

**MINUTES OF KNOWLTON TOWNSHIP
WARREN COUNTY, NEW JERSEY
Public Session Meeting Minutes
June 14, 2021**

The meeting of the Knowlton Township Committee was held on this date at the Knowlton Municipal Building, 628 Route 94, Columbia, New Jersey. This meeting was held by electronic means via ZOOM as a result of the COVID-19 pandemic and various executive orders in connection with same 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 the *Star Gazette* as well as providing said schedule in the Municipal Clerk’s office.”

Open Public Meetings Act:

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 *Star Gazette* as well as providing said schedule in the Municipal Clerk’s office.

ELECTRONIC MEETING STATEMENT:

Due to the ongoing COVID-19 pandemic and restrictions on in-person public gatherings by executive orders of the Governor of New Jersey, meetings of the Knowlton Township Committee will be held remotely via Zoom. The Zoom platform allows for members of the public to participate via computer, mobile device, or telephone. Pursuant to N.J.A.C. 5:39-1.5(g): Both adequate and electronic notice of this meeting has been provided by publishing a revised annual notice in the two official newspapers designated by the Township, posting such notice on the door of the municipal building, and posting such notice on the municipal website. Such notice specified the time of this meeting and provided instructions on how to access the meeting remotely. The following is an explanation of the procedures and requirements for making public comment as required by N.J.A.C. 5:391.4(h). Please keep yourself muted until the meeting moderator requests that you unmute yourself. The Township reserves the right to mute or remove disruptive meeting participants after an initial warning. Disruptive conduct includes sustained inappropriate behaviors such as, but not necessarily limited to, shouting, interruption, and use of profanity.

Comments will be accepted in writing. Written comments must be no more than 450 words and must include your name and address. This equates to about 3 minutes of speaking, which is the amount of time allowed for each public comment. Such comments will be read into the record at the appropriate time. However, please be advised that the Township reserves the right to summarize duplicative comments consistent with N.J.A.C. 5:391.4(f). Comments can be emailed by 3:00 p.m. the day of the meeting to: Knowltonpubliccomments@knowlton-nj.com. Written comments may also be submitted via mail or dropped off at the municipal building by such day and time.

Comments will also be accepted during the appropriate times of the meeting via Zoom. If you wish to make a comment during the meeting please use the “raise hand” button on your screen if you are signed in via Zoom. If you are accessing the meeting via telephone, please hit *9 and the meeting moderator will call on you and identify you by the last few digits of your phone number. You can press *6 to unmute yourself. Please state your name and address before beginning your comment. As always, comments are limited to three minutes per person and there will be two comment sessions during the meeting. Please be advised that this meeting is being recorded.

Roll Call

Cuntala—yes, Mazza-yes, Shipp—yes, Van Horn-yes, Starrs—yes.

PUBLIC COMMENT

Andrew Kennedy, Phoebus Fund LLC, on Agro-Voltaic Arrays Spoke about his company which places Agro-Voltaic Arrays, or solar panels on farms, and sells the solar energy to public entities. Mr. Kennedy asked the committee if this was something that they would be interested in. Committee agreed that they would like more information and asked Mr. Kennedy to join them at the next township meeting with a presentation that would be advertised to the public and to the residents who

work on Knowlton’s farmland preservation. Mr. Kennedy asked for access to Knowlton’s electric records; the Committee agreed to consider that after the presentation at the next meeting.

DEPARTMENT REPORTS

Clerk Shipps asked Attorney Leslie Parikh if the municipalities are required to go back to in-person since Governor Murphy lifted the Emergency order. Attorney Parikh recommended to do a dry run for a hybrid.

Tom Moritz Fire & Rescue- Mr. Moritz had a few questions regarding the waivers for the Junior Firefighters. Attorney Parikh will have all documents finalized and sent to Mr. Moritz.

Mike Mulligan- Fire Chief followed up regarding the Bid Specs for the Firetruck. Specs will be sent to Attorney Parikh for a final review.

Deputy Mayor Shipps spoke on behalf of the Recreation Department and that new speakers are needed for the movie night that is being held. **Motion made by Cuntala, second by Shipps and approved by roll call vote: Cuntala—yes, Mazza—yes, Shipps—yes, Van Horn—yes, Starrs—yes to purchase speakers not to exceed \$1,500.00.**

Deputy Mayor Shipps also explained the Recreation department would like to hire another substitute laborer as a backup for grass cutting. Attorney Parikh said that there was no need to advertise. Deputy Mayor Shipps will provide Clerk Shipps with the name of the substitute to prepare a resolution at a later time.

ORDINANCES

Public Hearing/ Adoption:

2021-03- An Ordinance Amending Section of the Township of Knowlton Code Regarding Use of Columbia Beach

WHEREAS, Columbia Beach, located at Block 19, Lot 4 in the Township of Knowlton (the “Township”), is designated as a municipal beach and contains a boat launch owned and maintained by the Township; and

WHEREAS, Columbia Beach is located in the Village Residential (VR) Zone; and

WHEREAS, Section 69-3 of the Township Code permits the issuance of permits to use the boat launch to residents and owners of local campgrounds; and

WHEREAS, commercial activities (such as the use of the boat launch by the campgrounds) are not a permitted use in the VR Zone.

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

SECTION 1. Section 69-3 of the Code of the Township of Knowlton (the “Code”), entitled “Permit required for certain activities; fees,” shall be deleted in its entirety and replaced with the following:

A. The Township of Knowlton hereby declares its beach open to the public for the purposes of recreational use, fishing and picnicking, subject to the following regulations, as promulgated in this Chapter and specifically set forth herein:

- (1) Resident Parking Permits for Watercraft Launching at Columbia Beach.*
- (a) Resident Parking Permits and watercraft badges for Columbia Street. Only residents, owners of local campgrounds and public entities shall be eligible to receive parking permits and badges to use Columbia beach for the purposes of watercraft launching. Any and all persons utilizing the Columbia Beach for this purpose may obtain a current, valid Township issued watercraft launch badge and parking permit for*

Columbia Street from the Municipal Clerk

(b) *Upon issuance of a parking permit to a resident for Columbia Street pursuant to Ordinance Section 174.14.1, the Municipal Clerk shall, upon request by such resident, also issue a badge(s) for watercraft launching purposes. Parking permits must be affixed to a resident's dashboard and visible while parked on Columbia Street. Additionally, Township issued watercraft launch badges must be worn or kept on the resident's person at all times while engaging in watercraft activities at Columbia Beach.*

(c) *Pursuant to Ordinance Section 174.14.1 there shall not be a fee for a resident parking permit for Columbia Street. However, residents requiring a badge for the purposes of watercraft launching shall provide a non-refundable deposit in the amount of \$20.00 and shall fill out an application that includes the following information:*

[1] *The resident's name, address and phone number in Knowlton Township; and*

[2] *The license plate number of the vehicle to be used for watercraft launching; and*

[3] *A description of the type of each watercraft to be launched;*

[4] *A copy of any required licenses or permits needed to operate each watercraft; and*

[5] *A hold harmless agreement in a form to be provided by the Township.*

(2) *Permits for Users of Local Campgrounds.*

(a) *Owners of licensed campgrounds located in Knowlton Township may obtain up to three (3) annual Columbia Street parking permits for each passenger van/vehicle used to transport camp visitors to and from Columbia Beach. Each permit will require a non-refundable payment of \$500.00.*

(b) *Each transport vehicle issued a parking permit may also obtain up to ten (10) watercraft launch badges per vehicle permit at a cost of \$20.00 per watercraft launch badge. Watercraft launch badges must be used solely by camp patrons transported to and from Columbia Beach for watercraft launching activities subject to the following conditions:*

[1] *Any parking permits issued to a campground transport vehicle must remain affixed to the dashboard of that vehicle and visible at all times. Watercraft launch badges may be temporarily issued by the campground owners to its patrons and used by the patron only while engaging in watercraft activities at Columbia Beach via transport by a permitted vehicle. Watercraft launch badges will allow the patron access to the beach for the purpose of watercraft launching and must be affixed to and/or maintained by the patron at all times during watercraft use.*

[2] *Prior to the issuance of any permit[s] and badges, the campground shall enter into an agreement (in a form drafted by the Township) with the Township, which among other things, may establish certain maintenance responsibilities, insurance obligations and hold harmless obligations in favor of the Township for any and all injuries and damages caused as a result of the use of the watercraft launch by the Campground and its patrons.*

[3] *The Township reserves the right to limit the amount of times per day a transport vehicle may visit Columbia Beach for the purpose of daily patron watercraft launches.*

[4] *Each patron of a campground shall be required by the campground to abide by all applicable laws and regulations during watercraft activities and must sign a waiver of liability absolving the Township of any liability for death, injuries, or property damage incurred while participating in the commercial operation. Copies of the waiver forms must be approved by the Township and be submitted to the Township monthly basis or upon request.*

(c) *Permits and badges shall be valid for one year starting January 1 of the year in which the permit was purchased. Fees for lost badges in need of replacement will be \$20.00 per badge.*

3. *Permits for Governmental and Other Public Agencies.*

B. *Fishing and picnicking. The public shall be permitted to use Township beaches for fishing and/or picnicking.*

SECTION 2. Section 69-4 the Code of the Township of Knowlton (the "Code"), entitled "Additional Rules and Regulations" shall be amended as follows (Additions indicated in boldface and italics ***thus***; deletions indicated with strike-through ~~thus~~):

§ 69-4. Additional rules and regulations.

It shall be unlawful for any person or persons utilizing the beaches, whether by permit or without, to commit any of the following offenses:

A. There shall be no parking or standing on the boat ramps except in the course of actual launching or retrieving of watercraft from the Delaware River. No motor vehicle, except emergency vehicles being operated in the course of emergency operations or a Knowlton Township vehicle, shall be permitted past the gates onto the beaches without either a resident sticker or a campground dashboard identification sticker.

[Amended 3-27-1999 by Ord. No. 99-1]

B. No alcoholic beverages whatsoever shall be permitted at any time upon the municipal beaches of the Township of Knowlton.

C. All persons utilizing the beach area shall be required to contain any and all waste material created or brought with them by using containers provided at the beach areas, if any; or shall carry off any and all waste material with them to be disposed of properly elsewhere.

D. The beaches shall be deemed closed at 9:00 p.m. each and every evening to all persons, with the exception of those persons engaged in the activity of fishing. No one shall remain upon the beach or beach areas unless actively engaged in the sport of fishing.

E. It shall be prohibited for any person or persons to play loud music or behave in a boisterous or disturbing manner while utilizing said beach. All such conduct shall be prohibited and shall be subject to the penalties described within this chapter herein.

F. Open fires upon the municipal beaches of the Township of Knowlton are prohibited at all times.

G. Swimming is strictly prohibited. Persons engaged in swimming on the municipal beaches shall be deemed trespassers upon said beaches and shall be subject to the penalties described within this chapter herein.

H. A person shall not operate an all-terrain vehicle, dirt bike, trail bike, or "off-road" motor vehicle or motorcycle, scooter or moped on or over the municipal beaches of the Township of Knowlton.

SECTION 3. Section 11-301 of the Code of the Township of Knowlton (the "Code"), entitled "Permitted principal uses," regarding the Village Residential (VR) Zone shall be amended as follows (Additions indicated in boldface and italics *thus*; deletions indicated with strike-through ~~thus~~):

Permitted principal uses in the VR Zone shall be as follows:

- A. Single-family detached dwellings.
- B. Agricultural uses and farms as provided in Article 50, Right to Farm, and supplemental regulations in this Article.
- C. Parks, playgrounds, firehouses, libraries and municipal buildings.
- D. Community residences for the developmentally disabled.
- E. Community shelters for victims of domestic violence.
- F. *Commercial use of beach and watercraft facilities with proper Township-issued permits.*

SECTION 4. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 5. 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 6. This Ordinance shall take effect upon final passage and publication according to law.

Motion made by Starrs, second by Cuntala and carried to go into public hearing.

No public comment

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

Motion made by Starrs, second by Cuntala and approved by roll call vote: Cuntala—yes, Mazza—yes, Shipps—yes, Van Horn—yes, Starrs—yes. Ordinance 2021-03.

2021-06 An Ordinance Prohibiting the Operation of All Classes of Cannabis Businesses within its Geographical Boundaries

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called "cannabis" for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" (the "Act"), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive

regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes six marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchases items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, Section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

WHEREAS, Section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (*i.e.*, by August 22, 2021); and

WHEREAS, pursuant to Section 31b of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

WHEREAS, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

WHEREAS, the Mayor and Committee of the Township of Knowlton have determined that, due to present uncertainties regarding the potential future impacts that allowing one or more classes of cannabis business might have on New Jersey municipalities in general, and on the Township of Knowlton in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of the Township of Knowlton and its residents to amend as necessary the Township of Knowlton's zoning regulations and to otherwise prohibit the following marijuana-related land use and development within the geographic boundaries of Township of Knowlton: all Classes.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Committee of the Township of Knowlton as follows:

1. Pursuant to Section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all Classes are hereby prohibited from operating anywhere in the Township of Knowlton. It is acknowledged that delivery services located in other municipalities shall be permitted to make deliveries in the Township of Knowlton.

2. Section ____ of the Code of the Township of Knowlton is hereby amended by adding to the list of prohibited uses, the following: "All Classes of cannabis establishments as said terms are defined in Section 3 of P.L. 2021, c. 16 (but not the delivery of cannabis items and related supplies by a delivery service which is located in another municipality)."

3. Any article, section, paragraph, subsection, clause, or other provision of the Township of Knowlton inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

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

5. This ordinance shall take effect upon its passage and publication and filing with the Township of Knowlton, and as otherwise provided for by law.

Motion made by Starrs, second by Cuntala and carried to go into public hearing.

No public comment

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

Motion made by Starrs, second by Cuntala and approved by roll call vote: Cuntala—yes, Mazza—yes, Shipps—yes, Van Horn—yes, Starrs—yes. Ordinance 2021-06.

2021-07 An Ordinance Amending Chapter 10, Article 3 of the Code of the Township of Knowlton to Change the Number of Members of the Historic Preservation Commission from Seven to Nine

WHEREAS, the Township of Knowlton, in the County of Warren and State of New Jersey on May 12, 1997 by Ordinance No. 97-04 established a Historic Preservation Commission; and

WHEREAS, Paragraph 10-16 of Chapter 10, Article 111 of the Historic Preservation Commission establishes that the Historic Preservation Commission consist of seven regular voting members and two alternate members; and WHEREAS, N.J.S.A. 40:55D-107c states that historic preservation commissions shall consist of five, seven, or nine regular members and may have not more than two alternate members; and

WHEREAS, the Historic Preservation Commission recommends that the number of members of the Historic Commission be increased to nine with one less than the majority being Class A and B members.

NOW, THEREFORE, BE IT ORDAINED, that Chapter 10, Article 111 of the Codes of the Knowlton Township be amended as follows:

10-16A: First sentence be revised to read: "The Historic Preservation Commission shall consist of nine regular members and two alternate members."

10-16B: Revised to read: "Four of the regular members shall be drawn from Classes A and B; at least one of those four shall be a Class A member, and at least one of those four shall be a Class B member. Five of the regular members shall meet the qualification of Class C members, and the two alternate members shall meet

the qualifications of Class C members.”

REPEALER

Any ordinance or parts of ordinances inconsistent herewith are repealed as to any inconsistencies

EFFECTIVE DATE

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

Motion made by Starrs, second by Cuntala and carried to go into public hearing.

No public comment

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

Motion made by Starrs, second by Cuntala and approved by roll call vote: Cuntala—yes, Mazza—yes, Shipps—yes, Van Horn—yes, Starrs—yes. Ordinance 2021-07.

2021-08- An Ordinance to Provide for the Improvement to Mount Pleasant Road Section I Within the Township of Knowlton and to Provide for the Funding Thereof

BE IT ORDAINED the Township Committee of the Township of Knowlton, County of Warren and State of New Jersey, that the following be properly authorized:

Improvements to Mount Pleasant Road Section I - \$ 221,700.00

BE IT FURTHER ORDAINED that the financing for the above is as follows:

RESERVE FOR ROAD IMPROVEMENTS \$ 85,000.00

DOT GRANT RECEIVABLE – Mount Pleasant Road \$ 136,700.00

BE IT FURTHER ORDAINED that the period of usefulness of the improvements is in excess of the five (5) year statutory requirement, and that no debt shall be incurred by the Township for this improvement authorization. The capital budget conforms with the provisions of this ordinance to the extent of any inconsistency therewith and the resolution promulgated by the Local Finance Board showing full details of the Capital Budget and Capital Program as approved by the Director, Division of Local Government Services as on file with the Municipal Clerk is available for public inspection.

This ordinance shall take effect immediately upon passage and publication in accordance with the law.

Motion made by Starrs, second by Mazza and carried to go into public hearing.

No public comment

Motion made by Van Horn, second by Starrs and carried to close public hearing.

Motion made by Starrs, second by Van Horn and approved by roll call vote: Cuntala—abstain, Mazza—yes, Shipps—yes, Van Horn—yes, Starrs—yes. Ordinance 2021-08.

2021-09- Capital Ordinance Repairs to Fire Equipment \$100,000

BE IT ORDAINED the Township Committee of the Township of Knowlton, County of Warren and State of New Jersey, that the following be properly authorized:

Repairs of Fire Equipment - \$ 100,000.00

BE IT FURTHER ORDAINED that the financing for the above is as follows:

RESERVE FOR FIRE EQUIPMENT \$ 100,000.00

BE IT FURTHER ORDAINED that the period of usefulness of the improvements is in excess of the five (5) year statutory requirement, and that no debt shall be incurred by the Township for this improvement authorization. The capital budget conforms with the provisions of this ordinance to the extent of any inconsistency therewith

and the resolution promulgated by the Local Finance Board showing full details of the Capital Budget and Capital Program as approved by the Director, Division of Local Government Services as on file with the Municipal Clerk is available for public inspection.

This ordinance shall take effect immediately upon passage and publication in accordance with the law.

Motion made by Starrs, second by Mazza and carried to go into public hearing.

No public comment

Motion made by Van Horn, second by Starrs and carried to close public hearing.

Motion made by Starrs, second by Van Horn and approved by roll call vote: Cuntala—yes, Mazza—yes, Shipp—yes, Van Horn—yes, Starrs—yes. Ordinance 2021-09.

Introduction:

2021-10- Ordinance of the Township o Knowlton Vacating Right of Way Located Contiguous to Block 7, Lots 9.41 and 9.42

WHEREAS, there exists in the Township of Knowlton ("Township"), County of Warren, State of New Jersey a right-of-way located contiguous to Block 7, Lots 9.41 and 9.42 as is more properly shown and depicted on Schedule A attached hereto; and

WHEREAS, there has been a request to have the Township vacate this right-of-way; and

WHEREAS, the Township wishes to release and extinguish the public's rights or whatever ownership rights it has in and to said section of the existing right-of-way; and

WHEREAS, the Township Mayor and Committee does hereby determine that the aforementioned portion of right-of-way as described in accordance with Schedule A attached, is no longer needed; and

WHEREAS, N.J.S.A. 40:67-19 authorizes a municipality to release and extinguish the public's rights arising from a dedication of a street or right-of-way; and

WHEREAS, the matter has been referred to the Township Engineer, who has recommended that the Township proceed with the vacation since the right-of-way is not no longer needed; and

WHEREAS, the vacated portion shall be conveyed to the adjoining property owners; Gregory and Linda Fama, owners of Block 7, Lot 9.42 and Brian McClain/Elizabeth Cotrste, owners of Block 7, Lot 9.41; and

WHEREAS, Gregory and Linda Fama shall receive the half of the portion of the vacated right-of-way closest to the property owned by them and Brian McClain/Elizabeth Cotrste shall receive half of the portion of the vacated right-of-way closest to the property owned by them; and

WHEREAS, Quitclaim Deeds transferring ownership of the portions described above shall be and are authorized to be prepared.

NOW THEREFORE BE IT ORDAINED by the Mayor and Committee of the Township of Knowlton as follows:

SECTION 1

- A. The rights of the public and the Township of Knowlton, whatever they may be, in and to the portion of the right-of-way contiguous to Block 7, Lots 9.41 and 9.42 depicted in Schedule “A” is hereby extinguished and vacated.
- B. Any remaining portions not depicted in Schedule “A” is retained as a municipal right-of-way.
- C. At least one week prior to the time fixed for the consideration of this Ordinance for final passage, a copy thereof, together with a notice of the introduction thereof and the time and place when and where the Ordinance will be further considered for final passage, shall be mailed to every person whose land may be affected by this Ordinance so far as may be ascertained. Said notices shall be mailed by the Clerk in accordance with the provisions of N.J.S.A. 40:49-6.
- D. The Clerk shall, within sixty (60) days of the effective date of this Ordinance, file a copy of this Ordinance certified by her under the seal of the municipality, to be a true copy thereof, together with proof of publication thereof, in the office of the Clerk of the County of Warren in accordance with the provisions of N.J.S.A. 40:67-21.

SECTION 2

The Mayor and Clerk are authorized to execute Deeds effectuating this vacation.

SECTION 3

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

SECTION 4

If any article, section, subsection, paragraph, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

SECTION 5

This Ordinance shall take effect immediately upon final publication as provided by law.

Motion made by Starrs, second by Cuntala and carried to approve the Introduction of Ordinance 2021-10.

RESOLUTIONS

2021-58- Resolution Requesting Oversight of \$64 Million I-80 Rockfall Mitigation Project in Knowlton and Hardwick Townships

WHEREAS, the planned I80 Rockfall Mitigation Project (the “Project”), located on Route 80 between milepost

1.04 and milepost 1.45 in Hardwick and Knowlton Townships, is a construction project sponsored by the NJ Department of Transportation (“NJDOT”); and

WHEREAS, the Project is scheduled to begin construction in 2023, and last for as long as 4 to 5 years; and

WHEREAS, the projected cost of the Project is \$59 million, but may run as high as \$200 million; and

WHEREAS, documents obtained through OPRA and FOIA requests appear to indicate that the project scope changed without any notice to or input from neighboring municipalities or stakeholders; and

WHEREAS, the NJDOT initially described the Project in a 2011 letter to both Knowlton and Hardwick. That correspondence stated in pertinent part that, “Large scale rock removal will not be feasible at this location ... and the lack of suitable long term detour routes.... mitigation measures will be evaluated such as scaling, rock bolting, installation of wire mesh and rock catch fences;” and

WHEREAS, based upon the foregoing, Knowlton Township did not object to the Project; and

WHEREAS, between the 2011 HTNB Concept Development (CD) Phase and 2013 Dewberry Preliminary Engineering (PE) phase, a major scope change occurred that replaced the Turbosider Fence system with the custom Dewberry fence and the project morphed from a minor \$5 million, 9-month, Knowlton- Township supported project into a major, \$37 - \$200 million, 4.5+-years, custom fence project; and

WHEREAS, this major scope change was not shared with Knowlton Township until 2017, thereby denying the Township, as a stakeholder, information to which it was entitled; and

WHEREAS, it is possible that the major scope change occurred in order to specifically include the use of the new Dewberry custom design fence, and the same may have occurred for the I78 Bethlehem project, which has also seen an explosion in projected costs: The I-78, Bethlehem project was estimated in 2018 TIP to cost \$8M and has ballooned to \$34M; the I-80, Knowlton project was estimated in 2012 TIP to cost \$5M and has ballooned to \$59M; and

WHEREAS, Knowlton Township was removed from the Public Outreach Plan and 2013 contract, which the Township believes to be in conflict with NJDOT Public Involvement Policy, which states on page 1 that the agency: “...promotes an ongoing public partnership.... early, frequent and continuous consultation committing to public notification to the affected parties, citizen input in the identification of the solutions, and dedication on the part of NJDOT to make the public’s input meaningful and that there is follow through on their input;” and

WHEREAS, Project information disseminated in 2017 to primary stakeholders, including Native American tribes and the Pennsylvania State Historic Preservation office, was determined to be deficient by a sister NJ agency, and after four years, has still not been corrected, causing the Pennsylvania State Historic Preservation Office to withdraw its opinion, officially writing, “*We would like to acknowledge that our opinion of No Adverse Effect made in January of 2018 was based on incomplete information*”; and

WHEREAS, the Project’s Environmental Assessment, which attempts to determine what the environmental impacts of the Project will be, is currently underway; and

WHEREAS, documents obtained through OPRA show that *two years ago* the NJDOT instructed Dewberry, the contractor conducting the Environmental Assessment study, to “plan strategically” for the Environmental Assessment to result in an “anticipated finding of no significant impact (FONSI) for the project;” and

WHEREAS, the foregoing indicates that the NJDOT predetermined the outcome of the Environmental

Assessment at the outset of the study, eliminating the opportunity for a fair study; and

WHEREAS, between 2011 and 2013 the NJDOT I80 Rockfall Project appears to have violated 2012 NJDOT Policy and Procedure Guidelines in the following ways:

- No Community Relation Plan was developed for the CD Phase. The 2011 HNTB CD Report page 4 states: “There was no formal Concept Development Public Involvement Action Plan prepared for this project.” A Community Relation Plan is required under Concept Development 18.2.2 (pg. 1118), which states, “At the inception of a project, a proposed community relations plan will be developed for each project or package of projects based upon the public input received. These plans will range from a minimal effort for those projects which enjoy substantial public support, and which are likely to result in few public impacts, to a more thorough and detailed plan for controversial projects or for those projects or packages of projects likely to result in significant public impacts. The plans will include community relations activities for all remaining phases of the capital project delivery process.”
- When a new Public Outreach plan was written into the 2013 Contract, it omitted Knowlton Township entirely and made changes that denied Hardwick Township involvement until the end of Preliminary Engineering.
- The 2013 PE Plan contract describes an entirely new project from the one approved in 2011. There appears to be no documentation supporting that this new 2013 Preliminary Engineering Plan went through the required, applicable processes such as: Assemble a Scope Team, Scope Team Meeting, Problem Statement Review, Scheme Developments, Check Lists, Community Involvement, Coordinating with Value Engineering, Determine the Preferred Recommended Plan, Presentation to the Capital Program Screening Committee, thus, violating the NJDOT Scope Development procedures Section 3, Purpose 3 (pg. 150).
- Scope Development Section 3 - Step 2B Community Involvement 3.1.7 (pg. 157) was omitted. No process described in this section occurred. For example: “The first step will be to review and reaffirm the transportation needs analysis coordinated with the community during the Concept Development stage. This will be followed by the presentation of the schemes to representatives of the community.”
- Neither Knowlton, Hardwick, nor any other stakeholder was shown the Concept Development Recommended Preferred Plan that was scoped and approved by the Federal Highway Administration for the Preliminary Engineering Phase.
- Not until 2019 was the first Public Outreach Plan documented as having been developed and not until July 2020 was a Public Involvement Action Plan (PIAP) for the I80 Project released to the public; and

WHEREAS, the NJDOT represented to the public that the Project would be paid for with federal rockfall mitigation funds; and

WHEREAS, OPRA requests produced documents demonstrating that 20% of the project costs will be paid for as the result of a “soft match” required from the State of New Jersey; and

WHEREAS, it appears that substantive steps required by NJDOT regulation may have been omitted or violated in the Route 80 Rockfall Mitigation Project in Knowlton and Hardwick Townships; and

WHEREAS, funding for this project is regularly approved by the NJTPA and may have been granted with

incomplete or omitted Project information, as pointed out the resident coalition called the I80 Coalition at the May 10, 2021 NJTPA meeting; and

WHEREAS, Knowlton Township is of the opinion that the NJDOT Rockfall Program may have used a bait-and-switch scheme to gain public approval only to then unfairly apply the Limited Scope provision with the I80 Rockfall Mitigation Project in Knowlton and Hardwick Townships; and

WHEREAS, it is possible the same situation has occurred with NJ rockfall mitigation projects in Bethlehem and Kingwood Townships; and

WHEREAS, given 1) the significant cost involved in the Project, 2) the information learned as a result of obtaining documents via OPRA and FOIA requests 3) the potential for significant impacts to local communities, a national landmark, and a National Park Recreation Area and 4) the Township's receipt of correspondence voicing opposition and concern about this project, the Mayor and Committee feel that it is now appropriate to solicit assistance from certain Legislators; and

WHEREAS, the Mayor and Committee are hopeful that these Legislators may be able to provide assistance in procuring oversight of the Project in Knowlton and Hardwick Township from an appropriate external agency.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Committee of the Township of Knowlton request assistance from the following Legislators who may be instrumental in procuring an external agency that will impartially and in an unbiased manner oversee the Project in Knowlton and Hardwick Townships:

Senator Bob Casey (PA)

Senator Corey Booker (NJ)

Congressman Josh Gottheimer (NJ)

Congresswoman Susan Wild (PA)

State Senator Steven Oroho (NJ)

State Assemblyman Parker Space (NJ)

State Assemblyman Hal Wirths (NJ)

State Senator Mario Scavello (PA)

State Representative Rosemary Brown (PA)

State Representative Joe Emrick (PA)

BE IT FURTHER RESOLVED, the Mayor and Committee of the Township of support the I80 Coalition’s request for the NJTPA to pause all funding for the Project until such time as such oversight has been obtained.

Motion made by Starrs, second by Cuntala and carried to approve resolution 2021-58.

Tara Mezzanotte wanted the committee to be aware that there is going to be a presentation in July regarding the Rock Wall project and there is going to be a public comment period at the end of the presentation.

2021-63 Fixing the Salaries and Waged of Officials, Appointees and Employees of the Township of Knowlton in The County of Warren, State of New Jersey

BE IT RESOLVED by the Mayor and Township Committee of the Township of Knowlton, in the County of Warren and State of New Jersey that the salaries of the elected officials, appointees and employees of the Township of Knowlton, in the County of Warren and State of New Jersey, shall be as follows for the year 2021:

	AMOUNT	PER
Mayor	3,847.00	Year
Committee Member	3,285.00	Year
Township Clerk	25,375.00	Year
Registrar	5,177.00	Year
Deputy Clerk	26.45	Hour
Deputy Registrar	2,716.00	Year
Administrative Assistant	14.72	Hour
Recreation Director	8,930.00	Year
Recreation Laborer (P/T)	15.00-16.62	Hour
Tax Assessor	18,979.00	Year
Assist. Tax Assessor	4,224.00	Year
Property List Certification	10.00	as billed
Tax Collector	27,173.00	Year
Deputy Tax Collector	21.56	Hour
Fire Prevention Official	6,668.00	Year
Code Enforcement Official	12,800.00	Year
Code Enforcement Official Court Appearance	43.38	hour
Public Works Manager	32.15	hour
Public Works Assist. Supervisor	28.54	hour
Public Works Driver/Laborer I	19.92	hour
Public Works Laborer II	21.41	hour
Public Works Laborer III	16.75	hour
Public Works Driver/Laborer Part Time	15.00-20.00	hour
Animal Control Officer	7,899.00	Year
Driveway Inspector	30.09	per inspection
Secretary - Board of Adjustment	8,201.00	Year
Secretary – Planning Board	8,201.00	Year

Emergency Management Coordinator	4,011.00	Year
Emergency Management Assistant	35.00	Hour
Emergency Management Deputy	1,765.00	Year
9-1-1 Coordinator	1,917.00	Year
Clean Communities Supervisor	3,401.00	Year
Maintenance Custodian	7,963.00	Year
Chief Financial Officer (Interlocal)	24,193.00	Year

BE IT FURTHER RESOLVED that other employees’ benefits and compensation are set forth in a Personnel Policy, as amended.

BE IT FURTHER RESOLVED that this resolution shall be retroactive to January 1, 2021, except as otherwise noted.

Motion made by Starrs, second by Cuntala and approved by roll call vote: Cuntala—yes, Mazza—yes, Shipps—yes, Van Horn—yes, Starrs—yes, Resolution 2021-63.

2021-64-Resolution in Support of Fireworks Display by the Laracuenta Family on July 10, 2021

WHEREAS, a fireworks display will be held in Knowlton Township at 18 Ivan Rd by the Laracuenta Family on July 10, 2021 and

WHEREAS, a rain date of July 24, 2021 has been requested; and

WHEREAS, Knowlton’s Fire Official has verified the NJ state requirements are satisfied; and

WHEREAS, discussions between the Governing Body and the Township attorney in 2017 confirm that the firework display requirements of N.J.S.A. 21: 3-9 regarding “public” displays and “groups of individuals” are being met for fireworks in this location; and

WHEREAS, the State of New Jersey requires a resolution of support from the Township Governing Body for the issuance of a fireworks permit.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Knowlton, County of Warren, State of New Jersey that this resolution serves as a resolution of support for conducting fireworks in Knowlton Township on at 18 Ivan Rd by the Laracuenta Family on July 10, 2021 from 9:30pm - 9:50pm with a rain date of July 24, 2021.

Motion made by Cuntala, second by Starrs and carried to approve Resolution 2021-64.

2021-65-Renewal of Liquor Licenses for 2021-2022

WHEREAS, a fireworks display will be held in Knowlton Township at 18 Ivan Rd by the Laracuenta Family on July 10, 2021 and

WHEREAS, a rain date of July 24, 2021 has been requested; and

WHEREAS, Knowlton’s Fire Official has verified the NJ state requirements are satisfied; and

WHEREAS, discussions between the Governing Body and the Township attorney in 2017 confirm that the firework display requirements of N.J.S.A. 21: 3-9 regarding “public” displays and “groups of individuals” are being met for fireworks in this location; and

WHEREAS, the State of New Jersey requires a resolution of support from the Township Governing Body for the issuance of a fireworks permit.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Knowlton, County of Warren, State of New Jersey that this resolution serves as a resolution of support for conducting fireworks in Knowlton

Township on at 18 Ivan Rd by the Laracuenta Family on July 10, 2021 from 9:30pm - 9:50pm with a rain date of July 24, 2021.

Motion made by Cuntala, second by Starrs and carried to approve Resolution 2021-67.

2021-66- Resolution Approving the Issuance of Raffles License RA#21-01 – RA#21-07 to Knowlton Township Lions Club to Conduct a Raffle on August 28, 2021.

WHEREAS, the Knowlton Township Lions Club has applied for raffles licenses to conduct raffles on August 28, 2021 at Gary Greys Field located on Route 46, Delaware, NJ consisting of New Jersey Legalized Games of Chance Control Commission applications RA#21-01-RA#21-07; and,

WHEREAS, the proper fees have been filed with the applications, and the Findings and Determinations by the Municipal Clerk have determined that this organization is qualified to conduct raffles;

THEREFORE, BE IT RESOLVED, by the Mayor and Committee of the Township of Knowlton, Warren County, New Jersey, that approval is hereby given for the issuance of raffle license RA#21-01- RA#21-07 to The Knowlton Township Lions Club.

Motion made by Cuntala, second by Starrs and carried to approve Resolution 2021-66.

2021-67-Resolution Authorizing the Execution of a Shared Services Agreement Between the Township of Hardwick, the Township of Knowlton , and the Knowlton Township Fire & Rescue Company #1 for the Provisions of Fire Protection and Emergency Medical Services.

WHEREAS, it is deemed to be in the best interest of the residents of Hardwick to enter into a contract pursuant to NJSA 40A: 65-1 et seq., (“The Uniform Shared Services and Consolidation Act”, hereinafter, the “Act”) to enable Knowlton to afford protection and coverage to the residents of Hardwick through Knowlton Township Fire and Rescue Company #1 (“Company”); and

WHEREAS, Hardwick wishes to ensure the safety and welfare for its residents by having fire protection s coverage for Route 80 and Hardwick on a 24-hour per day, 7-day per week basis which is economical, safe, and prudent; and

WHEREAS, the Act permits and provides a mechanism for contracting between local units such as Knowlton and Hardwick for fire coverage on Route 80 in Hardwick by entering into a Shared Services Agreement, which Agreement must be authorized by resolution; and

WHEREAS, Knowlton Township, the Company and Hardwick all have authority to enter into a Shared Services Agreement pursuant to the Act.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Knowlton, County of Warren and State of New Jersey, that the Mayor and Clerk are hereby authorized to execute the attached Shared Services Agreement for the provision of Fire Protection and Emergency Medical Services pending certification of availability of funds.

Motion made by Cuntala, second by Van Horn and carried to approve resolution 2021-69.

2021-68 Resolution 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 Cuntala, second by Van Horn and approved by roll call vote:
Cuntala—yes, Mazza—yes, Shipps—yes, Van Horn—yes, Starrs—yes to Resolution 2021-68**

OLD BUSINESS

Proposed Weight Limits on Routes 521/519 —Residents of Hope Township started to pressure the Warren County Commissioners to approve the weight limits of Route 521/519 without the support of neighboring towns. Mayor Starrs thought that Knowlton Township residents should send letters to the WC Commissioners on how approving the weight limits in Hope Township would impact Knowlton Township. Committee discussed suggestion to present to the WC Commissioners to not approve the weight limits which included increase enforcement and increase the fines for speeding along those roads.

New Business

Optimum/Altice Extension in Internet Service—Mayor Starrs announced the great news that Optimum/ Alitce is extending the **Internet** lines to all of Koeck Road up to #58, which has been completed. The following streets are in the planning stages: Woodruff Way, Alpine Drive, Victoria Crossing, Countryside, Ivan Road, Station Road, Poppy’s Court, Lime Kiln Road, Polkville Road, Extension of the Route 46 line to the neighboring mobile home

Municipal building sign quote—Discussion took place having DPW power wash, repair any damaged wood and paint the front of the building with a deadline of the end of September. A quote was received to replace the sign in front of building. Committee members did not like the color or the style of the sign and requested to get other designs.

Application for Junior Firefighter—Colin Nicolaon. **Motion made by Starrs, second by Cuntala and carried to approve the application for Junior Firefighter.**

CORRESPONDENCE

Township Property Lawn Maintenance —Clerk Shipps explained that a piece of property that the township owns was once taken care of by resident is no longer. Mayor Starrs suggested to have township properties added to the roadside trimming list. **Motion made by Starrs, second by Cuntala and carried to have township properties added to the roadside trimming list so they are mowed at least twice a year.**

MEETING MINUTES

1. March 25, 2021 Public Session Meeting Minutes
Motion made by Starrs, second by Cuntala and carried to approve March 25, 2021 Public Session Meeting Minutes.
2. April 12, 2021 Public Session Meeting Minutes
Motion made by Starrs, second by Cuntala and carried to approve April 12, 2021 Pubic Session Meeting minutes.
3. April 22, 2021 Executive Session Meeting Minutes
Motion made by Starrs, second by Cuntala and carried to approve April 22, 2021 Executive Session Meeting Minutes.

4. April 22, 2021 Public Session Meeting Minutes
Motion made by Starrs, second by Cuntala and carried to approve April 22, 2021 Public Session Meeting Minutes.

Public Comment—There were no public comments

ADJOURNMENT

Motion made by Starrs, second by Cuntala and carried to adjourn tonight's meeting at 9:11 p.m.