

STILLWATER TOWNSHIP COMMITTEE MEETING
MINUTES
October 16, 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 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. Fisher and unanimously carried by roll call vote to adopt the resolution permitting the Committee to go into Executive Session at 6:03 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; Real Property; 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 Mr. Fisher, seconded by Mrs. Straway to conclude the Executive Session at 7:15 p.m., unanimously carried by roll call vote.

TIME CAPSULE IN STILLWATER PARK: Amy Schwartz, Girl Scouts, Kittatinny Service Unit **Amy Schwartz, 915 Duck Pond Road** was present to inform the Committee that the time capsule will not be unearthed until November 3, 2012, between 2-3 p.m. She asked for permission to bury a time capsule at Veteran's Memorial Park.

Ms. Chamblings made a **motion** authorizing the Kittatinny Service Unit to bury a time capsule at Veteran's Memorial Park in the area of the flag pole down on the field, seconded by Mrs. Straway.

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

CAPITAL PLAN DISCUSSION/TOWNSHIP DRAINAGE ISSUES/DOT GRANT APPLICATIONS:

Michael Vreeland, P.E., P.P. and Brian Hendershot, Stillwater DPW Acting Supervisor

Mr. Vreeland reviewed projects that he and Mr. Hendershot have been working on. Priority One: Middleville Road Project Phase II – the grant application to be submitted to the DOT this week. Estimated cost: \$269,800

Priority Two: Reconstruction of Sprout Hill Road – Estimated cost: \$257,800

Minor work on Stillwater Road in the area of Five Points and Mt. Benevolence

Kohlbocher Road – steep slope issue and crack in the roadway needs to be addressed

Ridge Road – several drainage inlets need to be reconstructed

Other projects being considered include Millbrook Road, Possum Hill Road, Cedar Ridge Road and guide rail upgrades in several sections of the township.

Mr. Vreeland reported on a drainage issue on Stillwater Road. He recommended trying to reroute the water and asked the Committee for authorization to do so. Mayor Scott made a **motion** authorizing Mr. Vreeland to assess the drainage issue on Stillwater Road, to be paid through the Certified Public Works line item, seconded by Mr. Fisher.

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

Mr. Hendershot reported there have been problems with the quality of the grit and he is currently working on resolving the issue.

Mr. Hendershot discussed the purchase of a tandem dump truck, which will allow the DPW to increase the amount of material that can be hauled by nearly double and as a result will only require one DPW worker and one truck rather than two. The truck will also be used for plowing and sanding. Mayor Scott expressed concern with the size of the vehicle and its maneuverability on some roads. Mr. Hendershot indicated there may be a few roads where it will not be able to be utilized such as in Crandon Lakes. Mr. Gross felt it would be an asset and would decrease wear and tear and fuel costs. Mrs. Straway felt a tandem truck would not be necessary as hauling is not done on a daily basis. She requested a cost comparison between single axle and a tandem, material and amount to be hauled and how it would be registered for weight class. In response to questioning, Mr. Hendershot indicated grit, QP and asphalt is hauled by the DPW for road projects and the tandem will allow more time to work on the roads as there will be less time hauling.

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.

Resolutions:

2012-099 Recognizing October as Breast Cancer Awareness Month

2012-100 Appointment of Vaughn Wilson as an Active Member of the Swartswood Fire Department

2012-101 Appointment of Seamus Wilson as a Junior Member of the Swartswood Fire Department

Reports:

September 2012 Building Department

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

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

Bill List Cycle #20: \$2,589,795.55

Mrs. Straway made a **motion** to approve Bill List Cycle #20, 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: Add: Discussion – Fire Department Recruits; Land Conservancy Open Space Map and Brochure

Open Public Session (Agenda Items Only):

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.

Committee Reports:

Ms. Chamblings: The Environmental Commission met on October 15th and discussed purchasing “no littering” signs; also reviewed were the Open Space Map and Brochure.

Mr. Gross: A position will be opening at the Recycling Center and Mr. Gross requested authorization to advertise.

Mr. Gross made a **motion** to advertise for the Recycling Center position, seconded by Mr. Fisher.

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

The next Zoning Board meeting will be the fourth Monday of the month. Ms. Chamblings informed Mr. Gross that the latch on the Recycling Center gate needs to be replaced.

Mrs. Straway: Mrs. Straway attended Governor Christie's Red Tape Review that was held recently at the County College of Morris. The NJDEP was a topic of discussion. Mrs. Straway also met with the Department of Human Services regarding the Municipal Alliance Grant and quarterly reporting. There will be two events, a Family Fun Night in November and a drug information event in December. Mrs. Straway attended the bi-annual County meeting with the legislators in Hardyston. Various topics were discussed, with a majority being on EMS services, paid vs. volunteer. Mrs. Straway suggested the Committee forward a letter to the Governor opposing the proposed mandated paid EMS services.

Mayor Scott: The Mayor met with Township Engineer Vreeland regarding the Crandon Lakes bridge.

OLD BUSINESS:

ORDINANCE 2012-007 for Public Hearing/Adoption :

Ordinance Amending the Code of the Township of Stillwater, More Specifically Chapter 134 Entitled "Buildings, Unfit" by Amending Section 134-6 Entitled "Issuance of Certificate of Occupancy Required" Mr. Fisher made a **motion** to open the meeting for public comment on Ordinance 2012-007, seconded by Mrs. Straway.

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

There being no comment this portion of the meeting was closed.

Mr. Fisher made a **motion** to adopt Ordinance 2012-007, seconded by Mrs. Straway.

ORDINANCE NO. 2012-007

ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF STILLWATER, MORE SPECIFICALLY CHAPTER 134 ENTITLED "BUILDINGS, UNFIT" BY AMENDING SECTION 134-6 ENTITLED "ISSUANCE OF CERTIFICATE OF OCCUPANCY REQUIRED"

BE IT ORDAINED by the Township Committee of the Township of Stillwater, County of Sussex, State of New Jersey, that Chapter 134 of the Stillwater Township Municipal Code entitled "BUILDINGS, UNFIT" and more specifically, Section 134-6 entitled "Issuance of certificate of occupancy required" is hereby amended as follows:
SECTION I

Section 134-6, "Issuance of certificate of occupancy required," is deleted in its entirety, and in its place and stead shall be the following:

§134-6. Issuance of certificate of habitability required.

At the time of initial occupancy or a change of occupancy of any dwelling unit, the owner of the same shall make application to the Construction Department for a Certificate of Habitability. The Construction Department shall make an inspection for the sole purpose of determining whether or not the dwelling unit complies with N.J.S.A. 52:27D-133.3 and 52:27D-198.1. Such dwelling unit shall be equipped with at least one (1) carbon monoxide sensor device, or the Construction Official shall determine that there is no potential carbon monoxide hazard in the dwelling unit. In addition, the Construction Official shall require, in accordance with the aforesaid statutes, a smoke-sensitive alarm device on each level of the structure, and outside each separate sleeping area. A battery-operated smoke-sensitive alarm device shall be accepted as meeting the requirements. In addition, each such dwelling unit shall have a portable fire extinguisher as defined in the State statute. If the dwelling unit meets these requirements, the Construction Code Official shall issue the Certificate of Habitability.

SECTION II

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

SECTION III

If any article, section, subsection, paragraphs, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

SECTION IV

This Ordinance shall take effect immediately upon final publication as provided by law.

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

A lengthy discussion was held following the vote. Ms. Chamblings explained she voted no as she wanted to review the original ordinance but did not get the chance to do so prior to tonight. Mr. Gross stated he voted no as the amended ordinance would limit the inspection to a fire inspection only and would not address other safety issues; although the Construction Official would still have the ability to enforce those issues if found, it would no longer be required as part of the inspection. Mr. Gross felt the amended ordinance would result

in diminished protection for the buyer. Mr. Fisher stated the codes have changed and items such as painting, hard-wired smoke detectors, etc are not an inspection requirement and are outside the range of the inspection, creating hardship for the buyer and possibly resulting in a lawsuit.

NEW BUSINESS:

ORDINANCE 2012-008 for Introduction (Public Hearing November 20, 2012)

Ordinance To Amend and Supplement the Land Development Chapter of the Stillwater Township Code to Amend the Requirements for Barns and Silos

Attorney Cohen discussed the ordinance, noting under the Right to Farm Act a property owner could seek approval from the Agriculture Board to exceed the height and he questioned if the 35' height would be adequate for barns and silos.

Zoning Officer Arlene Fisher stated many farms do not fall under the Right to Farm Act and cannot appeal to the Agricultural Board. The 35' requirement was based on prior applications and property owner needs as well as fire apparatus ability.

Mr. Fisher made a **motion** to introduce Ordinance 2012-008, seconded by Mrs. Straway.

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

RESOLUTION 2012-102: Mr. Fisher made a **motion** to adopt Resolution 2012-102, seconded by Mrs. Straway:

Resolution 2012-102

RESOLUTION APPROVING THE SUBMISSION OF GRANT APPLICATIONS AND THE EXECUTION OF GRANT CONTRACTS WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE MIDDLEVILLE ROAD IMPROVEMENTS – PHASE II AND SPROUT HILL ROAD IMPROVEMENTS

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee formally approves the grant applications for the above stated projects.

BE IT FURTHER RESOLVED, that the Mayor and Acting Clerk are hereby authorized to submit electronic grant applications identified as MA-2013-Stillwater Township-00467 and MA-2013-Stillwater Township-469 to the New Jersey Department of Transportation on behalf of the Township of Stillwater.

BE IT FURTHER RESOLVED, that the Mayor and Acting Clerk are hereby authorized to sign the grant agreements on behalf of the Township of Stillwater and that their signature constitutes acceptance of the terms and conditions of the grant agreements and approves the execution of the grant agreements.

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

DISCUSSION:

Pinnacle Wireless - Swartswood Fire Department Paging Tones: Mr. Gross reported the Swartswood Fire Department has requested to be placed on the same high band radio frequency as the Stillwater Fire Department for an additional fee of \$400 to be paid to Pinnacle, the company that does the work for the Newton dispatch services. Mr. Gross made a **motion** to approve the request, seconded by Mrs. Straway. Mrs. Straway stated the cost for the original Pinnacle connection was \$6,000 and she questioned why Swartswood was not included.

Dave VanGorden, Stillwater Fire Department Chief indicated Swartswood was supposed to be included at that time and the quote was for Stillwater Township. He recommended naming both fire departments in any future agreements with Newton and Pinnacle. Mr. Fisher felt both departments should be covered under Stillwater Township and it should be addressed. Mrs. Knott indicated she spoke to a representative of Pinnacle who stated specifications for Swartswood were never submitted to them for the original contract. Mrs. Straway expressed concern with the overall cost of the Pinnacle system, purchasing procedures and with Swartswood not being included during the original installation. She discussed the costly purchase of radios and requested a written accounting of all radios from the three emergency entities.

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

Mayor Scott and Deputy Mayor Fisher asked for clarification from Mr. Van Gorden as to the discontinued dispatch service due to lack of funds and then the reinstating of said service. Mr. Van Gorden stated the fire department did not receive the bill and once it was brought to their attention it was addressed immediately.

Open Space Map and Brochure: Ms. Chammings indicated the Environmental Commission has approved the Open Space Map and Brochure and she asked for Township Committee approval and payment of the \$1,500 to the Land Conservancy for their completion. Mrs. Straway noted the Land Conservancy was included on Bill List #20 and was approved for payment.

Resolution 12-100 and 12-101 – Discussion:

Mrs. Straway asked for the word “active” to be defined as used in each Resolution. Anthony Ashley, Chief, Swartswood Volunteer Fire Department, indicated “active” meant an individual attends functions, drills, meetings and other activities of the fire department. The member must complete fire school within one year or they can be denied department membership.

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

Marion Gross, 912 Stillwater Road spoke about a recent fire call and confusion relating to it.

Denise Current, 955 Fairview Lake Road thanked Mrs. Straway for requesting accountability from the fire department regarding the radios. She asked if the fire department revenue is reviewed by the Committee to see if there is additional funding available to be used toward their expenditures.

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

Attorney Report: No Report.

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

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

Respectfully submitted,

Kathy Wunder