

**STILLWATER TOWNSHIP COMMITTEE MEETING**  
**MINUTES**  
**February 5, 2013**  
**Regular Meeting**

A REGULAR MEETING of the Stillwater Township Committee was called to order by Mayor Gross at 7 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 was taken and the flag was saluted.

PRESENT: Mayor Gross, Committeewoman Chammings, Committeeman Fisher, Committeewoman Straway, Deputy Mayor Scott, Acting Municipal Clerk Lynda Knott, and Attorney Michael Garofalo.

**Regular Session:**

**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 SEPERATELY ON THE REGULAR AGENDA.**

**Minutes: Re-organization Minutes:** January 22, 2013

**Resolutions:**

**2013-015** Establishing Committee Departments

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

**Roll Call Vote:** Ms. Chammings, yes, Mr. Fisher, yes, Mrs. Straway, yes, Deputy Mayor Scott, yes, Mayor Gross, yes

**Bill List Cycle #3:** \$758,627.10

Mr. Scott made a **motion** to approve Bill List Cycle #3, seconded by Mrs. Straway.

**Roll Call Vote:** Ms. Chammings, yes, Mr. Fisher, yes, Deputy Mayor Scott, yes, Mrs. Straway, yes, Mayor Gross, yes

**AMENDMENTS TO THE AGENDA:** Add Under Old Business: Courthouse Building

**Open Public Session:**

**At this point, this portion of the meeting was opened to the public.**

**Kathy Draghi, 1016 Route 619** asked for clarification on the release of Regular and Executive Session minutes and their placement on the website. Attorney Garofalo explained approval of Executive Session minutes indicates they have been prepared properly, however there still may be matters that cannot be released to the public until they are fully resolved. Ms. Chammings suggested having Attorney Garofalo review the Executive Session minutes approved to see if any can be released.

**Bill Steckowich, 907 Hardwick Road** asked for an update on the Municipal Building renovations. Mr. Fisher indicated the plans were received today for review by the Committee.

**June Steele, 921 Swartswood Road** thanked the Committee for the progress under the bridge in Swartswood.

**There being no further members of the public wishing to speak, this portion of the meeting was closed.**

**COMMITTEE REPORTS:**

**Mr. Scott:** The DPW is currently researching the replacement of the bed on one of their dump trucks. Equipment is being maintained, intersections are being swept and preparations are being made for the upcoming snowstorm.

**Mrs. Straway:** The School Board meeting was cancelled due to the inclement weather.

**Mr. Fisher:** The Recreation Commission met and reviewed field use forms. The secretary position is open and will be advertised by the Clerk. Engineer Vreeland has submitted the well report for the landfill with satisfactory results.

**Ms. Chammings:** The Environmental Commission (EC) meeting for January was cancelled. A Sustainable Jersey workshop will be held on February 6, 2013 at 7 p.m. at the Municipal Building. Randall Solomon, a representative

for Sustainable Jersey will be a guest speaker at the February 11<sup>th</sup> EC meeting. The County Water Quality meeting was held on January 10<sup>th</sup>, focused on the future sewer service area map. Comment on the map can be made at the meeting to be held on February 13, 2013 in the Freeholders Room.

The Harmony Hill Methodist Church has formed subcommittees and have been showing the court house to several non-profit organizations including, SC Habitat for Humanity, Interfaith Promise, SC Historical Society and Samaritan House. A real estate agent has also toured the property to determine the fair market value.

**Mayor Gross:** The Zoning Board memorialized the resolution for the Nextel application. Hampton is currently researching the boundary line. The Recycling Center will no longer be accepting electronics until a new vendor is acquired. There are several vendors interested and Mr. Whitehead will follow-up on the matter with the County. Ms. Knott announced that Mayor Gross will be inducted into the Elected Officials Hall of Fame for having served more than 20 years in office. The induction will take place on February 6<sup>th</sup> at the State House in Trenton. Mayor Gross has been serving the township for over 23 years.

### **OLD BUSINESS:**

**Courthouse Building:** Attorney Garofalo stated that with authorization of the Committee he would be sending a letter to the church explaining the 1976 deed indicates the church presently owns the property and has since the day Stillwater ceased to use it as the Municipal Court. Enclosed with the letter will be a deed from Stillwater to the church which will memorialize the reversion creating a record of the transfer.

Mr. Scott made a **motion** authorizing Attorney Garofalo to send the letter to the church, seconded by Mrs. Straway.

**Roll Call Vote:** Ms. Chamings, yes, Mr. Fisher, yes, Deputy Mayor Scott, yes, Mrs. Straway, yes, Mayor Gross, yes

### **ORDINANCE 2013-001 Public Hearing/Adoption**

#### **Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank**

Mr. Scott made a **motion** to open the meeting for public comment on Ordinance 2013-001, seconded by Mrs. Straway. All were in favor.

**Kathy Fobes-Jacoby, 964 Mount Holly Road,** asked for clarification of cap items. Mrs. Straway explained the two percent cap, indicating if there was an emergency, this ordinance would allow the budget to be exceeded. There being no further public comment on Ordinance 2013-001, this portion of the meeting was closed.

Mr. Scott made a **motion** to adopt Ordinance 2013-001, seconded by Mr. Fisher.

#### **ORDINANCE 2013-001**

#### **CALENDAR YEAR 2013 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. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.0% 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 of the Township Committee in the County of Stillwater Township finds it advisable and necessary to increase its CY 2013 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 1.5% increase in the budget for said year, amounting to \$ 32,620.83 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 Stillwater Township, in the County of Sussex a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2013 budget year, the final appropriations of the Stillwater Township shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$76,115.27, and that the CY 2013 municipal budget for the Stillwater Township 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.

**Roll Call Vote:** Ms. Chamblings, no, Mr. Fisher, yes, Deputy Mayor Scott, yes, Mrs. Straway, yes, Mayor Gross, yes

**NEW BUSINESS:** Mr. Fisher discussed the fee change and new form for the Building Department smoke certification inspections for a resale/rental to the following:

Within 10 or more business days - \$50.00

Less than 10 business days - \$75.00

Reinspection: \$50.00

Mr. Fisher made a **motion** authorizing Attorney Garofalo to prepare an ordinance amending the fee for the resale/rental inspections, seconded by Ms. Chamblings.

Mayor Gross explained the fees are being reduced as the full livability inspection will no longer be provided.

**Roll Call Vote:** Ms. Chamblings, yes, Mr. Fisher, yes, Deputy Mayor Scott, yes, Mrs. Straway, yes, Mayor Gross, yes

### **DISCUSSION ITEMS:**

#### **Emergency Volunteer Tuition Credit Program - Resolution 2013-022:**

Ms. Chamblings made a **motion** to adopt Resolution 2013-022, seconded by Mrs. Straway.

#### **RESOLUTION 2013-022**

A Resolution for the Township of Stillwater To support and participate in the Volunteer Tuition Credit Program (P.L. 1998, c. 145)

WHEREAS, the Township Committee of the Township of Stillwater in the County of Sussex deems it appropriate to enhance the recruitment and retention of volunteer firefighters and emergency medical volunteers in the Township of Stillwater; and

WHEREAS, the State of New Jersey has enacted P.L. 1998, c. 145 which permits municipal governments to allow their firefighting and emergency medical volunteers to take advantage of the Volunteer Tuition Credit Program at no cost to the municipal government.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Stillwater in the County of Sussex that the Volunteer Tuition Credit Program as set forth in P.L. 1998, c.145 is herewith adopted for the volunteer firefighters and emergency medical volunteers in the municipality; and

BE IT FURTHER RESOLVED, that the Township Clerk is herewith delegated the responsibility to administer the program and is authorized to enter into all agreements and to maintain files of all documents as may be required under the P.L. 1998, c. 145, a copy of which is herewith made part of this resolution.

**Roll Call Vote:** Ms. Chamblings, yes, Mr. Fisher, yes, Mayor Scott Deputy, yes, Mrs. Straway, yes, Mayor Gross, yes

**Establish a Dedicated Trust by Rider for Accumulated Absences – Resolution 2013-026:** Mr. Scott made a **motion** to adopt Resolution 2013-026, seconded by Mrs. Straway.

#### **RESOLUTION 2013-026**

RESOLUTION REQUESTING APPROVAL FROM THE DIVISION OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATED TRUST BY RIDER FOR ACCUMULATED ABSENCES PERSUANT TO N.J.A.C. 5:30-15

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance, and

WHEREAS, N.J.A.C. 5:30-15 permits municipalities to receive amounts for costs incurred for Accumulated Absences, and

WHEREAS, N.J.S.A. 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of Stillwater Township, County of Sussex, State of New Jersey as follows:

The Township Committee hereby requests permission of the Director of the Division of Local Government Services to pay expenditures for Accumulated Absences created in accordance with the provisions of N.J.A.C. 5:30-15 as per N.J.S.A. 40A:4-39.

The municipal clerk of the Township of Stillwater is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

**Roll Call Vote:** Ms. Chamblings, yes, Mr. Fisher, yes, Mrs. Straway, yes, Deputy Mayor Scott, yes, Mayor Gross, yes

**Establish a Dedicated Trust by Rider for Snow Removal – Resolution 2013-027:** Mr. Scott made a **motion** to adopt Resolution 2013-027, seconded Mrs. Straway.

**RESOLUTION 2013-027**

RESOLUTION REQUESTING APPROVAL FROM THE DIVISION OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATED TRUST BY RIDER FOR SNOW REMOVAL RESERVE TRUST FUND PERSUANT TO PL 2001, C.138

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance, and

WHEREAS, PL 2001, c.138 allows municipalities to lapse unexpended balances budgeted annually for snow removal, and

WHEREAS, N.J.S.A. 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of Stillwater Township, County of Sussex, State of New Jersey as follows:

The Township Committee hereby requests permission of the Director of the Division of Local Government Services to pay expenditures for Snow Removal created in accordance with the provisions of P.L. 2001, c.138 as per N.J.S.A. 40A:4-39. The municipal clerk of the Township of Stillwater is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

**Roll Call Vote:** Ms. Chamblings, yes, Mr. Fisher, yes, Deputy Mayor Scott, yes, Mrs. Straway, yes, Mayor Gross, yes

**Letter of Intent/Hazard Mitigation Grant Program:**

Mayor Gross provided a background on the FEMA mitigation program and the need for a generator at the Municipal Building. FEMA may cover up to 75% of the purchase and installation costs. Mr. Scott made a **motion** authorizing the Municipal Clerk to send the letter of intent, seconded by Mr. Fisher. Ms. Chamblings provided written information on a letter of intent and its content. She felt a decision needed to be made on the cost estimate to be provided in the letter of intent. A discussion was held on determining the size of the generator necessary. The deadline for the letter of intent is February 8, 2013.

**Roll Call Vote:** Ms. Chamblings, yes, Mr. Fisher, yes, Deputy Mayor Scott, yes, Mrs. Straway, yes, Mayor Gross, yes

**New Jersey Farm Winery License – Twisted Limb, LLC:**

Attorney Garofalo explained the license would allow the wine to be served by the glass if the applicant satisfies the Alcohol and Beverage Control that all requirements have been met. Obtaining the opinion of the municipality is part of those requirements and the Committee has until February 23, 2013 to comment if necessary. Following further discussion, Mr. Scott made a **motion** to request an extension on the time period to provide comment on the application for a winery license for Twisted Limb, LLC, seconded by Mrs. Straway.

**Roll Call Vote:** Ms. Chamblings, yes, Mr. Fisher, yes, Deputy Mayor Scott, yes, Mrs. Straway, yes, Mayor Gross, yes

**At this point, this portion of the meeting was opened to the public.**

**Bill Steckowich, 907 Hardwick Road** spoke with a Board of Education member at Stillwater School recently who commented that the township liaison to the school board is the best they have had in 30 years. Mayor Gross informed the public that the liaison is Mrs. Straway.

**There being no further members of the public wishing to speak, this portion of the meeting was closed.**

Mayor Gross announced that a presentation will be offered by the Sussex County Board of Taxation on February 21, 2013, from 6-8 p.m. at the Lafayette House entitled “What is the Value of Your Tax Assessor?”

**Budget Dates:**

Saturday, February 16, 2013 at 9 a.m.; Thursday, February 21, 2013 at 6 p.m.; Thursday, February 28, 2013 at 6 p.m.; and Saturday, March 2, 2013 at 9 a.m.

**Attorney Report:** None

**Correspondence:** Mayors' Advisory Correspondence is available in the Correspondence Binder at the Municipal Building.

There being no further business, Mr. Scott made a **motion** to adjourn the meeting, seconded by Mr. Fisher. In a voice vote, all were in favor.

Respectfully submitted,

Kathy Wunder