

STILLWATER TOWNSHIP COMMITTEE MEETING
MINUTES
October 4, 2016
Regular Meeting

A REGULAR MEETING of the Stillwater Township Committee was called to order by Mayor Fisher at 7:02 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 Chammings, Deputy Mayor Scott, Mayor Fisher, Municipal Clerk Lynda Knott, Township Attorney Richard Stein.

ABSENT: Committeeman Morrison

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.

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

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

Each item on the consent agenda will be considered separately.

MINUTES:

Regular and Executive Minutes of September 20, 2016

Mr. Scott made a **motion** to approve the regular and executive minutes of 9/20/16, seconded by Ms. Chammings.

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

RESOLUTIONS:

2016-109 Mayor's Appointment of Tami Richardson as Acting Secretary of the Recreation Commission with Committee Concurrence

Following a discussion, it was determined Resolution 2016-109 would be amended as follows:

STILLWATER TOWNSHIP
COUNTY OF SUSSEX
RESOLUTION 2016-109

MAYOR'S APPOINTMENT OF TAMI RICHARDSON AS ACTING SECRETARY OF THE RECREATION COMMISSION WITH COMMITTEE CONCURRENCE

THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Stillwater they do hereby concur with the Mayor's appointment of Tami Richardson as Acting Secretary of the Recreation Commission until such time as a secretary position is advertised and filled. Ms. Richardson's appointment is effective August 19, 2016 with a pro rata annual salary of \$1910.00.

Mr. Scott made a **motion** to adopt Resolution 2016-109, as amended, seconded by Mr. Fisher.

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

BILLS LIST #15 \$2,317,692.40

RESOLUTION 2016-110 PAYMENT OF BILLS

Mr. Scott made a **motion** to adopt Resolution 2016-110, removing P.O. #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 approve payment of P.O. #5820, seconded by Mr. Fisher.

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

AMENDMENTS TO THE AGENDA: None

Open Public Session:

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

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

OLD BUSINESS:

ORDINANCE 2016-013

AN ORDINANCE OF THE TOWNSHIP OF STILLWATER, COUNTY OF SUSSEX AND STATE OF 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 in the County of Sussex, 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 position as follows, retroactive to September 1, 2016:

Crossing Guard **\$12.24 per hour**

Section 2. This ordinance shall become effective immediately upon final adoption and publication as required by law, and shall be retroactive to September 1, 2016.

Mr. Scott made a **motion** to open the meeting for public comment on Ordinance 2016-013, seconded by Ms. Chammings.

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

There being no one wishing to comment on Ordinance 2016-013, this portion of the meeting was closed.

Mr. Scott made a **motion** to adopt Ordinance 2016-013, seconded by Ms. Chammings.

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

Howard Vex Invoice dated June 30, 2016:

Ms. Knott reported she spoke with Mr. Vex. He indicated he had spoken to Ms. Knott on the first two occasions; and Mayor Fisher and Deputy Mayor Scott, under attorney client privilege, on the last date.

Replacement of Oil Fired Unit Heater in EMS Building:

The following quotes were submitted:

Willco: \$6,500

JK Service: \$3898.21

Mr. Scott made a **motion** to accept the quote of JK Service at a cost of \$3898.21, seconded by Ms. Chammings.

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

I-Beams at Garage End of Municipal Building:

Ms. Knott reported a welder had visited the site regarding welding plates on the I-beams. He indicated that he needs someone to cut out a piece of the inside of the building while he is welding to prevent it from catching fire. She asked if the fire department had in-kind services to assist. Ms. Knott explained

the Construction Official inspected the beams and felt they could be repaired by installing the plates. Mr. Fisher recommended installing a ½” backer board by Hardiplank behind the welding area rather than cutting the building; the board has a one-hour fire rating.

Motor Vehicle Authorization:

Ms. Knott provided a reminder to submit the motor vehicle authorizations. She has not received any since the last meeting.

Reduction of Speed Limit and/or Signage Preventing Automobile Accidents near 1040 Mt. Benevolence Road:

This item will remain on the agenda until the Committee members provide a list of roads of concern in the township for the Township Engineer to review.

NEW BUSINESS:

RESOLUTION 2016-111 Assigning Tax Sale Certificate 2014-06 for Block 602, Lot 28

Mr. Scott made a **motion** to adopt Resolution 2016-111, seconded by Mr. Gross.

Mr. Stein explained the statute allows for the private assignment of a tax sale certificate providing the person seeking the assignment pays the full amount to redeem the certificate. He reviewed the assignment process, noting it is the responsibility of the assignee to do the foreclosure of the certificate.

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

ORDINANCE 2016-014 Bond Ordinance Providing for the Acquisition of a New and Additional Tractor by the Township of Stillwater, County of Sussex, New Jersey, Appropriating \$48,700 Therefor and Authorizing the Issuance of \$30,100 Bonds or Notes of the Township for Financing Such Appropriation (Public Hearing and Adoption: October 18, 2016)

Mr. Scott made a **motion** to introduce Ordinance 2016-014, seconded by Mr. Gross.

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

DISCUSSION ITEMS:

Generator Maintenance:

Ms. Knott reviewed the quote for the maintenance of the generators:

Power with Prestige: \$2,685.00 (-175.00 if all the generators are scheduled for maintenance at the same time)

The service is done on the generators one time per year.

Mr. Scott made a **motion** to approve the maintenance contract for Power with Prestige, seconded by Mr. Gross.

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

Generator Removal from Swartswood Fire House and Moved to DPW:

Mr. Stein explained that when a municipality provides aid to a fire company it is done by providing funding and equipment outright or by purchasing vehicles and equipment under the title of the township. His understanding is this equipment was provided to the department and he is assuming the township did not retain title. He recommended the township not legally pursue the matter. Mr. Scott would like this item to be discussed further when Mr. Morrison is present. The Committee agreed to table the matter until the next meeting.

Tennis Court at Stillwater Park – Restoration:

The quotes for the restoration project are as follows:

Alcar Tennis Court Construction (David Pierson):

1) \$3,000: to replace existing net posts using a cement footing topped with asphalt; fill crack

2) \$10,000: to replace existing net posts using a cement footing topped with asphalt, fill crack, apply one coat of resurfacer, apply two coats of acrylic sand filled paint – red/green; install 2: white lines

*The cost of \$10,000 can be reduced to \$8,800 if one color is used.

Ms. Knott will obtain further quotes. Mr. Scott made a **motion** to table the matter until the next meeting, seconded by Mr. Gross. All were in favor.

Ms. Richardson, Recreation Commission member, noted that Mr. Pierson recommended doing at least the posts this year to have it ready for next year; otherwise it could not be done until May or June of next year. Option one is a quick-fix as opposed to option two which would be long-term.

Cartabona Donation of Property:

Ms. Knott reported that Mr. Cartabona was in to see her and is very frustrated that the township did not accept the property donation. He paid his taxes to date as required and he indicated the township owns three other lots on the same road. Ms. Knott will inquire with the Tax Assessor as to how the three township lots were acquired.

In response to questioning by Ms. Chamings, Mr. Stein explained the procedure for tax assignment as compared to selling a township lot to an adjoining property owner. Ms. Chamings suggested having an outline of the procedure for a property owner to acquire an adjoining lot on the website so they know the process.

Attorney Report:

Mr. Stein corrected a statement he made at the last Committee meeting regarding fishing being prohibited in Veteran's Memorial Park. He reread the ordinance and it indicates that fishing is prohibited only in areas where swimming is permitted.

Open Public Session:

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

Diane Apostola, 906 Five Points Lane commented that she was shocked to hear that a title would be necessary to obtain equipment back that was provided by the township to the fire department. She felt the Committee should take this into consideration when purchasing future items for the EMS and fire department. She asked about the Chief's vehicle and the status of the building. Mr. Stein explained that the fire department was a duly incorporated not for profit corporation in the State of New Jersey; whether or not they are recognized by the State at this time is unknown. Presuming it is a valid not for profit corporation and goes out of business, they must distribute their assets to other not for profit corporations. He was unsure if there was a time period to do so. Ms. Chamings stated the Attorney General and the IRS were contacted for clarification, however final answers were never provided. Ms. Chamings noted there was no provision in the deed regarding ownership should the fire department no longer exist.

Kathleen Draghi, 1016 Route 619 referred to the fire department property and indicated that the tax records on the website value the property at over \$600,000. She questioned if a tax bill has been issued to the property and who will be responsible for paying it. Mr. Stein explained the property became non-tax exempt the day after the township adopted the ordinance. He spoke to the Tax Assessor and it would be treated as an added and the bill would be issued and due payable for the November 1st quarter.

Ms. Draghi asked about the Howard Vex invoice issue. She stated the bill was dated June 30th and at the July meeting all Committee members indicated they did not speak to Mr. Vex. She questioned how within two weeks' time Mayor Fisher and Deputy Mayor Scott could not remember speaking with him. Mrs. Draghi expressed frustration on this matter and the fact that \$30,000 was provided to each fire department for years and now the township cannot get the equipment back.

Justin Francomacaro, Stillwater Fire Chief thanked Ms. Knott for addressing the I-beam issue. He asked when the garage bay would be cleaned out. Ms. Knott indicated the DPW would be disposing of the electronics this weekend at SCMUA and she would follow up with the Recreation Commission liaison to move their items. Mr. Francomacaro asked for a timeline on the cleanout. Ms. Knott noted the ambulance is being worked on and will be removed once it is running. A tentative deadline of October

30th was set for the final cleanout. Heat and electric also needs to be addressed but may not be done by the deadline.

Rebecca Dey, 907 Marigold Way commended the Committee on the second treatment of Lower Crandon Lake; water is now accessible for fire equipment.

Ms. Dey referred to the Chief's vehicle and the generator. She expressed frustration and questioned how taxpayers paid for the equipment and the township cannot get it back. She felt precedent was set when other miscellaneous items were returned.

Ms. Dey asked about the cell tower installation at the fire department property. Ms. Chamblings explained the ordinance requires cell tower installation by 1) co-locating; 2) on municipal property and 3) on private property. The fire department was a quasi-municipal entity so it was proposed to be there once co-location and municipal properties were ruled out. Mr. Stein noted taxes are paid on the cell tower.

Ms. Dey read the following quote by Bishop of Creighton 1887: "Power tends to corrupt and absolute power corrupts absolutely." She referred to this quote regarding Resolution 2016-109 and the responses regarding the Howard Vex bill. She felt there is a blind between the public and the Committee and information that is not coming through.

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

EXECUTIVE SESSION:

After the reading of the following Resolution to enter into Executive Session, a **motion** was made by Mr. Gross, seconded by Mr. Fisher and carried by roll call vote to adopt the resolution permitting the Committee to go into Executive Session at 8:15 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 Matters (2)
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 Mr. Gross to conclude the Executive Session at 8:30 p.m., unanimously carried by roll call vote.

There being no further business, Mr. Gross made a **motion** to adjourn the meeting, seconded by Mr. Scott.

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

Respectfully submitted,

Kathy Wunder