

STILLWATER TOWNSHIP COMMITTEE MEETING
MINUTES
May 17, 2016
Regular Meeting

A REGULAR MEETING of the Stillwater Township Committee was called to order by Mayor Fisher at 7 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: Committeeman Gross, Committeewoman Chamings, Deputy Mayor Scott, Mayor Fisher, Municipal Clerk Lynda Knott, Township Attorney Richard Stein.

ABSENT: Committeeman Morrison

EXECUTIVE SESSION: Attorney Howard Vex was present during the Executive Session

After the reading of the following Resolution to enter into Executive Session, a **motion** was made by Mr. Scott, seconded by Mr. Gross and carried by roll call vote to adopt the resolution permitting the Committee to go into Executive Session at 6:05 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, Attorney-Client, Contract
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 Mr. Gross to conclude the Executive Session at 6:50 p.m., unanimously carried by roll call vote.

The regular session commenced following a ten-minute recess.

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:

2016-071 Setting Salaries for Employees for 2016

2016-072 Mayor's Appointment of Brandy R. Wright as a member of the Stillwater Area Volunteer Fire Department

2016-073 Budget Modification to Receive an Additional \$1,500 for the Stillwater Municipal Alliance

REPORTS:

Tax Collector April 2016

Building Department April 2016

Mr. Scott made a **motion** to approve the Consent Agenda, removing Resolution 2016-071 for separate consideration, seconded by Mr. Gross.

Roll Call Vote: Mr. Gross, yes, Mr. Scott, yes, Ms. Chammings, yes, Mayor Fisher, yes

2016-071 Setting Salaries for Employees for 2016

Discussion:

Mr. Fisher asked the Committee to reconsider the Zoning Board secretary's salary due to the lack of business this year. Mr. Gross, Zoning Board liaison, reported the board has met three out of five meetings and has conducted business, with no applications. Mr. Gross, Ms. Chammings, and Ms. Knott stated that work is done throughout the year whether or not a meeting is held and the position is salaried. Mr. Fisher suggested combining the salaries of both the planning and zoning secretary positions, and possibly pro-rating the salary based on the lack of business.

Mr. Fisher questioned why the Municipal Clerk needs additional hours when her position is already full-time. Ms. Knott responded that extra time is necessary to clean up her office and prepare for the next day, and to make phone calls she cannot make during the day. There are only two full-time employees who have many responsibilities and she needs time to focus specifically on her Municipal Clerk duties. She is also working as a QPA to research and acquire quotes and has been meeting with contractors for the generator installation.

Mr. Scott made a **motion** to adopt Resolution 2016-071, seconded by Mr. Gross.

Roll Call Vote: Mr. Gross, yes, Mr. Scott, yes, Ms. Chammings, yes, Mayor Fisher, no

BILLS LIST #9 \$445,949.77

RESOLUTION 2016-074 PAYMENT OF BILLS

Mr. Scott made a **motion** to adopt Resolution 2016-074, removing PO #5820 for separate consideration, seconded by Mr. Gross.

Roll Call Vote: Mr. Gross, yes, Mr. Scott, yes, Ms. Chammings, yes, Mayor Fisher, yes

Mr. Scott made a **motion** to pay PO #5820, seconded by Mr. Gross.

Roll Call Vote: Mr. Gross, yes, Mr. Scott, yes, Ms. Chammings, abstain, Mayor Fisher, yes

AMENDMENTS TO THE AGENDA:

Discussion – Ms. Knott stated a resident has expressed interest in purchasing a property that is town-owned with a tax lien. Mr. Stein reviewed the process for doing so, noting the property can only be offered to adjoining property owners.

Block 203, Lot 28; 80' x 150' located on Palmetto Trail

Ms. Knott will obtain the value of the lot from the Tax Assessor.

Open Public Session:

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

Denise Current, 955 Fairview Lake Road expressed concern with the Committee not holding township owned lot sales, stating that in the past over \$110,000 was generated by the sale of such lots.

She referred to the crossing guard issue, noting West End Drive is very dangerous and a crossing guard is needed at this intersection. Ms. Knott indicated the position will be advertised through the Paulinskill Lake Association and the school newsletter.

Mr. Scott noted the Committee is looking into installing flashing signs and speed bumps to address the matter. Ms. Current agreed that was a good idea, reiterating how dangerous the crossing is and that a guard needs to be hired.

Marion Gross, 912 Stillwater Road, spoke on behalf of Diane Apostola and asked if there was any update on the letter she submitted. Mr. Fisher indicated there has been no action at this time.

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

OLD BUSINESS

ORDINANCE 2016-008:

**ORDINANCE #2016-008
AN ORDINANCE AMENDING THE CODE OF THE
TOWNSHIP OF STILLWATER BY THE ADDITION OF
A NEW CHAPTER TO BE ENTITLED "FIRE INSURANCE CLAIMS"
TO IMPLEMENT THE PROVISIONS OF N.J.S.A. 17:36-8 TO 17:36-13**

BE IT ORDAINED by the Township Committee of the Township of Stillwater, Sussex County, New Jersey, that a new chapter of the Code of the Township of Stillwater to be entitled "Fire Insurance Claims" be adopted as follows:

Section 1. Purpose

It is the purpose of this chapter to implement the provisions of N.J.S.A. 17:36-8 to 17-36-13 to provide a means whereby municipal liens are a first claim and paramount to all other claims on fire insurance proceeds payable with respect to fire-damaged real property located in the Township of Stillwater.

Section 2. Restriction on Payment by Insurance Company.

The Township of Stillwater does hereby prohibit the payment to a claimant, by any insurance company, of any claim in excess of \$2,500 for fire damage on any real property located within the Township pursuant to any fire insurance policy issued or renewed after the adoption of this chapter, except as provided for hereunder.

Section 3. Certificate of Search Required.

A. Prior to the payment of fire insurance claim in excess of \$2,500, the insurance company shall request from the Township an official certificate of search to be executed by the appropriate bonded municipal official responsible for preparing such certificates, to determine whether or not all taxes, assessments or other municipal liens are presently due and payable to the Township. In the event that there are outstanding sums due and payable to the Township, all sums so payable shall be paid by the insurance company prior to the payment of any fire damages to the owner in excess of \$2,500.

B. In addition to the foregoing, a search shall also be required on an official certificate on a form prescribed and certified by the Township that demolition of the fire-damaged property is not required or that the cost of demolition has been paid. If the demolition has not yet occurred on the date of the receipt by the Township of a request for execution of the certificate required by this section, the insured shall provide on that certificate an estimate of the anticipated costs of demolition. The insurer, on notice to the insured, shall pay the anticipated cost of demolition to the Township, which shall hold the funds in an interest-bearing account in a state or federally chartered bank, savings bank or savings and loan association in this state.

C. Any request, pursuant to this section, for an official certificate of search for municipal liens shall specify that the search concerns fire-damaged property.

Section 4. Installment Payments

A. The Township Committee may enter into an agreement with the owner of any fire-damaged property to pay in full all delinquent taxes, assessments or other liens by installments, pursuant to N.J.S.A. 54:5-19 or for the redemption of a tax sale lien by installment payments, pursuant to Article 7 of Chapter 5, Title 54 of the Revised Statutes; provided however, that the Township Committee must first be satisfied that the claim for fire damages shall be used to restore or improve the fire-damaged property. In the event of such an agreement, a certified copy of the resolution of agreement shall be forwarded to the insurance company and shall act as its authorization to make full payment on the claim to the insured person.

B. The Township may also adopt a resolution to allow the property owner to make arrangements to pay for the cost of demolition in installments, by contract or otherwise, in order to obtain a release of the Township's lien.

Section 5. Township Claim Paramount Except as to Mortgage

The Township claim made in accordance with the provisions of this chapter shall be paramount to any other claims on the proceeds of the fire insurance policy, except the claim of the holder of a purchase money mortgage held as a first mortgage or an institutional lender which is a holder of a mortgage on the fire damaged property, where the fire insurance policy at the time of the loss listed the mortgagee as the holder of an insurable interest, in which event the claim of the mortgagee to the proceeds shall be paramount to the municipal lien under this chapter only to the extent of the amount due and payable to the mortgagee under the mortgage contract. As used in this paragraph, "institutional lender" means any State or federally chartered bank, savings bank, savings and loan association, or insurance company.

Section 6. Construal of Provisions; Limitations and Cumulative Remedy

Nothing in this chapter shall be construed:

A. To obligate an insurance company for any amount in excess of the proceeds payable under its fire insurance policy; or

B. Except as provided in the case of appeals under N.J.S.A. 17:36-10 of this chapter, to obligate the insurance company for any liens not appearing on the official certificate of any certified changes submitted by the bonded official; or

C. To affect the authority of a Township to enforce a municipal lien under any other law of this state.

D. To obligate an insurance company for the payment of demolition costs or anticipated costs, as the case may be, if those costs did not appear on an official certificate or a certified change submitted by the bonded official.

Section 7. Violations and Penalties

Any person who violates this chapter or fails to comply with any provision thereon shall, upon conviction thereof, be subject to a fine of not more than \$2,000, imprisonment for not more than 90 days or a period of community service not to exceed 90 days, or any combination thereof.

Section 8. When Effective

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

Mr. Scott made a **motion** to open the meeting for public comment on Ordinance 2016-008, seconded by Mr. Gross.

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

There being no public comment on Ordinance 2016-008, this portion of the meeting was closed.

Mr. Scott made a **motion** to adopt Ordinance 2016-008, seconded by Mr. Gross.

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

Mr. Stein indicated an ordinance will have to be drafted repealing Chapter 190 and replaced with Ordinance 2016-008.

ORDINANCE 2016-009:

ORDINANCE #2016-009

**AN ORDINANCE OF THE TOWNSHIP OF STILLWATER
COUNTY OF SUSSEX, NEW JERSEY AMENDING
ORDINANCE 2016-006 FIXING THE SALARY AND
WAGES FOR TOWNSHIP EMPLOYEES AND OFFICIALS**

BE IT ORDAINED by the Township Committee of the Township of Stillwater, Sussex County, New Jersey, as follows:

Section 1.

The annual salary, wage and compensation to be paid to Township Employees and Officials as contained in Section 1 of Ordinance 2016-006 is hereby amended to add the following position:

Zoning Officer

\$35,547.00

Section 2.

This ordinance shall become effective immediately upon final adoption and publication as required by law.

Mr. Scott made a **motion** to open the meeting for public comment on Ordinance 2016-009, seconded by Mr. Gross.

Roll Call Vote: Mr. Gross, yes, Mr. Scott, yes, Ms. Chammings, yes, Mayor Fisher, abstain
There being no public comment on Ordinance 2016-009, this portion of the meeting was closed.

Mr. Scott made a **motion** to adopt Ordinance 2016-009, seconded by Mr. Gross.

Roll Call Vote: Mr. Gross, yes, Mr. Scott, yes, Ms. Chammings, no, Mayor Fisher, abstain

NEW BUSINESS

RESOLUTION 2016-075 Authorizing Refund of Permit Fees

Mr. Scott made a **motion** to adopt Resolution 2016-075, seconded by Mr. Gross.

Roll Call Vote: Mr. Gross, yes, Mr. Scott, yes, Ms. Chammings, yes, Mayor Fisher, abstain

DISCUSSION ITEMS:

Stillwater Township BOE – Crossing Guard/Traffic Signs/Speed Bumps

Ms. Knott reported the crosswalks will be painted by the DPW as soon as possible. She spoke with Ms. Nothstine, Stillwater BOE, regarding the flashing signs and possibly using the grant funding from Statewide to purchase them. She has obtained pricing for the signs at approximately \$385/sign and speed bumps at \$133.95/recycled speed bump; two of each will be needed – West End Drive and Ridge Road. The speed bumps and signs would be in addition to the hiring of a crossing guard. Ms. Knott will follow up on the grant funding with Mr. Morville and will advertise the crossing guard position. The Committee agreed with a September time frame.

Radar Sign at the Corner of Old Foundry Road and Fairview Lake Road

An email was received from a resident requesting a radar sign at the intersection due to excessive speeding. Mr. Scott reported the Sheriff's Department will place a trailered sign on Fairview Lake Road to monitor the speed.

Iron Filtration System for Town Hall

Ms. Knott reported the water softener system had not been maintained for about ten years causing the well pump to fail. The well pump was replaced and an iron filtration system is needed. The following quotes were obtained:

Portasoft - \$2300, air filtration system - no chemicals

Culligan - \$1899; \$40 for chemicals plus \$20 install cost every six months

Ms. Knott spoke with the Plumbing Inspector and he recommended the air filtration system. The CFO has confirmed funding can be transferred to cover the cost of the system.

Mr. Scott made a **motion** to approve the quote from Portasoft, seconded by Mr. Gross.

Documentation and certification for the well pump must be completed and submitted to the County.

Roll Call Vote: Mr. Gross, yes, Mr. Scott, yes, Ms. Chammings, yes, Mayor Fisher, yes

Propane Heater for Garage Bay: Ms. Knott reported on the following quotes:

Willco – \$4900.00

JK Service - \$3262.71

The heater specifications are identical just different manufacturers. Following a brief discussion, the Committee agreed to hold off on this item to review the specifications and obtain additional information.

Coin Toss for Stillwater Area Volunteer Fire Department

June 4, 2016; raindate – June 11, 2016

The coin toss will be held at the intersection of Route 610 at the County Garage; the intersection of Route 521 and Route 622; and at the dam by Paulinskill Lake.

Mr. Gross made a **motion** to approve the coin toss, seconded by Ms. Chammings.

Roll Call Vote: Mr. Gross, yes, Mr. Scott, abstain, Ms. Chammings, yes, Mayor Fisher, yes

Biweekly Pay Schedule Issue

The Committee reviewed a memo from the CFO regarding a change in the pay cycle in 2017 from 26 pays to 27 pays. This occurs every seven years in cases where the pay cycle is every other week. In order to address this matter, the CFO would like to change to a 24 pay cycle – 24 equal pays per year, paid in two paychecks each month beginning in 2017.

Mr. Scott made a **motion** authorizing a new pay cycle of 24 pays per year, seconded by Mr. Fisher.

Roll Call Vote: Mr. Gross, yes, Mr. Scott, yes, Ms. Chammings, yes, Mayor Fisher, yes

Nature Conservancy Blair Creek Preserve Signage

Ms. Knott reported the Zoning Officer would like the approval of the Committee for the installation of the “Blair Creek Preserve” signage by the Nature Conservancy.

The signs will be placed at the following locations:

- Corner of Fairview Lake Road and Old Schoolhouse Road
- Corner of Fairview Lake Lane and Old Schoolhouse Road
- In the vicinity of the Blair Creek Preserve property

Mr. Scott made a **motion** granting permission to install the signage for the Blair Creek Preserve, seconded by Mr. Gross.

Ms. Chammings asked that existing sign posts be used if allowable and that they not interfere with site distance. Mr. Stein stated the signs could not be placed on existing traffic control signs as they are regulated by the DOT.

Roll Call Vote: Mr. Gross, yes, Mr. Scott, yes, Ms. Chammings, yes, Mayor Fisher, yes

Swartswood Fire House:

Mr. Scott referred to a letter submitted by a resident regarding the usage of the Swartswood Fire House building. Mr. Scott would like to see the building donated to the township. He felt it could be used for senior citizens, recreation, voting, township garage storage, etc.; it would be run strictly by the township, no other organization and would be deed restricted. Ms. Chammings noted a non-profit organization must donate to a like organization and she asked if the township would be considered such. Mr. Stein stated a municipality would be eligible to receive the building if donated. Ms. Chammings questioned how the cell tower would affect the donation. Mr. Stein explained the tower rent would be paid to the township and the property would become tax exempt. Ms. Chammings asked this item to be placed on the agenda for June 21st to allow the Committee time to consider the proposal. Mr. Scott and Ms. Chammings would contact Mr. Kornmeyer to schedule a meeting to informally discuss the concept.

Attorney Report:

Mr. Stein reported that any owner occupied residential dwelling that is destroyed by fire, flood or other natural disaster can be rebuilt without requiring a COAH fee. He will draft an ordinance to amend the current COAH ordinance to include this legislation.

Mr. Stein received an email from the property owner of Block 603, Lot 18 on Thoenig Road who would like to donate the property to the township. He advised the owner he would address the matter with the Committee and he explained the procedure to do so, beginning by submitting a letter to the Clerk outlining their request.

Open Public Session:

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

Denise Current, 955 Fairview Lake Road wanted the Committee to be aware that there are elementary and high school parochial students that use the Paulinskill Lake bus stop at the intersection where a crossing guard is needed. She suggested contacting Mrs. VanKirk at Kittatinny for further information. Mrs. Current expressed concern with the Swartswood Fire Department building not being back on the tax rolls.

Ed Szabo, 978 Route 521 reported the Environmental Commission (EC) will begin their stream water testing on May 18th and a report on the results will be submitted.

EC members attended a Delaware Water Gap National Recreation Area meeting held in Bushkill, PA. The presentation included discussion on the impact of global warming. Mr. Szabo felt the topic needs to be debated as to whether or not global warming is manmade or not.

The Stillwater Taxpayers Association will be held on May 19th with the Superintendent of the Sussex County Technical School as the guest speaker. The school has the highest graduation rate of all the schools in Sussex County.

Rebecca Dey, 907 Marigold Way discussed the tax-exempt status of the Swartswood Fire Department property and its possible effect on the township receiving the property. Mr. Stein stated there is a procedure to be followed when a property is being donated to the township and all information will be vetted.

Kathy Draghi, 1016 Route 619 asked for clarification on whether or not the Swartswood Firehouse building was tax exempt. Mr. Fisher stated that as of March 1st the exemption was removed. Mr. Stein noted if there is an added assessment it would not be done until November 1st and if that is the case, a bill would go out in November charged back to March 1st. Mrs. Draghi was concerned with the lack of non-profit status for the last fifteen years and donations being accepted from the taxpayers.

She referred to the candidates' profile in the New Jersey Herald and she thanked Mr. Gross for his stand on keeping a separate Zoning and Planning Board. She expressed concern with Mr. Fisher's statement regarding the firehouse audit and noted it was never discussed at a public meeting that an audit firm had been hired.

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

There being no further business, Mr. Scott made a **motion** to adjourn the meeting at 8:22 p.m., seconded by Mr. Gross. In a voice vote, all were in favor.

Roll Call Vote: Mr. Gross, yes, Mr. Scott, yes, Ms. Chammings, yes, Mayor Fisher, yes

Respectfully submitted,

Kathy Wunder