

STILLWATER TOWNSHIP COMMITTEE MEETING
MINUTES
May 3, 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 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 Larry Cohen.

Executive Session:

After the reading of the following Resolution to enter into Executive Session, a **motion** was made by Mr. Gross, seconded by Mrs. Straway 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; Contract Negotiations**
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: March 2011 – Building Department, Tax Collector

Minutes: Regular Session: April 19, 2011; Executive Session: April 19, 2011

Resolution:

2011-28 Land Sales

NJ Fireman's Association Membership Applications: Justin Francomacaro, Mark Moreno, Donald Batson
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 #6: \$1,718,959.95

Mr. Morrison made a **motion** to approve Bill Cycle #7 in the amount of \$1,718,959.95, seconded by Mr. Fisher

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

Amendments to the Agenda:

-Robert Trowse: Presentation on the creation of a Veteran's Cemetery to be provided at the May 17, 2011 Township Committee meeting at 7 p.m.

-Ordinance 2011-7: 1st Reading Accessory Structures

-Shared Service with Sandyston Township: Discussion on truck washing services

Committeeperson Reports:

Mrs. Straway reported the school elections were held and both Stillwater and Kittatinny budgets passed. At their last meeting, the Stillwater Board of Education (BOE) recognized students for their artwork. Christine Santore was elected as the new BOE member to be sworn in at their reorganization meeting to be held on 5/9/11.

Mrs. Straway spoke about the group from SCARC who cleans the Municipal Building offices; stating they will be holding a walkathon event and are seeking sponsors. She made the information available to those interested. She stated they are very diligent hard workers, and the money raised will be used toward the purchase of a new vacuum and cleaning supplies.

Mr. Fisher reported the Recreation Commission (RC) held Clean Up Day on Saturday, April 30th and 25 groups participated. The RC meeting was scheduled to be held on May 1st, however due to the lack of a quorum the meeting was cancelled. Informal discussion was held and included installing an announcement sign outside of the Municipal Building and adding information to the website. Mr. Chamings was approached by the 4-H group and the insurance company has indicated they will require a practice ring. The group is interested in adding the ring at the northern end of their current location near the Recycling Center on the property donated by the Chamings family. The 4-H will provide a presentation with further details to the RC in the future.

Mr. Fisher reported there are 15 members of the fire department that will become First Responders, total cost of training and gear is between \$1,600-\$1,800 per person. The number of participants may have to be reduced due to the cost.

Mr. Fisher reported the Sussex County Soil Conservation District issued the necessary permit for the donated property.

Mr. Gross reported the Zoning Board meeting was held on 4/25/11 and the cell tower application was postponed until May 31st at the Stillwater School at 7:30 p.m. due to the large public turnout for the application. The meeting will be adequately advertised and posted. He noted that most of the public present were not residents of Stillwater Township.

Mayor Scott referred to a letter from the Construction Official (CO) and the Zoning Officer (ZO) recommending a fee of \$10 per campsite for the annual campground inspection as opposed to the \$200.00 fee for the entire campground currently in effect. The inspection is a time consuming process for both the CO and ZO.

Mr. Fisher made a **motion** to recommend amending the current fee of \$200 per campground to \$10 per campsite for the annual campground inspection conducted by the ZO and CO, authorizing Attorney Cohen to draft the appropriate ordinance, seconded by Mr. Gross

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

Mayor Scott reported the Planning Board met and is recommending an ordinance on accessory structures which will be addressed later in the meeting.

A memo was received from the CO re: Mountain Shadows Campground, indicating he would not sign the campground license renewal. As of this date, 85 sites have been inspected with 47 having multiple electrical, life-safety violations and only 4 have complied. There are 173 sites left to inspect. Attorney Cohen stated if the license is not renewed no one can occupy the campground and a notice should be provided to the campground. Mayor Scott will instruct the CO to send a letter to Mountain Shadows Campground indicating such.

2011 Municipal Budget/Resolution 2011-27 Self Examination

2nd Reading and Public Hearing: Anthony Ardito, Municipal Auditor was present.

Mayor Scott read the following into the record: Notice is hereby given that the Budget and the Tax Resolution was approved by the Township Committee of the Township of Stillwater, County of Sussex on April 5, 2011. A Hearing on the Budget and Tax Resolution will be held at the Municipal Building on May 3, 2011 at 7 p.m. at which time and place objections to said Budget and Tax Resolution for the year 2011 may be presented by taxpayers or other interested persons. Mrs. Straway made a **motion** to open the meeting for public comment on the 2011 Municipal Budget, seconded by Mr. Gross.

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

Denise Current, 955 Fairview Lake Road questioned Sheet 13, which indicates the Zoning Official was provided a 30 percent increase as opposed to the range of zero to 2 percent afforded all other employees. Mr. Morrison explained the ZO was given an extra hour in 2010 to address COAH matters and that hour had to be added to this year's budget as it was provided after last year's budget was adopted. An additional two hours is currently being discussed and had to be budgeted for if they should be approved. The two hours are for the responsibilities she has taken over due to the disbandment of the Police Department. Mrs. Current referred to Sheet 14 Other Expenses for the Office of Emergency Management (OEM), and the \$1000 increase from last year. Mr. Morrison explained OEM was under the Police Department and the \$1,000 was added for operating expenses for OEM following the disbandment of the Police Department. Mrs. Current questioned the \$3,000 increase for other expenses for the Fire Department. Mr. Morrison stated the increase was made for repairs for the municipal owned fire trucks, which have proven to be costly in the past. She referred to Sheet 15 Other Expenses for Public Works Miscellaneous and questioned the increase from \$48,000 to \$58,000. Mr. Morrison attributed that increase to the increase in drop off fees for recycling, and he noted the fee charged at the Recycling Center was increased from 10 cents to 15 cents. Mrs. Current referred to Sheet 15A and noted that in 2008 \$50,000 was allotted for gasoline and in 2011 \$50,000 was once again allotted. She questioned the justification to do so when we have gotten rid of so many vehicles with the disbandment of the police department. Mr. Morrison indicated that item reflected both diesel and gasoline fueled vehicles and the increase in the cost of both. Mr. Morrison stated a log is still being maintained for the gasoline usage.

Ed Szabo, 978 Route 521 referred to Sheet 3C and asked for an explanation of the meaning. Mr. Morrison explained there is a payout of \$15,000 maximum for unused sick time and this is accounted for under this item.

There being no further members of the public wishing to speak on the 2011 Municipal Budget, this portion of the meeting was closed.

Mr. Ardito stated the Township Committee worked very hard on the budget this year and took a township that had potential financial difficulties, turned it around and is in a very good position.

Mr. Morrison asked Mr. Ardito if there is anything the Township Committee should be looking at or doing differently to improve the budget. Mr. Ardito recommended continuing to maintain the line as they have done over the past few years. He noted if the \$50,000 is not used for the gasoline it will go to surplus and can be appropriated elsewhere. Mr. Ardito indicated Stillwater is near the top in the state as far as being financially sound and was under the levy cap by \$52,000. Mr. Gross commended Mr. Morrison for his work on the budget.

Mrs. Straway made a **motion** to adopt the **2011 Municipal Budget**, seconded by Mr. Gross.

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

2011-27 Self-Examination:

Mr. Gross made a **motion** to adopt **Resolution 2011-27, Self Examination**, seconded by Mr. Fisher.

A RESOLUTION

2011-27

WHEREAS, N.J.S.A.40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and,

WHEREAS, N.J.A.C.5:30-7 was adopted by the Local Finance Board on February 11, 1997; and,

WHEREAS, pursuant to N.J.A.C.5:30-7.2 thru 7.5 the Township of Stillwater has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Township of Stillwater meets the necessary conditions to participate in the program for the 2011 budget year, so now therefore,

BE IT RESOLVED, by the Township Committee of the Township of Stillwater that in accordance with N.J.A.C.5:30-7.6a & b, and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:

- a. Payment of interest and debt redemption charges
- b. Deferred charges and statutory expenditures
- c. Cash deficit of preceding year

- d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the "CAP" law.)
3. That the budget is in such form, arrangement and content as required by the Local Budget Law and N.J.A.C.5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
All estimates of revenue are reasonable, accurate and correctly stated;
Items of appropriation are properly set forth;
In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced, publicly advertised and adopted in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5, shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.

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

Ordinance 2011-7

STILLWATER TOWNSHIP ORDINANCE 2011-07 AN ORDINANCE TO AMEND AND SUPPLEMENT THE LAND DEVELOPMENT CHAPTER OF THE STILLWATER TOWNSHIP CODE TO AMEND THE REQUIREMENTS FOR ACCESSORY STRUCTURES

Mr. Gross made a **motion** to introduce Ordinance 2011-7, seconded by Mr. Fisher.

Roll Call Vote: Mr. Fisher, yes, Mr. Gross, yes, Mr. Morrison, yes, Mrs. Straway, yes, Mayor Scott, yes
The Public Hearing will be held on May 17, 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:

Letter Received From Michael Vreeland, Township Engineer: Bid Results for Middleville/Stillwater Road Phase I Project

The letter included the bid results for the project and indicated the lowest bid was from Mark Paving Company in the amount of \$220,674, pending Department of Transportation (DOT) approval. The letter from Mr. Vreeland also included a summary for the review of Mark Paving Company, checking the references provided, and indicating he had no objection to awarding the bid to Mark Paving Company as the lowest responsible bidder subject to the availability of funds, deferring to the Township Attorney for legal aspect review of the bid. Attorney Cohen stated he had reviewed the bid proposal and contract.

Mr. Gross made a **motion** to award the contract for the Middleville Road Phase I to Mark Paving Company Inc. in the amount of \$220,674.82, pending Certificate of Availability of Funding and DOT approval, seconded by Mrs. Straway.

Roll Call Vote: Mr. Fisher, yes, Mr. Gross, yes, Mr. Morrison, yes, Mrs. Straway, yes, Mayor Scott, yes
The Committee noted the township has received \$200,000 in DOT grant funding toward the project.

June Primary: District #2 Polling Place - Swartswood Firehouse

Approval has been received for the change in polling place from the Stillwater Courthouse building to the Swartswood Firehouse, pending County inspections. Notification will be provided to all those residents eligible to vote in District #2.

New Business:

Discussion: Letter and Proposed Flood Damage Ordinance from NJDEP

The ordinance was forwarded to the Township Engineer, Zoning Officer and OEM for review.

Discussion: General Code Supplement #2 Codification of Ordinances from 2005 through 2010

A draft of the codification was emailed to all Committee members for their review. Mr. Morrison requested a hard copy to review on behalf of the Committee. The deadline for approval is May 13, 2011 to avoid additional fees being incurred.

Letter received from Sandyston Township: Truck Washing Shared Services

Mayor Scott explained Sandyston is seeking to share services for truck washing with other municipalities. Mayor Scott will discuss the proposal with DPW Supervisor Hendershot.

Open Public Session:

Denise Current, 955 Fairview Lake Road asked who she would contact regarding a Board of Health issue. Mayor Scott indicated the County Board of Health Department should be contacted. Mrs. Current expressed concern with the long term garbage issue at a residence located on Fairview Lake Road and nothing being done about the matter. Mayor Scott stated violations were sent by the Zoning Officer and the matter is being addressed by the owner's son. She stated this has been ongoing for years and is still ongoing. Mr. Morrison would follow up on the matter and get back to Mrs. Current.

Mrs. Straway thanked Mr. Steckowich for volunteering at Clean Up Day and helping to sort the garbage.

Bill Steckowich, 907 Hardwick Road stated the issue on Fairview Lake Road has been ongoing for at least five years with no resolution.

He stated he attended the last RC meeting which could not be held due to the lack of a quorum. He asked if the rules could be changed to allow for two alternate members to prevent this from happening in the future. Mr. Gross stated according to state statute the RC is at full capacity at 7 members. He suggested holding a special meeting when a quorum

is not available for a meeting date. He also recommended contacting all members prior to a meeting to confirm their attendance.

Lisa Chammings, 928 Mt. Holly Road referred to Sheet 19 of the budget asking about the pension payments due and if that was because of deferred payments in the past. Mr. Gross explained it was a three year payment plan. Mr. Morrison stated that number would be decreasing and the 2011 payment is based on 2010 when there was a police department. She referred to Sheet 15B for Municipal Court Salaries and Wages and asked if this item would be appropriated to Wantage. Attorney Cohen indicated a flat rate would be paid for court services. Ms. Chammings asked what the Committee's plans are for the courthouse building. Attorney Cohen stated the deed restriction is being reviewed and the options considered. Mr. Morrison stated there is \$15,000 in reserves that can be used for any necessary improvements to the building prior to returning it to the church.

Ms. Chammings asked if grant funding was being pursued to help pay for the Fire Department gear. Mr. Fisher stated it is currently being researched.

Ms. Chammings stated she is looking into the possibility of holding a special meeting for the RC.

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

Attorney Report: No report.

Correspondence:

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

There being no further business, Mrs. Straway made a **motion** to adjourn the meeting at 8:16 p.m., seconded by Mr. Gross. In a voice vote, all were in favor.

Respectfully submitted,

Kathy Wunder