

STILLWATER TOWNSHIP COMMITTEE MEETING
MINUTES
August 7, 2012
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, Committeewoman Chamblings, Committeeman Gross, Committeewoman Straway, Acting Municipal Clerk Lynda Knott, and Attorney Howard Vex

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 6:01 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; Contract; Litigation /Potential 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 Ms. Chamblings, seconded by Mrs. Straway to conclude the Executive Session at 6:59 p.m., unanimously carried by roll call vote.

Presentation: Michael Vreeland, Township Engineer and Rick Kreppel, Genesis Engineering – Baldwin Gate Bridge Project

Mr. Vreeland and Mr. Kreppel reviewed the past repairs to the Baldwin Gate Bridge and the plans for the completion of the project. Plans and specifications have been completed and once the draft documents are reviewed and approved by the Attorney, bids will be advertised. The bridge will remain open during the repair project.

Dave Van Gorden, Chief Stillwater Fire Department asked if a standpipe could be installed during the project. Mr. Vreeland felt the item could be addressed through a Change Order.

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: July 17, 2012

Report: Stillwater Rescue Squad Day Calls – July 2012
Stillwater Rescue Squad Calls – July 2012
Building Department – July 2012

Resolution:

2012-083: In Opposition to A-323/S-2074 Allowing Preserved Farmland to Hold “Special Occasion Events”

Mrs. Straway made a **motion** to approve the Consent Agenda, removing Resolution 2012-083 for further discussion, seconded by Mr. Fisher.

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

Bill List Cycle #15: \$1,608,633.50

Mrs. Straway made a **motion** to approve Bill List Cycle #15, seconded by Mr. Fisher.

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

Amendments to the Agenda: Added under New Business: Resolution 2012-083; Added: Update on Tractor/Mower

Open Public Session (Agenda Items Only):

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

Jeff and Melissa Erne, 925 Main Street reported there is a leaking oil tank located on the Stillwater Inn property and he asked if the township was going to address the matter. Mayor Scott stated the County Board of Health, Zoning Officer and Construction Official all conducted an inspection of the property. The Zoning Officer and County Health Officer both indicated there was no oil leak found on the property.

Mr. Erne stated it clearly smells like fuel and he submitted photographs to the Committee. Mr. Gross recommended Mr. Erne contact the NJDEP if he was not satisfied. Mrs. Straway felt the township has done their part and it is a private property issue at this point.

Robert Fritsch, 1009 Stillwater Road commended the township on the property maintenance at the Recycling Center.

Dave Van Gorden, Chief, Stillwater Fire Department informed the Committee the fire department will be asking for permission to host the County parade in 2015 which is their 50th Anniversary for the firehouse. The parade would end at Veterans’ Memorial Park and upgrades would have to be made to do so.

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

Committee Reports:

Mr. Fisher: The Recreation Commission (RC) met last night, August 6, 2012; Mr. Fisher congratulated Sharon Kleindienst, Miss Stillwater 2012, on her recent selection as the 2012 Queen of the Fair. The RC discussed having SLAP spread wood chips on the VMP walking trail; and installing signs for curbing and leashing of dogs. Three applicants were interviewed for the RC secretary position. Mr. Fisher asked for interviews to be scheduled during the Executive Session at the next Committee meeting for two of the applicants. Mrs. Straway stated pricing for the signs would be necessary to determine where the expenditure would be appropriated from.

Mrs. Straway: The Stillwater School Board met and hired an Assistant Principal, Daniel Cullen, formerly employed at North Warren High School and Mr. Cullen has started in the position.

Ms. Chamblings: The Open Space map was reviewed by Paul Klimek, with clarifications by the Zoning Officer and Tax Assessor. The final draft of both the map and brochure will be reviewed by the Environmental Commission on August 13th, followed by the Township Committee at their August 21st meeting, all complying with the Land Conservancy contract deadline of September 1st. The Water Quality Management PAC meeting was cancelled.

Mr. Gross: There was a dog issue at Veteran’s Memorial Park involving an individual who brought seven unleashed dogs to the park knocking down two children. The Animal Control Officer patrolled the park the next evening without incident and the individual did not return. Mr. Gross asked that if anyone sees a dog(s) running at large at the park to please report it. The ACO agreed to patrol the park as needed.

Mr. Gross referred to an incident at the Recycling Center over the past weekend when an employee had to leave as a volunteer on an emergency call. It was difficult on the remaining two employees who had to do the work of three; they were upset and complained to Mr. Gross. As a result, when the other employee returned Mr. Gross felt it was necessary to ask him to take the remaining two hours of the work day off in hopes of avoiding a confrontation. The employee was paid for the two hours and reported for work on Sunday without incident.

OLD BUSINESS:

Court House: Mrs. Straway asked for a timetable to be set for an exit strategy so it does not extend into the winter. Ms. Chammings suggested scheduling SLAP to help with the municipal court area and offices, not the police area. Ms. Knott will send a letter to SLAP requesting three dates and then a final date for closing the building will be determined.

Architectural Drawing Award for Municipal Building Renovations: Mr. Fisher reported on the two bids received for the project:

Charles Schaffer Associates: Architectural fee will be 7% of the final construction costs but not less than \$20,000

Steve Boshart, AIA Architect: \$2,000

Ms. Chammings asked for clarification from Mr. Fisher that Mr. Boshart would complete the following for the fee of \$2,000:

- Review the existing office facilities
- Verify existing conditions and field measure existing dimensions
- Prepare schematic architectural plan outlining suggested changes for approval
- Prepare construction documents and specifications
- Field measuring of existing structure
- Conferences
- Floor plan
- Foundation plan
- Section and details
- Building elevations
- Schedules and finishes
- Electrical
- Plumbing
- HVAC including altering existing system
- Specifications
- Bidding
- Supervision

Mr. Fisher read the following email from Mr. Boshart into the record:

To Whom It May Concern,

I spoke with Tim Fisher about architectural services for alterations to the municipal building in Stillwater Township. These services would include measuring the existing building, preparing an existing plan of the proposed work area and preparing designs and construction plans to convert a former garage area into new office space and toilet rooms. Minor alterations to the existing offices (relocating doors, etc) and a possible front elevation design will be included also. I gave Tim a verbal approximate price of \$2,000 to prepare the above work based upon a rough sketch of the existing and proposed work areas. I would like to take the opportunity to personally visit the building to assess any other conditions or concerns that may have an impact on the work to be performed. After that visit, I will prepare a detailed Proposal/Contract for the Scope of Work and a description of my services and final fee structure for review and approval the township. Thank you for the opportunity to be of service.

Steve Boshart, AIA Architect

Mr. Gross stated Mr. Boshart has not conducted a site visit or provided a final quote. Mrs. Straway clarified that one quote was provided for the complete project and the other from Mr. Boshart was for the architect rendering of the project.

Mr. Fisher made a **motion** to hire Steve Boshart, AIA Architect, at a fee of \$2,000, to draft architectural drawings for Phase II of the Municipal Building renovations, seconded by Mayor Scott.

Mr. Gross suggested asking Mr. Boshart to submit a quote on the complete project. Ms. Knott explained she used the wording from Mr. Boshart's quote in the letter to Mr. Schaffer, including a copy of the draft drawing.

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

DISCUSSION:

Southwest Municipal Alliance:

Mrs. Straway provided a brief background on the grant, stating Fredon and Hampton have withdrawn from the Municipal Alliance. Mrs. Straway made a **motion** to withdraw from the Southwest Municipal Alliance, completing 2012, seconded by Mr. Fisher.

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

Social Media: Mrs. Straway reported on an ethics class she attended while at the League. A scenario was discussed where a municipal official sent out information from his Facebook page and an OPRA was filed. As a result, the computer had to be turned over and legal fees were incurred on the municipality. Mrs. Straway cautioned all Committee members and stated the official electronic media source for the township is the website. She explained the township has a new internet provider and Committee members should contact the Clerk to create new email addresses. Ms. Chammings reported the Newton website is directly linked to a Facebook page that provides current updates.

NEW BUSINESS:

Resolution 2012-083: In Opposition to A-323/S-2074 Allowing Preserved Farmland to Hold "Special Occasion Events"

Ms. Chammings asked if anyone had an opportunity to research the opposition to A-323/S-2074. Ms. Knott explained the opposition is based on holding large events and the municipality retaining control, notifying emergency services, traffic control, etc. It allows the municipality to choose what events can be held. Ms. Chammings stated the bill is sponsored by Alison McHose, Assemblywoman and refers to the State Agricultural Development overseeing it, with referral to the Sussex County Agricultural Development and Agricultural Management Plan if necessary. She felt the bill needed to be researched further and was not in favor of opposing it at this time. She asked the Committee to review the bill further before making a decision. She noted there are four farmland preserved properties in the township and two of them have held events in the past that brought business to the farmers allowing them to make ends meet, and resulted in bringing patrons to local businesses. Mr. Gross felt the property owners gave up their rights when receiving the farmland preservation designation with the exception of agricultural purposes. He suggested researching the Farmland Preservation Act.

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

Carol Drace, 937 West End Drive asked for an update on the drainage issue in her area as hurricane season nears. Ms. Chammings and Mr. Fisher will meet to address the matter further.

Michele Hess, Captain, Stillwater Rescue Squad asked if the squad could have access to the new storage area. Mr. Fisher would follow up. She asked if the paving during the renovations would include the squad building. The Committee would consider doing so.

Bill Steckowich, 907 Hardwick Road asked for an update on the cell tower lawsuit. Attorney Vex stated the township portion is on hold until the Zoning Board matter is addressed. Mr. Steckowich inquired if there were other tower applications pending. Mr. Gross reported that Verizon currently has an application before the Zoning Board. Mr. Steckowich referred to the Baldwin Gate Bridge repairs and asked for clarification on propane and garbage truck deliveries. The Committee explained there will be no issue as indicated by Mr. Kreppel. Mr. Steckowich referenced the Township Audit and the Committee directed him to the CFO.

Michael Davenport, 995 Fairview Lake Road requested to have his letter read into the record and open for discussion.

Ms. Chammings read the following letter from Mr. Davenport, dated August 7, 2012:

To: Stillwater Township Committee

Ladies and Gentlemen:

I would like to take this opportunity to address a situation that I've recently become aware of that I find rather disturbing. On the morning of July 28, 2012 I found myself in a situation where I was in need of immediate medical care. A 911 call was placed from my home and Michael Losey was the EMT that responded. I could not have felt more at ease, since I've been witness in the field to his skills and demeanor with other patients. I was assessed, loaded onto the ambulance, and transported to Newton Memorial Hospital quickly and efficiently. After spending a week there, I am still recovering slowly but surely from my illness. I don't know that I can give you a full comprehension of what it's like for an EMT to be a patient. You are fully aware of what is going on around you, and being on the receiving end of the job that you normally perform is frightening. Michael kept me calm and relaxed during this normally arduous time. I thank God that he and my fellow responders were there.

What I find disturbing is that the Township Committee is questioning and potentially punishing Michael for leaving work from his Township job in order to perform his duties to the Township itself. I question that if it was yourself or a member of your family in my situation, would you be willing to wait for care and assistance until a volunteer got out of work? Would you be willing to wait until a surrounding town could assemble a squad and respond? I sincerely hope that you never find yourself in this situation.

In closing, I'd like to explain as best I can that the brotherhood and sisterhood of EMS is a family. We proudly serve our community at no cost, and spend countless hours training, planning and responding to our town's needs. We do this sometimes without sleep, without food, and without praise. We're used to it. We are a family and when a call goes out for one of our own, we react without hesitation. By punishing us for that, you are only punishing yourselves, as well as the people of Stillwater.

Sincerely,

Michael Davenport

EMT, First Responder, Fireman

Mr. Davenport was concerned that Mr. Losey was sent home after returning to his employment. Mrs. Straway stated the issue was a personnel matter and could not be discussed. Ms. Chammings thanked Mr. Davenport for all that he and his fellow EMS and firefighters do for the township.

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

Discussion – Tractor:

In response to questioning by Ms. Chammings, Ms. Knott indicated the tractor is in the final stage of the process and Mr. Hendershot will travel to the factory next week for installation of the controls and other tractor parts. Ms. Knott was unsure if a purchase order was issued or not as she is not involved in the financial side of the matter and as far as procurement, it was part of the Capital Bond Ordinance approved. Ms. Chammings was concerned with not following the correct procedure. Ms. Knott explained that any purchase in the future exceeding \$5,000 will be done by Resolution approved by the Township Committee. Ms. Chammings stated the procurement process needs to be followed as recommended by the Auditor and CFO. She stated bids were not provided properly for the tractor purchase as the quotes were not comparable. She expressed concern that the bids for the Middlesex Educational Co-op expired on July 31, 2012 and the new bid is being awarded to Cherry Valley Tractor rather than Stewart. She noted if the Committee had waited the tractor could have been purchased for \$6,000 less. She offered the documentation to anyone interested under OPRA. Mrs. Straway stated the purchase was through State Contract and that is different than the open bid process. Information was provided by Mr. Hendershot and as a result of his extensive research in conjunction with the CFO, the township joined that specific co-op to make the purchase.

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

Respectfully submitted,

Kathy Wunder