

**STILLWATER TOWNSHIP COMMITTEE MEETING
MINUTES
April 19, 2011
Regular Meeting**

A REGULAR MEETING of the Stillwater Township Committee was called to order by Mayor Scott at 6 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 Scott, Deputy Mayor Fisher, Committeeman Gross, Committeeman Morrison, Committeewoman Straway, Municipal Clerk Judy Fisher and Attorney Robert McBriar.

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: Tax Collector - March 2011

Minutes: Regular Session: April 5, 2011; Executive Session: April 5, 2011

Resolution:

2011-26 Authorizing Township Engineer to sign Annual Stormwater Report

2011-27 Tax Lien Redemption, Block 2702, Lot 2 Park Finance \$1770.30

Proclamation: American Cancer Society Relay for Life

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

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

Bill List Cycle #6: \$477,171.18

Mr. Fisher made a **motion** to approve Bill Cycle #6 in the amount of \$477,171.18, seconded by Mayor Scott, with a discussion held. Mr. Gross indicated he signed his vouchers for the appropriate amount and crossed out the amount carried over. Mrs. Straway asked for purchase order #51 to be pulled; noting there is no problem with the amount, only a typographical error in the department.

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

Rescue Squad/First Responder/Fire Departments:

The following members were present:

Dave Van Gorden, Chief of Stillwater Fire Department and First Responder

Helaine Jentzen, First Responder Captain

Michael Davenport, First Lieutenant, First Aid Squad

Rob Losey, Mechanical Engineer, First Aid Squad

Mr. Fisher reviewed an email that was sent from Ms. Jentzen to Mr. Martin of the Rescue Squad, outlining some of her concerns with several incidents that had taken place during February 2011 with the Captain of the Rescue Squad. She received no response to the letter. Mr. Fisher indicated that First Responders are refusing to respond to calls when the Captain of the Rescue Squad has signed on for a call. He also indicated concerns were expressed by Ms. Jentzen with a decision made by the Captain of the Rescue Squad preventing the First Responders to ride the rig. In Ms. Jentzen's letter, she indicated the by-laws for the First Responders require them to be certified to drive the rigs, so if they are not permitted to ride in them, they cannot drive them.

Ms. Jentzen was present at the meeting and stated that when the Captain of the Rescue Squad does not sign on to a call and the First Responders respond, all goes smoothly. Mr. Losey and Mr. Davenport both agreed. Ms. Jentzen stated they should all be working together as a team effort to serve the community. They are all well-trained, capable and willing to do so, with one exception. Mr. Davenport stated that he and Mr. Losey have run many calls and have had great success with the First Responders who have been spectacular. Mayor Scott stated the Committee would like the First Responders to respond to all calls. Mayor Scott stated a letter would be sent to the First Responders, Rescue Squad and Fire Departments indicating that the First Responders will be notified of all calls. Ms. Jentzen stated she was told by the Captain of the Rescue Squad following a recent First Responder drill that they could no longer utilize the rigs for their drills. Permission was granted by the President of the First Squad, Mr. Martin, to allow the rig to be used in that specific drill. The Committee indicated that the rigs are insured by the town, and the First Responders could ride in and drive them. Mayor Scott agreed with Ms. Jentzen that the rigs could also be used for drills as long as it is coordinated with the Rescue Squad and Fire Departments. Mayor Scott asked that any future problems be reported to the liaison to be brought back to the Township Committee. Mayor Scott and Mr. Gross commented that the response time to calls has been tremendous. Mr. Davenport indicated there are 5 EMTs in the Rescue Squad and Ms. Jentzen stated there are 5 First Responders, one of which is an EMT.

Amendments to the Agenda:

Mrs. Fisher stated that she received a memo from Robert Trowse, Viet Nam Veterans of America, dated April 19, 2011. Mr. Trowse would like to provide a presentation to the Committee at their May 3, 2011 meeting, regarding the creation of a veteran's cemetery. The Committee agreed to add this item to the May 3, 2011 agenda, presentation to be provided at 7 p.m.

Mrs. Fisher stated paperwork was received from Township Engineer Mike Vreeland for Volunteer Field Phase II Soil Erosion and Sediment Control application to be signed by the Mayor. The Committee must designate an agent for the project.

Committeeperson Reports:

Mrs. Straway reported on the 4/11/11 Environmental Commission meeting as follows:

A joint local municipal Environmental Commission meeting was held in March and another one is being currently scheduled. The main topic of discussion was the Paulinskill River. Two local water experts, Ernie Hofer and Nathaniel Sajdak, will be in attendance at the next meeting as they are currently working on a grant funded study on C-1 waterways focused on the Paulinskill. A Land Conservancy confidential report of pending properties was provided to the EC for their review, including 3 maps. Concern was expressed regarding the location of the new signs at the Recycling Center and their lack of visibility. Mr. Branagan will contact the Recycling Coordinator to have them moved to a better location. The EC is in contact with The Audubon Society of NJ regarding the removal of invasive species at Veteran's Memorial Park. Clarification on whether or not another DEP permit is required is needed. Mr. Branagan and Mrs. Straway attended an information session on the Countywide Solar Program. Mrs. Straway completed the necessary grant paperwork and filed it with County. There is \$40,000,000 in overall grant funding available. Each municipality is given the opportunity to submit a pool of projects. In Stillwater, it included the school, municipal building, DPW, and fire departments. Mrs. Straway announced A Rain Garden Workshop will be held on 4/27/11 from 9:30 a.m.-3 p.m.; and a Rain Barrel Workshop will be held on 5/5/11 from 4-6 p.m. Both programs will be held at the Hillside Park Building located at 146 Lake Iliff Road in Andover Township.

Mrs. Straway reported the Stillwater Board of Education will meet on Monday, April 25, 2011. Students will be recognized for their artwork that was displayed at the County and State levels. School elections will be held on Wednesday, April 27, 2011 from 2-9 p.m.

Mr. Fisher reported the First Responders have 15 members that would like to take the required course, pending budget review. A quote was received back for PEOSH required fire department gear, the total cost is \$57,420. The Stillwater Fire Department has to replace the pump on the tanker truck, and the cost may be covered by insurance. A Comedy Night fundraiser will be held by the Stillwater Fire Department on May 14, 2011, for a donation of \$40.00, including a pig roast. Mr. Fisher reported a memo was received from the Zoning Officer indicating the DEP removed two buildings at Camp Kiamesha and are working on removing the remaining structures. Mr. Fisher reported on the stream running alongside Mengo's in Swartswood which causes flooding in the area. The Zoning Officer has been in contact with the DEP and the debris can be removed with a small excavator and the banks rebuilt by the township to prevent the flooding. Mr. Gross commented that he thought it was the County's responsibility because it is a County bridge. Mrs. Fisher, Zoning Officer, explained she had contacted the State, and a representative from FEMA inspected the site. According to federal regulations, the township is allowed to clean out the stream. Mrs. Fisher has been in contact with the County to address the bridge area, while Stillwater addresses the remaining area of issue.

Mr. Fisher reported the pump test conducted on the two pumpers at Swartswood Firehouse was satisfactory. An ambulance that was not working properly has been repaired.

Mr. Fisher will be asking the Recreation Commission to create a township calendar rather than a spring newsletter.

Mr. Morrison reported the Planning Board will meet tomorrow night, April 20, 2011.

Mr. Gross reported he met with the Recycling Coordinator and recycling employees. The employees have new work wear and protective gear, and are waiting for hard hats. He noted there will be a free tire drop off on April 30, 2011, proof of residency to be provided, with a limit of four tires. The community service workers at the Recycling Center will have vests and also raingear.

Mr. Gross reported there are two cell tower applications currently before the Zoning Board. One is located on Fairview Lake Road and the other behind the Swartswood Firehouse.

Mayor Scott reported the DPW will remove the salt spreaders and clean the trucks. The Recycling Center has been cleaned, a nice job by all involved. The Mayor was still concerned with the condition of the entrance road to the center.

Mr. Morrison stated one of the recycling workers suggested using any leftover millings from the Middleville Road project to repair the entrance to the center. Mr. Fisher also suggested doing the Rescue Squad parking area if possible.

Ordinances:

2nd 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. Morrison made a **motion** to open the meeting for public comment on 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

Tammy Richardson, Swartswood Fire Department, asked for clarification on whether the three-year term was for the food handler's certification or the license itself. The original ordinance will be further reviewed by the attorney and if necessary, an additional ordinance drafted.

There being no further members of the public wishing to speak, Mrs. Straway made a **motion** to adopt **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

Open Public Session (agenda items only):

This portion of the meeting was opened for public comment on agenda items only.

Kathy Draghi, 1016 Route 619, asked why proof of residency was required for the tire drop off but not for recycling. The Mayor stated it was to prevent someone from abusing the tire drop off policy. Ms. Draghi asked about one of the incidents involving the Captain of the Rescue Squad and Mr. Fisher explained what happened during the possible child abuse incident and that the Rescue Squad Captain cancelled the State Police, who were originally called to the scene. Ms. Draghi expressed concern as there is a state law requiring that if a person of responsibility suspects child abuse it must be reported. She felt the Township may be liable for it not being reported to the State Police.

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

Old Business:

Land Sales: Mr. Gross was concerned with a problem with a resident who bid during the last land sale having to do with the wording used regarding the minimum bid. Mrs. Fisher indicated she and Mr. Morrison will work on new language for the notice. The bid opening for the land sales will be held on Friday, June 17, 2011 at 10 a. m., with the Clerk and Mayor present.

Blossom Trail: Mr. Morrison reported Michael Vreeland and Attorney Cohen are working on the necessary documents for the road vacation. Mr. Gross was concerned with the expense associated with the process and with vacating a road that does not exist. Mr. Morrison stated by vacating the road, the property can be offered for sale to the adjoining property owners. Mr. Gross felt the fees incurred should be recovered through the sale of the lot.

Southwest Municipal Alliance Grant: Mrs. Straway reported she is completing the reworking of the grant and it will now be a true shared service between Stillwater, Hampton and Fredon. The grant has not been rewritten in a long time and it was not relevant to the needs of municipalities today. Modifications have been made and Mrs. Straway will be meeting with the Center for Prevention and Counseling to solidify more programs that are community based. The grant is an alcohol and drug substance abuse prevention education program, and in the past, the grant funding was not being utilized in the best way for the municipality. Mrs. Straway has spent the last month redistributing the funds and working with Hampton and Fredon. A Committee will be formed, most of the necessary paperwork is close to being completed, and a then a contract will be signed.

Swartswood Firehouse – Alternate Polling Place: Mrs. Fisher reported a letter was received from the Swartswood Fire Department indicating their building may be used as the polling place for District #2 as the Stillwater Courthouse will no longer be open as of May 1, 2011. The letter was forwarded to Marge McCabe at the Sussex County Board of Elections and the process is moving forward. Mr. Gross asked why the school holds the elections in the hallway when there are empty classrooms where it could be held. He stated during the cold weather it is very cold for the poll workers and residents when the door is opened and closed and there is no heat in that area. Mrs. Straway offered to speak with the school regarding the issue as she is the liaison.

New Business:

First Presbyterian Church: Request for waiver of all fees related to the construction of a handicap ramp. Mr. Gross made a **motion** to waive the fees as requested by the First Presbyterian Church, seconded by Mr. Fisher.

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

Presentation 5/3/11: Robert Trowse, Viet Nam Veterans of America, will provide a presentation at the Committee meeting to be held on 5/3/11 at 7 p.m. regarding the creation of a Veteran's Cemetery.

Volunteer Field Phase II Authorization of Signature/Designation of Agent: Mr. Gross made a **motion** to authorize Mayor Scott to sign the Soil Conservation and Sediment Control application for the property and to designate Township Engineer Michael Vreeland as the agent for the project. Volunteer Field Phase II is for the donated property.

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

Mountain Shadows Campground: Mr. Fisher reported the Electrical Inspector conducted 15 campsite inspections and out of 15 there were 13 violations issued. The Electrical Inspector has asked for permission to inspect the campground on two Saturdays to complete inspections on all campsites, six or seven hours each day. Mr. Fisher will obtain the details and report at the next meeting.

Mr. Fisher reported the Zoning Officer and Construction Official must inspect each campsite prior to the license being renewed and he asked the Committee to consider charging \$25 per campsite for each inspection. He noted that in Stanhope there is a charge of \$50 each time a property is sold and the fee is used toward updating the tax maps. He asked the Committee to consider a similar policy.

Open Public Session:

Anita Klein, 902 Maple Lane asked if it would be possible to redistrict the township for voting so that where people are required to vote compared to where they live would make more sense. Mrs. Klein distributed drawings of the floor plan for the renovations to the Municipal Building. She reviewed the plans explaining the reasoning for the floor plan layout.

Ed Szabo, 978 Route 521 announced the Stillwater Taxpayer's Association meetings will be held on the third Thursday of each month. John Eskilson, County Administrator, will be the guest speaker at the next meeting. Mr. Szabo asked if the speaker system could be improved so the public can hear the Committee better. Mr. Fisher commended Mr. Szabo on the trout tag box installed at the park.

Bill Steckowich, 907 Hardwick Road asked for clarification on the introduction of the budget and whether or not there was a second reading. Mrs. Fisher stated the public hearing/second reading for the budget will be held on May 3, 2011. Mr. Steckowich referred to the drawings for the Municipal Building renovation and he offered to build another model at no charge for the project as he did the last time renovations were being considered. Mr. Steckowich stated when he was a member of the Planning Board there was information being emailed between members of that board and that information was then being emailed to outside people. He provided information on Opolis which is a high-security e-mail service.

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

Attorney Report: Attorney McBriar clarified Ordinance 2006-11, explaining the three-year period in question refers to the Food Service Manager. The ordinance is silent with respect to the certification duration of a food handler.

Tammy Richardson, Swartswood Fire Department explained the food handler's certification is \$28 per person to Sussex County Community College and that is required annually. Mr. McBriar stated he would have to review the state statute for the specific food handler's requirements to see if that is a time period that can be changed by ordinance.

Correspondence:

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

Executive Session:

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 7:45 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 Mrs. Straway, seconded by Mr. Fisher to conclude the Executive Session at 8:05 p.m., unanimously carried by roll call vote.

Regular Session:

Further discussion was held on the Rescue Squad/First Responder/Fire Department issue. The Committee determined a letter would be sent indicating that the First Responders are to be included on each call. Personal issues need to be put aside and all parties must learn to work together to provide a service to the community. The key person involved in the matter was not present at the discussion held tonight and the determined directive has to be put into writing to all emergency departments, stating that the First Responders are to be included on each call, and must be able to drive and ride in the rig and are to be used in their fullest capacity in accordance with their training.

Mr. Fisher made a **motion** to send a letter to emergency departments, as discussed, seconded by Mrs. Straway. All were in favor.

A discussion was held on the PEOSH required fire gear. The purchase will be made using the capital improvement fund. A letter must be forwarded to PEOSH indicating an ordinance is being drafted for the gear purchase.

There being no further business, Mr. Fisher made a **motion** to adjourn the meeting at 8:17 p.m., seconded by Mrs. Straway. In a voice vote, all were in favor.

Respectfully submitted,

Kathy Wunder