

TOWNSHIP OF KNOWLTON
COUNTY OF WARREN, STATE OF NEW JERSEY
TOWNSHIP COMMITTEE MEETING
August 8th, 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—yes, Shipps—yes, Van Horn—yes, Starrs—yes.

PUBLIC COMMENT

Ady Dorsett from Hayden's House of Healing addressed the committee regarding a letter received from the zoning department requesting to cease all operations. The committee expressed their condolences to Ms. Dorsett and to those in attendance of the meeting on behalf of Hayden's House of Healing. Mayor Starrs states any zoning violations need to be appealed in front of the zoning board of adjustment which the Township committee cannot legally interfere in that process.

DEPARTMENT REPORT

No department reports

ORDINANCES

Public Hearing/Adoption

2022-07 Amending Chapter 142 of the Township of Knowlton Entitled "Property, Vacant and Abandoned" Regarding the Registration of Vacant and Foreclosed Properties to be Consistent With P.L 2021, C. 444

WHEREAS, the Township of Knowlton is challenged to identify and locate responsible parties who can maintain the properties that are in the foreclosure process or that have been foreclosed; and

WHEREAS, the Township of Knowlton finds that the presence of vacant and abandoned properties can lead to a decline in property value, create attractive nuisances and lead to a general decrease in neighborhood and community aesthetic; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the governing body of a municipality is authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the Municipality by law; and

WHEREAS, pursuant to P.L. 2021, c. 444, the governing body of a municipality is authorized to adopt or amend ordinances creating a property registration program for the purpose of identifying and monitoring properties within the municipality for which a summons and compliant in an action to foreclosure on a mortgage has been filed, regulate the care, maintenance, security and upkeep of such properties, and impose a registration fee on the mortgagee of such properties; and

WHEREAS, the Township of Knowlton has already adopted property maintenance codes to regulate building standards for the exterior of structures and the condition of the property as a whole; and

WHEREAS, the Township of Knowlton adopted Ordinance 2018-04 regulating the registration and maintenance of abandoned and vacant properties; and

WHEREAS, amendments to Ordinance 2018-04, codified as Chapter 142 of the Township Code, are necessary to comply with P.L. 2021, c. 444 and such ordinance must be adopted no later than August 1, 2022; and

WHEREAS, the Township of Knowlton has a vested interest in protecting neighborhoods against decay caused by vacant and abandoned properties and concludes that it is in the best interests of the health, safety, and welfare of its citizens and residents to impose registration and certification requirements on abandoned, vacant, and foreclosure properties located within the Township; and

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Committee of the Township of Knowlton, in the County of Warren and State of New Jersey, and it is hereby enacted and ordained by the authority of same as follows:

SECTION 1. Chapter 142, entitled, "Property, Vacant and Abandoned," is renamed "Abandoned and Foreclosed Property Registration and Maintenance."

SECTION 2. Chapter 142, Article II of the Township Code is hereby deleted in its entirety and replaced with the following:

§ 142-1. Definitions

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning.

VACANT AND ABANDONED REAL PROPERTY – As defined in accordance with N.J.S.A. 40:48-2.12s3(b)(8), shall mean property that is not legally occupied by a mortgagor or tenant, which is in such condition that it cannot be legally reoccupied, because of the presence or finding of at least two of the following:

- (a) overgrown or neglected vegetation;
- (b) the accumulation of newspapers, circulars, flyers, or mail on the property;
- (c) disconnected gas, electric, or water utility services to the property;
- (d) the accumulation of hazardous, noxious, or unhealthy substances or materials on the property;
- (e) the accumulation of junk, litter, trash, or debris on the property;
- (f) the absence of window treatments such as blinds, curtains, or shutters;
- (g) the absence of furnishings and personal items;
- (h) statements of neighbors, delivery persons, or government employees indicating that the property is vacant and abandoned;
- (i) windows or entrances to the property that are boarded up or closed off, or multiple window panes that are damaged, broken, and unrepaired;
- (j) doors to the property that are smashed through, broken off, unhinged, or continuously unlocked;
- (k) a risk to the health, safety, or welfare of the public or any adjoining or adjacent property owners due to acts of vandalism, loitering, criminal conduct, or the physical destruction or deterioration of the property;
- (l) an uncorrected violation of a municipal building, housing, or similar code during the preceding year, or an order by municipal authorities declaring the property to be unfit for occupancy and to remain vacant and unoccupied;
- (m) the mortgagee or other authorized party has secured or winterized the property due to the property being deemed vacant and unprotected or in danger of freezing;
- (n) a written statement issued by a mortgagor expressing the clear intent of all mortgagors to abandon the property; or
- (o) any other reasonable indicia of abandonment.

APPLICABLE CODES - means to include, but not be limited to, the Township of Knowlton Code of Ordinances (“TownshipCode”), and the New Jersey Building Code.

CREDITOR – As defined in accordance with N.J.S.A. 40:48-2.12s2(d), means state-chartered bank, savings bank, savings and loan association or credit union, any person required to be licensed under the provisions of the “New Jersey Residential Mortgage Lending Act,” sections 1 through 39 of P.L.2009, c.53 (N.J.S.A.17:11C-51 through 17:11C-89), and any entity acting on behalf of the creditor named in the debt obligation including, but not limited to, servicers. For purposes of this section, a “creditor” shall not include the State, a political subdivision of the State, or a State, county, or local government entity, or their agent or assignee, such as the servicer.

ENFORCEMENT OFFICER - means any law enforcement officer, building official, zoning inspector, code enforcement officer, fire inspector or building inspector, or other person authorized by the Township of Knowlton to enforce the applicable code(s).

FORECLOSURE – means the legal process by which a mortgagee terminates a mortgagor's interest in real property either to obtain legal and equitable title to the real property pledged as security for a debt or to force a sale of said property to satisfy a debt. For purposes of this article, this process begins upon the service of a summons and complaint on the mortgagor or any interested party. For purposes of this article, the process is not concluded until the property is sold to a bona fide purchaser not related to the mortgagee in an arm's length transaction whether by Sheriff's sale, private sale following a Sheriff's sale, or private sale following the vesting of title in the mortgagee pursuant to a judgment.

MORTGAGEE - means the creditor, including but not limited to, lenders in a mortgage agreement; any agent, servant, or employee of the creditor; any successor in interest; or any assignee of the creditor's rights, interests, or obligations under the mortgage agreement, excluding governmental entities as assignee or owner.

PROPERTY MANAGEMENT COMPANY - means a local property manager, property Maintenance Company or similar entity responsible for the maintenance of abandoned real property.

VACANT - means any building or structure that is not legally occupied.

§ 142-2. Applicability:

These sections shall be considered cumulative and not superseding or subject to any other law or provision for same, but rather be an additional remedy available to the Township of Independence above and beyond any other state, county or local provisions for same.

§ 142-3. Establishment of a Registry.

Pursuant to the provisions of Section 142-4 the Township of Knowlton or its designee shall establish a vacant and abandoned property registry containing the information required by this Article.

§ 142-4. Registration of Property.

- a) Any creditor who holds a mortgage or equity lien on real property located within the Township shall perform an inspection of the property to determine vacancy or occupancy, upon the commencement of foreclosure as evidenced by a foreclosure filing. The creditor shall, within ten (10) days of the inspection, register the property

with the Township Code Enforcement Official, or its designee, on forms or website access provided by the Borough, and indicate whether the property is vacant or occupied. A separate registration is required for each property, whether it is found to be vacant or occupied.

- b) If the property is occupied but remains in foreclosure, it shall be inspected by the creditor or his designee monthly until (1) the mortgagor or other party remedies the foreclosure, or (2) it is found to be vacant or shows evidence of vacancy at which time it is deemed abandoned, and the mortgagee shall, within ten (10) days of that inspection, update the property registration to a vacancy status on forms provided by the Township.
- c) Registration pursuant to this Section shall contain the name of the creditor and the servicing entity, if any, the direct mailing address of the mortgagee and the servicing entity, a direct contact name and telephone number for both parties, facsimile number and e-mail address for both parties, the folio or tax number, and the name and twenty-four (24) hour contact telephone number of the property management company responsible for the security and maintenance of the property.
- d) A non-refundable annual registration fee in the amount of \$500.00 per property, shall accompany the registration form or website registration. On each anniversary date of the initial registration, the creditor shall submit a renewal registration and fee as follows: 1) \$500 per property annually for any property that is required to be registered because a summons and complaint in an action to foreclose was filed by the creditor; and (2) an additional \$2,000 per property annually if the property is vacant or abandoned pursuant to the definition in the ordinance when the summons and complaint in an action to foreclose is filed, or becomes vacant and abandoned pursuant to the definition in the ordinance at any time thereafter while the property is in foreclosure.
- e) If the property is not registered, or the registration fee is not paid within thirty (30) days of when the registration or renewal is required pursuant to this section, a late fee equivalent to ten percent (10%) of the annual registration fee shall be charged for every thirty-day period (30), or portion thereof, that the property is not registered and shall be due and payable with the registration.
- f) All registration fees must be paid directly from the creditor, Mortgagee, Servicer, or Trustee. Third Party Registration fees are not allowed without the consent of the Township and/or its authorized designee.
- g) This section shall also apply to properties that have been the subject of a foreclosure

sale where the title was transferred to the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale.

- h) Properties subject to this section shall remain under the annual registration requirement, and the inspection, security and maintenance standards of this section as long as they remain in foreclosure.
- i) Any person or legal entity that has registered a property under this section must report any change of information contained in the registration within ten (10) days of the change.
- j) Failure of the creditor to properly register or to modify the registration form from time to time to reflect a change of circumstances as required by this Chapter is a violation of the Chapter and shall be subject to enforcement.
- k) Pursuant to any administrative or judicial finding and determination that any property is in violation of this Chapter, the Township may take the necessary action to ensure compliance with and place a lien on the property for the cost of the work performed to benefit the property and bring it into compliance.
- l) Registration of foreclosure property does not alleviate the creditor from obtaining all required licenses, permits and inspections required by applicable code or State Statutes.
- m) If the mortgage and/or servicing on a property is sold or transferred, the new creditor is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the new creditor shall register the property or update the existing registration. The previous Mortgagee(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that creditor's involvement with the Registrable Property.
- n) If the creditor sells or transfers the Registrable Property in a non-arm's length transaction to a related entity or person, the transferee is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the transferee shall register the property or update the existing registration. Any and all previous unpaid fees, fines, and penalties, regardless of who the Mortgagee was at the time registration was required, including but not limited to unregistered periods during the Foreclosure process, are the responsibility of the transferee and are due and payable with the updated registration. The previous creditor will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that creditor's involvement with the Registrable Property.

§142-5. Maintenance Requirements:

- a) Properties subject to this Article shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of

newspapers, circulars, flyers, notices, except those required by federal, state or local law discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material or any other items that give the appearance that the property is abandoned.

b) Properties subject to this Article shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.

c) Front, side, and rear yards, including landscaping, shall be maintained in accordance with the applicable code(s) at the time registration was required.

d) Yard maintenance shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod designed specifically for residential installation. Acceptable maintenance of yards and/or landscape shall not include weeds, gravel, broken concrete, asphalt or similar material.

e) Maintenance shall include, but not be limited to, watering, irrigation, cutting and mowing of required ground cover or landscape and removal of all trimmings.

f) Pools and spas shall be maintained so the water remains free and clear of pollutants and debris and shall comply with the regulations set forth in the applicable code(s).

g) Failure of the mortgagee and/or owner to properly maintain the property may result in a violation of the applicable Code(s) and issuance of a citation or Notice of Violation in accordance with this Chapter and Chapter 127 ("Nuisances") of the Township Code. Pursuant to a finding and determination by the Township's Code Enforcement Officer or a Court of competent jurisdiction, the Township may take the necessary action to ensure compliance with this section. .

h) In addition to the above, the property is required to be maintained in accordance with the applicable Code(s).

§ 142-6. Security Requirements:

a) Properties subject to this Chapter shall be maintained in a secure manner so as not to be accessible to unauthorized persons.

b) A “secure manner” shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings of such size that may allow a child to access the interior of the property or structure. Broken windows, doors, gates and other openings of such size that may allow a child to access the interior of the property or structure must be repaired. Broken windows shall be secured by reglazing of the window.

c) If a mortgage on a property is in default, and the property has become vacant or abandoned, a property manager shall be designated by the mortgagee to perform the work necessary to bring the property into compliance with the applicable code(s), and the property manager must perform regular inspections to verify compliance with the requirements of this Chapter, and any other applicable laws.

§142-7. Public Nuisance:

All vacant and abandoned real property is hereby declared to be a public nuisance, the abatement of which pursuant to the police power is hereby declared to be necessary for the health, welfare and safety of the residents of the Township.

§142-8. Violations and Penalties:

Any person who shall violate the provisions of this Chapter shall be cited and fined by one or more of the following: imprisonment in the county jail or in any place provided by the municipality for the detention of prisoners, for any term not exceeding 90 days; or by a fine not less than \$500.00 or exceeding \$1,250.00; or by a period of community service not exceeding 90 days.

Any person who is convicted of violating this Chapter within one year of the date of a previous violation of the same Section, and who was fined for the previous violation, shall be sentenced by a Court to an additional fine as a repeat offender. The additional fine imposed by the Court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of this Chapter, but shall be calculated separately from the fine imposed for the violation of this Chapter.

§142-9. Inspections for Violations:

Adherence to this Chapter does not relieve any person, legal entity or agent from any other obligations set forth in any applicable Code(s), which may apply to the property. Upon sale or transfer of title to the property, the owner shall be responsible for all violations of the applicable Code(s).

§142-10. Additional Authority:

- a) If the Enforcement Officer has reason to believe that a property subject to the provisions of this Chapter is posing a serious threat to the public health safety and welfare, the Code Enforcement Officer may temporarily secure the property at the expense of the mortgagee and/or owner, and may bring the violations before a Court of competent jurisdiction as soon as possible to address the conditions of the property.

- b) The Code Enforcement Officer shall have the authority to require the mortgagee and/or owner of record of any property affected by this section, to implement additional maintenance and/or security measure including, but not limited to, securing any and all doors, windows or other openings, employment of an on-site security guard or other measures as may be reasonably required to help prevent further decline of the property.

- c) If there is a finding that the condition of the property is posing a serious threat to the public health, safety and welfare, then the Code Enforcement Officer may direct the Municipality to abate the violations and charge the mortgagee with the cost of the abatement.

- d) If the mortgagee does not reimburse the Township for the cost of temporarily securing the property, or of any abatement directed by the code enforcement board or special magistrate, within thirty (30) days of the Township sending the mortgagee the invoice, then the Township may lien the property with such cost, along with an administrative fee of \$500.00 to recover the administrative personnel services.

§142-11. Opposing, Obstructing Enforcement Officer; Penalty:

Whoever opposes, obstructs or resists any enforcement officer or any person authorized by the Code Enforcement Office in the discharge of duties as provided in this chapter shall be punishable as provided in the applicable Code(s) or a Court of competent jurisdiction.

§142-11. Immunity of Enforcement Officer:

Any enforcement officer or any person authorized by the Township to enforce the Sections here within shall be immune from prosecution, civil or criminal, for reasonable, good faith entry upon real property while in the discharge of duties imposed by this Chapter.

SECTION 3. Severability. Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

SECTION 4.Repealer. All prior Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

SECTION 5. When Effective. This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

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 2022-07

2022-08 An Ordinance Amending Chapter 11-283.2; Article 35.2 of the Code of the Township of Knowlton to Require Decommissioning Standards and Funding for Decommissioning for Major Solar Facilities

WHEREAS, the Mayor and Committee of the Township of Knowlton have determined that certain amendments to the Code of the Township of Knowlton are required.

NOW, THEREFORE, BE IT ORDAINED that the Mayor and Committee of the Township of Knowlton have determined that certain amendments and additions to Section 11-283.2 regarding major solar energy facilities are required as follows:

SECTION 1.Section 11-283.2(B)(2)(s) of the Code of the Township of Knowlton is hereby amended as follows (Additions indicated in boldface and italics **thus**; deletions indicated with strike-through ~~thus~~):

~~(s) —All photovoltaic facilities including all solar arrays and associated equipment shall be dismantled and removed promptly after 180 continuous days of non-use. Applicants shall be required to submit a decommissioning plan at time of site plan approval.~~

(s) As a condition of approval, all applicants must agree to perform and shall conduct, with the oversight of the Township Engineer, site inspections and soil testing every two (2) years to ensure the integrity of the facility and to further ensure solar panels are properly sealed and do not leak or expose internal or improper materials to the surrounding environment. All testing costs and costs incidental to testing shall be paid by the landowner and owner/operator of the facility

SECTION 2.Section 11-283.2 of the Code of the Township of Knowlton is hereby amended to add subsection (C) as follows:

(C) Decommissioning and Disassembly of Major solar or photovoltaic energy facilities or structures.

(1) All photovoltaic facilities including all solar arrays and associated equipment shall be dismantled and removed within 180 days following the issuance of a demolition permit for decommissioning. Applicants shall be required to submit a decommissioning plan in conformance with Section 11-283.2(D) at time of site plan approval.

(a) "Abandonment" is defined as the facility being out of service for continuous 12 month period.

(b) Decommissioning process description.

[1] The decommissioning and restoration process comprises removal of aboveground structures; grading, to the extent necessary; restoration of topsoil (if needed) and seeding. The process of removing structures involves evaluating and categorizing all components and materials into categories of recondition and reuse, salvage, recycling and disposal. The project consists of numerous materials that can be recycled, including steel, aluminum, glass, copper and plastics. In the interest of increased efficiency and minimal transportation impacts, components and material may be stored on site until the bulk of similar components or materials are ready for transport. The components and material will be transported to the appropriate facilities for reconditioning, salvage, recycling, or disposal. Aboveground structures include the panels, racks, inverters, pads and any interconnection facilities located on the property. The aboveground structures and below-ground structures are collectively referred to herein as the "project components."

[2] Temporary erosion and sedimentation control best management practices will be used during the decommissioning phase of the project. Control features will be regularly inspected during the decommissioning phase and removed at the end of the process.

(c) Project component removal. Control cabinets, electronic components, and internal cables will be removed. The panels, racks and inverters will be lowered to the ground where they may be transported whole for reconditioning and reuse or disassembled/cut into more easily transportable sections for salvageable, recyclable, or disposable components.

(d) PV module removal. Solar photovoltaic modules used in the project are manufactured within regulatory requirements for toxicity based on toxicity characteristic leaching procedure (TCLP). The solar panels are not considered hazardous waste. The panels used in the project will contain silicon, glass, and aluminum which have value for recycling. Modules will be dismantled and packaged per manufacturer or approved recycler's specifications and shipped to an approved off-site recycler.

(e) Component pad removal. Pads will be excavated to a depth sufficient to remove all anchor bolts, rebar, conduits, cable, and concrete to a depth of 24 inches below grade. The remaining excavation will be filled with clear subgrade material of quality comparable to the immediate surrounding area. The subgrade material will be compacted to a density similar to surrounding subgrade material. All unexcavated areas

compacted by equipment used in decommissioning shall be decompacted in a manner to adequately restore the topsoil and subgrade material to the proper density consistent and compatible with the surrounding area.

(f) Electric wire removal. DC wiring can be removed manually from the panels to the inverter. Underground wire in the array will be pulled and removed from the ground. Overhead cabling for the interconnection will be removed from poles. All wire will be sent to an approved recycling facility.

(g) Racking and fencing removal. All racking and fencing material will be broken down into manageable units and removed from the facility and sent to an approved recycler. All racking posts driven into the ground will be pulled and removed.

(h) Concrete slab removal. Concrete slabs used as equipment pads will be broken and removed to a depth of two feet below grade. Clean concrete will be crushed and disposed of offsite.

(i) Access road. During decommissioning, the processed stone access roads will be stripped, exposing the geotextile beneath. The geotextile will then be removed and disposed revealing the original soil surface. The compacted soil beneath the road fill may require ripping with a subsoiler plow to loosen it before it can be returned to crop production.

(j) Site restoration process description. Following decommissioning activities, the subgrade material and topsoil from affected areas will be decompacted and restored to a density and depth consistent with the surrounding areas. If the subsequent use for the project site will involve agriculture, a deep till of the project site will be undertaken. The affected areas will be inspected, thoroughly cleaned, and all construction-related debris removed. Disturbed areas will be reseeded to promote revegetation of the area, unless the area is to be immediately redeveloped. In all area's restoration shall include, as reasonably required, leveling, terracing, mulching, and other necessary steps to prevent soil erosion, to ensure establishment of suitable grasses and forbs, and to control noxious weeds and pests.

(k) Decommissioning terms. The project shall be fully decommissioned within 180 days of the end of the project's operational life. Areas disturbed during the decommissioning phase will be seeded with a drought-tolerant grass seed mix appropriate for the area, unless such areas are being immediately redeveloped for other uses.

SECTION 3.Section 11-283.2 of the Code of the Township of Knowlton is hereby amended to add subsection (D) as follows:

(D) Decommissioning Plan Requirements

(1) Provisions for the removal of all components of the facility/system from the site and the full restoration of the site to its predevelopment condition; and the safe disposal

of all components of the facility/system, including the recycling of all recoverable materials, consistent with prevailing best practices relating to the disposal and recycling of photovoltaic waste.

(2) Provisions that the Township shall notify the landowner and owner/operator of the facility of the pending determination of abandonment and order proof of the resumption of energy generation to at least 80% of the facility's capacity or removal of the facilities in accordance with the approved decommissioning plan, subject to the issuance of a demolition permit.

(3) A provision that within 60 days of service of the notice of abandonment, the landowner or facility operator shall apply for and obtain a demolition permit for the decommissioning in accordance with the decommissioning plan.

(4) Provisions that, as a condition of site plan approval and prior to the issuance of any building permits, the landowner or operator of the facility shall deposit with the Township escrow funds sufficient to finance decommissioning as set forth in the decommissioning plan accompanied by an agreement approved by the Township Attorney to ensure that there will be sufficient funds available for decommissioning and site restoration. Such funds shall be in an amount, as determined in detail by the Township Engineer or a third party designee, which shall be adequate to cover the estimated cost of such removal and site remediation. The cost for the work associated with the estimate shall be

The escrow funds shall not be subject to revocation or reduction prior to the completion of the work covered by the demolition permit and decommissioning plan and the full restoration of the site as required by the decommissioning plan.

The escrow account shall be reevaluated to reflect inflation every five (5) years from the start of operations which shall be defined as the date of issuance of the certificate of occupancy for the generation of power. Such reevaluation shall be submitted no fewer than 30 days prior to the end of the five-year period by the owner/operator and/or landowner to the Township Attorney and Township Engineer for review and approval. If it is determined that the anticipated cost of decommissioning has increased, the property owner or operator of the facility shall deposit additional funds into an escrow account to reflect the increased amount.

(5) Measures to provide for the protection of public health and safety and for protection of the environment and natural resources during both the removal and site restoration stages, as well as the schedule for the completion of all site restoration work in accordance with the decommissioning plan.

(6) Provisions that, if the escrow funds as described above, plus any supplemental funding that may have been provided by the owner/operator, is insufficient to fully implement the decommissioning plan or if the owner/operator fails to fully satisfy the obligations described herein, then the landowner shall be held responsible for any and all

costs associated with the decommissioning to the extent that such costs are not covered by the escrow deposit and any supplementary funds provided by the owner/operator, if applicable.

(7) Provisions detailing the anticipated life of the project.

(8) The estimated cost of decommissioning in current dollars and an explanation of how the cost was determined, which shall be prepared by a neutral third party professional engineer or contractor who has expertise in the removal of solar facilities. The cost of said estimate shall be borne by the owner/operator and/or landowner. Salvage value shall not be considered when determining the estimated decommissioning cost.

SECTION 4.Section 11-283.2 of the Code of the Township of Knowlton is hereby amended to add subsection (E) as follows:

(E) If said decommissioning has not been completed within the requisite 180-day period following issuance of the demolition permit, then the Township's Zoning Officer shall provide written notice by certified mail to the landowner requiring that decommissioning be completed within 30 calendar days of the receipt of said notice. If the decommissioning has not been completed within 30 calendar days of the receipt of said notice, the Township may utilize the funds and undertake the decommissioning. The Township may charge the landowner and/or facility owner and operator for all of the costs and expenses thereof, including reasonable attorney's fees. Nothing herein shall prevent the Township from taking appropriate legal action to compel the decommissioning. All costs, including attorney and engineering fees incurred by the Township shall be billed to the landowner and if not paid within 60 calendar days of billing, shall become a lien against the property.

SECTION 5. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 6. 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 7.This Ordinance shall take effect upon final passage and publication according to law.

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 2022-08

RESOLUTIONS

2022-73 Renewal of Liquor License for 2022-2023

WHEREAS, the following renewal application has been completed, the proper fees have been paid to the Division of Alcoholic Beverage Control and the Township of Knowlton; and

WHEREAS, the licensee is qualified according to all statutory, regulatory and local government NJABC laws and regulation.

NOW THEREFORE BE IT RESOLVED that the Township Committee of the Township of Knowlton, County of Warren, State of New Jersey approves the following NJABC liquor licenses renewal:

Motion made by Starrs, second by Cuntala and carried to approve Resolution 2022-73

2022-74 Resolution Authorizing the Sale of 17 Route 46 No Longer Needed for Public Use by The Township of Knowlton

WHEREAS, the Township of Knowlton is the owner of a certain parcel within the Township located 17 US Highway Route 46, (Block 28, lot 13) (hereinafter the “Property”); and

WHEREAS, the Township acquired the Property in or in or about _____, _____ through an action in foreclosure; and

WHEREAS, since acquiring the Property, the Township Committee of Knowlton has come to determine that the Property is no longer needed for public use; and

WHEREAS, the Committee desires to make available for public sale said lands in accordance with N.J.S.A. 40A:12-13(a).

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of Knowlton, in the County of Warren, State of New Jersey, as follows:

SECTION 1. The Township Committee hereby declares that the lands and premises located at located 17 US Highway Route 46, (Block 28, lot 13) is no longer needed for public use and should be sold in accordance with the appropriate statutes of the State of New Jersey and ordinances of the Township of Knowlton.

SECTION 2. The Township Committee hereby authorizes a sale to the highest bidder by open public sale at auction, the Property described in Schedule A attached hereto and made a part hereof.

SECTION 3. The public sale shall take place at the Township Municipal Building, located at 628 Route 94, NJ 08848 New Jersey on _____ or as soon thereafter as the matter may be heard and publicly announced, provided the sale is not canceled.

SECTION 4. The public sale, if not canceled, shall take place by open public sale at auction to the highest bidder. The minimum bid shall be \$10,000.00.

SECTION 5. All bidders at the time of sale must present a certified check or money order in the amount of \$_____ payable to themselves (to be endorsed to the

Township of Knowlton if successful). In addition, the successful bidder shall submit a personal check or money order for the balance of the deposit of 10% of the minimum bid plus Buyer's Premium at the conclusion of the auction and shall execute an Agreement of Sale. Said Agreement of Sale shall be binding upon the high bidder until such time that the municipal council either 1) does not accept the bid in which case bidders deposit will be returned, or, 2) accepts the bid whereupon the municipality shall execute the Agreement of Sale and both parties shall be held bound by the terms and conditions contained therein. The balance of the purchase price shall be paid at closing which shall occur not later than 60 days following the acceptance of the bid by the Township. The purchaser shall be entitled to possession immediately following closing of title.

SECTION 6. In the event the Township of Knowlton is unable to convey clear and marketable title, insurable at regular rates by a title insurance company licensed to do business in the State of New Jersey, the Township will forthwith return to the purchaser any and all deposit moneys previously submitted by the purchaser, and neither party shall have any further rights against the other. The acceptance of a deed by the purchaser from the Township shall extinguish any claims that said purchaser may have against the Township in connection with the quality of title conveyed.

SECTION 7. The property herein sold is subject to existing encumbrances, liens, easements, zoning ordinances, other restrictions of record, such facts as an accurate survey would reveal and any present or future assessments for the construction of improvements benefiting said property. Neither the Township of Knowlton nor the Auctioneer make no representations as to the presence or absence of wetlands or any other environmental conditions on the property and the purchaser assumes the risk of any such condition, all property being sold "as is."

SECTION 8. All conveyances by the Township shall be made by Bargain and Sale Deed with Covenants Against Grantor's Acts.

SECTION 9. The Township reserves the right to waive any and all defects and informalities in any bid and to accept or reject any and all bids at the public sale and to not award to the highest bidder. No bid shall be considered finally accepted until passage of a resolution by the Township Committee as set forth herein.

SECTION 10. Acceptable bids shall be confirmed by resolution of the Township Committee no later than the first regular meeting of the Township Committee following the date of such sale.

SECTION 11. A public notice of sale shall be published in the Township's official newspaper at

least once a week for two consecutive weeks, the last publication being no earlier than seven (7) days prior to the date set forth for the public sale, which notice shall contain the condition of this sale in accordance with N.J.S.A. 40A:12-13(a).

SECTION 12. In the event the successful bidder fails to close on the property, he shall forfeit the ten percent (10%) deposit.

SECTION 13. This resolution shall take effect immediately.

Motion made by Starrs, second by Cuntala and carried to approve Resolution 2022-74

2022-75 Resolution Authorizing the Sale Of 2 Mt.Pleasant Road (Block 5 Lot 25) No Longer Needed for Public Use by The Township of Knowlton

Tabled

2022-76 Resolution Rejecting All Bids for the Installation of Reverse Osmosis Filtration System and Authorizing to Rebid the Project

Tabled

2022-77 Resolution Governing Body Certification of The Annual Audit

Motion made by Starrs, second by Cuntala and carried to approve Resolution 2022-77

2022-78 Payment of Vouchers

Motion made by Starrs, second by Cuntala and approved by roll call vote: Cuntala—yes, Mazza—yes, Shipps—yes, Van Horn-yes, Starrs—yesResolution 2022-78

2022-80 Resolution Combining Bonds Aggregating the Principal Sum of Not to Exceed \$1,335,000 Authorized by One Bond Ordinance Heretofore Adopted to Finance Part of the Cost of Various General Improvements in the Township of Knowlton, County of Warren, New Jersey Into One Consolidated Issue of Bonds and Providing for the Form, Maturities and Other Details of Said Consolidated Issue

Motion made by Starrs, second by Cuntala and approved by roll call vote: Cuntala—yes, Mazza—yes, Shipps—abstain, Van Horn-yes, Starrs—yesResolution 2022-80

NEW BUSINESS

Meeting with NJDEP re: Columbia Air Quality Monitor:

Mayor Starrs has been in contact with the NJDEP regarding air quality monitors prior to warehouses being put in.NJDEP offered five temporary micro aethalometers which would require a study to be completed. Mayor Starrs suggested reaching out to local colleges and researchers to conduct the study using the micro aethalometers on Knowlton Townships behalf. The committee agreed to move forward with the study and reach out to local volunteers.

Meeting with Moody's Analytics regarding Knowlton's Rating:

Mayor Starrs and Deputy Mayor Shipps attended a meeting with Moody's Analytics regarding the Townships bond rating. The Townships tax base and population was a factor in the rating that was given but overall the committee was pleased with the information provided by Moody's.

Upcoming JCP&L Tree Trimming:

JCP&L provided the committee with a list of streets in the Township that are scheduled for tree trimming. The list will be posted on the Townships website for residents to view.

Comments on White Warehouse Complex Water Quality Management Plan:

Mayor Starrs addresses the water quality management plan for the expected warehouses going up in White Township. The DEP is holding a hearing which allows for public comment. Mayor Starrs prepared comments to send in to the DEP on behalf of Knowlton Township.

Motion made by Starrs, second by Cuntala and carried to approve comments on the White Warehouse Complex.

Gypsy Moth Spraying

Knowlton Township received a letter from the NJDEP in regard to completing an LDD egg mass survey. If it is found that the township qualifies for gypsy moth spraying, the NJDEP will be using aerial spraying of *Bacillus thuringiensis*.

Motion made by Starrs, second by Cuntala and carried to approve NJDEP egg mass survey.

Junior Fire Fighter Applications

The committee was presented with three new Junior Fire Fighter applications for Zachary Machynko, Michael Rose and Dominic Fiore.

Motion made by Starrs, second by Cuntala and carried to approve all Junior Fire Fighter applications.

10 Clinton Street

Mayor Starrs discussed 10 Clinton Street which is a Township owned property that was not put up for auction a few years ago as the well was not sealed. Now that the well has been sealed, Mayor Starrs suggested that the property be put back up for auction. The committee agreed to add 10 Clinton Street to the list of properties up for auction.

Town Seal/Logo

The County requested a picture of each municipality's town seal for an upcoming website project. Mayor Starrs provided the committee with sample logos to choose from.

Motion made by Starrs, second by Cuntala and carried to approve submission of chosen town logo to the County.

OLD BUSINESS

Update to Tunnel Field Accident Repairs

Committeewoman Cuntala updated the committee on the accident repairs that are being done at Tunnel field. Head of the recreation department Dennis Lembeck advised Committeewoman Cuntala that all repairs are completed except the playground. Parts for the playground were ordered in June but they are currently on back order.

CORRESPONDENCE

Committeewoman Cuntala addressed the committee with correspondence from head of the recreation department Dennis Lembeck. The range hood in the concession stand requires the fire suppression rack needs to be updated. Mr. Lembeck will inquire about finding a used suppression rack.

Mr. Lembeck would like to use an organic vinegar mix on the fields as a no chemical weed killer option. The committee agrees to the use of an organic vinegar mix.

MEETING MINUTES

May 26th Public Session Minutes

Motion made by Cuntala , second by Starrs and carried to approve May 26, 2022 public session meeting minutes.

May 26th Executive Session Minutes

Motion made by Cuntala, second by Starrs and carried to approve May 26, 2022 executive session meeting minutes.

July 11th Public Session Minutes

Motion made by Cuntala, second by Starrs and carried to approve July 11, 2022 public session meeting minutes.

July 11th Executive Session Minutes

Motion made by Cuntala, second by Starrs and carried to approve July 11, 2022 executive session meeting minutes.

PUBLIC COMMENT

Rene Mathez addressed the White Warehouse Complex. Mr. Mathez offered to add further comments to submit to the NJDEP on the water quality management. Mayor Starrs advised Mr. Mathez she will forward all information on her comments directly to him.

EXECUTIVE SESSION

Motion was made by Starrs, second by Cuntala and carried to go into Executive Session at 8:56 p.m. 2022-79 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 come out of Executive Session at 9:23 p.m.

ADJOURNMENT

Motion made by Starrs, second by Cuntala and carried to adjourn tonight's meeting at 9:23 pm