

STILLWATER TOWNSHIP COMMITTEE MEETING
MINUTES
May 17, 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. Fisher, seconded by Mrs. Straway and unanimously carried by roll call vote to adopt the resolution permitting the Committee to go into Executive Session at 6:12 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; 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 6:53 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.

Minutes: Regular Session: May 3, 2011; Executive Session: May 3, 2011

Resolution:

2011-30 Southwestern Municipal Alliance and Agreement \$12,953.00

2011-31 New Jersey Temporary Disability Program

Blue Light Permits: Antonio Maselli, Michael Losey

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 #8: \$91,142.25

Mr. Fisher made a **motion** to approve Bill Cycle #8 in the amount of \$91,142.25, seconded by Mr. Morrison.

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

Robert Trowse: Veteran's Cemetery Proposal

Representatives of the Walkkill Valley Chapter 1002 of the Vietnam Veterans of America provided a presentation on their effort to create a Veteran's Cemetery in Sussex County. In Sussex County there are more than 5,200 veterans on the tax rolls, although there are an estimated 10,000 veterans in the County, including those that did not serve during a time of conflict and do not receive a tax deduction. The cemetery would be for all veterans, not just those who served in Vietnam. Information was provided on other veteran cemeteries in the United States and their locations, including the closest to Sussex County which is 330 miles round trip, which is both a financial and transportation burden for those wishing to visit their loved ones. The group is seeking a 25 to 30 acre parcel, and although they would like to establish a federal cemetery, due to the lack of funding available they would be very happy with a County one for our veteran residents and their spouses. Eligibility for interment would be based on federal standards; and would include a \$500 fee for the spouse and the veteran is free. They reviewed a few properties for the location of the cemetery and at this point are focused on property located just to the right of the Sussex County Vo-Tech, a sensible location in the center of the County. A history was provided on the property which was purchased in 1988 by the Freeholders. The group concluded their presentation and thanked the Committee for their time.

Committee members commended and thanked the group for their presentation. The Committee provided their support for the project and a resolution will be drafted for the next meeting. The resolution will support the proposal without referencing a specific location.

Amendments to the Agenda: None

Committeeperson Reports:

Mr. Fisher reported the Rescue Squad has asked to use one of the garage bays for additional storage for their records. They also requested permission to hold a coin toss at the Recycling Center. Mr. Fisher reported the Swartswood Fire Department has to replace the brakes and have some electrical repairs done on the Durango. The Stillwater Fire Department has indicated the motor on the Expedition needs to be replaced at a cost of \$5,000 including warranty. He reported the Recreation Commission is seeking Committee approval to place a flag pole at Veteran's Memorial Park in the area of the fields, all materials and labor to be donated by Dave Manser. Mrs. Straway indicated the location was visited and appears to be appropriate. The sports organizations would be responsible for the flag and its raising and

lowering. The flag pole was donated by the Knutsens of Stillwater. Mr. Fisher stated a zoning permit will be required and the fee will be waived.

Mr. Fisher made a **motion** to allow the installation of the flag pole donated by the Knutsens at Veteran's Memorial Park, materials and labor to be provided by Dave Manser of New Image Landscaping Services, seconded by Mrs. Straway.

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

Mrs. Straway reported there is a new member of the Stillwater School Board of Education, Christine Santore, who was sworn in last night during reorganization. Dennis DeGroat has been appointed as the President and Robynn Meehan as Vice President of the Board of Education (BOE). The next BOE meeting will be held on June 13, 2011 and she encouraged all to attend. There has been an upgrade in the math curriculum and they are currently working on updating the language arts curriculum. A group of teachers participated in Clean Up Day to thank the community for their support. Mrs. Straway reported that Stillwater School and Stillwater Township applied for a solar grant offered through the County. Neither was selected due to the small size of each as well as the age of some of the roofs. The school is appealing the decision as a new roof is planned in this year's budget. Other avenues for solar options will be reviewed by both the school and the township. Mrs. Straway reported an energy audit was conducted for the township at no cost, and energy efficient lighting has been installed and HVAC will be upgraded, also at no cost. She reported that Camp Nejeda has installed an amazing medical facility at the camp and they are currently conducting a fundraiser using engraved paving stones for a pathway. The school made a \$250.00 donation to the camp. Anyone interested in making a donation may contact Camp Nejeda.

Mr. Morrison reported on the Environmental Commission (EC) meeting, noting a resolution opposing gas drilling will be considered later in this meeting. A joint Environmental Commission will be held at 7:30 p.m. on June 28, 2011 at the Blairstown Municipal Building and will be focused on the water quality of the Paulinskill River. The EC discussed invasive species removal at Veteran's Memorial Park and having SLAP participate. The invasives have to be accurately identified prior to any removal. The EC also held a discussion on the sale of purple loosestrife at a local store and if it would be possible to forward a letter opposing such from the Township. Attorney Cohen felt the County and or the State should be contacted to do so if the plant is in fact an invasive. Mayor Scott recommended sending a letter to the appropriate County agency requesting the matter be investigated.

Mr. Gross reported the Zoning Board will hold their next meeting on May 31, 2011 at 7:30 p.m. at the Stillwater School and a cell tower application will be heard. There was a large public turnout at the last meeting and the meeting was moved to the school to accommodate the turnout.

Mayor Scott reported the Planning Board will meet tomorrow night, May 18, 2011. A Safety Meeting will be held on May 22, 2011 at 7 p.m. at the Stillwater Firehouse.

Ordinance 2011-7: 2nd Reading/Public Hearing

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

BE IT ORDAINED by the Township Committee of the Township of Stillwater that Chapter 240 of the Stillwater Township Code is hereby amended as follows:

SECTION 1. Section 240-104G(9) is hereby amended to read as follows:

“(9) Principal structures in residential districts shall not exceed 35 feet in height. Accessory buildings in residential districts shall not exceed 15 feet in height and may not exceed 1,000 square feet in floor area. Accessory buildings shall be limited to a maximum of four such buildings per lot. Swimming pools are not considered accessory structures for purposes of calculation of lot coverage.”

SECTION 2. Section 240-113B(6) is hereby amended to read as follows:

“(6) Not more than four accessory structures shall be permitted on any lot in the R-7-5, R-5 or R-30 Residence Districts, except agricultural uses on farms.”

SECTION 3. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason by any Court of competent jurisdiction, such provision(s) shall be deemed severable and the remaining portions of this Ordinance shall remain in full force and effect.

SECTION 4. All ordinances or part of ordinances or resolutions that are inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION 5. This Ordinance shall take effect after the publication and passage according to law.

SECTION 6. The Township Clerk is directed to give notice at least ten (10) days prior to the hearing on the adoption of this Ordinance to the County Planning Board and to all others entitled pursuant to the provisions of N.J.S.A. 40:55D-15. Upon the adoption of this Ordinance, after public hearing, the Township Clerk is further directed to publish notice of the passage and file a copy of this Ordinance, as finally adopted, with the Sussex County Planning Board, as required by N.J.S.A. 40:55D-16.

Mr. Fisher made a **motion** to open the meeting for public comment on Ordinance 2011-7, seconded by Mr. Gross.

There being no public comment the meeting was closed.

At this point, Mr. Fisher made a **motion** to change the June 7, 2011 Township Committee meeting to June 14, 2011 due to the Primary Election, seconded by Mr. Gross.

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

Mr. Gross made a **motion** to carry Ordinance 2011-7 to June 14, 2011, no further notice required, seconded by Mr. Fisher.

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

Ordinance 2011-8: Introduction/1st Reading

AN ORDINANCE TO AMEND AND SUPPLEMENT THE LAND DEVELOPMENT CHAPTER OF THE STILLWATER TOWNSHIP CODE TO ESTABLISH A NEW ZONE DISTRICT KNOWN AS THE OPEN SPACE GOVERNMENT USE ZONE

Mr. Fisher made a **motion** to introduce Ordinance 2011-8, seconded by Mr. Gross.

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

A discussion followed on the notification requirements to adjoining municipalities, and also to all property owners within 200 feet of the properties involved. The Committee determined Ordinance 2011-8 would not be introduced at this time and would be tabled until the June 14, 2011 meeting.

Ordinance 2011-9 Introduction/1st Reading

AN ORDINANCE AMENDING CHAPTER 140 OF THE STILLWATER TOWNSHIP CODE, ENTITLED “CAMPGROUNDS” AND MORE PARTICULARLY SECTION 140-6, ENTITLED “LICENSE FEE”

Mr. Fisher made a **motion** to introduce Ordinance 2011-9, seconded by Mrs. Straway.

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 June 14, 2011.

Open Public Session (agenda items only):

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

Ed Szabo, 978 Route 521 provided additional information on the Joint Environmental Commission meeting to be held on June 28, 2011, including Hope, Green, Blairstown, Johnsonburg, Knowlton and Stillwater, and focusing on the water quality of the Paulinskill River. He noted that nine entities contribute effluent into the Paulinskill River. He stated guest speakers at the meeting will be Ernie Hofer and Nathaniel Sadjak, who are currently working on a grant funded C-1 water study including the Paulinskill.

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

New Business:

Discussion:

Letter and Proposed Flood Damage Ordinance from NJDEP

Attorney Cohen has drafted an ordinance and following further review will have it ready for the June 14, 2011 meeting.

Resolution 2011-33:

Mr. Morrison provided a background on the gas drilling that is being considered in the Delaware Water Basin area. The Environmental Commission has forwarded a resolution for Committee consideration in opposition of the gas drilling.

Mr. Gross made a **motion** to adopt **Resolution 2011-33**, seconded by Mr. Morrison:

STILLWATER TOWNSHIP

Resolution

2011-33

WHEREAS, natural gas development is proposed within the Delaware River Watershed; and

WHEREAS, the Delaware River is designated as a Wild and Scenic River of federally recognized outstanding resources, natural assets, and exceptional water quality; and

WHEREAS, the Delaware River supplies drinking water to over 15 million people, many of them downstream of the Marcellus Shale fairway in the Upper and Middle Delaware River Watershed, including the Township of Stillwater, approximately 3 million people in New Jersey; and the Delaware Water Gap National Recreation Area immediately adjacent to the Township of Stillwater; and

WHEREAS, the Delaware River is the lifeblood of the communities along the River, is essential for commerce, tourism and recreation, and once contaminated will negatively impact those communities and those uses and can be very costly or impossible to remediate and can take a very long time; and

WHEREAS, the Delaware River Basin Commission (DRBC) has designated the non-tidal River - the entire 197 mile River from Hancock, New York to Trenton, New Jersey - as Special Protection Waters due to the exceptional water quality and “exceptionally high scenic, recreational, ecological, and/or water supply values” of the River; and

WHEREAS, these special waters and ecosystems must be maintained as per the DRBC Water Code, so that there be “no measurable change in existing water quality except towards natural conditions”, requiring protection from avoidable water quality degradation; and

WHEREAS, degradation of these waters would be illegal and would impose significant hardships, public health detriment, and economic harm if degraded; and

WHEREAS, the natural gas development process involves the use of chemicals and hazardous materials during construction, drilling, hydraulic fracturing, gas production and delivery, well maintenance, and work over operations; and

WHEREAS, hydraulic fracturing of underground geologic formations is often accomplished by injecting a complex mix of fluids and chemicals, including large volumes of water, on average 4.5 million gallons per well, under very high pressure to create fractures in gas bearing geologic formations; and

WHEREAS, billions of gallons of fresh water will be depleted by hydraulic fracturing (the water is not returned to the source and is classified as a consumptive loss) and at least 200,000 acres of land are already leased for gas development, and that tens of thousands of wells are expected to be drilled in the Upper and Middle Delaware River Watershed; and

WHEREAS, many of the chemical constituents injected during hydraulic fracturing have documented adverse health effects and/or adverse environmental impacts; and

WHEREAS, use of these hydraulic fracturing mixes exposes adjacent land and surface waters to the risk of contamination through open pit storage, truck transport on roadways, and activities during well development, including the use of super-heated water; and

WHEREAS, in 2005, as part of the federal Energy Policy Act and over objections of health care, scientific, environmental, and conservation communities, regulation of hydraulic fracturing fluids under the Safe Drinking Water Act by the Environmental Protection Agency was exempted, thereby allowing oil and gas companies to use these substances without federal oversight or standards; and

WHEREAS, the oil and gas industry remains one of the only industries that is allowed to inject such known chemical constituents directly into or adjacent to underground drinking water supplies without federal oversight; and

WHEREAS, the oil and gas industry is not required by federal law to publicly disclose chemical formulas of hydraulic fracturing fluids so that this information is publicly available for health and safety purposes; and

WHEREAS, proposed natural gas wells in the Delaware River Watershed are planning to use chemical additives in drilling and to use hydraulic fracturing in developing these wells and exploratory wells that have been drilled have used chemical additives in drilling; and

WHEREAS, natural gas development will fragment forests in the Upper and Middle Delaware River Watershed, which is 89% forested, and convert naturally vegetated land to impervious cover and industrial conditions, increasing stormwater runoff and pollution, flooding, sedimentation, and erosion to the tributaries and the mainstem River and will emit air pollution during constructing, drilling, extraction, and production of natural gas; and

WHEREAS, the Delaware River Basin Commission is seeking funding to complete a cumulative impact analysis of natural gas development on the water resources of the Delaware River Basin; and

WHEREAS, the US Environmental Protection Agency is studying the practice of hydraulic fracturing and the study will be completed in 2012 and, if it is recommended by the study that hydraulic fracturing should be subject to the Safe Drinking Water Act, that the federal oversight of hydraulic fracturing would not be unduly burdensome on industry or the economy; and

WHEREAS, the Township of Stillwater has declared that water contamination of the Delaware River has the potential to negatively impact the aquifer serving the Township of Stillwater; and
WHEREAS, the wise stewardship of Township of Stillwater's natural resources involves protection of the Township of Stillwater's water supplies and water resources for generations to come; and
WHEREAS, protection of the Township of Stillwater's water supplies and resources is better accomplished by prevention of contamination and environmental degradation, rather than attempting to cleaning up contamination and restoring degraded environments after the fact;
NOW, THEREFORE, BE IT RESOLVED, that on the 17th day of May 2011, the Township of Stillwater supports strong regulation by the DRBC to prevent pollution and avoid degradation of the water resources and ecosystems of the Delaware River Watershed; and
BE IT RESOLVED that the Township of Stillwater supports a New Jersey statewide ban on natural gas development involving hydraulic fracturing; and.
BE IT RESOLVED that the Township of Stillwater calls on our Congressional Representative and U.S. Senators to support the Fracturing Responsibility and Awareness of Chemicals, ("FRAC") Act and supports the proposal of a resolution in the New Jersey Legislature encouraging enactment of the FRAC Act.
PASSED, APPROVED, AND EFFECTIVE on this 17th day of May, 2011.

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

New Dumpster for Recycling Center:

Mr. Morrison reviewed the quotes obtained for a new dumpster at the Recycling Center as follows:

Omaha Standards: \$4,905

Tony Sanchez Ltd.: \$5,246

Rudco: \$4,645

Mr. Morrison made a **motion** to authorize Mr. Hendershot to order a 30 cubic yard open top dumpster with standard understructure for the Recycling Center at a cost of \$4,645 from Rudco, to be funded through the Recycling Trust, seconded by Mr. Fisher.

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

Ordinance 2011-10 Introduction/1st Reading:

BOND ORDINANCE PROVIDING FOR THE PURCHASE OF PEOSHA GEAR AND A FIRE TRUCK PUMP IN AND BY THE TOWNSHIP OF STILLWATER, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING \$130,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$100,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF. 2011-10

Mr. Morrison made a **motion** to introduce Ordinance 2011-10, seconded by Mr. Fisher.

Chief Van Gorden was present and reported it will be \$25,000 to repair the pump. Chief Van Gorden explained that to totally refurbish the truck to new truck standards will cost between \$115,000 and \$125,000. The cost to purchase a new truck will be between \$189,000 and \$300,000. The Committee agreed to introduce the ordinance in order to purchase the gear required by PEOSH. If the fire department would like to provide a presentation to the Committee at a later date regarding refurbishing the truck, another bond ordinance may be considered at that time.

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

Code Enforcement – *New Hours*:

Mr. Fisher excused himself from the discussion due to a conflict.

A memo was received from Mrs. Fisher, Zoning Officer, regarding the two additional hours granted to her for Code Enforcement and her request to have them become effective on Friday, June 3, 2011 from 1-3 p.m. Mr. Gross questioned if this was permitted prior to a salary ordinance being adopted. Attorney Cohen indicated that it was allowed and she would continue to work at her same rate at this point.

Following the discussion, Mr. Morrison made a **motion** to allow Mrs. Fisher to add two hours to her work schedule on Fridays, beginning June 3, 2011, from 1-3 p.m., with the 2-3 p.m. hour being designated as non-public, seconded by Mrs. Straway.

Mr. Fisher rejoined the Committee at this time.

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

Open Public Session:

Salvatore Sammarco, Main Street, addressed a warning letter he received from the Zoning Officer regarding the location where his jeep is parked. He indicated the jeep is a registered vehicle and he is willing to remove the plow on the jeep if necessary. Mrs. Fisher, Zoning Officer, stated a complaint was made to the Township Committee regarding the parking of the vehicle in the roadway. At the time of the complaint the vehicle was not registered or insured. Mr. Sammarco stated he does not have a driveway or any access to his property and this is the only location to park the jeep, on the shoulder of a County road. Mr. Morrison stated if the vehicle is registered and insured and there are no prohibitions by the County with regard to parking on the road shoulder, there is no issue. Mr. Sammarco agreed to provide proof of registration and insurance to the Zoning Officer.

Margaret Emmetts, Swartswood Lake, on behalf of the Environmental Commission she thanked the Committee for passing the resolution in opposition to the gas drilling.

Bill Steckowich, 907 Hardwick Road, referred to Resolution 2011-33 and suggested contacting County Administrator John Eskilson to inform the Freeholders of the resolution. Mr. Steckowich asked for an update on the Stillwater Courthouse. Mr. Morrison stated the attorney is reviewing the deed and contract at this time. Mr. Steckowich asked for an update on the town hall renovations, as there are several versions of the work to be done. Mayor Scott stated that the options are being considered at this time and the work would be done by volunteers. Mr. Gross felt that due to the economy the renovation process needed to be considered both carefully and economically.

Lee Hammond, 904 Maple Lane, thanked the Committee for the removal of grit from his development and asked about the schedule for oil and stone. The Mayor indicated the DPW is addressing the matter.

Lisa Chamings, 928 Mt. Holly Road, thanked the Committee for appropriating the funds for the new dumpster at the Recycling Center as it is greatly needed. She noted the Center was much cleaner this weekend. She asked about funding for the Zoning Officer position and if the two hours would be paid hourly and in what amount. The Committee did not have an exact amount available but agreed it would be about \$46 or \$47 per hour. Ms. Chamings asked for clarification

on COAH and if the units have been reassessed. Attorney Cohen stated at this point Stillwater does not know their requirement.

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, Mr. Gross made a **motion** to adjourn the meeting at 8:40 p.m., seconded by Mrs. Straway. In a voice vote, all were in favor.

Respectfully submitted,

Kathy Wunder