

**TOWNSHIP OF KNOWLTON
COUNTY OF WARREN, STATE OF NEW JERSEY
TOWNSHIP COMMITTEE MEETING
June 10, 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, Van Horn-yes, Shipps—yes

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

Mr. Paul Avery from the Blairstown Rotary addressed the committee requesting a donation towards the annual Fourth of July fireworks which will be held on July 3rd.

Mayor Shipps advised Mr. Avery Knowlton Township will donated \$1,000.00 towards the fireworks.

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

Bates-yes, Cuntala-yes, Mazza-yes, Van Horn-yes, Shipps- yes

EXECUTIVE SESSION

2024-64 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. 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 7:15 p.m.

BUDGET ADOPTION

Chief Financial Officer Ms. Christine Rolef and Township Auditor John Mooney join to meeting to answer any questions regarding the budget adoption. Mr. Mooney reviews a 1.9 cent increase of the local tax rate from the previous year. \$165,000.00 will be paid down on Capital and \$100,000.00 has been set aside for improvement for road improvements.

Motion made by Shipps, Second by Cuntala and carried to open public comment.

Mr. Bob McNinch addressed Mr. Mooney regarding the Townships budget compared to other surrounding municipalities. Mr. Mooney stated it is difficult to compare as each Municipality have different variables including whether they have their own police department etc.

Motion made by Shipps, Second by Cuntala and carried to close public comment.

**Motion made by Shipps, Second by Cuntala and approved by roll call vote:
Bates-yes, Cuntala-yes, Mazza-yes, Van Horn-yes, Shipps-yes approved 2024 budget**

DEPARTMENT REPORT

Transportation: I80-611-Amtrak

Ms. Mezzanotte and Mr. Hal Bromm will come together to compose a letter of comments on behalf of the Township regarding the retaining wall replacement project.

Lower Delaware Wild & Scenic River – Paulins Kill Update

No update

Knowlton Fire and Rescue-

Chief Alex Weber discussed sponsors are needed to the upcoming food truck fundraiser which includes a 50/50 raffle. Committeeman Bates addressed trying to set up a meeting with St. Luke’s for the past few months with no response. Mr. Weber suggests trying to go through a different point of contact.

ORDINANCES

INTRODUCTION

2024-03 Ordinance Amending Chapter 11, Part Vii Of The Code Of The Township Of Knowlton, Entitled “Stormwater Management”

WHEREAS, by Ordinance No. 21-02, Township Committee of the Township of Knowlton adopted new stormwater management regulations; and

WHEREAS, in July 2023, the New Jersey Department of Environmental Protection published a simplified Model Stormwater Control Ordinance to assist municipalities in revising their municipal stormwater control ordinances to reflect amendments to the Stormwater Management rules at N.J.A.C. 7:8; and

WHEREAS, based on the foregoing, the Township Committee seeks to amend its stormwater control ordinance to ensure its full compliance with the current requirements of N.J.A.C. 7:8, as may be amended.

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 11, Part VII of the Code of the Township of Knowlton (the “Code”), entitled “Stormwater Management” is hereby deleted in its entirety and replaced with the following:

Article 42. Scope and Purpose:

§11-330 Policy Statement

Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple

stormwater management BMPs may be necessary to achieve the established performance standards for green infrastructure, water quality, quantity, and groundwater recharge.

§11-330.1 Purpose

The purpose of this ordinance is to establish minimum stormwater management requirements and controls for "major development," as defined below in Section 525-2.

§11-330.2 Applicability

A. This ordinance shall be applicable to the following major developments:

- 1) Non-residential major developments and redevelopment projects; and
- 2) Aspects of residential major developments and redevelopment projects that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21 et seq.

B. This ordinance shall also be applicable to all major developments undertaken by the Town of Hackettstown and other governmental agencies.

C. Applicability of this ordinance to major developments shall comply with last amended N.J.A.C. 7:8-1.6, incorporated herein by reference.

D. For development not defined as a "major development" as defined below in Section 525-2, stormwater management measures shall be developed to meet the stormwater runoff quantity requirements in Section 525-3B of this Section.

§11-330.3 Compatibility with Other Permit and Ordinance Requirements

Development approvals issued pursuant to this ordinance are to be considered an integral part of development approvals and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

§11-330.4 **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 Chapter clearly demonstrates a different meaning. When not inconsistent 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 word "shall" is always mandatory and not merely directory. The definitions used in this ordinance shall be the same as the last amended Stormwater Management Rules at N.J.A.C. 7:8-1.2, incorporated herein by reference.

Article 43. General Standards.

§11-331 Design and Performance Standards for Stormwater Management Measures:

- A. This section establishes design and performance standards for stormwater management measures for major development intended to minimize the adverse impact of stormwater runoff on water quality and water quantity and loss of groundwater recharge in receiving water bodies. Design and performance standards for stormwater management measures shall comply with last amended N.J.A.C. 7:8-5, incorporated herein by reference.
- B. For development not defined as a "major development" in Section 525-2 above, stormwater management measures shall be developed to meet the stormwater runoff quantity requirements in N.J.A.C. 7:8-5.6, incorporated herein by reference.

§11-331.1 Solids and Floatable Materials Control Standards:

A. Site design features identified under Section 525-3 above, or alternative designs in accordance with Section 525-3 above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section 525-4A.2 below.

- 1. Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
 - a. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or
 - b. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension. Note that the Residential Site Improvement Standards at N.J.A.C. 5:21 include requirements for bicycle safe grates.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater system floors used to collect stormwater from the surface into a storm drain or surface water body.

- c. For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.
- 2. The standard in Section 525-4A.1 above does not apply:
 - a. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;
 - b. Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;

- c. Where flows from the water quality design storm as specified in the last amended Stormwater Management rules at N.J.A.C. 7:8 et seq. are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - i. A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or
 - ii. A bar screen having a bar spacing of 0.5 inches.

Note that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle safe grates in new residential development (N.J.A.C. 5:21-4.18(b)2 and 7.4(b)1).

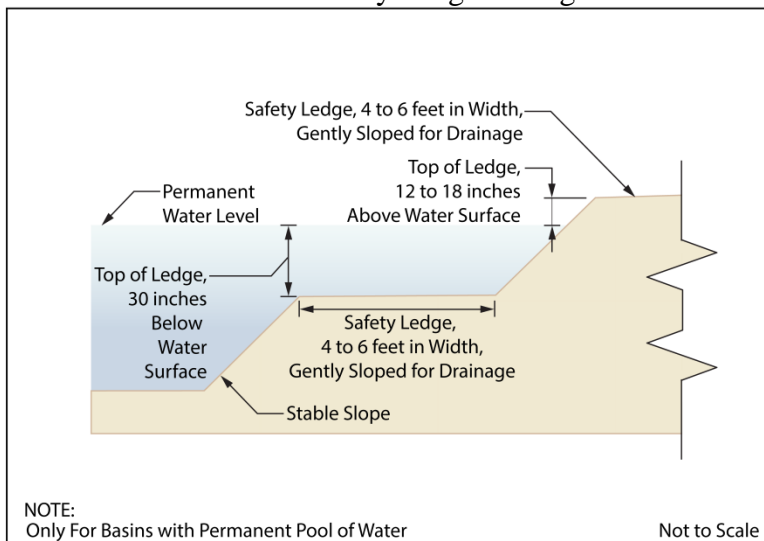
- d. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or
- e. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

§11-331.2 Safety Standards for Stormwater Management Basins:

A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management basins. This section applies to any new stormwater management basin. Safety standards for stormwater management measures shall comply with last amended N.J.A.C. 7:8-6, incorporated herein by reference.

B. Safety Ledge Illustration

Elevation View –Basin Safety Ledge Configuration



Article 44. Requirements for a Site Development Stormwater Plan:

§11-332 Submission of Site Development Stormwater Plan

1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at Section 525-6C below as part of the submission of the application for approval.
2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
3. The applicant shall submit three (3) copies of the materials listed in the checklist for site development stormwater plans in accordance with Section 525-6C of this ordinance.

§11-332.1 Site Development Stormwater Plan Approval

The applicant's Site Development project shall be reviewed as a part of the review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the municipality's review engineer to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

§11-332.2 Submission of Site Development Stormwater Plan

The following information shall be required:

A. Topographic Base Map

The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

B. Environmental Site Analysis

A written and graphic description of the natural and man-made features of the site and its surroundings should be submitted. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

C. Project Description and Site Plans

A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.

D. Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of Section 525-3 is being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

E. Stormwater Management Facilities Map

The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

- 1) Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.
- 2) Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

F. Calculations

- 1) Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section 525-3 of this ordinance.
- 2) When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

G. Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of Section 525-7.

H. Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review engineer, waive submission of any of the requirements in Section 525-6C.1 through Section 525-6C.6 of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

Article 45. Maintenance and Repair:

§11-333 Applicability

Projects subject to review as in Section 525-1C of this ordinance shall comply with the requirements of Section 525-7B and Section 525-7C.

§11-333.1 General Maintenance

- A. Maintenance for stormwater management measures shall comply with last amended N.J.A.C. 7:8-5.8, incorporated herein by reference.
- B. Stormwater facilities shall be constantly maintained by the owner or association to assure continual functioning of the system at design capacity and to prevent the health hazards associated with debris buildup and stagnant water. Maintenance responsibilities, inspection schedules and tasks will be clearly shown in the proposed plan. In no case shall water be allowed to remain in any facility long enough to trigger a mosquito breeding disease or cause any other type of health problem. The maintenance plan must include inspection routines to reduce the potential for extensive, difficult, and costly remedial or emergency maintenance efforts, including inspection checklists. Inspection checklists may address such items as:
- 1) Obstruction of inlet devices by trash and debris;
 - 2) Evidence of erosion, sedimentation or instability;
 - 3) Malfunctioning of valves, gates, locks, access hatches or equipment;
 - 4) Deteriorated conduit outlet or seepage around outlet;
 - 5) Cracks or other deterioration of inlets, outlets, pipes, and conduits;
 - 6) Inadequate draining, clearing or clogging of control devices;
 - 7) Trimming, cutting or mowing of vegetation as required;
 - 8) Erosion and debris in emergency spillways and/or filter strips;
 - 9) Deterioration of downstream channels/conduits;
 - 10) Invasive or noxious weeds out of character with those specified;
 - 11) Saturated conditions or standing water;
 - 12) Animal burrowing; and
 - 13) Vandalism or other non-specified occurrences.
- C. The following requirements of N.J.A.C. 7:8-5.8 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department:
- 1) If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation; and
 - 2) Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.
- D. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.

- E. Beginning on January 31, 2019, the party responsible for maintenance identified under Section 331(A) above shall make annual submissions to the municipality, no later than January 31, containing excerpts of the detailed log of all preventative and corrective maintenance that was performed for the prior calendar year for all structural stormwater measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders.
- F. Nothing in this Article shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

Article 45.1 Private Drain Retrofitting

§11-334 Purpose.

An ordinance requiring the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system(s) operated by the Town of Hackettstown so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§11-334.1 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 Chapter clearly demonstrates a different meaning. When not inconsistent 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 word “shall” is always mandatory and not merely directory.

- A. Municipal separate storm sewer system (MS4) – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by Town of Hackettstown or other public body, and is designed and used for collecting and conveying stormwater.
- B. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- C. Storm drain inlet – an opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.
- D. Waters of the State – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

§11-334.2 Prohibited Conduct.

No person in control of private property (except a residential lot with one single family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

- A. Already meets the design standard below to control passage of solid and floatable materials; or
- B. Is retrofitted or replaced to meet the standard in Section C below prior to the completion of the project.

§11-334.3 Design Standard.

Storm drain inlets identified in Section B above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, “solid and floatable materials” means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see C-3 below.

- A. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
 - 1) The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or
 - 2) A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.
- B. Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.
- C. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.
- D. This standard does not apply:
 - 1) Where the municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;
 - 2) Where flows are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - i. A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or
 - ii. A bar screen having a bar spacing of 0.5 inches.
 - 3) Where flows are conveyed through a trash rack that has parallel bars with one-inch (1”) spacing between the bars; or
 - 4) Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

§11-334.4 Enforcement.

This ordinance shall be enforced by the Superintendent of the Department of Public Works of the Town of Hackettstown or the Town Engineer.

Article 45.2 Penalties:

§11-335 Fines

A. Any violation of any provision of this Ordinance shall be punishable by a fine not to exceed \$2,500 for each offense and/or imprisonment for a term not exceeding ninety (90) days. The following individuals shall be subject to potential punishment:

- 1) The owner, general agent, contractor or occupant of a building, premises or part thereof where such a violation has been committed or does exist; and
- 2) Any agent, contractor, architect, engineer, builder, corporation or other person who commits, takes part or assists in the violation.

B. Each day that a violation continues shall constitute a separate and distinct offense.

- 1) The imposition of penalties herein shall not preclude the municipality or any other person from instituting an action to prevent an unlawful construction, reconstruction, alteration, repair, conversion, or use, or to restrain, correct or abate a violation, or to prevent the illegal occupancy of a building, land or premises.

§11-335.2 Injunctive relief. In addition to the foregoing, the municipality may institute an action for injunctive relief.

Article 45.3 Severability; Effective Date

§11-336. **Severability.** If the provisions of any section, subsection, paragraph, subdivision, or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.

§11-336.1 **Effective Date.** This Ordinance shall be in full force and effect immediately upon approval by the County Review Agency, or sixty (60) days from the receipt of this Ordinance by the county review agency if the county review agency, should fail to act.

SECTION 9. 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 10. 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 11. This Ordinance shall take effect upon (1) approval by the Warren County Planning Board pursuant to N.J.S.A. 40:55D-15. b and -16; and (2) passage and publication according to law.

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" means 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 (**in inches**) at breast height (DBH) of the tree by 1.5 feet/**inch**. For example: a tree with a 6” DBH would have a CRR = 6 **inches** x1.5 **feet/inch** = 9 **feet**.
- 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).~~
- 6. Is an obvious threat to public health, safety, and/or welfare OR certified as such by an arborist. Replace 5 above.**

E. “Invasive Species” An alien species whose introduction does or is likely to cause economic or environmental harm or harm to human health.

F. “Person” means any individual, resident, corporation, utility, company, partnership, firm, or association.

G. “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.

H. “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.

I. “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.

J. “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.

K. “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.

L. “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.

M. "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. **Does the TC really want to make this determination?**

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~~ **trees** 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 Ordinance^u 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. **The original first sentence in this paragraph is really confusing. I would suggest instead: Any person who removes one or more trees per acre having a DNBH of 6” or more, unless otherwise exempt under Section IV, shall be subject to the requirements of the Tree Replacement Requirements Table.** ~~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** meets 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
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5. Replacement Trees must be on the list of trees native to Warren County created by the Native Plant Society of NJ.

Table of Permitted Replacement Tree Species and Planting Standards

Tree Species	Planting Season	Planting Procedure
<p>See Appenidix A or https://npsnj.org/native-plants/plant-lists/</p> <p>From the Native Plant Society of NJ. See list for Warren County</p>	<p>Spring Planting: Mid-March to End of April;</p> <p>Fall Planting: Mid-September tp Early November;</p> <p>Or as directed by an arborist.</p>	<p>Trees must have a healthy root system and be well-shaped, healthy, vigorous stock free of disease, insects, eggs, larvae, and defects such s knots, sunscald, injuries, abrasion, an disfigurement. Trees must be maintained for a period of 18 months from planting by pruning, cultivating, watering, weeding, fertilizing, resotring, planting saucers, tightening and repairing stakes and guy supports and resetting to proper grades or vertical position, as required to establish healthy, viable plantings. Damaged tree wrappings must be restored or replaced as needed.</p>

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.
- I. **Removal of invasive species such as Tre-of-Heaven (*Ailanthus altissima*), Callery ear (*Pyrus calleryana*) and others. (a full list of invasive New Jersey trees can be found, as per NJDEP recommendation, on the New Jersey Invasive Species Strike Team Website:**
https://www.fohvos.info/wp-content/uploads/2024_Strike_Team_Do_Not_Plant_List_Common_Name_Sort_2024_04_29.pdf
We may want to provide a list instead of a website.

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.

PUBLIC HEARING/ADOPTION

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.

Motion made by Shipps, Second by Cuntala and carried to open public hearing.

Motion made by Shipps, Second by Cuntala and carried to close public hearing.

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

Bates-yes, Cuntala-yes, Mazza- yes, Van Horn- yes, Shipps-yes

RESOLUTIONS

2024-63 Resolution Of The Township Committee Of The Township Of Knowlton Authorizing A Grant Application To The New Jersey Department Of Transportation For The Hainesburg River Road Project

WHEREAS, Knowlton Township is submitting a grant application to the New Jersey Department of Transportation for a project to pave a portion of Hainesburg River Road from Simpson Road to Simpson Road; and

WHEREAS, the Township Committee of the Township of Knowlton formally approves the grant application for the above stated project; and

BE IT RESOLVED that the Township Engineer is hereby authorized to submit an electronic grant application identified as MA-2025-Hainesburg River Road, Section 1-0178 to the New Jersey Department of Transportation on behalf of the Township of Knowlton.

BE IT FURTHER RESOLVED that Mayor and Clerk hereby authorized to sign the grant agreement on behalf of the Township of Knowlton and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

Bates-yes, Cuntala-yes, Mazza- yes, Van Horn- yes, Shipps-yes

2024-64 Renewal Of Liquor Licenses For 2024-2025

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:

Memili Enterprises LLC 2113-33-006-009

Minton's Log Cabin Inc. 2113-33-008-005

Hunters Lodge Motel, LLC. . 2113-33-005-007

Shree Nathght Corp. t/a Smitty's Liquor Store 2113-44-011-004

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

Bates-yes, Cuntala-yes, Mazza- yes, Van Horn- yes, Shipps-yes

2024-65 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 Shipps, second by Cuntala and approved by roll call vote:

Bates-yes, Cuntala-yes, Mazza- yes, Van Horn- yes, Shipps-yes

2024-66 A Resolution Adopting A Floodplain Development Application Form

WHEREAS, Floodplain Development permit applications must be made on a form provided by the Floodplain Administrator; and

WHEREAS, the Floodplain Administrator, Township Attorney, and the Township Committee have reviewed the attached Floodplain Development permit application form and desires to adopt such for use by the Township.

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

1. The attached Floodplain Development application is hereby approved and adopted for use by the Township.
2. The Township Clerk is authorized to post such on the Township website and keep copies in the Township Municipal Building to provide to potential applicants.
3. This Resolution shall take effect immediately.

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

Bates-yes, Cuntala-yes, Mazza- yes, Van Horn- yes, Shipps-yes

NEW BUSINESS

Tax map revision proposal

Mayor Shipps explains before moving forward with the reassessment of the town, the Township tax maps need to be revised. Tax assessor Rich Motyka provided the committee with a quote from L.J Brill & Associates for \$19,500.00.

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

Bates-yes, Cuntala-yes, Mazza-yes, Van Horn-yes, Shipps- yes approved to accept L.J Brill & Associates proposal of \$19,500.00.

Background check reimbursement for KTFR

The committee approved for reimbursement of the cost for Knowlton Township Fire & Rescue background checks as done in previous years.

MS4 Tier A Engineering proposal

Mayor Shipps discussed the financial plan moving forward with the new MS4 Tier A regulations. Attorney Tara St. Angelo explained the State is providing each Municipality a grant of \$75,000. The engineering proposal is estimated around \$109,000. A capital ordinance would need to be adopted in order to cover the remaining costs of the proposal.

Mayor Shipps discussed options to mitigate truck traffic on Decatur Street. The County has suggested placing signage in English and Spanish. The County will also speak with JCP&L to possible move power lines in which trucks cannot take them down. The County will also be doing a site visit to observe the truck traffic some time next week.

MEETING MINUTES

May 13th Public Session Meeting Minutes

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

May 13th Executive Session Meeting Minutes

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

May 23rd Public Session Meeting Minutes

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

PUBLIC COMMENT- AGENDA ITEMS

No comment

ADJOURNMENT

Motion made by Shipps, second by Cuntala and carried to adjourn tonight's meeting at 9:00 pm.