

**STILLWATER TOWNSHIP COMMITTEE MEETING**  
**MINUTES OF JULY, 1 2014**  
**REGULAR MEETING**

A REGULAR MEETING of the Stillwater Township Committee was called to order by Mayor Scott at 6:00 p.m. noting the meeting date, time and place were duly published in the New Jersey Herald and posted at the Town Hall and advised those present that this meeting was being held in compliance with provisions of P.L. 1975, Chapter 231, Sections 4 & 13.

**Roll Call:** PRESENT: Mayor Scott, Committeewoman Chammings, Committeeman Gross, Committeeman Fisher, Committeewoman Straway, Municipal Clerk Lynda Knott, and Attorney Richard Stein ABSENT: None

**Executive Session:**

After the reading of the following Resolution to enter into Executive Session, a **motion** was made by **Mr. Fisher**, seconded by **Mrs. Straway** and carried by roll call vote to adopt the resolution permitting the Committee to go into Executive Session at 6:02 p.m.

WHEREAS, Section 8 of the Open Public Meetings 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 Stillwater, in the County of Sussex 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: Personnel
3. As nearly as can now be ascertained, the matter or matters to be discussed at this time will be disclosed to the public when such matters are resolved.

There being no further business to attend to, a **motion** was made by **Ms. Chammings**, seconded by **Mrs. Straway** to conclude the Executive Session at 7:01 p.m., unanimously carried by roll call vote.

**Regular Session:**

Mayor Scott invited all present to join him in saluting the flag

Mayor Scott informed the audience that there had been an earlier executive session where interviews were held and that a second executive session will be held.

**CONSENT AGENDA:** All matters listed below are considered routine in nature and will be enacted by one motion. There will be no separate discussion of the items. If any discussion is desired, that particular item will be removed from the consent agenda and will be considered separately on the regular agenda.

**RESOLUTIONS:** 2014-073 Authorizing Ando Refund of Garage Sale Application Fee  
2014-074 Authorizing Hollinger Refund of Zoning Board of Adjustment Escrow

**REPORTS:** Stillwater Rescue Squad Monthly and Monthly Day Calls Report of May 2014

**Mr. Fisher** made a **motion** to approve the Consent Agenda, seconded by **Mrs. Straway**.

**Roll Call Vote:** Ms. Chammings, yes, Mr. Fisher, yes, Mr. Gross, yes, Mrs. Straway, yes and Mayor Scott, yes – the Consent Agenda was approved.

**RESOLUTION 2014-075    RESOLUTION AWARDING CONTRACT FOR TWO (2)  
2015 MODEL YEAR FREIGHTLINER 114SD TRUCKS  
WITH DUMP BODY, SNOW PLOW AND TAIL GATE  
SPREADER**

**WHEREAS**, the Township of Stillwater heretofore advertised for the receipt of sealed competitive bids for two (2) 2015 Model Year Freightliner 114SD Trucks with Dump Body, Snow Plow and Tail Gate Spreader; and

**WHEREAS**, the Township of Stillwater accepted sealed competitive bids on June 24, 2014; and

**WHEREAS**, the Township of Stillwater received one sealed competitive bid from Robert H. Hoover & Sons, Inc. in the amount of \$295,086.00; and

**WHEREAS**, the Township Attorney has reviewed the bid for compliance with the Local Public Contracts Law and the Township's bidding requirements; and

**WHEREAS**, Robert H. Hoover & Sons, Inc. has complied with the Local Public Contracts Law and the Township's bidding requirements, and is the lowest responsive, responsible bidder for the Township's request for bids on June 24, 2014;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Stillwater that the Township does hereby award a bid to Robert H. Hoover & Sons, Inc. in an amount not to exceed \$295,086.00; and

**BE IT FURTHER RESOLVED** that the award of this bid is subject to certification of the availability of funds by the Chief Financial Officer.  
Appointing Lynda Knott as Municipal Clerk

**Mr. Gross** made a **motion** to approve the Resolution 2014-075, seconded by **Mrs. Straway**.

**Roll Call Vote:** Ms. Chammings, yes, Mr. Fisher, yes, Mr. Gross, yes, Mrs. Straway, yes and Mayor Scott, yes – Resolution 2014-075 was adopted.

**2014 Bill List Cycle # 10:** \$854,076.57

**RESOLUTION 2014-076** Authorizing Payment of Bills

Motion by **Mrs. Straway**, seconded by **Mr. Fisher** to approve the 2014 Bills List and Resolution 2014-076 Payment of Bills for Cycle #10.

**Roll Call Vote:** Ms. Chammings, yes, Mr. Fisher, yes, Mr. Gross, yes, Mrs. Straway, yes and Mayor Scott, yes – Resolution 2014-076 was adopted.

**Amendments to the Agenda: Hiring of two part-time employees will be under new business**

**Open Public Session:** Mayor Scott invited members of the public to speak.

John Nelson, 6 Logwood Trail, Newton is representing Crandon Lakes Association. Mr. Nelson stated the Crandon Lakes Association is disputing the formula calculated for snow removal for 2013. Mr. Nelson noted that Attorney Bolcato, present at the meeting on June 18, 2014 advised the Township Committee not to agree to the addendum but wait until the final figure is determined before paying Crandon Lakes Association. Mr. Stein confirmed Mr. Bolcato's opinion and also stated he would be glad to speak to Mr. Fox (Attorney for Crandon Lakes Association) and also the CFO to confirm the formula used to determine the amount of reimbursement. Mr. Nelson again stressed the Association's opinion that the cost of grits charged to the Association is extremely high and that Hampton Township supplied grits to the Association. Mr. Stein noted he recently became Stillwater Township's attorney and he has not yet had the opportunity to discuss the matter with the Township Committee. Mr. Nelson asked to be on the agenda for the following meeting after Mr. Stein had a chance to discuss the facts with Mr. Fox and review the matter with the Stillwater Township Committee.

Frank Russo, 912 Poplar Terrace, Stillwater had discussed his interest in purchasing property from Stillwater Township. The two parcels are Block 302, Lot 1 and Block 301, Lot 7. Mr. Russo asked why Block 302, Lot 1 was not on the agenda to be sold. Mr. Stein answered by stating the zoning officer has deemed that a building lot in the parameters of the local zoning law. What that means is that anyone who is interested can bid on that lot in contrast to only adjoining property owners will be permitted to bid on the two parcels on the agenda at the meeting on August 19, 2014. Mr. Russo asked if that meant that a home could be built on that lot. Mr. Stein noted the lot is a building lot but there is no guarantee that a home could be built. The buyer's option, within sixty (60) days of having their bid accepted on the property from the Township, is to have a survey, title search and other tests to determine if the land is buildable.

Kathy Fobes-Jacoby, 964 Mt. Holly Road, asked about the resolution regarding anti-idling. Mrs. Straway stated the former municipal attorney was to prepare an ordinance that would enable the Township to enforce anti-idling. Mr. Stein said he would be glad to review the anti-idling legislature and prepare an ordinance for Stillwater Township

William Steckowich, 907 Hardwick Road, recited the "Lord is Our Shepard prayer." Mr. Steckowich then questioned the application for a new pole barn on Hardwick Road. Ms. Chammings responded the structure is 5,000 square feet and the owner has an application before

the Planning Board. The owner has been asked to provide a survey or sketch showing all structures on the property.

Seeing no one else wishing to speak Mayor Scott closed this portion of the meeting.

**COMMITTEE REPORTS:**

**Mr. Gross:** Stated the July meeting has been cancelled and the applications are starting to get backed up.

**Mr. Fisher:** Stillwater Day was Saturday, June 21, 2014 and was a great success. The fireworks were the hit of the day. Mr. Fisher thanked the members of the Recreation Commission for all their hard work. Mr. Fisher also thanked Rick Nothstine for his participation and coordination of the Miss, Little Miss and Little Mister Stillwater contest. Mr. Fisher thanked Chuck DeLade for donating his time and electrical expertise Anita Straway gave kudos to Mr. Fisher for his work in bringing fireworks back to Stillwater Day. Mr. Fisher also thanked Ms. Chammings for sharing her hay wagon to shuttle residents.

**Ms. Chammings:** Reported the solar ordinance has been sent to the Township Committee for adoption. The next order of business for the Planning Board is to streamline and simplify the minor lot line adjustment application/procedure. The Environmental Commission has not met yet this month. The Sussex County Open Space Committee met and the new head is Amber Sylvester, a Stillwater resident. Ms. Channing is very impressed with Ms. Sylvester's knowledge of policy.

**Mrs. Straway:** No report.

**Mayor Scott:** No report.

**OLD BUSINESS:**

**ORDINANCE 2014-012 AMENDING ORDINANCE 2014-006 FIXING THE SALARY AND WAGES FOR TOWNSHIP EMPLOYEES AND OFFICIALS Public Hearing and Adoption**

**BE IT ORDAINED** by the Township Committee of the Township of Stillwater in the County of Sussex, New Jersey, as follows:

**SECTION 1.** The annual salary, wage and compensation to be paid to Township Employees and Officials as contained in Section 1 of Ordinance 2014-006 is hereby amended to add the position of as follows:

Township Clerk:	\$ 55,000.00	(Prorated)
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**SECTION 2.** The position of Acting Township Clerk is hereby deleted.

**SECTION 3.** This Ordinance shall become effective immediately upon final adoption and publication as required by law, and shall be retroactive to the date of appointment.

Upon Motion by Mr. Fisher, seconded by Mrs. Straway and **Roll Call Vote**: Ms. Chammings, yes, Mr. Fisher, yes, Mr. Gross, yes, Mrs. Straway, yes and Mayor Scott, yes – Ordinance 2014-012 was opened to the public for discussion. Seeing no one who wanted to speak Mayor Scott closed this portion of the meeting.

Upon Motion by Mr. Fisher, seconded by Mrs. Straway and **Roll Call Vote**: Ms. Chammings, No, Mr. Fisher, yes, Mr. Gross, yes, Mrs. Straway, yes and Mayor Scott, yes – Ordinance 2014-012 was adopted.

### **NEW BUSINESS**

Mr. Fisher made a Motion to hire Dawn Tighe as a part-time receptionist to work Monday, Wednesday and Thursday from 8:30 a.m. to 12:30 p.m. and Friday from 8:00 p.m. to 4:00 p.m. at a rate of \$11.00 per hour. Upon Motion by Mr. Fisher, seconded by Mrs. Straway and **Roll Call Vote**: Ms. Chammings, No, Mr. Fisher, yes, Mr. Gross, yes, Mrs. Straway, yes and Mayor Scott, yes – Ms. Tighe was hired as part-time receptionist. Ms. Chammings noted her “no” was not a reflection of her opinion of Ms. Tighe but her disagreement with how the hourly rate was determined.

Mrs. Straway made a Motion to hire Tina Simon as part-time file clerk for two hours per week at the rate of \$8.25 per hour. Upon Motion by Mrs. Straway, seconded by Mr. Fisher and **Roll Call Vote**: Ms. Chammings, No, Mr. Fisher, yes, Mr. Gross, yes, Mrs. Straway, yes and Mayor Scott, yes – Ms. Simon was hired as part-time file clerk. Ms. Chammings again noted her “no” was not a reflection of her opinion of Ms. Simon but her disagreement with how the hourly rate was determined.

### **ORDINANCE 2014-013 JERSEY TO AMEND AND SUPPLEMENT CHAPTER 240, THE LAND DEVELOPMENT CHAPTER SPECIFICALLY THE ZONING SECTION OF THE STILLWATER TOWNSHIP CODE ESTABLISHING REGULATIONS PERTAINING TO SOLAR ENERGY [Public Hearing and Adoption September 2 , 2014]**

**BE IT ORDAINED** by the Township Committee of the Township of Stillwater that Chapter 240 of the Stillwater Township Code is hereby amended as follows:

**SECTION 1.** Chapter 240 is hereby amended to add the following sections:

#### **240-118 A-1. Solar Energy – General Provisions**

**WHEREAS**, the primary purpose of a solar energy system will be to provide power for the principal use of the property whereon said system is to be located and shall not be for the generation of power for commercial sale purposes. Notwithstanding the foregoing, this provision shall not be interpreted to prohibit the sale of excess power generated from time to time from a solar energy system designed to meet the energy

needs of the principal use on the property. For the purposes of this chapter, the sale of excess power shall be limited so that generally an energy system is not generating more energy for sale than what is otherwise necessary to power the principal use on the property.

#### **240-118 A-2. Solar Energy – General Provisions**

**WHEREAS**, Solar energy systems shall only be permitted as an accessory use on the same lot as the principal use. All applications shall demonstrate that the conditions at the proposed location will be suitable for the generation of electricity. All solar energy systems require approval from the Zoning Officer and Construction Official prior to installation. All applications for a solar energy system shall include appropriate information demonstrating compliance with this chapter, including a record of the electric usage for the principal use on the property for the previous year. In the event that the Zoning Officer or Construction Official does not agree that the provisions of this chapter will be satisfied, an Applicant may apply to the Planning Board for an interpretation or variance as necessary.

#### **SECTION 2. DEFINITIONS**

Solar Energy System – means solar panels, their mounting apparatus and all associated equipment that collect, store and distribute solar energy for heating, cooling or electricity generating.

Solar Panel – means a structure containing one or more photovoltaic or receptive cells, the purpose of which is to convert solar energy into useable electrical energy through the use of solar panels.

#### **SECTION 3. SOLAR ENERGY SYSTEMS**

## **240-118 A-3. Solar Energy – General Provisions**

### **A. Rooftop Solar Energy Systems**

1. Solar energy systems shall be permitted as a rooftop mounted installation in all zoning districts. The solar panels shall not exceed a height of 8 inches from the rooftop. The height of the solar panels shall not be included in any calculations for total building height.
2. Solar energy systems installed in a rooftop mounted configuration shall not be installed beyond the actual boundaries or edges of the roof.
3. A clearly marked manual shut-off switch for the electricity from the solar panels shall be installed in close proximity to the meter on the exterior of the principal structure.
4. An official National Electric Code (N.E.C.) placard, stating there are solar panels on the principal structure, shall be placed near the front entrance of the structure.
5. Rooftop solar systems shall not be subject to the cover percentage set forth in regulation 240-104:G-2 of the Township of Stillwater's Municipal Code.

### **B. Ground-mounted Solar Panel Systems**

1. Solar energy systems shall be permitted as a ground-mounted installation in all zoning districts.
2. Ground-mounted solar energy systems shall not be permitted in the front yard.
3. Ground-mounted solar energy systems shall be set back in conformance with the required setbacks for accessory structures in each zone.
4. Ground-mounted solar energy systems shall be located so that concentrated solar energy radiation or glare shall not be directed onto nearby properties or

roadways.

5. Ground-mounted solar energy systems shall not exceed a height of 15 feet.
  6. Ground-mounted solar energy systems shall not be permitted on any lot that is 0.5 acres or less.
  7. Ground-mounted solar energy systems shall not add, contribute to or be calculated to cause an increase in impervious coverage for purposes of conforming designing standards.
  8. A clearly marked shut-off switch for the electricity from the solar energy systems shall be installed in close proximity to the meter on the exterior of the principal structure.
  9. Ground-mounted solar energy systems shall be screened and or landscaped to shield the system when viewed from the street and/or adjacent properties.
    - a. The recommended distance and planting material is identified in Figure A attached.
    - b. Where natural evergreen or dense deciduous screening is already in existence, no additional screening shall be required between the property line(s) and the ground arrays.
    - c. Screening is not required between the ground-mounted solar energy systems and the principal structure located on the same lot as the ground-mounted solar energy systems if it is completely shielded from the front, rear and side property lines.
- C. The provisions in this chapter do not apply to the installation of decorative solar

- energy pathway lights that do not provide power for another use or structure.
- D. For ground-mounted solar energy systems, all solar energy systems shall meet all National Electric Code (N.E.C.) requirements.

## **SECTION 4. REQUIREMENTS FOR ALL SOLAR ENERGY SYSTEMS**

### **240-118 A-4. Solar Energy – General Provisions**

- A. Solar energy systems shall not be used for displaying or advertising except for the labeling information noted in Section F below.
- B. The design of solar energy systems shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the facility into the natural setting and existing environment.
- C. The solar energy system shall be located so that tree removal is consistent with the regulations set forth in Chapter 382 in the Township o Stillwater's Municipal Code.
- D. For ground-mounted solar energy systems, all electric lines and utility wires shall be installed underground.
- E. The installation of a solar energy system shall conform to the requirements of the electric utility company for interconnection as the case may dictate.
- F. A minimum of one sign shall be posted near ground level on the interconnection cabinet warning of high voltage. In addition, the following information shall be posted on a label or labels installed at the site:
1. The maximum power output of the system.
  2. Nominal voltage and maximum current.
  3. Manufacturer's or installer's name, address and telephone number, and the serial

number and model number of the equipment.

4. Emergency and normal shutdown procedures.
- G. Solar energy systems that connect to the electric utility shall comply with the New Jersey net metering and interconnection standards for Class1 Renewable Energy Systems at N.J.A.C. 14:4-9. Solar energy systems shall not be installed to generate more electricity than needed for the principal use on the property.
- H. A solar energy system that is out of service for a continuous twelve-month period shall be deemed to have been abandoned.
1. The Zoning Officer may issue a notice of abandonment to the owner. The notice shall be sent via regular mail and certified mail, return receipt requested, to the owner of record.
  2. Any abandoned solar energy system shall be removed at the owner's sole expense within six (6) months of the date on the notice of abandonment from the Zoning Officer. Prior to removal, the owner shall obtain a demolition permit from the Construction Official. Upon removal, the site shall be cleaned, restored and landscaped to blend with the existing surrounding vegetation at the time of the removal.
  3. The Zoning Officer may issue a summons to the owner for failure to remove the abandoned system as requested in the notice of abandonment.
  4. When the owner of the solar energy system had been notified to remove same and has not removed the system within six (6) months after receiving the notice, the Township may pursue legal action to have the system removed at the owner's expense.

5. Solar panels removed from the site shall be deposited at a recognized solar panel recycling center. Panels that are not recycled must be disposed of in accordance with the New Jersey Department of Environmental Protection or U.S. Environmental Protection Agency requirements.
- I. A zoning permit and building permit shall be required for the installation of a solar energy system. Documents required for a zoning permit shall include the following:
  1. Property Survey.
  2. Location, dimensions (including height) of existing major structures on the property.
  3. Location, dimensions and type of proposed solar energy system, including all structures accessory to the system. The setback distance of the solar energy system improvements from all property lines shall be shown.
  4. Manufacturer's energy system specifications, including make and model.
  5. Proof of notification to the electric company for interconnection purposes.
  6. Certification from a professional engineer, licensed New Jersey electrician and/or the installation company that the proposed installation is in compliance with manufacturer's guidelines.
  7. Other documents and plans containing enough information concerning installation of the solar energy system for the Zoning Officer to make a formal decision concerning conformance with the ordinance standards. The amount and accuracy of information provided shall be in the judgment of the Zoning Officer.
  8. Statement from applicant that installation will comply with all environmental

guidelines.

9. Application shall include a current photograph of the site where the proposed system is to be installed.
- J. If the location of the solar energy improvements does not meet the setback requirements of the zoning section, the Applicant shall submit an Application for Site Plan and Variances to the Township Planning Board.

## **SECTION 6. VIOLATIONS**

### **240-118 A-6. Solar Energy – General Provisions**

- A. It is unlawful for any person to construct, install or operate a solar energy system that is not in compliance with this Ordinance or with any condition contained in a building permit issued pursuant to this Ordinance. Solar energy systems installed prior to the adoption of the Ordinance are exempt.
- B. Penalties. The Penalties for the violation of this Ordinance are contained in Section 240-132 of the Stillwater Township Code.

## **SECTION 7**

### **240-118 A-7. Solar Energy – General Provisions**

Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason by any Court of competent jurisdiction, such provision(s) shall be deemed severable and the remaining portions of this Ordinance shall remain in full force and effect.

## **SECTION 8**

### **240-118 A-8. Solar Energy – General Provisions**

All Ordinances or parts of Ordinances or Resolutions that are inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency

## **SECTION 9**

### **240-118 A-9. Solar Energy – General Provisions**

This Ordinance shall take effect after publication and passage according to law.

The Township Clerk is directed to give notice at least ten (10) days prior to the hearing on the adoption of this Ordinance to the County Planning Board and to all others entitled pursuant to the provisions of N.J.S.A. 40:55D-15. Upon the adoption of this Ordinance, after public hearing, the Township Clerk is further directed to publish notice of the passage and file a copy of this Ordinance, as finally adopted, with the Sussex County Planning Board, as required by N.J.S.A. 40:55D-16.

Upon Motion by Ms. Chammings, seconded by Mr. Fisher and **Roll Call Vote**: Ms. Chammings, yes, Mr. Fisher, yes, Mr. Gross, yes, Mrs. Straway, yes and Mayor Scott, yes – Ordinance 2014-013 was Introduced and adopted.

### **ORDINANCE 2014-014 AUTHORIZING THE SALE OF BLOCK NO. 602, LOT NO. 2 STILLWATER, NEW JERSEY[Public Hearing and Adoption August 19 , 2014]**

**WHEREAS**, the Township of Stillwater is the owner of all those lots, parcels and tracts of land as hereinafter set forth in Schedule A, which land is not needed or required for municipal use; and

**WHEREAS**, said lots are less than the minimum size required for development under the municipal ordinance and are without capital improvements thereon; and

**WHEREAS**, the Township Committee of the Township of Stillwater have deemed it in the best interest of the Township of Stillwater to sell said lots to owners of contiguous properties in accordance with the provisions of N.J.S.A. 40A:12-13(b)(5) and N.J.S.A. 40A:12-13.2; and

**WHEREAS**, certain of said contiguous owners have offered to purchase lots adjacent to their real property as set forth in Schedule A for the sums set forth thereon; and

**WHEREAS**, the Municipal Assessor of the Township of Stillwater has advised that said sums, taking into consideration all factors relative thereto, are fair and just;

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Stillwater that:

1. The Township of Stillwater shall sell, pursuant to the provisions of N.J.S.A. 40A:12-13(b)(5) and N.J.S.A. 40A:12-13.2, the lots to the contiguous property owners for the amounts as set forth in Schedule A attached hereto, subject to the right of other contiguous property owners to bid an amount in excess of the amount offered as set forth in Schedule A. Pursuant to the provisions of said statutes, these conveyances shall be to an owner of adjoining property as the properties to be sold are less than the minimum size required for development under the municipal zoning ordinance and are without any capital improvement thereon. The minimum sale price for said properties are as set forth in Schedule A, which sums are not less than the fair market value of said real properties.
2. Upon final passage of this Ordinance on August 19, 2014 at the Stillwater Municipal Building, 964 Stillwater Road, Newton, New Jersey, the Township of Stillwater shall sell the property set forth in Schedule A, subject to receiving no higher bids for said parcels, after offering same at public auction to the highest bidder at said time and place.
3. The said properties shall be sold subject to the following terms and conditions:
  - (a) The said properties shall be sold for not less than the amount set forth in Schedule A.
  - (b) The sale shall be made at public auction, after legal advertisement of this Ordinance, and shall be made to the highest bidder who is the owner of contiguous property, which property shall become consolidated with the property being sold herein, and become part of the contiguous property owned by the successful bidder.
  - (c) The Township does not warrant or certify title to the property and in no event shall the Township of Stillwater be liable for any damages to the purchaser-successful bidder if title is found unmarketable for any reason and the purchaser-successful bidder waives any and all right in damages or by way of liens against the Township. The sole remedy being the right to receive a refund prior to closing of the deposit paid in the event title is found unmarketable. It shall be the obligation of the successful purchaser to examine title to said premises prior to the closing. In the event of closing and a later finding of defect of title, the Township shall not be responsible for the same, shall not be required to refund money or correct any defect in title or be held liable for damages..
  - (d) Acceptance of the offers made as set forth in Schedule A or the highest bid shall constitute a binding agreement of sale and the purchaser shall be deemed to agree to comply with the terms and conditions of the sale herein contained.
  - (e) The purchaser will be required to pay no later than August 19, 2014, ten percent (10%) of the bid, in cash or check; said payment shall be returned to the

- purchaser, without interest, if the title to said property is legally determined to be unmarketable, providing claims made therefor within sixty (60) days after the sale.
- (f) A Bargain and Sale Deed without covenants will be delivered at the office of the Township Clerk on or before sixty (60) days after the date of the sale, at which time and place the balance of the purchase price shall be required to be paid in cash or bank check. The Mayor and Clerk are hereby authorized to execute said Deeds.
- (g) The Deed of Conveyance will be subject to all matters of record, which may affect title herein, what an accurate survey may reveal, the Ordinances of the Township of Stillwater and reserving an easement for all natural or constructed drainage systems, waterways and water easements on the premises, if any, and the continued right of maintenance and flow thereof.
- (h) The purchaser shall also pay to the Township of Stillwater the cost of preparation of this Ordinance and the Deed of Conveyance plus all charges of sale, including the cost of advertisement, the notice of public sale and all other instruments necessary or required by law at the time of the sale.
- (i) The property will be sold subject to 2014 taxes, prorated from the date of sale.
- (j) The Governing Body does hereby reserve the right to withdraw this offer to sell, or upon completion of the bidding to accept or reject any or all bids for said property or to waive any informality in relation thereto.

4. This Ordinance shall take effect after final passage and publication according to law.

Upon Motion by Ms. Chammings, seconded by Mr. Fisher and **Roll Call Vote:** Ms. Chammings, yes, Mr. Fisher, yes, Mr. Gross, yes, Mrs. Straway, yes and Mayor Scott, yes – Ordinance 2014-014 was Introduced and adopted.

**ORDINANCE 2014-015 AUTHORIZING THE SALE OF BLOCK NO. 301, LOT NO.7  
STILLWATER, NEW JERSEY[Public Hearing and Adoption August 19 , 2014]**

**WHEREAS**, the Township of Stillwater is the owner of all those lots, parcels and tracts of land as hereinafter set forth in Schedule A, which land is not needed or required for municipal use; and

**WHEREAS**, said lots are less than the minimum size required for development under the municipal ordinance and are without capital improvements thereon; and

**WHEREAS**, the Township Committee of the Township of Stillwater have deemed it in the best interest of the Township of Stillwater to sell said lots to owners of contiguous properties in accordance with the provisions of N.J.S.A. 40A:12-13(b)(5) and N.J.S.A. 40A:12-13.2; and

**WHEREAS**, certain of said contiguous owners have offered to purchase lots adjacent to their real property as set forth in Schedule A for the sums set forth thereon; and

**WHEREAS**, the Municipal Assessor of the Township of Stillwater has advised that said sums, taking into consideration all factors relative thereto, are fair and just;

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Stillwater that:

5. The Township of Stillwater shall sell, pursuant to the provisions of N.J.S.A. 40A:12-13(b)(5) and N.J.S.A. 40A:12-13.2, the lots to the contiguous property owners for the amounts as set forth in Schedule A attached hereto, subject to the right of other contiguous property owners to bid an amount in excess of the amount offered as set forth in Schedule A. Pursuant to the provisions of said statutes, these conveyances shall be to an owner of adjoining property as the properties to be sold are less than the minimum size required for development under the municipal zoning ordinance and are without any capital improvement thereon. The minimum sale price for said properties are as set forth in Schedule A, which sums are not less than the fair market value of said real properties.
6. Upon final passage of this Ordinance on August 19, 2014 at the Stillwater Municipal Building, 964 Stillwater Road, Newton, New Jersey, the Township of Stillwater shall sell the property set forth in Schedule A, subject to receiving no higher bids for said parcels, after offering same at public auction to the highest bidder at said time and place.
7. The said properties shall be sold subject to the following terms and conditions:
  - (k) The said properties shall be sold for not less than the amount set forth in Schedule A.
  - (l) The sale shall be made at public auction, after legal advertisement of this Ordinance, and shall be made to the highest bidder who is the owner of contiguous property, which property shall become consolidated with the property being sold herein, and become part of the contiguous property owned by the successful bidder.
  - (m) The Township does not warrant or certify title to the property and in no event shall the Township of Stillwater be liable for any damages to the purchaser-successful bidder if title is found unmarketable for any reason and the purchaser-successful bidder waives any and all right in damages or by way of liens against the Township. The sole remedy being the right to receive a refund prior to closing of the deposit paid in the event title is found unmarketable. It shall be the obligation of the successful purchaser to examine title to said premises prior to the closing. In the event of closing and a later finding of defect of title, the Township shall not be responsible for the same, shall not be required to refund money or correct any defect in title or be held liable for damages..
  - (n) Acceptance of the offers made as set forth in Schedule A or the highest bid shall constitute a binding agreement of sale and the purchaser shall be deemed to agree to comply with the terms and conditions of the sale herein contained.
  - (o) The purchaser will be required to pay no later than August 19, 2014, ten percent (10%) of the bid, in cash or check; said payment shall be returned to the

- purchaser, without interest, if the title to said property is legally determined to be unmarketable, providing claims made therefor within sixty (60) days after the sale.
- (p) A Bargain and Sale Deed without covenants will be delivered at the office of the Township Clerk on or before sixty (60) days after the date of the sale, at which time and place the balance of the purchase price shall be required to be paid in cash or bank check. The Mayor and Clerk are hereby authorized to execute said Deeds.
- (q) The Deed of Conveyance will be subject to all matters of record, which may affect title herein, what an accurate survey may reveal, the Ordinances of the Township of Stillwater and reserving an easement for all natural or constructed drainage systems, waterways and water easements on the premises, if any, and the continued right of maintenance and flow thereof.
- (r) The purchaser shall also pay to the Township of Stillwater the cost of preparation of this Ordinance and the Deed of Conveyance plus all charges of sale, including the cost of advertisement, the notice of public sale and all other instruments necessary or required by law at the time of the sale.
- (s) The property will be sold subject to 2014 taxes, prorated from the date of sale.
- (t) The Governing Body does hereby reserve the right to withdraw this offer to sell, or upon completion of the bidding to accept or reject any or all bids for said property or to waive any informality in relation thereto.

8. This Ordinance shall take effect after final passage and publication according to law.

Upon Motion by Ms. Chammings, seconded by Mr. Fisher and **Roll Call Vote**: Ms. Chammings, yes, Mr. Fisher, yes, Mr. Gross, yes, Mrs. Straway, yes and Mayor Scott, yes – Ordinance 2014-015 was Introduced and adopted.

#### **DISCUSSION ITEMS**

Mr. Fisher made a Motion to hire Gary Kristoffersen as Construction Official and Building Sub-Code Inspector. Upon Motion by Mr. Fisher, seconded by Mayor Scott for discussion. Ms. Chammings asked about salary. Mr. Fisher said for \$10,000.00 Mr. Kristofferson is willing to take on Fire Sub-Code/Fire Inspector position as well. Mayor Scott noted that Mr. Kristofferson works full time in Vernon Township and asked if he could dedicate time to Stillwater. Mr. Fisher stated Mr. Kristofferson will be able to be in Stillwater 1:30 to 4:30 p.m. on Monday and Wednesday. **Roll Call Vote**: Ms. Chammings, No, Mr. Fisher, yes, Mr. Gross, no, Mrs. Straway, no and Mayor Scott, abstained - the Motion was defeated.

Ms. Chammings made a Motion to hire Bob Huber as Construction Official for six hours per week at a salary of \$10,000.00. Upon Motion by Ms. Chammings, seconded by Mrs. Straway discussion ensued. Mayor Scott asked if Mr. Huber has all the qualifications needed. Mr. Fisher answered “No”. Mayor Scott asked why Mr. Huber would be compensated at a rate of a fully qualified individual. Mrs. Straway mentioned that the Electrical Inspector has the building sub-code certification. Mr. Fisher stated that Mr. Huber, Stillwater Township’s plumbing inspector/plumbing sub-code, just recently became certified as a Construction Official and he feels that Mr. Huber does not have the experience in building. Mr. Fisher said that anything over a Class III building would have to be sent to the State for review. Mr. Fisher

wants to hire a Class I Building Inspector for the Township. Mrs. Straway noted that Mr. Huber was hired in two other municipalities in the same capacity and feels that would not be the case if Mr. Huber was not qualified for the position. Mrs. Straway also said that Mr. Huber has been employed by the Township for eight (8) years as Plumbing Inspector and there has never been a complaint issued by a resident. Mr. Fisher further stressed Mr. Huber is not qualified and that it will take years for him to become certified as a HHS Building Sub-Code. Mayor Scott asked if there was anyone who would come and act as Construction Official. Ms. Chammings said no one. Attorney Stein noted the Township Committee may by Motion select who they wish to have as Construction Official and at the next meeting adopt a formal resolution outlining the hours and compensation. **Roll Call Vote:** Ms. Chammings, yes, Mr. Fisher, no, Mr. Gross, yes, Mrs. Straway, yes and Mayor Scott, abstained – Bob Huber was appointed as Construction Official.

**Open Public Session:** Mayor Scott invited the public to speak on any matter.

Mr. Nelson, 6 Logwood Trail, Newton asked if Mrs. Straway's "absolutely" vote meant yes or no. Mrs. Straway clarified her absolutely vote was yes.

Mr. Ed Szabo, 973 Route 521, Stillwater Township, asked if a home was being built and it fell apart because the inspector did not have knowledge of building would the Township be sued. Mrs. Straway said Mr. Huber would not be by himself and the State would be reviewing any large building. Mrs. Straway noted Stillwater Township's Electrical Inspector has his building sub-code. Mr. Fisher stated it is a Class III license not Class I. Mrs. Straway explained that Class I is High Rise and Hazardous structures.

Mrs. Kathy Draghi, 1016 Route 619, asked how Mr. Kristoffersen could commit to Stillwater working full-time in Vernon. Mr. Fisher said he has made arrangements with his Construction Official and Town Manager. Mrs. Straway said it is not a shared service so Vernon could change their mind at any time.

Tami Richardson, of Swartswood Fire Department and Stillwater Recreation Commission, announced the Swartswood Fire Department will be holding a London broil BBQ on July 12<sup>th</sup>. Ms. Richardson also asked the Township Committee if the Municipal Engineer could do a plan to satisfy the County for a banner similarly to the plan done for coin toss collections. Mrs. Straway asked if the Recreation Commission is willing to put money in their budget to purchase banners. Mr. Fisher said the banners already owned by the Township may be found.

Mr. Steckowich, 907 Hardwick Road, mentioned that PSE&G was grinding on Hardwick Road. Ms. Chammings said she would have the DPW Supervisor look at the road and see if anything was done.

Seeing no one else wishing to speak Mayor Scott closed this portion of the meeting.

**Attorney Report:** None

There being no further business, Mrs. Straway made a **motion** to adjourn the meeting, seconded by Mr. Gross. In a voice vote at 8:16 p.m., all were in favor.

Respectfully submitted,

Lynda Knott, RMC  
Municipal Clerk