

**TOWNSHIP OF KNOWLTON
COUNTY OF WARREN, STATE OF NEW JERSEY
PUBLIC SESSION MEETING MINUTES**

April 28, 2016

A meeting of the Knowlton Township Committee was held at the Knowlton Municipal Building. Present were Adele Starrs, Kathy Cuntala, Debra Shipps, Ron Farber and Rene Mathez who arrived at approximately 7:20 p.m.

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

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

Motion to Designate a Temporary Acting Clerk:

A motion was made by Mayor Starrs and seconded by Deputy Mayor Cuntala to name Richard Cushing, the Municipal Attorney, as Temporary Acting Clerk for the meeting in light of the fact that the Clerk was excused from the meeting.

TOWNSHIP OF KNOWLTON
WARREN COUNTY, NEW JERSEY

RESOLUTION #16-62

**RESOLUTION APPOINTING RICHARD P. CUSHING
AS TEMPORARY ACTING CLERK**

WHEREAS, the Township of Knowlton reached a settlement with the former Clerk whereby she agreed to resign her office, and accordingly, was not available for the April 28, 2016 meeting; and

WHEREAS, no other person was available to take minutes of the Public and Executive Sessions of the Mayor and Committee; and

WHEREAS, the meeting of April 28, 2016 was a regularly scheduled Township Committee meeting with many important issues to be considered; and

WHEREAS, Richard P. Cushing has been requested in the past, from time to time, to take minutes in the absence of the Clerk or under extraordinary circumstances; and

WHEREAS, it is in the public interest that Richard P. Cushing be authorized to act as Temporary Acting Clerk for the April 28, 2016 meeting and to take whatever other actions may be reasonably necessary to implement any actions taken at that meeting.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee that Richard P. Cushing is designated to serve as Temporary Acting Clerk to take the minutes for the meeting of April 28, 2016 and to execute any documents related to his service. Any follow up activities necessary will be handled by the Deputy Clerk.

Motion to Enter Executive Session:

A motion was made at 7:10 p.m. to enter Executive Session for the purpose of litigation (*Township of Knowlton v. Lisa Patton*) and personnel (appointment of Acting Clerk and Deputy Clerk). The meeting resumed at 8:05 p.m. The motion was made by Adele Starrs and seconded by Kathy Cuntala. All voted in favor of the motion.

Resolutions:

Resolution 16-51.

The Resolution was read in its entirety by the Mayor, moved by Committeeman Mathez and seconded by Deputy Mayor Cuntala. The Mayor opened the floor to any comments by the members of the public. No member of the public had any comment. Roll Call: Starrs – yes, Cuntala – yes, Shipps, yes, Mathez – yes, Farber – no.

The Mayor read the following statement in regards to the resolution:

“The Township filed tenure charges against the Township clerk after an investigation by an impartial third party investigator. The matter was settled two days into the subsequent hearing at the Office of Administrative Law after the Township presented that investigator’s report and witnesses.

“The settlement provides Ms. Patton with \$45,000. That amount is less than the Township would pay if the matter continued to be litigated because under New Jersey law, Ms. Patton is entitled to be paid to its conclusion.

“Today is a new day for Knowlton’s municipal operations. Today we move forward and step in a new direction. Together, this Committee has created the first across-the-board tax reduction for Knowlton residents in recent memory. Together, we have tripled the surplus in the last six years. This Committee is handling the Township responsibly and dealing with difficult situations rather than pushing them to the side.

“Today is an opportunity to continue moving in this direction. One of our goals is to consider making this position part-time to reduce the tax burden on all of us. We all know people who friendly, efficient, and responsible, and that is the kind of person we’ll be looking for to run our municipal office. Please check the Township website for more information about submitting an application.

“We know that this has been a long and painful process for everyone, and we are hoping to put this behind us now and bring the Township together.”

Motion Regarding Appointment of Acting Clerk
RESOLUTION 16-57 (copy attached)

The Mayor moved for the appointment of Judy Fisher as Acting Clerk to work approximately 1 ½ days per week at \$55 an hour. The motion was seconded by Deputy Mayor Cuntala. Roll Call: Starrs – yes, Cuntala – yes, Shipps – yes, Mathez – yes, Farber – yes.

Presentation by Gerry Dolan of Delaware River Campground Regarding Improvements to the Delaware Beach:

The Mayor explained that there was approximately \$23,100 left of a \$350,000 Grant received by the Township from the coal plant settlement for use at the beach and there was a time limit on when the funds had to be used. Mr. Dolan made a presentation about potential improvements to the Delaware Beach area, including security cameras _____(inaudible). Mr. Dolan explained that while vandalism is somewhat down in the beach area persons from out-of-town possess keys, which are only supposed to be for Township residents, a barrier has been left open, persons have attempted to break the lock, and there has been the burning of garbage in the area. The Mayor and Committee authorized the improvements to the Delaware Beach area from the Grant. Since this is public money, any work to be done must be coordinated with the Chief Financial Officer/Qualified Purchasing Agent to make sure all public contracting laws are complied with. The Mayor will work with Mr. Dolan to develop a plan of action.

Minutes of Past Meetings:

Past minutes will be approved at a future meeting, once the Clerk’s office has been reorganized.

Public Comment:

Bob McNinch commented on the Unfit Building Ordinance. Bob reported that the ordinance had not been advertised. There was a discussion about how this came about. Bill Clifford stated he had discussed this with the former Clerk, and she indicated that she had not advertised the minutes because she did not receive the final version of the ordinance from the municipal attorney until shortly before the public hearing on the ordinance. The Mayor commented that no one brought to the governing body’s attention

the fact that the ordinance had not been published. The Mayor will follow up with the Clerk's office to confirm that there was no publication, and if so, the ordinance will be re-presented for adoption, if, in fact, it was not published.

Frank Van Horn presented some information to the Mayor and Committee regarding budgeting issues, and there was a debate about when municipal spending had increased. This was commented upon by Bill Clifford and Jim Stone.

Department Reports:

Ted Rodman, Township Engineer:

1. Water Tank. Mr. Rodman reported that new technical and bidding specifications had been prepared for the water tank at the Municipal Building by his office. The quoting process for this work will be consistent with the new municipal policies regarding acquiring goods and services as well as the Public Contracts Law.
2. Vail Road. Mr. Rodman reported on the activities associated with its progress in taking the necessary steps to have the house demolished. He reported that Wesley Strunk, a relative of the owner, had a key and opened the house. There is a hand-dug well on the site. Committeewoman Shipps indicated the adjoining property owner said he was about to lose his homeowner's insurance unless immediate steps were taken to demolish the house in question. She also indicated that the relatives of the deceased owner of the property would be willing to consent to turning over the property to the Township. The attorney indicated that perhaps a deed in lieu of foreclosure could be obtained. However, it would require securing title from the actual owner. It was suggested that qualified persons could be appointed as the Administrator of the Estate and could then convey a deed in lieu of foreclosure. The Township would then have the right to demolish the structure and put the lot up for sale. If it is a substandard lot, it can then be offered to the adjoining property owners.
3. Gas Station on Route 46. Mr. Rodman reported that the DOT will possibly do repairs to the catch basin.
4. Simpson Road. Mr. Rodman reported that he had put the proper engineers in touch with each other.
5. Septic for House Next to the Municipal Building. Mr. Rodman reported that he had received from a Greg Vander Wright three quotes for the installation of the septic system. The quotes were apparently based on a septic system design prepared by another engineer. Ron Farber explained the background of the matter. After some discussion, it was decided that because the quotes were not necessarily consistent with the new policy by the Township with respect to acquisition of municipal services, the engineer would prepare the necessary technical and quoting specifications. The bids were returned unopened in order to

protect the integrity of the process. A motion was made by Mayor Starrs and seconded by Deputy Mayor Cuntala to authorize the engineer to receive quotes on the work since it is anticipated the work will cost under \$40,000, to return unopened the quotes already received and to rely on the plan prepared by George Glody, P.E. Roll Call: Starrs – yes, Cuntala – yes, Shipps – yes, Mathez – yes, Farber – yes.

Ordinances:

Ordinance No. 16-08
A Bond Ordinance Providing for an Appropriation of \$430,000
For Improvements to Various Road

A motion to introduce was made by Mayor Starrs and seconded by Deputy Mayor Cuntala. Roll Call: Starrs – yes, Cuntala – yes, Shipps – yes, Mathez – yes, Farber – yes.

Resolutions:

Resolution 16-52
Resolution Approving Introduction of the 2016 Municipal Budget
(copy attached)

A motion was made by Mayor Starrs and seconded by Deputy Mayor Cuntala. Roll Call: Starrs – yes, Cuntala – yes, Shipps – yes, Mathez – yes, Farber – no.

The public hearing on the budget will be May 26, 2016. At the suggestion of a member of the public, a copy of the budget will be placed on the website.

Resolution 16-53
Resolution Approving Payment of Vouchers
(copy attached)

A motion was made by Committeeman Mathez and seconded by Mayor Starrs to pay the vouchers as submitted. Committeewoman Shipps noted that a review of past bills had determined there were unused telephone lines which the Township was being billed for and these had been cancelled. As a result, past bills had gone down, but the current telephone bill was back up again. She promised to look into this. Accordingly, the vote to pay the bills as presented was as follows: Roll Call: Starrs – yes, Cuntala – yes, Shipps – yes, Mathez – yes, Farber – yes.

Resolution 16-54
Resolution Appointing a Deputy Clerk and Authorizing the Search
for a New Municipal Clerk
(copy attached)

A motion was made by Deputy Mayor Cuntala and seconded by Committeeman Mathez to appoint Doreen Apgar as the Deputy Clerk and Registrar. The terms and conditions of her compensation will be worked out with the Personnel Committee for her duties as Deputy Clerk with an hourly rate of \$24.00 and a stipend of \$2,500 a year for services as Registrar. Roll Call: Starrs – yes, Cuntala – yes, Shipps – yes, Mathez – yes, Farber – yes.

Resolution 16-55
Resolution Regarding Extended Voting Registration Hours
(copy attached)

A motion was made by Committeeman Mathez and seconded by Deputy Mayor Cuntala. The Mayor explained that for some reason decisions were made to have the Municipal Building open for people to register to vote. The Mayor explained that no other town of comparable size in the area does this. It is a great expense and does not seem to be needed. Bill Clifford commented that this has been done in the past, although others commented that they did not recall it being done. There was a debate as to whether the Clerk was being paid in the past for this service. A vote was taken as follows: Roll Call: Starrs – yes, Cuntala – yes, Shipps – yes, Mathez – yes, Farber – yes.

Resolution 16-56
Resolution Regarding Columbia Lake Dam Removal and
Paulins Kill River Restoration Project in Regard to a Referendum Question on the
Ballot for Knowlton Township Voters
(copy attached)

Ron Farber reported regarding efforts remove the Dam. There was extended discussion of the issue and the reasons why removal is not a good idea. Ron presented for discussion purposes a form of resolution in opposition, to place issue on November ballot and to request the DEP hold a public hearing. Whether to have a public hearing was beneficial was debated. It was agreed the issue should be put on the ballot and a public hearing should be requested. A motion was made and seconded to approve the resolution with the inclusion of language that a public hearing be held in Knowlton Township. A vote was taken as follows: Roll Call: Starrs—yes, Cuntala –yes, Shipps – yes, Mathez – yes, Farber – yes.

Resolution 16-02A
Resolution Amending Resolution 16-02 Approving Compensated Appointments

A motion was made by Mayor Starrs and seconded by Committeeman Mathez. There was a discussion with John Sikora about his future employment with the Township. John Sikora had requested that all discussions of his employment be in public. He indicated he had not yet spoken to his attorney and wanted to get back to the Township. It was

confirmed that the position of Community Service Supervisor would still be open to him with the proposed restructuring. A vote was taken as follows: Roll Call: Starrs – yes, Cuntala – yes, Shipps – yes, Mathez – yes, Farber – yes.

Old Business:

Gypsy Moth Spraying. Ron Farber reported on his extensive efforts with respect to gypsy moth spraying. He indicated that because of how the spraying is accomplished there are relatively few options for the Township. However, he has worked with the school representatives and there will be no spraying between 7:30 and 8:30 a.m., when the younger children arrive at school. It was agreed that parents should exercise common sense and avoid having their children or anyone else outside during the spraying period. Accordingly, he presented an agreement prepared by the Department of Agriculture with the aerial spray vendor for the 2016 Gypsy Moth Aerial Suppression Program. The instructions from the State require that the Township accept the bid by DOWNTOWN AIRPORT, INC., of Vineland, New Jersey, of \$51.05 per acre for the spraying program. A motion was made by Committeeman Farber and seconded by Mayor Starrs to accept the State's bid with DOWNTOWN AIRPORT, INC., of \$51.05 per acre and authorizing the Mayor to execute the bid acceptance form submitted by the State of New Jersey. Roll Call: Starrs – yes, Cuntala – yes, Shipps – yes, Mathez – yes, Farber – yes.

CP Professional Letter to NJDEP re Wastewater Management Plan Update. The Mayor reported this had been completed.

NJDEP Recreation Grant Allocations. The Mayor reported that there is still \$17,600 remaining. There was a discussion of the use of this money for the construction of a tennis court. This will be further explored.

New Business:

Board of Adjustment Resignation. The Township Committee accepted with regret the resignation of James McGeehin. The Mayor reported that she appointed Scott Winschuh as a new Board member. The Mayor reported that he was an intelligent, diligent individual who would be a good addition to the Board. The Committee voted unanimously in favor.

OEM Assistant Needed. Frank Makowski and Frank Van Horn were present to give an update with respect to the Office of Emergency Management. Frank reported the following:

1. The Winter Storm Reimbursement Project is moving along well and that the former Clerk submitted the necessary paperwork. There is hope to get about \$15,000 reimbursement.
2. It was agreed that any communications to the Office of Emergency Management will be sent c/o Doreen Apgar, the Deputy Clerk.

3. Frank also reported that the Hazard Mitigation Plan has been prepared in draft and is available for review by the Mayor and Committee. Frank encouraged everyone to review the plan.
4. Frank reported that he will be attending the OEM Plan Conference in Atlantic City this week. He has arranged to take time off his work to do so. He requests reimbursement of the fee for attending the course, \$135, and \$70 per night for two to three nights at the hotel. There was a motion by Committeeman Mathez and seconded by Committeeman Farber to approve the expenditures to allow Frank to attend the conference. The Township appreciates all of the effort and volunteer time that Frank puts in. Roll Call: Starrs – yes, Cuntala – yes, Shipps – yes, Mathez – yes, Farber – yes.

Risk Management Consultant Agreement. A replacement Risk Management Consultant Agreement was presented to the Mayor and Committee. Approval of it was moved by Committeeman Farber and seconded by Committeewoman Shipps. Roll Call: Starrs – yes, Cuntala – yes, Shipps – yes, Mathez – yes, Farber – yes.

Resignation of Theresa Tamburro. The Mayor reported that Theresa Tamburro was resigning as Office Manager. The Mayor lauded Ms. Tamburro as a “fantastic Office Manager.” Although there had been some concerns about the cost, she noted that the cost to date for Theresa’s services has only been \$2,287. Her resignation will become effective May 6, 2016. She will keep her COAH job. Her resignation was accepted with extreme regret.

Update on Vital. OPRA Requests have been submitted to each Warren County municipality by a tax assessor in Morris County seeking certain information pertaining to tax records. The attorney reported that his office is working with Vital and the tax assessor in Knowlton and several other municipalities to respond to the request. The attorney reported that a recent case decided by the Appellate Division casts a question as to whether the request, which seeks the aggregation of information, would have to be complied with, but the decision ultimately arrived with the substantial cooperation by Vital, was to simply supply the information and not get into any battles regarding it.

Public Comment:

1. Paul Ritter from Brook Hollow Winery reported that the winery is doing well. There will be concert on May 14, 2016 entitled “Muses in the Vineyard” from 11:00 a.m. to 9:00 p.m. He has coordinated with the State Police regarding traffic. Approximately 300 to 400 people are expected.
2. John Sikora requested a determination from the Mayor and Committee as to what it is offering him in light of the restructuring. It was confirmed that the Community Service position would still be available to him at his current rate.

He indicated he will reach out to his lawyer and get back to the Township as to his wishes. He wanted it made known that he was not refusing to cut grass.

3. Mark Klouda reported that the house next door to him was vacant and the grass was very high. It was explained to him that the Township does not have a specific ordinance for grass maintenance because of its rural character and the difficulty creating such an ordinance in a rural municipality. It was agreed that the Township would attempt to locate the name of the bank foreclosing on the property (if this is the case) and will write a letter to the bank, if it can be identified.
4. 38-39 Hemlock. The engineer reported that the demolition permit has been issued to Gary Gray, and he will be demolishing the premises.
5. Howard Cowel wanted to know about the Rock Wall Mitigation Project on Route 80 and the status of certain issues on Route 46.

Motion to Adjourn.

At 10:45 p.m. a motion to adjourn was made by Committeeman Mathez and seconded by Deputy Mayor Cuntala. The motion was unanimously passed. Roll Call: Starrs – yes, Cuntala – yes, Shipps – yes, Mathez – yes, Farber – yes.

Respectfully submitted,

Richard P. Cushing, Esq.
Municipal Attorney/Temporary Acting Clerk