

STILLWATER TOWNSHIP COMMITTEE MEETING
MINUTES
April 5, 2011
Regular Meeting

A REGULAR MEETING of the Stillwater Township Committee was called to order by Mayor Scott at 6:10 p.m. noting the meeting schedule was 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 Scott, Deputy Mayor Fisher, Committeeman Gross, Committeeman Morrison, Committeewoman Straway, Municipal Clerk Judy Fisher and Attorney Larry Cohen.

After the reading of the following Resolution to enter into Executive Session, a **motion** was made by Mrs. Straway, seconded by Mr. Gross and unanimously carried by roll call vote to adopt the resolution permitting the Committee to go into Executive Session at 6:10 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; Possible Litigation**
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. Gross, seconded by Mrs. Straway to conclude the Executive Session at 7:00 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 SEPERATELY ON THE REGULAR AGENDA.

Department Reports: February: Building Department

Minutes: Regular Meeting: March 15, 2011; Executive Session: March 15, 2011

Resolution: 2011-20 Tonnage Grant

2011-25 Urging Swift Passage of A3430, A3431 and A3432

Blue Light Permit Applications: David VanGorden Jr., Robert Losey, Douglas Losey, Steven Carbone, William Hughes, George Scott

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

Roll Call Vote: Mr. Fisher, yes, Mr. Gross, yes, Mr. Morrison, yes, Mrs. Straway, yes, Mayor Scott, yes

Bill List Cycle #5: \$679,606.35

Mr. Fisher made a **motion** to approve Bill Cycle #5 in the amount of \$679,606.35, seconded by Mr. Gross, with a discussion held. Mr. Gross was concerned that there were many bills not included on the bill list. He also expressed concern with the purchase orders not being separated into folders for each liaison to review and sign. He noted this procedure has not been followed for at least two months and he felt he could not vote in favor of approving the bill list.

Roll Call Vote: Mr. Fisher, yes, Mr. Gross, no, Mr. Morrison, yes, Mrs. Straway, abstain, Mayor Scott, yes

Amendments to the Agenda: Added: Under Land Sales – Nature Conservancy discussion

Meeting Time Change 4/19/11: Mr. Gross made a **motion** to change the starting time for the April 19, 2011 Township Committee meeting from 7 p.m. to 6 p.m. for the Regular Meeting, to be followed by Executive Session, seconded by Mayor Scott.

Roll Call Vote: Mr. Fisher, yes, Mr. Gross, yes, Mr. Morrison, yes, Mrs. Straway, yes, Mayor Scott, yes

Committeeperson Reports:

Mr. Fisher reported the Stillwater Fire Department had 19 fire calls and 12 First Responder calls. Three quotes were obtained for the new fire gear required by PEOSH: \$2804.50, \$2418.48, and the lowest was \$2,099. Each quote was for one set and 20 are needed. An ordinance will be drafted. Swartswood Fire Department requested a change in the food handler's ordinance, asking to amend the ordinance for a 3 or 5 year requirement for each certification. This item is included on the agenda. Mr. Fisher reported the following on the Recreation Commission (RC) meeting held on April 4, 2011: A bus trip will be held on June 12, 2011 to Mount Airy Lodge, it will leave from Stillwater School at 10 a.m. and return at 6 p.m.; a fee of \$35.00 has tentatively been set. The RC is also working on obtaining bleachers for Veteran's Memorial Park. Stillwater Garage Sale Day is tentatively set for July 16, 2011. Mr. Fisher reported that Mr. Szabo of the Paradise Fishing Club has asked permission for a tagging box to be located at VMP. Mr. Szabo displayed a metal box for the Committee, noting the box will be maintained on an ongoing basis. The box would be located to the right of the message board on a post. Mr. Gross made a **motion** to allow the Paradise Fishing Club to install a metal fishing tag box at VMP, seconded by Mr. Fisher.

Roll Call Vote: Mr. Fisher, yes, Mr. Gross, yes, Mr. Morrison, yes, Mrs. Straway, yes, Mayor Scott, yes

An opening day breakfast will be held on Saturday, April 9, 2011 at the Swartswood Firehouse from 5-11 a.m.

Mrs. Straway reported that in 2010 Stillwater Township approved two COAH rehabilitation mortgages. One was for mold and water remediation in a basement and energy efficient window installation at a total cost of \$16,650. The second was to insulate outside walls of a dwelling and install replacement windows at a total cost of \$12,526.80. Mrs. Fisher is currently reviewing two COAH rehabilitation applications, and is in contact with Senator Lesniak office regarding regulation concerns that she has.

Mrs. Straway referred to the Stillwater School artwork displayed in the meeting room, and noted three students were chosen to display their artwork at the Sussex County Courthouse, and a first grader was chosen to have artwork displayed in Trenton. She reported the school introduced their budget on March 28, 2011. Specifics of the budget can be obtained by contacting Kathy Kane or Bill Shelton at the school. The budget came in under the 2% cap. The next Board of Education (BOE) meeting will be held on April 25, 2011, and School Board Elections have been moved to Wednesday, April 27, 2011 from 2-9 p.m. For information on the candidates please contact the school. The four artists will be guests at the next BOE meeting and all are invited.

Mayor Scott attended a lengthy Zoning Board meeting hearing on a cell tower application for Nextel to be located at the Swartswood Firehouse. The application will be continued in April. He reported that Sean Mendres is back at work at the Recycling Center; and Governor Christie was at Kittatinny Regional High School yesterday. Mayor Scott met with the Governor two weeks ago. Mrs. Straway and Mayor Scott met with Assembly members and Senators at the County Courthouse.

Ordinances:

2nd Reading

Bond Ordinance providing for the Phase I Improvements to Middleville Road in and by the Township of Stillwater, in the County of Sussex, New Jersey, appropriating \$363,000 therefore, including a Grant in the amount of \$200,000 expected to be received from the State of New Jersey Department of Transportation and authorizing the issuance of \$155,000 Bonds or Notes of the Township to Finance Part of the cost thereof. 2011-04

At this point, Mr. Fisher made a motion to open this portion of the meeting for public comment on the ordinance, seconded by Mr. Gross, all were in favor. There being no public comment, this portion of the meeting was closed.

Mr. Fisher made a **motion** to adopt **Ordinance 2011-04**, seconded by Mrs. Straway.

Roll Call Vote: Mr. Fisher, yes, Mr. Gross, yes, Mr. Morrison, yes, Mrs. Straway, yes, Mayor Scott, yes

2nd Reading

Amending Ordinance 2011-02 Chapter 22 of the Stillwater Township Municipal Code Entitled "Court, Municipal," Abolishing the Stillwater Township Municipal Court and Authorizing Stillwater Township to become a Member of a Joint Municipal Court Known as the Municipal Court of the Township of Wantage, the Borough of Sussex and the Township of Stillwater. 2011-05

At this point, Mr. Fisher made a **motion** to open this portion of the meeting for public comment on the ordinance, seconded by Mr. Gross. All were in favor.

Diane Apostola, 916 Five Points Lane asked about the future of the church building. Mayor Scott stated a meeting would be held with the church to determine that.

There being no further public comment, this portion of the meeting was closed.

Mr. Morrison made a **motion** to adopt **Ordinance 2011-05**, seconded by Mrs. Straway.

Roll Call Vote: Mr. Fisher, yes, Mr. Gross, yes, Mr. Morrison, yes, Mrs. Straway, yes, Mayor Scott, yes

1st Reading

Ordinance amending chapter 441 of the Stillwater township Code, Entitled "Food Establishments, Retail" and more particularly Section 441-8(D), entitled "Expiration and Renewal of the Certificate." 2011-06

Mr. Fisher made a **motion** to introduce **Ordinance 2011-06**, seconded by Mr. Gross.

Roll Call Vote: Mr. Fisher, yes, Mr. Gross, yes, Mr. Morrison, yes, Mrs. Straway, yes, Mayor Scott, yes

The public hearing/second reading will be held on April 19, 2011.

Open Public Session (agenda items only):

This portion of the meeting was opened for public comment on agenda items only; there being no members of the public wishing to speak this portion of the meeting was closed.

Old Business:

Environmental Commission Appointment:

Mayor Scott appointed Kathy Fobes-Jacoby as an Alternate #2 member of the Environmental Commission, term expiring 12/31/11.

Discussion Items:

Land Sales: Mrs. Straway stated there are four township owned lots located around Mud Pond and also near Cold Spring Farm which the Land Conservancy (LC) is pursuing. If the LC can negotiate with the Nature Conservancy to purchase the lots, the LC would like to request that the funds received for the four township lots be used toward the fees incurred by the closing on the Cold Spring property. The fee for the lots being discussed is \$15,000. Attorney Cohen stated the lots may have to be placed for auction rather than selling them directly to the Nature Conservancy. The Nature Conservancy may own adjoining lots to the four in question.

Mr., Morrison asked for Block 411, Lot 6 to be added to the list, for a total of 12 properties. The Committee reviewed the list and walked the properties, noting they are all undersized and not buildable and would be merged with the purchaser's lot. Attorney Cohen stated the only way one of the lots could be developed is if a vacant lot owner purchases a lot and it makes their existing lot conforming.

Mr. Morrison made a **motion** to proceed with the 2011 land sale list for the 12 lots presented to the Committee, seconded by Mr. Gross.

Roll Call Vote: Mr. Fisher, yes, Mr. Gross, yes, Mr. Morrison, yes, Mrs. Straway, yes, Mayor Scott, yes

Mrs. Fisher stated the bid layout form will be revised.

Blossom Trail Road Vacation: Mr. Morrison referred to a letter that was received by the Committee regarding Blossom Trail, Block 502, Lot 12 from James and Jeanette Ando. The homeowners have asked the Committee to vacate Blossom Trail because they would like to purchase the lot across the street. Blossom Trail is a non-existing road. Mr. Morrison had asked the Committee to visit the site to determine whether or not it should be vacated. The cost to vacate the road would be less than \$1,000 and the property could then be sold.

Mr. Morrison made a **motion** to move forward with the process to vacate Blossom Trail, seconded by Mr. Fisher.

Roll Call Vote: Mr. Fisher, yes, Mr. Gross, yes, Mr. Morrison, yes, Mrs. Straway, yes, Mayor Scott, yes

Southwestern Municipal Alliance: Mrs. Straway explained Stillwater is the lead agency for the Southwestern Alliance grant between Stillwater, Fredon, and Hampton. Former CFO Mrs. Barile had been overseeing the grant as there was no coordinator. Mrs. Straway is currently working with Pat Kabildis and met with Fredon and Hampton and all parties are willing to form the necessary committee so the funding is not lost. The Committee agreed that Mrs. Straway could continue to move forward on the matter.

Alternate Polling Place for District #2 Courthouse to the Swartswood Firehouse: Mayor Scott stated the Committee is waiting for a letter from the Swartswood Firehouse indicating they are ADA compliant. Mrs. Fisher stated there is a lengthy process that has to be followed once the letter is received. Mayor Scott stated the Committee is also considering changing the polling place from Stillwater School to the Stillwater Firehouse.

New Business:

Discussion: Free Tire Drop Off

Following a discussion, the Committee agreed to hold a free tire drop off at the Recycling Center on Saturday, April 30th and Saturday, May 21st from 9 a.m.-2 p.m., with a 4 tire limit.

Mr. Morrison made a **motion** to hold the free tire drop off as discussed, seconded by Mrs. Straway.

Roll Call Vote: Mr. Fisher, yes, Mr. Gross, yes, Mr. Morrison, yes, Mrs. Straway, yes, Mayor Scott, yes

Introduction: 2011 Municipal Budget and Resolutions: 2011-21; 2011-24; 2011-22; 2011-23

RESOLUTION #2011-21

WHEREAS, under provisions of N.J.S.A.40A:4-5, a municipality shall introduce the Local Municipal Budget no later than March 11 of the fiscal year; and,

WHEREAS, the Township of Stillwater has delayed the introduction of the 2011 Municipal Budget past the statutory deadline; and,

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Stillwater, Sussex County, New Jersey, that the Township of Stillwater hereby petitions the Director of the Division of Local Government Services to allow a delayed introduction of the 2011 Stillwater Township Municipal Budget; and,

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be forwarded to the Director of the Division of Local Government Services, 101 South Broad Street, P.O. Box 803, Trenton, New Jersey 08625-0803.

Mr. Morrison made a **motion** to adopt **Resolution 2011-21**, seconded by Mr. Fisher.

Roll Call Vote: Mr. Fisher, yes, Mr. Gross, yes, Mr. Morrison, yes, Mrs. Straway, yes, Mayor Scott, yes

RESOLUTION-#2011-24

WHEREAS, the Township of Stillwater is holding a meeting on April 5, 2011, for the purpose of introducing the 2011 Municipal Budget and conducting other matters; and,

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Stillwater, Sussex County, New Jersey, that the Township of Stillwater hereby petitions the Director of the Division of Local Government Services that the 2011 Local Municipal Budget be introduced and approved on April 5, 2011.

2011 STILLWATER TOWNSHIP MUNICIPAL BUDGET

Surplus anticipated general revenues	\$ 538,200.00
Total Miscellaneous revenue	592,177.00
Receipts from Delinquent Taxes	270,000.00
Local Property Taxes	<u>2,107,989.00</u>
Total General Revenues	<u>\$3,508,366.00</u>
Total Operations	\$2,128,871.00
Capital Improvements	93,000.00
Debt Service	124,084.00
Statutory Expenses	420,170.00
Reserve for Delinquent Taxes	<u>742,241.00</u>
Total 2011 Municipal Budget	<u>\$3,508,366.00</u>
2011 Municipal Tax Rate	\$0.84374

Mr. Morrison made a **motion** to adopt **Resolution 2011-24**, seconded by Mrs. Straway.

Roll Call Vote: Mr. Fisher, yes, Mr. Gross, no, Mr. Morrison, yes, Mrs. Straway, yes, Mayor Scott, yes

RESOLUTION #2011-22

WHEREAS, the 2011 Local Municipal Budget was introduced on the 5th day of April, 2011; and,

WHEREAS, during the fiscal year 2011 the Township of Stillwater has been allocated a state grant for various programs in the amount of \$26,274.

NOW, THEREFORE BE IT RESOLVED, that petition be made herewith to the Director of the Division of Local Government Services that the 2011 Local Municipal Budget include a special item of revenue under the heading of "**Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local**

Government Services-Public and Private Revenues Offset with Appropriations:"	
Clean Communities Program-2011	\$ 12,920.00
Municipal Alliance on Alcoholism and Drug Abuse	<u>13,354.00</u>
	<u>\$ 26,274.00</u>

Mrs. Straway made a **motion** to adopt **Resolution 2011-22**, seconded by Mr. Fisher.

Roll Call Vote: Mr. Fisher, yes, Mr. Gross, yes, Mr. Morrison, yes, Mrs. Straway, yes, Mayor Scott, yes

RESOLUTION #2011-23

WHEREAS, the 2011 Local Municipal Budget was introduced on the 5th day of April, 2011; and,

WHEREAS, during fiscal year 2011, the Township of Stillwater will receive revenue for various other special items in the amount of \$2,500.00.

NOW, THEREFORE BE IT RESOLVED, that petition be made herewith to the Director of the Division of Local Government Services that the 2011 Local Municipal Budget include a special item of revenue under the heading of "**Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services-Other Special Items:**

Uniform Fire Safety Act -	\$2,500.00
	<u>\$2,500.00</u>

Mr. Fisher made a **motion** to adopt **Resolution 2011-23**, seconded by Mr. Gross.

Roll Call Vote: Mr. Fisher, yes, Mr. Gross, yes, Mr. Morrison, yes, Mrs. Straway, yes, Mayor Scott, yes

Public Hearing/Second Reading will be held on May 17, 2011.

Open Public Session:

Diane Schlechter, 1010 Route 521 stated the last time there was a free tire pick up she saw someone from Byram dropping off 22 tires. She asked that each person be required to present identification. The Committee agreed to do so.

Bill Steckowich, 907 Hardwick Road referred to Resolution 2011-24 and felt it was very difficult to remember what the Committee has done over the past few years so he can compare it to this year. Mr. Morrison stated the last two years of the budget are available on the website.

David Chernard, Hampton Township discussed an incident that happened at the Recycling Center this past weekend when the Kittatinny Youth Lacrosse Program held a fundraiser approved by the Township Committee and a gentleman was present with a petition soliciting signatures for a candidate in Stillwater. Mr. Chernard stated the man was not associated with or approved by the lacrosse program in any way and he apologized for the incident. He thanked the Committee and Recreation Commission for the opportunities given to the lacrosse program and he did not want that jeopardized by the incident. Mrs. Straway suggested having an officer of the program present when such fundraisers are held to eliminate the possibility of having such an issue happen.

Mayor Scott read a letter from Hilary Manser thanking the Committee for allowing the Kittatinny Youth Lacrosse Program to hold their fundraiser at the Recycling Center and thanking the Recycling Center workers for all their help.

Lisa Chamings, 928 Mt. Holly Road discussed Clean Up Day and the policy for boy scout and girl scout troops participating. Attorney Cohen will review the matter.

Ms. Chamings stated the Miss Stillwater Contest will be held on June 2, 2011 at Stillwater School. Stillwater Day will be held on June 4, 2011. A subcommittee meeting will be held prior to Stillwater Day and Ms. Chamings invited Mrs. Straway to attend.

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

Attorney Report: Attorney Cohen reported he provided a confidential report to the Committee in Executive Session for two lawsuits, one involving OPRA and the other involving a former employee of the township.

Correspondence:

•Mayor's Advisory Correspondence is available for review in the Correspondence Binder.

There being no further business, Mr. Morrison made a **motion** to adjourn the meeting at 8:08 p.m., seconded by Mr. Gross. In a voice vote, all were in favor.

Respectfully submitted,

Kathy Wunder