

**TOWNSHIP OF KNOWLTON
COUNTY OF WARREN, STATE OF NEW JERSEY
TOWNSHIP COMMITTEE MEETING
May 13, 2024**

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 Shipps. Mayor Shipps led the public in the Pledge of Allegiance.

Mayor Shipps 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: Bates--yes Cuntala—yes, Mazza—yes (via conference phone), Van Horn--yes, Shipps—yes

EXECUTIVE SESSION

2024-58 Resolution Authorizing Executive Session

Motion by Shipps, Second by Cuntala and carried to go into executive session at 7:00 p.m.

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. Attorney Advice
- B. 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 by Shipps, Second by Cuntala and carried to come out of executive session at 9:00 p.m.

PUBLIC COMMENT- Limited To 20 Minutes With 3 Minutes Per Member Of The Public

Mr. Rene Mathez addressed the committee regarding Ordinance 2024-04 An Ordinance Adding Chapter 170 to the Knowlton Township Code, Entitled “Tree Removal and Replacement”. Mr. Mathez had concerns of the proposed guidelines and restrictions with any tree removal. Committeeman Bates agreed with Mr. Mathez concerns and requesting to go into further discussion before introduction.

Mr. Paul Dulaff discussed truck traffic on Route 94 through Hainesburg. Mayor Shipps advised Mr. Dulaff that there is a traffic study that needs to be completed by the NJDOT. The NJDOT has not applied for the traffic study and once conducted, the Township will voice their concerns regarding truck traffic in that area.

Ms. Delafanzo is requesting the speed limit be lowered on Koeck Rd. The current speed limit is 45 but there are homes close to the road. Ms. Delafanzo is concerned for children at play and bus stops. Township attorney advised the committee to reach out the Township engineer to see if there are any previous complaints or speed limit change requests.

BUDGET INTRODUCTION

Chief Financial Officer Christine Rolef joined the meeting to introduce the budget. There is proposed 2 cent tax increase. There will be a budget increase for streets and roads. The committee would like to incorporate a second road to be paved this year. A total debt service of \$185,000 will be paid down by the end of 2024. Mayor Shipps discussed the cost of reassessment for the Township. Ms. Rolef reached out to the Townships tax assessor Rich Motyka to get a quote on updating tax maps before the town can be reassessed.

Motion by Shipps, second by Cuntala and approved by roll call vote:

Bates-yes, Cuntala-yes, Mazza-yes, Van Horn-yes, Shipps-yes approved budget introduction.

DEPARTMENT REPORT

Transportation: I80-611-Amtrak

Ms. Mezzanotte discussed a meeting with the NJDOT earlier this afternoon regarding the historic value of the Delaware Water Gap. The New Jersey State Historic Preservation office did not concur with the NJDOT. A resolution will be presented for the committee's consideration in the near future in favor of a transportation study.

Lower Delaware Wild & Scenic River – Paulins Kill Update

Ms. Mezzanotte advised the committee that the foodshed alliance will proceed with the Paulins Kill Wild and Scenic River project. The Committee will need to decide what is best for the Township in regard to the designation of the Paulins Kill.

Fire Chief Alex Weber advises the public of their upcoming food truck event in August which will be free admission this year.

Mr. Weber discussed upcoming changes in OSHA regulations for the fire department which will have major effects on the department. Mr. Weber will be keeping the committee updated as more information comes in.

Mr. Weber asked the committee to consider providing gap insurance for members who are out of work due to an injury. Workers Compensation only pays a portion of their regular income which can leave a member in a financial hardship.

ORDINANCES

INTRODUCTION

2024-04 An Ordinance Adding Chapter 170 to the Knowlton Township Code, Entitled "Tree Removal and Replacement"

WHEREAS, in order to prevent pollutants from being transported to local water bodies from Municipal Separate Storm Sewer Systems (MS4s), federal stormwater regulations require MS4 operators to obtain a National Pollutant Discharge Elimination System (NPDES) permit and implement a stormwater management program; and

WHEREAS, pursuant to NJPDES Master General Permit No. NJ0141852, as of January 1, 2023, all 101 New Jersey municipalities previously assigned to Tier B, such as Knowlton Township, have now been assigned to Tier A, in order to help better manage stormwater discharges and resulting pollutant and nutrient impacts to waterways; and

WHEREAS, this reassignment requires Knowlton (and all former Tier B municipalities) to update their ordinances to be consistent with Tier A standards; and

WHEREAS, trees play a critical, often overlooked, role in the water cycle and in the mitigation of stormwater runoff issues such as soil erosion, pollutant reduction, infiltration, quantity reduction, and thermal effects; and

WHEREAS, the 2023 Tier A MS4 permit renewal requires permittees (such as the Township) to, at a minimum, adopt and enforce a community-wide ordinance to control tree removal and replacement for all types of properties where the municipality has jurisdiction.

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

SECTION 1. Chapter 170, of the Code of the Township of Knowlton, entitled “Tree Removal and Replacement” is hereby added as follows:

§170-1. **Purpose.** This ordinance establishes requirements for tree removal and replacement in Knowlton Township to reduce soil erosion and pollutant runoff, promote infiltration of rainwater into the soil, and protect the environment, public health, safety, and welfare.

§170-2. **Definitions.** For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this ordinance clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The use of the word "shall" mean the requirement is always mandatory and not merely directory.

- A. “Applicant” means any “person”, as defined below, who applies for approval to remove trees regulated under this ordinance.
- B. “Critical Root Radius (CRR)” – means the zone around the base of a tree where the majority of the root system is found. This zone is calculated by multiplying the diameter at breast height (DBH) of the tree by 1.5 feet. For example: a tree with a 6” DBH would have a CRR = 6”x1.5’ = 9’.
- C. “Diameter at Breast Height (DBH)” means the diameter of the trunk of a mature tree generally measured at a point four and a half feet above ground level from the uphill side of the tree. For species of trees where the main trunk divides below the 4 ½ foot height, the DBH shall be measured at the highest point before any division.
- D. “Hazard Tree” means a tree or limbs thereof that meet one or more of the criteria below. Trees that do not meet any of the criteria below and are proposed to be removed solely for development purposes are not hazard trees.
 - 1. Has an infectious disease or insect infestation;
 - 2. Is dead or dying;
 - 3. Obstructs the view of traffic signs or the free passage of pedestrians or vehicles, where pruning attempts have not been effective;
 - 4. Is causing obvious damage to structures (such as building foundations, sidewalks, etc.);
or

5. Is determined to be a threat to public health, safety, and/or welfare by a certified arborist or Licensed Tree Expert (LTE).
- E. "Person" means any individual, resident, corporation, utility, company, partnership, firm, or association.
- F. "Planting strip" means the part of a street right-of-way between the public right-of-way and the portion of the street reserved for vehicular traffic or between the abutting property line and the curb or traveled portion of the street, exclusive of any sidewalk.
- G. "Resident" means an individual who resides on the residential property or contractor hired by the individual who resides on the residential property where a tree(s) regulated by this ordinance is removed or proposed to be removed.
- H. "Street Tree" means a tree planted in the sidewalk, planting strip, and/or in the public right-of-way adjacent to the portion of the street reserved for vehicular traffic. This also includes trees planted in planting strips within the roadway right-of-way, i.e., islands, medians, pedestrian refuges.
- I. "Tree" means a woody perennial plant, typically having a single stem or trunk growing to a considerable height and bearing lateral branches at some distance from the ground.
- J. "Tree Caliper" means the diameter of the trunk of a young tree, measured six (6) inches from the soil line. For young trees whose caliper exceeds four (4) inches, the measurement is taken twelve (12) inches above the soil line.
- K. "Tree removal" means to kill or to cause irreparable damage that leads to the decline and/or death of a tree. This includes, but is not limited to, excessive pruning, application of substances that are toxic to the tree, over-mulching or improper mulching, and improper grading and/or soil compaction within the critical root radius around the base of the tree that leads to the decline and/or death of a tree. Removal does not include responsible pruning and maintenance of a tree, or the application of treatments intended to manage invasive species.
- L. "Tree Survey" means an aerial photograph or survey at a minimum scale of one inch equals 200 feet or a drawing to scale, which provides the following information: location of all trees or forested areas, the common name of all trees, the average diameter breast height, and indication of trees proposed to be removed, and the location of any proposed tree replacements.

§170-3. **Regulated Activities**

A. Application. Any person planning to remove a street tree, as defined by the term "Tree removal" in §170-2 above, with DBH of 2.5" or more, or any non-street tree with DBH of 6" or more on their property shall submit a Tree Removal Application, to the Township Clerk. For the removal of five or more trees, a tree survey, as defined in §170-2 above, shall be submitted as part of the application. No tree shall be removed until the Township Committee has reviewed and approved the removal.

B. Development Applications before the Land Use Board. In the case of an application for development for major or minor site plan, major or minor subdivision, or a variance that may involve tree removal regulated by this ordinance, no separate application shall be filed and no separate fee shall be required in addition

to the fees charged for the application for development. The application for development shall include the following information at a scale sufficient to enable the determination of matters required under these regulations:

- a. The shape and dimensions of the lot or parcel, together with the existing and proposed locations of structures and improvements, if any.
- b. Locations of all forest types which are subject to this chapter, identified by common or botanical name. (Trees proposed to remain, to be transplanted or to be removed shall be identified.)
- c. A statement showing how trees not proposed for removal are to be protected during land clearing and construction, i.e., a protective barrier as defined herein.
- d. Locations and dimensions of all setbacks and easements required by the Zoning Ordinance²¹ of the Township.
- e. Statements as to grade changes proposed for the lot or parcel and how such changes will affect these regulations.
- f. Any proposed tree replacement.
- g. All trees to be retained shall also be identified by some method, such as painting, flagging, etc., prior to field inspection. (Where protective barriers are necessary to prevent damage to a tree that is not to be removed, such barriers shall be erected before work starts.)

C. Fee. Applicants will be subject to an application fee as per the Table below.

One (1) to Five (5) Trees	\$50.00
Six (6) trees or more	\$10.00 per tree

D. Tree Replacement Requirements

1. Any person who removes one or more street tree(s) with a DBH of 2.5” or more, unless exempt under Section IV, shall be subject to the requirements of the Tree Replacement Requirements Table below.
2. Any person, who removes one or more tree(s) with a DBH of 6” or more per acre, unless otherwise detailed under Section IV, shall be subject to the requirements of the Tree Replacement Requirements Table. The species type and diversity of replacement trees shall be in accordance with Appendix A (***insert municipality provided tree list as Appendix A of this ordinance***). *[The municipality shall provide a list of approved trees that are acceptable to be planted as replacement trees, or at a minimum develop a list of trees that shall not be used as replacement trees. This list will be included as “Appendix A”. It is permissible for a municipality to include a procedure for approval of a tree not on the approved list. The list shall also contain approved planting times/seasons and proper planting standard procedures or a reference to available literature containing this information.]*
3. Replacement tree(s) shall:
 - a. Be replaced in kind with a tree that has an equal or greater DBH than tree removed **or** meet the Tree Replacement Criteria in the table below;
 - b. Be planted within twelve (12) months of the date of removal of the original tree(s) or at an alternative date specified by the municipality;

- c. Be monitored by the applicant for a period of two (2) years to ensure their survival and shall be replaced as needed within twelve (12) months; and
- d. Shall not be planted in temporary containers or pots, as these do not count towards tree replacement requirements.

4. Tree Replacement Requirements Table:

Category	Tree Removed (DBH)	Tree Replacement Criteria (See Appendix A)
1	DBH of 2.5" (for street trees) or 6" (for non-street trees) to 12.99"	Replant 1 tree with a minimum tree caliper of 1.5" for each tree removed
2	DBH of 13" to 22.99"	Replant 2 trees with minimum tree calipers of 1.5" for each tree removed
3	DBH of 23" to 32.99"	Replant 3 trees with minimum tree calipers of 1.5" for each tree removed
4	DBH of 33" or greater	Replant 4 trees with minimum tree calipers of 1.5" for each tree removed

E. Replacement Alternatives:

- 1. If the Township Committee determines that some or all required replacement trees cannot be planted on the property where the tree removal activity occurred, then the applicant shall do one of the following:
 - a. Plant replacement trees in a separate area(s) approved by the Township Committee.
 - b. Pay a fee of \$100 per tree removed. This fee shall be placed into a fund dedicated to tree planting and continued maintenance of the trees.

§170-4. Exemptions. All persons shall comply with the tree replacement standard outlined above, except in the cases detailed below. Proper justification shall be provided, in writing, to the Township Committee by all persons claiming an exemption. "Property justification," within the discretion of the Township Committee or Land Use Board (as applicable) shall be in the form of photographs, proposals from licensed tree removal companies, or statements from a licensed tree expert or arborist.

- A. Residents who remove less than four (4) trees per acre that fall into category 1, 2, or 3 of the Tree Replacement Requirements Table within a five-year period. The number of trees removed is a rolling count across a five-year period. For example, if 3 trees from category 1 are removed in July 2023, the 'count' resets to zero in July 2028. However, if 1 tree from category 1 is removed in July 2023 and another in July of 2025 the first tree will come off the count in July 2028 and the second in July 2030.
- B. Tree farms in active operation, nurseries, fruit orchards, and garden centers;
- C. Properties used for the practice of silviculture under an approved forest stewardship or woodland management plan that is active and on file with the municipality;

- D. Any trees removed as part of a municipal or state decommissioning plan. This exemption only includes trees planted as part of the construction and predetermined to be removed in the decommissioning plan.
- E. Any trees removed pursuant to a New Jersey Department of Environmental Protection (NJDEP) or U.S. Environmental Protection Agency (EPA) approved environmental clean-up, or NJDEP approved habitat enhancement plan;
- F. Approved game management practices, as recommended by the State of New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife;
- G. Hazard trees may be removed with no fee or replacement requirement.
- H. Tree removal conducted consistent with a development application reviewed and approved by the Township Land Use Board.

SECTION 2. Attachments 2-9 to Chapter 11, which are checklists to minor and major site plan, minor and major subdivision, variances, general development plans are here amended to add the following requirement:

If tree removal is proposed, the site plans just reflect all requirements set forth in the Township's Tree Removal Ordinance, specifically §170-3(B).

SECTION 3. All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in conflict or inconsistent.

SECTION 4. If any section, provision, or part of provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance, or any part thereof, other than the part so held unenforceable or invalid.

SECTION 5. This Ordinance shall take effect after passage and publication in the manner provided by law.

2024-05 An Ordinance to Exceed the Municipal Budget Appropriation Limits and To Establish a Cap Bank (N.J.S.A. 40A: 4-45.14)

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

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

WHEREAS, the Township Committee of the Township of Knowlton in the County of Warren finds it advisable and necessary to increase its CY 2023 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Committee hereby determines that a 3.5% increase in the budget for said year, amounting to \$55,182.23 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

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

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Knowlton, in the County of Warren, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2024 budget year, the final appropriations of the Township of Knowlton shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$55,182.23 and that the CY 2024 municipal budget for the Township of Knowlton be approved and adopted in accordance with this ordinance; and,

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

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

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

RESOLUTIONS

2024-48 Resolution Approving New Jersey State Alcohol Beverage Control Special Affairs Permit for Belvidere Masonic Temple Associates

WHEREAS, the Belvidere Masonic Temple associates special affair permit application is complete in all respects, the proper fees have been paid to the Division of Alcoholic Beverage Control and the Township of Knowlton; and,

WHEREAS, the licensees are qualified according to all statutory, regulatory and local governmental New Jersey Alcoholic Beverage Control laws and regulations;

NOW THEREFORE BE IT RESOLVED that the Governing Body of Knowlton Township hereby approves NJABC special affair permit for the Belvidere Masonic Temple associates to be held on June 10, 2023 at the Knowlton Lions club pavilion located at 89 Rte 46 Columbia, New Jersey.

**Motion made by Van Horn, second by Cuntala and approved by roll call vote:
Bates-yes, Cuntala-yes, Mazza-yes, Van Horn-yes, Shipps-yes**

2024-49- Award Of Contract - Overlay Of Centerville Road

WHEREAS, the Township of Knowlton is a member of the Morris County Cooperative Pricing System and wishes to utilize the contract for Road Overlay for Centerville Road, and

WHEREAS, Riverview Paving, Hackettstown, NJ has been awarded Contract #6 for Road Resurfacing through the Morris County Cooperative Pricing Council, and

WHEREAS, Road Safety Systems, LLC, Shamong, NJ has been awarded Contract #26 for Beam Guide Rail & Safety Ends through the Morris County Cooperative Pricing Council, and

WHEREAS, Denville Line Painting, Inc. , Rockaway, NJ has been awarded Contract #36 for Traffic Striping on Roadway through the Morris County Cooperative Pricing Council, and

WHEREAS, the Chief Financial Officer has certified that funds are available through 2024-04

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Knowlton, County of Warren and State of New Jersey that the following be awarded:

Road Resurfacing Services for Centerville Road, contract not to exceed \$112,785.00 be awarded to **Riverview Paving**, Hackettstown, NJ.

Guiderail Replacement Services for Centerville Road, contract not to exceed \$3,500.00 be awarded to **Road Safety Systems, LLC**, Shamong, NJ.

Line Painting Services for Centerville Road, contract not to exceed \$3,100.00 be awarded to **Denville Line Painting, Inc.**, Rockaway, NJ.

For a total of \$119,385.00

**Motion made by Van Horn, second by Cuntala and approved by roll call vote:
Bates-yes, Cuntala-yes, Mazza-yes, Van Horn-yes, Shipps-yes**

2024-50- Resolution To Approve The Submission Of A 2024 Grant Application And Execution Of A Grant Contract With The County Of Warren

WHEREAS, this Warren County Municipal & Charitable Conservancy Trust Fund Grant is intended for historic preservation and rehabilitation of historic structures; and

WHEREAS, the Ramsaysburg Homestead on the Delaware River is listed as a site on the NJ and National Registers of Historic Places; and

WHEREAS, in recent years Knowlton's Historic Commission has renovated the exterior of the Ramsaysburg Homestead with funding obtained through grants; and

WHEREAS, the site has become host to a half-dozen grant-funded annual events that serve to bring Knowlton's community together; and

WHEREAS, the 2024 grant application will include letters from local businesses that support the continued restoration of the Ramsaysburg Homestead because it benefits the area economically, visually, and encourages tourism; and

WHEREAS, the above mentioned grant will fund the continued restoration and rehabilitation of the Tavern, Cottage, and Shed including site utilities upgrades; and

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of Knowlton formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Knowlton Township Historic Commission and Clerk are hereby authorized to submit a grant application identified as a 2024 Stabilization/Restoration Project Application to the Warren County Municipal & Charitable Conservancy Trust Fund in an amount of \$ 365,725 utilizing matching funds provided through a 2019 Preserve New Jersey Historic Preservation Trust Fund grant as administered through the New Jersey Historic Trust.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Knowlton and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement.

**Motion made by Van Horn, second by Cuntala and approved by roll call vote:
Bates-yes, Cuntala-yes, Mazza-yes, Van Horn-yes, Shipps-yes**

2024-51- Self-Examination of Budget Resolution

WHEREAS, N.J.S.A.40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and,

WHEREAS, N.J.A.C.5:30-7 was adopted by the Local Finance Board on February 11, 1997; and,

WHEREAS, pursuant to N.J.A.C.5:30-7.2 thru 7.5 the Township of Knowlton has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Township of Knowlton meets the necessary conditions to participate in the program for the 2024 budget year, so now therefore,

BE IT RESOLVED, by the Township Committee of the Township of Knowlton that in accordance with N.J.A.C.5:30-7.6a & b, and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A.40A:45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the "CAP" law.)
3. That the budget is in such form, arrangement and content as required by the Local Budget Law and N.J.A.C.5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated;
 - b. Items of appropriation are properly set forth;
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced, publicly advertised and adopted in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A.40A:4-5, shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.

**Motion made by Van Horn, second by Cuntala and approved by roll call vote:
Bates-yes, Cuntala-yes, Mazza-yes, Van Horn-yes, Shipps-yes**

2024-52- A Resolution to Cancel Accrued Interest on Prior Year Taxes
Block 12 Lot 2.01

WHEREAS it has been determined by the Tax Collector that Block 12 Lot 2.01 has been improperly coded on the Tax Records for several years; and,

WHEREAS it has further been determined that the property owner has been making the necessary tax payments on said property but due to the improper coding on the account, payments were not properly applied creating an incorrect delinquent balance resulting in an inaccurate interest penalty; and,

WHEREAS due diligence has been performed in financial research of both computer and physical records of the multiple years, consult with our auditors, Department of Community Affairs tax personnel in Trenton, tax software professionals, township attorney, assessor, and CFO; and,

WHEREAS, it is the professional opinion of the Tax Collector that once the several payments from prior years are properly applied, interest should be cancelled

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Knowlton that the Tax Collector be authorized to re-apply the tax payments and cancel interest figures that were improperly accrued.

**Motion made by Shipps, second by Van Horn and approved by roll call vote:
Bates-yes, Cuntala-yes, Mazza-yes, Van Horn-yes, Shipps-yes**

2024-53- Cancellation of Tax Overpayment Payment

WHEREAS the Township Committee authorized the Chief Financial Officer to refund Tax Overpayment to 4 Simpson Road Block 12 Lot 12 in the amount of \$20,507.94 per Resolution 2023-115; and,

WHEREAS it has further been determined that said overpayment was not properly notated in the Township Tax Records and payment was credited to 2024 Taxes,

WHEREAS, it has also been determined that said tax refund check has not been cashed and should be voided;

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Knowlton that the Chief Financial Officer is authorized to issue a stop payment and void check #1020 in the amount of \$20,507.94.

**Motion made by Shipps , Van Horn second by Cuntala and approved by roll call vote:
Bates-yes, Cuntala-yes, Mazza-yes, Van Horn-yes, Shipps-yes**

2024-54- A Resolution Authorizing Change Order #1 For The Improvements To
Tunnel Field

WHEREAS the Township Committee contracted with K&A Paving LLC of Belvidere New Jersey for Improvements to Tunnel Field Park in the amount of \$81,275; and,

WHEREAS the contractor and the Township have encountered unforeseen circumstances requiring the change order as proposed (n.j.a.c.5:34-11-8(c)(1)); and,

WHEREAS, the Township requires additional repair to the basketball court asphalt and the installation of the basketball hoops increasing the contract by \$17,900.00, making the total amount of the contract \$99,175.00;

WHEREAS, the amount of the change order requested represents in the aggregate, an increase of 22%, which exceeds 20% of the original contract. In accordance with Local Contract Law 5:30-11.3.10, a change order may not exceed the original contract amount by more than 20% without meeting the standards of 5:30-11.9;

WHEREAS, the Engineer has reviewed the requested change order. Given the contractor had not caused the associated damage to the asphalt, it is the professional opinion that this change order is following Section 5:30-11.9. It is also the Engineer's Professional Opinion that the requested change order is fair and reasonable;

WHEREAS, funds are available and have been certified by the Township Chief Financial Officer for said change order; and

BE IT RESOLVED, by the Township Committee of the Township of Knowlton that Change Order #1 for the additional \$17,900 for additional work to the Improvements at Tunnel Field be authorized.

**Motion made by Shipps, second by Mazza and approved by roll call vote:
Bates-yes, Cuntala-yes, Mazza-yes, Van Horn-yes, Shipps-yes**

2024-55 Resolution Authorizing The Tax Collector To Credit Interest Paid To Taxes Due And Waiving Interest As Necessary (Block 25, Lot 3 And Block 57, Lot 7.01)

WHEREAS, the Veterans' Property Tax Exemption was mistakenly applied to the following properties:

5 Decatur St
Columbia, NJ 07832
(Block 25, Lot 3)

10 Sycamore Lane
Columbia, NJ 07832
(Block 57, Lot 7.01)

WHEREAS, the Township Tax Collector has corrected the mistake, however, interest accrued during such time; and

WHEREAS, the Township Committee desires apply any interest payments made by the Property Owner to taxes due and waive any accrued and unpaid interest.

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

1. The Tax Collector is hereby authorized to execute a credit to property taxes due in the amount of any accrued interest paid and waive any unpaid interest on taxes for Block 25, Lot 3 in the amount of \$6.88 and for Block 57, Lot 7.01 in the amount of \$6.45.
2. This Resolution shall take effect immediately.

**Motion made by Shipps, second by Van Horn and approved by roll call vote:
Bates-yes, Cuntala-yes, Mazza-yes, Van Horn-yes, Shipps-yes**

2024-56 Resolution Of Conditional Support For The Restoration Of Passenger Rail Service Via Amtrak Between New York City And Scranton, Pa Via The Lackawanna Cut-Off

WHEREAS, the village of Gravel Hill, New Jersey was re-named to Blirstown on January 23, 1839 after its postmaster and future railroad magnate and philanthropist, John Insley Blair; and

WHEREAS, Mr. Blair was considered the “Dean” of the Delaware, Lackawanna & Western Railroad’s (DL&W’s) Board of Managers, serving a half-century on the railroad’s board (1850-1899), longer than any director in the railroad’s history (including time on the Board of the Liggett’s Gap Railroad, a predecessor railroad of the DL&W); and

WHEREAS, Mr. Blair was responsible for the building of the Blirstown Railway, the Warren Railroad, the Sussex Railroad (where he served as president), and portions of the DL&W mainline in Pennsylvania; and

WHEREAS, the 28.5-mile former DL&W mainline from Port Morris, NJ to Slateford, PA, through Morris, Sussex and Warren counties in New Jersey, known as the Lackawanna Cut-Off, opened in 1911 with a station at Blirstown; and

WHEREAS, Blirstown hosted first-class passenger trains stopping at its DL&W station for a total of sixty years, featuring such trains as the *Lackawanna Limited* (1911-1949), the *Phoebe Snow* (1949-1966) and the *Lake Cities* (1960-1970); and

WHEREAS, these trains that stopped at Blirstown provided passenger service not only east to Hoboken, NJ and New York City, but also west to the Poconos, Scranton, Binghamton and Buffalo, NY, as well as connections to Chicago and points west; and

WHEREAS, on October 2, 2009, the Federal Transit Authority (FTA) released the Environmental Assessment / Finding of No Significant Impact (FONSI) for the Lackawanna Cut-Off Passenger Rail Service Restoration Project, which states:

FTA has reviewed the New Jersey - Pennsylvania Lackawanna Cut-Off Passenger Rail Service Restoration Project Environmental Assessment and the June 2009 Supplemental Environmental Assessment to the New Jersey - Pennsylvania Lackawanna Cut-Off Passenger Rail Service Restoration Project Environmental Assessment June 2008 and finds that the Lackawanna Cut-Off Passenger Rail Service Restoration Project will have no significant impact on the environment in accordance with the National Environmental Policy Act and pursuant to 23 CFR 771.121; and

WHEREAS, the FONSI did not address potential signal noise impacts around the Paulins Kill or Delaware River Viaducts; and

WHEREAS, the FONSI also did not address potential safety and trespassing issues around the Paulins Kill or Delaware River Viaducts; and

- **WHEREAS**, the Pennsylvania Northeast Regional Railroad Authority and the Lackawanna County Department of Planning and Economic Development prepared the Lackawanna Cut-Off Restoration Commuter Rail Study, dated December 2019, for which noted that some of the largest expenses associated with the restoration of the Lackawanna Cut-Off services relates to the two viaducts located in Knowlton Township: \$113 million to rehabilitate the Knowlton Delaware River Viaduct and \$16 million to rehabilitate the Knowlton Paulins Kill River Viaduct; and

WHEREAS, the the Delaware, Lackawanna and Western Railroad Lackawanna Cutoff Historic District has been included on the New Jersey Register of Historic Places (SHPO ID#3454) since March 22, 1994 with the following structures located in Knowlton Township listed as contributing structure noted:

- Pokeville Road Tunnel
- Concrete Arch Tunnel (livestock) west of Kill Road
- Kill Road Tunnel [Pokeville Rd.]
- Paulins Kill Viaduct,
- Lehigh & New England Railroad Tunnel and the Route 94 Tunnel (at Tunnel Field
- Stark Road Bridge
- Delaware River Viaduct

WHEREAS, Knowlton Township has demonstrated an appreciation for and a commitment to historic preservation by creating a Historic Commission in 1997 ; and

WHEREAS, Amtrak has released a report titled “Amtrak’s Vision for Improving Transportation Across America” (also known as Amtrak Connects US) on May 27, 2021, which identifies the Lackawanna Cut-Off as part of the rail corridor (the “Scranton Route”) that would provide “Scranton Service”; and

WHEREAS, the above-referenced report envisions three round-trips per day for along the Scranton Route, each with a stop at Blirstown; and

WHEREAS, Amtrak has publicly expressed that this could be expanded to 5 to 8 trips per day; and

WHEREAS, Amtrak’s National Network Planning Department conducted a two-year analysis for the Pennsylvania Northeast Regional Railroad Authority (PNRRA) and issued a report entitled “Analysis of Options for Scranton-New York Amtrack Passenger Rail Service – Preliminary Service Plan and Financial Analysis” dated March 22, 2023; and

WHEREAS, the above-referenced report proposes that the travel time for the Scranton Route would be 2 hours and 50 minutes between Scranton and New York City and 87 minutes between Blirstown and New York City; and; and

WHEREAS, the above-referenced report projects that an estimated 470,000 riders per year will use the Scranton Route; and

WHEREAS, the above-referenced report projects that Scranton Service could generate an annual estimated total of \$84 million in economic activity through increased tourism and local economic activity; and

WHEREAS, it is envisioned that Scranton Service, with a station at Blirstown, will provide economic, social, and lifestyle benefits to the residents and businesses of neighboring municipalities, such as Knowlton Township; and

WHEREAS, the above-referenced report was submitted to the Federal Railroad Administration (FRA) by the Pennsylvania Department of Transportation (PennDOT), and co-applicants New Jersey Transit (NJT) and PNRRA, as part of the Scranton Service application to the FRA’s Identification and Development (Corridor ID) Program, in March 2023; and

WHEREAS, the Corridor ID Program is a comprehensive intercity passenger rail planning and development program that will help guide intercity passenger rail development throughout the country and create a pipeline of intercity passenger rail projects ready for implementation; and

WHEREAS, FRA’s “FY22 Corridor Identification and Development Program Selections” document, issued in December 2023, announced that the proposal for Scranton Service had been selected into FRA’s Corridor ID Program along with 68 other applicants in 44 states; and

WHEREAS, of all of the 69 corridors announced in FRA’s FY22 Corridor Identification and Development Program Selections document, the 136-mile Scranton Route was the only one to include the following description: “The entirety of the alignment for this corridor [the Scranton Route] is under public ownership;” and

WHEREAS, the publicly-owned Scranton Route is comprised, from east to west, of Amtrak’s Northeast Corridor Line, NJ Transit’s Morris & Essex Line (Morristown Line and Montclair-Boonton Line), NJDOT’s Lackawanna Cut-Off in New Jersey, and PNRRA’s trackage west to Scranton in Pennsylvania; and

WHEREAS, the Infrastructure and Investment Jobs Act (IIJA), signed into law by the president on November 15, 2021 provides FRA a total of \$66B in funding (including \$22B for Amtrak); and

WHEREAS, implementation of Scranton Service will require a team effort with FRA, Amtrak, PennDOT, New Jersey Transit, PNRRA and federal, state and local governments; and

WHEREAS, the Warren County Transportation Plan identified the Scranton Route for continued evaluation to reinstate passenger service in order to provide another mode of travel for those residing in Warren County and for those traveling through the county, and to help reduce congestion on Interstate 80; and

WHEREAS, on September 22, 2021, the Warren County Commissioners adopted Resolution 421-21 in support of Amtrak’s proposed Scranton Service.

WHEREAS, the Knowlton Township residents have expressed concerns related to increased noise, construction, impacts on historic properties, safety, impacts on wildlife and habitat, fencing or lack thereof along the right of way, safe passage under or over the right of way for people and wildlife, potential for freight movement in the future; and

WHEREAS Knowlton Township’s Master plan notes a commitment to “the preservation and enhancement of wildlife habitat; protect the lands along the Township rivers, and especially the Delaware River and its tributaries, by preserving stream buffers, steep slopes, wetlands, flood plains, areas of natural vegetation and woodlands that form part of the river corridors; retain the Township’s woodland features; [and] retain Knowlton’s rural features;” and

WHEREAS, since rail service ceased in 1970 the inactive right of way has become a natural wildlife habitat corridor connecting the Delaware River and Paulins Kill River and travels through multiple parcels with hundreds of acres of conservation easements, preserved open space, and preserved farms upon which wildlife has become dependent, and

WHEREAS, the New Jersey Department of Environmental Protection has identified areas along the right of way as sensitive and part of their New Jersey Fish and Wildlife Connecting Habitat Across New Jersey (CHANJ) program, an effort to make landscape and roadways more permeable for terrestrial wildlife by identifying key areas and actions needed to achieve habitat connectivity across the state, where multiple known threatened and endangered species have been, and

WHEREAS, the right of way travels directly along, or through, thirty five (35) properties within Knowlton and is within a half mile of sixty five (65) additional parcels within Knowlton,

WHEREAS, the right-of-way runs through a portion of Knowlton’s Tunnel Field and intersects with the Paulinskill Valley Trail; and

WHEREAS, the restoration of the Lackawanna Cutoff requires the rehabilitation of the viaducts over the Paulinskill and Delaware River, which are included in the Lower Delaware Wild and Scenic River Management Plan.

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

1. The Township Committee hereby supports the restoration of passenger rail service via Amtrak between New York City and Scranton, PA via the Lackawanna Cut-Off with a station stop at Blairstown.
2. Such support is conditioned upon the performance of an updated National Environmental Policy Act Environmental Assessment that includes a reviews under National Historic Preservation Act Section 106 Wild and Scenic Rivers Act Section 7
3. The Township requests to be listed as a Cooperating Agency for which early and frequent communication and input opportunity is provided via the Township Clerk (clerk@knowlton-nj.com)The Clerk shall send copies of this resolution to the Governor's Office, New Jersey Transit, North Jersey Transportation Planning Authority, Monroe County Planning Commission, New Jersey and Pennsylvania's U.S. Senators, Congressman Tom Kean, Jr., Congressman Josh Gottheimer, Congresswoman Mikey Sherrill, Congressman Donald Payne, Jr., Congressman Matt Cartwright, local members of the NJ State Assembly and Senate, Hardwick Township, Frelinghuysen Township, Hope Township, the Warren County Board of County Commissioners, the Sussex County Board of County Commissioners, the Pennsylvania Northeast Regional Railroad Authority, the Pennsylvania Department of Transportation, the Federal Railroad Administration, and Amtrak.

**Motion made by Shipps, second by Cuntala and approved by roll call vote:
Bates-yes, Cuntala-yes, Mazza-abstain, Van Horn-yes, Shipps-yes**

2024-57 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 Shipps and approved by roll call vote:
Bates-yes, Cuntala-yes, Mazza-yes, Van Horn-yes, Shipps-yes**

NEW BUSINESS

OEM

Committeeman Bates discussed the FEMA disbursement of funds for Ramsayburg. CFO Christine Rolef states the best avenue would be a capital ordinance and separating the project into three different parts. Ms. Rolef suggests planning a scope of work for the projects and solicit vendors.

DCA Fire invoice-

Mayor Shipps discusses a \$2,000 invoice received from the DCA. Acting Clerk Molion explained they are charging a penalty fee for a recreation cooking permit and DPW welding permit. The committee agreed to pay for both permits. Mayor Shipps will speak with Fire Official Joe Hayes once the permits are paid.

PMG performance bond-

Township Attorney asked the committee to make a motion to release the performance bond for PMG and they can move forward with posting their maintenance bond.

**Motion made by Shipps, second by Cuntala and approved by roll call vote:
Bates-yes, Cuntala-yes, Mazza-yes, Van Horn-yes, Shipps-yes.**

OLD BUSINESS

KAA Shed

Mayor Shipps states there is a hole in the roof of the shed at Tunnel Field that needs replacing. Recreation director solicited three quotes for sheds. The committee agreed to move forward with purchasing a new shed for \$3,100.00.

Mayor Shipps discussed the use of the bathrooms at Tunnel Field. Residents are requesting the bathrooms to be unlocked. Committeewoman Cuntala mentioned issues in the past of the bathrooms being destroyed and not taken care of by those requesting to use them. Attorney St. Angelo states a facility use agreement can be used and a deposit can be required by those who would like to use the facilities.

Tunnel field concession stand

Mayor Shipps addressed the concession stand at Tunnel Field. Ms. Rolef states as discussed with recreation director Dennis Lembeck, it would be more productive to sit down with the recreation liaisons at a different time to review the need and utilization of the concession stand.

MEETING MINUTES

April 8th Public Session Meeting Minutes

**Motion made by Van Horn, second by Cuntala and approved by roll call vote:
Bates-yes, Cuntala-yes, Mazza-yes, Van Horn-yes, Shipps-yes**

April 8th Executive Session Meeting Minutes

**Motion made by Van Horn, second by Cuntala and approved by roll call vote:
Bates-yes, Cuntala-yes, Mazza-yes, Van Horn-yes, Shipps-yes**

PUBLIC COMMENT- AGENDA ITEMS

Mr. Bob McNinch discussed Ordinance 2024-04. Mr. McNinch advised some municipalities are adding exclusions to their ordinance for agriculture land regarding tree removal. Committeeman Bates states it does state certain exclusions as it reads now but other adjustments need to be made before introduction.

EXECUTIVE SESSION

2024-65 Resolution Authorizing Executive Session

Motion by Shipps, Second by Cuntala and carried to go into executive session at 11:00 p.m.

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:

- C. Attorney Advice
- D. 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 by Shipps, Second by Cuntala and carried to come out of executive session at 11:30 p.m.

ADJOURNMENT

Motion made by Shipps, second by Cuntala and carried to adjourn tonight's meeting at 11:30 pm