

STILLWATER TOWNSHIP COMMITTEE MEETING
MINUTES
September 18, 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 Chammings, Committeeman Gross, Committeewoman Straway, Acting Municipal Clerk Lynda Knott, and Attorney Larry Cohen.

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 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: Contracts; Potential Litigation; Personnel
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. Gross to conclude the Executive Session at 7 p.m., unanimously carried by roll call vote.

Regular Session:

PROCLAMATION: September 11, 2012 as Patriot Day and National Day of Service and Remembrance

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 Minutes – September 4, 2012

Resolutions:

2012-092 Authorizing Refund of Tax Overpayment for 100% Disabled Veteran

2012-093 Award of Professional Services to Genesis Engineering for Baldwin Gate Bridge Repair

Reports:

August 2012 Building Department

August 2012 Sussex County Board of Health

August 2012 Monthly Calls and Day Calls Emergency Rescue Squad

Mr. Fisher made a **motion** to approve the Consent Agenda, seconded by Mr. Gross.

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

Bill List Cycle #18: \$136,198.19

Mr. Fisher made a **motion** to approve Bill List Cycle #18, removing PO 1692, Kittatinny - \$500, for discussion, seconded by Mrs. Straway.

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

A discussion followed on PO 1692, \$500 donation to the Kittatinny Cougar Athletic Association. Mr. Fisher explained Kittatinny is holding a "Week of Lights" at the school for their sports programs and the games will be played at night under the lights. The donation will be used toward the cost of the lighting and Hampton and Fredon have made similar donations. Mr. Fisher stated the CFO has indicated the donation can be made through the Community Events line item. Mr. Gross expressed concern with the midget football not having use of the field and Ms. Chamblings was concerned with appropriating the funding from the Community Events line and if it would fall under that category. Mrs. Straway felt the donation request form was not clear and she was concerned with setting a precedent for such donations.

Mr. Fisher made a **motion** to donate \$500 to the Kittatinny Cougar Athletic Association, seconded by Mr. Gross. Mr. Gross felt donation requests should be made in a timelier manner in the future.

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

Ms. Chamblings noted the reason she voted no was due to the bill not being clear.

AMENDMENTS TO THE AGENDA:

Add Under New Business: Historical Society Event Application

Open Public Session (Agenda Items Only):

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

Ken Bradley, 10 East Side Drive, Swartswood, Hampton asked about the meeting between Attorney Cohen and Mr. Roseman, Hampton Township Attorney, regarding the property line issue concerning the cell tower at the fire department. Attorney Cohen stated he reviewed the tax maps and application map and based on that information it appears the property is located in Stillwater Township.

Josephine Carmona, 1064 Route 521, Swartswood spoke about the possibility of the postal service closing the Swartswood Post Office. She has started a campaign opposing the closing and has provided information to the Clerk. Mayor Scott indicated he sent a letter to the postal service opposing the closing or changing of hours for the Swartswood, Stillwater and Middleville post offices. Ms. Carmona stated a meeting will be held on October 17, 2012 at 5 p.m. at the Newton Post Office and public input can be provided. She has established a petition for residents to sign in opposition to the closing and she has been in contact with local legislators.

Skip Hemschot, 915 Mt. Holly Road, Stillwater Historical Society stated Krogh's will be donating a keg of beer for the Fall Festival and a beer tasting will be held as a fundraiser. He asked the township to sign off on the permit application that has been previously signed by the State Police and must be submitted to the State ABC. Ms. Knott explained the requirements of the application and the procedure to be followed. Mrs. Straway expressed concern with literature being provided to the public indicating the Recreation Commission is partnering with the Historical Society for the event when it is not, noting it is not a municipal event. As liaison to the school, she stated the school is concerned with alcohol being served. Attorney Cohen discussed the procedure, noting there is no application before the Township Committee at this time.

Deborah Drumm, Co-Chair of the Fall Festival, stated Krogh's is donating five gallons of their brew which will be served in 6 ounce glasses and identification will be checked. She provided a brief history of the events leading up to the application. Mr. Hemschot provided the application to the Committee.

There being no further members of the public wishing to speak, this portion of the meeting was closed and a five minute recess was taken.

The meeting resumed and the Committee reviewed the application and plan with Attorney Cohen, and questioned Mr. Hemschot and Ms. Drumm about the details. Mr. Hemschot noted the State has indicated they would consider the application even though it has exceeded the two week deadline.

Mr. Fisher made a **motion** to accept the permit, seconded by Ms. Chamblings. Mrs. Straway felt the school should weigh in on the matter.

Roll Call Vote: Ms. Chamblings, yes, Deputy Mayor Fisher, yes, Mr. Gross, yes, Mrs. Straway, no, Mayor Scott, yes
Mayor Scott asked that any future applications be submitted in a timelier manner to allow the Committee sufficient time to review it. Ms. Chamblings asked Mr. Hemschot and Ms. Drumm to communicate very clearly to the school that the beer will remain on the Historical Society premises only.

Committee Reports:

Mrs. Straway: The League of Municipalities meeting was held with guest speaker Bob Martin, Commissioner of DEP who reviewed DEP changes and streamlining the overall process. Also providing a presentation was Steve Ellis, who spoke on agri-tourism and partnering with the State Parks.

Mrs. Straway will attend a seminar that will be held on Nov. 14th at the League of Municipalities Convention regarding social media and Face Book.

Mr. Gross: The Zoning Board will meet on September 24, 2012. A new cash register has been purchased for the Recycling Center.

Mr. Fisher: The bid opening was held for the Baldwin Gate Bridge and would be discussed later in the meeting.

Ms. Chamblings: The Planning Board will meet on September 19, 2012. The Water Quality meeting was held with discussion on the sewer map. Although Stillwater is not a part of the sewer map it does have a few locations with groundwater flow such as Stillwater School, Fairview Lake Camp, Camp Neveda and some areas of Aldersgate. The Environmental Commission held a short meeting this month. Ms. Chamblings asked if anyone had questions on the Agenda 21 packet provided by Mr. Szabo. Mr. Gross expressed concern with Agenda 21 and the loss of property rights. Ms. Chamblings asked Ms. Knott to obtain a copy of the resolution passed by the Morris County Freeholders in opposition to Agenda 21 to be considered at the next Committee meeting.

Mayor Scott: Several road signs have been stolen and some were found on Old Foundry Road.

OLD BUSINESS:

Best Practices Checklist:

Ms. Chamblings made a **motion** authorizing Ms. Mooney, CFO, to submit the 2012 Best Practices Checklist to the State, seconded by Mr. Gross.

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

NEW BUSINESS:

ORDINANCE 2012-006 for Introduction (Public Hearing and Adoption 10/2/12)

Ordinance Amending 2012-003 Fixing Salaries and Wages of Officers and Employees of the Township of Stillwater for the Year 2013

The ordinance amendment pertains to the new and former Recreation Commission Secretary salaries.

Mr. Fisher made a **motion** to introduce Ordinance 2012-006, seconded by Mrs. Straway.

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

RESOLUTION 2012-094: Award of Professional Services Contract for Engineering – Harold Pellow and Associates, Inc. for preparation of a new Zoning Map

Ms. Chamblings made a **motion** to award the contract to Harold Pellow Associates, Inc. not to exceed \$2,500, adopting Resolution 2012-094, seconded by Mr. Fisher.

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

RESOLUTION 2012-095: Award of Professional Services Contract for Architecture – Steven Boshart Jr., AIA for design concepts for the Town Hall renovation

Mr. Fisher made a **motion** to award the contract to Steven Boshart Jr., AIA, in the amount of \$2,000, adopting Resolution 2012-095, seconded by Mr. Gross.

Mr. Gross reviewed the quote received from Mr. Boshart, noting it was not comparable with the quote provided by Mr. Schaffer as Mr. Boshart separated the services into phases, not including additional services accruing more costs. Mrs. Straway asked for clarification on the matter as she thought the Committee had agreed to obtain services for only an architectural rendering for the renovations. She stated Mr. Schaffer provided a quote for the complete job and Mr. Boshart provided a quote up to \$2,000 for the architectural drawing and preliminary requirements and then additional costs for services needed if the Committee chooses to continue. Mr. Fisher briefly reviewed the additional services included in Mr. Boshart's quote and urged the Committee to move forward on the motion. Mr. Gross was concerned with the quality of the job and additional costs being incurred as the work progresses. Ms. Chamblings noted Mr. Boshart's quote does not include plumbing, HVAC, specifications, bids, or more than one meeting of supervision. She did not have an issue with either quote however the two are not comparable. She agreed some items such as HVAC included in Mr. Schaffer's estimate may not be necessary. In response to questioning, Mr. Fisher stated that Mr. Boshart is fully licensed and insured. Mr. Gross was concerned with proper fireproofing and also with the storage of DPW equipment in the garage bays which is an additional use resulting to a change in classification. Mr. Fisher noted the use is pre-existing and fire-rated sheetrock was installed up to the ceiling to code.

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

RESOLUTION 2012-096: Award of Professional Services contract for Repair of Baldwin Gate Bridge
Mr. Gross made a **motion** to award the contract to Lakeside Construction in the amount of \$38,600, pending receipt of Certificate of Availability of Funds from the CFO, adopting Resolution 2012-096, seconded by Mrs. Straway.

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

DISCUSSION:

Stillwater Township Revaluation Extension: Attorney Cohen and the Tax Assessor will be appearing before the County Tax Board to request the extension at their September 19, 2012 meeting where approval is anticipated. Ms. Chamblings noted the extension is due to a delay in State approval until August 8th, as well as other issues.

CO Inspections for Resale of Homes (Ordinance 134-6):

Mr. Fisher made a **motion** to authorize Attorney Cohen to draft an amendment to Ordinance 134-6, making it less restrictive, and requiring smoke detectors and carbon monoxide detectors in accordance with State regulations, seconded by Mr. Gross.

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

Stillwater Fire Department Invoice for County Classic Auto Body (repairs):

Mr. Gross explained repairs were made to a fire truck without authorization by the town. A bill was received for the work in the amount of \$1,140. Proper procedure was not followed, however the Fire Chief understands that at this point and the Committee must now determine whether or not to make payment. Chief VanGorden noted it was cheaper to have the additional repair done while the truck was already in the shop for another issue, and if it was done separately it would have cost approximately \$3,000. During review of the Stillwater Fire Department budget by the Committee, Chief VanGorden explained the budget is overexpended due to the failure of a compressor on one of the trucks during a fire. The cost for the repair exceeded the line item by \$5,000 and actually should have been an emergency appropriation. The Committee agreed to hold the bill pending review and recommendation by the CFO with respect to the line item appropriation for the \$1,140 expenditure.

Leave of Absence to Attend State or National Conventions (N.J.S.A. 38:25-2) and Educational Assistance/Reimbursement Form as Additions to Stillwater Township Personnel Policy

Ms. Chammings asked the Committee to review the Personnel policy overall. Ms. Knott explained the statute was provided by Mr. Whitehead who attended the State Firemen's Convention as a fire department delegate from his home town. The statute allows attendance at the convention without using sick, personal or vacation time. Mr. Whitehead provided proof of his attendance at the convention for two days. Following a brief discussion, Ms. Chammings made a **motion** to allow Mr. Whitehead the two days for his attendance at the Firemen's Convention without charging his sick, vacation or personal time, as per N.J.S.A. 38:25-2, seconded by Mrs. Straway.

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

United Way B.O.O.M.R. Bike Tour: The bike tour will be held on October 13, 2012.

At this point, this portion of the meeting was opened to the public, and there being no members of the public wishing to speak, this portion of the meeting was closed.

Attorney Report: None

Correspondence: Mayors' Advisory Correspondence is available in the Correspondence Binder at the Municipal Building.

There being no further business, Mrs. Straway made a **motion** to adjourn the meeting at 9:05 p.m., seconded by Mr. Gross. In a voice vote, all were in favor.

Respectfully submitted,

Kathy Wunder