revocation obtain certification from the FCC to operate an open video system or any other federal or state certification to provide telecommunications.

## **SECTION 21. PUBLIC, EDUCATIONAL, AND GOVERNMENTAL ACCESS**

A. The Company shall continue to make available non-commercial public, educational and governmental (PEG) access services available to the residents of the Municipality as described in the Application for municipal consent. All the Company support for PEG access shall be for the exclusive benefit of the Company's subscribers.

B. The Township agrees that the Company shall retain the right to use the PEG access channel, or portion thereof, for non-PEG access programming, during times when the Township is not utilizing the channel for purposes of providing PEG access programming. In the event that the Company uses said PEG access channel for the presentation of such other programming, the PEG programming shall remain the priority use and the Company's rights with respect to using the channel for non-PEG programming shall be subordinate to the Township's provision of PEG access programming on such channel.

C. The Company shall have discretion to determine the format and method of transmission of the PEG access programming provided for in this Section 21.

## **SECTION 22. EMPLOYEE IDENTIFICATION**

A. Each employee of the Company who routinely comes into contact with members of the public at their places of residence must wear a picture identification card clearly indicating his or her employment with the Company. The photograph on the identification card shall prominently show the employee's name and/or identification number. Such employee shall prominently display such identification card and shall show it to all such members of the public. Each employee of any contractor or subcontractor of the Company who routinely comes into contact with members of the public at their places of residence must wear a picture identification card clearly indicating his or her name, the name of such contractor or subcontractor and the name of the Company.

B. Notwithstanding any other provision of law regulating door-to-door solicitation or other sales activities undertaken on public or private property within the Municipality, including any licensing or permit obligations required for such activities, the obligations set forth in this Section 22 of this ordinance shall be the sole conditions governing the authorization and identification required for the entrance onto public or private property imposed upon Company or its employees, agents, contractors or subcontractors for the purpose of selling, marketing or promoting services offered by the Company to residents of the Municipality.

## **SECTION 23. INCORPORATION OF APPLICATION**

All of the commitments contained in the Application and any amendment thereto submitted in writing to the Township by the Company except as modified herein, are binding upon the Company as terms and conditions of this consent. The Application and any other written amendments thereto submitted by the Company in connection with this consent are incorporated in this Ordinance by reference and made a part hereof, except as specifically modified, changed, limited, or altered by this Ordinance, or to the extent that they conflict with State or federal law.

## SECTION 24. CONSISTENCY WITH APPLICABLE LAWS

This consent shall be construed in a manner consistent with all applicable federal, State and local laws; as such laws, rules and regulations may be amended from time to time.

## SECTION 25. SEPARABILITY

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 portion thereof.

## SECTION 26. NOTICE

Notices required under this Ordinance shall in writing and shall be mailed, first class, postage prepaid, to the addresses below. Either party may change the place where notice is to be given by providing such change in writing at least thirty (30) days prior to the time such change becomes effective. The time to respond to notices under this Ordinance shall run from receipt of such written notice.

Notices to the Company shall be mailed to:

Altice USA  
1 Court Square West, 49<sup>th</sup> Floor  
Long island City, NY 11101  
Attention: Senior Vice President for Government Affairs  
With a copy to:

CSC TKR, LLC  
c/o Altice USA  
1 Court Square West  
Long island City, NY 11101  
Attention: Legal Department

Notices to the Township shall be mailed to:

Township of Knowlton  
628 Route 94  
Columbia, NJ 07832  
Attention: Township Manager

Notwithstanding anything herein to the contrary, regulatory notices from the Franchisee to the Township which are required pursuant to federal and state law and regulations may be served electronically upon the Township, instead of by first class mail as described above, to an email address provided by the Township.

## SECTION 27. EFFECTIVE DATE AND BOARD OF PUBLIC UTILITY APPROVAL

This Ordinance shall take effect upon issuance of a Certificate of Approval as issued by the Board of Public Utilities that incorporates the material terms of this Ordinance. Nothing herein shall alter the right of the Company to seek modification of this Ordinance in accordance with N.J.S.A 48:5A-47 and N.J.A.C. 14:17-6.7. In accordance with N.J.S.A. 48:5A-25.1, the terms of this Ordinance will no longer be in effect upon The Company converting the municipal consent (and any certificate of approval) into a system-wide franchise.

**BE IT FURTHER ORDAINED** that this Ordinance shall take effect upon the passage, and publication as required by law.

**Motion made by Starrs, second by Cuntala and carried to open public comment.**

**Bob Peterson asked if it will be a town wide service. Mayor Starrs stated that the agreement is for areas that have 25 homes per square mile and is a 10-year agreement. Mayor Starrs also stated that there is a separate agreement to cover the roads that have less than 25 homes per square mile.**

**Motion made by Starrs, second by Cuntala and carried to close public comment.**

**Motion made by Starrs, second by Cuntala and approved by roll call vote: Cuntala –yes, Mazza—absent, Shipps—yes, Van Horn—yes, Starrs—yes, the adoption of Ordinance 2022-01.**

Mayor Starrs announced that CenturyLink was bought out by a company called Lumine and will be changing the name to Brightspeed. Brightspeed has agreed to a 2-billion-dollar improvement project which will bring fiber optic to the township

### **Introduction**

2022-02 Calendar Year 2022- Ordinance to Exceed the Municipal Budget Apportion Limits and to Establish A Cap Bank (N.J.S.A 40A: 4-45.14)

**WHEREAS**, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Township Committee of the Township of Knowlton in the County of Warren finds it advisable and necessary to increase its CY 2022 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Township Committee hereby determines that a 3.5% increase in the budget for said year, amounting to \$54,891.10 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS** the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the Township Committee of the Township of Knowlton, in the County of Warren, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2022 budget year, the final appropriations of the Township of Knowlton shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$54,891.10 and that the CY 2022 municipal budget for the Township of Knowlton be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

**Motion made by Starrs, second by Cuntala and carried to approve the introduction of Ordinance 2022-02.**

2022-03 An Ordinance of the Township of Knowlton Amending Chapter 11, Article 39 of the Code of the Township of Knowlton to Prohibit Automobile Service Stations Within the C-1 Neighborhood Commercial Zone.

**WHEREAS**, the Knowlton Township Planning Board adopted a Master Plan Reexamination Report on September 22, 2020, as required by N.J.S.A. 40:55D-89; and

**WHEREAS**, the 2020 Reexamination Report made the following findings regarding automotive service stations:

- Among a number of other permitted and conditional uses in the C-1 District, automobile service stations are a permitted conditional use.
- Automotive service station is defined by the Knowlton Township Land Development Ordinance as “Lands and buildings where motor fuel, lubricants and miscellaneous accessories for motor vehicles other than tractor trailers are sold and dispensed and where services are rendered for engine and mechanical repairs, but where no vehicular painting and/or body work is conducted and where no junked or unregistered motor vehicles are kept or stored”.
- There has been a marked increase in automotive service station applications before the Knowlton Planning Board and Zoning Board to expand existing or construct new service stations.
- The Master Plan Reexamination Report establishes a Master Plan Objective against the proliferation of automobile service stations and truck stops in the Township.
- While service stations may provide a valuable service to passing motorists, the uses are not desirable for the Township. They are generally inconsistent with the rural character of the Township and have a high risk of pollution and contamination of the Township’s rich environmental resources.
- The Reexamination Report finds that there is already a proliferation of service stations throughout the Township that well exceed the needs of the local residents of Knowlton Township; and

**WHEREAS**, the 2020 Reexamination Report recommends that the Land Development Ordinance be amended to remove automotive service stations from the list of permitted uses in the C-1 Neighborhood Commercial Zone; and

**WHEREAS**, the 2020 Reexamination Report expresses concern regarding the impacts of current truck traffic within Knowlton Township and the anticipated future increase in truck traffic in Knowlton that may generated as a result of proposed industrial and warehouse development in neighboring communities; and

**WHEREAS**, the 2020 Reexamination Report noted that the Warren County Planning Department received a grant from the Highlands Council to conduct a traffic study to determine the impacts on traffic conditions that would result from the full buildout of the industrial zoning districts throughout Warren County and recommended that this issue of truck traffic be revisited by the Knowlton Planning Board once the County completes its study; and

**WHEREAS**, the Warren County Planning Department published the Warren County Light Industrial Site Assessment (WCLISA) Final Report on September 9, 2020; and

**WHEREAS**, the WCLISA Report made certain findings that relate to the Township of Knowlton which are summarized as follows:

- The WCLISA states that Warren County’s location in the Region and proximity to Interstates 78 and 80 position the County as a desirable center for warehouse development and freight/goods movement. The County is currently experiencing increased interest in warehousing and distribution development. The study was undertaken to understand the potential long-term impact of such development in the County.
- Fifteen sites within Warren County (outside of the Highlands Preservation Area) were identified as having potential for industrial development, two of which include the Industrial and LDI Low Density Industrial Districts in the neighboring community of White Township.
- The fifteen industrial sites reviewed contain over 4,000 acres and have a potential to produce over 45 million square feet of gross floor area for industrial and warehousing development.
- The WCLISA found that at full buildout these sites would generate a substantial amount of traffic, both from trucks and automobiles, as increased employment and goods movement would be generated to and from these industrial sites; and

**WHEREAS**, the WCLISA Report failed to study the impacts of increased truck and passenger vehicles traffic along Route 46 in Knowlton Township, which is currently heavily traveled by trucks and vehicles desiring to travel westbound towards Interstate 80 or eastbound from Interstate 80; and

**WHEREAS**, the Township of Knowlton remains opposed to increased truck traffic along Route 46 and intends to take legislative action in accordance with the Municipal Land Use Law to limit the increase of such truck traffic and lessen the potential impacts to the character of Knowlton Township.

**BE IT ORDAINED**, by the Mayor and Committee of the Township of Knowlton in the County of Warren, and State of New Jersey as follows (deletions are shown as ~~thus~~ and additions are shown as *thus*):

**SECTION 1.** Chapter 11, Article 39 entitled, “Neighborhood Commercial Zone (C-1) Regulations” is hereby amended as follows:

**§ 11-311 Conditional uses.**

Conditional uses in the C-1 Zone shall be as follows:

- A. Essential services.
- B. Churches and other places of worship, including parish houses, Sunday school buildings and other similar uses.
- C. Nursery schools.
- D. ~~Automobile service stations.~~ *Reserved.*
- E. Cellular antennas and cellular towers (see Article 41.1).
- F. Animal hospitals and kennels.

**§ 11-315 Regulations governing conditional uses.**

~~E. Automotive service stations. In addition to meeting the requirements of this zone, the following additional standards shall be applicable:~~

- ~~(1) Location. No service station, gas station, vehicle repair shop or any vehicular access thereto shall be located within 200 feet of schools, playgrounds, churches, hospitals, public libraries and institutions for dependents or for children and senior citizen housing.~~
- ~~(2) Vehicular access. Vehicular access shall not be closer to the intersection of any two street lot lines than 50 feet, nor shall any such use be located within 25 feet of any boundary line or any residential zone.~~
- ~~(3) These operations shall be conducted on a lot of no less than one acre.~~
- ~~(4) The maximum impervious cover shall be 60%.~~
- ~~(5) All automotive service stations that sell gasoline at retail to consumers from gasoline pumps shall be required to have an alternate energy source, such as a standby power generator, that is capable of providing electrical service during an interruption of the normal electrical supply sufficient to power the gasoline pumps so that gasoline can be sold to consumers. The alternate energy source shall be sufficient to operate all pumps during normal business hours of the service stations.~~
- ~~(6) The alternate energy source required herein shall be required any time an existing automotive service station expands and requires site plan and/or variance approval from the Planning Board; or undertakes a substantial renovation (e.g., tank replacement). The determination of whether a renovation is substantial shall be within the sole discretion of the Zoning Officer.~~

E. Reserved.

#### **§ 11-315.1 Prohibited uses.**

- A. Automotive service stations are expressly prohibited in the C-1 District. New construction or expansion of any automotive service station shall be prohibited.

#### **SECTION 2. NUMBERING.**

This ordinance may be renumbered for codification purposes.

#### **SECTION 3. REPEALER**

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

#### **SECTION 4. SEVERABILITY**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Planning Board Planner Dan Bloch attended the meeting via phone. Mr. Bloch explained that this ordinance prohibits new service stations to come into the township as well as current current service stations expanding their existing station. This suggesting was discussed with the Planning Board and was in the annual report from the Board of adjustment as well as in the 2020 Master Plan Examination report. Mayor Starrs explained that this ordinance does not prohibit current service station to improve their station they just cannot expand.

**Motion made by Starrs, second by Cuntala and carried to approve the introduction of 2022-03.**

#### **BUDGET INTRODUCTION**

##### **Chief Financial Officer- Christine Rolef**

CFO Rolef presented the Introduction for the 2022 Budget which will be a one cent municipal tax increase from last year. Fund Balance is \$1,429,000.00 which is a \$300, 040 increase from the prior year which is mostly due

to cancellation of appropriate reserves. Included in the budget is debt service of \$151,450.00 being paid down over a 10-year period. \$300,005.00 in the capital section. \$70,000.00 is going to the capital improvement fund. \$85,000 for road improvements from Mt. Pleasant Road and \$135,00000 for Honey Run Rd. which we received State Aid but did not receive the full amount. \$15,000 is for improvement of roads which will be tar and chip. There is a 4% increase in the budget for township employees.

**Motion made by Starrs, second by Cuntala approved by roll call vote: Cuntala—yes, Mazza—absent, Shipps—yes, Van Horn—yes, Starrs—yes, the Introduction of the 2022 Budget.**

## **RESOLUTIONS**

2022-2b Resolution Approving Compensated Appointments

**WHEREAS**, it is necessary to appoint various persons to fill the numerous positions of authority in the Township of Knowlton for the year 2022.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Committee of the Township of Knowlton, Warren County, New Jersey, that the following appointments be made with terms being until December 31, 2022:

Acting Municipal Clerk	Kailene Molion	
Shared Services/Grant Administrator		
Assessment Search Officer		
Deputy Clerk	Doreen Apgar	
Registrar of Vital Statistics	Doreen Apgar	
Deputy Registrar of Vital Statistics	Kristin Shipps	
Office Assistant	MaryAnn Gingerelli	
Finance Assistant	Doreen Apgar	
Recycling Coordinator	JoAnn Fascenelli	
Chief Financial Officer	Christine Rolef	
Tax Collector	Evan Howell	
Tax Search Officer	Evan Howell	
Assistant Tax Collector	Doreen Apgar	
Tax Assessor	Richard Motyka	
Tax Assessment Assistant	Kenna Pearson	
Code Enforcement /Zoning Officer	Eric Snyder	
Alternate Zoning Officer (while Zoning Officer is out)	George Boese	
Driveway Inspector	Eric Snyder	
Fire Official	Glenn Wilson, Jim McAleer	
Planning Board Secretary	Alfia Schemm	
Board of Adjustment Secretary	Alfia Schemm	
Animal Control Officer	Alan DeCarolis	
Public Works Manager	Brian Peck	
Public Works Assistant Supervisor	Thomas Steckel	
Public Works Driver/Laborer I		
Public Works Driver/Laborer III	Brett Smith	
Public Works Driver/Laborer III	Michael Carpenter	
Public Works Driver/Laborer-Part Time		
Seasonal Plow Driver	Dale Lifer	
Seasonal Plow Driver	Michael DeCarolis	Recreation
Director	Dennis Lembeck	

Recreation Laborer	Ryan Lembeck
Alternate Recreation Laborer	George Trongone
Alternate Recreation Laborer	Todd Spain
Community Service/Clean Comm. Supervisor	Dennis Lembeck
Emergency Management Coordinator	
911 Coordinator	
***Deputy Emergency Management Coordinator	Michael Bates
Emergency Management Assistant	Kristin Shipps
Municipal Housing Liaison	Kristin Shipps

\*term expires 12/31/2021

\*\*\*term expires 12/31/2023

**Motion made Starrs, second by Cuntala and approved by roll call vote: Cuntala—yes, Mazza-absent, Shipps—yes, Van Horn—yes, Starrs—yes resolution 2022-2b.**

**Discussion took place regarding on Clerk Shipps become the office manager to help train the next acting clerk which will be approve by the next meeting.**

**2022-45 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 made by Starrs, second by Cuntala and approved by roll call vote: Cuntala—yes, Mazza—absent, Shipps—yes, Van Horn—yes, Starrs—yes resolution 2022-45 tabling the Montague Tools invoice.**

Discussion took place if the township should be paying for the snowplowing bills for Fire & Rescue. Committee agreed to invite Risk Manager Sharon Cooper to the next meeting and wait for the township attorney to discuss further.

### **NEW BUSINESS**

#### **Knowlton's Legislative Redistricting**

In 2024 Knowlton will be Redistricted to District 23.

#### **Planning Board appointment**

Motion made by Starrs, second by Cuntala and carried to appoint Rene Mathez to the planning board.

### **OLD BUSINESS**

**Reverse-osmosis update-tabled to next meeting.**

#### **Fire Official**

Mayor Starrs announced that Fire Official Glen Wilson will be retiring at the end of 2022.

Mr. Wilson discussed the benefits of the township having their own fire official, which included revenue coming into the township for inspections as well as waiving permit fees for local organizations having fundraisers which require a fire inspection.

Committee discussed the potential savings to the township if the state took over. Majority of the committee agreed to move forward with the state at the beginning of 2023.

**Motion made by Starrs, second by Cuntala and approved by roll call vote Cuntala—yes, Mazza—absent, Shipps—yes, Van Horn—no, Starrs—yes to appoint the state as fire official effect January 1, 2023 unless Fire Official Glen Wilson decides to stay on.**

#### **CORRESPONDENCE**

Memo from Doreen Apgar regarding the township Recycling Coordinator on giving her an increase in pay. Mayor Starrs would like to get an idea on what other recycling coordinators get paid in the area and will report back to the committee.

#### **PUBLIC COMMENT**

Mike Cesarti commented on a shredding event that Hardwick Township is having and asked if Knowlton would be having one similar. Clerk Shipps agreed to schedule the event for the township.

#### **ADJOURNMENT**

Motion made by Starrs, second by Cuntala and carried to adjourn this meeting at 9:15 pm.