

**STILLWATER TOWNSHIP COMMITTEE MEETING**  
**MINUTES**  
**February 2, 2016**  
**Regular Meeting**

A REGULAR MEETING of the Stillwater Township Committee was called to order by Mayor Fisher at 7:11 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: Committeewoman Chamblings, Committeeman Gross, 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 Ms. Chamblings and carried by roll call vote to adopt the resolution permitting the Committee to go into Executive Session at 6 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. Scott, seconded by Ms. Chamblings to conclude the Executive Session at 6:40 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.**

**RESOLUTIONS:**

**REPORTS:**

2016-033 Approving Refund of Building Permit Overpayment

2016-034 Authorizing an Appropriation Reserve Transfer for the Year 2015

2016-035 Authorizing Increase in Professional Services Agreement with R. Steven Boshart, Jr. AIA

2016-036 Cancelling General Capital Balances

2016-037 Approving Appointment of Ian Blanchard and Chris Carbone to 208 PAC

2016-038 Authorizing the Issuance of Raffle Licenses

**MINUTES:**

January 5, 2016 Re-organization, Regular and Executive Session Minutes

**REPORTS:**

Tax Collector – January 2016

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

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

**BILLS LIST #2 \$1,381,810.22**

**RESOLUTION 2016-039 PAYMENT OF BILLS**

Mr. Scott made a **motion** to adopt Resolution 2016-039, seconded by Mr. Gross.

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

**AMENDMENTS TO THE AGENDA:** Committee Reports will be moved to the next regular meeting.

**Open Public Session:**

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

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

**OLD BUSINESS:**

**ORDINANCE 2016-002 AMENDING ARTICLE XXIV OF CHAPTER 10 OF THE CODE OF THE TOWNSHIP OF STILLWATER ENTITLED "FIRE DEPARTMENT" – Public Hearing and Adoption**

**STILLWATER TOWNSHIP ORDINANCE**

**ORDINANCE #2016-002**

**AN ORDINANCE OF THE TOWNSHIP OF STILLWATER,  
SUSSEX COUNTY, NEW JERSEY AMENDING ARTICLE XXIV OF  
CHAPTER 10 OF THE CODE OF THE TOWNSHIP OF STILLWATER  
ENTITLED "FIRE DEPARTMENT"**

**BE IT ORDAINED,** by the Township Committee of the Township of Stillwater, as follows:

**SECTION 1 - DEFINITIONS**

Article XXIV "Fire Department" of Chapter 10 of the Code of the Township of Stillwater is hereby amended to read as follows:

**§ 10-110. Establishment.** (no change)

**§ 10-111 Recognition.** The Stillwater Township Volunteer Fire Department shall consist of one fire company to be known as "Stillwater Area Volunteer Fire Company" and such additional companies as the Stillwater Township Committee may hereinafter authorize and approve. Members of the company shall also be members of the department.

**§ 10-112 Members.** (no change)

**§ 10-113 Attendance.** Every member of the Fire Department shall, in each and every year, perform at least 60% of duty, to be composed of actual attendance and duty at fires and drills; and a record shall be kept of such attendance and duty by the Chief of the Company and reported to the Fire Commissioner annually.

**§ 10-114 Exempt Certificates.** (no change)

**§ 10-115 Application for Membership.** Every person seeking to join the Fire Department shall make application to the fire company and upon his election to membership in accordance with the bylaws of the company, he shall become a member in good standing of the Fire Department. The election of members of a fire company shall be immediately reported to the Township Clerk, who shall keep an accurate and up-to-date record of all members of the Department.

**§ 10-116 Supervision.** (no change)

**§ 10-117**      **Operation of Fire Companies.** This section is repealed in its entirety.  
**§ 10-118**      **Fire Commissioner.** The Township Committee shall annually designate one of its members as Fire Commissioner. The Fire Commissioner shall, together with the Mayor and Municipal Clerk, execute all exempt firemen certificates as authorized by law. He shall annually file a verified list of all nonexempt members of the Fire Department with the Township Clerk in accordance with the provisions of N.J.S.A. 40A:14-57. He shall have no jurisdiction over firematic functions or over the operations of the fire company. The Township Committee shall not have any jurisdictional powers over firematic functions or over the operations of the fire company.

**§ 10-119**      **Powers during Emergencies.** (no change)

**§ 10-120**      **Interference with Operations.** (no change)

**§ 10-121**      **Violations and Penalties.** (no change)

#### **SECTION 2 - WHEN EFFECTIVE**

This law shall take effect after passage and publication as required by law.

Mr. Gross made a **motion** to open the meeting for public comment on Ordinance 2016-002, seconded by Mr. Morrison.

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

#### **Public Comment:**

**Greg Warholak, 1054 Route 521** expressed concern with response time to his house by the Stillwater Fire Department if they are the only department in the township. He felt it was a grave safety issue and asked the Committee to vote against closing the department.

**Lou Sylvester, 945 Old Schoolhouse Road** recognized the emergency services in Stillwater and expressed his appreciation. He asked how the Committee reached this point and if there was any further information the Committee could disclose. Mr. Stein stated there would be Committee discussion following the public session.

**Amanda Borkstrom** provided a brief history on her experience as a member of the Swartswood Fire Department and an internal investigation by the department that resulted in her improper suspension. The other individual involved still maintains a high ranking position and a copy of the investigation was never provided to her. She tried on multiple occasions to resign from the department and was not permitted to do so. Ms. Borkstrom later filed a police report regarding the incident that led to the investigation and when the State Police followed up they were told by the Swartswood Fire Department that no investigation was conducted and no report was available. This experience and the non-acceptance of her resignation by the Swartswood Fire Department are still preventing her from becoming a member at another department. She asked for help from the Committee and provided a copy of her resignation letter.

**Kathleen Draghi, 1016 Route 619** asked if there was a valid non-profit status for the Swartswood Fire Department. She was able to find a copy for Stillwater Fire Department and the Rescue Squad on the internet but not for Swartswood. She has donated in past years to Swartswood and has claimed that donation on her tax return. She asked if this could be an issue for her or others that have donated.

**George Daggett, 328 Sparta Avenue, Sparta** stated he reviewed the portion of the ordinance that is being repealed, resulting in only one fire company. He asked the Committee to defeat the ordinance as it would be a safety issue not to do so. He felt emergency situations should not be compromised due to the lack of an audit. He noted since the Committee has become involved there is friction between the two fire companies and it should not be tolerated as it places the public in jeopardy. He asked the Committee to resolve the matter and let them continue their emergency services for the residents of the township. There being no further members of the public wishing to speak, this portion of the meeting was closed.

**Committee Discussion:**

**Mr. Gross** stated he has been a professional and volunteer fireman for over 50 years and has never seen something as ugly as this matter. He stated there are few members at the Swartswood Fire Department, many problems and the leadership is lacking.

**Ms. Chamings** stated she had asked the Swartswood Fire Department for a current active roster of members, certifications and an audit. No information has been provided and it has caused her concern. She encourages volunteers and knows there are members at that department that are good firefighters; however proper management and transparency are lacking. Her interpretation is the ordinance will recognize one company and does not indicate there cannot be more than one department under that company. As a non-profit they have not provided an EIN number and that is also of concern. She has reached out to members of the community for their input and she cares about each and every volunteer and realizes there are questions that cannot be answered at this point.

**Mr. Morrison** prefaced his remarks by indicating that when he speaks of Swartswood Fire Department he is not speaking about all of the members. The newspaper talked about a miscommunication with the audit and he stated the Committee was very clear on what information they requested and it was willfully denied. The membership at the department feels the Committee has no right to be involved in their organization; the Committee has every right. There are times when action must be taken and due to an issue in October it was necessary to do so. He felt it is a liability and there is nothing more emergent than what is happening at the Swartswood Fire Department right now. He hoped the good members will join other departments.

**Mr. Scott** referred to the lack of information provided by the Swartswood Fire Department and felt it could have been resolved. The matter should have been properly addressed by the department and should have never reached the Committee level. He is ashamed and embarrassed of what has happened at the fire department and its effect on the individuals involved. Safety is a priority for the Committee and the leadership will make sure that is accomplished to the best of their ability. Two Committee members met with three members of the Swartswood Fire Department when the entire membership was requested to attend; no attorneys were present. Mr. Scott would like to obtain input from the other department members.

**Mayor Fisher** felt there were many unanswered questions that he would like addressed and missing details and information that need to be provided. He felt more time should be taken to work on the matter and more consideration given to one company and one Chief overseeing two departments.

Mr. Scott made a **motion** to table Ordinance 2016-002, seconded by Mr. Fisher.

**Roll Call Vote:** Ms. Chamings, no, Mr. Gross, no, Mr. Morrison, no, Mr. Scott, yes, Mayor Fisher, yes

Mr. Morrison made a **motion** to adopt Ordinance 2016-002, seconded by Mr. Gross.

**Roll Call Vote:** Ms. Chamings, yes, Mr. Gross, yes, Mr. Morrison, yes, Mr. Scott, abstain, Mayor Fisher, no

Motion carried.

**Committee Meeting Reports:** Reports will be provided at the next regular meeting of the Township Committee.

**NEW BUSINESS:**

Ms. Chamings asked for a special meeting to be scheduled to discuss future plans from this point, inviting neighboring fire departments and a County representative. Mr. Stein explained the township is not disbanding them, they are not recognizing them as a fire company. Township owned equipment will have to be returned to the municipality. They are a private organization and their future plans are not a Committee issue. The property, building and cell tower are owned by the Swartswood Fire Department. Ms. Chamings asked for the County 9-1-1 dispatch center to be notified immediately that as of tonight no tones will be put out for the Swartswood Fire Department. Ms. Knott will contact the County to schedule a meeting.

## **DISCUSSION ITEMS:**

### **Land Use Board:**

Mr. Fisher reported the Township Committee met with members of the Planning Board and Zoning Board to discuss the formation of a Land Use Board and obtain their input. No decision has been made at this time.

### **6<sup>th</sup> Grade Recognition:**

Mr. Scott made a **motion** to donate \$200.00 to the Stillwater School Sixth Grade Recognition Program, seconded by Mr. Gross.

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

### **Mailboxes Hit by Snow Plows:**

The Committee discussed the procedure to be followed when a resident mailbox is hit by a DPW snowplow. In the past, the municipality has repaired, if possible, but not replaced mailboxes that have been damaged. The Committee agreed to continue in the same manner.

### **Open Public Session:**

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

**Vincent Kornmeyer, Swartswood Fire Department** addressed the comments made by Mr. Gross regarding problems at the department. Mr. Kornmeyer indicated that he (President) and the Chief had been suspended by the Committee in October. The cell tower was brought to the department by the Committee, they did not ask for it and he was not in favor of it. He stated he cannot control what individuals do during their own time and it is difficult to get volunteers. The members are available and can be reached every Monday night at the fire department. The Committee wanted to meet with the entire fire department but this was not possible as many are afraid of repercussions. If there was a problem they should have been told about it instead of suspending the Chief and President. If you remove the individuals in charge, no one is going to want to take their place. Mr. Scott thanked Mr. Kornmeyer for his service. Mr. Gross noted there were reasons for the suspensions.

**Greg Warholak, 1054 Route 521** felt the comments by the Committee were very vague and incomplete and more specific documented information was needed to back up their accusations. With regard to their comments concerning the response to fires, he has witnessed them on several occasions responding to calls.

**Rebecca Dey, 907 Marigold Way** commended the Committee on their efforts, dedication and time they have spent on this matter. She thanked them for their decision and noted the unsafe conditions at the department including ladders in disrepair, SCBA packs that have not been tested or past test dates. When she refused to wear the packs she was demeaned during calls. Suspensions were imposed following an investigation concerning sexual harassment allegations. When the correct procedure was followed and addressed at the fire department level, the matter was not handled properly, an inappropriate remark was made and it was time to involve the Township Committee.

**Dave Korvar, County 9-1-1 Supervisor** asked for a hard copy of Ordinance 2016-002 to be provided to John Tomasula of the Sussex County Sheriff's Office and he asked for direction on how to proceed from this point. The Committee asked him to call out Stillwater only.

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

### **Attorney Report: No report**

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

Respectfully submitted,

Kathy Wunder