

**MINUTES OF KNOWLTON TOWNSHIP
WARREN COUNTY, NEW JERSEY
June 12, 2017**

The monthly meeting of the Knowlton Township Committee was held on this date at the Municipal Building, 628 Route 94, Columbia, New Jersey. This meeting was called to order at 7:07 p.m. by Mayor Starrs.

Mayor Starrs led the public in the pledge of allegiance.

The Mayor read the following statement in compliance with the "Open Public Meetings Act":
"In accordance with Chapter 231 of the Public Laws of 1975, notice of this meeting was given by way of publication with the Star Gazette and/or the Express-Times, filed in the Municipal Clerk's Office and posted in the Knowlton Municipal Building."

Roll Call

Present: Deputy Mayor Cuntala, Committeeman Farber, Committeewoman Shipps (left at 9:05 pm) and Mayor Starrs

Also present was Township Engineer Ted Rodman, DPW Supervisor Brain Peck, Township Attorney Richard Cushing (left at 9:40pm)

Absent-Committeeman Van Horn

EXECUTIVE SESSION Motion to go into Closed Session: Mayor Starrs, Seconded by Committeewoman Cuntala and carried at 7:08 to go into Executive Session.

Resolution

WHEREAS, Section 8 of the Open Public Meeting Act, Chapter 231, P.L.1975 permits the exclusion of the public from a meeting under certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

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

1. The public shall be excluded from that portion of this meeting
2. The general nature of the subject matter to be discussed is as follows:
 - A. Personnel
 - B. Litigation

Motion was made by Mayor Starrs, Seconded by Deputy Mayor Cuntala and carried to come out of Executive Session at 7:50 p.m. and return to Regular Session.

PUBLIC COMMENT

Resident Pam Rusweiler addressed a concern to Attorney Cushing regarding a situation that was put on social media and if that is how a committeeman should behave on a matter that could be a potential litigation. Ms. Rusweiler explained how disheartening this was towards her.

Resident Nancy O'Neill asked for an update regarding the four-wheelers trespassing at the Delaware Truck Stop. Attorney Cushing read a response letter from Attorney Frederick Roughgarden who represents Cavit Construction, Co., Inc owners of the Delaware Truck Stop.

Motion was made by Mayor Starrs, seconded by Deputy Mayor Cuntala and carried to approve for a letter to be written to the NJ State Hope Barracks regarding the trespassing of four-wheelers at the Delaware Truck Stop.

DEPARTMENT REPORTS

Engineer Ted Rodman--Still working on Salt Shed

DPW Supervisor Brian Peck--No new updates

ORDINANCE

ORDINANCE # 2017-04 AN ORDINANCE AMENDING CHAPTER 138 OF THE CODE OF THE TOWNSHIP OF KNOWLTON REGARDING PEDDLING AND SOLICITING

WHEREAS, Chapter 138 of the Code of the Township of Knowlton regulates peddling and soliciting; and

WHEREAS, N.J.S.A. 39:4-60 prohibits solicitation of charitable contributions from motorists on roadways in the State of New Jersey unless authorized by ordinance of the municipality in which said roadways are situate; and

WHEREAS, the Township desires to permit charitable organizations to solicit contributions within the Township subject to certain restrictions and conditions, pursuant to a roadway charitable solicitation permit issued by the Town; and

NOW, THEREFORE, BE IT ORDAINED by the Knowlton Township Committee that Chapter 138 of the Code of the Township of Knowlton is hereby amended as follows:

SECTION 1. Chapter 138 of the Code of the Township of Knowlton is amended by adding the following:

ARTICLE II. CHARITABLE SOLICITATIONS IN ROADWAYS

§138-16. Solicitations in Roadways Permitted.

The Township of Knowlton shall permit charitable organizations as defined in N.J.S.A. 45:17A-20 to solicit contributions in roadways, commonly referred to as "coin drops," situated in the Township in accordance with the provisions contained herein.

§138-17. Permit Required; Application Requirements.

All charitable organizations, as defined in N.J.S.A. 45:17A-20, which desire to solicit such contributions in roadways located in the Township shall file an application for a permit with the Township Clerk on a form supplied by the Township Clerk, specifying the following information:

- A. Name of applicant organization.
- B. Address of applicant organization
- C. Telephone number of applicant organization
- D. Contact person for applicant organization
- E. Specific location(s) of proposed charitable solicitation
- F. Date(s) and time of operation of proposed charitable solicitation, any potential rain or inclement weather substitution dates must also be listed on all applications to the municipal, county, and state government organizations.

G. If the request involves a county roadway, the request shall include a copy of the proposed authorization from the Warren County Board of Chosen Freeholders to permit the charitable solicitation.

H. If the request involves a state roadway and/or highway, the request shall include a copy of the authorization from the Commissioner of Transportation of the State of New Jersey to permit such charitable solicitation or a copy of the appropriate application thereto.

I. All proposed safety regulations, safety devices and training for individuals who shall participate in the charitable solicitation and/or a report as to the procedures to be used to ensure the safety of the members of the public who will be traversing the roadways within the Township.

J. A certificate of insurance issued by an insurance company duly licensed in the State of New Jersey. The certificate of insurance must provide general liability insurance in an amount of not less than \$1,000,000. The Township shall be listed as an additional insured on the certificate and an endorsement to the insurance policy.

K. A signed, dated and notarized release and indemnification agreement, signed by the organization sponsor or responsible party, legally binding the organization participant, which shall release and agree to indemnify and hold harmless the Township of Knowlton, County of Warren, State of New Jersey, its agents, servants, employees and elected and appointed officials from any and all liability of any kind from injury or physical harm, including death, and damage to property occurring from or alleged to arise out of the event.

This application must be submitted a minimum of 30 days prior to the planned event date for the fundraiser.

§138-18. Limit on Number and Duration of Coin Drops; Hours of Operation

A. No permits will be granted by the Township for more than one event, three consecutive days maximum, per calendar month, per location for any organization.

B. No approved coin drop solicitation shall be permitted for longer than three consecutive days.

C. No permits shall be granted by the Township for more than a maximum of two coin drop solicitations per calendar month at a specific location. The coin drop events shall not be scheduled on back to back calendar weeks. Permits may be granted on a first come, first serve basis.

D. All approved coin drop solicitations shall be conducted only during daylight hours and shall commence no earlier than 9:00 a.m. and be concluded no later than 6:00 p.m.

§138-19. Conditions of Approval.

The following conditions shall be placed on all approvals for coin drops:

A. Solicitation shall only be permitted at controlled intersections (i.e. those with a stop sign or

traffic signal) during daylight hours.

B. Solicitation may not substantially impede the flow of vehicular or pedestrian traffic. However, traffic must be stopped for a sufficient period of time to ensure the safety of persons soliciting in the roadway. Flagmen are not permitted to be utilized to control or regulate traffic movement.

C. Signs and traffic control devices must be in accordance with the latest edition of the Manual on Uniform Traffic Control Devices. Signs advertising the solicitation may be placed approximately 500 feet in advance. Signs must be temporary, break-away, and a maximum of 16 square feet.

D. Persons soliciting in the roadway, or within 15 feet of the roadway, must wear properly sized, ANSI 107-2004 (or later) Class 2 or 3 high visibility apparel. Wearing non-ANSI approved apparel will be reason for immediate cessation of the event.

E. Individuals under the age of 18 years may be present but must be at a safe distance and location from the street. Decisions of the NJ State Police will be final in determining such safe location.

F. Solicitors may not harass the motorists or public.

H. Solicitors shall not consume or be under the influence of alcohol or drugs.

I. The charitable organization will be responsible for cleaning any debris, including any signage or advertisements associated with the roadway solicitation, from the solicitation site within two hours of the end of solicitation.

J. In the event of severe weather, the charitable organization agrees to immediately cease its roadway solicitation activities and shall not resume such activities without first notifying the NJ State Police and receiving permission to resume such activities from the NJ State Police.

K. In the event of a motor vehicle accident or injury to a person in the vicinity of the roadway solicitation, the charitable organization agrees to immediately cease its roadway solicitation activities and shall not resume such activities without first notifying the NJ State Police and receiving permission to resume such activities from the NJ State Police.

§138-20. Prohibition of solicitation by minors.

No applicant or organization seeking permission for a coin drop will use any individual under the age of 18 years to perform any function or task associated with the said charitable solicitation in any roadway.

§138-21. Approval or denial of application.

Upon filing of a complete application and completion of the required review by the Township Clerk, the applicant shall present the application to the Township Committee minimum of 30 days prior to the proposed coin drop for its review and consideration, after which the Township Committee shall grant or deny the applicant's request by resolution.

In the event the applicant's request is approved, the Town resolution shall be forwarded by the applicant to the state and/or county, if necessary. In the event that the coin drop is approved for a roadway which does not intersect or fall within the jurisdiction of the county or state, the resolution shall serve as the final approval for the coin drop.

The applicant shall follow and abide by all conditions imposed in the resolution adopted by the Township Committee.

§138-22. Compliance with state statute.

Any charitable organization requesting authorization from the Township for a charitable solicitation shall comply with all the terms and conditions of N.J.S.A. 39:4-60, as same may be amended and supplemented and all other applicable state statutes.

§138-23. Compliance, revocation of approval or order to cease operations

Any charitable organization that is granted municipal, county, or state approval for a coin drop, understands that at any point prior to the event, during the event, or for future events; the Department of Transportation, Warren County official, Knowlton Township Municipal official, or any law enforcement officer can order the charitable organization to cease operations based upon, but not limited to: roadway issues, public safety concerns, weather conditions, or traffic conditions. This cease order does not transfer any liability or exposure to expenses to the official who is delaying or revoking the coin drop event.

§138-24. Penalties.

Any person engaged in solicitation activities found guilty of violating a provision of this section shall be liable for a fine not to exceed \$100 for each day of such violation. Tickets may be written by NJ State Police under N.J.S.A. 39:4-60 et seq.

SECTION 2. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. Any ordinance inconsistent with the terms of this Ordinance is hereby repealed.

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

Motion was made by Mayor Starrs, seconded by Deputy Mayor Cuntala and carried by roll call vote Cuntala --yes, Farber--yes, Shipps--yes, Van Horn absent, Starrs—yes to Introduction of Ordinance 2017-04

RESOLUTIONS

2017-67 Disposal of Municipal Asset

WHEREAS, the Township currently owns an Alamo Minute Man Boom Flair mower which is valued under \$6,000; and,

WHEREAS, the Township has determined this item is no longer of any value or service to the Township and a private citizen has expressed interest in purchasing said item at a price of \$200; and,

WHEREAS, per NJ Local Public Contracts Law 40A:11-36, "If the estimated fair value of the property to be sold does not exceed the applicable bid threshold in any one sale or is either livestock or perishable goods, it may be sold at private sale without advertising for bids;"

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Committee of the Township of Knowlton, County of Warren, and State of New Jersey that the Township Committee does hereby approve the sale of an Alamo Minute Man Boom Flair mower serial # 01169 in the amount of \$1252.50

Motion was made by Mayor Starrs, seconded by Deputy Mayor Cuntala and carried to approve to have the acting municipal clerk send the bidder a letter stating that the Alamo Minute Man Boom Flair Mower is being sold as is.

Motion was made by Mayor Starrs, seconded by Deputy Mayor and approved by roll call vote Cuntala --yes, Farber--yes, Shipps--yes, Van Horn--absent, Starrs--yes to award Matthew Baley the municipal asset contingent on his acceptance of letter.

2017-70 Monarch Pledge Resolution

WHEREAS, the Monarch butterfly is an iconic North American species whose multigenerational migration and metamorphosis from caterpillar to butterfly has captured the imagination of millions of Americans; and

WHEREAS, 20 years ago, more than one billion Eastern Monarch butterflies migrated to Mexico, but in the winter of 2014, only 60 million made the trip; and

WHEREAS, butterflies are pollinators, an essential element for crops and the food production; and

WHEREAS, cities, towns and counties have a critical role to play to help save the Monarch butterfly by encouraging the replanting of habitat that assists the Monarch; and

WHEREAS, every citizen of Knowlton can make a difference for the Monarch by planting native milkweed and nectar plants to provide habitat for the Monarch and pollinators in locations where people live, work, learn, play and worship; and

WHEREAS, the National Wildlife Federation's Mayors' Monarch Pledge asks towns to undertake three activities that will benefit the Monarch population; and

WHEREAS, suggested activities range from planting a butterfly garden in Township recreational areas to educating schoolchildren; and

WHEREAS, all activities or projects under consideration would involve no cost or could be financed with minimal grant funds from the NJDEP coal plant settlement; and

WHEREAS, the Knowlton Environmental Commission and interested residents have expressed support for the pledge and a desire to assist in planning and carrying out these activities.

NOW, THEREFORE, BE IT RESOLVED, that the Knowlton Township Committee authorizes the Mayor to sign the National Wildlife Federation's Mayors' Monarch Pledge.

Motion was made by Mayor Starrs, seconded by Deputy Mayor Cuntala and carried to approve resolution 2017-70

Motion was made by Mayor Starrs, second by Deputy Mayor Cuntala and approved by roll call vote Cuntala--yes, Farber--yes, Shipps--yes, Van Horn--absent, Starrs--yes an expenditure of \$2300.00 from DEP grant for the Butterfly garden

2017-71 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 was made Mayor Starrs, second by Deputy Mayor Cuntala and approved by roll call vote Cuntala--yes, Farber--yes, Shipps--yes, Van Horn--absent, Starrs--yes to Resolution 2017-71

2017-72 Governing Body Resolution Grant Agreement Between Knowlton Township and the State of New Jersey by and for the Department of Environmental Protection

The Governing body of Knowlton Township desires to further the public interest by obtaining a grant from State of New Jersey in the amount of approximately \$23, 967.50 to fund the following project: **Non-Road Equipment Replacement Program**

Therefore, the governing body resolves that CFO Christine Rolef or the successor to the office of CFO is authorized (a) to make application for such a grant (b) if awarded, to execute a grant agreement with the State for a grant in an amount not less that \$13, 967.50 and not more than \$13,967.50 and (c) to execute any amendments thereto any amendments thereto which do not increase the Grantee's obligations.

The Knowlton Township authorizes and hereby agrees to match 75% of the Total Project Amount, in compliance with the match requirements of the agreement. The availability of the match for such purposes, whether cash, services, or property, is hereby certified. % of the match will be made up of in-kind services (if allowed by grant program requirements and the agreement).

The Grantee agrees to comply with all applicable federal, State and municipal laws, rules, and regulation in its performance pursuant to this agreement

Motion was made by Deputy Mayor Cuntala, seconded by Mayor Starrs and approved by roll call vote Cuntala--yes, Farber--yes, Shipps--yes, Van Horn--absent, Starrs--yes to Resolution 2017-72

OLD BUSINESS

Zoning Office Gas Station Complaint

This matter involves a complaint that was filed by a resident against Code Enforcement/ Zoning office official Joe Rossi about his manner of dealing with gas station complaints. This matter was held in public session because Mr. Rossi, in response to a Rice Notice, requested public session.

Attorney Cushing verified with Mr. Rossi that he wants this discussed in public session.

Mayor Starrs asked Mr. Rossi if he would like to go first. Mr. Rossi asked the committee what the township policy was for employee performance review. Committeewoman Shipps responded to his question. Then Mr. Rossi proceeded with a list of items that were on a letter that Mayor Starrs had sent him regarding this Rice

Notice. Mayor Starrs asked Mr. Rossi to hang on. Mr. Rossi said, "Excuse me I would like to finish. Your Rice noticed me." Attorney Cushing had to step in to inform Mr. Rossi that the Mayor runs the meetings and that respect needs to be shown because the Mayor is your boss.

Mayor Starrs preceded going through the list of complaints against Mr. Rossi regarding the gas station issues which included, incorrect information provided to the Mayor or committee members, putting incorrect information such as names and incorrect block and lot on summons because you did not have the correct information, speaking to a resident in anger and telling the same resident to "write the summons yourself," stating that you will not respond to emails, and escalating situations. These actions are resulting in residents reaching out to committee members with complaints.

Mr. Rossi replied to the complaints that were made against him. Some of the complaints he said he had no comment on because either the government official that he spoke with was not present or it would be a he-said-she-said type scenario and he had no comment on some issues. One of the responses that Mr. Rossi had was regarding the summons that were issued and what the court official said and Judge said and accused the mayor for using her political position to persuade the prosecutor and asking, "How much are we going to fine him?" Mr. Rossi stated that the prosecutor said that there was no fine that they wanted to resolve this. Mr. Rossi also stated that "If I was a business owner in this town and I said that, found out that the first words out the Mayor's mouth was 'I make a mistake. How much money is he going to be fined?' I would be very concerned whether I wanted to have a business in this town."

Mayor Starrs replied that Mr. Rossi was not present when she spoke with the prosecutor. Mayor Starrs stated she went to court that day because there were so many mistakes on the summons and when she asked the judge what to do with about so many mistakes on a summons, the judge recommended going to the next court date and straighten things out.

Mr. Rossi also responded regarding speaking to the resident in anger. Mr. Rossi did write a letter to apologize to the resident and as far as he was concerned that was over. Mr. Rossi responded regarding the emails that it was the second time that it was brought up and since the first time he has responded to each individual email. He said, "They don't like my response."

Mayor Starrs stated she was getting the impression that Mr. Rossi does not take responsibility for these matters that were being addressed. Mr. Rossi responded with "That is your correct impression." Attorney Cushing said Mr. Rossi's attitude was inappropriate and asked Mr. Rossi "Joe, do you really want to do the job here in Knowlton?"

Mr. Rossi also wanted to address the last item that was on the list regarding an abandoned barn on Lime Kiln Rd. Mr. Rossi has not been able to find an agent at Bank of America in order to take care of this situation and issue a summons. Mayor Starrs asked if Rossi had cited them for "failure to provide an in-state representative"? He responded "Certainly" and said several times that Bank of America laughed at him. Attorney Cushing said that you do not have to summons an individual and told him to put the name of the president from Bank of America on the summons.

Mr. Rossi then asked if he could read a statement that he prepared without being interrupted.

Mr. Rossi in this statement accused the Mayor of being a liar, not trusted, using her political position to Rice Notice Mr. Rossi to give a performance review which he stated was "Employee Harassment," he called the Mayor prejudiced and biased and said that her chair has gone to her head. Mr. Rossi said that the Mayor is no longer to use his personal email or cell phone for Township business.

Mr. Rossi also gave official notice of "personal harassment charges and having hostile information." Attorney Cushing said once again, "Do you really want to consider working here? With that hostility, you seem to have feeling about, does it make sense for you to continue?" Mr. Rossi responded, "Absolutely."

Deputy Mayor Cuntala stated that Mr. Rossi “doesn’t seem like you want to answer to anyone” and said that he provides a lot of answers that are “absolutely wrong.” Mayor Starrs said she would not apologize for following up on residents’ complaints and for overseeing employees, which is the Township’s job. Committeeman Farber stated that the zoning officer has to explain things to residents.

After a heated discussion between the committee and Mr. Rossi, Committeewoman Shipps does not feel comfortable doing Mr. Rossi’s performance review unless it is in front of counsel and also feels that there should be a 6 month probation period. Mayor Starrs asked, “How can we have a Zoning Officer that can’t be contacted by municipal officials?” Mr. Rossi answered by asking the Township to order him a cell phone.

Mayor Starrs does not feel that she can work with Mr. Rossi and asked if someone else can be the liaison to the zoning office, which Deputy Mayor Cuntala agreed to.

Attorney Cushing advised the Committee to come up with a written plan for Mr. Rossi and the personnel subcommittee agreed.

Music Ordinance

Discussing regarding an amended Rock Music Ordinance with Attorney Cushing. Mr. Cushing believes a police power ordinance would be beneficial regarding outside music. Committee discussed that parking should be an element and minimize the noise to neighbors. A permit could be issued once a year and if you have violations of the permit so many times then your privilege is gone. Attorney Cushing will draft up an Ordinance for the committee to review.

Committee took a public comment from resident Nancy O’Neill who has issues with an amended Rock Music Ordinance. Mrs. O’Neill commented that she lives in Delaware and that the residents of Delaware have to deal with the truck stops, the campgrounds, and now having outdoor music at Hunter’s Lodge and how does the committee protect the residents from the noise?

Resident Frank DeGroot asked how the ordinance would be enforced. Attorney Cushing stated that the police power ordinance would be highly recommended.

Quote Delaware Beach Road

Motion was made by Mayor Starrs, seconded by Deputy Mayor Cuntala and approved by roll call vote Cuntala--yes, Farber--yes, Shipps--absent, Van Horn--absent, Starrs--yes to accept Hallett Contracting quote for \$12,600 to repair road to Delaware Beach with the DEP grant funds.

Corrective Action Plan

Committee reviewed the Corrective Action Plan provided by CFO Christine Rolef

DOT Rockwall Meeting

Mayor Starrs recommends that everyone goes to the public meeting that is schedule for June 14 at Knowlton Elementary School.

NEW BUSINESS

DEP Grant--KAA has requested some items to be purchased from the DEP grant. Committee is going to check with Committeeman Van Horn on ideas that he had for the seniors.

Dog License late fees-- A resident requested to have late fees waived for her dogs. Committee agreed that the late fees are mandated in the Township Ordinance and they cannot be waived without amending the ordinance.

Right to Know Survey--Acting Clerk Shipps explained to the committee how the Right To Know Survey works. Motion was made by Mayor Starrs, seconded by Committeeman Farber and approved by roll call vote Cuntala--yes, Farber--yes, Shipps--absent, Van Horn--absent, Starrs--yes, to accept the quote for RK Occupation & Environmental Analysis Inc for the amount of \$875.00 for one year contract for the DPW and Municipal building only. Separate quote for the Recreation building will need to be provided.

Meeting --Delaware Travel Center June 13—Sam Milrom requested a meeting with Mayor Starrs on June 13 regarding the Travel Center being built but Mayor Starrs does not want to be the only committee person present. Committeeman Farber suggested that the meeting be rescheduled after the Board of Adjustment meeting. Mayor Starrs agreed that was a good idea and would do so.

CORRESPONDENCE

Hope Salt shed--Mayor Starrs had heard a rumor that the Hope Salt Shed was done for \$80,000.00. Mayor Starrs stated that she researched it and the shed is much smaller than Knowlton's and the estimate was at \$143,000, not \$80,000.

Letter from DOT stating that NJDOT cannot **accept** Knowlton's request for a Shared Service with the State Salt Shed.

Mayor Starrs spoke with Paul from Superheat who recommends that the boiler be drained because of the salt in water. Committee agreed to have Mayor Starrs look into a reverse osmosis system for the boiler.

Mayor Starrs stated that insurance paid for the cat bite claim.

APPROVAL OF MINUTES

May 25, 2017 Executive Session Meeting Minutes

Motion was made by Deputy Mayor Cuntala, seconded by Mayor Starrs and approved by All in Favor the May 25, 2017 Executive Session minutes

May 25, 2017 Public Meeting Minutes

Motion was made by Deputy Mayor Cuntala, Seconded by Committeeman Farber and approve by All in Favor the May 25th Public meeting meetings

PUBLIC COMMENTS

Resident Tracy Allen wanted to say that she thinks that this committee is doing a great job.

Resident Pam Rusweiler thanked the committee and is proud to have Mayor Starrs as the township's Mayor.

ADJOURNMENT

Motion was made by Mayor Starrs, seconded by Deputy Mayor Cuntala, and carried to adjourn tonight's Township meeting at 9:52p.m.

Respectfully submitted,

Kristin Shipps
Acting Municipal Clerk