

STILLWATER TOWNSHIP COMMITTEE MEETING
MINUTES
June 21, 2016
Regular Meeting

A REGULAR MEETING of the Stillwater Township Committee was called to order by Mayor Fisher 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: Committeeman Gross, Committeewoman Chamings, Committeeman Morrison, Deputy Mayor Scott, Mayor Fisher, Municipal Clerk Lynda Knott, Township Attorney Richard Stein.

EXECUTIVE SESSION:

After the reading of the following Resolution to enter into Executive Session, a **motion** was made by Mr. Scott, seconded by Mr. Gross and carried by roll call vote to adopt the resolution permitting the Committee to go into Executive Session at 6:26 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 Mr. Scott, seconded by Mr. Morrison to conclude the Executive Session at 6:51 p.m., unanimously carried by roll call vote.

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 SEPARATELY ON THE REGULAR AGENDA.

MINUTES:

Regular Minutes of May 3, 2016

Regular and Executive Minutes of May 17, 2016

RESOLUTIONS:

2016-076 Authorizing Execution of an Agreement with the Morris County Cooperative Pricing Council to Renew Membership Therein for the Period of October 1, 2016 through September 30, 2021

2016-077 Amending the 2016 Budget (Clean Communities Grant)

2016-078 Refund of ZBA Escrow – Gerber

2016-079 Refund of ZBA Escrow – Mackey

2016-080 Refund of ZBA Escrow – Durkos

2016-081 Authorizing the Refund of Overpaid 2013 Property Taxes

2016-082 Renewal of Liquor Licenses

REPORTS:

Convenience Center April 2016 Report

Tax Collector Report of May 2016

Building Department Report of May 2016

Mr. Scott made a **motion** to approve the Consent Agenda, removing the minutes of 5/3/16 and 5/17/16 for a separate vote, seconded by Mr. Chammings.

Roll Call Vote: Mr. Gross, yes, Mr. Morrison, yes, Mr. Scott, yes, Ms. Chammings, yes, Mayor Fisher, yes

Ms. Chammings made a **motion** to adopt the regular minutes of 5/3/16, seconded by Mr. Gross.

Roll Call Vote: Mr. Gross, yes, Mr. Morrison, yes, Mr. Scott, yes, Ms. Chammings, abstain, Mayor Fisher, yes

Mr. Scott made a **motion** to adopt the executive and regular minutes of 5/17/16, seconded by Ms. Chammings.

Roll Call Vote: Mr. Gross, yes, Mr. Morrison, abstain, Mr. Scott, yes, Ms. Chammings, yes, Mayor Fisher, yes

BILLS LIST #10 \$392,412.25

RESOLUTION 2016-083 PAYMENT OF BILLS

Mr. Scott made a **motion** to adopt Resolution 2016-083, removing PO #5820 for separate consideration, seconded by Mr. Gross.

Roll Call Vote: Mr. Gross, yes, Mr. Morrison, yes, Mr. Scott, yes, Ms. Chammings, yes, Mayor Fisher, yes

Mr. Scott made a **motion** to pay PO #5820, seconded by Mr. Fisher.

Roll Call Vote: Mr. Gross, yes, Mr. Morrison, yes, Mr. Scott, yes, Ms. Chammings, abstain, Mayor Fisher, yes

PRESENTATION: 2015 Audit – Valerie Dolan and Luisa Rodriguez– Nisivoccia LLP

Highlights of the audit included:

- \$2.69 million fund balance at the end of 2015

- Using \$699,130 to support the 2016 budget

- Tax collection rate declined slightly from 97.12% to 96.61%

- Trust reserve balances – snow removal reserve \$209,000 (storm related uses); open space reserve \$97,900; sick leave reserve \$64,000; outstanding notes are the only debt at \$1,528,000. The current debt ratio is .39 %; which is less than 1 % and well below the 3.5% allowed by the State.

Comments and Recommendations

- Segregation of duties

- Bid violation – required to keep track of all bids and amounts

- Fixed assets – recommend getting an appraisal report now that the renovation has been completed

- Tax title liens – 84 liens at \$388,000; need to pursue foreclosure or collection

RESOLUTION 2016-084 Governing Body Certification of the Annual Audit

STILLWATER TOWNSHIP

SUSSEX COUNTY

RESOLUTION 2016-084

GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, The Annual Report of Audit for the year 2015 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body, and

WHEREAS, The Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "General Comments" and "Recommendations", and

WHEREAS, The members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "General Comments" and "Recommendations", as evidenced by the group affidavit form of the governing body, and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board, and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 – to wit:

R.S. 52:27BB-52 – "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED That the Township Committee of the Township of Stillwater does hereby state that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance. Mr. Scott made a **motion** to adopt Resolution 2016-084, seconded by Mr. Gross.

Roll Call Vote: Mr. Gross, yes, Mr. Morrison, yes, Mr. Scott, yes, Ms. Chammings, yes, Mayor Fisher, yes

RESOLUTION 2016-085 Approving Submission of the Corrective Action Plan for the Year Ended December 31, 2015

**STILLWATER TOWNSHIP
SUSSEX COUNTY, NEW JERSEY**

RESOLUTION 2016-085

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF STILLWATER APPROVING SUBMISSION OF THE CORRECTIVE ACTION
PLAN FOR THE YEAR ENDED DECEMBER 31, 2015 TO THE STATE OF NEW JERSEY,
DIVISION OF LOCAL GOVERNMENT SERVICES

WHEREAS, all municipalities operating under the Local Fiscal Affairs Law must prepare and submit a Corrective Action Plan as part of their annual audit process; and

WHEREAS, the Township of Stillwater has by Resolution accepted the 2015 audit as prepared and presented by the Township Auditor; and

WHEREAS, Dana Mooney, the Chief Financial Officer for the Township of Stillwater has prepared a Corrective Action Plan to the address the findings and recommendations for the 2015 audit and presented copies of same to the Township Committee;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of Stillwater, in the County of Sussex, that the Corrective Action Plan, attached hereto and made a part hereof, be approved for submission to the Division of Local Government Services.

Mr. Scott made a **motion** to adopt Resolution 2016-085, seconded by Mr. Gross.

Roll Call Vote: Mr. Gross, yes, Mr. Morrison, yes, Mr. Scott, yes, Ms. Chammings, yes, Mayor Fisher, yes

AMENDMENTS TO THE AGENDA:

Add Under New Business: New DPW Employee

Open Public Session:

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

John Nelson, Crandon Lake Association of Property Owners, invited the Committee, employees and their families to their Annual Pig Roast to be held on July 30th. He thanked the Committee for working with the association.

Mr. Fisher stated he was approached by Crandon Lakes/Stillwater residents who expressed concern with the condition of the roads on the Stillwater side of the lake compared to those on the Hampton side.

Mr. Nelson stated that in the past funding was an issue; however due to the lack of snow this past winter, this year many of the roads will be addressed, including tar and chipping. He asked that anyone with concerns attend an association meeting.

Jack Branagan, 961 Old Schoolhouse Road presented a sign he would like to install at the Recycling Center to provide educational, SCMUA and township event information to residents. He asked the Committee for their input on a location for the sign. Mr. Branagan felt it should be installed between the battery building and the mixed paper container. Mr. Fisher suggested installing it at the entrance to the right side and asked Mr. Branagan to meet with him at the Recycling Center to determine the best location.

Mr. Branagan asked if Old Schoolhouse Road will be re-paved. Ms. Knott stated the Township Engineer is currently working on that project. Mr. Branagan asked if the DPW could repair the potholes in the meantime. Ms. Knott would refer the information to the DPW.

Kathy Fobes-Jacoby, 964 Mt. Holly Road attended Stillwater Day as part of the Environmental Commission and Green Team. She thanked the Recreation Commission, stating it was a very successful day.

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 cutting the grass along the roads, a new DPW worker will be hired this evening. Mr. Scott attended a meeting at the County Jail, including a tour by the County Sheriff of the highly secure facility

Ms. Chamings: The Environmental Commission (EC) planted 163 trees in the riparian zone along the Paulinskill River as part of the PSE&G River Clean Up grant. Volunteers included EC members, 23 students from the Ridge and Valley Charter School, Nathaniel Sajdak and others. She thanked the Environmental Commission for their work on the grant project, which is now completed.

The EC conducted stream water testing and is currently working on the distribution of information on waste management to local farms. The YMCA/Fairview Lake Watershed Foundation presented the EC with four American Chestnut trees to be planted on the Camp Towadena property. The EC and the Green Team participated in Stillwater Day. Stillwater Township School is proceeding with their greenhouse project and a golf outing fundraiser will be held to support the project in August.

Mr. Fisher: Stillwater Day was held on Saturday, June 18th with an extremely good turnout. He commended the Recreation Commission (RC) on their hard work organizing vendors, activities, fireworks and the day overall. Contest results: Miss Stillwater - Maureen Douglas, Little Miss - Laney Steffens and Little Mister - Wyatt Monahan.

Mr. Fisher was disappointed that the Rescue Squad was not in attendance. He noted Rob Losey, an EMT, did participate and Mr. Fisher asked that a letter of commendation be presented to him. There was a minor injury at the dunk tank that Mr. Losey attended to and it was a very hot day, with many activities and Mr. Fisher expressed concern with not having the Rescue Squad present to provide immediate attention should there have been other incidents.

Ms. Chamblings questioned Mr. Fisher about the RC serving alcohol at Stillwater Day and a lengthy discussion followed. She expressed concern with the liability issue, noting it was not covered by the insurance. Mr. Fisher stated a proper permit was obtained through the State ABC, the area was roped off appropriately, identification was requested from patrons and those serving completed the proper training to do so. Mr. Scott, Mr. Morrison and Mr. Gross were also not aware that alcohol would be served. Ms. Chamblings expressed concern that the Social Affair permit did not come before the Township Committee and she also questioned Mr. Fisher about additional meetings held outside of the regular RC meetings and whether or not they were advertised. Mr. Fisher stated meetings to plan Stillwater Day were held and Mr. Stein noted if a quorum is present it must be advertised. Mr. Scott suggested advertising for the entire week prior to Stillwater Day next year so they can meet at any time. Ms. Chamblings was more concerned with the fact that she listened to the RC audios and serving alcohol was never discussed. She questioned who purchased the alcohol and whether or not receipts were submitted. Mr. Scott recommended not allowing the township to sell alcohol in the future, although the fire department would be permitted under their license. The Committee discussed insurance requirements and the hold harmless clause for vendors. Mr. Morrison did not have an issue with alcohol being sold as long as all required documentation and insurance is in place. Ms. Knott stated Mr. Morville recommended against it due to the liability issue and Mr. Scott noted alcohol is not permitted on township property. Mr. Stein stated a waiver of the ordinance could be granted by the Township Committee for special events – it is called a “Celebration of Public Events.”

At this point, Ms. Chamblings made a **motion** to open the meeting to allow Rachel Gulette, RC Chairperson to speak, seconded by Mr. Gross. All were in favor.

Rachel Gulette, 1014 Route 619 stated the RC purchased the alcohol and all proceeds went back to the RC. Any items not sold were returned and a full refund was issued. She explained no official meetings were held; members met informally to discuss the location of activities, etc. A State permit was issued to the RC to serve alcohol and it was definitely discussed at the RC meetings. She questioned if Stillwater Day was a “celebration of public events.” Mr. Stein agreed. Ms. Chamblings thanked the RC for their hard work on Stillwater Day but again expressed concern with the outside meetings that were held. Mr. Stein stated if a meeting is held by a group of volunteers determining locations for activities that is different than a governing body holding an official meeting conducting business and taking action which would need to be done under the Open Public Meetings Act.

Mr. Scott commended the RC on Stillwater Day, stating he received very positive feedback from those who attended.

NEW BUSINESS:

DPW/Recycling Position:

Mr. Scott made a **motion** to appoint Alex Tricarico to the DPW/Recycling position, according to contract agreement, beginning July 1, 2016, and subject to a license and background check, seconded by Mr. Fisher.

Roll Call Vote: Mr. Gross, yes, Mr. Morrison, yes, Mr. Scott, yes, Ms. Chamblings, yes, Mayor Fisher, yes

ORDINANCE 2016-010: Amending Code Section 240-118G Regarding Affordable Housing Development Fees (Public Hearing and Adoption July 19, 2016)

Mr. Scott made a **motion** to introduce Ordinance 2016-010, seconded by Ms. Chamblings.

Roll Call Vote: Mr. Gross, yes, Mr. Morrison, yes, Mr. Scott, yes, Ms. Chamblings, yes, Mayor Fisher, yes

ORDINANCE 2016-011: Repealing Chapter 190 of the Code of the Township of Stillwater Entitled “Fire Insurance Claims” (Public Hearing and Adoption July 19, 2016)

Mr. Scott made a **motion** to introduce Ordinance 2016-011, seconded by Mr. Morrison.

Roll Call Vote: Mr. Gross, yes, Mr. Morrison, yes, Mr. Scott, yes, Ms. Chammings, yes, Mayor Fisher, yes

RESOLUTION 2016-086 Adoption of Chapter 48 of the State Health Benefits Program

Mr. Scott made a **motion** to adopt Resolution 2016-086, seconded by Mr. Gross.

(RESOLUTION ATTACHED)

Roll Call Vote: Mr. Gross, yes, Mr. Morrison, yes, Mr. Scott, yes, Ms. Chammings, yes, Mayor Fisher, yes

DISCUSSION ITEMS:

Stillwater Township BOE – Crossing Guard/Traffic Signs/Speed Bumps

Mr. Scott reported the crosswalks have been painted at the Paulinskill bus crossing. Ms. Knott presented the following quotes for blinking solar signs:

-Garden State Highway Products, Inc.:

\$3,358.00 per unit (furnished and installed)

-Traffic Safety:

\$1995.00 per unit (not including pole and installation for each sign)

*(cement pad not included, can be installed by DPW if needed)

Ms. Knott noted the bus can turn around but the school does not want to pay for the extra footage the bus will have to advance. Mr. Fisher suggested contacting the bus company to inquire the cost to do so.

Antenna for Emergency Services: Justin Francomacaro

Mr. Francomacaro, Stillwater Fire Chief reported there have been constant issues with the antenna installed last year as it is too powerful for the area.

The following quote was provided:

Atlantic Communications: \$4,520

Changing the location of the antenna would not resolve the issue. State contract would not require another quote. The antenna will be fully funded through the fire department radio line item.

Ms. Chammings made a **motion** authorizing the purchase of a new antenna in the amount of \$4,520, seconded by Mr. Gross.

Roll Call Vote: Mr. Gross, yes, Mr. Morrison, yes, Mr. Scott, yes, Ms. Chammings, yes, Mayor Fisher, yes

Lower Crandon Lake:

Ms. Knott reported on an issue in Lower Crandon Lake. The Committee reviewed photographs of invasives and lily pads located in the lake causing a horrible odor. Mr. Morville has advised that the lake is a non-recreational lake and the township bears no liability.

John Nelson, CLAPO, provided a brief background history, stating chemicals are currently used to treat the main lake and there is an issue with individuals bringing outside boats into the lake transferring the invasives. Ms. Knott briefly discussed muskrat and beaver problems at the lake and she suggested passing the information onto the Environmental Commission for possible assistance and/or recommendations.

Mr. Morrison felt the Committee should research instituting a management plan and address the current issue.

Mural for Meeting Room:

The mural will cost approximately \$800, not to exceed \$1,000. It will be a combination of the original and current seal. Mr. Morrison asked if the mural could be placed on wood so that it could be moved if necessary. Ms. Knott would inquire with Mr. Picun. Ms. Chammings recommended MDF-4 quality wood.

Following a brief discussion, Mr. Gross made a **motion** to authorize the mural, not to exceed \$1,000, seconded by Mr. Scott.

Mr. Morrison questioned if the Committee would be able to approve the final design. Ms. Knott stated this would not be possible as it will be hand-painted. She will inquire if a sketch is available.

Roll Call Vote: Mr. Gross, yes, Mr. Morrison, yes, Mr. Scott, yes, Ms. Chammings, yes, Mayor Fisher, yes

Attorney Report:

COAH Hearing: Ms. Leo attended with Mr. Vreeland who testified. Stillwater was carried to September 7, 2016 to work on a durational adjustment and provide a presentation at that time.

Open Public Session:

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

Ed Szabo, 978 Route 521 participated in Stillwater Day as a member of the Environmental Commission, the Fishing Club, Stillwater Taxpayers Association and Swartswood Lake Association. He commended all on a successful day, everyone was cooperative and helpful.

A fishing club tournament will be held on Saturday, June 25th starting at noon and running for 24 hours to Sunday, June 26th at Swartswood. Registration and weigh-ins will take place at the Boathouse.

Mr. Szabo stated the Swartswood Lake Association has tremendous experience with weed growth, identifying them and working with the State. They also had a beaver problem and contacted a trapper to address the issue. Mr. Szabo offered his assistance to Mr. Nelson.

John Nelson, Crandon Lakes Country Club stated the removable speed bumps in Crandon Lakes were replaced with permanent ones as Hampton felt the bolts were damaging the road. He offered to speak with the Board about donating them to Stillwater. Mr. Stein advised the Committee the Township Engineer would need to review the matter.

Rebecca Dey, 907 Marigold Way asked if the township is currently in any type of litigation. Mr. Stein stated the only item considered litigation at this time would be any tax appeals made to the State.

Ms. Dey referred to the narrow one lane bridge in Crandon Lakes, expressing concern with not having another access road to the community. She asked about the closed road along lower Crandon Lakes and could it be re-opened and repaired for emergency access. Mr. Nelson thought it may have been closed due to flooding issues. The road is impassable at this time even for walking.

Ms. Dey referred to the lily pads in lower Crandon Lakes, and as a former firefighter she noted water can no longer be drafted due to the overgrowth. She felt the narrow one-way bridge in conjunction with no access to the water could be hazardous in the case of an emergency. Ms. Dey suggested constructing an access road on the property owned by the DEP above the lake.

Rachel Gulette, Recreation Commission Chairperson thanked the DPW for all their help with Stillwater Day.

Jack Branagan, 961 Old Schoolhouse Road suggested contacting a former art teacher at Stillwater School, John Petillo, to obtain a second quote for the township seal.

Mr. Branagan expressed concern with chemicals being used to treat lower Crandon Lake. He suggested seeking grant funding for the protection of lakes and alternative treatment.

Mr. Branagan felt the Committee should pursue having the school pay for the bus to continue pass the crossing to turn around.

He asked who would be liable if someone did get hurt at Stillwater Day with alcohol being served. He felt if additional costs are incurred for insurance coverage to do so, then it should not be served.

Other Items:

Five Points and Old Foundry Intersection:

Ms. Knott reported the State Police responded to her inquiry and there have been only two motor vehicle accidents at that intersection.

Speed Signs:

Mr. Scott asked for a letter to be sent to the Sheriff's Department thanking them for installing the digital speed sign on Old Foundry Road and also for their assistance at Stillwater Day.

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

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

Respectfully submitted,

Kathy Wunder